



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 2, 2020

4:30 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [20-4705](#) Receive briefing regarding Polo Ridge Ranch development financing and zoning.

EXECUTIVE SESSION - EXECUTIVE 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 - 6:00 P.M.

- 2 [20-4684](#) Receive Neighborhood Services quarterly report for the period of October 1, 2019, through December 31, 2019.

Attachments: [Environmental Code FY 2019-20 1st Quarter Summary](#)

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

INVOCATION

Dr. E. Jones Doughton, Pastor, First Presbyterian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Daughters of the Republic of Texas, Hiram Bennett Chapter.

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 [20-4689](#) Minutes of the regular City Council meeting held February 17, 2020.
- Attachments:* [2020.02.17m](#)
- 4 [20-4678](#) An ordinance amending Appendix D of the City Code entitled “Comprehensive Fee Schedule,” to establish fees for single-family residential permits and plats for infill residential development.
- Attachments:* [Ordinance](#)
- 5 [20-4668](#) A resolution extending the date to execute an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite, Texas, and George Boyce for a Downtown Mesquite Façade Improvement Grant for the installation of an awning and chemical wash of the exterior of 202 West Davis Street, extending the dates to commence and complete the work to be performed pursuant to the grant agreement and authorizing the City Manager to finalize, execute and administer the grant agreement.
- Attachments:* [Resolution](#)
- 6 [20-4670](#) A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on April 4, 2020, for the City of Mesquite Rodeo Parade, commemorating the 63rd anniversary of the Mesquite Championship Rodeo.
- Attachments:* [Resolution](#)
 [Rodeo Parade Route Map](#)
- 7 [20-4673](#) A resolution relating to notice of intention to issue City of Mesquite, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2020, to provide funds for public improvements, facilities and equipment including, without limitation, information technology

infrastructure and equipment, streets, thoroughfares and bridge improvements, streetscapes, storm drainage improvements, traffic signalization and controls, sidewalks, street lights, right-of-way acquisition, vehicles, municipal facilities, and related issuance costs and providing an effective date.

Attachments: [Resolution](#)

[Proposed Bond Projects](#)

- 8 [20-4675](#) A resolution ratifying the total expenditure of \$71,935.49 without competitive bidding for the emergency repair to the fountain at City Hall located at 757 North Galloway Avenue and authorizing payment to Irrigators Supply, Inc., for such repairs.

Attachments: [Resolution](#)

- 9 [20-4688](#) RFP No. 2019-012 - Annual Medical Plan Reinsurance (Stop Loss). (Authorize the City Manager to execute a renewal contract with W. R. Berkley Corporation to continue stop loss benefits for calendar year 2020 in an amount not to exceed \$546,000.00.)

Attachments: [Marketing Summary](#)

- 10 [20-4657](#) Bid No. 2020-045 - Annual Supply of Asphalt. (Staff recommends award to low bidder Texas Materials Group Inc., dba TexasBit, a CRH company, in an amount not to exceed \$343,000.00. The term of this contract is for one year, with four additional one-year renewal options, subject to annual appropriation of sufficient funds. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation](#)

- 11 [20-4694](#) Authorize the City Manager to finalize and execute the necessary documents for the Data Exchange Request and Safeguard Plan with the Texas Workforce Commission.

- 12 [20-4681](#) Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - U.S. Highway 80 to Town East Boulevard, with Tiseo Paving Company for payment of additional work in the amount of \$31,123.34.

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

- 13 [20-4687](#) Authorize the City Manager to execute Supplemental Agreement No. 3 with the Mesquite Chamber of Commerce for the purpose of providing economic development services.

Attachments: [Supplemental Agmt #3](#)

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.)

- 14 [20-4679](#) Conduct a public hearing and consider an ordinance for Application No. Z1219-0124, submitted by John Cooksey of Cooksey Demolition Services, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2511 Edinburgh Street.

(Three 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 with certain stipulations. This item was postponed at the February 17, 2020, City Council meeting.)

Attachments: [Staff report and maps](#)
 [P&Z Minutes – January 27, 2020](#)
 [P&Z Minutes – February 10, 2020](#)
 [Ordinance](#)

- 15 [20-4695](#) Conduct a public hearing and consider an ordinance for Application No. Z0120-0126, submitted by the City of Mesquite, for a change of zoning from Agricultural to Planned Development - Single-Family Residential to allow a residential subdivision, located southeast of IH-20 and FM 740 near the East Fork of the Trinity River and at the western corner of FM 2757 and Kelly Road.

(No 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 with certain stipulations. This item was postponed at the February 17, 2020, City Council meeting.)

Attachments: [Staff report & maps](#)
 [P&Z minutes](#)
 [Ordinance](#)

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; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
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; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. 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
5. 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

6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
7. 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
8. 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 Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
9. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
10. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
11. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
12. 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
13. 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
14. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
15. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
16. City of Mesquite v. Daniel Contreras, 1715 Buena Vista, Mesquite, Texas, 75149 in rem and 1718 Buena Vista, Mesquite, Texas, 75149 in rem, Cause No. DC-19-19025 – Filed 11-27-19
17. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
18. 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

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:

- 16 20-4703 Discuss purchase of real property located at 2077 Berry Road.**

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.

Deliberations regarding Security Devices or Security Audits

Pursuant to Section 551.076 of the Texas Government Code, the City Council will meet in closed session to consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit. The following subject may be discussed:

17 20-4683 Discuss City Council security.

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:

18 20-4692 Discuss potential economic development incentives for Heartland Retail Center, a retail development proposed for 6622 FM 741 in Kaufman County.

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 segun el Sub-capitulo H, Capitulo 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.