



# City of Mesquite, Texas

## Meeting Agenda

### City Council

Monday, July 6, 2020

4:00 PM

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

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 the following toll-free dial-in number: 888-475-4499. The participation code (meeting id) for this telephone conference is: 858 7396 0683 # #.*
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 must 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 July 6, 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 July 6, 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**

(Any staff presentation not completed prior to the City Council Regular Meeting in the City Council Chamber at 7:00 p.m. may be presented and considered in the City Council Chamber following the Regular Meeting.)

- 1      [20-4832](#)      Receive briefing regarding possible park land dedication ordinance.
- 2      [20-4843](#)      Discuss updates to the City Council Policies and Procedures.
- 3      [20-4858](#)      Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.
- 4      [20-4879](#)      Discuss COVID-19 response and proposed recovery programs funded

through Coronavirus Aid, Relief, and Economic Security (CARES) Act.

**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

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

**INVOCATION**

Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Mesquite Animal Services 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.

**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.)

- 5      [20-4864](#)      Minutes of the Preliminary Budget Workshop meeting held June 8, 2020, and the regular City Council meeting held June 15, 2020.

**Attachments:**      [06.08.2020m Budget Workshop.pdf](#)  
                                 [06.15.2020m](#)

- 6      [20-4805](#)      A resolution authorizing the City Manager to finalize and execute a Real Estate Purchase and Sale Agreement with Bloomfield Homes, L.P., for the sale of 171.393 acres of land located in Balch Springs by the City to Bloomfield Homes, L.P., and authorizing the City Manager to take all other actions necessary to finalize the closing and sale of the Property.

**Attachments:**      [Resolution](#)  
                                 [Property Location Map](#)

- 7      [20-4870](#)      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, regarding Spradley Farms, L.C., et al. vs. City of Mesquite, et al., Cause No. 104439-CC2, in County Court at Law No. 2, Kaufman County, Texas.

(This item was postponed at the June 15, 2020, City Council meeting.)

- 8      [20-4868](#)      A resolution authorizing the City Manager to finalize and execute an Amended and Restated Master Development Agreement between the City of Mesquite, Texas, 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 planned 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.

(This item was postponed at the June 15, 2020, City Council meeting.)

- 9      [20-4869](#)      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.  
(This item was postponed at the June 15, 2020, City Council Meeting.)
- 10     [20-4855](#)     Bid No. 2020-073 - Crushed Concrete Aggregate Annual Contract.  
(Authorize the City Manager to execute a contract with low bidder, Southwest Crushing, LLC, in the amount of \$108,000.00. The term of this contract is for a one-year period with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- Attachments:**      [Bid Tabulation](#)  
                                 [Plant location analysis](#)
- 11     [20-4862](#)     Bid No. 2020-084 - 2020 Community Development Block Grant (CDBG) Sidewalk Improvement Project.  
(Authorize the City Manager to finalize and execute a contract with low bidder Cam-Crete Contracting, Inc., in an amount not to exceed \$107,020.00.)
- Attachments:**      [Recommendation Letter](#)  
                                 [Bid Tabulation](#)  
                                 [Location Maps](#)
- 12     [20-4874](#)     Bid No. 2020-091 - Purchase of Seven Half-Ton Pickups.  
(Staff recommends all bids be rejected and rebid at a later date. This item was postponed at the June 15, 2020, City Council meeting.)
- 13     [20-4877](#)     Ratify the emergency expenditure of \$30,000.00, and authorize the City Manager to execute a contract in a not to exceed amount of \$53,000.00, with Germophobe, LLC, without competitive bidding pursuant to Section 252.022(a) of the Texas Local Government Code, for the continued weekly sanitizing of all fire stations and first responder areas in the Police Department.
- Attachments:**      [Germophobe Pricing](#)  
                                 [Blackmon Mooring pricing](#)  
                                 [HUB Vendor Search](#)

**CONSIDERATION OF A RESOLUTION**

- 14     [20-4880](#)     Consider a resolution condemning racism and committing to community, inclusion and equality.

**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.)

- 15     [20-4865](#)     A. Conduct a public hearing to receive citizen input regarding the proposed Program Year 2020-2021 Community Development Block Grant (CDBG) budget.
- B. Consider a resolution authorizing the filing of an application for an amount not to exceed \$1,143,107.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.

**Attachments:**     [Resolution](#)

- 16     [20-4873](#)     Conduct a public hearing and consider possible action regarding a request from Scott Rose on behalf of Locke Supply Co., to substitute the requirement for an eight-foot-tall, long-span precast concrete screening wall for a chain-link fence with vinyl coating and slats on property located at 4401 Samuel Boulevard.

**Attachments:**     [Staff Memo with Exhibits](#)

- 17     [20-4846](#)     A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) ("the Zone"), decreasing the percentage of tax increment to be contributed by the City to the Tax Increment Fund for the Zone from 70 percent to 60 percent, extending the term of the Zone, and designating additional property in the Zone to be acquired by the City, amending Ordinance Nos. 4713 and 4734, making a finding of feasibility, providing a repealer clause, providing a severability clause, and providing an effective date.
- B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), decreasing the percentage of tax increment to be contributed by the City to the Tax Increment Fund for the Zone from 70 percent to 60 percent, extending the term of the Zone, and designating additional property in the Zone to be acquired by the City, amending Ordinance Nos. 4713 and 4734, making a finding of feasibility,

providing a repealer clause, providing a severability clause, and providing an effective date.

- 18     [20-4857](#)     Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2020-21 budget.

## **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

#### **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 subject may be discussed:

- 19      20-4886**            Discuss matters relating to the Public Information Act and Open Meetings Act.

#### **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 subject may be discussed:

- 20      20-4881**            Consider purchase of real property located on Airport Boulevard.

**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:

- 21 20-4863** Discuss economic development incentives for a prospective development at 105 South Broad Street.
- 22 20-4878** Discuss economic development incentives for a prospective development at 500 North Galloway Avenue.

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.