



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, May 21, 2018

4:30 PM

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

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#### **PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Discuss results from the second 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.
- 2 Receive presentation of the Interstate Highway 30 and U.S. Highway 80 Targeted Economic Development Study.
- 3 Receive briefing regarding amortization of nonconforming uses.

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:30 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.**

- 4 Receive financial statement for period covering October 1, 2017, through March 31, 2018.
- 5 Receive quarterly report from Police Department.

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

#### **INVOCATION**

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Friends of the Mesquite Public Library.

**PRESENTATIONS**

- 6 Presentation of a plaque to Donna Adams in recognition of her service as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.
- 7 Presentation of Certificates of Election to City Councilmembers Bruce Archer, Place 3, Dan Aleman, Place 4, and Greg Noschese, Place 5.

**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.)

- 8 Minutes of the regular City Council meeting held May 7, 2018.
- 9 An ordinance ratifying and incorporating the adoption of amendments to the Home Rule Charter approved by qualified voters of the City of Mesquite, Texas, at a Special Charter Amendment Election held on May 5, 2018.
- 10 An ordinance amending Chapter 13 of the City Code regarding pole signs, nonconforming signs, monument signs, number of signs, electronic message centers and certain administrative requirements.
- 11 An ordinance providing for the abandonment of right-of-way of Ripplewood Drive and Autumn Wood Drive and 15-foot-wide utility easements located on a vacant tract of land to the west of Lawson Road and south of McKenzie Road; otherwise known as Woodland Park Addition.

- 12** An ordinance approving an amended Project and Financing Plan for the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas.
- 13** A resolution approving the termination of the Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite and Lang and Company, LLC., dated February 27, 2008, relating to a proposed development of a tract of land generally located south of Gross Road, East of North Peachtree Road, north of the Union Pacific Railroad and west of Interstate Highway 635.
- 14** A resolution authorizing the City Manager to finalize and execute a Master Developer Agreement regarding the development of approximately 60.31 acres of land generally located south of Gross Road, east of North Peachtree Road, north of the Union Pacific Railroad and west of Interstate Highway 635 in the City of Mesquite, Texas, and being commonly referred to the "Verde Center" or the "Verde Center at Peachtree" and authorizing the City Manager to administer the agreement on behalf of the City and specifically repealing Ordinance No. 79-2017.
- 15** Bid No. 2018-066 - Annual Mowing of City Medians, Orphan Right-of-Ways and Right-of-Ways.  
(Authorize the City Manager to finalize and execute a contract with Greener Pastures Landscape Management in the amount of \$270,488.65.)
- 16** Bid No. 2018-068 - Vanston Park Playground Equipment.  
(Authorize the City Manager to finalize and execute a contract with Whirlix Design, LLC, in the amount of \$60,000.00.)
- 17** Bid No. 2018-073 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.  
(Staff recommends award to Martin Eagle Oil Company, as the primary vendor, and Douglass Distributing Co., as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery.)
- 18** Bid No. 2018-078 - Mobile Data and Voice Service.  
(Staff recommends award to AT&T Corporation for voice and data plans, through the Department of Information Resources Contract No. DIR-TSO-3420, in an amount not to exceed \$182,000.00.)
- 19** Bid No. 2018-079 - Annual Telephone Services (Local and Long Distance).  
(Staff recommends award to AT&T Corporation, through Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
- 20** Bid No. 2018-083 - Purchase of a FARO Laser Scanner FocusS 350 and Accessories.  
(Staff recommends award to sole source provider FARO Technologies in an amount not to exceed \$96,814.64.)

- 21 Authorize the Mayor to execute an agreement between the City of Mesquite, Texas, and Municipal Court Judge Steve Crane.

#### **PUBLIC HEARINGS**

- 22 Conduct a public input hearing to receive citizen input regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and Skyline Drive from Peachtree Road to Town East Boulevard.
- 23 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, and May 7, 2018, City Council meetings.)
- 24 Conduct a public hearing and consider an ordinance for Application No. Z0318-0027, submitted by John J. Gatz of Eco-Site, for a change of zoning from Agriculture to Agriculture with a Conditional Use Permit to allow a 100-foot tall telecommunications tower, located at 4401 East Cartwright 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.)

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

- 25 Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2020.

#### **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

**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 personnel issues involving the selection of the City Attorney

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.**