



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, August 3, 2020

4:30 PM

City Hall | Training Rooms A&B  
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. *A quorum of the City Council will participate in the meeting by videoconference, telephone conference or by being physically present 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. *Members of the public may participate by telephone conference as follows:*
  - a. *Dial the following toll-free number: 877-853-5257. The participation code (meeting id) for this telephone conference is: 852 7463 7115 # #. Press \*9 to raise your virtual hand and you will be recognized by the last four digits of your telephone number.*
3. *Members of the public desiring to comment during Citizens Forum must pre-register as follows:*
  - a. *Send an email to the City Secretary at [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com) before 3:00 p.m., on August 3, 2020.*
  - b. *Provide the City Secretary with your name, address and telephone number from which you will call.*
4. *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 via telephone conferencing or by email submission to the City Secretary at [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com) before 3:00 p.m. on August 3, 2020.*
5. *An electronic copy of the agenda packet is posted online with this agenda.*
6. *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 Discuss the proposed budget for Fiscal Year 2020-21.
- 2 Receive briefing regarding possible text amendments to the Zoning Ordinance regarding regulations for hotels.

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

- 3 Receive quarterly report from the Police Department.

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

Dr. Terry Turner, Senior Pastor, Mesquite Friendship Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

City of Mesquite staff.

**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. 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.)

- 4 Minutes of the regular City Council meeting held July 20, 2020.
- 5 An ordinance amending Chapter 9 of the City Code thereby providing revised school zones for Horn High School, Shands Elementary School and Terry Middle School.
- 6 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, Ordinance No. 4781, and Ordinance No. 4784; 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.
- 7 A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective August 3, 2020.
- 8 A resolution authorizing the sale of tax-foreclosed property located at 3631 Hogan Drive in Mesquite, Texas; accepting the offer from the purchaser to purchase the property; ratifying and approving the Offer and Purchase Agreement executed by the purchaser setting forth the terms and conditions of the sale of the property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the property.
- 9 Bid No. 2020-099 - Annual Supply of Office Products.  
(Staff recommends award to Staples Contract and Commercial, Inc., operating as Staples Advantage, through the cooperative purchasing agreement with Sourcewell (formerly National Joint Powers Alliance) Contract No. 012320-SCC, for an estimated annual amount of \$105,000.00. The term of this contract is for one year, with three additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

- 10 Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2019-112, Annual Grinding of Brush, with GWG Wood Group, Inc., for an increase in the contract amount of \$60,000.00.
- 11 Authorize the City Manager to finalize and execute a Fourth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$67,989.40 for Fiscal Year 2020-21, effective October 1, 2020, through September 30, 2021.
- 12 Authorize an expenditure in the amount of \$183,045.24 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.
- 13 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.
- 14 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phases #2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"); making and adopting findings, accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.
- 15 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.
- 16 A resolution approving a Water Transportation and Emergency Interconnection Agreement with Kaufman County Municipal Utility District No. 12 and BDMR Development, LLC, to provide temporary treated water to the Polo Ridge Ranch development situated on approximately 805.79 acres of land located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 17 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.
- 18 Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2020.
- 19 Consider appointment of one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2021.

**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 to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget.
- 21 Conduct a public hearing and consider an ordinance amending the Mesquite Zoning Ordinance, as previously amended, by making certain deletions and additions to Section 3-203 "Schedule of permitted uses;" Section 3-508 "Reception facilities;" and Section 6-102 "Definitions;" all pertaining to new and revised regulations for Major Reception Facilities, Minor Reception Facilities, and eliminating the "accessory use" classification where an establishment (such as art galleries, civic, commercial amusement, country clubs, drinking places with private clubs, gardens, hotels, museums, restaurants, social or fraternal organizations, theaters, and zoos) makes available an area for private use; providing a repealing clause; providing a conflicts resolution clause; providing a severability clause; providing a penalty clause in an amount not to exceed two thousand dollars (\$2,000.00); providing for publication; and declaring an effective date.  
(The original item was postponed at the July 20, 2020 City Council meeting. The Planning and Zoning Commission recommended approval of the original zoning text amendment on June 22nd. A request was made on July 20th, by the Council, for further revisions and the revised version ("Ordinance") is now attached. In addition, a redlined document has been provided to show the new proposed revisions to the original zoning text amendment first presented to the P&Z Commission on June 22nd.)

- 22** Conduct a public hearing and consider an ordinance for Application No. Z0520-0140, submitted by Daniel Santos on behalf of DBS Construction Support, LLC, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment, located at 4340 Interstate Highway 30.  
(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 for Application No. Z0620-0142, submitted by MM Mesquite 50, LLC, to amend Planned Development Ordinance No. 4595 to allow an amenity center, a convenience store with fuel sales and modify the screening wall requirements on property located at 1900 and 2000 West Scyene Road, 21713 and 21717 IH-635, 1703 and 1705 Rodeo Drive and 417 Rodeo Center Boulevard.  
(Two responses in favor and three 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** A resolution authorizing the City Manager to finalize and execute a Third Amendment to the Iron Horse Development Agreement to (i) amend certain definitions; (ii) amend Section 2.02(a) "Project Overview - Iron Horse Development"; (iii) amend Section 6.04(a) "Zoning of the Property"; and (iv) amend and replace Exhibit C, "Concept Plan", Exhibit I, "Development Standards", and Exhibit K, "Fencing Plan", to allow an amenity center and a convenience store with fuel sales, to modify the screening wall requirements, and to provide that the development of the property commonly referred to as "Iron Horse Village" and being generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas, shall be in compliance with the Concept Plan and Development Standards, as amended.

## **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. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
12. Carrasco v. City of Mesquite et al, Case No. 3:20-CV-00573-C – Filed 3-6-20
13. 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
14. Claim for damages by Texas Sterling Construction Co. against and involving City of Mesquite, AT&T, Inc. and Hayden Consultants, Inc. regarding City Contract No. E2017-008, Town East Blvd. Reconstruction of Paving, Drainage and Sanitary Sewer Improvements (from Military Parkway to Skyline Drive)
15. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-1982 – Filed 7-27-20

### **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:

- 25 Consider purchase of real property located on Airport Boulevard.

### **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 discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such a business prospect. The following subjects may be discussed:

- 26** Discuss economic development incentives for a prospective development located at 1025 Military Parkway.

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.