

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
757 NORTH GALLOWAY AVENUE
NOON – AUGUST 15, 2011

Discuss the items on the Regular Agenda and discuss:

- (1) Banner and movable sign regulations and
- (2) 2011-12 Group Medical Health Plan.

EXECUTIVE SESSION – NOON
757 NORTH 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.)
- (3) 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

(Harry Sewell, Pastor, Family Cathedral of Praise, Mesquite, Texas.)

POSTING THE COLORS

(Color Guard from the Mesquite Police Department.)

PLEDGE OF ALLEGIANCE

(Tyler Atwood, Cooper Blount, Derek Brindle and Adam Tarver, Eagle Scouts from the Tomahawk District.)

SPECIAL ANNOUNCEMENTS

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

The following announcements may be made:

1. Recognition of City of Mesquite's past Mayors and City Councilmembers in appreciation for their years of service.

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2. Tandy Burroughs, representing the Mesquite Firefighters Association, will present a check to the Muscular Dystrophy Association resulting from proceeds collected during the Mesquite Firefighters' recent Fill-The-Boot campaign.

(There may be additional announcements related to events, recognition of birthdays, anniversaries or other special occasions.)

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 August 1, 2011.
2. An ordinance, on second and final reading, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's fourth annual Rate Review Mechanism filing in all cities exercising original jurisdiction, declaring existing rates to be unreasonable, adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable, requiring the company to reimburse cities' reasonable ratemaking expenses, repealing conflicting resolutions or ordinances and adopting a savings clause.
3. An ordinance adopting the Zero Tolerance Substance Abuse Policy for the Mesquite Transportation for the Elderly and Disabled program.
4. 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.

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5. 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 an Airport Business Plan.
6. Receive Change Order Report from City Manager.
(CE 2010-046, South Mesquite Creek Sanitary Sewer [IH 30 to Moon Drive] – \$7,350.00; CE2010-078, Annual Supply of Magnetic Water Meters – \$9,179.50; CE I018-2007, Annual Supply of Ford Tractor Parts – \$8,000.00; BO 920128, Purchase of Supplemental Tires for Auto Warehouse – \$7,500.00 and BO 920360, Annual Miscellaneous Supply of Toro Mower Repair Parts – \$5,000.00.)

PUBLIC HEARINGS

7. Conduct a public hearing to consider a request submitted by Michael Payne on behalf of Allmark Properties to allow for a modification of the screening and buffering requirement for Pine Oaks Apartments located at 1716 North Galloway Avenue.
(This item was postponed at the August 1, 2011, City Council meeting.)
8. Conduct a public hearing for Application No. 973-10-2011 for a zoning change from R-1 – Single Family Residential to General Retail located at 748 East Bruton Road.
(Five letters in opposition to the proposed amendment have been received. Five persons appeared in opposition to the proposed amendment at the hearing before the Planning and Zoning Commission. The Commission recommends denial without prejudice of the application.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

9. Consider appointment of seven members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2013.

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. Robert J. Fuller and William C. Veal v. City of Mesquite, Texas – Filed 12-10-09
3. Elijah Robinson v. City of Mesquite and Johnathan Yates – Filed 8-27-10
4. Betty Erwin v. City of Mesquite, Texas, and the Board of Adjustment for the City of Mesquite, Texas – Filed 12-30-10
5. City of Mesquite v. Melba Horn – Filed 5-17-11

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Consultation with Attorney:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney. The following subject may be discussed:

1. Joint Radio Tower Agreement between Mesquite Independent School District and the City of Mesquite.

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 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:

1. Economic development incentives for a business located in the Rodeo City Tax Increment Finance Reinvestment Zone No. One.

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 regarding Real Property), 551.073 (Deliberations regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices or Security Audits) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).