



City of Mesquite, Texas

Action Agenda

City Council

Monday, March 4, 2019

4:30 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding proposed financial policies for City Council approval. **Received.**
- 2 Discuss proposed legislation creating the Spradley Farms Improvement District of Kaufman County, Texas in the City of Mesquite. **Discussed.**
- 3 Discuss commercial solid waste contract.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:30 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.

- 4 Receive financial statement for period covering October 1, 2018, through December 31, 2018. **Received.**
- 5 Receive Neighborhood Services quarterly report covering October 1, 2018, through December 31, 2018. **Received.**

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

INVOCATION

Danny Mack, Chaplain, Christian Care Center, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Fire Corps.

PRESENTATIONS

- 6 Presentation of a plaque to Jack Love in recognition of his service as a member of the Keep Mesquite Beautiful, Inc., Board of Directors.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos stated that free tax assistance is available to citizens at the Mesquite Main Library, 300 West Grubb Drive, during March and April 2019.
- (2) Mr. Miklos stated that his son, Emory Miklos, who is a Junior at Poteet High School, was honored tonight at the Mesquite Independent School District Board of Trustees meeting. He is a member of the Poteet High School Academic Decathlon team, which is advancing to state this weekend. He encouraged everyone to support the team during this exciting event.
- (3) Mr. Casper reminded residents that students will be released from school this Friday for Spring Break and to remember to "Drive Like Your Family Lives Here."
- (4) Mr. Boroughs stated that the North Texas Municipal Water District has started their annual maintenance of the water systems that provide water to the City of Mesquite residents. For the next month, water customers may notice a slight change in the taste or odor of the water. It is important to note that the water is safe and this slight change will only last a few weeks.
- (5) Mr. Noschese stated that KidFish, hosted by the Mesquite Parks and Recreation Department, will take place on Saturday, March 23, 2019, at 8:00 a.m., at City Lake Park for children, 16 years of age and younger. He encouraged everyone to bring their children to participate in this free event.
- (6) Mr. Archer expressed appreciation to the citizens present at tonight's meeting.
- (7) Mr. Archer invited citizens to enjoy live music, free dance lessons and much more at the Spring Barn Dance on Saturday, March 23, 2019, at 6:00 p.m., at Opal Lawrence Historical Park, 701-711 East Kearney Street.
- (8) Mr. Archer will host a fundraiser, along with JC's Burger Bar, 1051 East Davis Street, on Tuesday, March 19, 2019, from 6:00 p.m. to 9:00 p.m., in support of the homeless teen challenge and invited everyone to attend. He stated that the goal is to raise \$5,000.00. The Mesquite Police Association and Mesquite Fire Association have donated \$500 each to this worthy cause.
- (9) Mr. Aleman stated that the International House of Pancakes (IHOP) fundraiser for the Shriners Hospitals for Children will be held on Tuesday, March 12, 2019. Celebrate National Pancake Day with a free short stack of pancakes and donate to help children battling critical illnesses.

CITIZENS FORUM

- (1) Deborah Dickens, 1216 Warwick Drive, expressed concerns regarding dogs at large in her neighborhood.

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.)

- 7 Minutes of the regular City Council meeting held February 18, 2019. **Approved.**
- 8 An ordinance authorizing acquisition, including consideration of the use of eminent domain to condemn the property if such becomes necessary, from Extra Property Holdings, of a tract of land containing approximately 0.468 acre and a temporary construction easement containing approximately 0.431 acre, located at 2500 Towne Centre Drive and being all of Lot 2R, Block 1 out of the Towne Centre Commercial Addition to the City of Mesquite, Dallas County, Texas, for construction of Mesquite Heritage Trail, Phase 2. **Approved by Ordinance No. 4655.**
- 9 A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Department in connection with the Special Election to be held May 4, 2019. **Approved by Resolution No. 18-0219.**
- 10 A resolution adopting a Capital Expenditures and Improvements Policy for the City of Mesquite. **Approved by Resolution No. 19-2019.**
- 11 A resolution adopting a Disaster Finance Policy and Procedures for the City of Mesquite. **Approved by Resolution No. 20-2019.**
- 12 A resolution adopting a Procurement Policy for the City of Mesquite. **Approved by Resolution No. 21-2019.**
- 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 April 6, 2019, for the City of Mesquite Rodeo Parade, commemorating the 62nd Anniversary of the Mesquite Championship Rodeo. **Approved by Resolution No. 22-2019.**
- 14 A resolution authorizing acceptance of the 2018 Homeland Security Grants and execution of the sub-recipient agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$143,713.30; authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate these grants on behalf of the city; and repealing Resolution No. 65-2018, passed by the City Council on November 19, 2018. **Approved by Resolution No. 23-2019.**
- 15 A resolution consenting to the publication and delivery of a notice of intent to introduce a bill relating to the creation and powers and duties of Spradley Farms Improvement District of Kaufman County, Texas. **Approved by Resolution No. 24-2019.**
- 16 Bid No. 2019-025 - Water and Sewer Replacement for Oriole Street, Ervin Lane and Valley View Heights.
(Authorize the City Manager to finalize and execute a contract with low bidder Douglas Dailey Construction, LLC, in the amount of \$719,130.00.) **Approved as recommended.**
- 17 Bid No. 2019-052 - Annual Contract for Utility Concrete Repairs (Area 1).

(Authorize the City Manager to finalize and execute a contract with low bidder Arreguin Group, Inc., in the amount of \$538,475.00. 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.**

- 18 Bid No. 2019-055 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance. (Staff recommends award to Software House International, through the Texas Department of Information Resources Contract Nos. DIR-SDD-2503 and DIR-TSO-4092, in the total amount of \$209,076.10.) **Approved as recommended.**
- 19 Authorize the City Manager to finalize and execute a contract with the Federal Aviation Administration for the continued operation and funding of the air traffic control tower at Mesquite Metro Airport. **Approved.**
- 20 Authorize the City Manager to finalize and execute a contract with Garver, LLC, to conduct surveying and engineering studies for the Lawson Road Tributary Sanitary Sewer and Drainage improvements in the amount of \$204,944.50. **Approved.**
- 21 Authorize the City Manager to finalize and execute Amendment No. 3 with Kimley-Horn and Associates, Inc., for additional design and preparation of construction documents for the Front Street project in the amount of \$92,000.00. **Approved.**
- 22 Approve Amendment No. 4 to the 2018-19 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$180,000.00. **Approved.**
- 23 Receive the Fiscal Year 2017-2018 annual report from the Mesquite Quality of Life Corporation Board of Directors. **Received.**

CONSIDERATION OF RESOLUTION

- 24 A resolution dedicating approximately 14 acres of land located to the east of Emporium Circle and south of Brazoria Drive as parkland and authorizing the execution of all necessary documents, including the filing of this resolution in the deed records of Dallas County, Texas, by the City Manager and Mayor. **Denied.**

PUBLIC HEARING

- 25 Conduct a public hearing and consider an ordinance for Application No. Z1018-0071, submitted by Daniel Boswell on behalf of 1st Choice Self Storage for a change of zoning from General Retail to Planned Development-Commercial to allow mini-warehouses and all other uses permitted in the Commercial zoning district, located at 23300 Interstate Highway 635.
(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.) **Postponed to the March 18, 2019, City Council meeting.**

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. 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. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
7. 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
8. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
9. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
10. Ex Parte North Texas Municipal Water District – Filed 5-7-18
11. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
12. 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
13. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
14. 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
15. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18
16. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18
17. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
18. Gregory Von Lee v. City of Mesquite – Filed 1-15-19

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.