



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, February 17, 2020

5:00 PM

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

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing from Texas Department of Transportation staff regarding the IH 635/LBJ East Project.

#### **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 - 6:00 P.M.**

- 2 Receive preliminary financial statements for fiscal year ending September 30, 2019 and financial statements for period covering October 1, 2019, through December 31, 2019.

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

#### **INVOCATION**

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Mesquite Police Officer B. Snyder.

**PRESENTATIONS**

- 3 Recognize Real. Texas. Service. Champions.

**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 items on the agenda, 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. Citizens addressing the Council through a translator will be allowed six minutes. 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 Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council. Any individual desiring to address the City Council regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except a speaker addressing the Council through a translator will be allowed six minutes.)

- 4 Minutes of the special City Council meeting held January 28, 2020, and the regular City Council meeting held February 3, 2020.
- 5 A resolution expressing support for the application of Mariposa Mesquite LP, for nine-percent low income housing tax credits with the Texas Department of Housing and Community Affairs for the construction of the Mariposa Apartment Homes at Mesquite development, a Senior Living Community, to be located northeast of U.S. Highway 80 and North Galloway Avenue and providing a local funding commitment for the development.
- 6 A resolution approving and ratifying a Memorandum of Understanding between the City of Mesquite, Texas ("City"), and the Mesquite Police Association ("Association") under Subchapter B of Chapter 142 of the Texas Local Government Code effective as of February 28, 2020, and remaining in effect through September 30, 2022, unless extended as set forth therein (the "CITY/MPA 2020 Meet and Confer Agreement"); authorizing the City Manager to execute the CITY/MPA 2020 Meet and Confer Agreement and authorizing the City Manager, or the City Manager's designee, to take all actions necessary or requested to carry out the terms and provisions of the CITY/MPA 2020 Meet and Confer Agreement including, without limitation, the execution of extensions of the CITY/MPA 2020 Meet and Confer Agreement under the terms and provisions set forth therein.

- 7 A resolution authorizing the name of a new road in honor of George Boyce.
- 8 A resolution authorizing the City Manager to execute an agreement with the State of Texas through the Texas Department of Transportation for traffic signals (state contracted with a municipality providing materials and/or labor and/or equipment) and reimbursement for the operation and maintenance within a municipality for the IH 635/LBJ East Project.
- 9 Authorize the City Manager to finalize and execute an agreement with the Texas Department of Transportation for reimbursement and construction of utility adjustments in conjunction with the IH 635/LBJ East Project.
- 10 Bid No. 2020-008 - Annual Lease Vehicle Program - Police Department.  
(Staff recommends award to Acme Auto Leasing, Inc., through an Interlocal Cooperative Purchasing Agreement with the City of Plano, in an annual amount not to exceed \$46,296.00. The remaining term of this contract is for two months, with one additional one-year renewal option, for a total contract amount not to exceed \$54,140.60. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.)
- 11 Bid No. 2020-044 - Annual Supply of Magnetic and Electronic Water Meters.  
(Staff recommends award to sole source provider Core & Main, LP, for an amount not to exceed \$261,458.00.)
- 12 Bid No. 2020-047 - Annual Purchase of Cleaning Supplies for Warehouse Stock.  
(Staff recommends award of Renewal Option No. 1 to Eagle Brush and Chemical, Inc., through BuyBoard Contract No. 569-18, in an amount not to exceed \$100,262.76, and authorize the City Manager to exercise Renewal Option No. 2 in year three of the contract, subject to annual appropriation of sufficient funds.)
- 13 Bid No. 2020-058 - Purchase of Mesquite Fire Department Trauma Training Simulator.  
(Staff recommends award to sole source provider Gaumard Scientific in the amount of \$54,055.00.)
- 14 Bid No. 2020-060 - Annual Fiber Optic Cabling Repair and Maintenance.  
(Authorize the City Manager to finalize and execute a contract with Future Telecom, Inc., through an Interlocal Cooperative Purchasing Agreement with Mesquite Independent School District, in an amount not to exceed \$120,000.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- 15 Bid No. 2020-061 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.  
(Staff recommends award to Software House International, through the Texas Department of Information Resources Contract No. DIR-TSO-4092, in the total amount of \$224,539.87.)

- 16 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-085, KidsQuest Playground Removal and Replacement: Construction, with Phillips/May Corporation in the amount of \$50,783.21.
- 17 Appoint Bruce Archer, Dan Aleman, Tandy Boroughs, Kenny Green, Robert Miklos, B.W. Smith and Sherry Wisdom to the Mesquite Health Facilities Development Corporation for terms to expire December 31, 2021.
- 18 Appoint Bruce Archer, Dan Aleman, Tandy Boroughs, Kenny Green, Robert Miklos, B.W. Smith and Sherry Wisdom to the Mesquite Housing Finance Corporation for terms to expire December 31, 2021.
- 19 Appoint Bruce Archer, Dan Aleman, Tandy Boroughs, Kenny Green, Robert Miklos, B.W. Smith and Sherry Wisdom to the Mesquite Industrial Development Corporation for terms to expire December 31, 2021.

## **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 for Application No. Z1219-0124, submitted by John Cooksey of Cooksey Demolition Services, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2511 Edinburgh Street.  
(Three responses in favor and none in opposition to the application have been received from property owners within the statutory notification area.)
- 21 Conduct a public hearing and consider an ordinance for Application No. Z1219-0125, submitted by Armando Garcia of Cortland Morgan Architects, for a change of zoning from Commercial and Town East Retail and Restaurant Area Overlay to Commercial and Town East Retail and Restaurant Area Overlay with a Conditional Use Permit to allow an arcade with coin-operated amusement devices, located at 2063 Town East Mall, Suite 2034.  
(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 certain stipulations.)
- 22 Conduct a public hearing and consider an ordinance for Application No. Z0120-0126, submitted by the City of Mesquite, for a change of zoning from Agricultural to Planned Development - Single-Family Residential to allow a residential subdivision, located southeast of IH-20 and FM 740 near the East Fork of the Trinity River and at the western corner of FM 2757 and Kelly Road.  
(No responses in favor and two 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.)

- 23 Conduct a public hearing and consider an ordinance amending the Mesquite Subdivision Ordinance, thereby amending regulations related to the installation of utilities.  
(The Planning and Zoning Commission recommends approval of the subdivision text amendment.)

## 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; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
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; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by 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. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
7. 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, Cause No. 2018-3835-4 – Filed 10-19-18
8. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV

9. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
10. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
11. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
12. 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; Marcellet Martin, Cause No. 3:10-CV-01263-L – Filed 5-24-19
13. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite, Cause No. CC-19-03248-C – Filed 5-31-19
14. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
15. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
16. City of Mesquite v. Daniel Contreras, 1715 Buena Vista, Mesquite, Texas, 75149 in rem and 1718 Buena Vista, Mesquite, Texas, 75149 in rem, Cause No. DC-19-19025 – Filed 11-27-19
17. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
18. Spradley Farms, L.C., as managing partner for Spradley Farms LTD; and Charles Spradley, in his official capacity v. The City of Mesquite, Texas, and Bruce Archer in his official capacity as Mayor of the City of Mesquite, and Sherry Wisdom, Kenny Green, Robert Miklos, Tandy Boroughs, B. W. Smith and Daniel Aleman, Jr. of the Mesquite City Councilmen in their official capacity, Cause No. 104439-CC2 – Filed 2-6-20, Pending in County Court No. 2 of Kaufman County, Texas

### **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:

- 24** Discuss economic development incentives in support for Mariposa Apartment Homes at Mesquite, a Senior Living Community, located northeast of U.S. Highway 80 and North Galloway Avenue.

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.

Pursuant to Section 551.007 (c) of the Texas Local Government Code, any member of the public wishing to address the City Council through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.