



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 7, 2018

4:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:00 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

Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

National Elementary Honor Society students, Price Elementary School.

PRESENTATIONS

- 1 [18-3425](#) Recognize Small Business Week video participants.
- 2 [18-3399](#) Recognize Real. Texas. Service. Employee Champions.

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.

APPOINTMENTS FOR PERSONAL APPEARANCE

3 [18-3419](#) Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review pricing for the issuance and sale of bonds.)

4 [18-3416](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Refunding and Improvement Bonds, Series 2018; laying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of a deposit agreement and a bond purchase agreement; approving the official statement; and enacting other provisions relating thereto.

Attachments: [Ordinance - General Obligation Refunding](#)

5 [18-3417](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018; levying a tax in payment thereof; prescribing the form of said certificates; approving a purchase agreement; approving the official statement; approving and enacting other provisions relating thereto.

Attachments: [Ordinance - Combination Tax](#)

6 [18-3418](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2018; approving an official statement; authorizing the execution of a purchase agreement and deposit agreement; making provisions for the security thereof; providing an effective date; and ordaining other matters relating to the subject.

Attachments: [Ordinance - Waterworks](#)

7 [18-3420](#) A resolution approving and authorizing the execution and delivery of a project agreement with Mesquite Quality of Life Corporation for the payment of costs related to reconstruction of Town East Boulevard from US Highway 80 to Skyline Drive and construction and installation of an adjacent pedestrian trail on the east side of Town East Boulevard in the area to be reconstructed, reconstruction of Scyene Road from Clay Mathis Road to Lawson Road and reconstruction of Gus Thomasson Road in the area of the Thomasson Square redevelopment project; approving expenditure of funds by the Corporation in connection therewith; and

containing other provisions related thereto.

Attachments: [Resolution - 4B](#)

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.)

8 [18-3412](#) Minutes of the regular City Council meeting held April 16, 2018.

Attachments: [04.16.2018m](#)

9 [18-3434](#) A resolution consenting to the assignment by Industrial Developments International (Texas), L.P., ("IDI") to IDIL Skyline D, LLC ("IDIL Skyline"), of IDI's interest in that certain economic development program agreement (Chapter 380 Agreement) dated January 26, 2018, between IDI and the City of Mesquite, Texas, relating to an industrial building project located at 2250 Skyline Drive, Mesquite, Texas, and authorizing the City Manager to execute all documents necessary or requested in connection therewith.

Attachments: [Resolution - IDI](#)
[IDI Entity Structure](#)

10 [18-3442](#) A resolution adopting policy issue priorities for the year 2018 and strategic goals for the future of Mesquite.

Attachments: [Resolution - Goals & Policy Issues](#)

11 [18-3422](#) Bid No. 2018-052 - Neighborhood Stabilization Program for residential repairs located at 3708 Hilton Drive, Mesquite, Texas 75150.
(Authorize the City Manager to finalize and execute a contract with Provement, Inc., in the amount of \$97,468.30.)

Attachments: [Evaluation Summary](#)
[Location Map](#)

12 [18-3427](#) Bid No. 2018-064 - Annual Contract for Utility Concrete Repair (Area 2).
(Authorize the City Manager to finalize and execute a contract with low bidder Overall Concrete Solutions, in the amount of \$263,612.50.)

Attachments: [Bid Tabulation](#)

13 [18-3414](#) Bid No. 2018-075 - Purchase of Portable Radios for Police Officers.
(Staff recommends award to Motorola Solutions in the amount of \$76,858.20.)

Attachments: [Quote](#)

14 [18-3424](#) Authorize the City Manager to execute a revised Economic Development Program Agreement (Chapter 380 Agreement) with W. A. Ridge Ranch, LLC, extending the date of delivery of lots to the builders from the third

quarter of 2015 to the third quarter of 2020, extending the construction date of homes from 2016 to 2019, the completion of home construction by December 31, 2036, and extending the term of the agreement from December 31, 2031, to a term of 22 years from date of execution, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Letter from the Developer dated February 25, 2018](#)
[Proposed Second Amendment to Economic Development Program Agreement, Revised](#)
[Amendment to Economic Development Program Agreement, Revised With Ridge Ranch](#)
[Economic Development Program Agreement, Revised](#)

- 15 [18-3415](#) Approve Amendment No. 4 to the 2017-18 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 \$103,000.00.

Attachments: [Seizure Amendment No. 4](#)

PUBLIC HEARINGS

- 16 [18-3405](#) Conduct a public hearing and consider an ordinance amending the Mesquite Thoroughfare Plan.

Attachments: [Ordinance - Thoroughfare Plan](#)

- 17 [18-3433](#) 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. This item was postponed at the April 16, 2018, City Council meeting.)

Attachments: [Case Summary](#)
[Staff Report and Maps](#)
[Alternative Permitted Uses](#)
[Alternative Concept Plan](#)
[P & Z Minutes](#)
[Ordinance - Z0218-0022](#)

- 18 [18-3430](#) 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 Interstate Highway 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.)

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

- 19** [18-3428](#) Conduct a public hearing and consider an ordinance for Application No. Z0318-0028, submitted by Les Pritchett of Urban Air Mesquite, for a change of zoning from General Retail to Light Commercial with a Conditional Use Permit to allow an indoor recreational facility, located at 1220 North Town East Boulevard, Suite 650.

(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 rezoning from General Retail to Planned Development-General Retail with a Conditional Use Permit to allow an indoor recreational facility with certain stipulations.)

Attachments: [Case Summary](#)
[Staff report & maps](#)
[P & Z Minutes](#)
[Ordinance - Z0318-0028](#)

- 20** [18-3429](#) Conduct a public hearing and consider an ordinance for Application No. Z0318-0029, submitted by Brian Lingle of Lingle Engineers, for a change of zoning from Agriculture to Planned Development-General Retail, located at 3401 McKenzie Road.

(One response in favor and two responses 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 - Z0318-0029](#)

- 21** [18-3432](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-02 amending Chapter 1-600, Temporary Uses and Structures; Chapter 2-200, Use Regulations; Chapter 3-200, Use Regulations; Chapter 3-500, Supplementary Use Regulations; and Chapter 6-100, Definitions and Interpretation of Terms; thereby providing new and revised regulations for primary and secondary educational uses and

temporary classrooms.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

Attachments:

[Staff Memo](#)

[P & Z Minutes](#)

[Ordinance - ZTA 2018-02](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 [18-3423](#) Consider appointment of two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2018.

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
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.

- Review of North Texas Municipal Water District Board Appointee Terry Anderson.
- Discuss annual review of Municipal Court Judge.

Economic Development

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

- 23 18-3410** Consider economic development incentives for businesses seeking to locate on Peachtree Road.
- 24 18-3436** Consider economic development incentives for a proposed development at Rodeo Center Boulevard and Military Parkway/Scyene Road.
- 25 18-3438** Consider proposed economic development incentives for a prospective homebuilder in southeast Mesquite.
- 26 18-3439** Consider proposed economic development incentives for a prospective industrial business park in southeast Mesquite.

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.