



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, December 3, 2018

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 [18-3867](#) Receive report and presentation regarding redistricting including a discussion regarding the illustrative redistricting plan and alternate plan(s).

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.

- 2 [18-3873](#) Receive Neighborhood Services quarterly report covering July 1, 2018, through September 30, 2018.

Attachments: [EC.Qtr 4 - Overview](#)

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

INVOCATION

Archie Greer, Jr., Senior Pastor, Trinity Christian Worship, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Santa Cop Toy Program.

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.)

- 3 [18-3860](#) Minutes of the regular City Council meeting held November 19, 2018.

 Attachments: [11.19.2018m](#)
- 4 [18-3866](#) A resolution approving the terms and conditions of the Sixth Amendment to the Communications Facilities License with Dallas MTA, L.P., d/b/a Verizon Wireless, establishing a new license term, increasing rental fees, reducing the annual escalation rate and authorizing the City Manager to execute and administer the agreement on behalf of the City.

 Attachments: [Resolution - Verizon](#)
- 5 [18-3857](#) A resolution endorsing the 2018-2019 Impaired Driving Mobilization Grant for the Selective Traffic Enforcement Project (STEP), approving the contribution of City funds in the amount of \$3,755.76 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation.

 Attachments: [Resolution - IDM](#)
- 6 [18-3827](#) RFP No. 2019-012 - Annual Medical Plan Reinsurance (Stop Loss).
 (Authorize the City Manager to finalize and execute the appropriate documents with W. R. Berkley Corporation in the amount of \$414,220.00.)

 Attachments: [Marketing Results](#)
 [Stop Loss Rate Proposals](#)
- 7 [18-3816](#) Bid No. 2019-013 - Annual Supply of Rebar.
 (Staff recommends award to the lowest bidder meeting specifications, Barnsco, Inc., in the amount of \$133,430.00. 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: [Bid Tabulation](#)

- 8 [18-3841](#) Bid No. 2019-024 - Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - US Highway 80 to Town East Boulevard.
(Authorize the City Manager to finalize and execute a contract with low bidder Tiseo Paving Company for the base bid, Additive/Alternate 1 and Additive/Alternate 4, in the amount of \$12,068,789.21).

Attachments: [Recommendation Letter](#)

[Bid Tabulation - 2019-024](#)

[Location Map](#)

[Special Provisions – Liquidated Damages, Incentives and Disincentives](#)

[Bid Evaluation - Available Funding.pdf](#)

- 9 [18-3849](#) Bid No. 2019-041 - Purchase of Forensic Computer Lab Equipment.
(Staff recommends award to sole source provider Sumuri, LLC, in the amount of \$57,770.00.)

Attachments: [Quote](#)

[Sole Source](#)

- 10 [18-3843](#) Authorize the City Manager to finalize and execute Supplemental Agreement No. 1 to Bid No. 2017-097, Integrated Security System for Police and City Hall, with Convergent Technologies, LLC, in the amount of \$90,833.21, and authorize the purchase of related computer, hardware and networking equipment to SHI Government Solutions in the amount of \$12,442.00 and the purchase of two microphones from Amazon in the amount of \$200.00, for a total amount of \$103,475.21.

Attachments: [Council Summary for Supplemental Agreement](#)

- 11 [18-3848](#) Approve Amendment No. 3 to the 2018-19 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$71,500.00.

Attachments: [Seizure Memorandum](#)

- 12 [18-3863](#) Authorize the City Manager to negotiate, finalize and execute an agreement for the donation to the City of the property located at 300 West Cartwright Road, Mesquite, Texas, and, if the title and condition of such property is acceptable to the City Manager, the City Manager is further authorized to accept the donation of such property on behalf of the City and execute all closing documents necessary or advisable to finalize the donation of such property to the City.

Attachments: [Donation Request Letter](#)

[Location Map](#)

- 13 [18-3864](#) Authorize the City Manager to negotiate, finalize and execute an

agreement for the donation to the City of the properties located at: (i) 3000 Lawson Road in Dallas County, Texas; (ii) 7501, 7505, 7506 and 7507 Shannon Loop, Seagoville, Texas; and (iii) 1301 Malloy Bridge Road, Seagoville, Texas, and, if the title and condition of such properties are acceptable to the City Manager, the City Manager is further authorized to accept the donation of such properties on behalf of the City and execute all closing documents necessary or advisable to finalize the donation of such properties to the City.

Attachments: [Property Owner Donation Letter](#)
[Location Map](#)

- 14 [18-3871](#) A resolution authorizing the Mayor to finalize and execute an agreement between the City of Mesquite, Texas, a Texas Home-Rule municipality situated in Dallas and Kaufman Counties, Texas, and Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, regarding the construction of public improvements within the Iron Horse Village Public Improvement District (PID).

Attachments: [Resolution - Iron Horse Village](#)

PUBLIC HEARINGS

- 15 [18-3862](#) A. Conduct a public hearing to receive and discuss public input and comments on redistricting, the proposed illustrative redistricting plan and alternate plan(s).
- B. Consider an ordinance approving the City's six single-member Council districts and establishing new City Council boundary lines for City Council elections in Mesquite.

Attachments: [Ordinance - Redistricting](#)

- 16 [18-3826](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-07 amending Section 2-203, Schedule of Permitted Uses and Section 2-600 Accessory Structure Regulations pertaining to new and revised regulations for Accessory Dwelling Units.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

Attachments: [Seven City Comparison](#)
[P&Z Minutes](#)
[Ordinance - ZTA 2018-07](#)

- 17 [18-3845](#) Conduct a public hearing and consider an ordinance for Application No. Z0818-0062, submitted by Danny Humphrey of Danny's Mesquite Car Care, for a change of zoning from Service Station to Planned Development-General Retail to allow outdoor storage of vehicles, located at 2933 Motley Drive.

(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 with certain stipulations.)

Attachments: [Case Summary](#)
[Staff Report & Maps](#)
[P&Z Minutes](#)
[Ordinance - Z0818-0062](#)

- 18** [18-3846](#) Conduct a public hearing and consider an ordinance for Application No. Z0818-0063, submitted by Luis Tovar, for a change of zoning from Truman Heights Neighborhood - Mandatory Office-Shopfront to Truman Heights Neighborhood - Single-family Residential to allow a new single-family residence, located at 2026 Stephenson Drive.
(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. This item was postponed at the October 15, 2018 City Council meeting.)

Attachments: [Case Summary](#)
[Staff report & maps](#)
[P & Z Minutes](#)
[Ordinance - Z0818-0063](#)

- 19** [18-3840](#) Conduct a public hearing and consider possible action regarding Application No. Z0918-0065, submitted by AQM Rahman of Design Associates and Consultants, for a change of zoning from General Retail to Planned Development-General Retail to allow a minor reception facility and other uses permitted in the General Retail district, located at 4361 North Belt Line 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 denial of the application.)

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

- 20** [18-3842](#) Conduct a public hearing and consider an ordinance for Application No. Z1018-0070, submitted by Shannon Taylor of Park and Tow Solutions, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow outdoor storage of vehicles and tow trucks, located at 2508 Westwood Avenue.
(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 with a certain stipulation.)

Attachments:

[Case Summary](#)

[Staff report & maps](#)

[P&Z minutes](#)

[Ordinance - Z0818-0070](#)

- 21 [18-3844](#) Conduct a public hearing and consider an ordinance for Application No. Z1018-0072, submitted by Todd Nichols, for a change of zoning from Central Business to Central Business with a Conditional Use Permit to allow the sale of used cars, located at 511 West Davis Street.
(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 with certain stipulations.)

Attachments:

[Case Summary](#)

[Staff Report & Maps](#)

[P&Z minutes](#)

[Ordinance - Z0818-0072](#)

- 22 [18-3855](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider terminating the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

B. Consider an ordinance terminating the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

Attachments:

[Ordinance - Term Falcons Lair](#)

- 23 [18-3856](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider terminating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

B. Consider an ordinance terminating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

Attachments:

[Ordinance - Term Ridge Ranch](#)

- 24 [18-3859](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas ("the Zone"), enlarging the boundaries and

increasing the geographic area of the Zone to include a tract of land consisting of approximately 28.0016 acres and being generally located at the northeast corner of New Market Road and Rodeo Center Boulevard in the corporate limits of the City of Mesquite, Texas (“the Rodeo City Expansion”); extending the term of the Zone for up to an additional thirty-one years to expire no later than December 31, 2049; increasing the total estimated project costs for the Zone and amending the composition of the board of directors for the Zone.

B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, enlarging the boundaries and increasing the geographic area of the Zone to include property generally described in Item A above, extending the term of the Zone, increasing the total estimated project costs for the Zone and amending the composition of the board of directors for the Zone.

Attachments: [Ordinance - Rodeo City Finance Plan](#)

OTHER BUSINESS

25 [18-3861](#) A. Consider scheduling a special City Council meeting to be held on Tuesday, December 11, 2018, at 7:00 p.m., to conduct a public hearing regarding a moratorium on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multi-family developments within the corporate City limits of Mesquite and consider an ordinance, on first reading, establishing the moratorium.

B. A resolution authorizing a temporary moratorium to take effect on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multi-family dwellings within the corporate City limits of Mesquite.

Attachments: [Resolution - Moratorium](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

26 [18-3820](#) Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2021, and the appointment of one member for a term to expire December 31, 2019.

27 [18-3805](#) Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2021.

28 [18-3839](#) Consider appointment of two regular members and one alternate member to the Mesquite Housing Board for terms to expire December 3, 2020, and one alternate member for a term to expire December 3, 2019.

- 29 [18-3850](#) Consider appointment of four regular members and two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2020.

Attachments: [Personal Data Form - Strong](#)

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 2017 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. Matthew Dunlap v. Jose Alcala and the City of Mesquite – Filed 7-17-17
7. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
8. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
9. Christopher Acoff v. City of Mesquite – Filed 8-25-17
10. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
11. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
12. 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
13. 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
14. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
15. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
16. Ex Parte North Texas Municipal Water District – Filed 5-7-18
17. Leonard Warren v. City of Mesquite – Filed 6-18-18
18. Gregory Von Lee v. City of Mesquite – Filed 6-22-18
19. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
20. 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
21. Bob Bishop v. City of Mesquite – Filed 10-23-18
22. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
23. 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

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.