

ACTION AGENDA

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM **711 NORTH GALLOWAY** **NOON – AUGUST 16, 2010**

Discuss the items on the Regular Agenda and:

- (1) Discuss concerns over misuse of ‘K2’. Discussed. Council directed staff to prepare an ordinance banning the sale, possession or use of K2 in the City of Mesquite.
- (2) Discuss proposed 2010-11 budget. Discussed. It was Council consensus to look at additional budget scenarios and requested the City Manager develop some budget options for consideration, including an option with a one-percent property tax increase. This information will be presented at the September 7, 2010, Pre-Meeting.
- (3) Discuss senior multifamily development on the City-owned 14.256-acre tract located at 3500 Emporium Square. Discussed. Due to neighborhood opposition to the proposed multifamily development, the City Council suggested meeting with the homeowners to obtain input on what types of development would be acceptable. A subcommittee consisting of Brian Hutcheson, Al Forsythe and Stan Pickett was appointed to meet with neighborhood representatives.

EXECUTIVE SESSION – NOON **711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM**

- (1) **PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session – Litigation for Listing of Subjects.)**
- (2) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session – Personnel Matters for Listing of Subjects.)**
- (4) **COMMERCIAL OR FINANCIAL INFORMATION REGARDING A BUSINESS PROSPECT OR PROJECT (See Notice of Executive Session – Economic Development for Subjects.)**

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

INVOCATION

(Ed Haynes, Pastor, Oates Drive Baptist Church, Mesquite, Texas.)

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PLEDGE OF ALLEGIANCE

(Tyler Barton, Gordie Davis, Will Engel, Chris Engel, Zach Evans, Andrew Graff, Kevin Graff, Colton Hancock, Tucker Jagers, William Pierson and Zach Shaw, members of Boy Scout Troop 138.)

SPECIAL ANNOUNCEMENTS

None.

CITIZENS FORUM

Brian Andrews, 8540 FM 2757, Forney, thanked the City Council for taking the concerns of the residents into consideration regarding annexation in the City's extraterritorial jurisdiction.

APPOINTMENT FOR PERSONAL APPEARANCE

1. Appointment – Larry Marshall, 1300 Golden Grove, Mesquite.
(Mr. Marshall will discuss issues related to the Skyline Drive and Town East Boulevard intersection.)
Discussed.

CONSIDERATION OF AN ORDINANCE

2. An ordinance annexing approximately 2.0 square miles of territory within the City's extraterritorial jurisdiction, adopting a service plan for the provision of full municipal services in the area so annexed, designating annexed territory to be zoned Agricultural, permitting the possession, storage, sale and handling of fireworks through July 4, 2011, on certain properties annexed, excluding from annexation those properties subject to a development agreement pursuant to Section 43.035 of the Local Government Code, directing the City Secretary to give notice as required to all affected jurisdictions, revising the official boundary limits of the City and setting an effective date of annexation.
Approved by Ordinance No. 4100.

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.)

3. Minutes of the regular City Council meeting held August 2, 2010.
Approved.

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4. An ordinance creating the Mesquite Veterans' Affairs and Memorial Advisory Board.
Approved by Ordinance No. 4101.
5. An ordinance revising the current schedule of charges for various parks and recreation services to be effective on and after September 1, 2010.
Approved by Ordinance No. 4102.
6. A resolution authorizing the City Manager to finalize and execute all documents with the State of Texas represented by the Texas Department of Transportation and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Mesquite Metro Airport specifically for land acquisition for future development on the western border of the airport and for the expansion and protection of the future Runway Protection Zone.
Approved by Resolution No. 37-2010.
7. Appoint the City Manager as the employer representative to oversee the 401(a) plan, also known as the Supplemental Retirement Plan.
Appointed.
8. Approve the Award of Special Commissioners in the amount of \$62,760.00 to acquire rights-of-way and easements for the Pioneer Road Paving and Drainage Improvements Project and South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 2.
Approved.
9. Receive semiannual report from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
Received.
10. Receive Change Order Report from City Manager.
(CE2008-060, Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts – \$6,000.00.)
Received.

APPOINTMENTS TO BOARDS AND COMMISSIONS

11. Consider appointment of two alternate members to the Board of Adjustment, one for a term to expire January 1, 2011, and one for a term to expire January 1, 2012.
Bruce Archer was appointed to the Board of Adjustment for a term to expire January 1, 2012.

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:

1. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
2. 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 v. 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
3. Curtis Fritz and Wendy Fritz, Individually and as Next Friends of Morgan Fritz, a Minor v. the City of Mesquite, Texas, and Rink Management Services Corporation dba “The Ice at Stonebriar,” Filed – 10-26-09
4. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
5. Robert J. Fuller and William C. Veal v. City of Mesquite, Texas – Filed 12-10-09

Real Property:

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Discuss acquisition of property located near the intersection of Oates Drive and Wooded Lake Drive. **Discussed.**

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council will 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 City officers or other employees. A complete list of the members of the City boards and commissions is on file in the City Secretary’s office.

Economic Development:

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

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1. Economic development incentives for prospect seeking to locate in the Skyline Industrial District. **Discussed.**
2. Economic development incentives for prospect seeking to locate in the Skyline Trade Center. **Discussed.**
3. Economic development incentives for a manufacturing prospect seeking to locate in the Skyline Trade Center. **Discussed.**

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).