



City of Mesquite, Texas

Action Agenda

City Council

Tuesday, September 3, 2019

4:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy. **Received.**
- 2 Discuss proposed Spradley Farms Development. **Discussed.**
- 3 Receive Mesquite Animal Services Strategic Plan Presentation. **Received.**
- 4 Discuss the proposed budget for Fiscal Year 2019-20.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:00 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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 5 Receive Neighborhood Services quarterly report covering April 1, 2019, through June 30, 2019. **Received.**

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

INVOCATION

Jerry Minx, Lake Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Stallions Flag & E Football team members.

PRESENTATIONS

- 6 Presentation of a plaque to Jennifer Vidler in recognition of her service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
Presented.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman congratulated the Mesquite Convention and Visitor's Bureau (CVB) staff for receiving numerous awards at the recent Texas Association of Convention and Visitor's Bureau Annual Conference. The Mesquite CVB was honored with a First Place Award for its advertising, website, mobile site and videos and were presented a special Judge's Choice Award for the best overall website regardless of budget size.
2. Mr. Aleman asked citizens to keep the City of Odessa in their prayers after the recent tragedy there.
3. Mr. Miklos invited the community to Movies In The Park on Friday, September 13, 2019, at Paschall Park, 1010 New Market Road, featuring the movie "The Incredibles 2." Before the movie, children will have the opportunity to explore various City vehicles at the "Touch A Truck" event.
4. Mr. Miklos stated that plans are being made to review City ordinances regarding business uses in neighborhoods.
5. Mr. Noschese invited citizens to pick up a copy of the Mesquite Arts Center's 2019 Fall Guide, which includes concerts, performing arts, classes and free programs.
6. Mr. Boroughs expressed appreciation to the owners of Mesquite BBQ, Dustin and Melanie Palmer, for donating five percent of all food sales, catering orders and merchandise purchases over Labor Day Weekend to the Mesquite Veterans Memorial campaign.
7. Mr. Archer invited residents to visit the Marketplace in Downtown Mesquite on Saturday, September 14, 2019, from 9:00 a.m. to 2:00 p.m. Produce, crafts and culinary items will be available from local vendors and merchants. The Marketplace takes place every second and fourth Saturday through November in the downtown square.
8. Mr. Archer recognized City of Mesquite dispatchers, who were present at tonight's meeting.
9. Mr. Archer invited residents to meet at Tisinger Elementary School, 1701 Hillcrest Street, on Saturday, September 7, 2019, at 9:00 a.m., to participate in a trash pickup in the Northridge Estates neighborhood.
10. Mr. Casper announced that the City of Mesquite is offering voter registration assistance at City facilities (Libraries and Parks & Recreation Department) until October 4, 2019. City employees are certified as Dallas County Volunteer Deputy Registrars to assist applicants in completing a Texas Voter Registration Application. City Marshals will deliver all completed applications to the Dallas County Elections Department.
11. Mr. Pickett invited the community to the Annual 9/11 Memorial Program on September 11, 2019, at 9:00 a.m. at Freedom Park, adjacent to the Mesquite Arts Center.

CITIZENS FORUM

1. Chad Boyette, 1309 Nimitz Way, expressed support for City of Mesquite dispatchers.
2. John Huth, 1817 Island View Drive, suggested information regarding fines for speeding and/or use of cell phones in school zones be included in resident's water bills.
3. A resident on Viva Drive expressed opposition to a gas station being constructed at Baker Drive and Town East Boulevard.

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Council or any individual wish to discuss any item, said item may be removed from the consent Agenda by motion of the City Council. Any individual desiring to address the City Council regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except a speaker addressing the Council through a translator will be allowed six minutes.)

- 7 Minutes of the regular City Council meeting held August 19, 2019. **Approved.**
- 8 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 2019 Rate Review Mechanism filing; 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. **Approved.**
- 9 An ordinance approving an update of the 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 and adopting findings, accepting and approving the Annual Service Plan Update and updated Assessment Roll for the District, requiring compliance with Chapter 372, Texas Local Government Code, as amended, providing a cumulative repealer clause, providing for severability and providing an effective date. **Approved by Ordinance No. 4706.**
- 10 A resolution authorizing the City Manager to finalize and execute Letters of Authorization with the North Central Texas Council of Governments for the period from October 1, 2019, to September 30, 2020, thereby authorizing the City's participation in the Regional Storm Water Management Program. **Approved by Resolution No. 60-2019.**
- 11 Bid No. 2019-084 - Annual Supply of Petroleum Products.
(Staff recommends award to low bidder Southwest Distributing Company in the amount of \$85,544.80.) **Approved as recommended.**

- 12 Bid No. 2019-114 - Isilon Storage for Police Video.
(Staff recommends award to Unique Digital, through Texas Department of Information Resources Contract No. DIR-TSO-4299, in the amount of \$184,429.20.) **Approved as recommended.**
- 13 Authorize the City Manager to approve the City of Rowlett as a participant in the Project 25 (P25) Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement, and authorize the City Manager to execute the Participant and Usage Agreements between the City of Garland, the City of Mesquite and the City of Rowlett setting forth the terms of the City of Rowlett's participation in the System. **Approved.**
- 14 Authorize the City Manager to finalize and execute a State and Local Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration, Dallas Field Division for Task Force 1 activities. **Approved.**
- 15 Authorize the City Manager to finalize and execute a Memorandum of Understanding (MOU) with the Dallas Field Division of the Drug Enforcement Agency (DEA) regarding equitable sharing through the United States Department of Justice Equitable Sharing Program. **Approved.**
- 16 Authorize an expenditure in the amount of \$186,762.72 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. **Approved.**

At this time, any individual wishing to discuss any matter on the agenda, with the exception of public hearings, shall be allowed to speak for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

OTHER BUSINESS

- 17 An ordinance determining the public necessity of acquiring real property interests for construction of roadway and infrastructure improvements on the northwest corner of Forney Road and Town East Boulevard, authorizing the City Manager to acquire the real property and authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary, said property being owned by Dallas Gasket and Packing Company, (approximately 1.4979 acres), and being generally located at 1717 South Town East Boulevard. **Approved by Ordinance No. 4707.**

PUBLIC HEARINGS AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2019-20 BUDGET:

- 18 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2019-20 budget. **Public hearing held.**
- 19 Conduct a public hearing regarding the proposed Fiscal Year 2019-20 ad valorem tax rate of \$0.734 per \$100 valuation. **Public hearing held.**

- 20 An ordinance adopting 2019-20 Pay Plans for General Government employees effective October 1, 2019, providing flat, fixed pay adjustments for certain employees in hard-to-fill positions and providing merit increases, adopting revised pay plans with market adjustments for commissioned Police and Fire personnel effective January 1, 2020, providing step increases for eligible commissioned Police and Fire personnel effective on their respective anniversary date and providing increased prior and current service annuities under the Texas Municipal Retirement System for qualifying retirees and beneficiaries, which includes a cost of living adjustment (COLA) at the 50 percent level. **Postponed until the September 16, 2019, City Council meeting.**
- 21 An ordinance providing funds for Fiscal Year 2019-20 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. **Postponed until the September 16, 2019, City Council meeting.**
- 22 An ordinance ratifying the property tax revenue increase reflected in the Fiscal Year 2019-20 budget. **Postponed until the September 16, 2019, City Council meeting.**

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.)

- 23 Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 652 acres of undeveloped property generally located between FM 2757 and IH-20 and North of IH-20 East of FM 740 in Kaufman County, Texas, and being commonly referred to as Spradley Farms located within the boundaries of the City of Mesquite as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date for the termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance. **Postponed until the September 16, 2019, City Council meeting.**
- 24 Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an agreement for such purposes with Prologis for the construction of a new industrial building in the Skyline Industrial District located at 5181 Samuell Boulevard, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 61-2019.**

- 25** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-03 amending Chapter 8 of the City Code by adding Article XIV entitled “Special Events and Parades” thereby establishing regulations pertaining to special events and parades; amending Chapters 3, 8, 9, 10 and 10.5 of the City Code pertaining to special events and amending Chapter 1 of the Mesquite Zoning Ordinance pertaining to special events. (The Planning and Zoning Commission recommends approval of the zoning text amendment. This item was postponed at the August 19, 2019, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4708.**
- 26** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-04 amending Section 4-1023 of the Mesquite Zoning Ordinance pertaining to the application of the North Gus Thomasson Corridor Revitalization Code, Section 3.7, Building Functions and Density, regarding outdoor storage. (The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Denied.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 27** Consider appointment of seven members to the Mesquite Quality of Life Board of Directors for terms to expire August 19, 2021. **Larry Allen, Nadine Ward, Kevin Grubbs, Bennye Rice, Ron Ward and Shirley Roberts were appointed as members of the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2021.**

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; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280
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. Derick Wiley v. City of Mesquite – AAA Case No. 01-17-0007-6614 – Filed 12-5-17
 5. 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
 6. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
 7. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
 8. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
 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; on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV
 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 Sunitababen N. Patel – Filed 4-9-19
 17. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
 18. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
 19. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin – Filed 5-24-19
 20. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

Discussed.

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.

Pursuant to Section 551.007 (c) of the Texas Local Government Code, any member of the public wishing to address the City Council through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.