

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – FEBRUARY 16, 2009

Discuss the items on the Work and Regular Agenda and discuss General Fund budget status.

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.)**

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

- A. Receive monthly financial report for December 2008.

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

INVOCATION

(Dr. Charles Wilson, Senior Pastor, Sunnyvale First Baptist Church, Sunnyvale, Texas.)

PLEDGE OF ALLEGIANCE

(Ashley Hamilton, Arturo Gaytan and Zoni Barcus, fourth grade students from Rugel Elementary School.)

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.)

PRESENTATION OF AWARDS

1. Presentation of meritorious awards to Fire Department employees.
2. Presentation of awards from the Texas Chapter of the American Planning Association.

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 February 2, 2009.
4. An ordinance amending Chapter 13 of the City Code regarding nonconforming and obsolete signs and specifications for monument signs.
5. A resolution establishing precincts and the location of polling places for the annual City election.
6. Bid No. 2009-061 – Annual Contract for Concrete Crushing Contractor.
(Staff recommends award to low bidder Weir Brothers, Inc., in the amount of \$73,200.00.)
7. Bid No. 2009-077 – Annual Supply of Diesel.
(Staff recommends award to Martin Eagle Oil Company as the primary vendor and Douglass Distributing as the secondary vendor through an Interlocal Cooperative Agreement with the City of Fort Worth per the Dallas Metro Texas Oil Price Information Service Rack Average Petrostat net price.)
8. Bid No. 2009-078 – Annual Supply of E85 Ethanol and Unleaded Gasoline.
(Staff recommends award to Martin Eagle Oil Company through an Interlocal Cooperative Agreement with the City of Fort Worth per the Dallas Metro Texas Oil Price Information Service Rack Average Petrostat net price.)

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9. Bid No. 2009-080 – Fitness Equipment for the Police Department.
(Staff recommends award to Life Fitness for exercise equipment in the amount of \$62,377.95 and Iron Grip Barbell Company for free weights in the amount of \$14,286.00 from Texas Procurement and Support Services (TPASS) through the Texas Multiple Award Schedule (TxMAS) for a total amount of \$76,663.95.)
10. Bid No. 2009-082 – Public Safety Mobile Data System Connectivity Service.
(Staff recommends award to AT&T Mobility through the State of Texas Department of Information Resources in the amount of \$9,097.30 per month or a total of \$109,167.60.)
11. Consider ratification of a Memorandum of Understanding between the City of Mesquite, Texas, and Mesquite Police Association under Subchapter B of Chapter 142 of the Texas Local Government Code (Meet and Confer) expiring September 30, 2010, and authorizing the City Manager to execute the Memorandum of Understanding.
12. Authorize the City Manager to execute a Lease Agreement with Texas Engineering Extension Service (TEEX) for a 33.2-acre site located at IH 20 and Lumley Road to be utilized by the North Texas Regional Training Center.
13. Receive semiannual report from the Capital Improvements Advisory Committee in accordance with Section 395.058 (c)(4) of the Texas Local Government Code.
14. Receive Change Order Report from City Manager.
(CE 2008-069, Annual Supply of Janitorial Supplies – \$6,697.50 and CE 2009-006, 13 Police Pursuit Vehicles – \$850.00.)

PUBLIC HEARINGS

15. Conduct a public hearing for Zoning Text Amendment No. 2009-1 and consider an ordinance amending Section 3-203 of the Mesquite Zoning Ordinance creating new regulations on the location, appearance and site design of bail bond establishments.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)

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. Charger Square Joint Venture v. City of Mesquite and Richard Gertson, Individually – Filed 9-10-08
2. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07
3. Wayne Fletcher v. City of Mesquite and Jason Taylor – Filed 3-13-08
4. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
5. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
6. Estate of Steven Everett Shaw; Mark Shaw; Elisandra Lopez as Mother and Next Friend of Dominic Taylor Shaw, a Minor; and Dale Roberts v. Nicolas Sierra, Police Officer, and Todd Cavaliere, Police Officer – Filed 10-9-08
7. 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
8. City of Mesquite v. B.J. & B.M. Investments, Inc., a Texas corporation, dba Inn on the Creek and Bharatkumar Patel aka Bobby Patel (Manager) – Filed 10-24-08
9. City of Mesquite v. Bharatkumar Patel aka Bobby Patel and SHRI Jalyan Investment, Inc. dba Executive Inn and Suites – Filed 10-24-08
10. Liberty Legal Institute's January 22, 2009, letter asserting a notice of rights and claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA)

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. Acquisition of property near Mesquite Metro Airport.

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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.

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)