



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, August 5, 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 Discuss the proposed budget for Fiscal Year 2019-2020. Staff presented revised fees for the Building Inspection Division for Council consideration. Council directed staff to provide additional information, related to the budget process, at a later date.

#### 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.

- 2 Receive quarterly report from the Police Department. Received.

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

#### INVOCATION

John Lay, Lead Pastor, Church on the Hill, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

Members of the Mesquite Rotary Club.

## PRESENTATIONS

- 3 Presentation of donation from Mesquite AMBUCS to the Spread the Love campaign. **Presented.**
- 4 Recognize Real. Texas. Service. Champions. **Recognized.**

## SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos reminded citizens that active adults 50+ can participate in a variety of programs, field trips and special events at Evans, Goodbar and Rutherford Recreation Centers.
- (2) Mr. Archer invited citizens to bring their own shovel and participate in the groundbreaking for the Front Street Station Project, in Downtown Mesquite, on Thursday, August 8, 2019. The event will take place from 5:30 p.m. to 7:30 p.m., with the groundbreaking at 6:30 p.m. Bring your family and friends and enjoy entertainment, free food and more.
- (3) Mr. Aleman announced that after 25 years, the playground equipment at KidsQuest Playground located at DeBusk Park, 1625 Gross Road, is scheduled for replacement. To commemorate this event, residents are invited to bring their children for a "Last Play" on Saturday, August 10, 2019, from 1:00 p.m. to 3:00 p.m., and enjoy free snowcones. Personalized fence pickets can be purchased for \$25 each on the City's website or at the Parks and Recreation Administration Office, 1515 North Galloway Avenue. Fence pickets purchased by September 30, 2019, will be installed for the Grand Reopening event in November 2019. Fence pickets purchased between September 30, 2019, and November 8, 2019, will be installed in December 2019.
- (4) Mr. Noschese invited citizens to bring their dogs to the 16<sup>th</sup> Annual Doggie Splash Day on Saturday, August 10, 2019, from 9:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Events will include a doggie swimsuit contest, pet/owner look-a-like contest and much more. The cost of admission is \$5.00 for one owner and one dog, along with proof of current vaccinations.
- (5) Mr. Boroughs announced that the City of Mesquite has established designated voter registration sites to help assist residents. Citizens can register to vote at the Parks and Recreation Administration Office, 1515 North Galloway Avenue; Mesquite Main Library, 300 West Grubb Drive and Mesquite North Branch Library, 2600 Oates Drive, through October 4, 2019

## CITIZENS FORUM

- (1) John Bradley, 2713 Hyacinth; Edna Satterwhite, 3323 Caracas Drive; and L. C. Williams, 2961 Elder Drive, expressed concerns regarding environmental code issues in their neighborhoods.
- (2) Tommie Redwine, 3342 Caracas Drive, expressed concerns regarding a travel trailer parked 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.)

- 5 Minutes of the regular City Council meeting held July 15, 2019. **Approved.**
- 6 An ordinance amending Chapter 2 of the City Code by adding a new Division 4,

“Electioneering at Polling Places,” and amending Chapter 13 of the City Code regarding location of political signs on public property. **Approved by Ordinance No. 4696.**

- 7 A resolution ordering a general election to be held November 5, 2019, for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5, and 6. **Approved by Resolution No. 55-2019.**
- 8 Bid No. 2018-076 - Annual Contract for Paint and Body Services - contract renewal option. (Staff recommends ratification of the first of two contract renewal options with Six Construct, Inc., dba Budget Auto Body Shop in the amount of \$76,000.00, and authorizing the City Manager to exercise the remaining one-year renewal option, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 9 Bid No. 2019-040 - Library Print Materials (Books) FY2019. (Staff recommends exercising an optional six-month extension with Ingram Library Services through the Texas Procurement and Support Services [TPASS] Contract No. 715-M2, sponsored by Texas Smart Buy, in the amount of \$63,499.99) **Approved as recommended.**
- 10 Bid No. 2019-062 - KidsQuest Playground: Equipment (Authorize the City Manager to finalize and execute a contract with Whirlix Design, LLC, in the amount of \$360,000.00.) **Approved as recommended.**
- 11 Bid No. 2019-085 - KidsQuest Playground Removal and Replacement: Construction. (Authorize the City Manager to finalize and execute a contract with Phillips/May Corporation in the amount of \$633,963.00.) **Approved as recommended.**
- 12 RFP No. 2019-067 - Group Dental Insurance. (Authorize the City Manager to finalize and execute a master application with CIGNA effective January 1, 2020. The term of this contract is for a three-year period with one additional two-year renewal option, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 13 Bid No. 2019-080 - Annual Aviation Fuel Services - Mesquite Metro Airport. (Staff recommends all bids be rejected and rebid at a later date.) **Approved as recommended.**
- 14 Bid No. 2019-097 - West Scyene Road Sidewalk Project. (Authorize the City Manager to finalize and execute a contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions for the Base Bid and Bid Alternate A in an amount not to exceed \$226,369.10.) **Approved as recommended.**
- 15 Bid No. 2019-099 - Emporium Circle and Childress Pavement Replacement Project. (Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing in the amount of \$165,550.00.) **Approved as recommended.**
- 16 Bid No. 2019-100 - Annual Contract for Sidewalk, Handicapped Ramps, Drive Approaches and Curb & Gutter Replacement. (Authorize the City Manager to finalize and execute a contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions in the amount of \$306,025.00. 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.**

- 17 Bid No. 2019-105 - Annual Contract for the Supply of Video Imaging Vehicle Detection Systems.  
(Staff recommends award to ITS PLUS, Inc., through an Interlocal-Cooperative Purchasing Agreement with the City of Richardson Contract Bid No. 41-18, in an amount not to exceed \$100,000.00.) **Approved as recommended.**
- 18 Authorize the purchase of an approximately 0.1524-acre tract of land commonly known as 210 N. Carmack Street, Mesquite, Texas (the "Property") from Joe Jack Cruce ("Seller") for drainage purposes in connection with the City's Downtown Front Street Station Project for a purchase price not exceeding \$5,000, plus survey fees, title policy fees, other related closing costs and taxes for the year 2019 for a cumulative total not exceeding \$9,500, authorizing the City Manager to finalize and execute a contract with the Seller to purchase the Property and authorizing the City Manager to take all other actions and execute all other documents necessary or advisable to complete the closing and purchase of the Property. **Approved.**
- 19 Authorize the City Manager to finalize and execute a professional engineering services contract with Half Associates, Inc., for the South Mesquite Slope Stabilization Repairs Design - Pioneer Road and Spring Mills Road in the amount of \$99,100.00. **Approved.**
- 20 Authorize the City Manager to approve the City of Sachse as a User in the Project 25 Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement and authorize the City Manager to execute the Usage Agreement between the City of Garland, City of Mesquite and the City of Sachse setting forth the terms of the City of Sachse's participation in the System. **Approved.**
- 21 Authorize the City Manager to execute the Second Renewal Option ("Contract Amendment") to the Interlocal Agreement with the Texas Department of Public Safety for hangar rental space at the Mesquite Metro Airport. **Approved.**

## CONSIDERATION OF ORDINANCE

- 22 An ordinance determining the public necessity of acquiring approximately 23.009 acres of real property interests for construction of water supply and infrastructure improvements in eastern Dallas County and western Kaufman County, authorizing the City Manager to acquire the real property and authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary, said properties being owned by Barrel Ranch, LLC (approximately 18.91 acres), Danny Shaw Family Limited Partnership (approximately 1.481 acres) and Beam & Sons, Inc. (approximately 2.618 acres) and being generally located beginning at the City of Mesquite Convenience Center, 3610 Lawson Rd, running east crossing the Dallas and Kaufman County boundary approximately 2,000 feet north of IH-20, running east to Wisner Road, then southeast to and under IH-20 approximately 1,200 feet west of FM 740, then east generally parallel to IH-20 to a point approximately 3,000 feet east of FM 740. **Approved by Ordinance No. 4697.**

## 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.)

- 23** Conduct a public hearing to receive citizen input on the proposed 2019-20 annual municipal budget. **Public hearing held.**
- 24** A. Conduct a public hearing to receive input from citizens regarding the proposed 2019-2020 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan. **Public hearing held.**
- B. Consider a resolution authorizing the filing of an application for an amount not to exceed \$1,128,827.00 for federal funds under the Housing and Community Development Act, approving and adopting the Program Year 2019-20 Community Development Block Grant Annual Action Plan and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application. **Approved by Resolution No. 56-2019.**
- 25** Conduct a public hearing and consider possible action regarding a request from Peachtree Apartments, to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road.  
(This item was postponed at the July 1, 2019, City Council meeting.) **Public hearing held. Approved with stipulations.**
- 26** Conduct a public hearing and consider an ordinance for Application No. Z0918-0066, submitted by Alex Avagh, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used tires, located at 2532 East US Highway 80. (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 of the application. This item was postponed at the June 3, 2019, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4698.**
- 27** Conduct a public hearing and consider an ordinance for Application No. Z0519-0097, submitted by Heartland Retail LP, for a change of zoning from Agriculture and General Retail to Planned Development - General Retail to allow restaurant and retail uses, located at 6622 FM 741.  
(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 with certain stipulations.) **Postponed to undetermined date.**
- 28** 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 and authorizing the City Manager to administer the agreement on behalf of the City. (This item was postponed at the July 15, 2019, City Council meeting.) **Postponed until the August 19, 2019, City Council meeting.**
- 29** 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 and authorizing the City Manager to administer the agreement on behalf of the City. (This item was postponed at the July 15, 2019, City Council meeting.) **Public hearing held.**  
**Approved by Resolution No. 57-2019.**

## **OTHER BUSINESS**

- 30** Consider and act on a proposed ad valorem tax rate for Fiscal Year 2019-2020 and call public hearings for August 19, 2019, and September 3, 2019, on the proposed Fiscal Year 2019-20 ad valorem tax rate. **Approved.**

## **RECEIPT OF RESIGNATION**

- 31** Receive resignation from Karen Tracy as a member of the Civil Service Commission and Personnel/Trial Board. **Received.**
- 32** Receive resignation from Shannon Tucker as a member of the Board of Adjustment and Automated Traffic Signal Enforcement 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 Sunitabehen N. Patel – Filed 4-9-19
15. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
16. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
17. 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
18. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

### **Consultation with Attorney**

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subject may be discussed:

- Legal advice regarding potential amendments to the City's sign ordinance regarding gateway and billboard signs and application of the Highway Beautification Act. **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:

- 33** Discuss amendment of economic development program agreement with MMAH Rodeo Land Holdings, LLC, assignee of Camelot Sports & Entertainment, LLC. **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.