



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, April 16, 2018

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 [18-3401](#) Discuss results from the public meeting and citizen survey regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and for Skyline Drive from Town East Boulevard to Peachtree Road.

Attachments: [Survey Results Location Map](#)
[Location Map](#)
[Cost Estimates for Various Options](#)
[Design Option Examples](#)

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

Marq Toombs, Pastor, Christ Covenant Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Representatives from Snuffer's Restaurant.

PRESENTATIONS

- 2 [18-3381](#) Presentation of a plaque to Keshunia Johnson-Hood in recognition of her

service as a member of the Mesquite Housing Board.

- 3 [18-3360](#) Presentation of meritorious awards to Police Department employees.

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.)

- 4 [18-3382](#) Minutes of the special City Council meeting held March 30, 2018, and the regular City Council meeting held April 2, 2018.

Attachments: [03.30.2018m specialmtg](#)
 [04.02.2018m](#)

- 5 [18-3409](#) A resolution appointing Paula Anderson to act in the capacity as Interim City Attorney of the City of Mesquite, Texas.

Attachments: [Resolution - Interim Attorney](#)

- 6 [18-3393](#) An ordinance providing for the partial abandonment of a utility easement located at Tisinger Elementary School, otherwise known as Ben F. Tisinger Elementary School Addition, Block A, Lot 1.

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

- 7 [18-3402](#) A resolution finding that Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to Title 16 of the Texas Administrative Code, Section 25.243, to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel.

Attachments: [Resolution - Oncor](#)

- 8 [18-3388](#) RFP No. 2018-017 - Comprehensive Energy Consulting and Management Services.
(Authorize the City Manager to finalize and execute a contract with Tradition Energy through U.S. Communities Government Purchasing Alliance.)
- 9 [18-3370](#) Bid No. 2018-038 - Annual Supply of Garbage Can Liners.
(Staff recommends award to Houston Poly Bag 1, Ltd., in the amount of \$250,500.00.)
- Attachments: [Bid Tabulation](#)
- 10 [18-3387](#) Bid No. 2018-054 - Annual Supply of Full Circle Clamps.
(Staff recommends award to the lowest bidder meeting specifications, Core & Main dba HD Supply Waterworks, for an amount not to exceed \$62,815.87.)
- Attachments: [Bid Tabulation](#)
- 11 [18-3386](#) Bid No. 2018-055 - Annual Contract for Paint and Body Services.
(Staff recommends all bids be rejected and rebid at a later date.)
- 12 [18-3385](#) Bid No. 2018-059 - Annual Supply of Water Parts.
(Staff recommends award to low bidders: Group I to Core & Main dba HD Supply Waterworks in the amount of \$105,177.07 and Groups II, III and IV to Fortiline Waterworks in the amount of \$294,682.50, for a total amount not to exceed \$399,859.57.)
- Attachments: [Bid Tabulation](#)

PUBLIC HEARINGS

- 13 [18-3383](#) Conduct a public hearing and consider a resolution authorizing the dissolution of the Polo Ridge Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code, and specifically repealing Resolution No. 76-2017.
- Attachments: [Resolution - Dissolution](#)
- 14 [18-3384](#) Conduct a public hearing and consider a resolution authorizing and creating the Polo Ridge Public Improvement District No. 2 consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code.
- Attachments: [Resolution - Creation of PID](#)

- 15 [18-3392](#) Conduct a public hearing and consider an ordinance for Subdivision Text Amendment No. 2018-01 amending the Mesquite Subdivision Ordinance, Article V, Part F(1), thereby amending the regulations for platting residential lots.
(The Planning and Zoning Commission recommends approval of the subdivision text amendment.)
- Attachments:* [Staff Memo](#)
 [P & Z Minutes](#)
 [Ordinance - STA 2018-01](#)
- 16 [18-3391](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-04 amending Section 1-304, Termination of nonconforming situations; thereby revising the regulations pertaining to the amortization of nonconforming uses.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)
- Attachments:* [Staff Memo](#)
 [P & Z Minutes](#)
 [Ordinance - ZTA 2018-04](#)
- 17 [18-3397](#) Conduct a public hearing and consider an ordinance for Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352.
(One response in opposition to the application has been received from a property owner 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 - Z0218-0022](#)
- 18 [18-3400](#) Conduct a public hearing and consider an ordinance for Application No. Z0218-0024, submitted by Mohammad Qureshi on behalf of Qureshi and Nguyen Properties, to amend Planned Development Ordinance No. 3870 to allow additional uses on the property located at 3730 U.S. Highway 80.
(No responses 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 - Z0218-0024](#)

- 19 [18-3396](#) Conduct a public hearing and consider an ordinance for Application No. Z0318-0026, submitted by Joe Hicks on behalf of Cumberland Presbyterian Church, to rezone property from Planned Development - Single-Family to Planned Development - Office to allow the property to be developed with an accounting office located at 819 North Town East Boulevard.

(One response in opposition to the application has been received from a property owner 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 - Z0318-0026](#)

RECEIPT OF RESIGNATION

- 20 [18-3394](#) Receive resignation from Donna Adams as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.

Attachments: [Resignation Email](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 [18-3389](#) Consider appointment of one regular member and one alternate member to the Board of Adjustment for terms to expire January 1, 2020, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and two reserve alternate members for terms to expire January 1, 2019, and January 1, 2020.

Attachments: [Personal Data Form - George Rice](#)

- 22 [18-3390](#) Consider appointment of one regular member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire September 30, 2019.

- 23 [18-3395](#) Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Wednesday, June 6, 2018, at 9:30 a.m.

Attachments: [History of Appointments](#)

- 24 18-3403 Consider reappointment of Dr. James Terry to serve as a voting director

for the Mesquite Medical Center Management District (the "District") to fill the term for Position 4 on the Board of Directors of the District for a term expiring on June 1, 2021.

25 [18-3404](#)

Consider appointment of Steven Nabors to serve as a voting director for the Mesquite Medical Center Management District (the "District") to fill the term for Position 5 on the Board of Directors of the District for a term expiring on June 1, 2021.

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

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.

- Discuss annual review of Municipal Court Judge.

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.