



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, August 17, 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 from representatives of Emergency Services Consulting International regarding the results of the 2020 City of Mesquite Fire Department Agency Evaluation & Fire Station Location Study. **Received.**
- 2 Discuss the proposed budget for Fiscal Year 2020-21. **Discussed.**

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

- 3 Receive financial statement for period covering October 1, 2019, through June 30, 2020. **Received.**

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

##### INVOCATION

Karl Tingle, Lead Pastor, Casa View Baptist Church, Garland, Texas.

## PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

## SPECIAL ANNOUNCEMENTS

1. Mr. Green thanked the Mesquite Police Department (MPD) for increasing efforts to address street racing. This week, MPD intervened in a street racing event and safely made an arrest after a short pursuit. Street racing threatens the safety of not only those who are racing, but also spectators, other motorists and pedestrians. He encouraged citizens to call 911 if they witness any street racing.
2. Ms. Wisdom stated that Keep Mesquite Beautiful, Inc., has announced the 2020 Native Beauty of Mesquite Photo Contest. She encouraged citizens to take photos of plants, flowers, birds or other animals found in Mesquite. Winners of this contest will be eligible to win some great prizes.
3. Mr. Aleman stated that from June through October, members of the Keep Mesquite Beautiful Landscape Committee select up to five Mesquite residences to receive the Yard of the Month Award. Recent winners include Wayne Dennis, Fred and Debbie Bayer and Bobby Shires. He thanked these citizens for taking pride in their neighborhoods. To nominate your yard or a neighbor's yard, visit [www.cityofmesquite.com/YardoftheMonth](http://www.cityofmesquite.com/YardoftheMonth).
4. Mr. Aleman reminded citizens to be considerate of others and be kind to others while out in the community.
5. Mr. Smith reminded citizens to be safe by wearing masks covering their nose and mouth.
6. Mr. Smith stated that several months ago, the Mesquite Police Department (MPD) Narcotics Unit began an investigation that led to the arrest of a low-level local narcotics dealer. That investigation led to the arrest of numerous high-level narcotics traffickers involved in a larger-scale drug trafficking organization suspected of transporting thousands of pounds of illegal drugs into Texas and across the United States. MPD and the Drug Enforcement Administration (DEA) executed multiple search warrants that resulted in arrests and the seizure of illegal drugs and guns. He thanked the MPD for keeping Mesquite and neighborhoods safe.
7. Mr. Miklos stated that as a part of the national Clear the Shelters campaign, the Mesquite Animal Shelter (MAS) will offer free pet adoptions from August 24, 2020, through August 29, 2020. The MAS will be open special hours on Saturday, August 29, 2020, from 10:00 a.m. to 5:00 p.m. The free adoption also includes sterilization, micro chipping, vaccinations and deworming. He encouraged citizens to consider adopting a pet during this special event.
8. Mr. Miklos stated that today is the first day of school for students in the Mesquite Independent School District (MISD). Even though he no longer has children attending MISD, he continues to support MISD's efforts in providing the children in our community with a quality education.
9. Mr. Boroughs stated that two large studies, which focused on firefighter safety, concluded that firefighters have a nine percent higher risk of being diagnosed with cancer and a 14 percent higher risk in cancer-related deaths, compared to the average person in the United States. The Mesquite Fire Department (MFD) recently completed a two-year strategic and comprehensive program to improve firefighter health. He thanked the MFD for this achievement and for the City Council for budgeting for new bunker gear and extractor equipment to help reduce dangerous cancer-causing agents.
10. Mayor Archer stated that on August 18, 1920, women officially gained the right to vote with the passage and ratification of the 19th Amendment of the United States Constitution. This week and throughout the month of August 2020, he asked the community to celebrate the 100th Anniversary of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote. He encouraged citizens to post stories on social media about women in Mesquite who have made a difference in their lives.

11. Mayor Archer reminded citizens to treat each other with respect and kindness. He encouraged all residents to take some time out of their day on Saturday, August 22, 2020, and spend time in their yard greeting neighbors.
12. Mr. Aleman stated that he wanted to take the opportunity to honor his Mother-In-Law, a Mesquite resident, who recently passed away at the age of 95. He thanked everyone who reached out to his family during this difficult time.

## CITIZENS FORUM

1. Mitchell Taylor, 1129, Covington Drive, expressed concerns regarding the increase in his water bills.

## 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 August 3, 2020. **Approved.**
- 5 An ordinance amending the budget for the Fiscal Year 2019-20 as heretofore approved by Ordinance No. 4719 of the City of Mesquite, Texas, adopted on September 16, 2019, and later amended by Ordinance No. 4755 on January 21, 2020, by appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2019-20, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said second amended budget. **Approved by Ordinance No. 4800.**
- 6 A resolution approving and adopting the 2020-2024 Community Development Block Grant Consolidated Plan (CDBG) and the Program Year 2020-21 Community Development Block Grant Annual Action Plan. **Approved by Resolution No. 33-2020.**
- 7 RFP No. 2018-070 - Medical Administrative Services Only (ASO) for Medical and Pharmacy Benefits.  
(Authorize the City Manager to finalize and execute an updated Third-Party Administrative Services Agreement with Blue Cross Blue Shield of Texas to provide medical coverage for full-time employees and under age 65 retirees effective January 1, 2020. The City Manager is authorized to exercise the final renewal option for 2021, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 8 Bid No. 2019-084 - Annual Supply of Petroleum Products.  
(Authorize the City Manager to finalize and execute the first renewal of the contract with low bidder Southwest Distributing Company in the amount of \$85,544.80. The term of this renewal contract is for a one-year period with three one-year renewal options remaining. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.) **Approved as recommended.**

- 9** Bid No. 2020-082 - Annual Supply of Vehicle and Equipment Batteries.  
(Authorize the City Manager to finalize and execute a contract with Continental Battery Company, in the amount of \$63,382.00. 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.**
- 10** Bid No. 2020-089 - Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts.  
(Authorize the City Manager to finalize and execute a contract with low bidder AutoNation Chevrolet with a 12 percent markup from dealer cost, in the amount of \$51,000.00. 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.**
- 11** Authorize the City Manager to finalize and execute an agreement with Dallas Regional Medical Center to facilitate Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for the purchase of medical equipment related to the COVID-19 response for the Dallas Regional Medical Center in Mesquite, Texas, by the City reimbursing Dallas Regional Medical Center for qualified medical equipment in an amount not to exceed \$500,000.00.  
**Approved.**
- 12** Approve Amendment No. 2 to the Fiscal Year 2019-20 Police Federal Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$404,000.00. **Approved.**
- 13** Receive the July 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.**
- 14** Call a public hearing for September 8, 2020, 7:00 p.m., at City Hall, Council Chamber, 757 North Galloway Avenue, 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.**
- 15** Consider approval of a mediated settlement agreement term sheet and authorize the City Manager to finalize and execute a Settlement Agreement and Release with Texas Sterling Construction Co., AT&T, Inc., and Hayden Consultants, Inc., L.C., consistent with the term sheet, and to take such actions and execute such documents as are necessary or advisable to consummate the settlement. **Approved.**
- 16** 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.  
(This item was postponed at the August 3, 2020, City Council meeting). **Approved by Resolution No. 34-2020 with additional stipulations.**

## **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.)

- 17** Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-05 to Mesquite Zoning Ordinance Section 3-203, Schedule of Permitted Uses; Section 3-507, Coin-Operated Amusement Devices; and Section 6-102, Definitions; pertaining to new and revised regulations for amusement devices, game machines, video games, and similar devices.  
(The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Postponed until the September 8, 2020, City Council meeting.**
- 18** Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) and related Lease Agreement for such purposes with ADJ Restaurant Group, LLC, for the development of a restaurant in a City-owned building located in downtown Mesquite at 117 West Main Street, Mesquite, Texas (the "Premises"), providing for the lease of the Premises with an option to purchase the Premises for such price and upon such terms and conditions as set forth in the Agreement and Lease, and authorizing the City Manager to administer the Agreement and Lease on behalf of the City. **Public hearing held. Approved by Resolution No. 35-2020.**

## **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. 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

13. 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)

14. 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

### **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. 15. **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:

- 19** Discuss economic development incentives for a prospective industrial business park in east Mesquite close to the Mesquite Metro Airport, east of Clay Mathis Road, south of East Scyene Road, west of Lawson Road and north of Berry Road. **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.