



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 4, 2019

4:30 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [19-3979](#) Receive briefing regarding the Front Street Station project.
- 2 [19-3948](#) Receive briefing regarding proposed financial policies for City Council approval.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:30 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.

- 3 [19-3974](#) Receive quarterly report from the Police Department.
Attachments: [Police Overview](#)
- 4 [19-3952](#) Presentation of meritorious awards to Fire Department employees.
Attachments: [List of award winners](#)

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

INVOCATION

To be determined.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Citizens Police Academy Alumni Association.

PRESENTATIONS

- 5 [19-3959](#) Presentation of a plaque to Chris Jasper in recognition of his service as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.
- 6 [19-3960](#) Presentation of a plaque to Michael Hooker 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.)

- 7 [19-3963](#) Minutes of the regular City Council meeting held January 22, 2019.
- Attachments:* [01.22.2019m](#)
- 8 [19-3926](#) An ordinance ordering a Special Election to be held on May 4, 2019, for the purpose of submitting to the qualified voters of the City, for adoption or rejection, the question of whether to authorize the sale of approximately 171.393 acres of City park land located at 3811 South Belt Line Road, containing approximately 87.727 acres, and adjacent land located at 4600 Mercury Road, containing approximately 83.666 acres, the entirety of which is located in the City of Balch Springs, Dallas County, Texas.
- Attachments:* [Ordinance - Call Special Election](#)
- 9 [19-3955](#) A resolution adopting a Debt Continuing Disclosure and Post Issuance Compliance Policy for the City of Mesquite.
- Attachments:* [Resolution - Debt Continuing Disclosure](#)
- 10 [19-3956](#) A resolution adopting an Accounting, Auditing and Financial Reporting Policy for the City of Mesquite.

Attachments: [Resolution - Accounting Auditing Financial Reporting Policy](#)

- 11 [19-3957](#) A resolution adopting an Annual Budget and Long-Range Plans Policy for the City of Mesquite.

Attachments: [Resolution - Annual Budget Long-Range Plans Policy](#)

- 12 [19-3958](#) A resolution adopting a Revenue Management and Expenditure Control Policy for the City of Mesquite.

Attachments: [Resolution - Revenue Mgmt Expenditure Control Policy](#)

- 13 [19-3965](#) A resolution authorizing the sale of two tax-foreclosed properties located at 3637 Bahamas Drive and 700 West College Street in Mesquite, Texas; accepting the offers from the purchasers to purchase the properties; ratifying and approving the Offer and Purchase Agreements executed by the purchasers setting forth the terms and conditions of the sale of the properties; and authorizing the City Manager to execute quitclaim deeds and all other documents necessary or requested to complete the closing and sale of the properties.

Attachments: [Resolution - Bahamas & West College](#)

- 14 [19-3975](#) A resolution authorizing the sale of tax-foreclosed property located at 302 South Walker Street in Mesquite, Texas; 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 - 302 S Walker](#)

- 15 [19-3976](#) Bid No. 2019-018 - Annual Supply of Duplicating Papers.
(Staff recommends award to low bidder Western BRW Paper Company in the amount of \$104,486.58. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [2019-018 Annual Supply of Duplicating Papers Bid Tab-Recommended](#)

- 16 [19-3953](#) Authorize the City Manager to finalize and execute a supplemental agreement (Phase II) to the Construction Manager at Risk contract with SEDALCO, Inc., to establish the Guaranteed Maximum Price (GMP) of \$5,728,720.00 for construction services of new Mesquite Fire Station No. 4.

Attachments: [GMP Cost Sheet including all bid alternates](#)

- 17 [19-3951](#) Authorize the City Manager to finalize and execute a contract with Graham Associates, Inc., to prepare construction documents for Powell Road, Powell Circle, Melton Lane, Magnolia Drive, Douglas Drive and Orchid

Avenue in the amount of \$262,790.00.

Attachments: [Location Exhibit](#)

18 [19-3970](#) Authorize the City Manager to finalize and execute a contract with Pipeline Analysis, LLC, to update the Sanitary Sewer Master Plan in the amount of \$624,910.00.

19 [19-3980](#) Authorize the City Manager to finalize and execute an interlocal agreement with the City of Balch Springs, Texas, to share in the cost of a Special Election to be held May 4, 2019, authorizing the City Council to convey City park land by sale, up to a maximum of \$30,000.00.

Attachments: [ILA with Balch Springs - Park Election Participation 011719](#)

20 [19-3981](#) Authorize the City Manager to negotiate and execute a U.S. Army Corps of Engineers Wetland 404 Permit Mitigation Credit Sales Agreement with Wetlands Management, L.P., in the amount of \$177,735.00.

Attachments: [Location Map](#)

21 [18-3597](#) Receive the January 2019 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Attachments: [January 2019 report](#)

PUBLIC HEARINGS

22 [19-3967](#) Conduct a public hearing and consider an ordinance for Application No. Z0518-0038, submitted by Warrant Corwin, Corwin Engineer, Inc., for a change of zoning from Planned Development-Office to Planned Development-Townhomes to allow a townhome residential subdivision, located at 2920 Gus Thomasson Road.

(One response 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 with certain stipulations. This item was postponed from the January 22, 2019, City Council meeting.)

Attachments: [Case Summary](#)

[Staff report & maps](#)

[PZ Minutes](#)

[Ordinance - Z0518-0038](#)

23 [19-3973](#) Conduct a public hearing and consider an ordinance for Application No. Z1218-0079, submitted by Marilyn Diaz, on behalf of DDHFC, Inc. for a change of zoning from Planned Development - General Retail to Planned Development - General Retail with a Conditional Use Permit to allow a daycare, located at 1615 Oates Drive.

(No responses in favor and one in opposition to the application has been

received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

Attachments: [Case Summary](#)
 [Staff report & maps](#)
 [P&Z minutes](#)
 [Ordinance - Z1218-0079](#)

- 24 [19-3972](#) Conduct a public hearing and consider an ordinance for Application No. Z1218-0081, submitted by Masterplan on behalf of Jon Swehla, for a change of zoning from Industrial within the Skyline Logistics Hub Overlay to Service Station within the Skyline Logistics Hub Overlay, located at 117 South Town East Boulevard.
(No responses in favor or 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.)

Attachments: [Case Summary](#)
 [Staff Report & Maps](#)
 [PZ Minutes](#)
 [Ordinance - Z1218-0081](#)

- 25 [19-3929](#) Conduct a public hearing and consider a resolution authorizing and creating the Iron Horse Public Improvement District to include approximately 58.213 acres of land generally located north of Rodeo Drive, south of Scyene Road (also known as Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard in the City of Mesquite, Dallas County, Texas, located within the corporate limits of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code, providing for related matters and providing an effective date.

Attachments: [Resolution - Iron Horse](#)

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. 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. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
5. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
6. Christopher Acoff v. City of Mesquite – Filed 8-25-17
7. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
8. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
9. 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
10. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
11. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
12. Ex Parte North Texas Municipal Water District – Filed 5-7-18
13. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
14. 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
15. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
16. 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
17. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18
18. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18
19. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
20. Gregory Von Lee v. City of Mesquite – Filed 1-15-19

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:

- 26 19-3978** Consider the lease of real property located at 3095 McKenzie Road, Mesquite, 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.

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.