

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
11:30 A.M. – JANUARY 22, 2008

Discuss the items on the Regular Agenda and discuss deed restrictions on
City-owned property.

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.)**

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

INVOCATION

(Jerry Harvey, Pastor, Creek Crossing Assembly of God, Mesquite.)

PLEDGE OF ALLEGIANCE

(Tanner Norton, Esmerelda Cervantes, Brandon Stanley and Heaven Bailey, fourth grade students from Gray 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 sale, purchase, exchange or lease 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.)

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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 January 7, 2008.
2. An ordinance approving a settlement agreement with Atmos Energy Corporation Mid-Tex Division regarding the company's statement of intent to change gas rates.
3. An ordinance authorizing the City Manager to approve certain change orders to contracts.
4. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the Town of Sunnyvale to purchase various goods and services.
5. A resolution authorizing the Mayor to execute an Interlocal Cooperative Purchasing Agreement with the City of Tyler to purchase various goods and services.
6. A resolution granting recognition of the Mesquite Police Association as the sole and exclusive bargaining agent for the non-exempt employees of the Mesquite Police Department, and authorizing the City of Mesquite, Texas, to meet and confer with the Mesquite Police Association under Subchapter B of Chapter 142 of the Texas Local Government Code, without conducting an election.
7. RFP No. 2008-034 – Annual Contract for Temporary Personnel Services (various departments).
(Staff recommends award to Annexus Personnel and Business Services.)
8. A. Authorize the City Manager to execute Amendment No. 2 to an engineering design services contract with Wilson and Company for renovation of five recreation facility parking lots in the amount of \$4,760.00.

B. Authorize the City Manager to execute Amendment No. 3 to an engineering design services contract with Wilson and Company for renovation of five recreation facility parking lots in the amount of \$1,800.00.

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9. Approve third- and final-year funding for Bid No. 2005-007, Annual Supply of Fire Protective Clothing for the Fire Department, in the amount of \$77,939.68.
10. Receive semiannual report from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
11. Receive Change Order Report from City Manager.

PUBLIC HEARINGS

12. A. Conduct a public hearing to consider a program with Bottling Group, LLC, d/b/a/ The Pepsi Bottling Group, to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District.
B. Consider a resolution approving the terms and conditions of a program with Bottling Group, LLC, d/b/a/ The Pepsi Bottling Group, to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District and authorizing the City Manager to execute the agreement.
13. A. Conduct a public hearing to consider adopting an amendment to the Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.
B. Consider an ordinance approving amendments to the 2004 Amended and Restated Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.
C. Authorize the City Manager to execute an agreement with Halff Associates, Inc., for professional services regarding study, design and permitting of Stream Bank Stabilization for South Mesquite Creek and Stream 2B7 in conjunction with the Towne Centre Tax Increment Finance Reinvestment Zone No. Two in the amount of \$272,470.00.

APPOINTMENT TO BOARDS AND COMMISSIONS

14. Consider appointment of one member to the Mesquite Industrial Development Corporation for a term to expire January 28, 2011.

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. 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
2. City of Mesquite, Texas v. DFW Convenience Stores, L.P., et al – Filed April 2006
3. Eastfield Partners, LTD dba Eastfield Plaza Apartments v. City of Mesquite – Filed 12-18-07.
4. 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.
5. J. Dale Hagler v. City of Mesquite – Filed 3-13-06
6. Daniel Hernandez dba Hernandez Heating & Air Conditioning v. Tywell Construction Company and City of Mesquite – Filed 7-27-06
7. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
8. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
9. Johnny Spencer v. City of Mesquite – Filed 2-6-07
10. 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

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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.

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).