



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 18, 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

STAFF PRESENTATIONS

- 1 [18-3526](#) Receive presentation by North Texas Municipal Water District and City of Mesquite Water Utilities.
- 2 [18-3486](#) Receive briefing regarding IH-20 branding.
- 3 [18-3521](#) Discuss selling parcel on Faithon P. Lucas, Sr., Boulevard.
- 4 [18-3524](#) Discuss proposed shared facility at Vanston Park.

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

Will Klinke, Pastor, Mesquite Seventh-Day Adventist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

To be determined.

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 [18-3496](#) Minutes of the regular City Council meeting held June 4, 2018.
- Attachments:* [06.04.2018m](#)
- 6 [18-3518](#) An ordinance amending Chapter 9 of the City Code denoting school zones for Frasier Middle School along Peachtree Road, Memorial Boulevard and Scylene Road (SH-352) which school zones will also include protection for West Mesquite High School and Seabourn Elementary School since all three schools are in the same area, effective August 19, 2018.
- Attachments:* [Ordinance - Frasier Middle School](#)
 [Location map - Proposed School zone extensions - Frasier MS.pdf](#)
- 7 [18-3534](#) An ordinance amending Chapter 10 of the City Code thereby providing regulations pertaining to nuisance parties.
- Attachments:* [Ordinance - Nuisance Parties](#)
- 8 [18-3510](#) RFP No. 2018-008 - Asset Management Software.
(Authorize the City Manager to finalize and execute a Cityworks License and Maintenance Agreement with Azteca Systems, LLC, in the amount of \$65,000.00 and a contract with NewEdge Services, LLC, to implement Cityworks Asset Management Software in the amount of \$107,200.00 for a total amount of \$172,200.00.)
- 9 [18-3511](#) Bid No. 2018-058 - South Peachtree Road Sidewalk Project.
(Authorize the City Manager to finalize and execute a contract with low bidder La Banda, LLC, in an amount not to exceed \$106,192.00.)
- Attachments:* [Bid Tabulation - 2018-058](#)
 [Location Map](#)
- 10 [18-3498](#) Bid No. 2018-076 - Annual Contract for Paint and Body Services.
(Staff recommends award to Six Construct, Inc., dba Budget Auto Body Shop, in the amount of \$76,000.00.)
- Attachments:* [Bid Tabulation - 2018-076](#)

- 11 [18-3500](#) Bid No. 2018-085 - Purchase of Asphalt Paver.
(Staff recommends award to Kirby Smith Machinery, Inc., in Dallas, Texas, through BuyBoard Contract No. 515-16, sponsored by the Texas Association of School Boards, in the amount of \$359,756.00.)
- Attachments:* [Photo](#)
- 12 [18-3507](#) Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to prepare construction documents for Front Street in the amount of \$267,000.00.
- Attachments:* [Location Exhibit](#)
- 13 [18-3504](#) An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number Eleven, City of Mesquite, Texas, (Heartland Town Center) and making a finding regarding feasibility.
- Attachments:* [Ordinance - Heartland Town Center TIRZ Finance Plan](#)
- 14 [18-3514](#) A resolution authorizing the Mayor to execute an agreement with Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) regarding the construction of public improvements within the Heartland Town Center Public Improvement District.
- Attachments:* [Resolution - Heartland PID Construction Improvements](#)
- 15 [18-3513](#) A resolution establishing two public hearings on the proposed annexation of 25.464 acres in the City's extraterritorial jurisdiction and generally located at the southeast corner of IH 20 and FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by Mehrdad Moayedi of CADG Kaufman 146, LLC.
- Attachments:* [Resolution - Voluntary Annexation](#)

PUBLIC HEARINGS

- 16 [18-3531](#) Conduct a public hearing to receive citizen input regarding the proposed 2018-2019 Community Development Block Grant (CDBG) budget.
- 17 [18-3519](#) Conduct a public hearing and consider an ordinance for Application No. Z0518-0031, submitted by Md. Mozharul Islam, for a change of zoning from R-3, Single-Family Residential to Planned Development - Office, allowing a parking lot as a principal use, located at 100 West Mimosa Lane.
(Two responses in favor and one response 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](#)
 [Z0518-0031](#)
 [P & Z Minutes](#)
 [Ordinance - Z0518-0031](#)

- 18** [18-3520](#) Conduct a public hearing and consider an ordinance for Application No. Z0518-0032, submitted by Denise Shontel of Dallas Slot Cars, for a change of zoning from Commercial and Military Parkway-Scyene Corridor Overlay to Commercial and Military Parkway-Scyene Corridor Overlay with a Conditional Use Permit to allow an indoor recreation facility, located at 1210 West Scyene Road, Suite D.
(No responses in favor or 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.)

Attachments: [Case Summary](#)
 [Staff report & maps](#)
 [P & Z minutes](#)
 [Ordinance - Z0518-0032](#)

- 19** [18-3522](#) Conduct a public hearing and consider an ordinance designating a contiguous geographic area of 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, all six tracts of land being located within the corporate limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park TIRZ), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date of termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance.

Attachments: [Ordinance - Creation TIRZ No. 12](#)

OTHER BUSINESS

- 20** [18-3499](#) Consider scheduling a special City Council meeting for Monday, June 25, 2018, at 5:00 p.m., to discuss the selection of the City Attorney.

RECEIPT OF RESIGNATION

- 21** [18-3533](#) Receive resignation from Wes McClure as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

Attachments: [Resignation E-mail](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 [18-3508](#) Consider appointment of four members to the Animal Services Advisory Board for terms to expire September 8, 2018.

Attachments: [Personal Data Forms](#)

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:

- Discussion of contemplated litigation regarding cable franchise fee payments.

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:

23 18-3523 Discuss acquisition of property along McKenzie Road.

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.

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:

24 18-3525 Consider proposed economic development incentives for a prospective homebuilder in southeast Mesquite.

25 18-3528 Consider economic development incentives for a proposed development in the Market East area.

26 18-3530 Consider economic development incentives for a prospective business in the Skyline Industrial District.

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-capitulo H, Capitulo 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-capitulo H, Capitulo 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.