



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 17, 2019

4:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [19-4208](#) Receive briefing from Texas Department of Transportation staff regarding the US Highway 80 Improvement Project.

 Attachments: [Public Hearing Notice](#)
 [Location Map](#)

- 2 [19-4186](#) Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:00 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.

- 3 [19-4187](#) Receive quarterly activity report from the Economic Development Department.

 Attachments: [Quarterly Report](#)

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

INVOCATION

Archie Greer, Pastor, Trinity Christian Worship, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Historical and Genealogical Society.

PRESENTATIONS

- 4 [19-4191](#) Presentation by Mesquite Elks Lodge-Auxiliary in support of the Mesquite Veterans Memorial campaign.

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.

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.)

- 5 [19-4197](#) Minutes of the regular City Council meeting held June 3, 2019.
- Attachments:* [06.03.2019m](#)
- 6 [19-4180](#) An ordinance amending Chapter 9 of the City Code by reducing the speed limit from 45 MPH to 40 MPH on East Cartwright Road from Mesquite Valley Road to Lawson Road, by reducing the speed limit from 45 MPH to 35 MPH on Rodeo Center Boulevard (formerly Hickory Tree Road) from Bruton Road to south curb line of Military Parkway, by reducing the speed limit from 45 MPH to 35 MPH on Lawson Road from Interstate Highway 20 to north City limits and by temporarily reducing the speed limit from 40 MPH to 30 MPH on Town East Boulevard from Samuell Boulevard to Skyline Drive due to road construction.
- Attachments:* [Speed Limit Study - E Cartwright Road.pdf](#)
 [Speed Limit Study - Lawson Road.pdf](#)
 [Speed Limit Study - Rodeo Center Boulevard.pdf](#)
 [Location Maps - 4 Locations for speed limit changes.pdf](#)
 [Ordinance - Speed Limit](#)
- 7 [19-4183](#) Bid No. 2019-040 - Town East Boulevard Water, Paving & Drainage Reconstruction Project from US Highway 80 to Skyline Drive.
(Authorize the City Manager to finalize and execute a contract with low bidder Tiseo Paving Company for the Base Bid and Alternative No. 1 in the

amount of \$12,963,840.55).

Attachments: [Recommendation Letter](#)
[Bid Tabulation - 2019-040](#)
[Bid Tabulation \(Engineering\) 1 of 2](#)
[Bid Tabulation \(Engineering\) 2 of 2](#)
[Location Map](#)

- 8 [19-4207](#) Bid No. 2019-063 - Construction Single Family Residential House - 1701 Orchid Drive.
(Authorize the City Manager to finalize and execute a contract with J & M Robertson, Inc., d/b/a JMR Construction, in the amount of \$189,974.00.)

Attachments: [Best Value Scoring Matrix](#)
[Project Location Map](#)

- 9 [19-4206](#) Bid No. 2019-064 - Construction Single Family Residential House - 1030 Lindo Drive.
(Authorize the City Manager to finalize and execute a contract with J & M Robertson, Inc., d/b/a JMR Construction, in the amount of \$159,740.00.)

Attachments: [Best Value Scoring Matrix](#)
[Project Location Map](#)

- 10 [19-4190](#) Bid No. 2019-069 - Emporium Circle and Childress Pavement Replacement Project.
(Staff recommends all bids be rejected.)

Attachments: [Bid Tabulation - 2019-069](#)

- 11 [19-4192](#) Bid No. 2019-076 - Annual Landscape Maintenance of the TxDOT High Visibility Interchanges.
(Authorize the City Manager to finalize and execute a contract with Yellowstone Landscaping Company, in the amount of \$80,535.08. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Best Value Matrix](#)
[Bid Tabulation - 2019-076](#)

- 12 [19-4196](#) Bid No. 2019-077 - Annual Mowing Maintenance of City Parks and Special Areas.
(Authorize the City Manager to finalize and execute a contract with Good Earth, Inc., in the amount of \$305,859.60. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Best Value Matrix](#)
[Bid Tabulation - 2019-077](#)

- 13 [19-4214](#) Bid No. 2019-087 - Arts Center Concert Hall Lighting Upgrade.
(Authorize the City Manager to finalize and execute a contract with Barbizon Lighting Company, through BuyBoard Contract No. 575-18, sponsored by the Texas Association of School Boards, in the amount of \$119,685.95.)
- 14 [19-4182](#) Bid No. 2019-092 - Purchase of a Concrete Mixer Truck.
(Staff recommends award to MHC Kenworth, in Dallas, Texas, through Sourcewell Contract No. 0817-16-KTC, in the amount of \$181,973.00.)
- Attachments:** [Photo - Concrete Mixer](#)
- 15 [19-4174](#) Bid No. 2019-093 - Annual Telephone Services (Local and Long Distance).
(Staff recommends award to AT&T Corporation, through Texas Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
- 16 [19-4178](#) Bid No. 2019-095 - Municipal Court Audio/Video Upgrade.
(Authorize the City Manager to finalize and execute a contract with Data Projections, Inc., through BuyBoard Contract No. 579-19, sponsored by the Texas Association of School Boards, in the amount of \$81,849.83.)
- 17 [19-4179](#) Bid No. 2019-096 - Emergency Operations Center and IT Conference Room Audio/Video Upgrade.
(Authorize the City Manager to finalize and execute a contract with Data Projections, Inc., through an Interlocal Cooperative-Purchasing Agreement with The Interlocal Purchasing System (TIPS) Contract No. 171001, in the amount of \$79,995.94.)
- 18 [19-4189](#) Ratification of annual contracts having unexercised renewal options that were previously approved by the City Council with agenda language not identifying the renewal options. [A list of the affected contracts is included as an attachment to this Agenda item.]

Attachments: [Contract List](#)

PUBLIC HEARINGS

- 19 [19-4153](#) Conduct a public hearing regarding an update to the Water Conservation Plan and the Drought Contingency and Emergency Management Plan as required by the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB).

Attachments: [2019 Draft Water Conservation Plan](#)
 [2019 Draft Drought Contingency and Emergency Management Plan](#)

- 20 [19-4173](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas (“the Zone”), extending the term of the Zone for an additional 20 years to expire December 31, 2039, amending the composition of the board of directors for the Zone, and other related matters.

B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas (“the Zone”), extending the term of the Zone for an additional 20 years to expire December 31, 2039, amending the composition of the board of directors for the Zone effective January 1, 2020, amending Ordinance No. 3257 and Ordinance No. 4529, and other related matters.

Attachments: [Ordinance - TC TIRZ](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 [19-4209](#) Consider appointment of two regular members to the Building Standards Board for terms to expire January 1, 2021, and one alternate member for a term to expire January 1, 2020.

Attachments: [Personal Data Form - Beadle](#)

- 22 [19-4212](#) Consider appointment of two alternate members to the Board of Adjustment for terms to expire January 1, 2020, and January 1, 2021, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee.

Attachments: [Personal Data Form - Aeneas Ford](#)
 [Personal Data Form - Ali Raza](#)

OTHER BUSINESS

- 23 [19-4203](#) Approve a supplemental agreement with P3WORKS, LLC, revising the scope of services to include Public Improvement District and Tax Increment Reinvestment Zone administration, providing for a one-year

term with two one-year renewal options, and increasing the contract amount by \$50,000.00, for a not to exceed amount of \$100,000.00, and authorize the City Manager to execute the supplemental agreement.

Attachments: [Supplemental Agreement No. 1](#)
[Original Consulting Services Contract](#)

- 24 [19-4202](#) A resolution authorizing the City Manager to finalize and execute a First Amendment to the Polo Ridge Development Agreement to amend Exhibits "A," "B," "C" and "E," and Section 13.3 relating to Retail Water and Wastewater Service to the Property, for the development of property commonly referred to as "Polo Ridge Ranch," and being generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite, Texas.

Attachments: [Resolution - PR First Amendment](#)
[Polo Ridge Development Agreement](#)

- 25 [19-4201](#) Conduct a public hearing to consider testimony regarding the proposed assessments to be levied against assessable property within the Polo Ridge Public Improvement District No. 2, pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is approximately 805.79 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite, Texas.

Attachments: [Preliminary Service and Assessment Plan](#)

- 26 [19-4200](#) An ordinance approving a Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"), making a finding of Special Benefit to certain property in the District, levying special assessments against certain property within the District and establishing a lien on such property, providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended, providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability and providing an effective date.

Attachments: [Ordinance - SAP](#)

- 27 [19-4198](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2019 (Polo Ridge Public Improvement District No. 2 Phase #1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Construction, Funding and Acquisition Agreement, a Continuing Disclosure Agreement, and other agreements

and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments:

[Ordinance - PR Bonds Phase 1](#)

[Draft Indenture of Trust](#)

[Draft Bond Purchase Agreement](#)

[Preliminary Limited Offering Memorandum](#)

[Draft Construction, Funding and Acquisition Agreement](#)

[Issuer Continuing Disclosure Agreement](#)

28 [19-4199](#)

An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2019 (Polo Ridge Public Improvement District No. 2 Phase #2-6 Major Improvement Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Construction, Funding and Acquisition Agreement, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments:

[Ordinance - PR Bonds Phases 2-6](#)

[Draft Indenture of Trust](#)

[Draft Bond Purchase Agreement](#)

[Preliminary Limited Offering Memorandum](#)

[Draft Construction, Funding and Acquisition Agreement](#)

[Issuer Continuing Disclosure Agreement](#)

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; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280

3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16

4. Christopher Acoff v. City of Mesquite – Filed 8-25-17

5. Mohamed Bedran v. City of Mesquite – Filed 9-26-17

6. Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 (Appealing Wholesale Water Rates for 2018) – Filed 12-15-17

7. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18

8. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18

9. City of Mesquite v. Govind Group Corp. – Filed 8-31-18

10. City of Allen, City of Arlington, City of Bedford, City of Belton, City of Carrollton, City of Cedar Hill, City of Colleyville, City of Coppell, City of Dalworthington Gardens, City of Euless, City of Fort Worth, City of Garland, City of Grand Prairie, City of Harker Heights, City of Hutto, City of Irving, City of Killeen, City of Lewisville, City of Mesquite, City of Rockwall, City of Rowlett, City of Waco and City of Wichita Falls, Texas v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications – Filed 10-19-18

11. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18

12. James Murphy v. Officer Eric Zimmerman, Officer Nicholas Sierra, Officer Colton Ables, Officer Alex Berg, Officer C. M. Copeland, Officer B. S. Smith, and the City of Mesquite, Texas – Filed 11-2-18

13. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV

14. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18

15. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19

16. City of Mesquite v. Ashiyana Hospitality, LLC, Navnitkumar C. Patel, Chintan N. Patel and Sunitabahen N. Patel – Filed 4-9-19

17. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19

18. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin – Filed 5-24-19

19. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

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 según el Sub-capítulo H, Capítulo 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 según el Sub-capítulo H, Capítulo 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.