



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, February 3, 2020

5:00 PM

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

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

#### **AGENDA REVIEW**

#### **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 - 6:00 P.M.**

- 1 Presentation of meritorious awards to Fire Department employees.
- 2 Receive preliminary financial statements for fiscal year ending September 30, 2019 and financial statements for period covering October 1, 2019, through December 31, 2019.

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

#### **INVOCATION**

To be determined.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Heart Board.

#### **PRESENTATIONS**

- 3 Presentation of an award to Fernando Rojas in recognition of his service as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

**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.)

- 4 Minutes of the regular City Council meeting held January 21, 2020.
- 5 An ordinance amending Chapter 2 of the City Code by making certain additions and deletions to Sections 2-51 and 2-53 by providing a new definition for "Voting Period" and updating the sign regulations at polling places during Early Voting or on Election Day.  
(This item was postponed at the January 6, 2020, and January 21, 2020, City Council meetings.)
- 6 An ordinance amending Chapter 5 of the City Code thereby adopting the 2018 Edition of the International Existing Building Code, effective May 1, 2020.
- 7 RFP No. 2020-021 - Mesquite Convention Center - Kitchen Renovation.  
(Authorize the City Manager to finalize and execute the required documents with United Construction in the amount of \$336,129.12)
- 8 Authorize the City Manager to finalize and execute a contract with Acme Auto Leasing, LLC, for the lease of six vehicles for the Mesquite Police Department in an amount not to exceed \$46,296.00. The term of this contract is for a 12-month period, with two additional 12-month renewal options, for a total contract amount not to exceed \$138,888.00. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.
- 9 Authorize the City Manager to finalize and execute a contract with Garver, LLC, to perform a Sewer Odor Study in the amount of \$66,380.00.

- 10 Authorize the City Manager to finalize and execute a Memorandum of Understanding with the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives regarding the National Integrated Ballistic Information Network.

### CONSIDERATION OF RESOLUTION

- 11 A resolution dedicating as parkland approximately 14.883 acres of land owned by the City and located at 3500 Emporium Square, authorizing the City Manager to execute all necessary documents and the filing of this resolution in the deed records of Dallas County, Texas.

### 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 Conduct a public hearing and consider an ordinance for Application No. Z1219-0122, submitted by Claudia Peters and Cyrus Akhavizadeh on behalf of Camden Homes, for a change of zoning from Office to Planned Development - Townhomes to allow a townhome development including 45 townhomes and three open space lots, located at 3001 North Town East Boulevard.  
(No responses in favor and one response in opposition to the application has been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
- 13 Conduct a public hearing and consider an ordinance for Application No. Z1219-0121, submitted by Cody Woodruff and John Cornelsen, to amend Planned Development Ordinance No. 1643 to allow a carwash as a permitted use less than 100 feet from a residential zoning district, located at 4414 North Galloway Avenue.  
(One response in favor and none 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.)
- 14 Conduct a public hearing and consider a resolution approving a variance reducing the separation requirements from 300 feet to 157 feet between One Stop Food Store, an existing gas station and convenience store, and Meadow Oaks Academy, a private school, to allow One Stop Food Store to sell beer and wine for off-premise consumption on property located at 1433 South Belt Line Road, Suite 110.  
(No responses in favor or in opposition to the application have been received from property owners within the required notification area.)

- 15** Conduct a public hearing and consider an ordinance for Application No. Z1219-0123, submitted by Greg Auen, for a change of zoning from Industrial to Industrial with a Conditional Use Permit to allow outdoor storage in the front setback, located at 910 West Kearney Street.  
(One response in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
- 16** Conduct a public hearing and consider, on second reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezonings and site plans for convenience stores within the corporate city limits of Mesquite, adopting written findings justifying the moratorium, providing for waivers and limited exceptions to the moratorium and establishing an effective date.

## **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; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
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; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. 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

5. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
7. 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, Cause No. 2018-3835-4 – Filed 10-19-18
8. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
9. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
10. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
11. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
12. 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, Cause No. 3:10-CV-01263-L – Filed 5-24-19
13. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite, Cause No. CC-19-03248-C – Filed 5-31-19
14. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
15. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
16. City of Mesquite v. Daniel Contreras, 1715 Buena Vista, Mesquite, Texas, 75149 in rem and 1718 Buena Vista, Mesquite, Texas, 75149 in rem, Cause No. DC-19-19025 – Filed 11-27-19
17. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20

### **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.

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.