



City of Mesquite, Texas

Action Agenda

City Council

Monday, August 3, 2020

4:30 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss the proposed budget for Fiscal Year 2020-21.
- 2 Receive briefing regarding possible text amendments to the Zoning Ordinance regarding regulations for hotels. **Council provided direction for further consideration of regulations related to hotel development.**

EXECUTIVE SESSION - COUNCIL 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 - TRAINING ROOMS A&B - 6:30 P.M.

- 3 Receive quarterly report from the Police Department. **Received.**

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

INVOCATION

Dr. Terry Turner, Senior Pastor, Mesquite Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Public Library Staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Green reminded residents that census takers will be out in the community to help with completion of the 2020 Census. Residents are encouraged to ask census takers for a valid ID badge with a photograph, a U. S. Department of Commerce watermark and an expiration date.
2. Mr. Green stated that a Town East/Range/Astronaut Streets Neighborhood Meeting will be held via Zoom on Tuesday, August 11, 2020, at 6:30 p.m. and invited residents to participate.
3. Ms. Wisdom stated that as part of the "Recovery Mesquite" campaign, Mesquite residents, affected by the economic impacts of the COVID-19 pandemic, can now apply for funds to assist with mortgage, rental or utility payments. Residents can apply for funds through the Resident Assistance Program application process provided by Catholic Charities of Dallas at www.cityofmesquite.com/CARES.
4. Ms. Wisdom stated that August 2020 marks the 100th anniversary of the passage of the 19th Amendment guaranteeing women the right to vote. She encouraged residents to celebrate this time in our Nation's history by posting stories on social media about women in Mesquite who have made a difference.
5. Mr. Aleman stated that the City has extended the cancellation of residential recycling services. The quantity of household waste has increased by 22 percent during this pandemic. Citizens can drop off recyclable items, generated from home, at no charge at the Citizens Convenience and Recycling Center at 3550 Lawson Road, on Monday, Tuesday, Thursday, Friday and Saturday from 9:00 a.m. to 4:00 p.m. Proof of residency is required. Mr. Aleman expressed appreciation to the Solid Waste Division employees.
6. Mr. Aleman stated that a Creek Crossing Neighborhood Meeting will be held via Zoom on Tuesday, August 11, 2020, at 7:00 p.m. and encouraged residents to participate.
7. Mr. Smith expressed gratitude to the Mesquite Police Department for the arrest of two suspects in an internet exchange theft. He reminded citizens to "Remember the 4 B's" when participating in internet sales. (1) Be Safe. Utilize the "Exchange Zone" at the Police Department, which is equipped with 24-hour surveillance cameras, to conduct internet sales. (2) Be Comfortable. Bring a friend or family member if you choose to meet at a private location. (3) Be Smart. Call a friend before and after the sale, set your phone's location tracking feature and use a transaction app for the sale. (4) Be Aware. Listen to your instincts, watch surroundings and leave any situation that feels unsafe.
8. Mr. Miklos announced that the Dallas County Health and Human Services has opened a new mobile COVID-19 testing site in Mesquite at Eastfield College, 3737 Motley Drive. The hours are Monday through Saturday, 7:00 a.m. to 1:00 p.m., or until the location has reached testing capacity for the day. This testing location is to be utilized by City of Dallas and Dallas County residents only, which includes the City of Mesquite. Proof of residency is required.
9. Mr. Boroughs stated that due to overwhelming public response, the deadline to purchase a \$50 brick for the Walk of Honor at the new Mesquite Veterans Memorial has been extended through Thursday, August 6, 2020. He encouraged citizens to honor their loved ones by purchasing a personalized brick.
10. Mr. Boroughs stated that Fire Chief Mark Kerby will be retiring on September 30, 2020, to begin a new role as the City's Special Projects Director. Chief Kerby started his career at the City of Mesquite in 1985 and has served as Fire Chief since 2003. Mr. Boroughs expressed appreciation to Chief Kerby and for the accomplishments he has made in the Fire Department. He stated that it was an honor to have worked alongside Chief Kirby in the Mesquite Fire Department.

11. Mayor Archer stated that 20-year U.S. Air Force veteran and Rockwall Police Officer Tracy Gaines lost his life this morning due to complications of COVID-19. Mayor Archer requested a moment of silence and Mr. Smith lead a prayer in honor of former Mesquite resident Tracy Gaines.
12. Mayor Archer reminded citizens to make smart, safe choices during this pandemic. Remember to avoid the “3 C’s” – crowded places, close contact settings and confined spaces, that are enclosed, where the health risk is higher. Continue to maintain safe distances, keep hands clean, cover coughs and sneezes and wear a face covering over the nose and mouth.
13. Mayor Archer thanked City employees for their hard work during these hot summer months.

CITIZENS FORUM

No one spoke.

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.)

- 4 Minutes of the regular City Council meeting held July 20, 2020. **Approved.**
- 5 An ordinance amending Chapter 9 of the City Code thereby providing revised school zones for Horn High School, Shands Elementary School and Terry Middle School. **Approved by Ordinance No. 4792.**
- 6 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor’s Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by Ordinance No. 4773, Ordinance No. 4781, and Ordinance No. 4784; confirming the continued activation of the City’s emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense. **Approved by Ordinance No. 4793.**
- 7 A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective August 3, 2020. **Approved by Resolution No. 30-2020.**
- 8 A resolution authorizing the sale of tax-foreclosed property located at 3631 Hogan Drive in Mesquite, Texas; accepting the offer from the purchaser to purchase the property; ratifying

and approving the Offer and Purchase Agreement executed by the purchaser setting forth the terms and conditions of the sale of the property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the property. **Approved by Resolution No. 31-2020.**

- 9** Bid No. 2020-099 - Annual Supply of Office Products.
(Staff recommends award to Staples Contract and Commercial, Inc., operating as Staples Advantage, through the cooperative purchasing agreement with Sourcewell (formerly National Joint Powers Alliance) Contract No. 012320-SCC, for an estimated annual amount of \$105,000.00. The term of this contract is for one year, with three 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.**
- 10** Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2019-112, Annual Grinding of Brush, with GWG Wood Group, Inc., for an increase in the contract amount of \$60,000.00. **Approved.**
- 11** Authorize the City Manager to finalize and execute a Fourth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$67,989.40 for Fiscal Year 2020-21, effective October 1, 2020, through September 30, 2021. **Approved.**
- 12** Authorize an expenditure in the amount of \$183,045.24 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice. **Approved.**
- 13** An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date. **Approved by Ordinance No. 4794.**
- 14** An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phases #2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"); making and adopting findings, accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date. **Approved by Ordinance No. 4795.**
- 15** An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date. **Approved by Ordinance No. 4796.**

- 16 A resolution approving a Water Transportation and Emergency Interconnection Agreement with Kaufman County Municipal Utility District No. 12 and BDMR Development, LLC, to provide temporary treated water to the Polo Ridge Ranch development situated on approximately 805.79 acres of land located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City. **Approved by Resolution No. 32-2020.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 17 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021. **Henry Brown was appointed as a member of the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.**
- 18 Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2020. **Larry Good was appointed as Alternate Member No. 2 to the Board of Adjustment for a term to expire December 31, 2020.**
- 19 Consider appointment of one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2021. **Dorothy Patterson was appointed as Alternate Member No. 1 to the Planning and Zoning Commission and Capital Improvements Advisory Committee for a term to expire December 31, 2021.**

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.)

- 20 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget. **Public hearing held.**
- 21 Conduct a public hearing and consider an ordinance amending the Mesquite Zoning Ordinance, as previously amended, by making certain deletions and additions to Section 3-203 "Schedule of permitted uses;" Section 3-508 "Reception facilities;" and Section 6-102 "Definitions;" all pertaining to new and revised regulations for Major Reception Facilities, Minor Reception Facilities, and eliminating the "accessory use" classification where an establishment (such as art galleries, civic, commercial amusement, country clubs, drinking places with private clubs, gardens, hotels, museums, restaurants, social or fraternal organizations, theaters, and zoos) makes available an area for private use; providing a repealing clause; providing a conflicts resolution clause; providing a severability clause; providing a penalty clause in an amount not to exceed two thousand dollars (\$2,000.00); providing for publication; and declaring an effective date.
(The original item was postponed at the July 20, 2020 City Council meeting. The Planning and Zoning Commission recommended approval of the original zoning text amendment on June 22nd. A request was made on July 20th, by the Council, for further revisions and the revised version ("Ordinance") is now attached. In addition, a redlined document has been

provided to show the new proposed revisions to the original zoning text amendment first presented to the P&Z Commission on June 22nd.) **Public hearing held. Approved by Ordinance No. 4797.**

- 22** Conduct a public hearing and consider an ordinance for Application No. Z0520-0140, submitted by Daniel Santos on behalf of DBS Construction Support, LLC, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment, located at 4340 Interstate Highway 30. (One response in favor and none 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. 4798 with modifications.**
- 23** Conduct a public hearing and consider an ordinance for Application No. Z0620-0142, submitted by MM Mesquite 50, LLC, to amend Planned Development Ordinance No. 4595 to allow an amenity center, a convenience store with fuel sales and modify the screening wall requirements on property located at 1900 and 2000 West Scyene Road, 21713 and 21717 IH-635, 1703 and 1705 Rodeo Drive and 417 Rodeo Center Boulevard. (Two responses in favor and three 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. 4799 with modifications.**
- 24** A resolution authorizing the City Manager to finalize and execute a Third Amendment to the Iron Horse Development Agreement to (i) amend certain definitions; (ii) amend Section 2.02(a) "Project Overview - Iron Horse Development"; (iii) amend Section 6.04(a) "Zoning of the Property"; and (iv) amend and replace Exhibit C, "Concept Plan", Exhibit I, "Development Standards", and Exhibit K, "Fencing Plan", to allow an amenity center and a convenience store with fuel sales, to modify the screening wall requirements, and to provide that the development of the property commonly referred to as "Iron Horse Village" and being generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas, shall be in compliance with the Concept Plan and Development Standards, as amended. **Postponed to the August 17, 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, Case 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
 14. Claim for damages by Texas Sterling Construction Co. against and involving City of Mesquite, AT&T, Inc. and Hayden Consultants, Inc. regarding City Contract No. E2017-008, Town East Blvd. Reconstruction of Paving, Drainage and Sanitary Sewer Improvements (from Military Parkway to Skyline Drive)
 15. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-1982 – Filed 7-27-20

Discussed.

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which the duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act.

- Agenda Item No. 21. **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 subjects may be discussed:

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

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:

- 26** Discuss economic development incentives for a prospective development located at 1025 Military Parkway. **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 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.