



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, December 16, 2019

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 [19-4569](#) Discuss City Council Policies and Procedures, Code of Conduct, ethics, campaign contribution limits and lobbying prohibitions.

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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 [19-4557](#) Receive quarterly activity report from the Economic Development Department.

Attachments: [Quarterly Report](#)

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

INVOCATION

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

To be determined.

PRESENTATIONS

- 3 [19-4561](#) Presentation of One Community Patriot Award to Police Chief Charles Cato.

- 4 [19-4560](#) Presentation of 2019-2020 Certificate of Achievement for Richard R. Lillie, FAICP Program for Planning Excellence to the City of Mesquite.
- Attachments:* [Letter from the Texas Chapter of the American Planning 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 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.)

- 5 [19-4554](#) Minutes of the regular City Council meeting held December 2, 2019.
- Attachments:* [12.02.2019m](#)
- 6 [19-4558](#) An ordinance amending Chapter 2 of the City Code clarifying that the City Manager is authorized to approve and sign contracts for the sale and purchase of real and personal property provided the contract price does not exceed \$50,000.00, plus closing costs, authorizing the City Manager to sign donation agreements and accept donations of real and personal property including, without limitation, monetary donations, with a value of \$50,000.00 or less, and delegating the authority to the City Manager to release and abandon certain easements previously conveyed and/or dedicated to the City by plat or separate instrument.
- Attachments:* [Ordinance - Delegation](#)
- 7 [19-4559](#) An ordinance amending Chapters 10 and 15 of the City Code providing procedures addressing removal of graffiti, in accordance with state law.
- Attachments:* [Ordinance - Graffiti](#)
- 8 [19-4501](#) An ordinance providing for the conditional abandonment of three sanitary sewer easements in and around North Mesquite Drive, Town East Boulevard and North Mesquite High School.

Attachments: [Abandonment Request Letter](#)
[Location Map - NMHS](#)
[Ordinance - Abandonment](#)

- 9 [19-4525](#) A resolution adopting a Debt Post Issuance Compliance Policy for the City of Mesquite.

Attachments: [Resolution - Debt Post Issuance](#)
[Debt Post Issuance Compliance Policy - redlined version](#)

- 10 [19-4526](#) A resolution adopting a Procurement Policy for the City of Mesquite.

Attachments: [Resolution - Procurement Policy](#)
[Financial Policy - Procurement FY2020 - redlined version](#)

- 11 [19-4533](#) A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on January 18, 2020, for the City of Mesquite Martin Luther King, Jr., parade.

Attachments: [Resolution - MLK Parade](#)
[Parade Route Map](#)

- 12 [19-4565](#) A resolution casting a vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Attachments: [Resolution - DCAD](#)

- 13 [19-4551](#) A resolution accepting the donation of a tract of commercial property commonly known as 2129 North Galloway Avenue, Mesquite, Texas, from H. Roger Lawler, authorizing the City Manager to release liens against the property, and authorizing the City Manager to take all actions and execute all documents necessary or advisable to complete the donation, transfer and conveyance of the property to the City.

Attachments: [Resolution - 2129 N Galloway](#)
[Location Map](#)

- 14 [19-4568](#) A resolution authorizing the City Manager to finalize and execute an interlocal agreement with the City of Talty, Texas, amending the City's extraterritorial jurisdictional boundaries in the area of Interstate Highway 20 and FM 2932 in Kaufman County and expanding and reducing the extraterritorial jurisdictional boundaries of the City.

Attachments: [Resolution - Talty](#)

- 15 [19-4511](#) Bid No. 2019-109 - Annual Contract for Paint and Body Services.
(Staff recommends award to Town East Ford in the amount of \$133,500.00. 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: [Award Scoring Matrix](#)

- 16 [19-4453](#) Bid No. 2020-016 - Enterprise Storage Software and Hardware Maintenance.
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$55,975.80.)

Attachments: [General Government Quote](#)
[Public Safety Quote](#)

- 17 [19-4505](#) Bid No. 2020-029 - Purchase of Heavy Duty Portable Lifts.
(Staff recommends award to Reeder Distributors, Inc., in Fort Worth, Texas, through BuyBoard Contract No. 551-17, in the amount of \$67,245.00.)

Attachments: [Heavy-Duty Portable Lift Photo](#)

- 18 [19-4541](#) Bid No. 2020-031 - Annual Supply of Personal Computers.
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$224,328.57.)

Attachments: [Quote - Desktop](#)
[Quote - Laptop1](#)
[Quote - Laptop2](#)
[Quote - Rugged-laptop](#)
[Quote - Tablet](#)

- 19 [19-4555](#) Bid No. 2020-035 - Annual Leasing of Satori Postal Coding Software, Address Printer, Inserter and WTS-P Inbound Tracking System.
(Authorize the City Manager to finalize and execute a lease agreement with Neopost U.S.A., Inc., through TxSmartBuy Contract No. 985-L1 in an amount not to exceed \$143,407.68. The term of the lease is for 48 months with a monthly amount of \$2,987.66 and an annual amount of \$35,851.92, subject to annual appropriation of sufficient funds.)

Attachments: [Neopost Business Case: Technology Refresh Solution](#)

- 20 [19-4552](#) Authorize the City Manager to finalize and execute an Interlocal Agreement with the Town of Sunnyvale for Funding Participation in the Public Safety Dispatch Services Study.

Attachments: [Interlocal Agreement](#)

- 21 [19-4550](#) Authorize the City Manager to finalize and execute a Professional Services Contract with Black & Veatch Corporation to analyze integration of the Town of Sunnyvale Public Safety Dispatching Services into the City of Mesquite Public Safety Communications Center.

PUBLIC HEARINGS

- 22 [19-4536](#) Conduct a public hearing for the purpose of considering annexation of approximately 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](#)

- 23 [19-4519](#) Consider an ordinance annexing approximately 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, pursuant to a voluntary petition submitted by BDMR Development, LLC, and further annexing the abutting portion of Kelly Road, granting all inhabitants of said territory the rights and privileges of all other citizens and making applicable to said land and its inhabitants all of the acts, ordinances, resolutions and regulations of the City, approving a service plan for the provision of municipal services in the area, designating annexed territory to be zoned Agricultural, directing the City Secretary to give notice as required to all affected jurisdictions, directing the City Manager to make map revisions, revising the official boundary limits of the City and setting an effective date of annexation.

Attachments: [Ordinance - Annexation](#)

At this time, any individual wishing to discuss any remaining matters on the agenda 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.

CONSIDERATION OF ORDINANCE

- 24 [19-4556](#) Consider an ordinance determining the public necessity of acquiring a total of approximately 0.291 acres of real property interests from property located at 2101 U.S. Highway 80, Mesquite, Dallas County, Texas known as Barons Apartment Homes and owned by Atlantic Pacific Companies for construction of a public trail easement, authorizing the City Manager to acquire the real property, authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary and delegating authority to initiate condemnation proceedings to the City Manager.

Attachments: [Ordinance - Condemnation](#)
 [Location Map](#)

OTHER BUSINESS

- 25 [19-4567](#) An ordinance adding newly-annexed areas in Kaufman County into

Single-Member District 6 and providing an effective date.

Attachments: [Ordinance - District 6](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 26 [19-4540](#) Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, (Places 4, 5 and 9), and two members for terms to expire December 31, 2021, (Places 7 and 8).
- 27 [19-4562](#) Consider appointment of four members to the Mesquite Downtown Development Advisory Board for terms to expire December 31, 2022.

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; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
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; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by 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. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18

7. 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, Cause No. 2018-3835-4 – Filed 10-19-18
8. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
9. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
10. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
11. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
12. 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, Cause No. 3:10-CV-01263-L – Filed 5-24-19
13. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite, Cause No. CC-19-03248-C – Filed 5-31-19
14. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
15. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
16. City of Mesquite v. Daniel Contreras, 1715 Buena Vista, Mesquite, Texas, 75149 in rem and 1718 Buena Vista, Mesquite, Texas, 75149 in rem, Cause No. DC-19-19025 – Filed 11-27-19

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:

- 28 19-4566** Discuss the value and potential sale of City-owned property located at 1431 East U.S. Highway 80.

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.