



City of Mesquite, Texas

Action Agenda

City Council

Monday, March 16, 2020

5:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding the 2019 Coronavirus Disease (COVID-19) Declaration of Local Disaster for Public Health Emergency and Order issued by Dallas County and implementation of mitigation strategies. **Received.**

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:00 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.

- 2 Receive quarterly activity report from the Economic Development Department. **Received.**

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

INVOCATION

Dr. W. R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Councilmember Sherry Wisdom.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman encouraged residents to complete the 2020 Census questionnaire. In Mesquite, a one percent undercount may result in a loss of more than \$3 million in federal funding per year. Remember "I Count, You Count, WE ALL COUNT."
2. Mr. Smith stated that because a concerned citizen contacted the Mesquite Police Department (MPD) to report suspicious activity, 14 individuals were arrested and 1,300 THC cartridges and 145 pounds of THC edible candy was seized. He expressed appreciation to the MPD for their extensive investigation into this matter. Remember, if you see something, say something!
3. Mr. Boroughs reminded citizens to be aware of children playing outside and riding their bikes. Remember to "Drive Like Your Family Lives Here."
4. Mr. Miklos encouraged citizens to download the City's new customer service mobile app, myMesquite, to submit service requests such as street repairs, code issues, crime concerns and more.
5. Mr. Miklos stated that a quality neighborhood begins with the residents. He encouraged residents to be aware of common code violations at their homes such as high grass, trash and landscaping.
6. Mr. Miklos requested that all crime watch and neighborhood groups voluntarily cancel meetings through April 2020 and possibly through May 2020.
7. Ms. Wisdom stated that due to the current coronavirus pandemic, Sharing Life Community Outreach and Mesquite Social Services may experience an increase in citizens needing assistance. She encouraged citizens to donate to these agencies and to periodically check on elderly neighbors.
8. Ms. Wisdom stated that some schools are implementing virtual learning during the coronavirus pandemic. She encouraged parents and grandparents to reach out to teachers for assistance with virtual learning or tutoring for students.
9. Ms. Wisdom stated that a town hall meeting was being planned for District 1 residents but has been delayed until further notice.
10. City Manager Cliff Keheley provided an update on the coronavirus pandemic. He stated that the City is focused on continued service and will provide public safety, water services, solid waste services and other essential services. All events and social gatherings sponsored by the City have been cancelled. All recreation centers have been closed, except for the After School Program, which will resume once Mesquite Independent School District resumes classes. Senior programs have been cancelled, including the meal program. However, the City is working to have food provided to seniors in need of meals. Municipal Court will cancel all dockets and jury trials until May 8, 2020. Public meetings are being evaluated. If a board or commission meeting is not necessary, the meetings will be postponed. Tonight's agenda includes a resolution supporting the Dallas County declaration of an emergency and any orders of Dallas County. At this time, there are a small number of cases in Dallas County and the City hopes that the efforts being taken as a community in the next few weeks will be beneficial. The City will look to Dallas County to provide guidance on this issue and are working with them on a regular basis. Staff will do its best to maintain accurate information on the City's website but encourages residents to verify any information on this site or any other official sites before posting on social media. Mr. Keheley thanked citizens for their cooperation and understanding and thanked the City Council for their support.
11. Mayor Archer stated that he, along with the City Council, City Manager and staff, have been working closely with Federal, State and County partners to ensure that the City has the most up-to-date information. The City is going to do whatever it takes to protect the safety, welfare and health of citizens. He thanked the City's leadership team and all City employees for their efforts in this emergency. The City will continue to function and be effective for citizens. He encouraged citizens to be responsible over the coming days and not to give in to fear or panic, while also adhering to what health authorities are asking everyone to do to avoid spreading the virus. When this virus is defeated, he encouraged everyone to shop locally. Mayor Archer stated that we will become even stronger once we overcome this challenge.

CITIZENS FORUM

1. Jennifer Vidler, 300 Clear Springs Drive, requested that the City Council consider implementing an "Adopt A Street" program for citizen groups to help with litter removal.
2. Elizabeth Walley, 1112 Siebold Court, expressed concerns regarding coyotes in her neighborhood.

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 Minutes of the regular City Council meeting held March 2, 2020. **Approved.**
- 4 An ordinance amending Chapter 2, Article IV, of the City Code by adding a new Division 4 entitled "Subsequent Representation" providing restrictions for representation by former City officials before the City. **Approved by Ordinance No. 4769 with modifications.**
- 5 An ordinance amending Chapter 8 of the City Code, by amending Article XIII "Hotel Premise Regulations" providing for hotel license requirements and associated fee. **Postponed until the April 20, 2020, City Council meeting.**
- 6 An ordinance amending Chapter 8 of the City Code by adding a new Article XIV to establish convenience store and late hours business regulations. **Approved by Ordinance No. 4767.**
- 7 An ordinance amending Chapter 9 of the City Code by deleting Article IX in its entirety thereby removing automated traffic signal enforcement, addressing refunds and future enforcement and rescinding and dissolving the Automated Traffic Signal Enforcement Advisory Committee. **Approved by Ordinance No. 4768.**
- 8 A resolution of the City Council of the City of Mesquite, Texas, supporting the Declaration of Local Disaster for Public Health Emergency and Order issued by Dallas County Judge Clay Jenkins on March 12, 2020, relating to the spread and containment of the Coronavirus, and supporting additional actions of Dallas County authorities and providing an effective date. **Approved by Resolution No. 15-2020.**
- 9 Bid No. 2018-038 - Annual Supply of Garbage Can Liners - contract renewal option. (Staff recommends exercising the last of two contract renewal options with Houston Poly Bag 1, Ltd., in the amount of \$250,500.00, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 10 Bid No. 2018-054 - Annual Supply of Full Circle Clamps - contract renewal option. (Staff recommends exercising the last of two contract renewal options with Core & Main, dba HD Supply Waterworks, for an amount not to exceed \$62,815.87, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 11 Bid No. 2019-089 - Mesquite Veterans Memorial: Design-Build Contract. (Authorize the City Manager to finalize and execute a Design-Build contract with Nouveau Construction and Technology Services, in the amount of \$285,000.00.) **Approved as recommended.**

- 12 RFP No. 2020-022 - Service Center Storage Facility.
(Authorize the City Manager to finalize and execute the required documents with Mart, Inc., in the amount of \$100,902.00.) **Approved as recommended.**
- 13 RFP No. 2020-023 - Chiller Plant Expansion.
(Authorize the City Manager to finalize and execute the required documents with Berger Engineering Company, in the amount of \$241,316.00.) **Approved as recommended.**
- 14 Bid No. 2020-040 - Annual Landscape Maintenance of the Creek Crossing Area Medians, Rights-of-Way and Landscape Areas.
(Authorize the City Manager to finalize and execute a contract with low bidder Southlake Landscaping & Maintenance, dba SLM Landscaping & Maintenance, in the amount of \$172,750.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 15 Bid No. 2020-056 - Purchase of Pneumatic Tire Roller.
(Staff recommends award to R.B. Everett in Haltom City, Texas, through Sourcewell Contract No. 032515-BAI, in the amount of \$74,059.00.) **Approved as recommended.**
- 16 Bid No. 2020-065 - Purchase of Vac-Trailer.
(Staff recommends award to Vermeer Texas-Louisiana in Irving, Texas, through BuyBoard Contract No. 597-19, in the amount of \$117,977.08.) **Approved as recommended.**
- 17 Bid No. 2020-070 - Purchase of Three Scag Turf Tiger II Mowers.
(Staff recommends award to Four Brothers Outdoor Power in Royse City, Texas, through BuyBoard Contract No. 529-17, sponsored by the Texas Association of School Boards, in the amount of \$51,972.00.) **Approved as recommended.**
- 18 Bid No. 2020-071 - Purchase of Ventrac Tractor and Four Attachments.
(Staff recommends award to Austin Turf and Tractor in Farmers Branch, Texas, through BuyBoard Contract No. 529-17, sponsored by the Texas Association of School Boards, in the amount of \$52,024.11.) **Approved as recommended.**
- 19 Authorize the City Attorney to finalize and execute a Legal Services Agreement with Messer Fort McDonald for legal services in conjunction with the Spradley Farms litigation. **Approved.**
- 20 Approve a petition requesting installation of speed bumps in the alley between Sabrina Drive and Christa Drive from Mathew Drive to Ryan Drive. **Approved.**
- 21 Receive the January 2020 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code. **Received.**
- 22 Receive the Fiscal Year 2018-2019 annual report from the Mesquite Quality of Life Corporation Board of Directors. **Received.**

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.)

- 23** Conduct a public hearing and consider an ordinance for Application No. Z0120-0128, submitted by Ed Hicks, Jr., on behalf of Clay Cooley Hyundai Mesquite, for a change of zoning from Light Commercial to Light Commercial with a Conditional Use Permit to allow the sale and outdoor display of new and used vehicles, located at 16230 Interstate Highway 635.
(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 with certain stipulations.) **Public hearing held. Approved by Ordinance No. 4770.**
- 24** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-02 amending Mesquite Zoning Ordinance Sections 3-203, Schedule of Permitted Uses; 3-504, Refueling Stations, and; 6-102, Definitions pertaining to new and revised regulations for convenience stores and fueling stations.
(The Planning and Zoning Commission recommends approval of the proposed ordinance.) **Public hearing held. Approved by Ordinance No. 4771.**
- 25** A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care. **Public hearing held.**
- B. Consider an ordinance repealing Ordinance No. 4658 in its entirety and adopting the Parks and Recreation Department 2020 Youth Programs Standards of Care. **Approved by Ordinance No. 4772.**

At this time, any individual wishing to discuss any remaining 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.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 26** Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021. **Andrew Hubacek was appointed as a member of the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.**

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; currently 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 for the Fifth Circuit, Case No. 05-19-00667-CV
 8. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19
 9. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
 10. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
 11. 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
 12. 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
 13. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
 14. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
 15. 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
 16. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
 17. 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
 18. Carrasco v. City of Mesquite et al, Case No. 3:20-CV-00573-C, Filed 3-6-20

Discussed.

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.

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.