



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, April 15, 2019

5:30 PM

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

#### PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

#### AGENDA REVIEW

#### EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:30 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 - 6:30 P.M.

- 1 Presentation of meritorious awards to Police Department employees. **Presented.**

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

#### INVOCATION

Ron Ward, Pastor, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

Barbara Dunn

#### SPECIAL ANNOUNCEMENTS

- (1) Mr. Boroughs announced that the Mesquite Community Theatre will present 100 Years of Broadway at the Mesquite Arts Center, 1527 North Galloway Avenue, from April 26, 2019,

through May 12, 2019, to celebrate the history of Broadway and the heritage of musical theater. He invited citizens to visit the Mesquite Arts Center during this special event.

- (2) Mr. Boroughs stated that the Easter Egg Hunt held this past Saturday, April 13, 2019, at Evans Recreation Center was moved indoors due to inclement weather. Many families attended and enjoyed “Breakfast with the Bunny.” He thanked the Parks and Recreation staff for making this event a success.
- (3) Mr. Miklos stated the office of Neighborhood Vitality will hold a Neighborhood Leadership Workshop on Thursday, April 18, 2019, from 6:00 p.m. to 8:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive. This free event will teach participants how to conduct a neighborhood meeting, as well as gain engagement ideas and problem-solving techniques.
- (4) Mr. Miklos invited residents to attend a Town East/Astronaut streets/Range neighborhood meeting on Tuesday, April 30, 2019, at 6:30 p.m., at Town East Baptist Church, 3117 North Town East Boulevard.
- (5) Mr. Miklos invited residents to attend a Skyline/Rugel neighborhood meeting on Tuesday, April 30, 2019, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.
- (6) Mr. Aleman stated that Thursday, May 2, 2019, is the National Day of Prayer and invited citizens to attend a brief prayer service for our community, at Noon, in the City Council Chambers at City Hall, 757 North Galloway Avenue.
- (7) Mr. Aleman stated that he attended Rutherford Elementary School’s Spring Fling this past Saturday, April 13, 2019, and commended the PTA on this successful event.
- (8) Mr. Archer reminded everyone that the Mesquite Police Department will host the free “Drug Take-Back Day” on Saturday, April 27, 2019, from 10:00 a.m. to 2:00 p.m. Residents may bring expired, unwanted or unused medications, sealed in the original container, to the Mesquite Police Department lobby, 777 North Galloway Avenue, and deposit them for destruction.
- (9) Mr. Noschese stated that early voting for the May 4, 2019, Special Election will be held April 22 – April 30, 2019. On the ballot is a proposition regarding the sale of more than 171 acres of property owned by the City of Mesquite, which is dedicated as park land, and located in the City of Balch Springs. If the proposition is approved, proceeds from the sale of the land will fund enhancements to Mesquite’s park and recreation system.
- (10) Mr. Noschese commended the City Council for funding the Mesquite Police Department’s K-9 Unit several years ago. K-9 Officers Kosmo and Axel recently assisted police officers with the discovery and recovery of drugs and cash after the search of a residence and vehicle.
- (11) Mr. Casper announced that the Mesquite Animal Shelter is seeking places to relocate colonies of feral cats and is offering free adoption to residents.
- (12) Mr. Pickett invited residents to the 16<sup>th</sup> Annual Mayor’s Prayer Breakfast on Thursday, May 2, 2019, at 7:00 a.m., at Family Cathedral, 790 Windbell Circle. This event will offer a free breakfast, music and fellowship.
- (13) Mr. Pickett wished his wife a very Happy Birthday.

## **CITIZENS FORUM**

- (1) Mike Brasovan, 7700 Camp Bowie West Boulevard, Fort Worth, spoke regarding an electrical aggregate program for residents.
- (2) Michael Hooker, 1516 Quapaw Trail, expressed concerns regarding drainage issues in his 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.)

- 2 Minutes of the regular City Council meeting held April 1, 2019. **Approved.**
- 3 An ordinance amending Chapter 2 of the City Code authorizing the City Manager to execute City facility use agreements that do not exceed a term of one year and authorizing City departments to execute vendor and concessionaire contracts that do not exceed \$5,000.00. **Approved by Ordinance No. 4663.**
- 4 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352, between Galloway Avenue and Walker Street, on May 16, 2019, for the Texas Main Street Program event. **Approved by Resolution No. 31-2019.**
- 5 Bid No. 2019-054 - Annual Landscaping & Property Preservation Maintenance for Environmental Code.  
(Authorize the City Manager to finalize and execute a contract with DaltexPro Facility Services, LLC, in the amount of \$206,825.00. 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.**
- 6 Bid No. 2019-073 - Outfitting of Patrol Cars.  
(Authorize the City Manager to finalize and execute a contract with Pursuit Safety, Inc., through an interlocal agreement with the City of Allen in an amount not to exceed \$225,000.00.) **Approved as recommended.**
- 7 Authorize the City Manager to approve the City of Seagoville as a participant in the Project 25 (P25) Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement authorized by the City Council on June 15, 2015, and authorize the City Manager to execute the Participant and Usage Agreements between the City of Garland, the City of Mesquite and the City of Seagoville setting forth the terms of the City of Seagoville's participation in the System.  
**Approved.**
- 8 Authorize the City Manager to approve the Town of Sunnyvale as a User in the Project 25 (P25) Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement authorized by the City Council on June 15, 2015, and authorize the City Manager to execute the Usage Agreement between the City of Garland, City of Mesquite and the Town of Sunnyvale setting forth the terms of the Town of Sunnyvale's participation in the System. **Approved.**
- 9 Authorize the City Manager to finalize and execute a Fire Hydrant Access Agreement with Kaufman County Municipal Utility District No. 11 to authorize use of fire hydrants for fire protection purposes for a 0.8746-acre tract of land on the southwest corner of Interstate Highway 20 and Farm to Market Road (FM) 741. **Approved.**
- 10 Authorize the City Manager to finalize and execute a Transfer and Service Agreement with Kaufman County Municipal Utility District No. 12 (District), Deal A Day Real Estate, LLC, a Texas limited liability company (DADRE), and Talty Special Utility District of Kaufman County (Talty SUD) to provide retail sanitary sewer service to a 0.8746-acre tract of land on the southwest corner of Interstate Highway 20 and Farm to Market Road (FM) 741 by the District for a temporary period until such time as permanent sanitary sewer service becomes available from Mesquite. **Approved.**

## **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.)

- 11 Conduct a public hearing and consider an ordinance extending the moratorium first imposed December 7, 2018, on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multifamily residential developments within the corporate city limits of Mesquite, adopting written findings that identify the problem requiring the need for extending the moratorium, describing the reasonable progress made to alleviate the problem, specifying a definite duration for the renewal period of the moratorium and summarizing evidence demonstrating that the problem will be resolved within the extended duration of the moratorium. **Public hearing held. Approved by Ordinance No. 4664.**
  
- 12 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. (This item was postponed at the March 18, 2019 City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Postponed until the May 20, 2019, City Council meeting.**

## **APPOINTMENT TO BOARDS AND COMMISSIONS**

- 13 Consider appointment of one alternate member to the Mesquite Housing Board for a term to expire December 3, 2019. **Carol Ann Hooker was appointed as an alternate member of the Mesquite Housing Board for a term to expire December 3, 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. 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

### **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.

- Annual review of Municipal Court Judge. **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.