

City Council

Meeting Agenda

May 7, 2018

- 8 Minutes of the regular City Council meeting held April 16, 2018.
- 9 A resolution consenting to the assignment by Industrial Developments International (Texas), L.P., ("IDI") to IDIL Skyline D, LLC ("IDIL Skyline"), of IDI's interest in that certain economic development program agreement (Chapter 380 Agreement) dated January 26, 2018, between IDI and the City of Mesquite, Texas, relating to an industrial building project located at 2250 Skyline Drive, Mesquite, Texas, and authorizing the City Manager to execute all documents necessary or requested in connection therewith.
- 10 A resolution adopting policy issue priorities for the year 2018 and strategic goals for the future of Mesquite.
- 11 Bid No. 2018-052 - Neighborhood Stabilization Program for residential repairs located at 3708 Hilton Drive, Mesquite, Texas 75150.
(Authorize the City Manager to finalize and execute a contract with Provoment, Inc., in the amount of \$97,468.30.)
- 12 Bid No. 2018-064 - Annual Contract for Utility Concrete Repair (Area 2).
(Authorize the City Manager to finalize and execute a contract with low bidder Overall Concrete Solutions, in the amount of \$263,612.50.)
- 13 Bid No. 2018-075 - Purchase of Portable Radios for Police Officers.
(Staff recommends award to Motorola Solutions in the amount of \$76,858.20.)
- 14 Authorize the City Manager to execute a revised Economic Development Program Agreement (Chapter 380 Agreement) with W. A. Ridge Ranch, LLC, extending the date of delivery of lots to the builders from the third quarter of 2015 to the third quarter of 2020, extending the construction date of homes from 2016 to 2019, the completion of home construction by December 31, 2036, and extending the term of the agreement from December 31, 2031, to a term of 22 years from date of execution, and authorizing the City Manager to administer the agreement on behalf of the City.
- 15 Approve Amendment No. 4 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 \$103,000.00.

PUBLIC HEARINGS

- 16 Conduct a public hearing and consider an ordinance amending the Mesquite Thoroughfare Plan.

- 17 Conduct a public hearing and consider an ordinance for Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352.
(One response in opposition to the application has been received from a property owner within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the April 16, 2018, City Council meeting.)
- 18 Conduct a public hearing and consider an ordinance for Application No. Z0318-0025, submitted by Fenton Motors, for a change of zoning from Light Commercial to Planned Development-Light Commercial with a Conditional Use Permit to allow outdoor display of new and used vehicles, located at 16200 Interstate Highway 635.
(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 approval of the application with certain stipulations.)
- 19 Conduct a public hearing and consider an ordinance for Application No. Z0318-0028, submitted by Les Pritchett of Urban Air Mesquite, for a change of zoning from General Retail to Light Commercial with a Conditional Use Permit to allow an indoor recreational facility, located at 1220 North Town East Boulevard, Suite 650.
(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 approval of rezoning from General Retail to Planned Development-General Retail with a Conditional Use Permit to allow an indoor recreational facility with certain stipulations.)
- 20 Conduct a public hearing and consider an ordinance for Application No. Z0318-0029, submitted by Brian Lingle of Lingle Engineers, for a change of zoning from Agriculture to Planned Development-General Retail, located at 3401 McKenzie Road.
(One response in favor and two 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 with certain stipulations.)
- 21 Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-02 amending Chapter 1-600, Temporary Uses and Structures; Chapter 2-200, Use Regulations; Chapter 3-200, Use Regulations; Chapter 3-500, Supplementary Use Regulations; and Chapter 6-100, Definitions and Interpretation of Terms; thereby providing new and revised regulations for primary and secondary educational uses and temporary classrooms.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 Consider appointment of two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2018.

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

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.

- Review of North Texas Municipal Water District Board Appointee Terry Anderson.
- Discuss annual review of Municipal Court Judge.

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:

- 23 Consider economic development incentives for businesses seeking to locate on Peachtree Road.
- 24 Consider economic development incentives for a proposed development at Rodeo Center Boulevard and Military Parkway/Scyene Road.
- 25 Consider proposed economic development incentives for a prospective homebuilder in southeast Mesquite.
- 26 Consider proposed economic development incentives for a prospective industrial business park in southeast Mesquite.

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.



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 16, 2016

5:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding proposed amendments to the Community Appearance Manual.
- 2 Receive briefing regarding a possible interlocal agreement with the Mesquite Independent School District for the operation of a photo enforcement system to enforce violations of illegal passing of vehicles while students are loading or unloading a bus.
- 3 Receive briefing regarding requested change to the City's smoking ordinance.

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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:45 P.M.

- 4 Receive financial statement for period covering October 1, 2015, through March 31, 2016.

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

INVOCATION

Tim Brown, Pastor, Calvary First Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Cub Scout Pack 1115.

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 Minutes of the regular City Council meeting held May 2, 2016.
- 6 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 2016 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 settlement tariffs to be just and reasonable and in the public interest; 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.
- 7 An ordinance amending Chapter 9 of the City Code adding certain sections of Belt Line Road as a designated truck route.
- 8 An ordinance adopting amendments to the Community Appearance Manual pertaining to General Intent, Appeals and Industrial Standards.
(This item was postponed at the May 2, 2016, City Council meeting.)
- 9 An ordinance amending Chapter 11 of the City Code thereby amending the Administration section of the Community Appearance Manual.
(This item was postponed at the May 2, 2016, City Council meeting.)

- 10 A resolution authorizing the Manager of Equipment Services to sign all documents relating to the City of Mesquite's vehicle registrations, titles and license plates as a representative of the City of Mesquite and to request registration of Mesquite Police Department vehicles exempt under the Texas Transportation Code §721.005.
- 11 Bid No. 2016-073 - Annual Supply of Petroleum Products.
(Staff recommends award to low bidder Southwest Distributing Company in the amount of \$73,049.05.)
- 12 Bid No. 2016-076 - Florence House Homestead Exterior Improvements.
(Authorize the City Manager to finalize and execute the necessary documents with Nouveau Construction and Technology Services through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, Contract No. CNRO1165 in the amount of \$150,763.00.)
- 13 Bid No. 2016-080 - Rutherford Recreation Center Roof Air Conditioning Unit Replacement.
(Authorize the City Manager to finalize and execute the necessary documents with Berger Engineering Company through Bid No. 2015-017, Time and Materials, in the amount of \$99,666.20.)
- 14 Bid No. 2016-083 - Annual Contract for Parts and Labor to Repair Freightliner Trucks.
(Staff recommends award to sole source provider ATC Freightliner in the amount of \$85,000.00.)
- 15 Approve and ratify authorization of the City Manager to execute a Business Electricity Authorization Agreement with Gexa Energy for electric services for a three-year period beginning January 2019.
- 16 Approve Amendment No. 4 to the 2015-16 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 \$92,000.
- 17 Authorize an expenditure in the amount of \$90,014.12 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.

PUBLIC HEARINGS

- 18 Conduct a public hearing and consider an ordinance for Application No. 1397-30-2016, submitted by Civil Urban Associates for First Saiger Properties, for a zoning change from R-3 Single-Family Residential to Planned Development - Office on the 0.67-acre developed tract located at 1230 North Galloway Avenue.
(Three written responses in favor of the application were received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)
- 19 Conduct a public hearing and consider an ordinance for Application No. 1462-283-2016, submitted by the City of Mesquite, for a zoning change from R-3 Single-Family Residential and Sherwood Forest Overlay to Planned Development - Commercial with removal of the Sherwood Forest Overlay on two developed parcels comprising 0.9658-acres located at 2429 West Scyene Road and 712 South Sam Houston Road.
(No opposition to the proposed application has been received. The Planning and Zoning Commission recommends approval of the application.)
- 20 Conduct a public hearing and consider a request from McIntyre Wrecking Service to substitute a wood screening wall for the required masonry screening wall on property located at 4515 East U.S. Highway 80.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2018.
- 22 Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Tuesday, June 7, 2016, at 9:30 a.m.

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. Susan Flander v. Department of Public Safety et al – Filed 11-15-13
2. Kathleen Parvin v. The City of Mesquite – Filed 1-26-15

3. 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
4. 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
5. Andrea Perez Simpson v. City of Mesquite; PM Construction and Rehab, LLC; Inland Pipe Rehabilitation, LLC; PM Construction-Texas – Filed 9-21-15
6. Angeles Estrada-Padron v. The City of Mesquite – Filed 11-9-15
7. Kevin 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
8. Travis Tryon v. City of Mesquite – Filed 2-25-16

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:

- 23 Consider economic development incentives for a business prospect seeking to locate near the Mesquite Metro Airport.
- 24 Consider economic development incentives for a business expansion located in the Skyline Logistics Hub Overlay District.

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).

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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.

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City of Mesquite, Texas

Legislative File

File Number: 16-2099

| | | |
|--|--------------------------|---|
| File ID: 16-2099 | Type: Agenda Item | Status: Appointments to Boards and Commissions |
| Version: 1 | Org Code(s): | In Control: City Council |
| File Name: NTMWD Appt. 5/2016 | | File Created: 04/15/2016 |
| Final Action: | | |
| Title: Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2018. | | |
| Agenda Date: 05/16/2016 | Agenda Number: 21 | |

Text of Legislative File 16-2099

Title

Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2018.

Body

Attached is a letter from Thomas Kula, Executive Director of the North Texas Municipal Water District (NTMWD), notifying the City Council that Terry Anderson's term on the NTMWD Board of Directors will expire May 31, 2016.

Mr. Anderson has agreed to serve another term if the Council wishes to reappoint him. The new term will expire May 31, 2018.

Attachment(s)

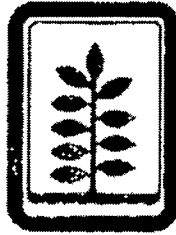
Letter from Thomas Kula

Drafter

Susan House

Head of Department

Sonja Land



RECEIVED

MAR 28 2016

CITY OF MESQUITE
CITY SECRETARY

**NORTH TEXAS MUNICIPAL
WATER DISTRICT**

Regional Service Through Unity

March 23, 2016

Mr. Cliff Keheley, City Manager
City of Mesquite
P. O. Box 850137
Mesquite, Texas 75185-0137

RE: NTMWD BOARD MEMBER APPOINTMENT

Dear Mr. Keheley:

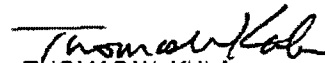
The current term of office for some of the Directors of the North Texas Municipal Water District (NTMWD) Board will end in May. Please accept this as your official notification that Mr. Terry Anderson's current term as an NTMWD Board Director will expire on May 31, 2016. The City Council has the option to either reappoint Mr. Anderson or appoint a new Director to serve the term from June 1, 2016, to May 31, 2018.

The NTMWD appreciates the service Mr. Anderson has provided to the NTMWD. He was appointed by the City of Mesquite in 1985 and has been a leader on the Board serving as President, Vice President, and Secretary. He is currently serving as Vice President and is slated to become President of the Board of Directors on June 1, 2016. As Vice President, Mr. Anderson serves on the Executive Committee and serves in an advisory position on all standing Committee meetings.

In accordance with the statute creating the District (Article 8280-141), the qualifications of a Director include the following: "No person shall be appointed a Director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city, shall be appointed as a Director." Under other state law, no other public official that receives compensation could be appointed. A list of roles and responsibilities of an NTMWD Board member is enclosed for reference.

Please notify my office in writing once the City Council has appointed a Director for the new term. Should you have any questions or need additional information, please do not hesitate to contact my office.

Sincerely,


THOMAS W. KULA
Executive Director

TWK/mcf

Enclosure

cc: Mr. Terry Anderson
Ms. Sonja Land, City Secretary



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 21, 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** Discuss results from the second citizen survey regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and for Skyline Drive from Town East Boulevard to Peachtree Road.
- 2** Receive presentation of the Interstate Highway 30 and U.S. Highway 80 Targeted Economic Development Study.
- 3** Receive briefing regarding amortization of nonconforming uses.

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.

- 4** Receive financial statement for period covering October 1, 2017, through March 31, 2018.
- 5** Receive quarterly report from Police Department.

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

INVOCATION

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Friends of the Mesquite Public Library.

PRESENTATIONS

- 6 Presentation of a plaque to Donna Adams in recognition of her service as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.
- 7 Presentation of Certificates of Election to City Councilmembers Bruce Archer, Place 3, Dan Aleman, Place 4, and Greg Noschese, Place 5.

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.)

- 8 Minutes of the regular City Council meeting held May 7, 2018.
- 9 An ordinance ratifying and incorporating the adoption of amendments to the Home Rule Charter approved by qualified voters of the City of Mesquite, Texas, at a Special Charter Amendment Election held on May 5, 2018.
- 10 An ordinance amending Chapter 13 of the City Code regarding pole signs, nonconforming signs, monument signs, number of signs, electronic message centers and certain administrative requirements.
- 11 An ordinance providing for the abandonment of right-of-way of Ripplewood Drive and Autumn Wood Drive and 15-foot-wide utility easements located on a vacant tract of land to the west of Lawson Road and south of McKenzie Road; otherwise known as Woodland Park Addition.

- 12 An ordinance approving an amended Project and Financing Plan for the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas.
- 13 A resolution authorizing the City Manager to finalize and execute a Master Developer Agreement regarding the development of approximately 60.31 acres of land generally located south of Gross Road, east of North Peachtree Road, north of the Union Pacific Railroad and west of Interstate Highway 635 in the City of Mesquite, Texas, and commonly referred to the "Verde Center" or the "Verde Center at Peachtree" and authorizing the City Manager to administer the agreement on behalf of the City.
- 14 Bid No. 2018-068 - Vanston Park Playground Equipment.
(Authorize the City Manager to finalize and execute a contract with Whirlix Design, LLC, in the amount of \$60,000.00.)
- 15 Bid No. 2018-073 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends award to Martin Eagle Oil Company, as the primary vendor, and Douglass Distributing Co., as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery.)
- 16 Bid No. 2018-078 - Mobile Data and Voice Service.
(Staff recommends award to AT&T Corporation for voice and data plans, through the Department of Information Resources Contract No. DIR-TSO-3420, in an amount not to exceed \$182,000.00.)
- 17 Bid No. 2018-079 - Annual Telephone Services (Local and Long Distance).
(Staff recommends award to AT&T Corporation, through Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
- 18 Bid No. 2018-083 - Purchase of a FARO Laser Scanner FocusS 350 and Accessories.
(Staff recommends award to sole source provider FARO Technologies in an amount not to exceed \$96,814.64.)
- 19 Authorize the Mayor to execute an agreement between the City of Mesquite, Texas, and Municipal Court Judge Steve Crane.

PUBLIC HEARINGS

- 20 Conduct a public hearing and consider an ordinance for Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352.
(One response in opposition to the application has been received from a property owner within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the April 16, 2018, and May 7, 2018, City Council meetings.)

- 21 Conduct a public hearing and consider an ordinance for Application No. Z0318-0027, submitted by John J. Gatz of Eco-Site, for a change of zoning from Agriculture to Agriculture with a Conditional Use Permit to allow a 100-foot tall telecommunications tower, located at 4401 East Cartwright Road.
(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 approval of the application.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2020.

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 6-8-177. Matthew Dunlap v. Jose Alcala and the City of Mesquite - Filed 7-17-17

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

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 personnel issues involving the selection of the City Attorney

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.

NTMWD RFP 1-7

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, and performance reviews in the possession of the City of Mesquite that refer to the members of the NTMWD Board of Directors that were appointed by the City of Mesquite. This request is limited to 2016 to the present.

Response:

Please see documents produced by the City of Mesquite in response to NTMWD RFP 1-6 and NTMWD RFI 4-2. The City of Mesquite is also producing documents responsive to this request.

Responsible Person: Jerome J. Dittman (Mesquite)

From: Cliff Keheley
Sent: Monday, April 24, 2017 11:36 AM
To: Melisa Fuller
Cc: Tom Kula; Terry Anderson; Shawwna Helmberger; Leann Bumpus
Subject: RE: Resignation - Director Bobby Robinson

Thank you. We plan on recognizing him at an upcoming council meeting. I will let you know if someone from the District would like to attend.

From: Melisa Fuller [mailto:mfuller@NTMWD.COM]
Sent: Monday, April 24, 2017 10:33 AM
To: Cliff Keheley <cckeheley@cityofmesquite.com>
Cc: Tom Kula <tkula@NTMWD.COM>; Terry Anderson <terry.anderson@NTMWD.COM>; Melisa Fuller <mfuller@NTMWD.COM>; Shawwna Helmberger <shelmberger@NTMWD.COM>; Leann Bumpus <lbumpus@NTMWD.COM>
Subject: Resignation - Director Bobby Robinson

Mr. Keheley,

Please see the following email from Director Bobby Robinson related to his resignation from the NTMWD Board of Directors. We appreciate Mr. Robinson's service to the NTMWD Board of Directors.

Thanks,

Melisa Fuller, Executive Assistant

North Texas Municipal Water District
P.O. Box 2408 | 501 E. Brown Street | Wylie, TX 75098
Office: 469.626.4319 | Fax: 972.295.6440 | Cell: 214.908.5561
mfuller@ntmwd.com | www.ntmwd.com

ATTENTION NTMWD BOARD MEMBERS: Please "Reply" only to the sender. A "Reply to All" to this e-mail could lead to violations of the Texas Open Meetings Act.

Dear Melisa,

Due to a recent health issue, I feel it is best that I submit my resignation as a board member of the North Texas Municipal Water District. I have considered it an honor to have served the district for the past 22 years. In that time, my wife and I have made friendships and acquaintances that we will treasure for the rest of our lives.

I regret that I must resign but I wish the district and its members the very best in the future. Thank you all for everything.

Sincerely,
Robert W. (Bob Robinson)

NTMWD RFP 1-8

Please refer to Rebuttal Testimony filed by Bruce Glasscock on the following pages: Page 11, line 15 – Page 13, line 9.

Please produce copies of the agendas, committee reports, and resolutions related to the appointment of the members of the NTMWD Board of Directors that were appointed by the City of Plano during the following years.

- a. 2016
- b. 2017
- c. 2018

Response:

The City of Plano is producing documents responsive to this request. The documents are voluminous, as noted on the attached index.

Responsible Person: Bruce Glasscock (Plano)

| Item No. | Description | Page Count |
|-----------------|---|-------------------|
| 1 | 2016-10.25 NTMWD Min - NTMWD Board Appt & Legacy West Dev Agreement | 10 |
| 2 | 2017-04.24 NTMWD Age - NTMWD Appt | 107 |
| 3 | 2017-04.24 NTMWD Min - NTMWD Appt | 6 |
| 4 | 2016-03.14 NTMWD Age - NTMWD Board Appt | 8 |
| 5 | 2016-03.14 NTMWD Min - NTMWD Board Appt | 11 |
| 6 | 2016-10.25 NTMWD Age - NTMWD Board Appt & Legacy West Dev Agreement | 88 |

NTMWD RFP 1-9

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, and performance reviews in the possession of the City of Plano that refer to the members of the NTMWD Board of Directors that were appointed by the City of Plano. This request is limited to 2016 to the present.

Response:

Please see documents produced by the City of Plano in response to NTMWD RFP 1-8 and NTMWD RFIs 4-2 and 4-3.

Responsible Person: Bruce Glasscock (Plano)

NTMWD RFP 1-10

Please refer to Rebuttal Testimony Filed by Dan Johnson on the following pages: Page 7, line 1 – Page 8, line 2.

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, performance reviews in the possession of the City of Richardson that refer to the following individuals: John Sweeden and John Murphy.

Response:

Please see documents produced by the City of Richardson in response to NTMWD RFP 1-1 and NTMWD RFI 4-3.

Responsible Person: Dan Johnson (Richardson)

NTMWD RFP 1-11

Please refer to Rebuttal Testimony filed by John Baker on the following pages: Page 7, line 10 – Page 8, line 3.

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, performance reviews in the possession of the City of Garland that refer to the following individuals: Don Gordon and Jack May.

Response:

Please see documents produced by the City of Garland in response to NTMWD RFP 1-4.

Responsible Person: John Baker (Garland)

NTMWD RFP 1-12

Please refer to Rebuttal Testimony filed by Jerome Dittman on the following pages: Page 13, line 16 – Page 14, line 13.

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, performance reviews in the possession of the City of Mesquite that refer to the following individuals: Terry Sam Anderson and David Paschall.

Response:

Please see documents produced by the City of Mesquite in response to NTMWD RFPs 1-6 and 1-7 and NTMWD RFI 4-2.

Responsible Person: Jerome J. Dittman (Mesquite)

NTMWD RFP 1-13

Please refer to Rebuttal Testimony filed by Bruce Glasscock on the following pages: Page 11, line 15 – Page 13, line 9.

Produce all documents including, but not limited to, agendas, committee reports, resolutions, evaluations, performance reviews in the possession of the City of Plano that refer to the following individuals: Shep Stahel, Phil Dyer, Rod Hogan.

Response:

Please see documents produced by the City of Plano in response to NTMWD RFIs 4-2 and 4-3 and NTMWD RFP 1-8.

Responsible Person: Bruce Glasscock

NTMWD RFP 1-14

Please produce all financial and management audits prepared by or on behalf of each Petitioning City for the past five years and any and all correspondence with the city's auditor(s) for that five year period.

Response:

This request is subject to a pending objection. Pursuant to and without waiving this objection, the Petitioning Cities respond as follows:

The City of Richardson's financial audits are available at:
<https://www.cor.net/departments/finance/financial-statement>.

The City of Plano's financial audits are available at:
<http://www.plano.gov/Archive.aspx?AMID=94>.

The City of Mesquite's financial audits are available at:
<https://www.cityofmesquite.com/1243/Comprehensive-Annual-Financial-Report>.

The City of Garland's financial audits are available at:
<http://www.ci.garland.tx.us/gov/eg/finance/compfinanreport.asp>.

Responsible Person: Bruce Glasscock (Plano), Jerome J. Dittman (Mesquite), Dan Johnson (Richardson), John Baker (Garland)

NTMWD RFP 1-15

Please produce all documents and correspondence in your possession related to:

- a. The issues addressed in the Rebuttal Testimony of Bruce Glasscock at page 13, lines 2-3;
- b. The issues addressed in confidential Exhibit BG-R3 in the Rebuttal Testimony of Bruce Glasscock; and
- c. The issues addressed in the Rebuttal Testimony of Bruce Glasscock at page 12, line 18 through page 13, line 1.

The District requests that any documents produced in response to RFP 1-15(a) and (b) be produced confidentially pursuant to the Protective Order issued in this case. Please produce a privilege log for any responsive privileged materials.

Response:

- a. By agreement with the District's counsel, the Petitioning Cities are producing responsive documents under the protective order. The Petitioning Cities reserve the right to challenge this designation in the future.
- b. By agreement with the District's counsel, the Petitioning Cities are producing responsive documents under the protective order. The Petitioning Cities reserve the right to challenge this designation in the future.
- c. The only non-privileged responsive documents that have been located also include information responsive to RFI 1-15(a) and (b), so these documents are being produced under the protective order.