



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, July 15, 2019

4:00 PM

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

#### PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives. **Received budget presentation from Information Technology, Communications and Marketing, Airport, City Secretary's Office, City Attorney's Office, Finance and Economic Development.**

#### EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:00 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

Chris Walker, Lead Pastor, Kingdom Church, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

Volunteers in the Summer Reading Program at the Mesquite Public Library.

## PRESENTATIONS

- 2 Presentation of donation to the Mesquite Veterans Memorial campaign by Elements International. **Presented.**

## SPECIAL ANNOUNCEMENTS

- (1) Mayor Pickett announced that former Councilmember Mark Mims passed away today. He served on the Mesquite City Council from 1994 to 1998. Mayor Pickett asked for a moment of silence in honor of former Councilmember Mims and his family.
- (2) Mr. Aleman invited citizens to attend the City Council Budget Workshop on Friday, July 19, 2019, beginning at 8:00 a.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue.
- (3) Mr. Aleman stated that a Neighborhood Meeting will be held on Thursday, July 18, 2019, at 7:00 p.m., at Calvary Temple Community Church, 1401 Clay Mathis Road, to discuss neighborhood issues. Residents are encouraged to attend.
- (4) Mr. Aleman stated that he attended a ribbon cutting today at McDonald's on Town East Boulevard. McDonald's will be holding a job fair on Monday, July 29, 2019, at 7:00 p.m., and is offering an incentive of \$2,500 per semester for college tuition, to students who work at least 15 hours per week.
- (5) Mr. Casper announced that the Boys & Girls Club, 4869 Gus Thomasson Road, will host a Back-To-School Fair on Monday, August 5, 2019, from 5:00 p.m. to 8:00 p.m., including a bounce house, free food, giveaways and much more. He thanked Officer Steven Contreras for helping with this event and invited families take advantage of this great opportunity.
- (6) Mr. Casper announced that from now until Saturday, August 3, 2019, if you bring a jar of peanut butter or jelly to the Mesquite Animal Shelter and Adoption Center, you will receive \$10 off dog adoption fees or bring 5 jars and receive \$50 off. This effort helps with dog adoptions as well as supports the City's Spread the Love campaign, which supports local food pantries in Mesquite.
- (7) Mr. Noschese announced that a citizen input meeting will be held on Tuesday, July 30, 2019, at 7:00 p.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue, to discuss the draft Comprehensive Plan. Citizens are encouraged to attend.
- (8) Mayor Pickett thanked Fire and Police Department staff for addressing illegal fireworks and gunfire during the July 4<sup>th</sup> holiday. Eight citations were issued for firework offenses, one arrest for discharge of a firearm and 45 pounds of fireworks were confiscated.
- (9) Mayor Pickett encouraged citizens to attend the Town Hall meeting on Tuesday, July 16, 2019, at 7:00 p.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue, to discuss the 2019-20 City Budget.
- (10) Mr. Boroughs stated that he is a big supporter of the Muscular Dystrophy Association (MDA) and recently participated in the MDA summer camp for the 16<sup>th</sup> year. The Mesquite Fire Department (MFD) has supported MDA for over 40 years with the Fill-the-Boot campaign. MDA helps provide wheelchairs for children as well as research and summer camps. This year, the MFD raised \$31,500.00 from citizens for this worthy cause.

## CITIZENS FORUM

- (1) Tim Dalbey, 2719 Santa Cruz Drive, Dallas; Matt White, 882 SH24, Campbell; and Terri White, 505 Riggs Circle, Mesquite, spoke in support of preserving the Mesquite prairie.

## 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.)

- 3 Minutes of the regular City Council meeting held July 1, 2019. **Approved.**
- 4 An ordinance amending Chapter 9 of the City Code by reducing the school zone speed limit from 30 MPH to 20 MPH on East Cartwright Road between Waterloo Lane and Boardwalk Drive. **Approved by Ordinance No. 4694.**
- 5 A resolution supporting the City of Mesquite application to the Texas Department of Transportation's 2019 Safe Routes To School infrastructure call-for-projects. **Approved by Resolution No. 50-2019.**
- 6 A resolution authorizing the City Manager to execute and approve an Interlocal Agreement with Mesquite Independent School District for funding participation in 2019 Safe Routes To School Program. **Approved by Resolution No. 51-2019.**
- 7 A resolution authorizing the City Manager to execute and approve the Project Specific Agreement with Dallas County for the design and construction of the Military Parkway Trail connecting downtown Mesquite to the Mesquite Championship Rodeo. **Approved by Resolution No. 54-2019.**
- 8 A resolution adopting the Annual Plan for the Housing Choice Voucher Program. **Approved by Resolution No. 52-2019.**
- 9 A resolution extending the date to execute an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite, Texas and Sundance MC, LLC, for economic development incentives in connection with the development of two corporate hangars at Mesquite Metro Airport, establishing an effective date for the agreement and authorizing the City Manager to finalize and execute the agreement. **Approved by Resolution No. 53-2019.**
- 10 Bid No. 2019-003 - Front Street Station from Ebrite Street to Galloway Avenue. (Authorize the City Manager to finalize and execute a contract with low bidder DDM Construction Corporation for the Base Bid and all Alternates, in the amount of \$5,556,743.80.) **Approved as recommended.**
- 11 Bid No. 2019-079 - Annual TxDOT IH635/IH 30/Highway 80 Corridor Maintenance Contract and Litter Control Contract. (Authorize the City Manager to finalize and execute a contract with low bidder Good Earth Corporation in the amount of \$272,094.04. 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. 2019-083 - Palos Verdes Dam Modifications & Park Improvements.  
(Authorize the City Manager to finalize and execute a contract with low bidder McMahon Contracting, LP, for the Base Bid and Additive/Alternate Bid, in the amount of \$1,438,565.33.) **Approved as recommended.**
- 13 Bid No. 2019-088 - Annual Pavement Lifting Project.  
(Authorize the City Manager to finalize and execute a contract with low bidder PJM Construction LLC, dba Foamworks, in the amount of \$700,000.00. 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.**
- 14 Authorize the City Manager to finalize and execute a professional engineering services contract with Garver, LLC, for the South Parkway Paving and Utility Improvements and West Fork of South Mesquite Creek (WFSMC) conceptual study in the amount of \$513,310.00.  
**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.)

- 15 Conduct a public hearing and consider an ordinance for Application No. Z0119-0083 submitted by City of Mesquite for a Zoning Change to amend Planned Development - Mixed Use Ordinance No. 3967 to allow changes to the uses permitted on property described as being 60.31 +/- acres of land located at 21100 IH 635.  
(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.) **Public hearing held. Approved by Ordinance No. 4695.**
- 16 Conduct a public hearing and consider an ordinance for Application No. Z0519-0094, submitted by Ahmad Khatib, on behalf of Ten Minute Oil Change, for a change of zoning from Planned Development - General Retail to Planned Development - General Retail with a Conditional Use Permit to allow used tire sales, located at 520 Clay Mathis Road.  
(No 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 approval of the application with certain stipulations.) **Public hearing held. Denied.**
- 17 Conduct a public hearing and consider a resolution repealing Resolution No. 44-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), authorizing the City Manager to negotiate, finalize and execute all documents necessary or advisable to complete the sale of an approximately 5.315-acre tract of City-owned property located within the Mesquite Rodeo City Reinvestment Zone Number One, to the Developer, providing a grant to the Developer, the City tract to be developed as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City.  
**Postponed to the August 5, 2019, City Council meeting.**

- 18** Conduct a public hearing and consider a resolution repealing Resolution No. 43-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the “Developer”), providing a grant to reimburse the Developer for certain costs and expenses incurred by the Developer in connection with the design and reconstruction of a portion of Peachtree Road, located within Mesquite Rodeo City Reinvestment Zone, Number One, as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City. **Postponed to the August 5, 2019, City Council meeting.**

## **RECEIPT OF RESIGNATION**

- 19** Receive resignation from Jennifer Vidler as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. **Received.**

## **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; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280
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. 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
5. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
6. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
7. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
8. 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

9. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18

10. 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

11. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV

12. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18

13. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19

14. City of Mesquite v. Ashiyana Hospitality, LLC, Navnitkumar C. Patel, Chintan N. Patel and Sunitabahen N. Patel – Filed 4-9-19

15. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19

16. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin – Filed 5-24-19

17. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

**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 subjects may be discussed:

- 20** Discuss economic development incentives for a prospective industrial business park in west Mesquite within the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine.

**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.