



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, November 5, 2018

4:00 PM

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

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

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1      [18-3760](#)      Receive presentation regarding results of 2018 Community Attitude and Satisfaction Survey.  
  
         Attachments:      [PowerPoint Presentation](#)  
                              [Findings Report](#)  
                              [Geocoded Maps](#)
- 2      [18-3789](#)      Receive report and presentation regarding redistricting including a discussion regarding the illustrative redistricting plan.
- 3      [18-3766](#)      Receive briefing regarding possible amendments to the Accessory Dwelling Unit ordinance.  
  
         Attachments:      [City comparison](#)
- 4      [18-3794](#)      Receive briefing regarding a development agreement for the proposed Iron Horse Mixed Use Development consisting of retail, restaurant, office, residential components and other associated uses of an approximately 56 acre tract of land generally located at Rodeo Drive and Rodeo Center Boulevard.

#### 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

#### CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:00 P.M.

- 5      [18-3778](#)      Receive quarterly report from the Police Department.

Attachments:      [Police Department Overview Nov 2018.pdf](#)

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

### **INVOCATION**

Gabriel Ojih, Pastor, Pathway of Grace Church, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

Mesquite Municipal Court Clerks.

### **PRESENTATIONS**

- 6      [18-3784](#)      Presentation of a plaque to N.N. Dharmarajan in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- 7      [18-3785](#)      Presentation of a plaque to Sergio Garcia in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- 8      [18-3742](#)      Presentation to military representatives in honor of Veterans Day.
- 9      [18-3741](#)      Presentation of donation from American National Bank of Texas to the Mesquite Veterans Memorial campaign.
- 10     [18-3587](#)      Recognize Real. Texas. Service. 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.

### **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.)

- 11     [18-3786](#)      Minutes of the regular City Council meeting held October 15, 2018.

Attachments:      [10.15.2018m](#)

- 12     [18-3767](#)     An ordinance amending Chapter 9 of the City Code by reducing the speed limit from 35 MPH to 30 MPH on Motley Drive from Gus Thomasson Road on the south to Town East Boulevard on the north, effective November 12, 2018.
- Attachments:*     [Ordinance - Motley Drive](#)  
                         [Speed Limit Study](#)  
                         [Location Map](#)
- 13     [18-3739](#)     An ordinance amending Section 10.3 of the Community Appearance Manual thereby amending the requirements for lighting on buildings.
- Attachments:*     [Ordinance - CAM](#)
- 14     [18-3777](#)     A resolution authorizing the City Manager to execute and approve the Multiple Use Agreement with the Texas Department of Transportation for the Mesquite Heritage Trail within U.S. Highway 80 right-of-way.
- Attachments:*     [Resolution - Multiple Use Agmt](#)  
                         [Multiple Use Agreement](#)
- 15     [18-3801](#)     A resolution authorizing the City Manager to finalize and execute an agreement for the purchase of electric energy from a retail energy provider at the best value for the City of Mesquite, Texas, and to present the agreement before the City Council for ratification as soon as possible after execution.
- Attachments:*     [Resolution - Energy](#)
- 16     [18-3769](#)     Bid No. 2018-006 - South Mesquite Creek Sanitary Sewer Erosion Protection Project.  
(Staff recommends all bids be rejected and rebid at a later date.)
- Attachments:*     [Bid Tabulation - Purchasing](#)  
                         [Bid Tabulation - Engineering](#)  
                         [Location Map](#)
- 17     [18-3770](#)     Bid No. 2018-092 - Dunford School Erosion Control Project.  
(Authorize the City Manager to finalize and execute a contract with DCI Contracting, Inc., in the amount of \$89,660.00.)
- Attachments:*     [Recommendation Letter](#)  
                         [Bid Tabulation - 2018-092](#)  
                         [Bid Tabulation - Engineering](#)  
                         [Project Map](#)
- 18     [18-3731](#)     Bid No. 2018-102 - Purchase of Equipment Services Shop Crane.  
(Staff recommends award to CCE, Inc., in the amount of \$55,318.00.)

**Attachments:**      [Bid Tabulation](#)  
                              [Crane Drawing](#)  
                              [Crane Photo](#)

- 19      [18-3771](#)      Bid No. 2019-026 - Purchase of Fire Department Bomb Squad Remote Operations System.  
(Staff recommends award to sole source provider Telerob USA, Inc., in the amount of \$349,996.21.)

**Attachments:**      [Telerob Quote](#)  
                              [Telerob Sole Source Letter](#)  
                              [Telerob HYBRID Specifications Sheet](#)

- 20      [18-3754](#)      Bid No. 2019-027 - Purchase of Wheel Loader.  
(Staff recommends award to Holt CAT, in Dallas, Texas, through National Joint Powers Alliance (NJPA) Contract No. 032515-Member 31694, in the amount of \$218,982.00.)

**Attachments:**      [Photo - Wheel Loader](#)

- 21      [18-3759](#)      Bid No. 2019-029 - Purchase of One 1500 GPM 105-Foot Rear Mount Ladder Truck.  
(Staff recommends award to Spartan ERV, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. FS12-17, in the amount of \$1,099,232.00.)

**Attachments:**      [HGAC Contract Pricing Worksheet](#)  
                              [Ladder Truck Drawing](#)

- 22      [18-3762](#)      Bid No. 2019-030 - Enterprise Storage Software and Hardware Maintenance.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSA-3763, in the amount of \$75,606.08.)

**Attachments:**      [General Government Quote](#)  
                              [Public Safety Quote](#)

- 23      [18-3764](#)      Bid No. 2019-031 - Annual Supply of Personal Computers.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$246,016.59.)

**Attachments:**      [Desktop1](#)  
                              [Desktop2](#)  
                              [Desktop3](#)  
                              [Desktop4](#)  
                              [Desktop5](#)  
                              [Laptop1](#)  
                              [Laptop2](#)  
                              [Laptop3](#)  
                              [Rugged1](#)  
                              [Rugged2](#)

24      [18-3756](#)      Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.

25      [18-3763](#)      Authorize the City Manager to finalize and execute the Master Interlocal Radio System Service Agreement with the City of Garland, Texas, to provide maintenance and repair services for the municipal radio systems and to authorize payment to the City of Garland, Texas, for Fiscal Year 2018-19 radio maintenance services in the amount of \$66,180.00.

**Attachments:**      [Master ILA Radio Service Agreement](#)

26      [18-3723](#)      Authorize the City Manager to finalize and execute a Memorandum of Agreement with North Central Texas Trauma Regional Advisory Council for the participation as a member of the Emergency Medical Task Force.

**Attachments:**      [Memorandum of Agreement](#)

27      [18-3720](#)      Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

28      [18-3795](#)      Authorize the City Manager to finalize and execute a contract with the Mesquite Independent School District, to purchase approximately 48.417 acres of land (the Property) for future City use, the Property being located at 925 McKenzie Road, in Mesquite, Texas, for the purchase price of \$970,131.43 and related closing costs and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to complete the closing and purchase of the property.

**Attachments:**      [Location Map](#)  
                              [Contract for Sale](#)

29      [18-3775](#)      Approve a petition requesting installation of speed bumps in the alley between Ivy Drive and Caribbean Drive from Bedford Drive to the alley intersection connecting to Saint James Court.

**Attachments:**[Petition](#)[Location Map](#)

- 30     [18-3776](#)     Approve Amendment No. 1 to the 2018-19 Police State 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 \$347,720.00.

**Attachments:**[Seizure Amendment No. 1](#)**PUBLIC HEARINGS**

- 31     [18-3790](#)     A. Conduct a public hearing to receive and discuss public input and comment on redistricting and the proposed illustrative plan.

B. Consideration and possible action to revise the designated illustrative redistricting plan and/or propose a final redistricting plan for adoption at the November 19, 2018, City Council meeting.

- 32     [18-3774](#)     Conduct a public hearing for Application No. Z1018-0069, submitted by Pettitt Barraza, LLC, on behalf of DR Horton - Texas, Ltd., for a change of zoning from Agriculture to Planned Development-Single Family Residential to allow a single family subdivision, located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway.  
(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 denial of the application.)

**Attachments:**[Case Summary](#)[Staff Report & Maps](#)[P&Z Minutes](#)

- 33     [18-3772](#)     Conduct a public hearing and consider an ordinance for Application No. Z0918-0064, submitted by WRA Architects on behalf of Mesquite Independent School District, for a change of zoning from Planned Development-Single Family Residential to Planned Development-Single Family Residential with a Conditional Use Permit to allow a middle school, located at 101 Holloman Road.

(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 - Z0918-0064](#)

- 34     [18-3738](#)     Conduct a public hearing and consider an ordinance amending Chapter 13 of the City Code thereby updating the regulations regarding various temporary sign types, sign contractor registration and bonds, monument signs, purpose of the Code, noncommercial messages, bandit signs, replacement of billboards, wall signs and window signs.

Attachments:     [Redlined Version - Sign Code](#)  
                         [Ordinance - Sign](#)

- 35     [18-3788](#)     A. Conduct a public hearing under Chapter 26 of the Texas Parks and Wildlife Code for the use or taking of park land; considering the sale of City park property to the Mesquite Independent School District ("MISD") to allow for the construction of a new school. The City park property to be transferred to MISD is 44.097 acres of land, generally described as located in the John P. Anderson Survey, Abstract No. 1, Mesquite, Dallas County, Texas, and being a part of the property commonly known as 4200 Faithon P. Lucas Sr. Boulevard in the City of Mesquite, Dallas County, Texas (the Property).

B. Consider a resolution authorizing the City Manager to execute a Contract for Sale of Real Property with the MISD and all other documents necessary to convey the property to the MISD.

Attachments:     [Resolution - MISD](#)  
                         [Dallas Morning News ad published – Thursday, October 11, 2018](#)  
                         [Dallas Morning News ad published – Thursday, October 18, 2018](#)  
                         [Dallas Morning News ad published – Thursday, October 25, 2018](#)

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 36     [18-3752](#)     Consider appointment of one member to the Animal Services Advisory Board for a term to expire September 8, 2020.

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

- 37     [18-3765](#)     Consider appointment of one regular member to the Capital Improvements Advisory Committee for a term to expire September 30, 2020.

- 38     [18-3768](#)     Consider appointment of Terry Tosch to the Personnel/Trial Board for a term to expire November 7, 2021, and confirmation of appointment by the City Manager of Terry Tosch to serve as a member of the City of Mesquite Fire Firefighters' and Police Officers' Civil Service Commission for a term to expire November 7, 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. 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

### **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:

- Receive briefing regarding Board of Adjustment Case No. 1018-0093, Amortization of a Nonconforming Motel Use located at 3629 East U.S. Highway 80, commonly known as the Meri Best Inn and legal strategies for addressing noncompliant uses and properties.

### **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:

- 39      18-3743**      Discuss economic development incentives for a prospective industrial project in the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine.

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.**