



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, June 15, 2020

4:00 PM

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

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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: 839 0165 0698 # #.*
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 15, 2020. The email address is [sland@cityofmesquite.com](mailto: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 15, 2020, to the following email address: [sland@cityofmesquite.com](mailto: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 - 4:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.
- 2 Receive briefing regarding possible park land dedication ordinance.
- 3 Discuss updates to the City Council Policies and Procedures.

- 4 Discuss COVID-19 recovery programs funded through Coronavirus Aid, Relief, and Economic Security (CARES) Act.

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 4:00 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.**

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

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

#### **INVOCATION**

Dr. W. R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Daughters of the American Revolution.

#### **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, 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.

**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.)

- 6 Minutes of the regular City Council meeting held June 1, 2020.
- 7 An ordinance amending Chapters 9 and 10 of the Mesquite City Code thereby updating certain regulations and offenses in both chapters regarding the parking of commercial motor vehicles, oversized vehicles, or recreational vehicles in residential areas.
- 8 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by Ordinance No. 4773 and Ordinance No. 4781; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.
- 9 Authorize the City Manager to finalize and execute a Settlement Agreement with Spradley Farms, L.C., as managing partner for Spradley Farms, LTD, consistent with the terms of the Rule 11 and Settlement Agreement approved by the City Council of Mesquite, Texas, on June 8, 2020, and to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and authorize the City Manager to administer the agreement on behalf of the City.
- 10 A resolution authorizing the City Manager to finalize and execute an Amended and Restated Master Development Agreement with the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), and Spradley Farms, LTD, regarding the development of approximately 652 acres of land generally located between FM 2757 and IH-20, and north of IH-20 east of FM 740 in Kaufman County, Texas, located within the corporate limits of the City of Mesquite, Texas, as a mixed use development consisting of residential and commercial components and other associated uses and being commonly referred to as "Spradley Farms"; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City.

- 11** A resolution repealing Resolution No. 01-2020 and adopting a resolution consenting to and evidencing support for creation of the Spradley Farms Improvement District of Kaufman County through the Texas Commission on Environmental Quality, to include approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate Highway 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate Highway 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and providing an effective date.
- 12** Bid No. 2017-063 - Annual Supply of Auto and Truck Parts and Accessories.  
(Staff recommends ratification of the contract with Genuine Parts Company/NAPA Auto Parts through a cooperative purchasing agreement with Sourcewell, formerly National Joint Powers Alliance, in the amount of \$85,000.00 through September 6, 2020, and authorizing the City Manager to exercise the remaining one-year renewal option, subject to annual appropriation of sufficient funds.)
- 13** Bid No. 2020-041 - Annual Uniform Rental Services.  
(Authorize the City Manager to execute a contract with UniFirst Corporation in an amount not to exceed \$110,000.00. 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.)
- 14** Bid No. 2020-049 - Town Ridge, Pecan Bend, Woodlawn, Skyline Neighborhoods Paving Improvements.  
(Authorize the City Manager to finalize and execute a contract with low bidder Estrada Concrete Company, LLC, in the amount of \$4,867,495.00.)
- 15** Bid No. 2020-063 - Annual Supply of Transmission and Differential Parts.  
(Authorize the City Manager to execute a contract with MHC Kenworth in the amount of \$74,891.15. 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.)
- 16** Bid No. 2020-064 - Annual Supply of Aftermarket Vehicle Replacement Parts.  
(Authorize the City Manager to execute a contract with low bidder O'Reilly Auto Parts, with a discount of 41 percent or better off list price, in the amount of \$65,000.00. 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.)
- 17** Bid No. 2020-091 - Purchase of Seven Half-Ton Pickups.  
(Staff recommends award to Silsbee Ford, in Silsbee, Texas, through TIPS USA 200206 Transportation Vehicles, in the amount of \$223,122.00.)
- 18** Authorize the Mayor to execute a Second Amendment to the Agreement between the City of Mesquite and Municipal Court Judge Steve Crane.

- 19 Approve the purchase of a tract of land containing approximately 3.716 acres and being located in the John Pike Survey, Abstract Number 1174, City of Mesquite, Dallas County, Texas, and being commonly referred to as 2077 Berry Road, Mesquite, Texas (the "Property") from Murdoc Ruth Howle (the "Seller") for the purchase price of \$285,000.00, plus closing costs, authorize the City Manager to finalize and execute a Real Estate Sales Contract between the Seller and the City for the purchase of the Property, and authorize the City Manager to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property.

## **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.)

- 20 Conduct a public hearing and consider an ordinance for Application No. Z0420-0134, submitted by BGE, Inc., on behalf of Wynn/Jackson, Inc., for a change of zoning from Agricultural to Planned Development - Industrial to allow an industrial business park, located at 12955 FM 2932.  
(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.)
- 21 Conduct a public hearing and consider an ordinance for Application No. Z0420-0137, submitted by JM Civil Engineering, for a change of zoning from Commercial to Planned Development - General Retail to allow a convenience store and fueling station, located at 2110 North Town East Boulevard.  
(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.)
- 22 Conduct a public hearing and consider an ordinance for Application No. Z0420-0138, submitted by Marvin Brown Cooksey, amending the stipulations for a Conditional Use Permit approved by Ordinance No. 4714 on property currently zoned Commercial with a Conditional Use Permit, located at 2533 Westwood Avenue, regarding a screening wall for a primary outdoor storage yard.  
(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 with certain stipulations.)

- 23** Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-01 to Mesquite Zoning Ordinance, Section 1-600, Temporary Uses and Structures, Permitted Temporary Uses and Structures; Subsection (C) currently titled “Temporary Batch Plant” to be retitled “Temporary Batch Plants and Temporary Material Stockpile Sites” pertaining to new and revised regulations for temporary batch plants and temporary material stockpile sites and amending Appendix D of the City Code regarding the comprehensive fee schedule.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)
- 24** Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-03 to Mesquite Zoning Ordinance, Section 5-200, currently titled “Appeal, Variance, and Special Exception Procedures” to be retitled “Special Exceptions, Variances, and Appeals of Administrative Decisions”; pertaining to new and revised regulations and procedures for special exceptions, variances, and appeals of administrative decisions and establishment of associated fees and amending Appendix D of the City Code regarding the comprehensive fee schedule.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

#### **RECEIPT OF RESIGNATION**

- 25** Receive resignation from Nichol Surratt as a member of the Parks and Recreation Advisory Board and Tree Board.

#### **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 at Dallas, Case No. 05-19-00667-CV
8. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
9. 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
10. 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
11. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
12. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
13. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
14. 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
15. Carrasco v. City of Mesquite et al, Case No. 3:20-CV-00573-C – Filed 3-6-20
16. Corey Reynolds and Molly Reynolds v. The City of Mesquite, Mesquite Police Department, Officer Shedd and Progressive County Mutual Insurance Company, Cause No. DC-20-07209 – Filed 5-22-20

### **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:

- 26 Discuss proposed lease of 117 West Main Street.

### **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.