



City of Mesquite, Texas

Action Agenda

City Council

Tuesday, January 22, 2019

6:00 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive annual ethics training. **Received.**
- 2 Receive briefing regarding the public meeting held on January 16, 2019, regarding possible development of 3500 Emporium Square. **Received. It was Council consensus to proceed with developing a committee of residents to work with the developer to develop a plan to take back to the residents in the neighborhood to gain further input. Mr. Miklos directed City Manager Cliff Keheley to place a resolution on the March 4, 2019, City Council agenda dedicating the property, located at 3500 Emporium Square, as park land.**

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

Harry Lee Sewell, Pastor, Family Cathedral, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Police Sergeant Barrett Smith.

PRESENTATIONS

- 3 Recognize Real. Texas. Service. Champions. **Recognized.**

SPECIAL ANNOUNCEMENTS

- (1) Mr. Casper stated that the 13th Annual Lone Star Legacy Gala, a fundraising event for the Mesquite Independent School District (MISD) Education Foundation, will be held Saturday, February 23, 2019, at Mesquite Arena, 1818 Rodeo Drive, featuring Creedence Clearwater Revisited. He encouraged citizens to support our public schools and teachers by attending this annual event.
- (2) Mr. Archer encouraged citizens to celebrate Valentine's Day at Opal Lawrence Historical Park. Historic Mesquite, Inc., is hosting "Be Mine at the Park" on Saturday, February 9, 2019, at 10:00 a.m., featuring tours of the historic Lawrence House, photo booths and much more.
- (3) Mr. Archer invited residents to an El Rosa/Northridge Estates neighborhood meeting on Saturday, January 26, 2019, at 10:30 a.m., at Evans Recreation Center, 1116 Hillcrest Street.
- (4) Mr. Noschese announced that the annual Daddy/Daughter Dance, sponsored by the Mesquite Parks and Recreation Department, will be held on Saturday, February 9, 2019, at the Mesquite Convention Center, 1700 Rodeo Drive. This year, there are three dance sessions to choose from, beginning at 3:30 p.m. through 10:30 p.m. Tickets can be purchased at all Mesquite recreation centers, the Parks and Recreation Administration Office at 1515 North Galloway Ave. and on the City's website at www.cityofmesquite.com. He encouraged citizens to take advantage of the unique opportunity.
- (5) Mr. Aleman invited residents to the 2nd Annual Neighborhood Summit on Saturday, February 16, 2019, at 8:15 a.m., at MISD's Professional Development Center, 2600 Motley Drive. This free public event will provide attendees with the tools and information to conduct neighborhood meetings, recruit volunteers and network with neighbors to improve neighborhood vitality and engagement.
- (6) Mr. Aleman congratulated the recruits who graduated from the Mesquite Police Academy's Basic Police Officer Course (BPOC) last Friday, January 18, 2019.
- (7) Mr. Aleman stated that he was honored to take part in the Inaugural Dr. Martin Luther King, Jr., parade last Saturday, January 19, 2019.
- (8) Mr. Miklos announced that the next Code Ambassadors orientation will take place on Thursday, January 31, 2019, at 6:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. He encouraged residents to participate in this volunteer-based program that assists City code enforcement officers by enlisting the help of resident volunteers to identify code violations.
- (9) Mr. Miklos invited residents to a Skyline/Rugel neighborhood meeting on Tuesday, January 29, 2019, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.
- (10) Mr. Miklos invited residents to attend a Galloway/Rollingwood Hills neighborhood meeting on Tuesday, January 29, 2019, at 7:00 p.m., at Galloway Elementary School, 200 Clary Drive.
- (11) Mr. Miklos stated that plans are being made for a Tuesday, February 5, 2019, neighborhood meeting for the Town East/Astronaut street residents and will provide more details at the February 4, 2019, City Council meeting.
- (12) Mr. Boroughs stated that the Mesquite Symphony Orchestra will present a concert, "Follow Us ... Into the Wild!," on Saturday, February 9, 2019, at 6:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue.
- (13) Mr. Casper invited residents to a Los Altos neighborhood meeting on Thursday, January 24, 2019, at 6:30 p.m., at Florence Recreation Center, 2501 Whitson Way.
- (14) Mayor Pickett expressed thanks to everyone who planned and participated in the Inaugural parade and 2nd Annual Celebration held this past Saturday, January 19, 2019, to honor the legacy of Dr. Martin Luther King, Jr.

- (15) Mayor Pickett stated that we are currently experiencing the longest government shutdown in history. Therefore, the City is offering to defer water bill payment for residents who work for the federal government.
- (16) Mayor Pickett stated that the City recognizes that homelessness is an issue in our community and is looking into a city-wide program.
- (17) Mr. Boroughs congratulated two Mesquite firefighter recruits that graduated last Friday, January 18, 2019.
- (18) Mesquite Police Sergeant Barrett Smith announced that the Mesquite Police Department will be hosting the Annual Polar Plunge event, in support of Special Olympics Texas, on Saturday, February 2, 2019, at City Lake Aquatic Center, 200 Parkview Street and encouraged everyone to participate or donate to this worthy cause.

CITIZENS FORUM

- (1) Henry Brown, 211 Athel Drive, expressed concerns regarding the homeless population in Mesquite.
- (2) Katina Whitfield, Mesquite, expressed concerns regarding the homeless population in Mesquite and the need for various means of communication in the City.
- (3) Pablo Torres, 2728 Ash Creek, expressed concerns regarding red light cameras.
- (4) Tom Brashear, 1417 Panola Drive, expressed support for development of the property at 3500 Emporium Circle.

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 Minutes of the regular City Council meeting held January 7, 2019. **Approved.**
- 5 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. **Approved by Ordinance No. 4648.**
- 6 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. **Approved by Resolution No. 07-2019.**
- 7 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.) **Approved as recommended.**
- 8 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.) **Approved as recommended.**

- 9 Authorize the City Manager to execute a Consent to Assignment of Ground Lease with LBL - Birdhouse 3, LLC. **Approved.**
- 10 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. **Approved.**

PUBLIC HEARINGS

- 11 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.) **Public hearing held. Approved by Resolution No. 08-2019.**
- 12 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.) **Postponed until the February 4, 2019, City Council meeting.**

OTHER BUSINESS

- 13 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. **Approved.**

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 Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2019. **Fred Poe was appointed as an alternate member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2019.**

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 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.