



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, March 18, 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 presentation regarding the May 4, 2019, Special Election.
- 2 Receive briefing regarding draft Engineering Design Manual.
- 3 Receive presentation regarding a proposed electrical aggregate program for Mesquite residents and discuss the potential for implementing a Mesquite Power Switch program with iChoosr, LLC. **Received.**

#### 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 quarterly activity report from the Economic Development Department. **Received.**

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

#### INVOCATION

Chad Flowers, Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.

## PLEDGE OF ALLEGIANCE

Members of the Daughters of the Republic of Texas, Hiram Bennett Chapter.

## PRESENTATIONS

- 5 Presentation of a plaque to Richard G. Walker, Jr., in recognition of his service as a member of the Building Standards Board. **Presented.**
- 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. **Presented.**

## SPECIAL ANNOUNCEMENTS

- (1) Mr. Noschese invited citizens to participate in Mesquite Independent School District's (MISD) ReadPlayTalk Fair on Saturday, March 23, 2019, from 9:30 a.m. to Noon, at Mesquite High School, 300 East Davis Street. This free event will feature story times and activities to encourage families to read, play and talk with their children at home.
- (2) Mr. Miklos stated that Urban Air has announced the opening of a new 30,000-square-foot indoor entertainment center in Mesquite. The center will be located in the building previously occupied by Gander Mountain.
- (3) Mr. Miklos invited residents to attend a Town East/Range/Astronaut streets neighborhood meeting on Tuesday, March 19, 2019, at 6:30 p.m., at Luna Lodge, 3601 US Highway 80 East.
- (4) Mr. Boroughs stated that he is a proud member of the Mesquite AMBUCS, which raises funds to help children and adults with mobility issues. He invited citizens to their next event, Breakfast with the Bunny, on Saturday, April 13, 2019, at Evans Recreation Center, 1116 Hillcrest Street. Breakfast will be served, beginning at 8:30 a.m., for \$5.00 per person, children two years of age and under are free. A free egg hunt, sponsored by the Mesquite Parks and Recreation Department, will begin at 11:00 a.m. for children nine years of age and under.
- (5) Mr. Aleman stated that the Downtown Marketplace will be held on Saturday, April 13, 2019, from 9:00 a.m. to 2:00 p.m., and every second and fourth Saturday through November. He encouraged citizens to shop at the market for fresh produce, handmade crafts and culinary items from local vendors and merchants.
- (6) Mr. Aleman invited Spanish-speaking citizens to attend a neighborhood meeting on Thursday, March 28, 2019, at 7:00 p.m., at Ministerio Shalom, 2528 Oates Drive.
- (7) Mr. Archer encouraged citizens to bring their family and friends to the 62<sup>nd</sup> Annual Rodeo Parade in downtown Mesquite on Saturday, April 6, 2019, beginning at 10:00 a.m.
- (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.
- (9) Mr. Casper congratulated Charlene Orr, Manager of Historic Preservation, on receiving the prestigious Truett Latimer Award at the 2019 Preservation Texas Honor Awards Ceremony. Ms. Orr was recognized for overseeing the restoration of the City's historic buildings and Historic Mesquite, Inc., events.
- (10) Mr. Casper thanked City staff for their efforts in planning the upcoming Student Government Day events for MISD's high school seniors to be held on Friday, March 22, 2019, and Friday, March 29, 2019. The students will participate in a mock Council meeting, mock Court session and learn about City government.
- (11) Mr. Pickett stated that Mesquite Young Life will hold a Fun Run Fundraiser on Saturday, March 30, 2019, from 8:00 a.m. to 11:00 a.m., at Paschall Park, 1001 New Market Road and encouraged citizens to participate in this family-friendly event. All proceeds help to send Mesquite-at-risk kids to camp.

## CITIZENS FORUM

No one appeared.

## 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 March 4, 2019. **Approved.**
- 8 An ordinance amending Chapter 7 of the City Code thereby updating Residential Landlord and Tenant Regulations. **Approved by Ordinance No. 4656.**
- 9 A resolution supporting legislation to create Spradley Farms Improvement District of Kaufman County. **Postponed until the April 1, 2019, City Council meeting.**
- 10 A resolution relating to the giving of notice of intention to issue City of Mesquite, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019, to provide funds for public improvements, facilities and equipment including, without limitation, information technology infrastructure and equipment, streets, thoroughfares and bridge improvements, streetscaping, storm drainage improvements, signalization, traffic controls, sidewalks, street lights, right of way acquisitions, vehicles, municipal buildings and facilities, and related issuance costs and providing an effective date. **Approved by Resolution No. 25-2019.**
- 11 Bid No. 2019-023 - Annual Landscape Maintenance of the TxDOT IH 635/Town East Boulevard/Towne Centre Drive Interchange and US Highway 80/Town East Boulevard Interchange.  
(Authorize the City Manager to execute a contract with SLM Landscaping and Maintenance in the amount of \$109,397.00. 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.**
- 12 Bid No. 2019-066 - Purchase of 95-Gallon and 45-Gallon Solid Waste Carts for a Solid Waste Pilot Program.  
(Staff recommends award to OTTO Environmental Systems Inc., through BuyBoard Contract No. 524-17, sponsored by the Texas Association of School Boards, in an amount not to exceed \$120,030.50.) **Approved as recommended.**
- 13 Authorize the City Manager to finalize and execute a Memorandum of Understanding (MOU) with the Dallas Field Division of the Drug Enforcement Agency (DEA) regarding equitable sharing through the United States Department of Justice Equitable Sharing Program.  
**Approved.**
- 14 Authorize the City Manager to finalize and execute Amendment No. 3 with Freese and Nichols, Inc., for additional design and preparation of construction documents for the Palos Verdes Dam Modifications project in the amount of \$36,293.00. **Approved.**

- 15 Approve a petition requesting installation of speed bumps in the alley between Cordia Drive and Crawford Drive and located in between Sessom Drive and Duncan Drive. **Approved.**
- 16 Authorize the City Manager to finalize and execute an amendment to the Commercial Solid Waste Collection Contract between the City of Mesquite and Allied Waste Systems dba Republic Services extending the contract for three years with two one-year renewal options. **Approved.**
- 17 An ordinance amending Chapter 14 of the City Code regarding commercial solid waste collection rates. **Approved by Ordinance No. 4657.**
- 18 A resolution authorizing the City Manager to finalize and execute a First Amendment to the Iron Horse Development Agreement to amend the definition of “Public Improvement Financing Date” for a development commonly known as “Iron Horse Village” and being 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 within the corporate limits of the City of Mesquite in Dallas County, Texas. **Approved by Resolution No. 26-2019.**
- 19 An amended and restated resolution authorizing and creating the Polo Ridge Public Improvement District No. 2 consisting of approximately 805.79 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code. **Approved by Resolution No. 27-2019.**

## **PUBLIC HEARINGS**

(City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to include nonresidential when the request is for solely residential uses or vice versa.)

- 20 Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an agreement for such purposes with Elements International Group, LLC, and IDIL Skyline D, LLC, for the proposed relocation of the headquarters of Elements International Group, LLC, to a new industrial building in the Skyline Industrial District located at 2250 Skyline Drive, Mesquite, Texas and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 28-2019.**
- 21 A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care. **Public hearing held.**  
 B. Consider an ordinance repealing Ordinance No. 4546 in its entirety and adopting a revised Parks and Recreation Department Youth Programs Standards of Care. **Approved by Ordinance No. 4658.**
- 22 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. This item was postponed at the March 4, 2019, City Council meeting.) **Postponed until the April 1, 2019, City Council meeting.**

- 23** Conduct a public hearing and consider an ordinance for Application No. Z0119-0084, submitted by Glen Pingleton on behalf of L.M. Walters, Inc., for a change of zoning from R-1 and R-3, Single-family Residential to General Retail to allow a commercial development on property located at 340 State Highway 352.

(No responses in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of Planned Development-General Retail zoning with certain stipulations.) **Public hearing held. Denied.**

- 24** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-01 amending Section 1A-300, Screening and Buffering Requirements; Section 2-100, Districts Established; Section 2-203, Schedule of Permitted Uses; Section 2-400, Off-Street Parking; Section 2-501, Multifamily Residential/Permitted Nonresidential Uses in A Districts; Section 2-600, Accessory Structure Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for multifamily residential uses. (The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Postponed until the April 15, 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

### **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:

- 25 Consider the lease of real property located at 320 South Galloway Avenue, Mesquite, Texas. **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.

### **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:

- 26 Consider economic development incentives for a prospect seeking to locate south of Town East Boulevard, north of Towne Centre Drive, east of Gus Thomasson Road and west of IH-635 in the City of Mesquite, Texas. **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.