



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 3, 2019

4:30 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [19-4126](#) Receive briefing regarding public transportation options and discuss proposed changes to COMPASS ROUTE 282.
- 2 [19-4145](#) Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.
- 3 [19-4168](#) Receive briefing and provide direction regarding potential exchange of City-owned property with Mesquite Independent School District located at 1717 McKenzie Road and 4200 Faithon P. Lucas, Sr., Boulevard (formerly Mercury Road).

Attachments: [Proposed Land Swap Area](#)
 [Proposed Use of Land Swap Area](#)

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 - 6:30 P.M.

- 4 [19-4110](#) Presentation regarding the Mesquite Veterans Memorial project.

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

INVOCATION

Marq Toombs, Pastor, Christ Covenant 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 [19-4164](#) Minutes of the special City Council meeting held May 14, 2019, and the regular City Council meeting held May 20, 2019.
- Attachments:* [05.14.2019m](#)
 [05.20.2019m](#)
- 6 [19-4166](#) An ordinance providing for the partial abandonment of a fire lane easement, a utility easement, a fire lane and utility easement, a drainage easement and an access easement at Market East Shopping Center, otherwise known as Emporium Phase II, Block C, Lot 1R.
- Attachments:* [Abandonment Request Letter](#)
 [Location Map](#)
 [Ordinance - Easement Abandonment](#)
- 7 [19-4138](#) RFP No. 2018-041 - Dedicated Outside Air Units.
 (Authorize the City Manager to finalize and execute the required documents with Berger Engineering Company, through Bid No. 2018-037, Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract, in the amount of \$320,420.00.)
- Attachments:* [Mesquite Animal Shelter Report](#)
- 8 [19-4113](#) Bid No. 2019-082 - Purchase 10 Trimble Ranger 3 XE with HR26501 Handheld Readers, 10 Trimble Ranger 3 Charging Cradles and One MRX920 V3 Mobile Data Collector.
 (Staff recommends award to sole source provider Core and Main, L.P. in the amount of \$71,562.50.)

Attachments: [Sole source letter](#)
[Trimble Ranger 3 XE Specification Sheet](#)
[Mobile Data Collector Specification Sheet](#)

- 9 [19-4160](#) Bid No. 2019-091 - Municipal Court Interactive Voice Response (IVR) System.
(Authorize the City Manager to finalize and execute a contract with sole source provider Selectron Technologies, Inc., in the amount of \$90,000.00. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Sole Source Letter](#)

- 10 [19-4154](#) Authorize the City Manager to finalize and execute a contract amendment to the Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for additional design and permitting services related to the pump station, ground storage tank and large diameter water transmission main to provide water to tracts of land within Kaufman County in the amount of \$92,900.00.

- 11 [19-4135](#) Authorize the City Manager to negotiate and execute Change Order No. 3 to Bid No. E2016-002, Gus Thomasson Road Water, Sanitary Sewer, Paving and Drainage Reconstruction Project from Karla Drive to Moon Drive/Whitson Way, with Rebcon, Inc., for proposed franchise utility improvements in the amount of \$733,871.40.

Attachments: [Rebcon Itemized Cost Listing](#)

PUBLIC HEARINGS

(City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to include nonresidential when the request is for solely residential uses or vice versa.)

- 12 [19-4143](#) Conduct a public hearing and consider an ordinance for Application No. Z0918-0066, submitted by Alex Avagh, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used tires, located at 2532 East US Highway 80.
(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](#)

- 13** [19-4144](#) Conduct a public hearing and consider an ordinance for Application No. Z0419-0090, submitted by Mike Tolleson, on behalf of Cici's Pizza, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin operated amusement game room, located at 1200 E. Davis Street, Suite 122.
(One response in favor and one both in favor and 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](#)

- 14** [19-4146](#) Conduct a public hearing and consider an ordinance for Application No. Z0419-0091, submitted by Dan Warfield of Halff Associates, Inc., for a change of zoning from Light Commercial to Planned Development - Industrial to allow an industrial multi-tenant business park, located at 1201 Republic Parkway and 1200 Interstate Highway 30.
(Three responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Case Summary](#)

[Staff Report & Maps](#)

[P & Z Minutes](#)

[Ordinance](#)

- 15** [19-4147](#) Conduct a public hearing and consider an ordinance for Application No. Z0419-0092, submitted by Dan Warfield of Halff Associates, Inc., for a change of zoning from Planned Development - Commercial Ordinance No. 2067 to Planned Development - Industrial to allow an industrial multi-tenant business park, located at 1650 Republic Parkway.
(Two responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Case Summary](#)

[Staff Report & Maps](#)

[P & Z Minutes](#)

[Ordinance](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 16 [19-4175](#) Consider appointment of one regular member to the Board of Adjustment for a term to expire January 1, 2020, and two alternate members for terms to expire January 1, 2020, and January 1, 2021, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee.

Attachments: [Aeneas Ford Personal Data Form](#)
 [Ali Raza Personal Data Form](#)
 [Wana Alwalee Personal Data Form](#)

- 17 [19-4149](#) Consider appointment of one member to the Keep Mesquite Beautiful, Inc., Board of Directors for a term to expire December 31, 2020.

Attachments: [Personal Data Form](#)

OTHER BUSINESS

- 18 [19-4169](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Ten, City of Mesquite, Texas, (Polo Ridge) (the "Zone"), reducing the boundaries and geographic area of the Zone, and amending and restating the ordinance creating the Zone and other related matters.

B. An ordinance approving an Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Ten, City of Mesquite, Texas, (Polo Ridge) (the "Zone"), reducing the boundaries and geographic area of the Zone, and amending and restating Ordinance No. 4525 creating the Zone; the reduced boundaries and geographic area of the zone to consist of approximately 805.79 acres generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and other related matters.

Attachments: [Ordinance](#)

- 19 [19-4170](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas ("the Zone"), increasing the total estimated project costs for the Zone and other related matters.

B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, increasing the total estimated project costs for the Zone and other related matters.

Attachments: [Ordinance](#)

- 20 [19-4161](#) Conduct a public hearing to consider testimony regarding the proposed assessments to be levied against assessable property within the Iron

Horse Public Improvement District, pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is approximately 58.213 acres of land generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard, within the corporate limits of the City of Mesquite.

Attachments: [Service and Assessment Plan](#)

- 21 [19-4172](#) An ordinance approving a Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"), making a finding of Special Benefit to certain property in the District, levying assessments against certain property within the District and establishing a lien on such property, providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended, providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability and providing an effective date.

Attachments: [Ordinance](#)

- 22 [19-4162](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2019 (Iron Horse Public Improvement District Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance](#)
[Draft Indenture of Trust](#)
[Draft Bond Purchase Agreement](#)
[Preliminary Limited Offering Memorandum](#)
[Draft Issuer Continuing Disclosure Agreement](#)

- 23 [19-4163](#) 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 MM Mesquite 50, LLC (the "Developer"), a Texas limited liability company, providing a grant to reimburse the developer for certain costs and expenses incurred by the developer in connection with the design and reconstruction of a portion of Peachtree Road, located within Mesquite Rodeo City Reinvestment Zone, Number One, City of Mesquite, Texas, as part of a mixed use development containing retail, restaurant, office, residential components and other associated uses in accordance with City Ordinance No. 4595

(the "Iron Horse Project") in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 24 [19-4171](#) Conduct a public hearing and consider a resolution authorizing the sale by the City of Mesquite, Texas, (the "City") of an approximately 5.315 acre tract of City-owned property located within the Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, (the "City tract") to MM Mesquite 50, LLC, a Texas limited liability company (the "Developer"), authorizing the City Manager to negotiate, finalize and execute a contract of sale, deed and all other documents necessary or advisable to complete the sale of the City tract to the developer, 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 the developer providing a grant to the developer in the amount of the purchase price of the City tract, the City tract to be developed as part of a mixed use development containing retail, restaurant, office, residential components and other associated uses in accordance with City Ordinance No. 4595 (the "Iron Horse Project") in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution - Iron Horse](#)

- 25 [19-4165](#) A resolution authorizing the City Manager to finalize and execute a Second Amendment to the Iron Horse Development Agreement to amend Section 3.03 "Distribution of PID Bond Proceeds" for the development of property commonly referred to as "Iron Horse Village," and being generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas.

Attachments: [Resolution](#)
[Iron Horse Development Agreement](#)
[First Amendment to Iron Horse Development Agreement](#)

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. 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
4. Christopher Acoff v. City of Mesquite – Filed 8-25-17
5. Mohamed Bedran v. City of Mesquite – Filed 9-26-17
6. 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
7. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
8. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
9. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
10. 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
11. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
12. James Murphy v. Officer Eric Zimmerman, Officer Nicholas Sierra, Officer Colton Ables, Officer Alex Berg, Officer C. M. Copeland, Officer B. S. Smith, and the City of Mesquite, Texas – Filed 11-2-18
13. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18
14. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18
15. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
16. City of Mesquite v. Ashiyana Hospitality, LLC, Navnitkumar C. Patel, Chintan N. Patel and Sunitabahn N. Patel – Filed 4-9-19
17. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin - Filed 5-24-19

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 subjects may be discussed:

- 26 19-4150** Discuss economic development incentives for a prospective commercial project in north Mesquite, located in the proximity of IH-30 and IH-635.

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.