



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, January 21, 2020

6:00 PM

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

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#### **PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive presentation regarding myMesquite, the City's new service request application.
- 2 Receive briefing regarding the process for quarterly investment reporting and annual review of the City's investing activity.

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:00 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**

Rev. Geoffrey Moore, Pastor, St. Stephen United Methodist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Fire Corps.

#### **PRESENTATIONS**

- 3 Presentation of an award to Janice Houston in recognition of her service as a member of the Historic Mesquite, Inc., Board of Directors.

- 4 Receive presentation regarding myMesquite, the City's new service request application.

### **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 Minutes of the regular City Council meeting held January 6, 2020.
- 6 An ordinance amending the budget for Fiscal Year 2019-20, as heretofore approved by Ordinance No. 4719 of the City of Mesquite, Texas, adopted on September 16, 2019, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2019-20, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.
- 7 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.
- 8 A resolution casting a vote in the runoff election for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

- 9** A resolution authorizing the filing of a project application in the amount of \$148,289.00 with the North Central Texas Council of Governments (NCTCOG) for a regional solid waste program local implementation project, authorizing the City Manager to act on behalf of the City of Mesquite in all matters related to the application and pledging that if funding for this project is received, the City of Mesquite will comply with all project requirements of the NCTCOG, the Texas Commission on Environmental Quality and the State of Texas.
- 10** Bid No. 2019-108 - Annual Supply of Concrete.  
(Authorize the City Manager or his designee to revoke the bid award to Martin Marietta for refusal to contract and authorize the City Manager to finalize and execute a contract with the next low and qualified bidder, B&B Ready Mix, Inc., for Item Nos. 1-8 in the amount of \$578,350.00. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.)
- 11** Bid No. 2020-027 - Annual Supply of Janitorial Supplies.  
(Staff recommends award to low bidders meeting specifications - Master Cleaning Supply, Inc., Items 1, 3, 4, 6 and 7 in the amount of \$34,427.50 and Home Depot Pro, Items 2 and 5 in the amount of \$28,834.50, for a total not to exceed amount of \$63,262.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- 12** Bid No. 2020-036 - Purchase of 2019 Ford F-350 Diesel Chassis Ambulance Remount.  
(Staff recommends award to Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$144,800.00.)
- 13** Bid No. 2020-039 - Annual Supply of OEM Kenworth Parts and Labor.  
(Staff recommends award to MHC Kenworth, through BuyBoard Contract No. 601-19, in the amount not to exceed \$143,500.00. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- 14** Authorize the City Manager to finalize and execute a contract with Freeman-Millican, Inc., to update the City Water Master Plan in the amount of \$465,000.00.
- 15** Authorize the City Manager to finalize and execute Amendment No. 4 with Kimley-Horn and Associates, Inc., for additional construction support services for the Front Street Station project in the amount of \$25,000.00.
- 16** For the Board of Directors of the Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight: (1) reappoint Bruce Archer, Dan Aleman, Tandy Boroughs and Robert Miklos as directors with terms expiring on December 31, 2021; (2) appoint Kenny Green, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.

- 17** For the Board of Directors of the Heartland Town Center Tax Increment Reinvestment Zone No. Eleven: (1) reappoint Bruce Archer, Dan Aleman and Tandy Boroughs as directors with terms expiring on December 31, 2021; (2) appoint Kenny Green, Robert Miklos, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.
- 18** For the Board of Directors of the IH-20 Tax Increment Reinvestment Zone No. Twelve: (1) remove Stan Pickett, Jeff Casper and Greg Noschese as directors and appoint Kenny Green, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; (2) reappoint Bruce Archer, Dan Aleman, Tandy Boroughs and Robert Miklos as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.
- 19** For the Board of Directors of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six: (1) remove Stan Pickett, Jeff Casper and Greg Noschese as directors and appoint Kenny Green, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; (2) reappoint Bruce Archer, Dan Aleman, Tandy Boroughs and Robert Miklos as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.
- 20** For the Board of Directors of the Skyline Tax Increment Finance Reinvestment Zone No. Seven: (1) reappoint Bruce Archer, Dan Aleman, Tandy Boroughs and Robert Miklos as directors with terms expiring on December 31, 2021; (2) appoint Kenny Green, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.
- 21** For the Board of Directors of the Spradley Farms Tax Increment Reinvestment Zone No. Thirteen: (1) remove Stan Pickett, Jeff Casper and Greg Noschese as directors and appoint Kenny Green, B. W. Smith and Sherry Wisdom as directors with terms expiring on December 31, 2021; (2) reappoint Bruce Archer, Robert Miklos, Dan Aleman and Tandy Boroughs as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.
- 22** For the Board of Directors of the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine: (1) remove Stan Pickett and Jeff Casper as directors and appoint Bruce Archer and Kenny Green as directors with terms expiring on December 31, 2021; (2) reappoint Robert Miklos, Jeff Jones, Dan Montgomery, B.T. Lawrence and Wayne Chappell as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020 and expiring on December 31, 2020.

- 23** For the Board of Directors of the Towne Centre Tax Increment Finance Reinvestment Zone No. Two: (1) remove Stan Pickett, Jeff Casper, Gary Bingham, Jeff Jones, Kathryn Bohling and Elaine Whitlock as directors and appoint Bruce Archer, Tandy Boroughs, Kenny Green, B. W. Smith, Robert Miklos and Sherry Wisdom as directors with terms expiring on December 31, 2021; (2) reappoint Dan Aleman as a director with a term expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.

#### **PUBLIC HEARING**

- 24** Conduct a public hearing and consider an ordinance amending Chapter 7.5 of the City Code providing for the establishment of procedures for assessing and collecting impact fees, establishing provisions for credits against impact fees, providing an appeals procedure, adopting revised land use assumptions, adopting Capital Improvements Plans and impact fees for roadway, water and wastewater facilities.  
(The public hearing for this item was continued from the January 6, 2020, City Council meeting.)

At this time, any individual wishing to discuss any remaining matter on the agenda 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.

#### **OTHER BUSINESS**

- 25** A. Consider scheduling a special City Council meeting to be held on Tuesday, January 28, 2020, at 6:00 p.m., to conduct a public hearing regarding a moratorium on applications and plans for development for permits, plats, verifications, rezonings and site plans for convenience stores within the corporate City limits of Mesquite and consider an ordinance, on first reading, establishing the moratorium.
- B. A resolution authorizing the process for the creation of a moratorium to take effect on applications and plans for development for permits, plats, verifications, rezonings and site plans for convenience stores within the corporate City limits of Mesquite.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 26** For the Board of Directors of the Polo Ridge Tax Increment Reinvestment Zone No. Ten: (1) reappoint Bruce Archer, Dan Aleman and Tandy Boroughs as directors with terms expiring on December 31, 2021; (2) appoint Kenny Green, B. W. Smith, Sherry Wisdom and Jeff Jones as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 31, 2020.

- 27 For the Board of Directors of the Rodeo City Tax Increment Finance Reinvestment Zone No. One: (1) remove Stan Pickett, Jeff Casper, Greg Noschese and Debbie Mol as directors and appoint Kenny Green, B. W. Smith, Sherry Wisdom and Jeff Jones as directors with terms expiring on December 31, 2021; (2) reappoint Bruce Archer, Dan Aleman and Tandy Boroughs as directors with terms expiring on December 31, 2021; and (3) appoint Bruce Archer as Chairperson to serve a one-year term beginning on January 1, 2020, and expiring on December 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; 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

### **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.