



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, August 6, 2018

4:00 PM

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

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding engineering evaluation of concrete surface reconstruction method.
- 2 Receive briefing and provide direction regarding potential sale of City-owned property located at 3811 South Beltline Road and 4600 Faithon P. Lucas, Sr., Boulevard (formerly Mercury Road), discuss process for sale, timeline and applicable deadlines.

#### **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**

Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Stallions E Football Team.

#### **PRESENTATIONS**

- 3 Presentation of a plaque to Wes McClure in recognition of his service as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

**SPECIAL ANNOUNCEMENTS**

This time is reserved for special announcements and recognition of individuals or groups.

**CITIZENS FORUM**

At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.

**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.)

- 4 Minutes of the regular City Council meeting held July 16, 2018.
  
- 5 A resolution endorsing and accepting the 2018-19 Comprehensive Safety Grant for the Selective Traffic Enforcement Program (the "STEP" Program); approving the contribution of City funds in the amount of \$12,827.61 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation in connection with such grant and STEP Program.
  
- 6 Bid No. 2018-056 - Annual Landscape Maintenance of the Municipal Center, City Hall, Mesquite Police Building, Mesquite Arts Center, Mesquite Employee Health Clinic and Willowbrook Parking Lot.  
(Authorize the City Manager to finalize and execute a contract with SLM Landscaping and Maintenance in the amount of \$78,500.00.)
  
- 7 RFP No. 2018-084 - Dedicated Internet Access.  
(Authorize the City Manager to finalize and execute a contract with Verizon Business for a three-year term, subject to annual appropriation of sufficient funds, totaling \$27,274.00 per year.)
  
- 8 Bid No. 2018-096 - Purchase of Enterprise Servers and Storage for Disaster Recovery Site.  
(Staff recommends award to Dell, Inc., through Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$108,472.44.)

- 9 Bid No. 2018-099 - Lease Agreement for Golf Carts and Golf Maintenance Equipment.  
(Authorize the City Manager to finalize and execute a 48-month lease agreement with Mission Golf Cars, an authorized dealer for EZGO Corporation, through Buy Board Contract No. 529-17, sponsored by the Texas Association of School Boards, in the total lease agreement amount of \$310,347.84.)
- 10 Authorize the City Manager to finalize and execute a Communications System Agreement with the City of Fort Worth to allow access to Fort Worth's radio systems in connection with the provision of mutual aid assistance.
- 11 A resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2018 (Heartland Town Center Public Improvement District Phase #1 Project) and approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2018 (Heartland Town Center Public Improvement District Phase #2 Major Improvement Project), and resolving other matters incident and related thereto.

#### **PUBLIC HEARINGS**

- 12 Conduct a public hearing to receive citizen input on the proposed 2018-19 budget.
- 13 A. Conduct a public hearing to receive input from citizens regarding the proposed 2018-19 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.
- B. Consider a resolution authorizing the filing of an application for an amount not to exceed \$1,099,865.00 for federal funds under the Housing and Community Development Act, approving and adopting the Program Year 2018-19 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.
- 14 Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-05 amending Section 3-200, Use Regulations; Section 3-300, Development Standards; Section 3-400, Parking and Loading; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Indoor Recreation uses.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

- 15** Conduct a public hearing and consider an ordinance for Application No. Z0518-0039, submitted by Veronica Bacerra of Kids Empire Dallas Mesquite, LLC, for a change of zoning from General Retail to Planned Development-General Retail with a Conditional Use Permit to allow an indoor recreation use, located at 3600 Gus Thomasson Road, Suite 125.  
(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 with a certain stipulation.)
- 16** Consider and act on a proposed ad valorem tax rate for Fiscal Year 2018-2019 and call public hearings for August 20, 2018, and September 4, 2018, on the proposed Fiscal Year 2018-19 ad valorem tax rate.

#### **RECEIPT OF RESIGNATION**

- 17** Receive resignation from Holly Rodriguez as a member of the Animal Services Advisory Board.

#### **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. Kavin Rhodes v. Mesquite Police Department, Officers M. B. Winters, D. L. Boykin, J. P. Vassilakos, G. W. Hensley, E. A. Sparling, W. D. Mosley – Filed 1-27-16
4. 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

5. Scott Damon Richardson v. Darren Marsack and County of Dallas a.k.a., d.b.a. Dallas County, Inc., Dallas, Texas 75042 and John Doe 1 – 5 As yet to be discovered and Jane Doe 1 – 5 As yet to be discovered – Filed 2-6-17
6. Luna Properties LLC & F & M Properties Inc. v. City of Mesquite – Filed 6-8-17
7. Matthew Dunlap v. Jose Alcala and the City of Mesquite – Filed 7-17-17
8. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
9. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
10. Christopher Acoff v. City of Mesquite – Filed 8-25-17
11. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
12. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
13. TRBP, Limited v. Stan Pickett in his Official Capacity as Mayor of Mesquite; Robert Miklos in his Official Capacity as a City Councilman of Mesquite; Jeff Casper in his Official Capacity as a City Councilman of Mesquite; Bruce Archer in his Official Capacity as a City Councilman of Mesquite; Dan Aleman in his Official Capacity as a City Councilman; Greg Noschese in his Official Capacity as a City Councilman of Mesquite; Tandy Boroughs in his Official Capacity as a City Councilman of Mesquite – Filed 11-30-17
14. 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
15. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
16. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
17. Ex Parte North Texas Municipal Water District – Filed 5-7-18
18. Leonard Warren v. City of Mesquite – Filed 6-18-18
19. Gregory Von Lee v. City of Mesquite – Filed 6-22-18

### **Real Property**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 18 Discuss the valuation of City-owned property located at 3811 South Beltline Road and 4600 Faithon P. Lucas, Sr., Boulevard (formerly Mercury Road).

### **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.

- Conduct City Attorney candidate interview with Christopher Bowers and discuss and deliberate the evaluation of candidates and the appointment, employment and duties of the City Attorney.

**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 subject may be discussed:

- 19** Consider economic development incentives for a prospect seeking to locate within the Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas.

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.**