



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 6, 2017

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 [17-2601](#) Receive briefing regarding development along the IH-30 corridor.
- 2 [17-2613](#) Receive briefing regarding advanced metering infrastructure.

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, Senior Pastor, Mesquite First Assembly of God, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Participants from a local youth football league.

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.

PRESENTATION

- 3 [17-2596](#) Presentation to Horn High School graduate Taylor Gabriel.

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 [17-2590](#) Minutes of the regular City Council meeting held February 20, 2017.

Attachments: [02.20.2017m](#)

- 5 [17-2588](#) A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State right-of-way on April 1, 2017, for the City of Mesquite Rodeo Parade.

Attachments: [Resolution - Rodeo Parade](#)
 [Rodeo Parade Route](#)

- 6 [17-2589](#) A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Department in connection with the annual City election to be held May 6, 2017.

Attachments: [Resolution - Election Agreement](#)

- 7 [17-2595](#) A resolution authorizing the sale of multiple tax-foreclosed properties located in Mesquite, Texas, ratifying and approving offer and purchase agreements and authorizing the City Manager to execute quitclaim deeds and all other documents necessary to complete the closing and sale of the properties.

Attachments: [Resolution - Tax Foreclosure Properties](#)
 [Tax Foreclosure Properties](#)

- 8 [17-2599](#) Bid No. 2017-002 - 2017 Annual Landscape & Property Preservation Maintenance for Environmental Code.
(Authorize the City Manager to finalize and execute contracts with DALTEXPRO Facility Services, Weldon's Lawn and Trees Service, LLC, and the Teter Group, Inc., in a total amount not to exceed \$162,818.00.)

Attachments:[Bid Tabulation - 2017-002](#)[Bid Tabulation – Neighborhood Services](#)

- 9 [17-2606](#) Bid No. E2017-008 - Town East Boulevard Reconstruction of Paving, Drainage, Water, and Sanitary Sewer Improvements from Military Parkway to Skyline Drive.
(Authorize the City Manager to finalize and execute a contract with low bidder Texas Sterling Construction Co., in the amount of \$11,424,709.13.)

Attachments:[Bid Tabulation - E2017-008](#)[Bid Tabulation - Engineering](#)[Recommendation Letter](#)[Location Map](#)

- 10 [16-2492](#) Bid No. 2017-022 - Annual Supply of Emergency Medical Supplies.
(Authorize the City Manager to finalize and execute a contract with BoundTree Medical, through an Interlocal Cooperative Purchasing Agreement with the City of Cedar Hill, in an amount not to exceed \$175,000.00.)

Attachments:[Cedar Hill Award Documentation](#)

- 11 [17-2579](#) Bid No. 2017-043 - Camp Rorie Galloway Sports Courts.
(Authorize the City Manager to finalize and execute a contract with Henneberger Construction, Inc., in the amount of \$70,421.00.)

Attachments:[Best Value Matrix](#)[Site Plan](#)

- 12 [17-2591](#) Receive the January 2017 semiannual report for roadway impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Attachments:[Jan 2017 report](#)

- 13 [17-2607](#) Receive the Fiscal Year 2015-16 annual report from the Mesquite Quality of Life Corporation Board of Directors.

Attachments:[Annual Report 2015-2016 Final](#)**PUBLIC HEARINGS**

- 14 [17-2593](#) Conduct a public hearing and consider an ordinance for a request submitted by Days Inn, located at 140 Commerce Way, to allow truck parking for hotel guests.
(Abutting property owners were notified as required by City Code Section 9-169. No responses have been received from those property owners.)

Attachments: [Aerial Map](#)
 [Notification Map](#)
 [Applicant Request](#)
 [Ordinance - Truck Parking](#)

- 15 [17-2597](#)
- A. Conduct a public hearing to consider transferring City park property to the Mesquite Independent School District (MISD) in exchange for adjacent MISD property to allow for the expansion of Rutherford Elementary School. The property to be transferred and received by MISD is an 8.22-acre tract generally described as located south of Sea Shell Drive, east of Rutherford Drive and north of Sierra Drive, Mesquite, Dallas County, Texas. The property to be transferred by the MISD to the City will be used as City park property.
- B. Consider a resolution authorizing the exchange of property with the Mesquite Independent School District (MISD) for the reconstruction of Rutherford Elementary School and authorizing the Mayor to execute the Exchange Agreement with MISD for such purpose.

Attachments: [Resolution - Rutherford](#)
 [Rutherford Site Plan](#)
 [Newspaper Ads](#)

- 16 [17-2598](#)
- A. Conduct a public hearing to consider transferring City park property to the Mesquite Independent School District (MISD) in exchange for MISD property to allow for the expansion of Hanby Elementary School. The property to be transferred to and received by MISD is an 8.045-acre tract generally described as located north of Gross Road, west of the alley of Chappell Drive and east of Evans Park, Mesquite, Dallas County, Texas. The property to be transferred by the MISD to the City will be used as City park property.
- B. Consider a resolution authorizing the exchange of property with Mesquite Independent School District (MISD) for the reconstruction of Hanby Elementary School and authorizing the Mayor to execute the Exchange Agreement with MISD for such purpose.

Attachments: [Resolution - Hanby](#)
 [Proposed Site Plan](#)
 [Newspaper Ads](#)

- 17 [17-2603](#)
- Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with Ashley Furniture Industries, Inc., regarding a new state-of-the-art distribution and manufacturing facility on

approximately 358 acres commonly known as 3790 Faithon P. Lucas, Sr. Boulevard, Mesquite, Texas.

Attachments: [Resolution - 380 Agmt - 3790 Lucas](#)
 [Executive Summary](#)

CONSIDERATION OF RESOLUTIONS

- 18 [17-2612](#) A resolution authorizing the City Manager to execute and approve the Project Specific Agreement (PSA) amending the Master Agreement Governing Major Capital Transportation Improvement Projects with Dallas County for the purpose of transportation improvements on Scyene Road beginning at Clay Mathis Road and ending at Lawson Road, Dallas County Major Capital Improvement Program Project 31904.

Attachments: [Resolution - PSA](#)

- 19 [17-2615](#) A resolution stating its opposition to Senate Bill 2 and any other legislation imposing revenue caps on local government inhibiting the City's ability to provide basic public services.

Attachments: [Resolution - Senate Bill 2](#)

- 20 [17-2616](#) A resolution authorizing the City Manager to consent to the sale, transfer or assignment of a controlling interest in the corporate shares of Baker Brothers Rotovision, Inc., to Fort Acquisition Corp and to waive, as to the Fort Acquisition transfer only, the requirement that the company obtain the city's prior written consent to the Fort Acquisition transfer.

Attachments: [Resolution - Baker Bros](#)

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. Kathleen Parvin v. The City of Mesquite – Filed 1-26-15
2. 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
3. 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
4. Angeles Estrada-Padron v. The City of Mesquite – Filed 11-9-15
5. 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
6. Travis Tryon v. City of Mesquite – Filed 2-25-16
7. Robert L. Gould v. City of Mesquite – Filed 6-24-16
8. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
9. Govind Group Corporation; Sorrent, LLC; Hannuman Holdings, LLC; OM SRI SAI Krishna Investment Properties, Inc.; Shiv Alpha Strip Corporation; Tejas Motel, LLC; and SAI JDV Hotels, LLC v. The City of Mesquite, Texas; and Cliff Keheley, City Manager of the City of Mesquite, Texas – Filed 1-5-17
10. 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

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. The following subject may be discussed:

- Legal advice regarding Economic Development Program Agreement dated effective August 13, 2015, between the City of Mesquite, Baker Brothers Rotovision, Inc., and 75032 Investments, LLC.

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 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.