



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 21, 2019

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 [19-4451](#) Receive briefing regarding a proposed Historic Preservation Ordinance and Downtown Overlay ordinance.
- 2 [19-4459](#) Receive presentation of new communication tools proposed for the City Council.

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

Rocky Pope, Pastor, Inspiration Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite AMBUCS.

PRESENTATIONS

- 3 [19-4336](#) Presentation of donation to the Mesquite Veterans Memorial campaign by Mesquite AMBUCS.

SPECIAL RECOGNITION

- 4 [19-4436](#) 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 items on the agenda, 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. Citizens addressing the Council through a translator will be allowed six minutes. 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 Council or any individual wish to discuss any item, said item may be removed from the consent Agenda by motion of the City Council. Any individual desiring to address the City Council regarding an item on the Consent Agenda shall do so on a first-come, first-served basis. Comments are limited to three minutes, except a speaker addressing the Council through a translator will be allowed six minutes.)

- 5 [19-4413](#) Minutes of the regular City Council meeting held October 7, 2019.
- Attachments:* [10.07.2019m](#)
- 6 [19-4438](#) An ordinance, on first reading, granting to Oncor Electric Delivery Company, LLC, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite, Dallas County, Texas, for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, finding that the meetings at which this ordinance is passed are open to the public, and providing for severability.
- Attachments:* [Ordinance](#)
 [Current Franchise Ordinance](#)
- 7 [19-4422](#) An ordinance adopting the General Government Policies and Procedures Manual with amendments.
- Attachments:* [Ordinance](#)
 [Manual - Redlined Version](#)
- 8 [19-4428](#) A resolution authorizing the City Manager to execute Amendment No. 2 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2019-20 for an amount not to exceed \$111,200.00.

Attachments: [Resolution](#)
[City Shares of Fixed Operational Costs.pdf](#)

- 9 [19-4431](#) Bid No. 2019-112 - Annual Grinding of Brush.
(Authorize the City Manager to finalize and execute a contract with GWG Wood Group, Inc. in the amount of \$247,786.56. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation 2019-112](#)

- 10 [19-4433](#) Authorize the City Manager to finalize and execute an Agreement Designating Retail Water Service Territory and Transferring Facilities and Customers with Talty Special Utility District for a limited transfer of Certificate of Convenience and Necessity (CCN) area and associated infrastructure and easements to the City of Mesquite.

Attachments: [Location Map](#)
[Agreement](#)

- 11 [19-4450](#) Authorize the City Manager to finalize and execute an amendment to a contract with Garver, LLC, for a Biological Assessment for the Town East Trail project in the amount of \$7,822.00.

PUBLIC HEARINGS

(City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to include nonresidential when the request is for solely residential uses or vice versa.)

- 12 [19-4441](#) Conduct a public hearing and consider Application No. Z0819-0104, submitted by John Jordan of The Nehemiah Company, for a change of zoning from Agricultural to Planned Development district to allow a mixed use planned development, located at 17101 Interstate Highway 20.
(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.)
- 13 [19-4439](#) Conduct a public hearing and consider an application for Zoning Text Amendment No. 2019-05 amending Section 4-100, Overlay Districts; Section 4-400, Historic Landmark Overlay District Regulations; Section 5-400, Board and Commission Established; Section 6-102, Definitions; and a new Part 8, Local Register of Mesquite Landmarks and Historic Designations, all pertaining to new and revised regulations for historic preservation.
- 14 [19-4447](#) Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to

promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with George Boyce for façade improvements to the building located at 202 West Davis Street, Mesquite, Texas 75149 and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments:

[Resolution](#)

[Rendering - 202 W. Davis St.](#)

- 15 [19-4449](#) Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Bill Metzger for façade improvements to the building located at 105 West Main Street, Mesquite, Texas 75149 and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments:

[Resolution](#)

[Rendering - 105 W. Main St.](#)

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

ADJOURNMENT

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending or contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. James H. Watson and Others Similarly Situated v. City of Allen, City of Amarillo, City of Arlington, City of Austin, City of Balch Springs, City of Balcones Heights, City of Bastrop, City of Baytown, City of Bedford, City of Burleson, City of Cedar Hill, City of Cleveland, City of Conroe, City of Coppell, City of Corpus Christi, City of Dallas, City of Denton, City of Diboll, City of Duncanville, City of El Paso, City of Elgin, City of Farmers Branch, City of Fort Worth, City of Frisco, City of Garland, City of Grand Prairie, City of Haltom City, City of Humble, City of Hurst, City of Hutto, City of Irving, City of Jersey Village, City of Killeen, City of League City, City of Little Elm, City of Longview, City of Lufkin, City of Magnolia, City of Marshall, City of Mesquite, City of North Richland Hills, City of Plano, City of Port Lavaca, City of Richardson, City of Richland Hills, City of Roanoke, City of Round Rock, City of Southlake, City of Sugar Land, City of Tomball, City of University Park, City of Watauga, City of Willis, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., American Traffic Solutions, LLC, Xerox State & Local Solutions, Inc., f/k/a ACS State & Local Solutions, Inc., and the State of Texas – Filed 4-28-15
2. Kathy Dyer and Robert Dyer, Individually and as Representative of the Estate of Graham Dyer v. City of Mesquite, Texas; Jack Fyall; Richard Houston; Alan Gafford; Zachary Scott; William Heidelberg; Paul Polish; Joe Baker; Bill Hedgpeth – Filed 8-12-15; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. Derick Wiley v. City of Mesquite – AAA Case No. 01-17-0007-6614 – Filed 12-5-17; SOA Hearing Docket No. 407-18-1726.F5
5. Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 (Appealing Wholesale Water Rates for 2018) – Filed 12-15-17
6. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
7. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18
8. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
9. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
10. City of Allen, City of Arlington, City of Bedford, City of Belton, City of Carrollton, City of Cedar Hill, City of Colleyville, City of Coppell, City of Dalworthington Gardens, City of Euless, City of Fort Worth, City of Garland, City of Grand Prairie, City of Harker Heights, City of Hutto, City of Irving, City of Killeen, City of Lewisville, City of Mesquite, City of Rockwall, City of Rowlett, City of Waco and City of Wichita Falls, Texas v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications – Filed 10-19-18
11. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
12. James Murphy v. Officer Eric Zimmerman, Officer Nicholas Sierra, Officer Colton Ables, Officer Alex Berg, Officer C. M. Copeland, Officer B. S. Smith, and the City of Mesquite, Texas – Filed 11-2-18
13. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV
14. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
15. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
16. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
17. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin – Filed 5-24-19
18. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

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 subjects may be discussed:

- 16 19-4402** Discuss economic development incentives for a prospective retail shopping center redevelopment project at the intersection of Town East Boulevard and Gus Thomasson Road.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices or Security Audits) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).

The City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at 972-216-6244 or TDD 1-800-735-2989.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

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