



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, September 18, 2017

5:00 PM

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

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#### PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

##### AGENDA REVIEW

##### STAFF PRESENTATIONS

- 1      [17-2965](#)      Receive briefing regarding a request from Kaufman County Municipal Utility District No. 5 to amend Resolution No. 15-2002 to allow the issuance of roadway improvement bonds for certain property within the City's extraterritorial jurisdiction.

*Attachments:*      [File ID 17-2965](#)

- 2      [17-2972](#)      Receive briefing regarding the Gus Thomasson Road project from US Highway 80 to Town East Boulevard.

*Attachments:*      [File ID 17-2972](#)

- 3      [17-2973](#)      Receive briefing regarding the 2018 Real. Texas. Roads. Program.

*Attachments:*      [File ID 17-2973](#)

#### 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

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

##### INVOCATION

Karl Tingle, Lead Pastor, Casa View Baptist Church, Mesquite, Texas.

##### PLEDGE OF ALLEGIANCE

Members of Shiloh Terrace Baptist Church AWANA Club.

**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.

**PRESENTATIONS**

- 4      [17-2924](#)      Presentation of Recognized Status from the Texas Law Enforcement Best Practices Recognition Program for the Mesquite Police Department.

**Attachments:**      [File ID 17-2924.pdf](#)

- 5      [17-2952](#)      Recognize Real. Texas. Service. Employee Champions.

**Attachments:**      [File ID 17-2952.pdf](#)

**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.)

- 6      [17-2951](#)      Minutes of the regular City Council meeting held September 5, 2017.

**Attachments:**      [File ID 17-2951.pdf](#)  
[09.05.2017m](#)

- 7      [17-2921](#)      An ordinance providing for the abandonments of several 15-foot-wide water line, sanitary sewer and storm sewer easements located on a vacant tract of land to the west of East Meadows Boulevard and north of the West Fork of South Mesquite Creek; otherwise known as East Meadows Addition No. 1, Block A, Lot 2.

**Attachments:**      [File ID 17-2921.pdf](#)  
[Ordinance - Easement Abandonment](#)  
[Request Letter](#)  
[Location Map](#)

- 8      [17-2960](#)      An ordinance adopting a Mesquite Comprehensive Plan concurrency amendment associated with Application No. 0517-0005, redesignating the future land use for the area at the southeast corner of East Cartwright Road and Wilkinson Road from Low Density Residential to General Business.

**Attachments:** [File ID 17-2960.pdf](#)

[Ordinance - Amend Comp Plan](#)

- 9 [17-2929](#) An ordinance associated with Application No. 0517-0005 to approve a change of zoning from R-1 Single-Family Residential to Planned Development-General Retail allowing a grocery store located at the southeast corner of East Cartwright Road and Wilkinson Road.

**Attachments:** [File ID 17-2929.pdf](#)

[Ordinance - Z0517-0005](#)

- 10 [17-2919](#) A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of the Residential Street Reconstruction Program, and of street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, municipal building improvements and acquisition of vehicles and equipment and computer equipment and software for municipal departments.

**Attachments:** [File ID 17-2919.pdf](#)

[Resolution - Notice of Intent](#)

- 11 [17-2954](#) A resolution adopting the revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 1, 2017.

**Attachments:** [File ID 17-2954.pdf](#)

[Resolution - Housing](#)

- 12 [17-2950](#) A resolution adopting changes to the City's Investment Policy.

**Attachments:** [File ID 17-2950.pdf](#)

[Resolution - Investment Policy](#)

[Red-lined Version - Investment Policy.pdf](#)

- 13 [17-2961](#) A resolution calling a special City Council meeting for Monday, October 23, 2017, and setting dates, times and places for public hearings on the proposed annexation of certain property in the extraterritorial jurisdiction.

**Attachments:** [File ID 17-2961.pdf](#)

[Resolution - Annexation Hearings](#)

- 14 [17-2925](#) Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to prepare an engineering design manual in the amount of \$396,000.00.

**Attachments:** [File ID 17-2925.pdf](#)

- 15 [17-2948](#) Authorize the City Manager to finalize and execute a reimbursement agreement with MCI for the relocation of approximately 2,370 feet of long distance fiber cable, located within the Union Pacific Railroad right-of-way,

associated with the reconstruction of Town East Boulevard from Military Parkway to Skyline Drive in the amount of \$82,793.60.

**Attachments:** [File ID 17-2948.pdf](#)  
[Location Map](#)

- 16 [17-2920](#) Authorize the City Manager to finalize and execute an amendment to the Professional Engineering Services Contract with Freeman-Millican, Inc., for additional services for on-site inspection for the Hailey Pump Station Variable Frequency Drive Improvements in the amount of \$10,000.00.

**Attachments:** [File ID 17-2920.pdf](#)

- 17 [17-2957](#) Authorize the City Manager to execute Change Order No. 2 to Bid No. 2016-071, 2016 Annual Miscellaneous Concrete Work Project (Section A), with Austin Bridge & Road, LP, in the amount of \$441,537.00.

**Attachments:** [File ID 17-2957.pdf](#)  
[Detailed Bid Tabulation.pdf](#)

- 18 [17-2940](#) Appoint Jeff Jones as a member to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for a term to expire December 31, 2018.

**Attachments:** [File ID 17-2940.pdf](#)

- 19 [17-2941](#) Appoint Jeff Jones as a member to the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors for a term to expire December 31, 2018.

**Attachments:** [File ID 17-2941.pdf](#)

- 20 [17-2942](#) Appoint Jeff Jones as a member to the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine Board of Directors for a term to expire December 31, 2018.

**Attachments:** [File ID 17-2942.pdf](#)

**PUBLIC HEARINGS**

- 21**     [17-2933](#)     Conduct a public hearing and consider an ordinance extending the moratorium first imposed July 3, 2017, on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for truck stops and other development that includes the parking of heavy load vehicles as a principal use or as an accessory use within the corporate city limits of Mesquite, adopting written findings that identify the problem requiring the need for extending the moratorium, describing the reasonable progress made to alleviate the problem, specifying a definite duration for the renewal period of the moratorium, and summarizing evidence demonstrating that the problem will be resolved within the extended duration of the moratorium.
- Attachments:*     [File ID 17-2933.pdf](#)  
                          [Ordinance - Extend Moratorium](#)
- 22**     [17-2958](#)     Conduct a public hearing and consider an ordinance for Application No. Z0717-0010, submitted by Shubham Pandey, representing Meadow Oaks Academy, for a change of zoning from North Gus Thomasson Corridor District to North Gus Thomasson Corridor District with a conditional use permit on property located at 3200 Oates Drive allowing the operation of a high school with the potential for high traffic volume.  
(No responses in favor of or 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:*     [File ID 17-2958.pdf](#)  
                          [Case Summary](#)  
                          [Staff Report](#)  
                          [Minutes](#)  
                          [Ordinance - Z0717-0010](#)
- 23**     [17-2959](#)     Conduct a public hearing and consider an ordinance for Application No. Z0717-0011, submitted by Fenton Motors Group, for a change of zoning from Light Commercial to Planned Development Light Commercial with a conditional use permit on property located at 16160 and 16170 IH-635 to allow the sale and outdoor display of new and used vehicles.  
(No responses in favor of or 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:**      [File ID 17-2959.pdf](#)  
[Case Summary](#)  
[Staff Report](#)  
[Minutes](#)  
[Ordinance - New Used Vehicles](#)

- 24      [17-2962](#)      Conduct a public hearing and consider possible action on Zoning Text Amendment No. 2017-03 amending Chapter 1A-200, Landscape Requirements; Chapter 1A-300, Screening and Buffering Requirements; Section 3-203, Schedule of Permitted Uses; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; Chapter 3-600, Outdoor Sales, Display and Storage Regulations; Chapter 4-930, Skyline Logistics Hub Overlay District; and Section 6-102, Definitions; all pertaining to new and revised regulations for Truck Stops and other development that includes the parking of heavy load vehicles as a principal or accessory use.

**Attachments:**      [File ID 17-2962.pdf](#)

#### OTHER BUSINESS

- 25      [17-2890](#)      Consider cancelling the Regular City Council meeting scheduled for Monday, September 25, 2017.

**Attachments:**      [File ID 17-2890.pdf](#)

Consider passage of the following ordinances relating to the 2017-18 Budget:

- 26      [17-2947](#)      Consider an ordinance levying the ad valorem taxes for the year 2017.

**Attachments:**      [File ID 17-2947.pdf](#)  
[Ordinance - Ad Valorem](#)

- 27      [17-2949](#)      Consider an ordinance determining the population of the City of Mesquite to be 143,060 as of October 1, 2017.

**Attachments:**      [File ID 17-2949.pdf](#)  
[Ordinance - Population](#)

- 28      [17-2967](#)      Consider an ordinance adopting a 2017-2018 Pay Plan for General Government personnel, effective October 1, 2017, revised pay plans for commissioned Police and Fire personnel, effective January 1, 2018, and a step pay plan for specified hard-to-fill positions, effective October 1, 2017, merit increases, updated service credits and annuity increases.

**Attachments:**      [File ID 17-2967](#)  
[Ordinance - Pay Plan](#)

- 29      [17-2963](#)      A.      Consider an ordinance amending Chapter 16 of the City Code regarding water rates, effective October 1, 2017.

B. Consider an ordinance amending Chapter 16 of the City Code regarding sewer rates, effective October 1, 2017.

**Attachments:** [File ID 17-2963](#)  
[Ordinance - Water Rates](#)  
[Ordinance - Sewer Rates](#)

30 [17-2964](#) Consider an ordinance revising the schedule of civil fines, fees, and other charges collected by the Mesquite Public Library System and related definitions and repealing Ordinance No. 4352, effective October 1, 2017.

**Attachments:** [File ID 17-2964](#)  
[Ordinance - Library](#)

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

31 [17-2953](#) Consider appointment of four regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2019, and two alternate members for terms to expire September 18, 2019.

**Attachments:** [File ID 17-2953.pdf](#)  
[Elizabeth Allen Personal Data Form](#)  
[Debbie Anderson Personal Data Form](#)  
[Yolanda Shepard Personal Data Form](#)

#### **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. Govind Group Corporation; Sorrent, LLC; Hannuman Holdings, LLC; OM SRI SAI Krishna Investment Properties, Inc.; Shiv Alpha Strip Corporation; Tejas Motel, LLC; and SAI JDV Hotels, LLC v. The City of Mesquite, Texas; and Cliff Keheley, City Manager of the City of Mesquite, Texas – Filed 1-5-17
6. 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
7. Texas Propane Gas Association v. Railroad Commission of Texas, et al – Filed 3-3-17
8. Jojoba Assets, LLC v. City of Mesquite – Filed 5-5-17
9. Luna Properties LLC & F & M Properties Inc. v. City of Mesquite – Filed 6-8-17
10. Matthew Dunlap v. Jose Alcala and the City of Mesquite - Filed 7-17-17
11. Scott Damon Richardson v. Stephen Crane – Filed 8-10-17
12. Scott Damon Richardson v. Detra Hill – Filed 8-10-17
13. Scott Damon Richardson v. Darren Marsack – Filed 8-10-17
14. Christopher Acoff v. City of Mesquite – Filed 8-25-17

### **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:

- 32 17-2966** Discuss economic development incentives for the redevelopment of a retail building located on Bryan-Belt Line Road.

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.**