



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, May 20, 2019

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**

#### **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.**

- 1      [19-4094](#)      Receive financial statement for period covering October 1, 2018, through March 31, 2019.

*Attachments:*      [March 31, 2019 Quarterly Financial Statements](#)  
[March 31, 2019 Quarterly Financial Statement Overview](#)

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

#### **INVOCATION**

Rev. Reginald Jefferson, Senior Pastor, New Hope Baptist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Public Works Department.

#### **PRESENTATIONS**

- 2      [19-4108](#)      Recognize Real. Texas. Service. Champions.

**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      [19-4101](#)      Minutes of the regular City Council meeting held May 6, 2019.
- Attachments:*      [05.06.2019m](#)
- 4      [19-4119](#)      An ordinance amending Chapter 16 of the City Code thereby updating the causes for disconnection of water service.
- Attachments:*      [Ordinance - Disconnection of Water Service](#)
- 5      [19-4131](#)      An ordinance approving a Façade Improvement Program (the “DM Façade Improvement Program”) to make grants from the Tax Increment Fund of the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, (the “Zone”) to encourage the rehabilitation, enhancement, restoration and preservation of building facades located within a designated portion of the Downtown area of the City of Mesquite, Texas (“City”), approving and conferring the powers of a municipality under Chapter 380 of the Texas Local Government Code for the Zone, only as necessary or convenient to implement the DM Façade Improvement Program as an economic development incentive under the project and financing plan for the Zone, approving an amount not to exceed \$80,000.00 for grants under the DM Façade Improvement Program for the remainder of the City’s Fiscal Year 2018-19, approving the amount not to exceed \$80,000.00 for grants under the DM Façade Improvement Program for each Fiscal Year of the City thereafter and containing other provisions related thereto.
- Attachments:*      [Ordinance - Façade Grant Program](#)
- 6      [19-4141](#)      An ordinance authorizing the sale of beer and wine for off-premise consumption only on a certain area annexed by the City.
- Attachments:*      [Ordinance - Beer and Wine](#)

- 7      [19-4142](#)      A resolution adopting the City Council's 2019-2020 Strategic Goals and Objectives.  
*Attachments:*      [Resolution - Strategic Goals & Objectives](#)
- 8      [19-4148](#)      A resolution of the City Council of the City of Mesquite, Texas, authorizing the City Manager to finalize and execute a development agreement with Oak National Holdings, LLC, regarding approximately 363 acres of land generally located southwest of FM 2932 and southeast of Griffin Lane in Kaufman County, Texas, located primarily within the extraterritorial jurisdiction of the City of Mesquite and being commonly referred to as "FM 2932 development" and authorizing the City Manager to finalize and administer the agreement on behalf of the city.  
*Attachments:*      [Resolution](#)
- 9      [19-4128](#)      Bid No. 2019-022 - Hoops, Haddock, Cascade, Oriole, Ervin and Valley View Heights Paving.  
(Authorize the City Manager to finalize and execute a contract with low bidder Texas Material Group, Inc., dba TexasBit, in the amount of \$1,136,358.49.)  
*Attachments:*      [Bid Tabulation](#)  
                                 [Location Map](#)
- 10     [19-4127](#)      Authorize an increase in the contract between the City and George Brothers Kincaid & Horton, L.L.P., for the provision of legal services, advice and counsel to the City of Mesquite in connection with several bond validation matters in Collin and Travis Counties in the amount not to exceed \$25,000.00, for a total contract amount of \$75,000.00.
- 11     [19-4137](#)      Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and Municipal Court Judge Stephen Crane.
- 12     [19-4130](#)      Authorize the City Manager to execute Change Order No. 3 to Bid No. 2018-064, Annual Contract for Utility Concrete Repairs (Area 2), with Overall Concrete Solutions in the amount of \$16,982.25.  
*Attachments:*      [Item Tabulation](#)
- 13     [19-4136](#)      Approve Amendment No. 5 to the 2018-19 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$192,000.00.  
*Attachments:*      [Seizure Amendment 5](#)
- 14     [18-3758](#)      A resolution accepting the preliminary Service and Assessment Plan for authorized improvements within the Polo Ridge Public Improvement District No. 2, setting a date for a public hearing on the proposed Levy of Assessments, authorizing the publication and mailing of notice, and

enacting other provisions relating thereto.

**Attachments:** [Resolution - PR SAP](#)

- 15 [18-3757](#) A resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2019 (Polo Ridge Public Improvement District No. 2 Phase #1 Project) and approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2019 (Polo Ridge Public Improvement District No. 2 Phase #2-6 Major Improvement Project), and resolving other matters incident and related thereto.

**Attachments:** [Resolution - PR PLOM](#)

[PLOM Phase 1](#)

[PLOM Phase 2-6 MI](#)

- 16 [19-4123](#) A resolution approving the form and authorizing the distribution of a Preliminary Limited Offering Memorandum for the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2019 (Iron Horse Public Improvement District Project), and resolving other matters incident and related thereto.

**Attachments:** [Resolution - Iron Horse PLOM](#)

[Iron Horse PLOM](#)

## **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.)

- 17 [19-4129](#)
- A. Conduct a public hearing and consider an ordinance adopting the City of Mesquite Engineering Design Manual (“Manual”) which relocates certain provisions of the City Code to the Manual and creates comprehensive and easily accessed standard engineering practices and minimum criteria.
- B. Conduct a public hearing and consider an ordinance amending Chapters 5, 11, 15 and 16 of the City Code by relocating certain provisions that establish standard engineering practices and provide minimum development criteria to the City of Mesquite Engineering Design Manual and cross-referencing those relocated provisions, renumbering and making certain clerical, grammatical and other non-substantive changes.
- C. Conduct a public hearing and consider an ordinance amending Appendix B of the City Code, the Mesquite Subdivision Ordinance, by relocating certain provisions that establish standard engineering practices

and provide minimum development criteria to the City of Mesquite Engineering Design Manual and cross-referencing those relocated provisions, renumbering and making certain clerical, grammatical and other non-substantive changes.

**Attachments:** [Ordinance - Engineering Design Manual Design Manual](#)  
[Ordinance - Chapters 5, 11, 15, 16](#)  
[Ordinance - Appendix B](#)

- 18**    [19-4097](#)    Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-01 amending Section 1A-300, Screening and Buffering Requirements; Section 2-100, Districts Established; Section 2-203, Schedule of Permitted Uses; Section 2-400, Off-Street Parking; Section 2-501, Multifamily Residential/Permitted Nonresidential Uses in A Districts; Section 2-600, Accessory Structure Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for multifamily residential uses.  
(This item was postponed at the March 18, 2019, and the April 15, 2019, City Council meetings. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:** [P & Z Minutes](#)  
[Ordinance - ZTA 2019-01](#)

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

- 19**    [19-4140](#)    Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2021.

#### **OTHER BUSINESS**

- 20**    [19-4124](#)    Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms.

**Attachments:** [History of Mayor Pro Tem & Deputy Mayor Pro Tem](#)

#### **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 Sunitabehen N. Patel – Filed 4-9-19

**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.

- Discuss appointment of North Texas Municipal Water District Board Member.

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.