



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, October 1, 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      [18-3702](#)      Receive update regarding foreclosed property program.
- 2      [18-3715](#)      Receive briefing regarding the Mesquite Metro Airport.

#### **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**

Dr. W.R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.

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

Neighborhood Crime Watch Captains.

##### **PRESENTATIONS**

- 3      [18-3719](#)      Recognize Mesquite resident, Don Douglas, for his generous donation to students at Florence Elementary School.
- 4      [18-3661](#)      Recognize Addressing Mesquite Day Platinum Level Sponsors.

##### **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      [18-3701](#)            Minutes of the regular City Council meeting held September 17, 2018.
- Attachments:*        [09.17.2018m](#)
- 6      [18-3711](#)            An ordinance amending Chapter 3 of the City Code establishing airport rates and fees, effective October 2, 2018.
- Attachments:*        [Ordinance - Airport Fees](#)
- 7      [18-3651](#)            An ordinance amending the City Code for fees collected by the City of Mesquite for Fiscal Year 2018-19.
- Attachments:*        [Ordinance - Fees](#)  
                                  [Schedule of Fee Changes](#)
- 8      [18-3699](#)            An ordinance adopting 2018-2019 Pay Plans for General Government employees effective October 1, 2018, providing flat, fixed pay adjustments for certain employees in hard-to-fill positions and providing merit increases or payments in lieu thereof, adopting revised pay plans with market adjustments for commissioned for Police and Fire personnel effective January 1, 2019, and providing step increases for commissioned Police and Fire personnel effective January 1, 2019, and April 1, 2019.
- Attachments:*        [Ordinance - Pay Plan](#)
- 9      [18-3706](#)            An ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who, at the effective date of the allowance, are members of the City of Mesquite, effective January 1, 2019.
- Attachments:*        [Ordinance - TMRS](#)
- 10     [18-3717](#)            An ordinance for Application No. Z0618-0049, submitted by Maxwell Fisher of MasterPlan, for a change of zoning from Commercial to Planned Development-Commercial to allow pawnshops as a permitted use, located

at 3711 Gus Thomasson Road.

(The City Council held a public hearing on this request at the September 17, 2018, City Council meeting and voted to approve the application with certain stipulations.)

**Attachments:**      [Case Summary](#)  
[Staff report & maps](#)  
[Proposed Concept Plan](#)  
[Proposed Elevation](#)  
[Sign Example](#)  
[P & Z mintues](#)  
[Ordinance - Z0818-0049](#)

- 11**      [18-3691](#)      A resolution authorizing the City Manager to execute the 2018 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson, in the revised amount of \$24,892.94; designating the City of Dallas as the applicant and fiscal agent and designating the Police Chief as the responsible officer for the purpose of signing all documents associated with the grant.

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

- 12**      [18-3698](#)      A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 1, 2018.

**Attachments:**      [Resolution - HCV Plan](#)

- 13**      [18-3677](#)      Bid No. 2019-008 - Annual Avaya Telephone System Maintenance.  
(Staff recommends award to Lantana Communications Corporation, through the Texas Department of Information Resources Contract No. DIR-TSO-2654, in the amount of \$50,769.18.)

**Attachments:**      [Quote](#)

- 14**      [18-3696](#)      Bid No. 2019-014 - Purchase of Seven Dodge Charger Police Vehicles.  
(Staff recommends award to Cowboy Chrysler Dodge Jeep Ram in Silsbee, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. VE11-15, in the amount of \$175,876.50.)

**Attachments:**      [HGAC Quote](#)  
[Photo - Charger](#)

- 15**      [18-3695](#)      Bid No. 2019-015 - Purchase of Ten Ford Interceptor SUV Police Vehicles.  
(Staff recommends award to Silsbee Ford in Silsbee, Texas, through a Joint Venture/Cooperative Purchasing Agreement with Tarrant County Contract No. 2016-006, in the amount of \$321,305.00.)

**Attachments:**      [Quote](#)

[Photo - Interceptor](#)

- 16      [18-3712](#)      Bid No. 2019-020 - Annual Supply of Fire Department Uniforms and Clothing.  
(Staff recommends award to Galls, LLC, in Lexington, Kentucky, through BuyBoard Contract No. 507-16, sponsored by the Texas Association of School Boards, in an amount not to exceed \$95,740.00.)

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

- 17      [18-3694](#)      Authorize the City Manager to finalize and execute an agreement with the County of Dallas to permit the City of Mesquite to issue State of Texas motor vehicle registration renewals for City owned vehicles.

**Attachments:**      [Dallas County Agreement](#)

- 18      [18-3703](#)      Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and City Secretary Sonja Land.

#### **PUBLIC HEARINGS**

- 19      [18-3707](#)      Conduct a public hearing and consider an ordinance for Application No. Z0818-0059, submitted by James Novey of J-N Fence, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow outdoor display of sheds, located at 305 U.S. Highway 80 East.  
(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 with certain stipulations.)

**Attachments:**      [Case Summary](#)

[Staff report & maps](#)

[P&Z Minutes](#)

[Ordinance - Z0818-0059](#)

- 20      [18-3705](#)      Conduct a public hearing and consider an ordinance for Application No. Z0818-0058, submitted by Chris Frerich of Eikon Consulting, on behalf of Golden Chick, for a change of zoning from Single-Family Residential to General Retail to allow any use permitted in the General Retail zoning district, located at 120 W. Cartwright Road.  
(One response in favor and one 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](#)  
[PZ Minutes9-10-2018](#)  
[Ordinance - Z0818-0058](#)

- 21      [18-3709](#)      Conduct a public hearing and consider action regarding a request from Chris Frerich on behalf of Golden Chick, to substitute a living screen for a required eight-foot-tall long-span precast masonry screening wall on the north 130 feet of the east property line of property located at 120 West Cartwright Road.

**Attachments:**      [Staff memo & maps](#)

- 22      [18-3716](#)      Conduct a public hearing for the purpose of considering annexation of 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by D.R. Horton - Texas, LTD., Diecieseis, LLC, and CADG Kaufman 146, LLC.

**Attachments:**      [Annexation Map](#)

- 23      [18-3718](#)      Consider an ordinance annexing approximately 121.282 acres of territory within the City's extraterritorial jurisdiction, generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, granting to all the inhabitants of said territory all the rights and privileges of all other citizens and making applicable to said land and its inhabitants all of the acts, ordinances, resolutions and regulations of said City, adopting a service plan for the provision of municipal services in the area so annexed, designating annexed territory to be zoned Agricultural, directing the City Secretary to give notice as required to all affected jurisdictions, revising the official boundary limits of the City and setting an effective date of annexation.

**Attachments:**      [Ordinance - Annexation](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 24      [18-3708](#)      Consider appointment of three regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2020, and one alternate member for a term to expire October 1, 2020.

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

#### RECEIPT OF RESIGNATION

- 25      [18-3704](#)      Receive resignation from David Paschall as a member of the North Texas Municipal Water District Board of Directors.

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

## **OTHER BUSINESS**

- 26      [18-3693](#)      Consider appointment of David Paschall as the City Attorney for the City of Mesquite, Texas, effective October 22, 2018, and authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and David Paschall for the position of City Attorney.

## **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
20. City of Mesquite v. Govind Group Corp. – Filed 8-31-18

### **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.

- Annual Review of City Manager.

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.**