



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, March 5, 2018

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     [18-3321](#)     Receive briefing regarding Oncor Electric Delivery Company's new LED Streetlight Maintenance and Replacement program.
- 2     [18-3322](#)     Receive briefing regarding the proposed Polo Ridge and Heartland Town Center Development Agreements.
- 3     [18-3315](#)     Receive briefing regarding public transportation options for FY 2018-2019.
- 4     [18-3316](#)     Receive briefing regarding the Sign Code.

#### **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**

Morris Jackson, Pastor, Word of Life Church, Mesquite, Texas.

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

Daughters of the Republic of Texas, Hiram Bennett Chapter.

##### **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      [18-3310](#)      Minutes of the regular City Council meeting held February 19, 2018.
- Attachments:*      [02.19.2018m](#)
- 6      [18-3311](#)      An ordinance, on first reading, approving a tariff authorizing an annual Rate Review Mechanism (“RRM”) as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and the Steering Committee of Cities Served by Atmos; requiring the Company to reimburse cities’ reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.
- Attachments:*      [Ordinance - Atmos](#)
- 7      [18-3317](#)      An ordinance amending Chapter 9 of the City Code by deleting provisions that allow commercial vehicle parking at a motel or hotel upon approval of the City Council.
- Attachments:*      [Ordinance - Commercial Vehicle Parking](#)
- 8      [18-3327](#)      A resolution establishing precincts and the location of polling places for the May 5, 2018, General Election and Special Charter Amendment Election.
- Attachments:*      [Resolution - Precincts](#)
- 9      [18-3304](#)      A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State right-of-way on April 7, 2018, for the City of Mesquite Rodeo Parade, commemorating the 61st Anniversary of the Mesquite Championship Rodeo.

**Attachments:**      [Resolution - Rodeo Parade](#)  
[Rodeo Parade Route](#)

- 10      [18-3308](#)      A resolution authorizing the sale of five tax-foreclosed properties located at 3545 Antilles Drive, 4700 Harper Drive, 2717 Oates Drive, 4601 San Marcos Avenue and 4528 Sherwood Drive in Mesquite, Texas, ratifying and approving offer and purchase agreements and authorizing the City Manager to execute quitclaim deeds and all other documents necessary to complete the closing and sale of the properties.

**Attachments:**      [Resolution - Tax-Foreclosure Properties](#)  
[Location Map - 3545 Antilles](#)  
[Location Map - 4700 Harper](#)  
[Location Map - 2717 Oates](#)  
[Location Map - 4601 San Marcus](#)  
[Location Map - 4528 Sherwood](#)

- 11      [18-3330](#)      A resolution approving the terms and conditions of the Fifth Amendment to the Communications Facilities License with Dallas MTA, L.P., d/b/a Verizon Wireless, to replace equipment to the City's Service Center property and authorizing the City Manager to administer the agreement on behalf of the City.

**Attachments:**      [Resolution - Verizon](#)

- 12      [18-3324](#)      A resolution calling for a public hearing on the dissolution of the Polo Ridge Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite.

**Attachments:**      [Resolution - Calling PH for Dissolution of PID](#)

- 13      [18-3325](#)      A resolution calling for a public hearing on the creation of a Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite.

**Attachments:**      [Resolution - Calling PH for Creation of PID](#)

- 14      [18-3323](#)      A resolution authorizing the City Manager to execute a development agreement with BDMR Development, LLC, and Polo Ridge Fresh Water Supply District of Kaufman County regarding approximately 822.1 acres of land generally located south of FM 740, west of FM 2757, and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite and being commonly referred to as "Polo Ridge" and authorizing the City Manager to administer the agreement on behalf of the City and specifically repealing Resolution No.

17-2017.

**Attachments:** [Resolution - BDMR Polo Ridge FWSD](#)  
[Concept Plan](#)

- 15 [18-3303](#) Bid No. 2018-005 - Screening Wall Replacement Project.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Attachments:** [Bid Tabulation - Purchasing](#)  
[Bid Tabulation - Engineering](#)

- 16 [18-3319](#) Bid No. 2018-044 - Annual Supply of Water Parts.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Attachments:** [Bid Tabulation - 2018-044](#)

- 17 [18-3300](#) Bid No. 2018-057 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.  
(Staff recommends award to Software House International, through the Texas Department of Information Resources Contract No. DIR-SDD-2503, in the total amount of \$191,575.90.)

**Attachments:** [SHI Quote](#)

- 18 [18-3314](#) Authorize the City Manager to finalize and execute an agreement with the Texas Department of Transportation for landscaping improvements to medians of SH 352 contained in a Green Ribbon Landscaping Project.

**Attachments:** [Exhibit: Attachment "A" \(Project Areas\)](#)

- 19 [18-3318](#) Authorize the City Manager to execute a revised Economic Development Program Agreement (Chapter 380 agreement) with White Property Company No. 2, Ltd. (formerly, W. A. Ridge Ranch, LLC), extending the date of delivery of lots to the builders from the third quarter of 2015 to the third quarter of 2020, extending the construction date of homes from 2016 to 2019, the completion of home construction by December 31, 2036, and extending the term of the agreement from December 31, 2031, to a term of 22 years from date of execution, and authorizing the City Manager to administer the agreement on behalf of the City.

**Attachments:** [Letter from the Developer](#)  
[Revised Chapter 380 Agreement](#)  
[Amendment to Revised Agreement](#)

- 20 [18-3328](#) Approve the purchase of property located at 425 S. Galloway Ave., Mesquite, Texas (Property) from Frank Arthur Greenhaw (Seller) for the purchase price of \$185,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a residential contract between the Seller and the City, and authorizing the City Manager to execute all other documents and

take all other actions necessary or requested to consummate the closing and purchase of the Property.

**Attachments:** [Location Map 425 S. Galloway Ave.](#)

- 21 [18-3329](#) Approve the purchase of property located at 117 W. Main St., Mesquite, Texas (Property) from Frank Arthur Greenhaw (Seller) for the purchase price of \$230,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a commercial contract between the Seller and the City, and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to consummate the closing and purchase of the Property.

**Attachments:** [Location Map 117 W Main St](#)

#### **PUBLIC HEARING**

- 22 [18-3320](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-03 amending Section 3-200, Use Regulations; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to revised regulations for Limited Fuel Sales and Heavy Load Vehicle Refueling.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:** [Staff Memo](#)  
[PZ Minutes 2-26-2018](#)  
[Ordinance - ZTA 2018-03](#)

#### **RECEIPT OF RESIGNATION**

- 23 [18-3312](#) Receive resignation from Jimmy Stephens as a member of the Animal Services Advisory Board.

**Attachments:** [Resignation Letter - Stephens](#)

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

- 24 [18-3331](#) Consider appointment of one regular member to the Building Standards Board for a term to expire January 1, 2020.

**Attachments:** [Personal Data Form - Pritchett](#)

- 25 [18-3337](#) Consider appointment of six members to the Animal Services Advisory Board for terms to expire September 8, 2018.

**Attachments:** [Personal Data Form - Rodriguez](#)

**OTHER BUSINESS**

- 26     [18-3307](#)     Consider scheduling a special City Council meeting to canvass the returns for the May 5, 2018, General Election and Special Charter Amendment Election.

**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. 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. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18

**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.

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.**