



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, January 16, 2018

5:00 PM

City Hall | Council Chamber  
757 N. Galloway | Mesquite, Texas

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#### **PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.**

##### **AGENDA REVIEW**

##### **STAFF PRESENTATIONS**

- 1     [18-3213](#)     Receive introduction of Bond Legal Counsel.
- 2     [18-3192](#)     Receive briefing regarding the new City Council agenda iLegislate app.
- 3     [18-3211](#)     Discuss proposed amendments to the City Charter.
- 4     [18-3205](#)     Receive briefing regarding the Texas Department of Transportation Ethics Requirements.

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:00 P.M.**

In accordance with Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into executive session to discuss any of the following:

- Pending and/or Contemplated Litigation
- Purchase, Exchange, Lease or Value of Real Property
- Personnel Matters
- Economic Development

#### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.**

- 5     [18-3208](#)     Receive preliminary financial statements for fiscal year ending September 30, 2017.

**Attachments:**     [September 30, 2017 Financial Statements](#)  
                          [September 30, 2017 Financial Statement Overview](#)

#### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.**

##### **INVOCATION**

Bill Wright, Pastor, North Mesquite Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Mesquite Veterans.

**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 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 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.

**PRESENTATIONS**

- 6      [17-3079](#)              Presentations to the Mesquite Veterans Memorial Campaign.

**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.)

- 7      [18-3212](#)              Minutes of the regular City Council meeting held January 2, 2018.

**Attachments:**              [01.02.2018m](#)

- 8      [18-3207](#)              An ordinance amending the budget for the fiscal year of 2017-18, as heretofore approved by Ordinance No. 4505 of the City of Mesquite, Texas, adopted on September 5, 2017, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for fiscal year 2017-18, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.

**Attachments:**              [Ordinance - Amended Budget](#)  
[Written Summary of Changes.pdf](#)

- 9      [18-3194](#)              A resolution authorizing the sale of three tax-foreclosed properties located at 3821 East Cartwright Road, 1700 South Sam Houston Road and 112 West College Street in Mesquite, Texas, ratifying and approving offer and purchase agreements and authorizing the City Manager to execute quitclaim deeds and all other documents necessary to complete the closing and sale of the properties.

**Attachments:** [Resolution - Properties](#)

[Location Maps of Properties](#)

- 10 [18-3204](#) A resolution amending Resolution No. 15-2002, adopted March 18, 2002, to allow Kaufman County Municipal Utility District No. 5 to issue bonds for roadway improvements on property consisting of approximately 145 acres commonly known as Trinity Crossing in Kaufman County and located within the City's extraterritorial jurisdiction.  
(This item was postponed at the January 2, 2018, City Council meeting.)

**Attachments:** [Prelim Plat - Mesquite ETI](#)

[Redline Res. No. 15-2002](#)

[Resolution - Trinity Crossing](#)

- 11 [18-3206](#) RFQ No. 2017-115 - Bond Legal Counsel.  
(Staff recommends award to Bracewell LLP.)

**Attachments:** [Score Sheet](#)

- 12 [18-3173](#) Bid No. 2018-039 - Fiber Optic Network Construction for Parks and Recreation, Mesquite Golf Club and Mesquite Animal Shelter.  
(Staff recommends award to Future Telecom, Inc., through an Interlocal Cooperative-Purchasing Agreement with Mesquite Independent School District, in the amount of \$197,770.00.)

**Attachments:** [Animal Shelter](#)

[Tennis Center](#)

[City Lake Pool](#)

[Golf Course](#)

[Town East Pool](#)

[Softball Complex](#)

- 13 [18-3195](#) Bid No. 2018-040 - Annual Fiber Optic Cabling Repair and Maintenance.  
(Authorize the City Manager to finalize and execute a contract with Future Telecom, Inc., through an Interlocal Cooperative-Purchasing Agreement with Mesquite Independent School District, in an amount not to exceed \$120,000.00.)

- 14 [17-2789](#) Authorize the City Manager to negotiate and execute Change Order No. 1 to Bid No. E2016-002 - Gus Thomasson Road Water, Sanitary Sewer, Paving and Drainage Reconstruction Project from Karla Drive to Moon Drive/Whitson Way with Rebcon, Inc., for proposed changes in the design in the amount of \$997,367.22.

#### RECEIPT OF RESIGNATION

- 15 [18-3223](#) Receive resignation from Janice Bell as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Attachments:      [Resignation Letter](#)

## OTHER BUSINESS

- 16      [18-3230](#)      Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

### Minimum Staffing Level in Police Department

Shall Section 24a of Article III of the Mesquite City Charter be amended to increase the minimum staffing level in the police department from a minimum of one and five tenths (1.5) full-time, sworn police officers per every 1,000 population to a minimum of one and six tenths (1.6)?

- 17      [18-3231](#)      Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

### Deletion of the One-Year Contract Period Limitation

Shall Section 26(b) of Article III of the Mesquite City Charter be amended to delete the one-year limitation on any contract for goods, materials, services, or supplies for the current use of any department of the city?

- 18      [18-3232](#)      Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

### City Council Structure

Shall Sections 2, 4, 4a, 4b, 5 and 10 of Article IV of the Mesquite City Charter be amended and a new Section 9b of that article be added to provide for the composition of the city council to consist of seven (7) members, with six (6) members elected by qualified voters of particular districts and one member as mayor elected by all qualified voters of the city; to create six (6) single member districts, of substantially equal total

population; to provide for the review of the council district boundaries each ten years as census data is available; to provide residency requirements for city council candidates; and to provide implementation and transitional provisions?

**19**     [18-3233](#)

Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

Date of City Council Election

Shall Sections 7 and 9a of Article IV of the Mesquite City Charter be amended and a new Section 9b be added to that article to: require the regular municipal election to be held on the uniform election date, as provided by the general election laws of the State of Texas, in the month of November of odd-numbered years; to eliminate the staggering of city council terms; and to provide implementation and transitional provisions?

**20**     [18-3234](#)

Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

Establishing a Maximum Number of Terms for City Councilmembers and the Mayor

Shall Section 9 of Article IV of the Mesquite City Charter be amended to provide that: no person may serve more than four (4) consecutive two-year terms as a city councilmember without a two-year break in service; no person may serve more than four (4) consecutive two-year terms as mayor without a two-year break in service; no person may serve more than four (4) consecutive two-year terms as a city councilmember and four (4) consecutive two-year terms as mayor, for a total of eight (8) consecutive two-year terms combined, without a two-year break in service; a term includes any period of service during a term; and term limits are to be applied retroactively?

**21**     [18-3235](#)

Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

## Establishing a City Attorney's Office

Shall Article IV of the Mesquite City Charter be amended to add a Section 35 to provide for the establishment of the office of the city attorney and assistants to the city attorney, as needed and budgeted by the city council, and amending Section 3 of Article VIII of the Mesquite City Charter to clarify that the city attorney shall exercise control over the City Attorney's Office?

22     [18-3236](#)

Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

## Amendments to Conform to Actual/Current Practices

Shall the following sections of the Mesquite City Charter be amended to match actual practices: Section 28, "Additional Enumerated Powers; Penalties for Violations of Ordinances," of Article III, "Corporate Powers"; Section 17, "Legislative Procedure," and Section 27, "Creation and Jurisdiction of Corporation Court; Fines," of Article IV, "Officers and Elections"; and Section 2, "Personnel Board," of Article IX-A, "Civil Service?"

23     [18-3237](#)

Consider approval of ballot language for a Proposition to amend the Home Rule Charter of the City of Mesquite, Texas, to be included in the Special Election on May 5, 2018, and determination of the sequential order of said Proposition:

City of Mesquite Proposition \_\_\_\_

Technical Amendments to Conform to State Law and City Code; to Correct Terms; to Correct Spelling; to Clarify Language; to Provide Gender-Neutral References; and to make other Technical Amendments

Shall the following sections of the Mesquite City Charter be amended to conform to state law and the city code, correct terms, correct spelling, clarify language, provide gender-neutral references, and make other technical amendments: Section 3, "Platting of Property," of Article II, "Municipal Boundaries"; Section 8, "Liability for Negligence," Section 12, "Street Improvements and Assessments therefor," Section 15, "Regulation of Privately Owned Public Utilities," Section 16, "City Owned Public Utilities," Section 24, "Police Department," Section 26, "Contracts Generally," and Section 27, "Zoning," of Article III, "Corporate Powers";

Section 1, "Governing Body," Section 2, "Elective Officers," Section 3, "Qualifications and Nomination of Mayor and Councilmen; Official Ballot," Section 3a, "Holding other Office," Section 4c, "Nominations," Section 5, "How Candidates Elected," Section 6, "Judge of Election; Canvass of Returns," Section 7, "Date of Election," Section 9, "Term of Office of Incumbent Mayor and Councilmen," Section 9a, "Terms of Mayor and Councilmen to be Staggered," Section 10, "Vacancies in Office," Section 11, "Mayor Pro Tem," Section 12, "Compensation of Mayor and Councilmen," Section 13, "Duties of Mayor," Section 22, "Depository for City Funds," Section 25, "City Secretary," Section 26, "City Treasurer," Section 27, "Creation and Jurisdiction of Corporation Court; Fines," Section 28, "Title of Code of Criminal Procedure Controlling," and Section 34, "Personal Financial Interest," of Article IV, "Officers and Elections"; Section 2, "Tax Levies," Section 7, "Payment of Taxes," and Section 8, "Delinquent Taxes," of Article V, "Taxes and Taxation"; Section 1, "Generally," of Article VI, "Recall"; Section 3, "Powers and Duties," and Section 6, "Absence," of Article VIII, "City Manager"; Section 2, "Jurors, etc. Not Incompetent," and Section 6, "Amendments to Charter," of Article IX, "General Provisions"; Section 3, "Personnel Director," Section 6, "Civil Service Rules," and Section 8, "Trial Board," of Article IX-A, "Civil Service?"

#### CONSIDERATION OF ORDINANCE

**24**     [18-3197](#)

Consider an ordinance of the City of Mesquite, Texas, ordering a Special Election to be held on May 5, 2018, for the purpose of submitting to the qualified voters of the City, for adoption or rejection, certain proposed amendments to the existing Home Rule Charter of the City to increase the minimum staffing level in the Police Department from a minimum of one and five tenths (1.5) to a minimum of one and six tenths (1.6) full-time, sworn police officers per every 1,000 population; delete the one-year limitation on any contract for goods, materials, services, or supplies for the current use of a City department; provide for the composition of the City Council ("Council") to consist of seven (7) members, with six (6) members elected by qualified voters of particular districts and one member as mayor elected by all qualified voters of the City and to provide for the creation of six (6) single member districts of substantially equal total population; provide for review of Council District boundaries each ten years as census data is available, provide residency requirements for Council candidates, and provide implementation/transition provisions; change the Council election date from annually on the first Saturday in April to the uniform election date in November of odd-numbered years, eliminate staggering of council terms, and provide implementation/transition provisions; provide that no person serve more than four (4) consecutive two-year terms as a Councilmember without a two-year break in service, that no person serve more than four (4) consecutive two-year terms as Mayor without a two-year break in service,

and that no person serve more than four (4) consecutive two-year terms as Councilmember and four (4) consecutive two-year terms as Mayor, for a total of eight (8) consecutive two-year terms combined, without a two-year break in service; provide for the establishment of the office of the City Attorney and clarify that the City Attorney shall exercise control over the City Attorney's office; to conform certain provisions to actual/current practices; to conform certain provisions to State law and the City Code, correct terms, correct spelling, clarify language, provide gender-neutral references and make other technical amendments; prescribing the form and wording of the ballot propositions; further ordering a General Election to be held on May 5, 2018, for the purpose of electing a City Councilmember for Place 3, a City Councilmember for Place 4 and a City Councilmember for Place 5; providing for legal notice; and making provisions for the conduct of the elections.

***Attachments:*** [Ordinance - Election](#)

## **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 or contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. James H. Watson and Others Similarly Situated v. City of Allen, City of Amarillo, City of Arlington, City of Austin, City of Balch Springs, City of Balcones Heights, City of Bastrop, City of Baytown, City of Bedford, City of Burleson, City of Cedar Hill, City of Cleveland, City of Conroe, City of Coppell, City of Corpus Christi, City of Dallas, City of Denton, City of Diboll, City of Duncanville, City of El Paso, City of Elgin, City of Farmers Branch, City of Fort Worth, City of Frisco, City of Garland, City of Grand Prairie, City of Haltom City, City of Humble, City of Hurst, City of Hutto, City of Irving, City of Jersey Village, City of Killeen, City of League City, City of Little Elm, City of Longview, City of Lufkin, City of Magnolia, City of Marshall, City of Mesquite, City of North Richland Hills, City of Plano, City of Port Lavaca, City of Richardson, City of Richland Hills, City of Roanoke, City of Round Rock, City of Southlake, City of Sugar Land, City of Tomball, City of University Park, City of Watauga, City of Willis, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., American Traffic Solutions, LLC, Xerox State & Local Solutions, Inc., f/k/a ACS State & Local Solutions, Inc., and the State of Texas – Filed 4-28-15
2. Kathy Dyer and Robert Dyer, Individually and as Representative of the Estate of Graham Dyer v. City of Mesquite, Texas; Jack Fyall; Richard Houston; Alan Gafford; Zachary Scott; William Heidelberg; Paul Polish; Joe Baker; Bill Hedgpeth – Filed 8-12-15
3. Kavin Rhodes v. Mesquite Police Department, Officers M. B. Winters, D. L. Boykin, J. P. Vassilakos, G. W. Hensley, E. A. Sparling, W. D. Mosley – Filed 1-27-16
4. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
5. Scott Damon Richardson v. Darren Marsack and County of Dallas a.k.a., d.b.a. Dallas County, Inc., Dallas, Texas 75042 and John Doe 1 – 5 As yet to be discovered and Jane Doe 1 – 5 As yet to be discovered – Filed 2-6-17
6. Luna Properties LLC & F & M Properties Inc. v. City of Mesquite – Filed 6-8-17
7. Matthew Dunlap v. Jose Alcala and the City of Mesquite - Filed 7-17-17
8. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
9. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
10. Christopher Acoff v. City of Mesquite – Filed 8-25-17
11. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
12. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
13. TRBP, Limited v. Stan Pickett in his Official Capacity as Mayor of Mesquite; Robert Miklos in his Official Capacity as a City Councilman of Mesquite; Jeff Casper in his Official Capacity as a City Councilman of Mesquite; Bruce Archer in his Official Capacity as a City Councilman of Mesquite; Dan Aleman in his Official Capacity as a City Councilman; Greg Noschese in his Official Capacity as a City Councilman of Mesquite; Tandy Boroughs in his Official Capacity as a City Councilman of Mesquite – Filed 11-30-17

### **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.

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 or 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).

The City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at 972-216-6244 or TDD 1-800-735-2989.

**Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.**

**Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.**

**Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.**

**Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.**