



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, January 22, 2019

6:00 PM

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

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#### **PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.**

##### **AGENDA REVIEW**

##### **STAFF PRESENTATIONS**

- 1      [19-3942](#)      Receive annual ethics training.  
  
         Attachments:      [Ethics Presentation](#)
  
- 2      [19-3968](#)      Receive briefing regarding the public meeting held on January 16, 2019, regarding possible development of 3500 Emporium Square.

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:00 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

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

##### **INVOCATION**

To be determined.

##### **PLEDGE OF ALLEGIANCE**

Mesquite Police Sergeant Barrett Smith.

##### **PRESENTATIONS**

- 3      [18-3587](#)      Recognize Real. Texas. Service. Champions.

**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.)

- 4      [19-3941](#)      Minutes of the regular City Council meeting held January 7, 2019.
- Attachments:*      [January 7, 2019 Minutes](#)
- 5      [19-3940](#)      An ordinance amending Chapter 9 of the City Code deleting certain school zones for Florence Elementary School, Hanby Elementary School and Seabourn Elementary School, effective on and after January 29, 2019.
- Attachments:*      [Ordinance - Delete School Zones](#)  
[MISD E Mail](#)  
[Location map 1 – Florence ES School Zone removal area](#)  
[Location Map 2 – Hanby ES School Zone removal area](#)  
[Location Map 3 – Seabourn ES School Zone removal area](#)  
[Location Map 4](#)
- 6      [18-3915](#)      A resolution authorizing the sale of two tax-foreclosed properties located at 3821 East Cartwright Road and 2908 Independence Drive in Mesquite, Texas; accepting the offers from the purchasers to purchase the properties; ratifying and approving the Offer and Purchase Agreements executed by the purchasers setting forth the terms and conditions of the sale of the properties; and authorizing the City Manager to execute quitclaim deeds and all other documents necessary or requested to complete the closings and sales of the properties.
- Attachments:*      [Resolution - Foreclosed Properties](#)
- 7      [19-3939](#)      Bid No. 2019-011 - Annual Repair of Fire Apparatus.  
(Staff recommends award to Lone Star Emergency Group, in an amount not to exceed \$160,000.00. The term of this contract is for a one-year period with two additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Attachments:**      [Evaluation Scoring Sheet](#)

- 8      [19-3946](#)      Bid No. 2019-051 - Purchase of Enterprise Servers for Disaster Recovery Site.  
(Staff recommends award to Dell, Inc., through Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$60,397.19.)

**Attachments:**      [Quote](#)

- 9      [19-3935](#)      Authorize the City Manager to execute a Consent to Assignment of Ground Lease with LBL - Birdhouse 3, LLC.

- 10     [18-3865](#)      Authorize the City Manager to negotiate, finalize and execute an agreement for the donation to the City of approximately 10.15 acres of land situated in the Daniel Tanner Survey, Abstract Number 1462, City of Mesquite, Dallas County, Texas, and being part of Lots 3 and 4, Block 2 of Triangle East Addition, Block 2, Lots 3, 4 and 5, an addition to the City of Mesquite, Dallas County, Texas, and being a portion of the property commonly known as 2920 Gus Thomasson Road, Mesquite, Texas, and, if the title and condition of such property is acceptable to the City Manager, the City Manager is further authorized to accept the donation of such property on behalf of the City and execute all closing documents necessary or advisable to finalize the donation of such property to the City.

**Attachments:**      [Location Map](#)

## PUBLIC HEARINGS

- 11     [19-3937](#)      Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 295 feet between a proposed grocery store and Poteet High School to allow the grocery store to sell beer and wine for off-premise consumption. The proposed grocery store would be located at 1220 North Town East Boulevard.  
(Two responses in favor and none in opposition to the application have been received from property owners within the required notification area.)

**Attachments:**      [Letter of Request](#)  
                              [Notification Map](#)  
                              [Property Owner Responses](#)  
                              [Resolution - Variance](#)

- 12     [19-3947](#)      Conduct a public hearing and consider an ordinance for Application No. Z0518-0038, submitted by Mesquite Joint Venture, for a change of zoning from Planned Development-Office to Planned Development-Townhome to allow a townhomes residential subdivision, located at 2920 Gus Thomasson Road.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area.)

**OTHER BUSINESS**

- 13     [19-3923](#)     Consider approval of ballot language for a Proposition to sell approximately 171.393 acres of City park land described as 3811 South Belt Line Road, containing 87.727 acres, and 4600 Mercury Road, containing 83.666 acres, the entirety of which is located in the City of Balch Springs, Dallas County, Texas.

**CITY OF MESQUITE PROPOSITION A**

Shall the City of Mesquite City Council be authorized to: (1) convey by sale up to approximately 171.393 acres of City park land, including adjacent parcels of approximately 87.727 acres of land located at 3811 South Belt Line Road and approximately 83.666 acres land located at 4600 Mercury Road, the entirety of which is located in the City of Balch Springs, Dallas County, Texas, and (2) use the proceeds of the conveyance for the funding and enhancement of the City of Mesquite park and recreation system?

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 14     [19-3964](#)     Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2019.

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

**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 2017 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. Matthew Dunlap v. Jose Alcala and the City of Mesquite – Filed 7-17-17
7. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
8. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
9. Christopher Acoff v. City of Mesquite – Filed 8-25-17
10. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
11. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
12. 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
13. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
14. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
15. Ex Parte North Texas Municipal Water District – Filed 5-7-18
16. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
17. 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
18. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
19. 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
20. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18
21. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18

**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:

- 15 19-3945** Consider the lease of real property located at 3095 McKenzie Road, Mesquite, Texas.

**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.