



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 4, 2020

5:00 PM

City Hall | Training Rooms A&B
757 N. Galloway | Mesquite, Texas

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office:

1. *A quorum of the City Council will attend the meeting in person in Training Rooms A & B located at 757 North Galloway Avenue, Mesquite, Texas, ("meeting location"). The meeting location will not be open to the public.*
2. *Applicants having matters on the agenda may participate by telephone conference or by appearing at the meeting location.*
3. *Members of the public may participate by telephone conference. Though not encouraged, members of the public may also appear in the lobby of the meeting location where they may voice comments to the City Council through a camera connection provided by the City. No more than twenty-five (25) persons will be allowed into the lobby.*
4. *Those participating by telephone conference may do so by dialing one of the following toll-free dial-in numbers: 877-853-5257 or 888-475-4499. The participation code (meeting id) for this telephone conference is: 875 9678 2978 # #.*
5. *All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and are strongly encouraged to wear a covering over their nose and mouth.*
6. *Members of the public desiring to comment during Citizens Forum must preregister as follows:*
 - a. *Send an email or call the City Secretary on or before 3:00 p.m. on May 4, 2020. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.*
 - b. *Provide the City Secretary with your name and address. If appearing at the meeting by telephone conference, also provide the phone number from which you will call.*
7. *The meeting will be audible to all participants and allow for their two-way communication. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m. on May 4, 2020, to the following email address: sland@cityofmesquite.com.*
8. *An electronic copy of the agenda packet is posted online with this agenda.*
9. *The meeting will be recorded and the recording made available to the public.*

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss COVID-19 Declaration of Local Disaster and Response.

EXECUTIVE SESSION - TRAINING ROOMS A&B - 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 - TRAINING ROOMS A&B - 6:30 P.M.

- 2 Receive quarterly report from the Police Department.

REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:00 P.M.**INVOCATION**

Beto Meza, Pastor, New Life Church DFW, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Mesquite Citizens Police Academy Alumni Association.

SPECIAL ANNOUNCEMENTS

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

CITIZENS FORUM

At this time, the first of up to 10 citizens that pre-registered with the City Secretary by 3:00 p.m. today 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. The City Manager will identify speakers by the last four digits of your telephone number. Once identified, please state your name and address for the record.

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 April 20, 2020.
- 4 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2020, in the aggregate principal amount of not to exceed \$11,680,000; levying a tax in payment thereof; prescribing the form of said certificates; approving execution and delivery of a bond purchase agreement; approving the official statement; approving and enacting other provisions relating thereto.
- 5 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2020 in the aggregate principal amount of not to exceed \$22,250,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement; providing an effective date; approving and enacting other provisions relating thereto.
- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Bonds, Series 2020 in the aggregate principal amount not to exceed \$16,750,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of a bond purchase agreement; approving the official statement; and enacting other provisions relating thereto.
- 7 A resolution finding that Oncor Electric Delivery Company, LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee, authorizing the hiring of legal counsel and consulting services, finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel.
- 8 A resolution authorizing the City Manager to execute and file with the City Secretary a voluntary petition for annexation into the City of Mesquite, Texas, of 1.425 acres of real property owned by the City and generally located southwest of FM 2932 and southeast of Griffin Lane in Kaufman County, Texas (the "Property"), authorizing a service plan for the property, providing a severability clause, and providing an effective date.

- 9 RFP No. 2019-046 - Development of 3811 South Belt Line Road, 4600 Mercury Road, and 14804 Lakeside Road, Balch Springs, Texas.
(Award of bid to Bloomfield Homes, L.P., and authorize the City Manager to negotiate a Memorandum of Understanding with Bloomfield Homes, L.P., and the City of Balch Springs outlining the terms and conditions for the sale of 173.393 acres of land located in Balch Springs to Bloomfield Homes, L.P., 171.393 acres owned by the City of Mesquite and 2.0 acres owned by the City of Balch Springs.)
- 10 Authorize the City Manager to finalize and execute a contract with Garver, LLC, to perform a Sewer System Fan Testing Study in the amount of \$54,835.00.
- 11 Appoint Terry Anderson to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2022.
- 12 Appoint two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Wednesday, June 3, 2020, at 1:30 p.m.

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.)

- 13 Conduct a public hearing and consider possible action regarding a request from Christopher Brown on behalf of Kodiak Brands, Inc., to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the eastern property line of property located at 1510 East Kearney Street.
(No responses in favor and two in opposition to the application have been received from property owners within the statutory notification area. This item was postponed at the April 20, 2020, City Council meeting.)
- 14 Conduct a public hearing for the purpose of considering annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located at the intersection of FM 2932 and County Road 245, in the J. Moore Survey, Abstract No. 309, and a portion of Griffin Lane, a Kaufman County road, and the right-of-way on both sides, that is adjacent to the City of Mesquite's existing corporate boundary, Kaufman County, Texas, in connection with voluntary petitions submitted by Oak National Holdings, LLC and the City of Mesquite.

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; 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. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
10. 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
11. 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
12. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
13. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
14. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
15. 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
16. 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.

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:

- 15 Discuss proposed economic development incentive for a prospective business located at 1510 East Kearney Street.

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.