



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 5, 2017

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 [17-2736](#) Receive briefing regarding the status of the Thomasson Square Project.

 Attachments: [Memorandum - 5.19.17](#)
 [Thomasson Square Presentation](#)

- 2 [17-2740](#) Receive strategy presentations, as determined by City Management, related to City Council policy issues and strategic goals.

- 3 [17-2747](#) Receive briefing regarding the Sign Code.

- 4 [17-2755](#) Discuss amendments to the City Charter.

 Attachments: [Memorandum](#)

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

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

INVOCATION

Steve Swaim, Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

To be determined.

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.

PRESENTATIONS

- 5 [17-2727](#) Presentation of Certificates of Election to Mayor Stan Pickett and City Councilmembers Robert Miklos, Place 1, Jeff Casper, Place 2, and Tandy Boroughs, Place 6.

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.)

- 6 [17-2731](#) Minutes of the regular City Council meeting held May 15, 2017, and the Special City Council meeting held May 17, 2017.

Attachments: [05.15.2017m](#)
 [05.17.2017m](#)

- 7 [17-2729](#) An ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division (Company) regarding the Company's 2017 Rate Review Mechanism (RRM) 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 settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process or 2018 pending renegotiation of RRM terms and conditions; 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 counsels.

Attachments: [Ordinance - Atmos](#)
 [List of ACSC Cities](#)

- 8 [17-2745](#) An ordinance amending Chapter 5 of the City Code regarding permitted materials for fences.

Attachments: [Area Cities Comparison](#)
[Ordinance - Fence](#)

- 9 [17-2737](#) Bid No. 2017-051 - 2017 Large Diameter RCP Sanitary Sewer Rehabilitation By Cured-In-Place-Pipe (CIPP).
(Authorize the City Manager to execute a contract with low bidder Insituform Technologies, LLC, in the amount of \$2,132,414.77.)

Attachments: [Bid Recommendation Letter](#)
[Bid Tabulation - 2017-051](#)
[Bid Tabulation - Engineering](#)
[Location Map](#)

- 10 [17-2722](#) Bid No. 2017-084 - Purchase of Two Chevrolet 2500 Pickups.
(Staff recommends award to Caldwell Country in Caldwell, Texas, through BuyBoard Contract No. 521-16, for \$53,740.00.)
- 11 [17-2760](#) Authorize the Mayor to execute an amendment to the agreement dated July 22, 2016, between the City of Mesquite, Texas, and Municipal Court Judge Steve Crane.
- 12 [17-2732](#) Appoint Robert Miklos and Tandy Boroughs to the Mesquite Health Facilities Development Corporation for terms to expire December 31, 2017.
- 13 [17-2733](#) Appoint Robert Miklos and Tandy Boroughs to the Mesquite Housing Finance Corporation for terms to expire December 31, 2017.
- 14 [17-2750](#) Appoint Robert Miklos and Tandy Boroughs to the Ridge Ranch Tax Increment Finance (TIF) Reinvestment Zone No. Five Board of Directors for terms to expire December 31, 2018.
- 15 [17-2749](#) Appoint Robert Miklos and Tandy Boroughs to the Lucas Farms Tax Increment Finance (TIF) Reinvestment Zone No. Six Board of Directors for terms to expire December 31, 2018.
- 16 [17-2751](#) Appoint Robert Miklos and Tandy Boroughs to the Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Seven Board of Directors for a term to expire November 2, 2017.
- 17 [17-2748](#) Appoint Robert Miklos and Tandy Boroughs to the Gus Thomasson Tax Increment Finance (TIF) Reinvestment Zone No. Eight Board of Directors for terms to expire November 2, 2017.

PUBLIC HEARINGS

- 18 [17-2744](#) Conduct a public hearing and consider an ordinance for Application No. 594-34-2017, submitted by Kevin Patel, representing KBC Kumar, LLC, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a limited service hotel on property located 1,000 feet east of North Galloway Avenue fronting the north side of U.S. Highway 80 service road.

(The Planning and Zoning Commission recommends approval. Two responses in favor of the application were received from property owners within the statutory notification area.)

Attachments:

[Case Summary](#)

[Staff Report](#)

[Concept Plan](#)

[Minutes](#)

[Ordinance - 594-34-2017](#)

- 19** [17-2738](#) Conduct a public hearing and consider an ordinance for Application No. 167-4-2017, submitted by Kevin Mattson for a change of zoning from Agricultural to General Retail on property located at 2736 and 2780 Pioneer Road.

(The Planning and Zoning Commission recommends denial of the application. The applicant filed a timely appeal on May 11, 2017.)

Attachments:

[Request for Postponement](#)

[Appeal Letter 167-4-2017](#)

OTHER BUSINESS

- 20 [17-2739](#) Consider rescheduling the City/School Joint Tax Office Advisory Board meeting from Tuesday, June 6, 2017, at 2:00 p.m. to Wednesday, June 14, 2017, at 2:00p.m. and confirming the attendance of Jeff Casper and Dan Aleman as representatives from the City of Mesquite.

RECEIPT OF RESIGNATION

- 21 [17-2758](#) Receive resignation from David Paschall as a member of the Civil Service Commission and Personnel/Trial Board.
- Attachments:* [Resignation Letter](#)
- 22 [17-2759](#) Receive resignation from John Robinson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.
- Attachments:* [Resignation Letter](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 23 [17-2734](#) Consider appointment of one member to the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2018.
- 24 [17-2752](#) Consider appointment of one member to the Town East/Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Nine Board of Directors for a term to expire December 31, 2018.
- 25 [17-2754](#) Consider appointment of one regular member and one alternate member to the Board of Adjustment for terms to expire January 1, 2019, and January 1, 2018, respectively, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and one reserve alternate member to the Board of Adjustment for a term to expire January 1, 2019.
- Attachments:* [Personal Data Form - Odom](#)
- 26 [17-2756](#) Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2017.
- Attachments:* [Personal Data Form - Ron Ward](#)
 [Personal Data Form - Yolanda Shepard](#)
- 27 [17-2757](#) Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2019.

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. Travis Tryon v. City of Mesquite – Filed 2-25-16
5. Robert L. Gould v. City of Mesquite – Filed 6-24-16
6. 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
7. Govind Group Corporation; Sorrent, LLC; Hannuman Holdings, LLC; OM SRI SAI Krishna Investment Properties, Inc.; Shiv Alpha Strip Corporation; Tejas Motel, LLC; and SAI JDV Hotels, LLC v. The City of Mesquite, Texas; and Cliff Keheley, City Manager of the City of Mesquite, Texas – Filed 1-5-17
8. 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
9. Texas Propane Gas Association v. Railroad Commission of Texas, et al – Filed 3-3-17
10. Jojoba Assets, LLC v. City of Mesquite – Filed 5-5-17

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 17-2723 Discuss proposed land acquisition near the Southeast Pump Station.**

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.