



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, December 2, 2019

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      [19-4532](#)      Discuss donation offer of a vacant 0.166-acre commercial property tract located at 2129 North Galloway Avenue.

Attachments:      [Location Map](#)  
                                 [Photographs of Property](#)

#### 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.

- 2      [19-4514](#)      Receive Neighborhood Services quarterly report for the period of July 1, 2019, through September 30, 2019.

Attachments:      [Environmental Code FY 2018-19 4th Quarter Summary](#)

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

#### INVOCATION

Dr. W. R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

To be determined.

**PRESENTATIONS**

- 3     [19-4523](#)     Presentation of Certificates of Election to Mayor Bruce Archer and City Councilmembers Kenny Green, Place 2; Robert Miklos, Place 3; Tandy Boroughs, Place 4; B. W. Smith, Place 5; and Dan Aleman, Place 6.
- 4     [19-4539](#)     Presentation by Mesquite Heart Board of Heart Safe Community recognition.

**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 items on the agenda, 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. Citizens addressing the Council through a translator will be allowed six minutes. 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 Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council. Any individual desiring to address the City Council regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except a speaker addressing the Council through a translator will be allowed six minutes.)

- 5     [19-4529](#)     Minutes of the special City Council meeting held November 14, 2019, and the regular City Council meeting held November 18, 2019.

**Attachments:**     [11.14.2019m](#)  
                          [11.18.2019m](#)

- 6     [19-4517](#)     A resolution authorizing the City Manager to execute Supplemental Agreement No. 1 to the interlocal agreement with the Mesquite Independent School District for development, operation and use of the Health and Wellness Clinic and Pharmacy.

**Attachments:**     [Resolution - MISD ILA](#)

- 7     [19-4534](#)     A resolution endorsing the 2019-2020 Impaired Driving Mobilization Grant for the Selective Traffic Enforcement Project (STEP), approving the contribution of City funds in the amount of \$2,755.29 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation.

**Attachments:**     [Resolution - STEP Grant](#)

- 8      [19-4530](#)      A resolution selecting a cybersecurity training program and requiring related verification, reporting and auditing.
- Attachments:*      [Resolution - Cybersecurity](#)  
                                 [House Bill 3834](#)
- 9      [18-3914](#)      RFP No. 2019-033 - Loncy Leake Ballfield Renovation: Construction.  
(Staff recommends all bids be rejected.)
- Attachments:*      [Site plan](#)
- 10     [19-4522](#)      Bid No. 2020-005 - Annual Supply of Fire Protective Clothing.  
(Staff recommends award to Casco Industries, Inc., for jackets and pants in the amount of \$283,869.14 and to Casco Industries, Inc., for boots in the amount of \$9,450.00 for a total amount of \$293,319.14. The term of this bid is for a one-year period with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- Attachments:*      [Bid Tab - 2020-005](#)
- 11     [19-4531](#)      Authorize the City Manager to finalize and execute an Office Lease Agreement with Ultimate Transportation, LLC, for office rental space at the Mesquite Metro Airport.
- 12     [19-4520](#)      Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - US Highway 80 to Town East Boulevard, with Tiseo Paving Company for payment of contract incentives in the amount of \$300,000.00.
- Attachments:*      [Change Order No 1.pdf](#)
- 13     [19-4527](#)      Authorize an expenditure in the amount of \$100,650.50 to the Mesquite Independent School District (MISD) for reimbursement of park improvements to Hanby Park and authorize the City Manager to execute payment.
- Attachments:*      [Invoice](#)  
                                 [Exhibit](#)

**PUBLIC HEARINGS**

- 14     [19-4518](#)      Conduct a public hearing for the purpose of considering annexation of 807 acres in the City's extraterritorial jurisdiction and generally located at the western corner of FM 2757 and Kelly Road, in the Andrew Nail Survey, Abstract No. 355, Kaufman County, Texas, in connection with a voluntary petition submitted by BDMR Development, LLC.
- Attachments:*      [Annexation Map Polo Ridge](#)

At this time, any individual wishing to discuss any matter on the agenda, with the exception of public hearings, shall be allowed to speak for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

**OTHER BUSINESS**

- 15     [19-4524](#)     Consider scheduling a special City Council meeting for December 26, 2019, to canvass the returns for the December 14, 2019, Runoff Election for the purpose of electing a City Councilmember for Place 1.

**RECEIPT OF RESIGNATION**

- 16     [19-4535](#)     Receive resignation from Shirley Roberts as a member of the Mesquite Quality of Life, Inc., Board of Directors.

*Attachments:*     [Resignation - Roberts](#)

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 17     [19-4512](#)     Consider appointment of three members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2022.

*Attachments:*     [Personal Data Form - Court](#)  
                          [Personal Data Form - Sheppard](#)

- 18     [19-4516](#)     Consider appointment of three regular members and one alternate member to the Mesquite Housing Board for terms to expire December 3, 2021, and one alternate member for a term to expire December 3, 2020.

- 19     [19-4538](#)     Consider appointment of three regular members to the Municipal Library Advisory Board for terms to expire December 4, 2021.

**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; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
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; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. 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
5. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18

7. City of Mesquite v. Govind Group Corp., Cause No. DC-18-12726 – Filed 8-31-18
8. 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, Cause No. 2018-3835-4 – Filed 10-19-18
9. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
10. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
11. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
12. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
13. 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, Cause No. 3:10-CV-01263-L – Filed 5-24-19
14. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite, Cause No. CC-19-03248-C – Filed 5-31-19
15. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
16. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19

### **Real Property**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 20 19-4553** Discuss the acquisition of property in Kaufman County near Griffin Lane and FM 2932.

### **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.

Pursuant to Section 551.007(c) of the Texas Local Government Code, any member of the public wishing to address the City Council through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.