



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, July 1, 2019

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     [19-4218](#)     Receive briefing regarding a possible amendment to the Sign Code to allow replacement of billboards in limited circumstances.
  
- 2     [19-4224](#)     Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

#### **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

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

##### **INVOCATION**

Joe Chiles, Pastor, Trinity Life Church, Mesquite, Texas.

##### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Marlins Swim Team.

##### **PRESENTATIONS**

- 3     [19-4217](#)     Presentation by Military Order of the Purple Heart in support of the Mesquite Veterans Memorial campaign.

##### **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      [19-4222](#)            Minutes of the regular City Council meeting held June 17, 2019.
- Attachments:*        [06.17.2019m](#)
- 5      [19-4234](#)            An ordinance amending Chapter 2 by amending and adding a new Division 3 under Article II to create a Mesquite voter registration facilitation policy.
- Attachments:*        [Ordinance - Voter Registration Policy](#)
- 6      [19-4156](#)            An ordinance amending Chapter 16 of the City Code providing an update to the Water Conservation Plan and the Drought Contingency and Emergency Management Plan as required by the Texas Commission on Environmental Quality and Texas Water Development Board.
- Attachments:*        [Ordinance - Water Conservation](#)
- 7      [19-4225](#)            An ordinance amending the budget for Fiscal Year 2018-19 by appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2018-19, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.
- Attachments:*        [Ordinance - Amended Budget](#)  
                                 [Summary of Changes](#)
- 8      [19-4193](#)            A resolution adopting a Continuing Disclosure Policy for the City of Mesquite.
- Attachments:*        [Resolution - Disclosure Policy](#)
- 9      [19-4210](#)            A resolution supporting the Texas Department of Transportation proposed improvements to US Highway 80.
- Attachments:*        [Resolution - Hwy 80](#)
- 10     [19-4205](#)            A resolution authorizing the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation

Division, for the reimbursement of \$389,463.00 from the acquisition of 26.8 acres of land, located at 4311 Scyene Road.

Attachments:      [Resolution - Airport](#)

- 11**      [19-4235](#)      Bid No. 2015-080 - Annual Supply of Office Products - contract renewal option.  
(Staff recommends exercising the final contract renewal option with Staples Contract and Commercial, Inc., operating as Staples Advantage, through the cooperative purchasing agreement with National Joint Powers Alliance Contract No. 010615-SCC, in the amount of \$105,000.00.)
- 12**      [19-4246](#)      Bid No. 2017-027 - Annual Landscape Maintenance of the Creek Crossing Area Medians, Rights-of-Way and Landscape Areas and Mesquite Metro Airport - contract renewal option.  
(Staff recommends ratification of the final contract renewal option with low bidder Southlake Landscaping and Maintenance, Inc., in the amount of \$143,250.00.)
- 13**      [19-4240](#)      Bid No. 2017-047 - Annual Supply of Manual Transmissions, Differentials, Drivelines and Parts - contract renewal option.  
(Staff recommends ratification of the final contract renewal option with Fort Worth Gear and Axle in the amount of \$120,133.07.)
- 14**      [19-4241](#)      Bid No. 2017-075 - Annual Supply of Vehicle and Equipment Batteries - contract renewal option.  
(Staff recommends exercising the final contract renewal option with Metroplex Battery Distributors, LLC, in the amount of \$83,856.67.)
- 15**      [19-4242](#)      RFP No. 2017-087 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets Divisions - contract renewal option.  
(Staff recommends exercising the final contract renewal option with All Temps 1 Personnel in an amount not to exceed \$180,000.00.)
- 16**      [19-4237](#)      Bid No. 2018-059 - Annual Supply of Water Parts - contract renewal option.  
(Staff recommends ratification of the first of two contract renewal options with Core & Main dba HD Supply Waterworks in the amount of \$105,177.07 and Fortiline Waterworks in the amount of \$294,682.50, for a total amount not to exceed of \$399,859.57, and authorizing the City Manager to exercise the final one-year renewal option to both contracts, subject to annual appropriation of sufficient funds.)
- 17**      [19-4243](#)      Bid No. 2018-066 - Annual Mowing of City Medians, Orphan Right-of-Ways and Right-of-Ways - contract renewal option.  
(Staff recommends ratification of the first of four contract renewal options with Greener Pastures Landscape Management in the amount of \$270,488.65, and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)

- 18     [19-4244](#)     Bid No. 2018-079 - Annual Telephone Services (Local and Long Distance) - contract renewal option.  
(Staff recommends exercising the first of two contract renewal options with AT&T Corporation, through Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00, and authorizing the City Manager to exercise the final one-year renewal option, subject to annual appropriation of sufficient funds.)
- 19     [19-4245](#)     Bid No. 2018-100 - Annual Supply of Police Officer Uniforms - contract renewal option.  
(Staff recommends exercising the first of four contract renewal options with Galls, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Frisco, in an amount not to exceed \$98,000.00, and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)
- 20     [19-4213](#)     Bid No. 2019-086 - Water Valve Assessment.  
(Authorize the City Manager to finalize and execute a contract with Hydromax USA, in the amount of \$111,260.00.)
- Attachments:*     [Bid Tabulation](#)
- 21     [19-4226](#)     Bid No. 2019-091 - Municipal Court Interactive Voice Response (IVR) System.  
(Authorize a correction to the contract amount awarded to Selectron Technologies, Inc. on June 3, 2019, from an amount of \$90,000.00 to the amount of \$109,370.00.)
- Attachments:*     [Sole Source Letter](#)
- 22     [19-4227](#)     Bid No. 2019-094 - Annual Supply of Toro Commercial Mower Parts.  
(Staff recommends award to sole source provider Professional Turf Products, LP, for an amount not to exceed \$65,000.00.)
- Attachments:*     [Sole Source Letter](#)
- 23     [19-4230](#)     Authorize the City Manager to approve the City of University Park and Town of Highland Park (Park Cities) as a participant in the Project 25 (P25) 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 Participant and Usage Agreements between the City of Garland, the City of Mesquite and the Park Cities setting forth the terms of the Park Cities participation in the System.
- Attachments:*     [Park Cities Participant ILA 06.18.19](#)  
                          [Park Cities Usage ILA 06.18.19](#)
- 24     [19-4139](#)     Authorize the City Manager to finalize and execute Amendment No. 2 to a contract with Binkley & Barfield, Inc., for additional design and

preparation of construction documents for the 2017 Sanitary Sewer Replacement Project - Phase 2, in the amount of \$141,000.00.

**Attachments:** [Location Map](#)

#### **PUBLIC HEARINGS**

25 [19-4231](#) Conduct a public hearing regarding Program Year 2019 Community Development Block Grant applications and budget.

26 [19-4219](#) 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.

**Attachments:** [Peachtree Apartments Screening Wall and Attachments](#)

27 [19-4221](#) Conduct a public hearing and consider amending the Mesquite Zoning Ordinance, Section 3-203, Schedule of Permitted Uses, within the SS, Service Station District to add additional uses as permitted.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:** [Staff Memo](#)  
[P & Z Minutes](#)  
[Ordinance - ZTA 2019-02](#)

#### **RECEIPT OF RESIGNATION**

28 [19-4216](#) Receive resignation from Diane Wright as a member of the Mesquite Quality of Life, Inc., Board of Directors.

**Attachments:** [Resignation Letter](#)

#### **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 Sunitabahen N. Patel – Filed 4-9-19
15. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
16. 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 – Filed 5-24-19
17. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

**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.

- Review of City Manager.

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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.