



City of Mesquite, Texas

Action Agenda

City Council

Monday, August 19, 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 Chamber of Commerce Strategic Plan Presentation. **Received.**
- 2 Discuss the proposed budget for Fiscal Year 2019-20. **Discussed. Council provided direction on additional considerations for the 2019-20 budget.**

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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 3 Receive financial statement for period covering October 1, 2018, through June 30, 2019. **Received.**

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

INVOCATION

Tony Rorie, President, The Men and Ladies of Honor.

PLEDGE OF ALLEGIANCE

Friends of the Mesquite Public Library.

PRESENTATIONS

- 4 Presentation of a plaque to David Burris in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors. **Presented.**

SPECIAL ANNOUNCEMENTS

(1) Mr. Miklos stated that the next Small Business Workshop, "Marketing and Sales Strategies" will take place at City Hall, 757 North Galloway Avenue, on Tuesday, August 27, 2019, from 4:30 p.m. to 7:30 p.m. Anyone interested in starting a small business is encouraged to attend.

(2) Mr. Miklos invited residents to attend a Town East/Astronaut streets/Range neighborhood meeting on Tuesday, August 20, 2019, at Town East Baptist Church, 3117 Town East Boulevard, and a Skyline/Range neighborhood meeting on Tuesday, August 27, 2019, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.

(3) Mr. Miklos stated that his youngest son began his senior year at Poteet High School today.

(4) Mr. Boroughs stated that he had the opportunity to welcome students back to school, this morning, at Hanby Elementary School, which is the school he attended. He reminded citizens that some students walk and bike to school so please Drive Like Your Family Lives Here.

(5) Mr. Boroughs stated that he served as a judge for several competitions at the recent Doggie Splash Day held at Vanston Pool. Families and their dogs enjoyed a fun day at the pool.

(6) Mr. Aleman encouraged citizens to attend the free Courtyard Concert Series featuring "Plunk Murray" at the Mesquite Arts Center on Thursday, September 12, 2019, from 7:00 p.m. to 9:00 p.m., and enjoy contemporary Irish folk music.

(7) Mr. Aleman invited residents to attend a Creek Crossing neighborhood meeting on Thursday, August 22, 2019, at 7:00 p.m., at The Crossing Baptist Church, 1060 Clay Mathis Road.

(8) Mr. Aleman encouraged residents to pick up a copy of the new Fun Guide containing activities offered by the Mesquite Parks and Recreation Department.

(9) Mr. Archer invited citizens to attend the Marketplace in Downtown Mesquite on Saturday, August 24, 2019, from 9:00 a.m. to 2:00 p.m. The Marketplace takes place every second and fourth Saturday through November offering produce, crafts and culinary items from local vendors and merchants.

(10) Mr. Archer invited residents to meet at the corner of Woodcrest Drive and Hickory Tree Road to participate in the Edgemont Park neighborhood trash pick-up on Saturday, August 23, 2019, at 9:30 a.m.

(11) Mr. Archer stated that long-time resident, Jane Cole, recently passed away and asked citizens to keep the Cole family in their prayers.

(12) Mr. Casper announced that the Mesquite Public Health Clinic, 1616 North Galloway Avenue, is offering extended back to school hours through Friday, August 23, 2019, from 8:00 a.m. to 4:00 p.m. Vaccines are \$14.00 per child and parents are reminded to bring complete shot records with them.

(13) Mayor Pickett thanked Councilmembers for welcoming students back to school today.

(14) Mayor Pickett thanked the Mesquite Animal Shelter staff, volunteers and rescue partners for last Saturday's "Clear The Shelter" event, which was a huge success. A total of 89 pets were adopted including a guinea pig. August 2019 marks the 24th month that the Animal Shelter has achieved a 90 percent or higher save rate. Over 6,000 animals were taken in last year regardless of the animal's condition or situation. Animal Shelter Manager Jeanne Saadi and her team are to be commended for their continued dedication and excellent job performance.

CITIZENS FORUM

- (1) Jane Edwards, 4303 Via Barcelona, expressed support for the proposed City of Mesquite Dispatcher pay plan.
- (2) Bob Bishop, 2312 Warm Springs Road, expressed support for a future YMCA to be located Mesquite.

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 August 5, 2019. **Approved.**
- 6 An ordinance amending Chapter 5 of the City Code thereby updating the regulations regarding exterior building products, materials and aesthetic methods. **Approved by Ordinance No. 4699.**
- 7 An ordinance amending Chapter 9 of the City Code to reference the most current edition of the Texas Manual on Uniform Traffic Control Devices and the City of Mesquite Engineering Design Manual. **Approved by Ordinance No. 4700.**
- 8 An ordinance amending Chapters 1, 3, 4, 5, 6, 7, 7.5, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Mesquite City Code, removing all fees from those chapters, and codifying all fees in a new Appendix D, "Comprehensive Fee Schedule." **Approved by Ordinance No. 4701.**
- 9 An ordinance creating Appendix D to the Mesquite City Code entitled "Comprehensive Fee Schedule," thereby establishing a place where all fees for municipal services are located. **Approved by Ordinance No. 4702.**
- 10 A resolution endorsing and accepting the 2019-2020 Comprehensive Safety Grant for the Selective Traffic Enforcement Program (the "STEP" Program); approving the contribution of City funds in the amount of \$12,610.60 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation in connection with such grant and STEP Program. **Approved by Resolution No. 58-2019.**
- 11 Bid No. 2019-098 - Town East 2.0 MG Elevated Water Tank Office Space Finish Out. (Authorize the City Manager to finalize and execute a contract with low bidder Concord Commercial Services, Inc., in the amount of \$137,487.00.) **Approved as recommended.**
- 12 Bid No. 2019-101 - Annual Supply of Concrete. (Staff recommends all bids be rejected.) **Approved.**
- 13 Authorize the City Manager to execute a Memorandum of Understanding with the University of California-Irvine for a research-practitioner partnership to evaluate the effectiveness and efficiency of the Mesquite Police Department's (MPD) deployment of personnel and strategic assets in the City of Mesquite. **Approved.**

- 14 Authorize the City Manager to execute a Memorandum of Understanding with the University of Texas at Dallas for a research-practitioner partnership to evaluate the effectiveness and efficiency of the Mesquite Police Department's (MPD) deployment of personnel and strategic assets in the City of Mesquite. **Approved.**
- 15 Authorize the City Manager to finalize and execute an Interlocal Agreement with the City of Ferris, Texas, to permit the transfer of animals. **Approved.**
- 16 Authorize the City Manager to finalize and execute Contract Amendment No. 2 to a contract with Prime Time Group, Inc., for right-of-way acquisition professional services in the amount of \$40,000.00. **Approved.**
- 17 Authorize the City Manager to finalize and execute a Third Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$67,334.19 for Fiscal Year 2019-20, effective October 1, 2019, through September 30, 2020. **Approved.**
- 18 Approve Amendment No. 6 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 \$335,000. **Approved.**

OTHER BUSINESS

- 19 Consider calling a public hearing for September 3, 2019, 7:00 p.m., at City Hall, Council Chamber, 757 N. Galloway Ave., Mesquite, Texas 75149, and ordering the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2019-20 budget. **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.)

- 20 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2019-20 budget. **Public hearing held.**
- 21 Conduct a public hearing regarding the proposed fiscal year 2019-20 ad valorem tax rate of \$0.734 per \$100 valuation. **Public hearing held.**
- 22 Conduct a public hearing and consider an ordinance for Application No. Z0519-0096 submitted by Pat Akins, Tack Team Investments, LLC, for a change of zoning from Agricultural to Planned Development - Single-family Residential to allow a single-family residential subdivision located at 6401 Shannon Road. (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.) **Public hearing held. Approved by Ordinance No. 4703 with an additional stipulation.**
- 23 Conduct a public hearing and consider an ordinance amending the Mesquite Subdivision

Ordinance, thereby amending regulations related to the submittal and approval processes for plats.

(The Planning and Zoning Commission recommends approval of the subdivision text amendment.) **Public hearing held. Approved by Ordinance No. 4704.**

- 24** Conduct a public hearing and consider an ordinance amending Chapter 13 of the City Code thereby updating regulations pertaining to the removal of an allowed existing billboard sign structure. **Public hearing held. Approved by Ordinance No. 4705.**
- 25** Conduct a public hearing and consider possible action for Zoning Text Amendment No. 2019-03 amending Chapter 8 of the City Code by adding Article XIV entitled “Special Events and Parades” thereby establishing regulations pertaining to special events and parades; amending Chapters 3, 8, 9, 10 and 10.5 of the City Code pertaining to special events and amending Chapter 1 of the Mesquite Zoning Ordinance pertaining to special events. (The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Postponed to the September 3, 2019, City Council meeting.**
- 26** 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, and August 5, 2019, City Council meetings.) **Public hearing held. Approved by Resolution. No. 59-2019.**

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. Kahy 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. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
8. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
9. 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
10. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
11. 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
12. 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
13. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18
14. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
15. City of Mesquite v. Ashiyana Hospitality, LLC, Navnitkumar C. Patel, Chintan N. Patel and Sunitabehen N. Patel – Filed 4-9-19
16. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
17. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
18. 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
19. 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.

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.