



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, July 20, 2020

5:00 PM

City Hall | Training Rooms A&B
757 N. Galloway | Mesquite, Texas

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding possible text amendments to the Zoning Ordinance thereby allowing for a new overlay district called an “established neighborhood overlay district” (ENO) to be requested and created for certain established neighborhoods within the City. **Received. Council provided information and directed staff to prepare an ordinance for future consideration.**
- 2 Discuss the proposed budget for Fiscal Year 2020-21. **Discussed.**

EXECUTIVE SESSION - TRAINING ROOMS A&B - 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

REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:00 P.M.

INVOCATION

Lee Bruner, Pastor, Living Waters Ministries, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Smith stated that the District 5 neighborhood meeting that was scheduled for Saturday, August 1, 2020, has been postponed and will be rescheduled at a later date.
2. Mr. Aleman encouraged residents to look out for their neighbors. If help is needed regarding domestic violence, citizens can call the National Domestic Victims Hotline at 1-800-799-SAFE.
3. Ms. Wisdom commended the Meadowview Farms neighborhood for working together and helping fellow neighbors in need.
4. Ms. Wisdom stated that the District 1 and District 2 neighborhood meeting that was scheduled for August 1, 2020, has been postponed and will be rescheduled at a later date.
5. Mr. Green reminded citizens that July 31, 2020, is the deadline to purchase a brick for the Mesquite Veterans Memorial dedication ceremony in November 2020. The cost is \$50 per brick and can be engraved with a three-line personal message. He encouraged citizens to purchase a brick in honor of their loved ones.
6. Mr. Green mentioned that he has recently witnessed many individuals not wearing masks in public places. He encouraged citizens to keep everyone's health in mind when in public by wearing a mask and to practice social distancing.
7. Mayor Archer encouraged residents to interact with senior citizens in their neighborhood. Also, he encouraged residents to consider holding virtual neighborhood meetings until they can safely meet in person.

CITIZENS FORUM

1. Terri White, 505 Riggs Circle, expressed support for sustainable projects and developments to benefit future generations.
2. Tierra Ransom, 4909 North Galloway Avenue, Apt. 2106, expressed support for implementing an all-day Pre-K4 program.

CITIZENS COMMENTS

No one appeared.

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.)

- 3 Minutes of the regular City Council meeting held July 6, 2020. **Approved.**
- 4 A resolution authorizing the City Manager or his designee to accept a Coronavirus Aid, Relief and Economic Security (CARES) Act grant from the Texas Department of Transportation in the estimated amount of \$69,000.00 to prevent, prepare for and respond to the impacts of the COVID-19 public health emergency on airport operations and authorizing the City Manager or his designee to finalize and execute all necessary documents relative to the acceptance of such grant. **Approved by Resolution No. 29-2020.**
- 5 Bid No. 2020-006 - Holley Street, Lakeside Drive, Park Avenue, Mimosa Lane Asphalt Reclamation.
(Authorize the City Manager to finalize and execute a contract with low bidder Texas Materials Group, Inc., dba Texas Bit, in the amount of \$374,785.98.) **Approved as recommended.**

- 6 Bid No. 2020-083 - Annual Supply of Sand and Loam.
(Authorize the City Manager to finalize and execute a contract with Liberty Sand & Gravel, Inc., in an amount not to exceed \$188,431.40. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 7 Bid No. 2020-088 - Lake Park Addition Sanitary Sewer Replacement Project.
(Authorize the City Manager to finalize and execute a contract with low bidder ANA Site Construction, LLC., in the amount of \$1,938,917.00.) **Approved as recommended.**
- 8 Bid No. 2020-095 - Lucas Bridge at South Mesquite Creek Erosion Control Project.
(Authorize the City Manager to finalize and execute a contract with low bidder Iron T Construction, Inc., in the amount of \$478,000.00.) **Approved as recommended.**
- 9 Bid No. 2020-101 - Purchase of 2020 Ford F-350 Diesel Chassis Ambulance Remount.
(Staff recommends award to Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$155,250.00.) **Approved as recommended.**
- 10 Authorize the City Manager to finalize and execute Amendment No. 4 with Freese and Nichols, Inc., for additional design, Texas Commission on Environmental Quality (TCEQ) reporting, site inspections and review of construction documents for the Palos Verdes Dam Modifications project in the amount of \$20,352.00. **Approved.**
- 11 Authorize the City Manager to finalize and execute a contract with Catholic Charities of Dallas, Inc., to administer a Resident Assistance Program for the City of Mesquite in an amount not to exceed \$2,000,000.00. **Approved.**
- 12 Call a public hearing for August 3, 2020, 7:00 p.m., at City Hall, Council Chamber, 757 N. Galloway Ave., Mesquite, Texas 75149, and order the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2020-21 budget. **Public hearing held.**

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.)

- 13 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2020-21 budget. **Public hearing held.**
- 14 Conduct a public hearing and consider an ordinance for Application No. Z0620-0141, submitted by City of Mesquite, for a change of zoning from Agricultural to Planned Development - Agricultural to allow a single-family residential development (Berkshire Estates), located southwest of FM 2932 and County Road 214.
(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.) **Public hearing held. Approved by Ordinance No. 4791.**

15 Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No.

2020-04 to Mesquite Zoning Ordinance Section 3-203, Schedule of Permitted Uses; Section 3-508, Reception Facilities; and Section 6-102, Definitions; pertaining to new and revised regulations for major reception facilities, minor reception facilities and accessory reception facilities.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Postponed until the August 3, 2020, City Council meeting.**

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. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S - Filed 10-24-19
12. Carrasco v. City of Mesquite et al, Cause No. 3:20-CV-00573-C - Filed 3-6-20
13. 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

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.