



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 19, 2018

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 [18-3348](#) Receive briefing regarding voter education plans for Charter Amendment election.
- 2 [18-3355](#) Receive briefing regarding public transportation options for FY 2018-2019.
- 3 [18-3359](#) Receive briefing regarding the tethering of animals within the City of Mesquite.
- 4 [18-3346](#) Receive briefing regarding the Sign Code.

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

Chris Walker, Pastor, Peace Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Representatives from Dick's Sporting Goods.

PRESENTATIONS

- 5 [18-3313](#) Presentation of a plaque to Jimmy Stephens in recognition of his service as a member of the Animal Services Advisory Board.

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.)

- 6 [18-3353](#) Minutes of the regular City Council meeting held March 5, 2018.

Attachments: [March 5, 2018, Minutes](#)

- 7 [18-3344](#) An ordinance, on second and final reading, approving a tariff authorizing an annual Rate Review Mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities Served by Atmos; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.

Attachments: [Ordinance with Attached Rate Schedule](#)

- 8 [18-3347](#) An ordinance providing for the partial abandonment of Stadium Drive right-of-way located along Frasier Middle School, otherwise known as West Mesquite High School Block A, Lot 1R.

Attachments: [Ordinance](#)
 [Abandonment Request Letter](#)
 [January 3, 2017 - Council Action](#)
 [Location Map](#)

- 9 [18-3362](#) A resolution authorizing the City Manager to execute a development agreement with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.746 acres of land generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City and being commonly referred to as "Heartland Town Center" and authorizing the City Manager to administer the agreement on behalf of the City and repealing Resolution No. 72-2017.

Attachments: [Resolution](#)
 [Concept Plan- 7/2017](#)

- 10 [18-3351](#) A resolution relating to the giving of notice of intention to issue City of Mesquite, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018, to provide funds for public improvements, facilities and equipment including, without limitation, information technology infrastructure and equipment, streets, thoroughfares and bridge improvements, streetscaping, storm drainage improvements, signalization, traffic controls, sidewalks, street lights, right of way acquisitions, vehicles, municipal buildings and facilities, and related issuance costs and providing an effective date.

Attachments: [Resolution](#)
 [Proposed Bond Projects](#)

- 11 [18-3358](#) A resolution authorizing the sale of tax-foreclosed property located at 2038 Rhonda Drive in Mesquite, Texas (the "Property"), accepting the offer from the purchaser to purchase the property; ratifying and approving the Offer and Purchase Agreement executed by the purchaser setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the Property.

Attachments: [Resolution](#)
 [Map](#)

- 12 [18-3342](#) Bid No. 2018-037 - Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract.
(Authorize the City Manager to approve expenditures and finalize and execute all necessary documents in conjunction with services provided by Concord Commercial Services, Inc., JM Construction Solutions, Berger Engineering Company, Boyd Electric, Artex Overhead Door Company, Country Glass and Mirror, Control Systems Consultants, Phillips Lawn Sprinkler Company and MyElyn Contractors in an amount not to exceed \$698,000.00.)

Attachments: [Bid Tabulation](#)
 [Scoresheet](#)

- 13 [18-3343](#) Bid No. 2018-060 - Purchase of Mesquite Police Crime Scene Vehicle. (DIR-TSO-3915)
(Staff recommends award to Comprehensive Communication Services, LLC, in Terrell, Texas, through the Texas Department of Information Resources Contract No. DIR-TSO-3915, in the amount of \$144,531.08.)

Attachments: [Crime Scene Vehicle Quote](#)

- 14 [18-3349](#) Bid No. 2018-061 - Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires.
(Staff recommends award to Wingfoot Tire d/b/a Goodyear Tire and Rubber Company, through Buyboard Contract No. 553-18, in an amount not to exceed \$256,287.84.)

Attachments: [BuyBoard Contract No. 553-18- Wingfoot](#)

- 15 [18-3350](#) Bid No. 2018-062 - Annual Supply of Bridgestone/Firestone Auto, Truck, and Industrial Tires.
(Staff recommends award to American Tire Distributors, through Buyboard Contract No. 553-18, in an amount not to exceed \$208,555.08.)

Attachments: [BuyBoard Contract No. 553-18- ATD](#)

- 16 [18-3336](#) Authorize the City Manager to finalize and execute an affiliation agreement with the Mesquite Independent School District (MISD) allowing MISD Emergency Medical Technician (EMT) students education and training opportunities with the Mesquite Fire Department.

- 17 [18-3339](#) Authorize the City Manager to finalize and execute a contract with Metallic Land Company, LLC, to purchase approximately 2.2664 acres of land (the Property) for the replacement of Fire Station No. 4, the Property being generally located south of Sandy Lane, east of Rodeo Center Boulevard and north of New Market Road in Mesquite, Texas, and being adjacent to existing Fire Station No. 4, for the purchase price of \$123,000.00 and related closing costs and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to complete the closing and purchase of the property.

Attachments: [Location Map](#)

- 18 [18-3340](#) Authorize the City Manager to finalize and execute an architectural services design contract with Brown Reynolds Watford Architects, Inc., for the design of the new Fire Station No. 4 in an amount not to exceed \$558,000.00.

Attachments: [Proposal](#)

- 19 [18-3335](#) Receive the Fiscal Year 2016-2017 annual report from the Mesquite Quality of Life Corporation Board of Directors.

Attachments: [MQOLC 4B Annual Report for FY 2016-2017](#)

PUBLIC HEARINGS

- | | | |
|----|--------------------------------|--|
| 20 | <u>18-3356</u> | Conduct a public hearing regarding proposed changes in public transportation. |
| 21 | <u>18-3357</u> | <p>A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.</p> <p>B. Consider an ordinance repealing Ordinance No. 4473 in its entirety and adopting a revised Parks and Recreation Department Youth Programs Standards of Care.</p> |

Attachments: [Ordinance](#)
 [Updated Standards with highlighted revisions](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 [18-3354](#) Consider appointment of one regular member of the Municipal Library
Advisory Board for a term to expire December 4, 2018.

Attachments: [Personal Data Form](#)

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 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. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18

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 subject may be discussed:

- 23 18-3352** Consider potential economic development incentives for a business expansion on IH-635 and Gross Road.

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.