



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 7, 2019

4:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [19-4404](#) Receive briefing regarding a proposed Historic Preservation Ordinance and a proposed Downtown Overlay district.

- 2 [19-4424](#) Discuss proposed Spradley Farms Development generally located between FM 2757 and IH-20 and north of IH-20 East of FM 740 in Kaufman County, including proposed Development Agreement and Planned Development zoning.

Attachments: [Draft PD Ordinance](#)
[Spradley Farms Design Guidelines](#)

EXECUTIVE SESSION - EXECUTIVE 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.

- 3 [19-4380](#) Receive quarterly activity report from the Economic Development Department.

Attachments: [Quarterly Report](#)

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

INVOCATION

Rev. Marq Toombs, Pastor, Christ Covenant Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Neighborhood Crime Watch Captains.

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.

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.)

- 4 [19-4412](#) Minutes of the regular City Council meeting held September 16, 2019.
- Attachments:* [09.16.2019m](#)
- 5 [19-4398](#) An ordinance providing for the abandonment of right-of-way at the intersection of Columbia Parkway, formerly known as Audubon Parkway, and Republic Parkway.
- Attachments:* [Abandonment Request Letter](#)
 [Location Map](#)
 [Ordinance - ROW Abandonment](#)
- 6 [19-4417](#) An ordinance increasing the assignment pay for members of the Mesquite Fire Department who satisfy certain conditions and criteria and who are assigned to perform the specialized function of a paramedic, effective April 1, 2020.
- Attachments:* [Ordinance - Paramedic Pay](#)
- 7 [19-4410](#) Bid No. 2017-113 - Annual Contract for Veterinary Services for Animals Impounded at Mesquite Animal Services - contract renewal option.
(Staff recommends exercising the last of two contract renewal options with Hillside Veterinary Clinic dba Town East Animal Hospital in the amount of \$69,600.00, subject to annual appropriation of sufficient funds.)

Attachments: [Scoring Matrix](#)

- 8 [19-4416](#) Bid No. 2018-007 - Annual Supply of Ammunition - contract renewal option.
(Staff recommends exercising the last of two contract renewal options with Precision Delta Group - Group 1, Item Nos. 10 and 13 in the amount of \$1,165.00; Proforce Law Enforcement - Group 1, Item Nos. 1, 3, 4, and 5 in the amount of \$53,102.70; GT Distributors, Inc. - Group II, Item Nos. 1, 3, 4, 5, 6, and 9 in the amount of \$58,272.06, for a total amount of \$112,539.76, subject to annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation](#)

- 9 [19-4406](#) Bid No. 2019-107 - Annual Contract for Aviation Fuel - Mesquite Metro Airport.
(Authorize the City Manager to finalize and execute a contract with Titan Aviation Fuels in the amount of \$5,072,726.73. The term of this contract is for a four-year period with three additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Scoring Matrix - Aviation](#)

- 10 [19-4397](#) Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

- 11 [19-4419](#) Bid No. 2019-108 - Annual Supply of Concrete.
(Authorize the City Manager to finalize and execute a contract with Martin Marietta for Item Nos. 1-2 and 5-8 in the amount of \$163,750.00 and Argo USA, LLC, for Item Nos. 3-5 in the amount of \$430,000.00, for a total amount of \$593,750.00. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation - 2019-108](#)

- 12 [19-4411](#) Bid No. 2020-009 - Annual Supply of Fire Department Uniforms and Clothing.
(Staff recommends primary award to Galls, LLC, in Lexington, Kentucky, and a secondary award to GT Distributors, Inc., in Austin, Texas, through an Interlocal Cooperative Purchasing Agreement with the City of Frisco, in an amount not to exceed \$99,570.00. The term of this contract is for a one-year period 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 [19-4368](#) Authorize the City Manager to execute: (i) a Consent to Assignment of

Ground Lease consenting to the assignment by Michels Aviation, LLC, to AR-19 Assets, LLC, of the ground lease between the City and Michels Aviation, LLC, [as assignee of Faith Air Inc.] of the leased premises commonly known as 1280 Airport Blvd., Mesquite, Texas (the "Ground Lease"); and (ii) a Consent to Collateral Assignment consenting to the collateral assignment of the Ground Lease by AR-19 Assets, LLC, to Veritex Community Bank.

- 14 [19-4387](#) Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Pipeline Analysis, LLC, for the inspection and condition assessment of high-risk reinforced concrete pipe (RCP) sanitary sewer mains in the amount of \$347,535.00.

- 15 [19-4403](#) Authorize the City Manager to finalize and execute an Educational Services Agreement with the Dallas County Community College District to provide emergency medical services education and training in the classroom and through internship shifts to Mesquite Fire Department employees.

Attachments: [Educational Services Agreement](#)

- 16 [19-4408](#) Authorize the City Manager to finalize and execute an Asset Transfer, Assignment and Assumption Agreement with the North Central Texas Trauma Regional Advisory Council, Inc., (NCTTRAC).

Attachments: [NCTTRAC transfer agreement](#)

- 17 [19-4409](#) A. Authorize the City Manager to finalize and execute an amendment with the North Central Texas Trauma Regional Advisory Council (NCTTRAC) to the Regional Programs Participation Agreement allowing the Mesquite Fire Department to share information with NCTTRAC that can assist in the identification of regional Emergency Medical Services (EMS) best practices as well as to participate in a NCTTRAC-purchased database to be used for patient tracking and family reunification following a disaster or mass casualty incident.

B. Authorize the City Manager to finalize and execute an amendment with the NCTTRAC to the Business Associate Agreement adding additional services that allows the Mesquite Fire Department to share information with NCTTRAC that can assist in the identification of regional EMS best practices as well as to participate in a NCTTRAC-purchased database to be used for patient tracking and family reunification following a disaster or mass casualty incident.

Attachments: [NCTTRAC RPPA amendment](#)
[RPPA \(2016\)](#)
[NCTTRAC BAA amendment](#)
[BAA \(2016\)](#)

- 18 [19-4430](#) Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Secretary Sonja

Land.

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** [19-4405](#) Conduct a public hearing and consider an ordinance for Application No. Z0519-0093, submitted by Jason Shaw of Eminence Realty Developers, for a change of zoning from Agricultural to Planned Development - Single Family, for a residential subdivision, located at 2781 Lawson Road.

(No responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

Attachments: [Staff Report](#)
 [P & Z Minutes](#)
 [Ordinance - Z0519-0093](#)

- 20** [19-4421](#) Conduct a public hearing and consider an ordinance to adopt a new Comprehensive Plan for the City of Mesquite.

(The Planning and Zoning Commission recommends approval of the ordinance.)

Attachments: [Ordinance - Comp Plan](#)
 [Redline version - Comp Plan](#)

- 21** [19-4418](#) Conduct a public hearing and consider an ordinance adopting revisions to the City of Mesquite Engineering Design Manual.

Attachments: [Ordinance - Engineering Design Manual](#)

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.

OTHER BUSINESS

- 22 [19-4432](#) Consider scheduling a special City Council meeting for October 14, 2019, for the annual review of the City Manager and City Attorney.
- 23 [19-4407](#) Consider scheduling a special City Council meeting for November 14, 2019, to canvass the returns for the November 5, 2019, General Election and order a runoff election, if necessary.
- 24 [19-4437](#) Consider approving a settlement agreement between Derick Wiley and the City of Mesquite in Derick Wiley v. City of Mesquite, AAA Case No. 01-0007-6614; SOA Hearing Docket No. 407-18-1726.F5.

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. James H. Watson and Others Similarly Situated v. City of Allen, City of Amarillo, City of Arlington, City of Austin, City of Balch Springs, City of Balcones Heights, City of Bastrop, City of Baytown, City of Bedford, City of Burleson, City of Cedar Hill, City of Cleveland, City of Conroe, City of Coppell, City of Corpus Christi, City of Dallas, City of Denton, City of Diboll, City of Duncanville, City of El Paso, City of Elgin, City of Farmers Branch, City of Fort Worth, City of Frisco, City of Garland, City of Grand Prairie, City of Haltom City, City of Humble, City of Hurst, City of Hutto, City of Irving, City of Jersey Village, City of Killeen, City of League City, City of Little Elm, City of Longview, City of Lufkin, City of Magnolia, City of Marshall, City of Mesquite, City of North Richland Hills, City of Plano, City of Port Lavaca, City of Richardson, City of Richland Hills, City of Roanoke, City of Round Rock, City of Southlake, City of Sugar Land, City of Tomball, City of University Park, City of Watauga, City of Willis, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., American Traffic Solutions, LLC, Xerox State & Local Solutions, Inc., f/k/a ACS State & Local Solutions, Inc., and the State of Texas – Filed 4-28-15
2. 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; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. Derick Wiley v. City of Mesquite – AAA Case No. 01-17-0007-6614 – Filed 12-5-17; SOA Hearing Docket No. 407-18-1726.F5
5. 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
6. Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18
7. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18

8. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
9. City of Mesquite v. Govind Group Corp. – Filed 8-31-18
10. 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 – Filed 10-19-18
11. City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18
12. James Murphy v. Officer Eric Zimmerman, Officer Nicholas Sierra, Officer Colton Ables, Officer Alex Berg, Officer C. M. Copeland, Officer B. S. Smith, and the City of Mesquite, Texas – Filed 11-2-18
13. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment – Filed 11-8-18; on appeal to the Court of Appeals for the Fifth District at Dallas, Case No. 05-19-00667-CV
14. Julia Y. Hodges and Yamileth Hodges v. City of Mesquite – Filed 12-4-18
15. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
16. City of Mesquite v. Ashiyana Hospitality, LLC, Navnitkumar C. Patel, Chintan N. Patel and Sunitabahen N. Patel – Filed 4-9-19
17. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
18. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
19. 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 – Filed 5-24-19
20. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- House Bill 2439 and regulation of building materials and aesthetic methods in construction, renovation, maintenance or other alteration of residential or commercial buildings
- Anticipated litigation; Texas Sterling Construction Co; Contract E2017-008; Town East Blvd. (Phase 1) Reconstruction Project
- Vested Rights Petition of Big Sky Construction regarding 1400 Range Drive

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:

- 25 [19-4425](#) Discuss proposed economic development incentives for a proposed development at FM 741 and IH 20.

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.