



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 19, 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 [18-3297](#) Receive briefing regarding amortization of nonconforming uses.

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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 [18-3286](#) Receive financial statement for period covering October 1, 2017, through December 31, 2017.

Attachments: [December 31, 2017 Financial Statements](#)
[December 31, 2017 Financial Statement Overview](#)

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

INVOCATION

Mike Pettitt, Pastor, Connection Pointe, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Shriners.

PRESENTATIONS

- 3 [18-3301](#) Recognize City Engineers in conjunction with National Engineers Week.

- 4 [18-3302](#) Presentation for Brickyard Cemetery Monument.

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 [18-3280](#) Minutes of the regular City Council meeting held February 5, 2018.

Attachments: [Minutes](#)

- 6 [18-3287](#) An ordinance providing for the partial abandonment of water line easements located at Dr. John D. Horn High School, otherwise known as Dr. John D. Horn High School Addition, Block A, Lot 1-A.

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

- 7 [18-3296](#) A resolution expressing support of the LBJ East Project and encouraging State elected officials and the Texas Transportation Commission to provide immediate full funding for this critical transportation project and to allow the Regional Transportation Council and the Texas Department of Transportation the freedom to utilize all tools at their disposal to close the funding gap for this project, including managed toll lanes and design/build procurement process.

Attachments: [Resolution - LBJ Project](#)
[TXDOT Project Summary](#)

- 8 [18-3299](#) A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Department in connection with the Annual City Election and Special Charter Amendment Election to be held May 5, 2018.

Attachments: [Resolution - Election](#)

- 9 [18-3291](#) Bid No. 2017-107 - Westlake Tennis Center Phase 2, Pro Shop and Bridge.

(Staff recommends all bids be rejected.)

Attachments: [Bid Tabulation - 2017-107](#)

- 10** [18-3293](#) Bid No. 2018-049 - Westlake, Pro-Shop Infrastructure.
(Authorize the City Manager to finalize and execute a contract with Nouveau Construction and Technology Services of Carrollton, Texas, through BuyBoard Contract No. 463-14, sponsored by the Texas Association of School Boards, in the amount of \$255,427.13.)

Attachments: [Exhibit](#)

- 11** [18-3292](#) Bid No. 2018-050 - Westlake, Pro-Shop Modular Building.
(Authorize the City Manager to finalize and execute a contract with Palomar Modular Buildings of DeSoto, Texas, through BuyBoard Contract No. 463-14, sponsored by the Texas Association of School Boards, in the amount of \$109,729.00.)

Attachments: [Exhibit](#)

- 12** [18-3289](#) Bid No. 2018-022 - Camp Rorie Galloway, Pavilion and Office.
(Staff recommends all bids be rejected.)

Attachments: [Bid Tabulation - 2018-022](#)

- 13** [18-3288](#) Bid No. 2018-047 - Camp Rorie Pavilion.
(Authorize the City Manager to finalize and execute a contract with InSite Amenities of Fort Worth, Texas, through BuyBoard Contract No. 512-16, sponsored by the Texas Association of School Boards, in the amount of \$91,030.00.)

Attachments: [Exhibit](#)

- 14** [18-3290](#) Bid No. 2018-053 - Camp Rorie Pavilion Infrastructure.
(Authorize the City Manager to finalize and execute a contract with Nouveau Construction and Technology Services of Carrollton, Texas, through BuyBoard Contract No. 520-16, sponsored by the Texas Association of School Boards, in the amount of \$204,989.40.)

Attachments: [Exhibit](#)

- 15** [18-3279](#) Bid No. 2017-076 - Sanitary Sewer Replacement Project - Phase 1.
(Authorize the City Manager to finalize and execute a contract with Excel 4 Construction, LLC, in the amount of \$1,411,644.00).

Attachments: [Recommendation Letter](#)
[Bid Tabulation - 2017-076 \(Purchasing\)](#)
[Bid Tabulation \(Engineering\)](#)
[Location Map](#)

- 16** [18-3282](#) Bid No. 2017-114 - Fleet Management Software System.
(Authorize the City Manager to finalize and execute a contract with Faster

Asset Solutions, through GSA Contract No. GS-35F-0251U, in the amount of \$137,003.00.)

- 17 [18-3249](#) RFP No. 2018-035 - Public Improvement District (PID) Administration Services.
(Authorize the City Manager to execute a contract with David Taussig & Associates, Inc., for PID administration services in an amount not to exceed \$50,000.00 on an annual basis per each PID.)

Attachments: [RFP Scoring Sheet](#)

- 18 [18-3262](#) Bid No. 2018-046 - Annual Contract for Internet Auctioning Services.
(Authorize the City Manager to finalize and execute a contract with Rene' Bates Auctioneers, Inc., through BuyBoard Contract No. 541-17, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales.)

- 19 [18-3283](#) Bid No. 2018-051 - Purchase of 2018 Ford F-350 Diesel Chassis Ambulance Remount.
(Staff recommends award to low bidder Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$124,000.00.)

Attachments: [Frazer Ltd Quote](#)
[HGAC Quote](#)

- 20 [18-3250](#) Authorize the City Manager to finalize and execute a Developer Participation Agreement with LBL - The Birdhouse, LLC, and LBL - Birdhouse Too, LLC, for site development reimbursement at the Mesquite Metro Airport.

- 21 [18-3251](#) Authorize the City Manager to finalize and execute a Ground Lease with LBL - The Birdhouse, LLC, for a corporate aircraft hangar at Mesquite Metro Airport.

- 22 [18-3253](#) Authorize the City Manager to finalize and execute a Ground Lease with LBL - Birdhouse Too, LLC, for a corporate aircraft hangar at Mesquite Metro Airport.

- 23 [18-3254](#) Authorize the City Manager to finalize and execute Amendment No. 1 to a Hangar Lease Agreement with LBL 861 LLC, d/b/a Mesquite Aircraft Sales and Services.

- 24 [18-3281](#) Receive the January 2018 semi-annual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Attachments: [January 2018 report](#)
[CIAC Minutes 2018-02-12](#)

- 25 [18-3284](#) Approve Amendment No. 3 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 \$320,000.00.

Attachments: [Seizure Amendment No 3](#)

PUBLIC HEARINGS

- 26 [18-3210](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with 2202 E Scyene Rd, LLC, for a proposed business facility expansion at 2202 Scyene Road, Mesquite, Texas.

Attachments: [Resolution - 2202 E Scyene](#)
 [Executive Summary - 2202 E Scyene](#)

- 27 [18-3295](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an agreement for such purposes with QuikTrip Corporation for a convenience store and fueling station located at 5500 S. Buckner Boulevard in Mesquite, Texas and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution - QT](#)
 [Executive Summary - QT](#)

- 28 [18-3285](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-01 amending Section 3-200, Use Regulations; Section 3-300, Development Standards; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Amusement and Recreation Services including ballrooms and event centers.
(The Planning and Zoning Commission recommends denial of the zoning text amendment.)

Attachments: [Ordinance - ZTA 2018-01](#)
 [P & Z Minutes](#)

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 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. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18

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.

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:

- 29 18-3294** Discuss economic development incentives for a business prospect considering to construct a new commercial building in the Central Business 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 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.