



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, September 17, 2018

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 Discuss the process and criteria for transitioning the system for electing the City's six Councilmembers to a single member district system, discuss a proposed illustrative plan developed at the City Council Work Session conducted on August 27, 2018, and conduct a plan drawing session to potentially develop additional illustrative districting plan(s).
- 2 Receive briefing on proposed fee changes for Fiscal Year 2019.

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.

- 3 Receive quarterly activity report from the Economic Development Department.

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

INVOCATION

Gregg Wren, Pastor, The Saints Chapel, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Hispanic Forum of Mesquite.

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.)

- 4 Minutes of the special City Council meeting held August 27, 2018, and the regular City Council meeting held September 4, 2018.
- 5 An ordinance amending Chapter 16 of the City Code amending the cost associated with fire hydrant meter deposits, water service connections and sanitary sewer service connections.
- 6 An ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corporation, Mid-Tex Division ("Company") regarding the Company's 2018 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsel.
- 7 A resolution adopting an Investment Policy for the City of Mesquite.
- 8 A resolution authorizing the City Manager to execute Amendment No. 1 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2018-19 in an amount not to exceed \$97,200.00.

- 9 A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, drainage system improvements, municipal building improvements, acquisition of vehicles and equipment, and computer equipment and software for municipal departments.
- 10 A resolution creating a Citizens Committee to review and report to the City Council regarding the City's Development Review Process and providing an effective date
- 11 Bid No. 2018-021 - Summit Drive Waterline Replacement.
(Authorize the City Manager to finalize and execute a contract with low bidder Murphy Pipeline Contractors, Inc., in the amount of \$475,350.00.)
- 12 Bid No. 2019-007 - Annual Supply of Bridgestone/Firestone Auto, Truck, and Industrial Tires.
(Staff recommends award to Southern Tire Mart, through BuyBoard Contract No. 553-18, sponsored by the Texas Association of School Boards, in an amount not to exceed \$208,555.08.)
- 13 Authorize the City Manager to execute Change Order No. 3 to Bid No. 2016-050, 2016 Annual Pavement Milling and Rehabilitation (Section A), with Austin Bridge & Road, Inc., in the amount of \$165,760.00.
- 14 Authorize the City Manager to execute Change Order No. 3 to Bid No. 2016-051, 2016 Annual Pavement Milling and Overlay Project (Section B), with Austin Bridge & Road, Inc., in the amount of \$181,300.00.
- 15 Authorize the City Manager to finalize and execute the third amendment to the Interlocal Public Transit Service Agreement with Dallas Area Rapid Transit Bus Service (DART), LGC, and STAR Transit to extend the term of the agreement and outlining costs.
- 16 An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Ten, City of Mesquite, Texas, (Polo Ridge) (the "Zone"), establishing a tax increment for the Zone and making a finding regarding feasibility.
- 17 A resolution authorizing the Mayor to execute an agreement with Reinvestment Zone Number Ten, City of Mesquite, Texas (Polo Ridge) regarding the construction of public improvements within the Polo Ridge Public Improvement District No. 2.

CONSIDERATION OF ORDINANCE

- 18** Consider an ordinance for Application No. Z0718-0057, submitted by Manuel Rosales on behalf of Iglesia Cristiana Canaan, for a change of zoning to remove two tracts of land from the Skyline Logistics Hub Overlay District, located at 4600 and 4636 Samuell Blvd.
(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 recommended denial of the application on August 13, 2018. The City Council held a public hearing on this request on September 4, 2018, and voted to approve the application.)

CONSIDERATION OF RESOLUTION

- 19** Consider a resolution designating one or more draft redistricting plans as Illustrative Plan(s) to be proposed for public consideration and comment, scheduling public hearings at which to receive comments on designated redistricting Illustrative Plan(s) from members of the public and adopting guidelines for alternative plans submitted by citizens.

PUBLIC HEARINGS

- 20** Conduct a public hearing for Application No. Z0618-0049, submitted by Maxwell Fisher of MasterPlan, for a change of zoning from Commercial to Planned Development-Commercial to allow pawnshops as a permitted use, located at 3711 Gus Thomasson 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 denial of the application. This item was postponed at the August 20, 2018, City Council Meeting.)
- 21** Conduct a public hearing and consider an ordinance for Application No. Z0718-0054, submitted by Jose Martinez, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow used tire sales, located at 1616 Range Drive, Suite 100.
(One response 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 with certain stipulations. This item was postponed at the September 4, 2018, City Council meeting.)
- 22** Conduct a public hearing for the purpose of considering annexation of 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by D.R. Horton - Texas, LTD., Diecieseis, LLC, and CADG Kaufman 146, LLC.

OTHER BUSINESS

- 23** Consider cancelling the Regular City Council meeting scheduled for Monday, September 24, 2018.

Consider passage of the following ordinances related to the Fiscal Year 2018-19 Budget:

- 24 Consider an ordinance levying the ad valorem taxes for tax year 2018 (Fiscal Year 2018-19).
- 25 Consider an ordinance determining the population of the City of Mesquite to be 143,350 as of October 1, 2018.
- 26 A. Consider an ordinance amending Chapter 16 of the City Code regarding water rates, effective October 1, 2018.
- B. Consider an ordinance amending Chapter 16 of the City Code regarding sewer rates, effective October 1, 2018.

APPOINTMENT TO BOARDS AND COMMISSIONS

- 27 Consider appointment of nine members to the Animal Services Advisory Board for terms to expire September 8, 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
18. Leonard Warren v. City of Mesquite – Filed 6-18-18
19. Gregory Von Lee v. City of Mesquite – Filed 6-22-18
20. City of Mesquite v. Govind Group Corp. – Filed 8-31-18

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:

- Consultation with legal counsel regarding redistricting standards and new commissioner and justice precinct redistricting plans.

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.

- Annual Review of City Secretary.

- Discuss the proposed terms of an employment contract between the City of Mesquite and David Paschall for the position of 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.