



City of Mesquite, Texas

Action Agenda

City Council

Monday, May 6, 2019

5:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding draft multifamily residential standards and park land dedication. **Received.**
- 2 Discuss proposed residential development on FM 2932 and Extraterritorial Jurisdiction (ETJ) boundary adjustments. **Discussed. Council directed staff to move forward with a development agreement.**

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:00 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 quarterly report from the Police Department. **Received.**

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

INVOCATION

Dr. E. Jones Doughton, Pastor, First Presbyterian Church of Mesquite, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

National Elementary Honor Society students, Price Elementary School.

PRESENTATIONS

- 4 Recognize Small Business Week video participants. **Recognized.**

SPECIAL ANNOUNCEMENTS

- (1) Fire Captain Phillip Cunningham, representing the Mesquite Fire Association, announced that the Muscular Dystrophy Association (MDA) Fill-the-Boot campaign will be held on May 10, 2019, May 17, 2019, and May 24, 2019. He thanked the City and Deputy Mayor Pro Tem (DMPT) Boroughs for their support of this annual event. DMPT Boroughs is a long-time supporter of MDA and attends the MDA Summer Camp each year. Mayor Pickett and DMPT Boroughs kicked off the campaign by making the first donations.
- (2) Downtown Development Manager Beverly Abell stated that the City of Mesquite recently received the Texas Main Street City designation. The Texas Main Street Program is one of the most accomplished programs in the nation and provides a network of training and expertise. She introduced the Texas Main Street staff: Debra Drescher, State Coordinator of the Texas Main Street Program; Shelly Hargrove, Assistant State Coordinator of the Texas Main Street Program and Small Business Specialist; Alan Cox, Economic Development Specialist; Daniela Cantu, Design Specialist; Emily Koller, Planner; and Marie Oehlerking, Design Associate.
- (3) Mr. Aleman stated that the Parks & Recreation Department's Fun Guide is now available that includes many summer programs and events. He encouraged attendees to pick up a free copy at tonight's meeting.
- (4) Mr. Aleman attended a neighborhood meeting last week with Mesquite Park residents and discussed beginning a crime watch group.
- (5) Mr. Aleman invited residents to attend a Creek Crossing neighborhood meeting next Tuesday, May 14, 2019, at 7:00 p.m., at The Crossing Baptist Church, 1060 Clay Mathis Road.
- (6) Mr. Aleman expressed appreciation to Family Cathedral for hosting the Mayor's Prayer Breakfast last week. He also thanked Communications and Marketing Manager Julie Whitworth for her help with this event.
- (7) Mr. Boroughs encouraged citizens to participate in Mesquite Recycles Day on Saturday, May 11, 2019, from 8:00 a.m. to Noon, at the Poteet High School parking lot. A variety of items will be accepted for recycling. Local agencies will be there to collect used toys, clothing and household items. On-site document shredding will also be available.
- (8) Mr. Casper commended the Parks and Recreation Department and Hispanic Forum of Mesquite for a successful Cinco de Mayo celebration this past weekend. Mr. Casper's former student, Giselle Lopez, won the jalapeno eating contest.
- (9) Mr. Casper stated that the Mesquite Animal Shelter was closed for one day last week due to a sewer line break which caused flooding. The shelter professionals worked together with other agencies, shelter volunteers and rescue groups who provided temporary shelter and services for the animals. He thanked everyone for this display of community support.
- (10) Mr. Miklos announced that the Mesquite Municipal Court was honored again for its efforts to promote a safer community. Municipal Court Judge Stephen Crane and his team earned the 2019 Municipal Traffic Safety Initiatives "Traffic Safety Award." This award recognizes municipalities that have made outstanding contributions to increase traffic safety by preventing impaired driving in their communities.
- (11) Mr. Archer stated that the Marketplace will be held this Saturday, May 11, 2019, from 9:00 a.m. to Noon, in downtown Mesquite. He encouraged residents to shop for fresh produce, crafts and culinary items from local vendors and merchants.

- (12)Mr. Archer stated that the First Lady of Texas, Mrs. Cecilia Abbott, will visit downtown Mesquite on Thursday, May 16, 2019, from 9:00 a.m. to Noon. She will lead a celebration of the designation of Mesquite as a Texas Main Street community. The public is invited to attend.
- (13)Mr. Archer stated that he enjoyed attending the Mayor's Prayer Breakfast last week and thanked the Mesquite Police and Fire Associations for providing breakfast.
- (14)Mr. Archer stated that the Cinco de Mayo celebration was a successful event with many citizens attending.
- (15)Mr. Archer stated that a recent trash pick up in his neighborhood was led by Bryan Odom. He expressed appreciation to Mr. Odom and everyone that participated.
- (16)Mayor Pickett encouraged citizens to attend the Mesquite Community Theatre's presentation of 100 Years of Broadway at the Mesquite Arts Center, 1527 North Galloway Avenue, this Friday, May 10, 2019, through Sunday, May 12, 2019, and the Mesquite Symphony Orchestra concert on Saturday, May 11, 2019, at 6:30 p.m.
- (17)Mr. Pickett stated that the City Council is moving to a Single Member District format. Public education meetings will be held on Thursday, May 16, 2019, at 7:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive; Tuesday, May 21, 2019, at 7:00 p.m., at City Hall, 757 North Galloway Avenue; and Thursday, May 23, 2019, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way. These meetings will educate citizens, voters and those that may want to file for a City Council position on various aspects of city operations.

CITIZENS FORUM

- (1) Tom Briscoe, 1977 McKenzie Road, stated that the 9th Annual Mesquite Meander will be held on Friday, May 17, 2019, and Saturday, May 18, 2019, at the Mesquite Cemetery and invited citizens to attend.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 5 Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review pricing for the issuance and sale of bonds and discuss the project agreement with Mesquite Quality of Life Corporation.)
Reviewed.
- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2019; levying a tax in payment thereof; prescribing the form of said certificates; awarding the sale of the certificates; approving the official statement; approving and enacting other provisions relating thereto. **Approved by Ordinance No. 4665.**
- 7 An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2019; approving an official statement; awarding the sale of the bonds; making provisions for the security thereof; providing an effective date; approving and enacting other provisions relating thereto.
Approved by Ordinance No. 4666.
- 8 An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Municipal Drainage Utility System Revenue Bonds, Series 2019; approving an official statement; awarding the sale of the bonds; making provisions for the security thereof; approving and enacting other provisions relating thereto. **Approved by Ordinance No. 4667.**

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.)

- 9 Minutes of the regular City Council meeting held April 15, 2019. **Approved.**
- 10 An ordinance correcting Ordinance No. 4662, passed by the Mesquite City Council on April 1, 2019, replacing the property description provided in Exhibit "A" of Ordinance No. 4662, with a new Exhibit "A" to the corrected ordinance, and making nonsubstantive corrections to the angle, bearing and distance calls in the property description. **Approved by Ordinance No. 4668.**
- 11 An ordinance extending night flash operations at selected signalized intersections and authorizing Traffic Engineering Division staff to add or remove locations to the night flash operations or to adjust night flash times as traffic engineering judgement dictates. **Approved by Ordinance No. 4669.**
- 12 A resolution in support of a complete census count for the 2020 decennial census and establishment of a Complete Count Committee. **Approved by Resolution No. 32-2019.**
- 13 A resolution approving and authorizing the execution and delivery of a project agreement with Mesquite Quality of Life Corporation for the payment of costs related to reconstruction of Town East Boulevard from US Highway 80 to Skyline Drive and construction and installation of an adjacent pedestrian trail on the east side of Town East Boulevard in the area to be reconstructed; approving expenditure of funds by the Corporation in connection therewith; and containing other provisions related thereto. **Approved by Resolution No. 33-2019.**
- 14 A resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor pursuant to Title 16 of the Texas Administrative Code, Section 25.243, to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel. **Approved by Resolution No. 34-2019.**
- 15 A resolution approving and authorizing the execution and delivery of a project agreement with the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, (TIRZ) for the payment of costs related to the drainage reconstruction project of South Mesquite Creek located within the TIRZ boundaries; approving expenditure of funds by the TIRZ in connection therewith; and containing other provisions related thereto. **Approved by Resolution No. 35-2019.**
- 16 Bid No. 2019-061 - Water Valve Assessments.
(Staff recommends all bids be rejected.) **Approved.**
- 17 Bid No. 2019-071 - Annual Lease Agreement for Konica C3080 Color Printer.
(Authorize the City Manager to finalize and execute a contract with Konica Minolta Business Solutions U.S.A., Inc., through Texas Department of Information Resources Contract No. DIR-TSO-3082, in the annual amount of \$64,524.00. The term of this lease is for 48 months, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 18 Bid No. 2019-078 - Annual Purchase of Ethernet Switch Equipment.
(Staff recommends award to Sology Solutions, through the Texas Department of Information

Resources Contract No. DIR-TSO-4167, in the amount of \$60,298.18.) **Approved as recommended.**

- 19** Authorize the City Manager to finalize and execute a professional engineering services contract with Huitt-Zollars, Inc., for the engineering design of a cured-in-place-pipe (CIPP) to rehabilitate approximately 3,260 feet of reinforced concrete pipe (RCP) sanitary sewer and the replacement of an existing aerial crossing pier for a 45-inch sanitary sewer in the amount of \$161,100.00. **Approved.**
- 20** Authorize the City Manager to finalize and execute a Memorandum of Understanding between the City of Mesquite and Dallas County Community College District (DCCCD) for Mesquite Police Department response on DCCCD matters. **Approved.**
- 21** Authorize the City Manager to finalize and execute a Letter of Understanding with Talty Special Utility District for a limited transfer of Certificate of Convenience and Necessity (CCN) area to the City of Mesquite. **Approved.**
- 22** Authorize the City Manager to finalize and execute an amendment to a contract with Binkley & Barfield, Inc., for additional design and preparation of construction documents for the Gus Thomasson Road Reconstruction Project (Town East Boulevard to US Highway 80) in the amount of \$45,500.00. **Approved.**
- 23** Authorize the acquisition of a public trail easement and a drainage easement from American Multi-Cinema, Inc., for the construction of Mesquite Heritage Trail, Phase 2, located at 2100 E. US Highway 80 in the amount of \$63,272.00 plus related closing costs and authorize the City Manager to execute any necessary documents. **Approved.**
- 24** Authorize an increase in the contract between the City and Banowsky & Levine, P.C., for the provision of legal services, advice and counsel to the City of Mesquite in connection with Cause No. DC-18-16933 in the amount not to exceed \$50,000.00, for a total contract amount not to exceed \$100,000.00. **Approved.**
- 25** A resolution accepting the preliminary Service and Assessment Plan for authorized improvements within the Iron Horse Public Improvement District, setting a date for a public hearing on the proposed Levy of Assessments, authorizing the publication and mailing of notice and enacting other provisions relating thereto. **Approved by Resolution No. 36-2019.**

PUBLIC HEARING

(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.)

- 26** Conduct a public hearing and consider Application No. Z0319-0087 submitted by Salah Zoubi for a Zoning Change from THN, Truman Heights Neighborhood-Mandatory Ground Floor Retail to GR, General Retail to allow minor automobile repair uses in addition to other uses allowed in the General Retail zoning district on property described as Lots 1-3, Block 3, Truman Heights Addition, City of Mesquite, Dallas County, TX, located at 1816 North Galloway Avenue.
(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 denial of the request.) **Public hearing held. Denied.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 27** Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Wednesday, June 5, 2019, at 1:30 p.m. **Tandy Boroughs and Dan Aleman were appointed as representatives to attend the City/School Joint Tax Office Advisory Board 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. 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
7. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
8. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
9. Ex Parte North Texas Municipal Water District – Filed 5-7-18
10. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
11. 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

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

13. 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

14. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18

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

16. 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.