

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
11:30 A.M. – FEBRUARY 18, 2008

Discuss the items on the Work and Regular Agenda and (1) discuss cost participation with Town of Sunnyvale regarding bridge replacement at U. S. Highway 80/State Highway 352 and receive: (2) Environmental Code Division overview and (3) update regarding Phase 2 of the Police Facility/City Hall expansion project.

EXECUTIVE SESSION – 11:30 A.M.
711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM

- (1) PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session - Litigation For Listing of Subjects.)**
- (2) APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session - Personnel Matters For Listing of Subjects.)**

CITY COUNCIL – STAFF WORK SESSION
CITY COUNCIL CHAMBER
1:00 P.M.

- A. Receive monthly financial report for September 2007.
- B. Receive update regarding 2007-08 business retention activity.

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBER
3:00 P.M.

INVOCATION

(To be determined.)

PLEDGE OF ALLEGIANCE

(Briana Ruiz, Michael Thomas, Kevin Torres and Joanna Valdez, fourth grade students from Range Elementary School.)

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SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three (3) minutes on a first come – first served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

1. Minutes of the regular City Council meeting held February 4, 2008.
2. A resolution establishing precincts and the location of polling places for the annual City election.
3. A resolution supporting and acknowledging the Parks and Recreation Department, Youth Services Division's, grant application to the Office of the Governor, Criminal Justice Division, in the amount of \$23,065.80 for the Family Assistance Support Team Program.
4. Bid No. 2008-049 – Annual Supply of Petroleum Products – Motor Oil, Automotive Grease, Gear Lubricant, Transmission Fluid and Hydraulic Oils.
(Staff recommends award to low bidder Pleasant Oil Company, Inc., in the amount of \$63,915.25.)
5. Bid No. 2008-058 – Annual Supply of Ford OEM Parts.
(Staff recommends award to Park Cities Ford at dealer cost plus four percent markup.)
6. Receive Change Order Report from City Manager.

PUBLIC HEARINGS

7. A. Conduct a public hearing to consider a program with Lang and Company, LLC., to promote economic development and stimulate business and commercial activity in conjunction with development at the Peachtree Towne Center site.
 - B. Consider a resolution approving the terms and conditions of a program with Lang and Company, LLC, to promote economic development and stimulate business and commercial activity in conjunction with development at the Peachtree Towne Center site and authorizing the City Manager to execute the necessary documents.
8. Conduct a public hearing to consider Zoning Text Amendment No. 2008-1 and consider an ordinance amending Sections 3-200, 3-500 and 6-100 of the Mesquite Zoning Ordinance regarding regulations on the location, spacing, appearance and site design of check cashing, payday loan and similar establishments.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)
9. Conduct a public hearing and consider an ordinance for Application No. 261-31 submitted by Kent Jones, Inc., for a zoning change from Commercial and Planned Development – Multi-Family to Planned Development – Commercial in the Big Town Addition. This property is further described as an 89.75-acre tract formerly occupied by Big Town Mall located at the southwest corner of U. S. Highway 80 and Big Town Boulevard.
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the December 17, 2007, and January 7, 2008, City Council meetings.)
10. Conduct a public hearing and consider an ordinance for Application No. TCV4-9 submitted by Marc Poulain for FEC Mesquite, L.P., dba Incredible Pizza, for a zoning change from Commercial TERRA Overlay to Commercial TERRA Overlay with a Conditional Use Permit to allow the property to be used for indoor recreation in Towne Centre Village No. 4 Addition, Block C, Lot 1BR. This property is further described as a 49,000-square-foot lease space located at 1330 North Town East Boulevard.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

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11. Conduct a public hearing and consider an ordinance for Application No. 1461-143 submitted by James Sneed for a zoning change from Commercial to Commercial with a Conditional Use Permit to allow the property to be used for an indoor recreation facility/indoor gun range in T. Thomas Abstract 1461. This property is located approximately 360 feet west from the intersection of Ashwood Drive and the north service road of IH 30, at 2400 IH 30 East.
(Three letters in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
12. Conduct a public hearing and consider an ordinance for Application No. EDE-23 submitted by Pogue Engineering on behalf of Baker Drywall for a zoning change from Commercial with a Conditional Use Permit No. 1601 to Planned Development – Commercial to allow the property to be used for office-warehousing at East Dallas Estates, Block 1, Lot 4R. This property is further described as a 4.72-acre tract located at 415 U.S. Highway 80.
(One letter in opposition and three letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the February 4, 2008, City Council meeting.)

RECEIPT OF RESIGNATIONS

13. Receive resignation from Olen Rich, Jr., as a member of the Building Standards Board.
14. Receive resignation from Greg Noschese as a member of the Mesquite Quality of Life Corporation Board of Directors.
15. Receive resignation from Rachel Lopez as a member of the Parks and Recreation Advisory Board and Tree Board.

Adjournment.

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending and contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

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1. Kathryn Blair, Individually and as Administrator of the Estate of Michael K. Wright and Hal Wright, Individually v. Alfonso Cardenas, M.C.; Mesquite Community Hospital n/k/a Dallas Regional Medical Center; Don Conn; Mesquite Police Department; City of Mesquite; Officer R. D. Parker; AEP-EMCARE Medical Group, Inc. and G. Kelly, R.N. – Filed 1-25-08
2. Marsha and Jerry Chambers v. State of Texas, County of Dallas, City of Mesquite, Jane/John Doe City of Mesquite Official in Individual Capacity, Officer D. R. McKee in Individual Capacity, Officer McKee in Official Capacity, Officer K. R. Griffin in Individual Capacity, Officer Griffin in Official Capacity, Jane Doe Dallas County District Attorney in Individual Capacity, Judge Danny Clancy in Individual Capacity – Filed 11-9-06
3. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
4. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07.
5. Karen Fernanders, Individually and as Next Friend of Kaland Fernanders v. Rochelle Renea Moore, Individually and as Next Friend of LaMarcus Lynn Allen Moore and/or LaMarcus Lynn Allen Moore, Individually and City of Mesquite – Filed 12-21-07.
6. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
7. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
8. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
9. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
10. Johnny Spencer v. City of Mesquite – Filed 2-6-07
11. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble, Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and Fort Worth Transportation Authority as Third-Party Intervenors vs. Carole Keeton Strayhorn in her Official Capacity as Comptroller of Public Accounts for the State of Texas as Original Defendant with the City of Grand Prairie Added as a Party Defendant by the Intervenors – Filed 4-18-07

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council may consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions and other City employees. A complete list of the members of the City boards and commissions is on file in the City Secretary's office.

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Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).