



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, October 15, 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      [18-3727](#)      Receive presentation regarding a proposed development concept from Douglas Properties, Inc., for the property located at 3500 Emporium Square.
  
- 2      [18-3728](#)      Receive presentation regarding a proposed development concept from Emporium Partners for the property located at 3500 Emporium Square.

#### **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

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

##### **INVOCATION**

Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

##### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Fire Corps.

##### **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.)

3      [18-3730](#)      Minutes of the regular City Council meeting held October 1, 2018.

*Attachments:*      [10.01.2018m](#)

4      [18-3714](#)      An ordinance establishing self-contained breathing apparatus technicians as a specialized function of the Mesquite Fire Department (MFD) and authorizing assignment pay for members of the MFD who satisfy certain conditions and criteria, providing which members of the MFD will receive such assignment pay and repealing Ordinance No. 3117, effective October 15, 2018.

*Attachments:*      [Ordinance - SCBA](#)

5      [18-3697](#)      A resolution authorizing the City Manager to finalize and execute a Letter of Authorization with North Central Texas Council of Governments for the period from October 1, 2018, to September 30, 2019, thereby authorizing the City's participation in the Regional Storm Water Management Program.

*Attachments:*      [Resolution - NCTCOG](#)  
[Letter of Authorization](#)

6      [18-3733](#)      A resolution consenting to the assignment by Baker Brothers Rotovision, Inc., to Baker Brothers, LLC, of its interest in that certain Economic Development Program Agreement (Chapter 380 Agreement) dated August 13, 2015, between Baker Brothers Rotovision, Inc., and the City of Mesquite, Texas, relating to economic development incentives in connection with a business located at 2615 Big Town Boulevard, Mesquite, Texas, approving an amendment of the Chapter 380 Agreement and authorizing the City Manager to execute all documents necessary or requested in connection therewith.

*Attachments:*      [Resolution - Baker Brothers](#)

7      [18-3737](#)      A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 15, 2018.

*Attachments:*      [Resolution - HCV Plan](#)

8      [18-3722](#)      A. Suspension of Rule 2.11 of the City Council's Rules of Procedure to

allow adoption of an amendment to those Rules by majority vote without introduction of the amendment at a prior meeting of the City Council.

B. A resolution amending Resolution No. 55-2017 by deleting two of the regular City Council meetings in the month of November of each year held on the second Tuesday and last Thursday of the month and amending Rule 3.1 of the City Council's Rules of Procedure.

**Attachments:** [Resolution No. 55-2017](#)

[Resolution - Amend CC Mtgs](#)

- 9 [18-3713](#) Bid No. 2018-067 - Purchase of SWAT Van for Police Department.  
(Staff recommends award to sole source provider Quality Vans & Specialty Vehicles in Tempe, Arizona, in the amount of \$70,000.00.)

**Attachments:** [Sole Source Letter](#)

[Seizure Amendment No 3](#)

[Tactical Van Recommendation](#)

[Tactical Van Photo 1](#)

[Tactical Van Photo 2](#)

[Tactical Van Photo 3](#)

- 10 [18-3735](#) Bid No. 2018-097 - Annual Landscaping & Property Preservation Maintenance for Environmental Code.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Attachments:** [Bid Tabulation - 2018-097](#)

- 11 [18-3725](#) Bid No. 2018-104 - Finance Renovation Project.  
(Authorize the City Manager to finalize and execute the required documents with Custard Construction Services through Tips/Taps Contract No. 1012116 in the amount of \$98,909.77.)

**Attachments:** [Custard Construction Services Proposal](#)

[Finance Renovation Plans](#)

- 12 [18-3726](#) Bid No. 2019-016 - Purchase of Air Compressors and Light Tower.  
(Staff recommends award to Holt CAT, in Dallas, Texas, through BuyBoard Contract No. 515-16, sponsored by the Texas Association of School Boards, in the amount of \$106,290.00.)

**Attachments:** [Photo - Air Compressor](#)

[Photo - Jack Hammer Attachment](#)

[Photo - Rock Drill Attachment](#)

[Photo - Light Tower](#)

- 13 [18-3745](#) Bid No. 2019-040 - Annual Print Materials.  
(Staff recommends award to Ingram Library Services, through the Texas Procurement and Support Services [TPASS] Contract No. 715-M2,

sponsored by Texas Smart Buy, in the amount of \$127,000.00.)

- 14 [18-3734](#) Authorize the City Manager to finalize and execute a contract amendment with Kimley-Horn and Associates, Inc., to prepare construction documents for Front Street in the amount of \$230,000.00.

- 15 [18-3736](#) Authorize the City Manager to finalize and execute a Supplemental Agreement to RFQ No. 2018-077, Neighborhood Stabilization Program New Home Construction: Engineering Services, with Metropolitan Infrastructure, PLLC, for additional engineering and design services, in the amount of \$17,900.00.

**Attachments:** [Location Maps](#)

#### **PUBLIC HEARINGS**

- 16 [18-3747](#) Conduct a public hearing and consider an ordinance for Application No. Z0718-0055, submitted by Christopher Browne of EHRA Engineering, for a change of zoning from Kaufman-Interstate 20 District to Planned Development - Single-Family to allow development of a single-family residential subdivision, located south of Interstate Highway 20 and west of the intersection of High Country Lane and Dozier Circle.

(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.)

**Attachments:** [Case Summary](#)  
[Staff report & maps](#)  
[P & Z Minutes](#)  
[Ordinance - Z0718-0055](#)

- 17 [18-3746](#) Conduct a public hearing and consider an ordinance for Application No. Z0818-0060, submitted by Mohammad Siddiqi, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a variety store, located at 3012 Big Town Boulevard, Suite 100.

(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 - Z0818-0060](#)

- 18 [18-3740](#) Conduct a public hearing and consider an ordinance for Application No. Z0818-0061, submitted by Devin Huffines of Deal a Day Real Estate, LLC, for a change of zoning from Agriculture and K-20 to Planned

Development-General Retail to allow a convenience store with eight fuel pumps, and other uses permitted in the General Retail district, located at 10991 Interstate Highway 20.

(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 of the application.)

**Attachments:**

[Case Summary](#)

[Staff report & maps](#)

[P & Z Minutes](#)

[Ordinance - Z0818-0061](#)

- 19     [18-3744](#)     Conduct a public hearing and consider an ordinance for Application No. Z0818-0063, submitted by Luis Tovar, for a change of zoning from Truman Heights Neighborhood - Mandatory Office-Shopfront to Truman Heights Neighborhood - Single-family Residential to allow a new single-family residence, located at 2026 Stephenson Drive.

(One response in favor and four 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 - Z0818-0063](#)

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

- 20     [18-3748](#)     Consider appointment of four regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2020.

- 21     [18-3749](#)     Consider appointment of eight members to the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2020.

**Attachments:**

[Personal Data Form - Bishop](#)

#### **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

### **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:

- 22 18-3729** Consider economic development incentives for a proposed development located at 3500 Emporium Square.

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.**