City of Mesquite, Texas

Meeting Agenda

City Council

Monday, April 1, 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 19-3950 Receive briefing regarding draft Engineering Design Manual.

2 19-4035 Receive briefing regarding the 2020 Census and Complete Count Committee.

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

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

INVOCATION

Rev. Tom Palmer, Senior Pastor, First United Methodist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Shelby Greunberg, Representative, Genghis Grill, Mesquite, Texas.

PRESENTATIONS

3 19-4073 Presentation of donation from Genghis Grill to the Spread the Love campaign.

4 19-4071 Presentation of Community Service Awards to Fire Department volunteers.

Attachments: Award Nominees

5 19-4041 Presentation of 2018 Texas Achievement in Library Excellence Award to the Mesquite Library System.

Attachments: Letter - TX Municipal Library Directors Association

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 19-4075 Minutes of the regular City Council meeting held March 18, 2019.

Attachments: 03.18.2019m

7 19-4054 An ordinance granting the partial abandonment of a drainage easement dedicated with the original plat for Buckner Crossing No. 2 Addition, Lot 2A, Block A/8476.

Attachments: Ordinance - Abandonment

Request Letter

Location Map

8 19-4074 A resolution supporting legislation to create "Spradley Farms Improvement District of Kaufman County" to include approximately 621.998 acres of land generally located south of Interstate 20, north and east of FM 2757, and north and west of Union Hill Road, in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite.
(This item was postponed at the March 18, 2019, City Council meeting.)

Attachments: Resolution - Spradley Farms

9 19-4055 Bid No. 2019-053 - Annual Supply of Ford OEM Parts.
(Staff recommends award to Town East Ford in the amount of $60,000.00. 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: Best Value Summary Score Sheet

10 19-4064 Bid No. 2019-072 - Purchase and Installation of Two Generators for Mesquite Municipal Airport.
(Authorize the City Manager to finalize and execute a contract with LJ Power Generators, Inc., through BuyBoard Contract No. 577-18, sponsored by the Texas Association of School Boards, in the amount of $69,728.00.)

Attachments: BuyBoard Quote

11 19-4070 Bid No. 2019-074 - Annual Contract for Debris Removal and Debris Removal Monitoring.
(Authorize the City Manager to finalize and execute contracts with Ceres Environmental Services, Inc., as the primary vendor and DRC Emergency Services, LLC, as the secondary vendor for disaster debris removal in an amount not to exceed $4,000,000.00 and with Tetra Tech, Inc., as the primary vendor and Witt O'Brien, LLC, as the secondary vendor for debris removal monitoring in an amount not to exceed $1,200,000.00, all through an interlocal agreement with the City of McKinney. The term of the debris removal contracts is for a one-year period with two additional one-year renewal options, subject to appropriation of sufficient funds.)

12 19-4059 Authorize Renewal Option No. 1 to the contract for Bid No. 2018-046, Annual Contract for Internet Auctioning Services, through BuyBoard Contract No. 541-17, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales with Rene' Bates Auctioneers, Inc., and authorize the City Manager to exercise Renewal Option No. 2 in year three of the contract, subject to annual appropriation of sufficient funds, as provided in the terms of Bid No. 2018-046.

13 19-4058 Authorize Renewal Option No. 1 to the contract for Bid No. 2018-061, Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires, to execute the first renewal option with Wingfoot Tire dba Goodyear Tire and Rubber Company in an amount not to exceed $256,287.84 and authorize the City Manager to exercise Renewal Option Nos. 2 through 4 in years three through five of the contract, subject to annual appropriation of sufficient funds, as provided in the terms of Bid No. 2018-061.

Attachments: Price List

14 19-4068 Ratify the purchase of fire protective clothing from North American Fire Equipment Company, Inc., (NAFECO) in the amount of $110,624.80.

15 19-4008 Authorize the City Manager to execute an interlocal agreement with the cities of Allen, Arlington, Cleburne, Farmers Branch, Frisco, Grand Prairie, Irving, Plano and Richardson to provide animal control services in the event of an emergency or disaster.

Attachments: Interlocal Agreement

16 19-4053 Authorize the City Manager to finalize and execute a contract amendment with Binkley and Barfield, Inc., for additional design and preparation of construction documents for the State Highway 352 Utility Relocation project in the amount of $24,300.00.

17 19-4049 Authorize the City Manager to finalize and execute Amendment No. 3 with Binkley & Barfield, Inc., for shop drawings, calculations and additional efforts associated with the development of the Screening Wall Replacement Project 2016 in the amount of $5,000.00.

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.)

18 19-4048 Conduct a public hearing and consider an ordinance for Application No. Z1018-0071, submitted by Daniel Boswell on behalf of 1st Choice Self Storage for a change of zoning from General Retail to Planned Development - General Retail to allow mini-warehouses and all other uses permitted in the General Retail zoning district, located at 23300 Interstate Highway 635.

(One response in favor and none 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 at the March 4, 2019, and March 18, 2019, City Council meetings.)

Attachments: Case Summary

Staff Report

PZ Minutes

Ordinance - Z1018-0071

19 19-4066 Conduct a public hearing and consider an ordinance for Application No. Z0119-0085, submitted by Graham Baumann of WRA Architects on behalf of Mesquite Independent School District, for a change of zoning from Single-family Residential to Single-family Residential with a Conditional Use Permit to allow a high school, located at 4200 Faithon P. Lucas, Sr., Boulevard.

(One response in favor and four 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.)

Attachments: Case Summary
Staff Report & Maps
PZ Minutes
Ordinance - Z0119-0085

20 19-4065 Conduct a public hearing and consider an ordinance for Application No. Z0219-0086, submitted by Scott Woodruff of Stallion Town East, LLC for a change of zoning from R-2, Single-family Residential and Town East Retail and Restaurant Overlay to Planned Development - General Retail and Town East Retail and Restaurant Overlay to allow a commercial development on property located on a portion of the south side of the 1900 block of North Town East Boulevard.
(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 with certain stipulations.)

Attachments: Case Summary
Staff Report
PZ Minutes
Ordinance - Z0119-0086

21 19-4077 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, authorizing the City Manager to finalize and execute an agreement for such purposes with Stallion Town East, LLC, for the development of property located on a portion of the south side of the 1900 block of North Town East Boulevard, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: Resolution - 380, Town East

OTHER BUSINESS

22 19-4067 Consider scheduling a special City Council meeting to canvass the returns for the May 4, 2019, Special Election.

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

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:

- Provide legal advice regarding change of alcoholic beverage local option status for certain areas annexed subsequent to the City's last local option election.

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.