



City of Mesquite, Texas

Action Agenda

City Council

Monday, January 7, 2019

5:00 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding required actions and schedule for May 4, 2019, Special Election to authorize the City Council to convey City park land by sale. **Received.**
- 2 Receive briefing regarding proposed financial policies for City Council approval. **Received.**

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 - 6:00 P.M.

- 3 Receive preliminary financial statements for fiscal year ending September 30, 2018. **Received.**

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

INVOCATION

Mike Pettitt, Pastor, Connection Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Leadership Mesquite.

PRESENTATIONS

- 4 Presentation of a plaque to Donna Woodard in recognition of her service as a member of the Historic Mesquite, Inc., Board of Directors. **Presented.**

SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos announced that the 2nd Annual Neighborhood Summit will be held on Saturday, February 16, 2019, from 9:00 a.m. to 1:00 p.m., at the Mesquite Independent School District Professional Development Center, 2600 Motley Drive, and encouraged residents to take advantage of this unique opportunity to network with neighbors and improve neighborhood vitality and engagement.
- (2) Mr. Casper stated that the City of Mesquite and the Mesquite NAACP will present two events on Saturday, January 19, 2019, to honor the legacy of Dr. Martin Luther King, Jr. An inaugural parade will be held at 10:00 a.m., in downtown Mesquite and a community celebration will take place at the Mesquite Arts Center, 1527 North Galloway Avenue, at 2:00 p.m.
- (3) Mr. Noschese announced that the Mesquite Police Department will host the Annual Polar Plunge, in support of Special Olympics Texas, on Saturday, February 2, 2019, at 10:00 a.m., at City Lake Aquatic Center. He encouraged residents to bring their family and friends and participate in this special event.
- (4) Mr. Boroughs stated that Mesquite Baseball, Inc., is raising funds to renovate Loncy Leake Baseball Field, located at City Lake Park, and encouraged residents to donate to this worthy cause.
- (5) Mr. Aleman reminded everyone that school will be back in session tomorrow and to “Drive Like Your Family Lives Here.”
- (6) Mr. Aleman invited residents to attend a Creek Crossing and Falcon’s Lair neighborhood meeting tomorrow night, Tuesday, January 8, 2019, at 7:00 p.m., at Landmark Church, 2523 Clay Mathis Road.
- (7) Mr. Aleman stated that Wednesday, January 9, 2019, is National Law Enforcement Appreciation Day and encouraged citizens to express their appreciation to our law enforcement officers for the daily sacrifices they make for our community.
- (8) Mr. Archer encouraged citizens to participate in two free programs offered by the Mesquite Public Library on Saturday, January 12, 2019, at 2:00 p.m. The North Branch Library, 2600 Oates Drive, will host an escape room where participants will solve clues to escape before time runs out and the Mesquite Main Library, 300 West Grubb Drive, will host family game day, which features a new board game to learn plus familiar games.
- (9) Mr. Archer expressed appreciation to citizens and organizations who stepped up to help residents who recently lost their homes due to fire.
- (10) Mr. Pickett thanked Police Chief Charles Cato, Fire Chief Mark Kerby and members of the Mesquite Police and Fire Departments for their efforts in patrolling on New Year’s Eve to reduce illegal fireworks and gunfire in order to keep our citizens safe.

CITIZENS FORUM

- (1) Elizabeth Walley, 1112 Siebold Court, presented the City Council with a sample resolution in support of an independent redistricting commission and redistricting reform for Texas.
- (2) Jack Love, 3400 Cedar Lane, Melissa, expressed support for the Mesquite Chamber of Commerce.

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 Minutes of the special City Council meeting held December 11, 2018, and the regular City Council meeting held December 17, 2018. **Approved.**
- 6 An ordinance providing for the partial abandonments of utility and gas easements located at Larry G. Smith Elementary School, otherwise known as Larry Smith Elementary School Addition, Block 1, Lot 1. **Approved by Ordinance No. 4644.**
- 7 An ordinance amending Chapter 15 of the City Code modifying the rules and regulations governing the use and occupancy of the City's rights-of-way by providers of utility, telecommunications, wireless and cable services, and modifying the design manual for the installation of network nodes and node support poles pursuant to the Declaratory Ruling by the Federal Communications Commission. **Approved by Ordinance No. 4645.**
- 8 An ordinance amending the budget for Fiscal Year 2018-19, as heretofore approved by Ordinance No. 4592 of the City of Mesquite, Texas, adopted on September 4, 2018, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2018-19, 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. **Approved by Ordinance No. 4646.**
- 9 An ordinance revising the Debt Management Policy for the City of Mesquite. **Approved by Ordinance No. 4647.**
- 10 A resolution adopting a General Fund Reserve Policy for the City of Mesquite. **Approved by Resolution No. 01-2019.**
- 11 A resolution adopting an Enterprise Funds Reserve Policy for the City of Mesquite. **Approved by Resolution No. 02-2019.**
- 12 A resolution adopting an Internal Service Insurance Funds Reserve and Funding Policy for the City of Mesquite. **Approved by Resolution No. 03-2019.**
- 13 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of state right-of-way on January 19, 2019, for the City of Mesquite Inaugural MLK Parade, commemorating the birth anniversary of Martin Luther King, Jr. **Approved by Resolution No. 04-2019.**
- 14 A resolution setting a public hearing under Section 372.009 of the Texas Local Government Code for the creation of the Iron Horse Public Improvement District (PID) consisting of approximately 56.241 acres of land generally located north of Rodeo Drive, south of Scyene Road (also known as Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing. **Approved by Resolution No. 05-2019.**

- 15** Bid No. 2018-095 - Annual Purchase of Traffic Signal Controllers and Cabinets.
(Staff recommends award to sole source provider Iteris in the amount of \$68,000.00.)
Approved as recommended.
- 16** Bid No. 2019-019 - Annual Supply of Safety Items.
(Staff recommends award to low bidder Security Safety and Supply in the amount of \$69,672.40. 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.) **Approved as recommended.**
- 17** Bid No. 2019-037 - Annual Miscellaneous Concrete Work (Section A).
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., in the amount of \$2,688,475.00.) **Approved as recommended.**
- 18** Bid No. 2019-038 - Stream Bank Stabilization and Bridge Replacement Project South Mesquite Creek.
(Authorize the City Manager to finalize and execute a contract with low bidder Coppell Construction Company in the amount of \$5,574,776.20.) **Approved as recommended.**
- 19** Bid No. 2019-045 - Annual Supply of Magnetic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP, for an amount not to exceed \$264,910.00.) **Approved as recommended.**
- 20** Bid No. 2019-050 - Purchase of Battery Operated Hydraulic Rescue Tools for the Fire Department.
(Staff recommends award to Metro Fire Apparatus Specialists, Inc., in Houston, Texas, through BuyBoard Contract No. 524-17, sponsored by the Texas Association of School Boards, in an amount not to exceed \$69,000.00.) **Approved as recommended.**
- 21** Authorize the City Manager to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality for vehicle idling limitations extending the term through December 31, 2028. **Approved.**
- 22** Authorize the City Manager to finalize and execute a professional engineering services contract with Binkley & Barfield, Inc., for the North Mesquite Creek Sanitary Sewer Trunk Main Design in the amount of \$196,800.00. **Approved.**
- 23** Authorize the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services.
(This item was postponed at the December 17, 2018, City Council meeting.) **Approved.**

PUBLIC HEARINGS

- 24** Conduct a public hearing and consider possible action for Application No. Z1118-0078, submitted by Lance H. "Luke" Beshara on behalf of Tejas Motel, LLC, for a change of zoning from Commercial and Skyline Logistics Hub Overlay to Commercial and Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a limited service motel, located at 4405 U.S. Highway 80 East.
(Three responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.) **Public hearing held. Denied.**

- 25 Conduct a public hearing and consider a resolution authorizing the exchange of property with the Mesquite Independent School District (MISD) for the construction of a gymnasium for Vanston Middle School on property commonly known as 2913 Oates Drive, Mesquite, Texas, in exchange for MISD land containing tennis courts on property commonly known as 3230 Karla Drive, Mesquite, Texas, finding that there is no feasible and prudent alternative to MISD's use of the land, and all reasonable planning has been done to minimize harm to the land as a park; and authorizing the City Manager to execute the exchange agreement with MISD and all documents necessary to consummate the transactions contemplated in the exchange agreement. **Public hearing held. Approved by Resolution No. 06-2019.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 26 Consider appointment of 12 members to the Mesquite Downtown Development Advisory Board - four members for terms to expire December 31, 2019, four members for terms to expire December 31, 2020, and four members for terms to expire December 31, 2021. **Julie Greer, Helen Ethridge, Bill Porter and Brooks Watts were appointed to the Mesquite Downtown Development Advisory Board for terms to expire December 31, 2019, and Art Greenhaw, Jennifer Vidler, Carolyn Miller and Kyle Berry were appointed for terms to expire December 31, 2020, and Belinda Epps, Bradley Brandt, Lisa Haar and Mike Oswald were appointed as members for terms to expire December 31, 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
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. Gregory Von Lee v. City of Mesquite – Filed 6-22-18
 17. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
 18. 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
 19. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
 20. 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
 21. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18
 22. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18

Discussed.

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. The following subject may be discussed:

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:

- 27** Consider economic development incentives for a proposed residential development located at 2920 Gus Thomasson Road. **Discussed.**

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.