



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 16, 2020

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 the 2019 Coronavirus Disease (COVID-19) Declaration of Local Disaster for Public Health Emergency and Order issued by Dallas County and implementation of mitigation strategies.

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 - 6:30 P.M.

- 2 Receive quarterly activity report from the Economic Development Department.

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

INVOCATION

To be determined.

PLEDGE OF ALLEGIANCE

To be determined.

SPECIAL ANNOUNCEMENTS

This time is reserved for special announcements and recognition of individuals or groups.

The following announcement may be made:

Statement on the community response to the Coronavirus pandemic.

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.)

- 3 Minutes of the regular City Council meeting held March 2, 2020.
- 4 An ordinance amending Chapter 2, Article IV, of the City Code by adding a new Division 4 entitled "Subsequent Representation" providing restrictions for representation by former City officials before the City.
- 5 An ordinance amending Chapter 8 of the City Code, by amending Article XIII "Hotel Premise Regulations" providing for hotel license requirements and associated fee.
- 6 An ordinance amending Chapter 8 of the City Code by adding a new Article XIV to establish convenience store and late hours business regulations.
- 7 An ordinance amending Chapter 9 of the City Code by deleting Article IX in its entirety thereby removing automated traffic signal enforcement, addressing refunds and future enforcement and rescinding and dissolving the Automated Traffic Signal Enforcement Advisory Committee.

- 8** A resolution of the City Council of the City of Mesquite, Texas, supporting the Declaration of Local Disaster for Public Health Emergency and Order issued by Dallas County Judge Clay Jenkins on March 12, 2020, relating to the spread and containment of the Coronavirus, and supporting additional actions of Dallas County authorities, and providing an effective date.
- 9** Bid No. 2018-038 - Annual Supply of Garbage Can Liners - contract renewal option.
(Staff recommends exercising the last of two contract renewal options with Houston Poly Bag 1, Ltd., in the amount of \$250,500.00, subject to annual appropriation of sufficient funds.)
- 10** Bid No. 2018-054 - Annual Supply of Full Circle Clamps - contract renewal option.
(Staff recommends exercising the last of two contract renewal options with Core & Main, dba HD Supply Waterworks, for an amount not to exceed \$62,815.87, subject to annual appropriation of sufficient funds.)
- 11** Bid No. 2019-089 - Mesquite Veterans Memorial: Design-Build Contract.
(Authorize the City Manager to finalize and execute a Design-Build contract with Nouveau Construction and Technology Services, in the amount of \$285,000.00.)
- 12** RFP No. 2020-022 - Service Center Storage Facility.
(Authorize the City Manager to finalize and execute the required documents with Mart, Inc., in the amount of \$100,902.00.)
- 13** RFP No. 2020-023 - Chiller Plant Expansion.
(Authorize the City Manager to finalize and execute the required documents with Berger Engineering Company, in the amount of \$241,316.00.)
- 14** Bid No. 2020-040 - Annual Landscape Maintenance of the Creek Crossing Area Medians, Rights-of-Way and Landscape Areas.
(Authorize the City Manager to finalize and execute a contract with low bidder Southlake Landscaping & Maintenance, dba SLM Landscaping & Maintenance, in the amount of \$172,750.00. 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.)
- 15** Bid No. 2020-056 - Purchase of Pneumatic Tire Roller.
(Staff recommends award to R.B. Everett in Haltom City, Texas, through Sourcewell Contract No. 032515-BAI, in the amount of \$74,059.00.)
- 16** Bid No. 2020-065 - Purchase of Vac-Trailer.
(Staff recommends award to Vermeer Texas-Louisiana in Irving, Texas, through BuyBoard Contract No. 597-19, in the amount of \$117,977.08.)

- 17** Bid No. 2020-070 - Purchase of Three Scag Turf Tiger II Mowers.
(Staff recommends award to Four Brothers Outdoor Power in Royse City, Texas, through BuyBoard Contract No. 529-17, sponsored by the Texas Association of School Boards, in the amount of \$51,972.00.)
- 18** Bid No. 2020-071 - Purchase of Ventrac Tractor and Four Attachments.
(Staff recommends award to Austin Turf and Tractor in Farmers Branch, Texas, through BuyBoard Contract No. 529-17, sponsored by the Texas Association of School Boards, in the amount of \$52,024.11.)
- 19** Authorize the City Attorney to finalize and execute a Legal Services Agreement with Messer Fort McDonald for legal services in conjunction with the Spradley Farms litigation.
- 20** Approve a petition requesting installation of speed bumps in the alley between Sabrina Drive and Christa Drive from Mathew Drive to Ryan Drive.
- 21** Receive the January 2020 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
- 22** Receive the Fiscal Year 2018-2019 annual report from the Mesquite Quality of Life Corporation Board of Directors.

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.)

- 23** Conduct a public hearing and consider an ordinance for Application No. Z0120-0128, submitted by Ed Hicks, Jr., on behalf of Clay Cooley Hyundai Mesquite, for a change of zoning from Light Commercial to Light Commercial with a Conditional Use Permit to allow the sale and outdoor display of new and used vehicles, located at 16230 Interstate Highway 635.
(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 with certain stipulations.)
- 24** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-02 amending Mesquite Zoning Ordinance Sections 3-203, Schedule of Permitted Uses; 3-504, Refueling Stations, and; 6-102, Definitions pertaining to new and revised regulations for convenience stores and fueling stations.
(The Planning and Zoning Commission recommends approval of the proposed ordinance.)

25 A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.

B. Consider an ordinance repealing Ordinance No. 4658 in its entirety and adopting the Parks and Recreation Department 2020 Youth Programs Standards of Care.

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.

APPOINTMENTS TO BOARDS AND COMMISSIONS

26 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.

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. 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
2. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale water rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
3. 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
4. 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
5. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
6. 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
7. 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 U.S. Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
8. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19

9. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
10. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
11. 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
12. 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
13. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
14. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
15. 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
16. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
17. Spradley Farms, L.C., as managing partner for Spradley Farms LTD; and Charles Spradley, in his official capacity v. The City of Mesquite, Texas, and Bruce Archer in his official capacity as Mayor of the City of Mesquite, and Sherry Wisdom, Kenny Green, Robert Miklos, Tandy Boroughs, B. W. Smith and Daniel Aleman, Jr. of the Mesquite City Councilmen in their official capacity, Cause No. 104439-CC2 – Filed 2-6-20, Pending in County Court No. 2 of Kaufman County, Texas; and The Court of Appeals, Fifth District of Texas at Dallas, Case No. 05-20-00204-CV, Filed 2-18-20
18. Carrasco v. City of Mesquite et al, Case No. 3:20-CV-00573-C, Filed 3-6-20

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.

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.



The Mesquite City Council meets on the 1st and 3rd Mondays of each month in the City Council Chamber. The City Council follows a printed agenda format and State law requires that all official actions of the Council be based on notice which is posted no less than 72 hours prior to the meeting at which the proposed action is to be taken. Special procedures relating to notice are established for items declared as emergencies.

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.

Any person desiring to present an item for the Council's agenda may do so by written request to the City Secretary no later than noon on the Monday preceding the City Council meeting at which time the item is to be considered.

Prior to the regular City Council meeting, the Council conducts a briefing session in Training Rooms A and B and a Council-Staff Work Session, when needed, in the Council Chamber. Both are open to the public and press.

In order to conserve time, and yet give persons an opportunity to express themselves at zoning and other public hearings, the Council has established procedures and time limits for such hearings. Specifically, the proponents, or applicants, are given 15 minutes for their presentation, and five minutes for rebuttal. Special interest and other organized groups are allowed 15 minutes to express their support or opposition, and individuals are allocated three minutes. The Council requests that repetition and restatement be avoided as much as possible. In certain large zoning applications, the presiding officer may announce at the beginning that additional time is being permitted due to the size or complexity of the case.

Any person desiring to address the Council is requested to complete a registration card which is available at the entrance to the City Council Chamber. This card may also be completed by those who wish to express their support or opposition on an item, but do not wish to speak. Please submit these cards to the City Secretary prior to the meeting.