



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, June 4, 2018

4:30 PM

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

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

##### AGENDA REVIEW

##### STAFF PRESENTATIONS

- 1 [18-3497](#) Receive briefing regarding evaluation of concrete surface reconstruction method.
- 2 [18-3489](#) Receive briefing regarding the ongoing Downtown Infrastructure Plan process.
- 3 [18-3481](#) Receive briefing regarding Program Year 2018 Community Development Block Grant (CDBG) applications and proposed budget recommendations.

**Attachments:** [CDBG PY 2018-19 Funding Requests.pdf](#)  
[CDBG PY 2018-19 Program Summaries.pdf](#)

#### 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.

- 4 [18-3495](#) Receive Neighborhood Services quarterly statistics covering October 1, 2017, through March 31, 2018.

**Attachments:** [2nd Quarter Summary](#)

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

##### INVOCATION

Shaji Daniel, Pastor, Agape Church, Sunnyvale, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Mesquite Historical and Genealogical Society.

**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.)

5      [18-3468](#)      Minutes of the special City Council meeting held May 15, 2018, and the regular City Council meeting held May 21, 2018.

*Attachments:*      [05.15.2018m](#)  
[05.21.2018m](#)

6      [18-3490](#)      An ordinance approving an amended Project and Financing Plan for Towne Centre Reinvestment Zone No. Two, City of Mesquite, Texas.

*Attachments:*      [Ordinance - Towne Centre TIRZ No. 2](#)

7      [18-3492](#)      An ordinance revising the schedule of administrative fees relating to engineering, planning, zoning and subdivision applications to establish a fee for "Application to Establish a Compliance Date for a Nonconforming Use" and specifically repealing Ordinance No. 4192.

*Attachments:*      [Ordinance - Administrative Fees](#)

8      [18-3475](#)      An ordinance amending Chapter 9 of the City Code by reducing the speed limit from 45 MPH to 40 MPH on Scyene Road (State Highway 352) from the west city limit to IH 635, effective June 18, 2018.

*Attachments:*      [Ordinance - Scyene Road Speed Limit](#)  
[Location Map](#)

9      [18-3485](#)      An ordinance amending Chapter 10 of the City Code regarding smoking in tobacco shops.

**Attachments:** [Area City Comparison](#)  
[Ordinance - Tobacco Shops](#)

**10 18-3484** An ordinance amending Chapter 13 of the City Code regarding pole signs, nonconforming signs, monument signs, number of signs, electronic message centers and certain administrative requirements.  
(This item was postponed at the May 21, 2018, City Council meeting.)

**Attachments:** [Redline Version](#)  
[City Pole Sign Comparison](#)  
[City Sign Illumination Comparison](#)  
[Ordinance - Sign Code](#)

**11 18-3493** A resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone (TIRZ) containing approximately 248.1466 acres of land consisting of the following six tracts of land: (1) 4300 Lawson Road, (2) 3400 McKenzie Road, (3) 4800 Lasater Road, (4) 4900 Lasater Road, (5) 2700 McKenzie Road and (6) 925 McKenzie Road, located within the corporate limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan.

**Attachments:** [Resolution - PH for Creation of TIRZ](#)

**12 18-3494** A resolution requesting the Board of Adjustment consider establishing a compliance date for nonconforming hotel/motel uses located at 4405 East U.S. Highway 80, 3911 East U.S. Highway 80, 3601 East U.S. Highway 80, 3817 East U.S. Highway 80 and 3629 East U.S. Highway 80.

**Attachments:** [Resolution - Hotel Amortization](#)

**13 18-3487** RFP No. 2017-103 - City Hall A/V Operations Improvement Project.  
(Authorize the City Manager to finalize and execute a contract with Data Projections, Inc., in the amount of \$289,146.32.)

**Attachments:** [Scoring Matrix](#)

**14 18-3479** Bid No. 2018-004 - Westover Greenbelt Pedestrian Bridge Replacement.  
(Authorize the City Manager to finalize and execute a contract with low bidder Wall Enterprises, in the amount of \$119,918.10.)

**Attachments:** [Bid Tabulation - 2018-004](#)  
[Bid Tabulation - Engineering](#)  
[Recommendation Letter](#)  
[Location Map](#)

**15 18-3477** Bid No. 2018-065 - Screening Wall Replacement Project.  
(Authorize the City Manager to finalize and execute a contract with low bidder Joel Brown & Co., LLC, in an amount not to exceed \$616,862.00.)

**Attachments:**

- [Bid Tabulation - 2018-065](#)
- [Bid Tabulation - Engineering](#)
- [Recommendation Letter](#)
- [Location Map - Screening Wall](#)

**16      [18-3478](#)**      Approve the sale of a drainage easement (Parcel 110E) on City-owned property to the Texas Department of Transportation in the amount of \$15,053.00 and execution of a Possession and Use Agreement for early possession of the property for an additional consideration of \$3,000.00 for the construction of frontage roads on IH 635 and authorize the City Manager to finalize and execute the necessary documents.

**Attachments:**

- [Final Offer Letter](#)
- [Possession and Use Agreement](#)
- [Appraisal Report](#)
- [Location Map](#)

#### PUBLIC HEARING

**17      [18-3482](#)**      Conduct a public hearing and consider an ordinance for Application No. Z0318-0025, submitted by Fenton Motors, for a change of zoning from Light Commercial to Planned Development-Light Commercial with a Conditional Use Permit to allow outdoor display of new and used vehicles, located at 16200 IH 635.  
(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 certain stipulations. This item was postponed at the May 7, 2018, meeting.)

**Attachments:**

- [Case Summary](#)
- [Staff report & maps](#)
- [P & Z Minutes](#)
- [Ordinance - Z0318-0025](#)

**RECEIPT OF RESIGNATION**

18 [18-3470](#) Receive resignation from Wynelle Ivey as a member of the Mesquite Housing Board.

**Attachments:** [Resignation E-mail](#)

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

19 [18-3488](#) Consider appointment of one regular member to the Mesquite Housing Board for a term to expire December 3, 2018.

20 [18-3480](#) Consider appointment of principal and alternate members to the Regional Transportation Council for a term to expire June 30, 2020.

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

**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. Luna Properties LLC & F & M Properties Inc. v. City of Mesquite – Filed 6-8-17
7. Matthew Dunlap v. Jose Alcala and the City of Mesquite - Filed 7-17-17
8. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
9. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
10. Christopher Acoff v. City of Mesquite – Filed 8-25-17
11. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
12. Victor Davis v. City of Mesquite and Glenn A. Evans, Individually – Filed 11-9-17
13. 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
14. 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
15. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
16. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
17. Ex Parte North Texas Municipal Water District – Filed 5-7-18

#### **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:

- Discuss moratorium on variety stores.

#### **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-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 segun 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.**