



City of Mesquite, Texas

Action Agenda

City Council

Monday, July 6, 2020

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

(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 Receive briefing regarding possible park land dedication ordinance. Council provided direction on the application and process for Park Land Dedication and directed staff to prepare an ordinance for consideration.
- 2 Discuss updates to the City Council Policies and Procedures. Council provided direction to prepare updates to the City Council Policies and Procedures to include an updated Travel Policy and add language regarding use of city services and receipt of gifts.
- 3 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.
- 4 Discuss COVID-19 response and proposed recovery programs funded through Coronavirus Aid, Relief, and Economic Security (CARES) Act. Council directed staff to contract with Dallas County to utilize a third-party vendor to administer the Emergency Business Assistance Program and Rent/Mortgage Assistance Program through the Coronavirus Aid, Relief, and Economic Security (CARES) Act. It was Council consensus to allow youth sports to continue and adhere to Governor Abbott's order. It was Council consensus to limit outdoor gatherings to 10 or less individuals.

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

1. Mr. Aleman reminded residents to complete the 2020 Census. By completing the census, additional federal funding will be available to the City for healthcare, education, transportation and other services.
2. Mr. Smith reminded citizens that July 31, 2020, is the deadline to purchase a \$50.00 brick, to be placed in the walkway leading up to the new Mesquite Veterans Memorial, for the November 2020, dedication ceremony. Each brick can be engraved with a three-line personal message. He encouraged citizens to honor the military veterans in their lives by purchasing a brick.
3. Mr. Boroughs stated that he will be purchasing three bricks for the Mesquite Veterans Memorial in honor and memory of his father and both grandfathers, who were all citizens of Mesquite.
4. Mr. Boroughs stated that for the past nine years, his neighbors, Melody and Travis Rohde, have organized a Fourth of July parade for his neighborhood, Lake Park Addition. However, due to COVID-19, the parade was cancelled. As part of this celebration, neighborhood residents donate food for the Mesquite Social Services food bank. This year, the Mr. and Mrs. Rohde collected over 500 pounds of food from their neighbors. Mr. Boroughs expressed appreciation to Melody and Travis Rohde and his neighbors for their generous donations.
5. Mr. Boroughs announced that the Mesquite Downtown Development Program earned the designation as a Nationally Accredited Main Street Program. The honor was recently announced by the National Main Street Center. Downtown Mesquite is the only first-year program in Texas to ever receive this distinction. The City Council thanked City staff and all of the volunteers who accomplished so much, in such a short amount of time.
6. Mr. Miklos encouraged citizens to volunteer for the Annual Addressing Mesquite Day event on October 3, 2020. This event helps homeowners in need with minor, exterior home repairs and landscape projects.
7. Mr. Miklos announced that Deputy City Manager Jeff Jones has accepted a position with The Woodlands and expressed appreciation for his tenure at the City of Mesquite.
8. Mr. Green stated that Governor Greg Abbott has issued an Executive Order requiring all Texans to wear a face covering over the nose and mouth in public areas. He asked that all residents comply with this order, continue social distancing and follow health guidelines for hand washing and covering coughs and sneezes.
9. Mr. Green commended the Animal Services staff for recently reuniting a lost dog with its owner after scanning for a microchip and encouraged citizens to microchip their pets.
10. Ms. Wisdom stated that she is not wearing a mask over her nose and mouth due to health reasons.
11. Ms. Wisdom announced that a virtual Town Hall Meeting will be held on Tuesday, July 14, 2020, at 7:00 p.m., to discuss the City budget and encouraged citizens to participate.

12. Ms. Wisdom stated that the District 1 and District 2 Neighborhood Meeting planned for Saturday, August 1, 2020, has been postponed and will be rescheduled at a later date.
13. Mayor Archer announced that former Mayor John Monaco passed away yesterday, Sunday, July 5, 2020. He requested that Pastor Ron Ward lead a moment of prayer in his honor.
14. Mr. Green stated that the Downing group, consisting of friends and neighbors of former Mayor Monaco, has received approval from Mrs. Monaco for friends and neighbors to leave flowers or mementos along the Downing Way fence as a way of paying their respects to former Mayor Monaco.
15. Mayor Archer announced that NAACP President Henry Brown has started a fundraiser for a scholarship fund for students interested in pursuing a career in the mental health field.

CITIZENS FORUM

1. Henry Brown, 211 Athel Drive, expressed appreciation to City Manager Cliff Keheley for participating in the recent Juneteenth celebration.

CITIZENS COMMENTS

No one spoke.

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 Minutes of the Preliminary Budget Workshop meeting held June 8, 2020, and the regular City Council meeting held June 15, 2020. **Approved.**
- 6 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. **Approved by Resolution No. 24-2020.**
- 7 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.) **Approved.**
- 8 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.) **Approved by Resolution No. 25-2020.**

- 9** 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.) **Approved by Resolution No. 26-2020 with modifications.**
- 10** 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.) **Approved as recommended.**
- 11** 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.) **Approved as recommended.**
- 12** 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.) **Approved.**
- 13** 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. **Approved.**

CONSIDERATION OF A RESOLUTION

- 14** Consider a resolution condemning racism and committing to community, inclusion and equality. **Approved by Resolution No. 27-2020.**

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** A. Conduct a public hearing to receive citizen input regarding the proposed Program Year 2020-2021 Community Development Block Grant (CDBG) budget. **Public hearing held.**
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.
Approved by Resolution No. 28-2020.

- 16** 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 Samuell Boulevard. **Public hearing held. Approved with certain stipulations.**
- 17** 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. **Public hearing held.**
- 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. **Approved by Ordinance No. 4790.**
- 18** Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2020-21 budget. **Public hearing held.**

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; Marcellet 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
Discussed.

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 Discuss matters relating to the Public Information Act and Open Meetings Act. **Discussed.**

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 Consider purchase of real property located on Airport Boulevard. **Discussed.**

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

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 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 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.