



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 1, 2020

4:30 PM

City Hall | Council Chamber
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. *Members of the public, applicants and interested parties may attend the meeting in person or participate by telephone conference.*
2. *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: 856 5506 5471 # #.*
3. *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.*
4. *Members of the public desiring to comment during Citizens Forum via telephone conference must preregister as follows:*
 - a. *Send an email or call the City Secretary on or before 3:00 p.m. on June 1, 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.*
5. *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 June 1, 2020, to the following email address: sland@cityofmesquite.com.*
6. *An electronic copy of the agenda packet is posted online with this agenda.*
7. *The meeting will be recorded and the recording made available to the public.*

PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding the 2019 Trash Cart Pilot Program.
- 2 Receive briefing from STAR Transit regarding public transportation updates and future service model implications.
- 3 Receive a briefing regarding possible amendments to the reception facilities ordinance, Section 3-508 Zoning Ordinance.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 4:30 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.

- 4 Receive Neighborhood Services quarterly report for the period of January 1, 2020, through March 31, 2020.

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

Teresa Jackson, Executive Director, Sharing Life Community Outreach, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff Members.

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.

CITIZENS COMMENTS

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.

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.)

- 5 Minutes of the regular City Council meeting held May 18, 2020.

- 6 A resolution authorizing the City Manager to finalize and execute a Memorandum of Understanding with Stacey S. Smith Rodeo Company, Inc., to outline the basic principles in a hotel occupancy tax grant agreement, and authorizing the City Manager to negotiate the terms and provisions of the grant agreement, finalize, execute and administer the grant agreement.

- 7 Bid No. 2018-064 - Annual Contract for Utility Concrete Repair (Area 2).
(Authorize the City Manager to finalize and execute the second renewal of the annual contract with low bidder Overall Concrete Solutions, in the amount of \$263,612.50. The term of this renewal contract is for one year).

- 8 Bid No. 2019-052 - Annual Contract for Utility Concrete Repairs (Area 1).
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder Arreguin Group, Inc., in the amount of \$538,475.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

- 9 Bid No. 2019-088 - Annual Pavement Lifting Project.
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder PJM Construction LLC, dba Foamworks, in the amount of \$700,000.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

- 10 Bid No. 2019-100 - Annual Contract for Sidewalk, Handicapped Ramps, Drive Approaches and Curb & Gutter Replacement.
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions in the amount of \$306,025.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

- 11 Bid No. 2020-055 - North Mesquite Creek Sanitary Sewer Replacement Project from Tripp Road to Town East Boulevard.
(Authorize the City Manager to finalize and execute a contract with low bidder PM Construction & Rehab, LLC, dba IPR South Central, LLC, in the amount of \$2,642,907.75.)

- 12** RFP No. 2020-068 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets Divisions.
(Authorize the City Manager to finalize and execute a contract with ALL TEMPS 1 Personnel dba Rushmore Corporation in an amount not to exceed \$203,290.00. 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.)
- 13** Bid No. 2020-081 - Annual Telephone Services (Local and Long Distance).
(Staff recommends award to AT&T Corporation, through Texas Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
- 14** Bid No. 2020-085 - Purchase of Tracked Excavator.
(Staff recommends award to Holt CAT in Dallas, Texas, through Sourcewell Contract No. 032119, in the amount of \$197,198.00.)
- 15** Authorize the Mayor to finalize and execute an Interlocal Agreement with Dallas County for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds in the estimated amount of \$7,971,040.
- 16** Authorize the City Manager to finalize and execute Contract Amendment No. 2 to the Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for additional design and permitting services related to the pump station, ground storage tank and large diameter water transmission main to provide water to tracts of land within Kaufman County in the amount of \$155,000.00.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 17** Consider appointment of two members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, (Places 5 and 9), and two members for terms to expire December 31, 2021 (Places 7 and 8).
- 18** Consider appointment of two members to the Animal Services Advisory Board for terms to expire September 8, 2020.

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.)

- 19** Conduct a public hearing and consider an ordinance for Application No. Z0420-0135, submitted by Vilbig Associates, for a change of zoning from Light Commercial to Planned Development - General Retail to allow a convenience store and fueling station, located at 500 Lawson Road.
(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.)
- 20** Conduct a public hearing to receive citizen input regarding the proposed 2020-2021 Community Development Block Program (CDBG) budget.
- 21** A. Conduct a public hearing to receive citizen input regarding the amended Program Year (PY) 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan to include guidance regarding citizen participation for use of CDBG-CV (Coronavirus Aid, Relief and Economic Security [CARES] Act) funds.
- B. Consider a resolution adopting and approving the amended PY2015-19 CDBG Consolidated Plan as required by the U. S. Department of Housing and Urban Development.

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

Real Property

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 22 Discuss property exchange with Dallas County.

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.

- Annual Review of Municipal Court Judge.

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.