



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, November 18, 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      [19-4491](#)      Receive presentation regarding results of 2019 Community Attitude and Satisfaction Survey.

Attachments:      [PowerPoint Presentation](#)  
                                 [Findings Report](#)  
                                 [Geocoded Maps](#)

#### 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

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

##### PLEDGE OF ALLEGIANCE

Members of the Mesquite Downtown Development 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 items on the agenda, 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. Citizens addressing the Council through a translator will be allowed six minutes. 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 Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council. Any individual desiring to address the City Council regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except a speaker addressing the Council through a translator will be allowed six minutes.)

- 2      [19-4507](#)      Minutes of the regular City Council meeting held November 4, 2019.
- Attachments:*      [11.04.2019m](#)
- 3      [19-4502](#)      An ordinance, on third and final reading, granting to Oncor Electric Delivery Company, LLC, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, finding that the meeting at which this ordinance is passed is open to the public, and providing for severability.
- Attachments:*      [Ordinance - Oncor](#)  
                             [Current Franchise Ordinance](#)
- 4      [19-4464](#)      An ordinance amending Chapter 9 of the City Code by adding a new speed limit of 50 MPH on the Northbound Service Road of Interstate Highway 635 from Gross Road to U.S. Highway 80 Eastbound Service Road.
- Attachments:*      [Ordinance - Speed Limit](#)  
                             [TxDOT Letter](#)  
                             [Location Map](#)
- 5      [19-4495](#)      A resolution establishing a public hearing for January 6, 2020, to consider amendments to land use assumptions, a capital improvements plan and the imposition of an impact fee for roadway facilities and authorizing the publication of notice for said hearing.
- Attachments:*      [Resolution - PH Impact Fees](#)
- 6      [19-4499](#)      Bid No. 2020-004 - Utility Relocation for State Highway 352 from north of

Kearney Street to U.S. Highway 80 Eastbound Frontage Road.

(Authorize the City Manager to finalize and execute a contract with low bidder Tejas Utilities, LLC, in the amount of \$130,407.20.)

**Attachments:**     [Recommendation Letter](#)  
                              [Bid Tabulation](#)  
                              [Location Map - SH352](#)

- 7        [19-4498](#)        Bid No. 2020-013 - Annual Parts for International Trucks.  
(Staff recommends award to sole source provider Southwest International Trucks, Inc., for an amount not to exceed \$130,000.00.)

**Attachments:**     [Sole Source Letter](#)

- 8        [19-4497](#)        Bid No. 2020-014 - 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 - Toro](#)

- 9        [19-4500](#)        Bid No. 2020-015 - Skyline Trail.  
(Authorize the City Manager to finalize and execute a contract with low bidder RoeschCo Construction, Inc., in the amount of \$626,000.00.)

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

- 10       [19-4496](#)        Bid No. 2020-024 - Annual Printing and Mailing of Utility Bills and Tax Statements.  
(Staff recommends award to Infosend, Inc., through an Interlocal Cooperative Purchasing Agreement with the City of San Marcos, in an amount not to exceed \$251,000.00. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

- 11       [19-4482](#)        Bid No. 2020-025 - Mach 10 Radio Read Meters.  
(Staff recommends award to sole source provider Cole and Main, L.P., in amount not to exceed \$189,210.00.)

**Attachments:**     [Quote](#)  
                              [Sole Source Letter](#)

- 12       [19-4474](#)        Authorize the City Manager to finalize and execute an Interlocal Cooperation Agreement with the City of Garland for the construction of improvements and maintenance of a segment of the Mesquite - Garland Duck Creek Trail within the City Limits of Mesquite.

**Attachments:**     [Interlocal Agreement - Duck Creek](#)

- 13     [19-4486](#)     Authorize the City Manager to finalize and execute a Laboratory Services Agreement with National Medical Services, dba NMS Labs, in an amount not to exceed \$100,000.00.
- Attachments:*     [Sole Source Letter](#)
- 14     [19-4487](#)     Authorize the City Manager to finalize and execute a supplemental agreement to RFP No. 2017-020, Annual Contract for Recyclables Processing and Marketing, with FOMENTO DE CONSTRUCCIONES Y CONTRATAS, INC, dba FCC, SA.
- Attachments:*     [Supplemental Agreement](#)  
                              [New York Times Article](#)
- 15     [19-4490](#)     Authorize the City Manager to negotiate and execute a change order to Bid No. 2019-037, Annual Miscellaneous Concrete Work (Section A), with Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., in the amount of \$636,050.00.
- Attachments:*     [Item Tabulation](#)
- 16     [19-4352](#)     Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. E2017-008, Town East Boulevard Reconstruction of Paving, Drainage, Water and Sanitary Improvements from Military Parkway to Skyline Drive, with Texas Sterling Construction Co., for proposed traffic signal video detection in the amount of \$17,535.37.
- Attachments:*     [Texas Sterling quote](#)
- 17     [19-4467](#)     Authorize the City Manager to finalize and execute a Work Order Subject to the Terms and Conditions of the Master Interlocal Radio System Service Agreement for Fiscal Year 2019-20 with the City of Garland in conjunction with the P25 Radio System in the amount of \$65,760.00.
- Attachments:*     [Garland Work Order](#)  
                              [Garland Invoice](#)
- 18     [19-4488](#)     Receive the July 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:*     [July 2019 CIAC Report](#)

## 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.)

- 19     [19-4492](#)     Conduct a public hearing and consider an ordinance for Application No. Z0919-0110, submitted by Allen Perez of Murphy's Express, for a change of zoning from Commercial to Planned Development - Service Station to

allow the construction of a new convenience store with fuel sales located at 1101 East U.S. Highway 80 and 2111 North Galloway Avenue.

(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 of the application.)

**Attachments:**

[Staff Report & Maps](#)

[P&Z Minutes](#)

[Ordinance - Z0919-0110](#)

**20      [19-4493](#)**

Conduct a public hearing and consider an ordinance for Application No. Z0919-0111, submitted by Yaneicy Rodriguez of Clinica Hispana Mesquite, for a change of zoning from Truman Heights Neighborhood District to Truman Heights Neighborhood District with a Conditional Use Permit to allow a medical clinic, located at 2002 North Galloway Avenue, Suite F.

(Two responses 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 of the application.)

**Attachments:**

[Staff Report & Maps](#)

[P&Z Minutes](#)

[Ordinance - Z0919-0111](#)

**21      [19-4494](#)**

Conduct a public hearing and consider an ordinance for Application No. Z0919-0115, submitted by Moe Shaikh of Rana Enterprises, for a change of zoning from Commercial and Military Parkway-Scyene Corridor Overlay to Planned Development - Commercial and Military Parkway-Scyene Corridor Overlay to allow additional uses, located at 1228 West Scyene Road.

(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 of the application subject to certain stipulations.)

**Attachments:**

[Staff Report & Maps](#)

[P&Z Minutes](#)

[Ordinance - Z0919-0115](#)

**22      [19-4489](#)**

Conduct a public hearing for the purpose of considering annexation of 807 acres in the City's extraterritorial jurisdiction and generally located at the western corner of FM 2757 and Kelly Road, in the Andrew Nail Survey, Abstract No. 355, Kaufman County, Texas, in connection with a voluntary petition submitted by BDMR Development, LLC.

**Attachments:**

[Annexation Map Polo Ridge](#)

At this time, any individual wishing to discuss any matter on the agenda, with the exception of public hearings, shall be allowed to speak for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 23     [19-4513](#)     Consider appointment of principal and alternate members to the Regional Transportation Council for current terms that expire June 30, 2020.

Attachments:     [RTC Bylaws - August 2018](#)

#### **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. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
8. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
9. 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
10. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
11. 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
12. 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
13. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
14. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
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; Marcelet 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
18. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19

**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.

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.

Pursuant to Section 551.007(c) of the Texas Local Government Code, any member of the public wishing to address the City Council through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.