



City of Mesquite, Texas

Meeting Agenda

City Council

Tuesday, September 4, 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 [18-3635](#) Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.

Attachments: [Investment Policy Redlined](#)

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.

- 2 [18-3658](#) Receive Neighborhood Services quarterly report covering April 1, 2018, through June 30, 2018.

Attachments: [3rd Quarter Overview](#)

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

INVOCATION

Rev. Tom Palmer, Senior Pastor, First United Methodist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of YoungLife Mesquite.

PRESENTATIONS

- 3 [18-3639](#) Presentation of update to the Open Government Mesquite transparency portal.

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 [18-3637](#) Minutes of the regular City Council meeting held August 20, 2018, and the special City Council meeting held August 21, 2018.

Attachments: [08.20.2018m](#)
 [08.21.2018m](#)

- 5 [18-3631](#) An ordinance amending Chapter 9 of the City Code adding new school zones for Rutherford Elementary School, effective on and after September 10, 2018.

Attachments: [Ordinance - Rutherford School Zone](#)
 [MISD Email](#)
 [Location Map - Rutherford Elementary School zones.pdf](#)

- 6 [18-3621](#) An ordinance amending Chapter 14 of the City Code regarding commercial solid waste collection rates, effective October 1, 2018.

Attachments: [Ordinance - Commercial SW Rates](#)

- 7 [18-3659](#) An ordinance, on first 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.

Attachments: [Ordinance - Atmos](#)
[RRM Background](#)

- 8 [18-3650](#) RFP No. 2018-028 - Mesquite Police Department Pre-Employment Physical Abilities Test Study and Validation.
(Authorize the City Manager to finalize and execute a contract with Human Performance Development Group, LLC, in an amount not to exceed \$57,500.00.)

Attachments: [Memo](#)

- 9 [18-3643](#) RFQ No. 2018-091 - KidsQuest Replacement & Expansion Project, Design Services.
(Authorize the City Manager to finalize and execute a contract with La Terra Studio, Inc., in the amount of \$88,500.00.)

Attachments: [KidsQuest CC Exhibit 9.4.18](#)

- 10 [18-3625](#) Bid No. 2018-100 - Annual Supply of Police Officer Uniforms.
(Staff recommends award to Galls, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Frisco, in an amount not to exceed \$98,000.00.)

Attachments: [City of Frisco's Bid Award Documentation](#)

- 11 [18-3636](#) Authorize the City Manager to finalize and execute an agreement with the Texas Department of Public Safety to allow the City of Mesquite to administer Commercial Driver License skills tests to City employees on behalf of the State of Texas.

Attachments: [DPS Agreement](#)

- 12 [18-3627](#) Authorize an expenditure in the amount of \$161,513.79 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

Attachments: [MISD 2019 PEG Funding Request](#)
[Proposed 2018-19 PEG Fund Budget](#)
[Ordinance No. 4132](#)

PUBLIC HEARINGS AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2018-19 BUDGET:

- 13 [18-3632](#) Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2018-19 budget.
- 14 [18-3630](#) Conduct a public hearing regarding the proposed 2018-19 ad valorem tax rate of \$0.734 per \$100 valuation.
- 15 [18-3633](#) An ordinance providing funds for Fiscal Year 2018-19 by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.

Attachments: [Ordinance - Budget](#)
 [Summary of Budget Highlights](#)

- 16 [18-3634](#) An ordinance ratifying the increase in property tax revenue reflected in the Fiscal Year 2018-19 budget.

Attachments: [Ordinance - Ratify Tax Increase](#)

PUBLIC HEARINGS

- 17 [18-3664](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with G-MAN Properties, LLC, Gardner Telecommunications, LLC, and The Pickle Juice Company, LLC, for a proposed new industrial development at 3325 Innovative Way, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.
(This item was postponed at the August 20, 2018, City Council meeting.)
- Attachments:** [Executive Summary](#)
 [Resolution - GMAN](#)
- 18 [18-3645](#) Conduct a public hearing and consider an ordinance for Application No. Z0718-0053, submitted by Dick Demien of HHW Solutions, for a change of zoning from Industrial to Industrial with a Conditional Use Permit to allow Storage and Aggregation of Chemicals, located at 844 Dalworth Drive, Suite 7.
(No responses in favor or 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 - Z0718-0053](#)
- 19 [18-3646](#) 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 a certain stipulation.)
- Attachments:** [Case Summary](#)
 [Z0718-0054, 1616 Range, Martinez Inspections](#)
 [P&Z Minutes](#)
 [Ordinance - Z0718-0054](#)
- 20 [18-3653](#) Conduct a public hearing 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, to allow for the construction of a church, 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 recommends denial of the application.)

Attachments: [Case Summary](#)

[Staff Report & Maps](#)

[P&Z minutes](#)

- 21 [18-3652](#) Conduct a public hearing and consider an ordinance for Application No. Z0518-0036, submitted by Travis Boghetich on behalf of Scyene Rodeo, LTD, for a change of zoning from Planned Development-Townhomes, Light Commercial, Commercial and Planned Development-Light Commercial within the Mesquite Arena Rodeo Overlay District to Planned Development-Light Commercial and Planned Development-Residential within the Mesquite Arena Rodeo Overlay District to allow a development with residential uses and commercial uses including retail, restaurant, entertainment, and indoor recreational uses, located at 1900 and 2000 West Scyene Road, 21713 and 21717 IH 635, 1703 and 1705 Rodeo Drive and 417 Rodeo Center Drive.

(Five responses in favor and four responses 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 - Z0518-0036](#)

OTHER BUSINESS

- 22 [18-3628](#) Conduct a public hearing to consider testimony regarding the proposed assessments to be levied against assessable property within the Heartland Town Center Public Improvement District, pursuant to the provisions of Chapter 372 of the Texas Local Government Code. The property is approximately 121.282 acres of vacant land situated in the Martha Music Survey, Abstract Number 312, in Kaufman County, Texas, and is generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway, within the extraterritorial jurisdiction of the City of Mesquite.

(Public hearing continued from August 20, 2018, City Council meeting.)

Attachments: [Service and Assessment Plan](#)

- 23 [18-3640](#) An ordinance approving a Service and Assessment Plan and Assessment

Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"), making a finding of Special Benefit to certain property in the District, levying special assessments against certain property within the District and establishing a lien on such property, providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended, providing for the method of assessment and the payment of the assessments, providing penalties and interest on delinquent assessments, providing for severability and providing an effective date.

Attachments: [Ordinance - SAP](#)

- 24 [18-3648](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2018 (Heartland Town Center Public Improvement District Phase #1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance - Bond Phase 1](#)
[Indenture of Trust Phase #1 Project](#)
[Bond Purchase Agreement Phase #1 Project](#)
[PLOM Phase #1 Project.pdf](#)
[Issuer Continuing Disclosure Agreement Phase #1 Project](#)
[Developer Continuing Disclosure Agreement Phase #1 Project](#)

- 25 [18-3649](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2018 (Heartland Town Center Public Improvement District Phase #2 Major Improvement Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance - Bond Phase 2](#)
[Indenture of Trust](#)
[Bond Purchase Agreement](#)
[PLOM Phase #2MI Project](#)
[Issuer Continuing Disclosure Agreement](#)
[Developer Continuing Disclosure Agreement](#)

- 26 [18-3647](#) A resolution approving a Reimbursement Agreement relating to the Heartland Town Center Public Improvement District Phase #1 Project.

Attachments: [Resolution - Reimbursement Agmt](#)

- 27 [18-3657](#) A resolution setting dates, times and places for public hearings on the voluntary petition submitted by D.R. Horton - Texas, LTD, Diecieseis, LLC, and CADG Kaufman 146, LLC, for the proposed annexation by the City of Mesquite of approximately 121.2 acres located in the Mesquite extraterritorial jurisdiction, Martha Music Survey, Abstract No. 312, Kaufman County, Texas, at the southeast corner of IH-20 and FM 741, and authorizing and directing the City Secretary to publish notice of such public hearings.

Attachments: [Resolution - Annex PHs](#)

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

Real Property

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 28 18-3656** Discuss the potential lease of a portion of the property at the northeast corner of Faithon P. Lucas, Sr., Boulevard and McKenzie Road.

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

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:

- 29 18-3660** Consider economic development incentives for a prospect seeking to locate south of Town East Boulevard, north of Towne Centre Drive, east of Gus Thomasson Road and west of IH-635 in the City of Mesquite, Texas.
- 30 18-3665** Consider economic development incentives for a prospect seeking to locate within the Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas.

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.