



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, July 16, 2018

4:00 PM

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

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

##### **AGENDA REVIEW**

##### **STAFF PRESENTATIONS**

- 1      [18-3559](#)      Receive briefing regarding the 2018 districting process.
- 2      [18-3573](#)      Receive briefing regarding the Downtown Infrastructure Plan.
- 3      [18-3551](#)      Receive strategy presentations, as determined by City Management, related to City Council policy issues and strategic goals.

#### **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**

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

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

Members of the Stallions PeeWee Flag Football team.

##### **PRESENTATIONS**

- 4      [18-3572](#)      Presentation to Special Olympic athletes from Mesquite.
- 5      [18-3512](#)      Presentation of a plaque to Wynelle Ivey in recognition of her service as a member of the Mesquite Housing Board.

**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.)

- 6      [18-3552](#)      Minutes of the regular City Council meeting held July 2, 2018.  
  
         Attachments:      [07.02.2018m](#)
- 7      [18-3570](#)      An ordinance amending Chapter 4 of the City Code amending regulations regarding inclement weather requirements for dogs kept outdoors.  
  
         Attachments:      [Ordinance - Dogs](#)
- 8      [18-3569](#)      An ordinance amending Chapter 5 of the City Code amending regulations addressing the construction, maintenance and standards for fences.  
  
         Attachments:      [Ordinance - Fences](#)
- 9      [18-3547](#)      A resolution adopting the Annual Plan for the Housing Choice Voucher Program.  
  
         Attachments:      [Resolution - Housing Choice Voucher](#)
- 10     [18-3558](#)      A resolution adopting the criteria for use in the 2018 districting process.  
  
         Attachments:      [Resolution - Redistricting](#)
- 11     [18-3565](#)      A resolution approving the Mesquite Quality of Life Corporation budget for the fiscal year 2018-19.  
  
         Attachments:      [Resolution - MQOLC Budget](#)
- 12     [18-3557](#)      Authorize the City Manager to finalize and execute a contract with Freese and Nichols in the amount of \$222,500.00 for preparation of a new Mesquite Comprehensive Plan.  
  
         Attachments:      [Scope of Work](#)
- 13     [18-3556](#)      Approve Amendment No. 5 to the 2017-18 Police 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 \$142,000.00.

Attachments: [Seizure Amendment No. 5](#)

- 14     [18-3515](#)     A resolution accepting the preliminary Service and Assessment Plan for authorized improvements within the Heartland Town Center Public Improvement District, setting a date for public hearing on the proposed Levy of Assessments, authorizing the publication and mailing of notice, and enacting other provisions relating thereto.

Attachments: [Resolution - SAP](#)

- 15     [18-3574](#)     A resolution authorizing the City Manager to finalize and execute a Transfer and Service Agreement with the Kaufman County Municipal Utility District No. 12, CADG Kaufman 146, LLC, D.R. Horton-Texas, Ltd. and Dieciesteis, LLC regarding: (i) the provision of water and wastewater retail services to a residential development comprised of approximately 110.97 acres located generally south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, within the extraterritorial jurisdiction of the City (the "Trailwind Development"); (ii) the provision of water and wastewater retail services to a commercial development comprised of approximately 25.464 acres located generally at the southeast corner of IH-20 and FM-741 in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas (the "25 Acre Retail Tract"); (iii) the transfer, ownership, operation and maintenance of the water and wastewater infrastructure necessary to provide such water and wastewater retail services to the Trailwind Development and the 25 Acre Retail Tract; and (iv) capacity and connection fees in connection therewith.

Attachments: [Resolution - MUD No. 12](#)

## **PUBLIC HEARINGS**

- 16     [18-3560](#)     Conduct a public hearing and consider an ordinance for Application No. Z0518-0037, submitted by Sean Neal, TGS Architects on behalf of American National Bank, for a change of zoning from Commercial and Military Parkway-Scyene Corridor Overlay to Commercial and Military Parkway-Scyene Corridor Overlay with a Conditional Use Permit to allow a bank with a drive-through facility, located at 917 Military Parkway.  
(One response in favor of the application has 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](#)

[Staff report & maps](#)

[P & Z Minutes](#)

[Ordinance - Z0518-0037](#)

- 17     [18-3562](#)     Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-06 amending Section 3-200, Use Regulations; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Variety Stores.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:**     [P&Z minutes](#)  
                              [Ordinance - ZTA 2018-06](#)

- 18     [18-3554](#)     Conduct a public hearing for the purpose of considering annexation of 25.464 acres in the City's extraterritorial jurisdiction and generally located at the southeast corner of IH 20 and FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by Mehrdad Moayedid of CADG Kaufman 146, LLC.

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

- 19     [18-3553](#)     Consider an ordinance annexing approximately 25.464 acres of territory within the City's extraterritorial jurisdiction, generally located at the southeast corner of IH 20 and 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](#)

#### OTHER BUSINESS

- 20     [18-3550](#)     Consider scheduling two special City Council meetings for Monday, July 30, 2018, at 5:00 p.m., and for Tuesday, July 31, 2018, at 5:00 p.m., to interview candidates for City Attorney.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21     [18-3561](#)     Consider appointment of one regular member to the Board of Adjustment for a term to expire January 1, 2019, and one alternate member for a term to expire January 1, 2020, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and two reserve alternate members for terms to expire January 1, 2019, and January 1, 2020.

**Attachments:**     [Personal Data Forms](#)

**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

### **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.

### **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:

- |           |                |   |
|-----------|----------------|---|
| <b>22</b> | <b>18-3564</b> | Discuss economic development incentives for a prospective industrial business park in southeast Mesquite.   |
| <b>23</b> | <b>18-3566</b> | Discuss economic development incentives for a prospective business expansion in central Mesquite.   |
| <b>24</b> | <b>18-3571</b> | 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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.**