



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, November 4, 2019

4:45 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 4:45 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:45 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.

- 1 [19-4429](#) Receive quarterly report from the Police Department.

Attachments: [Police Dept Overview](#)

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

INVOCATION

Will Klinke, Pastor, Seventh Day Adventist, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Veterans Memorial Committee.

PRESENTATIONS

- 2 [19-4477](#) Presentation of donation to the Mesquite Veterans Memorial by Operation Forever Free.

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.)

- 3 [19-4461](#) Minutes of the special City Council meetings held October 14, 2019, and October 18, 2019, and the regular City Council meeting held October 21, 2019.

Attachments: [10.14.2019m special mtg](#)
 [10.18.2019m special mtg](#)
 [10.21.2019m](#)

- 4 [19-4471](#) An ordinance, on second reading, granting to Oncor Electric Delivery Company, LLC, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite, Dallas County, Texas, for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, finding that the meetings at which this ordinance is passed are open to the public, and providing for severability.

Attachments: [Ordinance - Oncor](#)
 [Current Franchise Ordinance](#)

- 5 [19-4478](#) An ordinance authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Refunding Bonds, Series 2019 in the aggregate principal amount not to exceed \$29,100,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of an escrow agreement and a purchase agreement; approving the official statement; awarding the sale thereof; and enacting other provisions relating thereto.

Attachments: [Ordinance - GO Refunding Bonds](#)

- 6 [19-4479](#) An ordinance providing for the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2019A

in the aggregate principal amount not to exceed \$9,500,000; approving an official statement; a purchase agreement and an escrow agreement; awarding the sale of the bonds; making provisions for the security thereof; providing an effective date; approving and enacting other provisions relating thereto.

Attachments: [Ordinance - Waterworks Refunding Bonds](#)

- 7 [19-4480](#) An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department.

Attachments: [Ordinance - Fire Positions](#)

- 8 [19-4481](#) An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department.

Attachments: [Ordinance - Police Positions](#)

- 9 [19-4454](#) A resolution authorizing acceptance of the 2019 Homeland Security Grants and execution of the sub-recipient agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$210,698.34 and authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate these grants on behalf of the City.

Attachments: [Resolution - Homeland Security Grant](#)
[Statement of Grant Awards \(SOGA\)](#)

- 10 [19-4452](#) Bid No. 2020-017 - Purchase of a Transfer Truck.
(Staff recommends award to MHC Kenworth, in Dallas, Texas, through BuyBoard Contract No. 521-16, in the amount of \$151,068.00.)

Attachments: [Kenworth Transfer Truck Photo](#)

- 11 [19-4473](#) Bid No. 2020-019 - Purchase of One 1500 GPM Pumper Truck.
(Staff recommends award to Spartan ERV, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$580,204.00.)

Attachments: [HGAC Contract Pricing Sheet](#)
[S-180 Model 2114 Drawing](#)
[Photos of Spartan S-180](#)

- 12 [19-4472](#) Authorize the Mayor and the Fire Chief to finalize and execute an Emergency Medical Services Provider License Declaration Form and all other applications and documents necessary or requested to renew the emergency medical services provider license for the City of Mesquite Fire Department and authorize the Fire Chief to take all actions as

Administrator of Record in connection with such license.

Attachments: [EMS Provider License](#)

13 [19-4485](#) Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.

14 [19-4468](#) Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-038, Stream Bank Stabilization and Bridge Replacement Project South Mesquite Creek, with Coppell Construction Company for payment of contract incentives and changes in construction scope in the amount of \$213,697.80.

Attachments: [Change Order No. 2](#)

15 [19-4484](#) A resolution authorizing the City Manager to finalize and execute a 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.

Attachments: [Resolution - Spradley Farms MDA](#)

16 [19-4483](#) An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) and making a finding regarding feasibility.

Attachments: [Ordinance - Spradley Farms Project Plan](#)
[Project and Financing Plan drafted September 16, 2019 \(65% City participation rate\)](#)
[Project and Financing Plan drafted November 4, 2019 \(70% City participation rate\)](#)

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.)

- 17 [19-4465](#) Conduct a public hearing and consider an ordinance for Application No. Z0919-0106, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing an elementary school located at 2701 Chisholm Trail.

(Two responses 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 of the application.)

Attachments: [Staff report & maps - Cannaday](#)
 [P&Z Minutes](#)
 [Ordinance - Z0819-106](#)

- 18 [19-4462](#) Conduct a public hearing and consider an ordinance for Application No. Z0919-0107, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 2100 Crest Park Drive.

(One response 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 of the application.)

Attachments: [Staff Report & Maps - Wilkinson](#)
 [P&Z Minutes](#)
 [Ordinance - Z0919-107](#)

- 19 [19-4463](#) Conduct a public hearing and consider an ordinance for Application No. Z0919-0108, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 2930 North Town East Boulevard.

(Two responses in favor and two 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.)

Attachments: [Staff report & maps - McDonald MS](#)
 [P&Z Minutes](#)
 [Ordinance - Z0919-108](#)

- 20 [19-4466](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-05 amending Chapter 5 of the City Code by repealing and deleting Article X to Chapter 5 titled “Historic Preservation”; amending the Mesquite Zoning Ordinance by repealing and reenacting Section 4-102 to be titled “Overlay Zoning Districts”; repealing and reenacting Section 4-400 to be titled “Mesquite Landmarks and Historic Preservation Overlay Districts Designations & Regulations”; repealing and reenacting Section 5-400 to be titled “Administrators and Review Bodies”; adding new Section 6-200 to be titled “Definitions for Historic Preservation and Landmarks”; adding a new Part 8 to be titled “City of Mesquite, Texas, Landmark Register of Historic Places.”
(The Planning and Zoning Commission recommends approval of the proposed ordinance. This item was postponed at the October 21, 2019, City Council meeting.)
- Attachments:** [P&Z Minutes](#)
 [Ordinance - ZTA 2019-05](#)
- 21 [19-4469](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an agreement for such purposes with Ashley Furniture Industries, Inc., a Wisconsin corporation, for the transfer of real property at 3790 Faithon P. Lucas Sr., Boulevard, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.
- Attachments:** [Resolution - Ashley](#)
- 22 [19-4470](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with CH Realty VIII-Urban Logistics I Dallas Urban District 30, L.P., for the development of a new master planned industrial business park consisting of five industrial buildings on approximately 80 acres of real property located within the City of Mesquite, Texas, and being commonly known as 1201 Republic Parkway, 1650 Republic Parkway and 1200 Interstate Highway 30, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.
- Attachments:** [Resolution - CH Realty](#)
- 23 [19-4476](#) Conduct a public hearing and consider an ordinance for Application No. Z0819-0104, submitted by John Jordan of The Nehemiah Company, for a change of zoning from Agricultural to Planned Development District to allow the construction of a commercial and residential development on property generally located between FM 2757 and IH-20 and north of

IH-20 east of FM 740.

(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 of the application with certain stipulations. This item was postponed at the October 21, 2019, City Council meeting.)

Attachments: [Staff Report & Maps](#)
 [P&Z Minutes](#)
 [Ordinance - Z0819-104](#)

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.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 24 [19-4475](#) Consider appointment of three regular members and one alternate to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2021.

Attachments: [Personal Data Form - Coolidge](#)

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. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite – Filed 1-7-19
15. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank – Filed 4-30-19
16. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
17. 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
18. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite – Filed 5-31-19

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.