



City of Mesquite, Texas

Action Agenda

City Council

Monday, May 18, 2020

5:30 PM

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

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office:

- 1. A quorum of the City Council will attend the meeting in person in Training Rooms A & B located at 757 North Galloway Avenue, Mesquite, Texas, ("meeting location"). The meeting location will not be open to the public.*
- 2. Applicants having matters on the agenda and interested parties may participate by telephone conference or by appearing at the meeting location.*
- 3. Members of the public may participate by telephone conference. Though not encouraged, members of the public may also appear in the lobby of the meeting location where they may be escorted to the meeting location to voice comments to the City Council. No more than twenty-five (25) persons will be allowed into the lobby.*
- 4. Those participating by telephone conference may do so by dialing one of the following toll-free dial-in numbers: 877-853-5257 or 888-475-4499. The participation code (meeting id) for this telephone conference is: 844 1471 9804 # #.*
- 5. All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and are strongly encouraged to wear a covering over their nose and mouth.*
- 6. Members of the public desiring to comment during Citizens Forum must preregister as follows:*
 - a. Send an email or call the City Secretary on or before 3:00 p.m. on May 18, 2020. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.*
 - b. Provide the City Secretary with your name and address. If appearing at the meeting by telephone conference, also provide the phone number from which you will call.*
- 7. The meeting will be audible to all participants and allow for their two-way communication. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m. on May 18, 2020, to the following email address: sland@cityofmesquite.com.*
- 8. An electronic copy of the agenda packet is posted online with this agenda.*
- 9. The meeting will be recorded and the recording made available to the public.*

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation regarding City Council meeting format. **Received.**

- 2 Discuss COVID-19 Declaration of Local Disaster and Response. Discussed. It was Council consensus to move forward with the City Manager's recommendations for re-opening City facilities.

EXECUTIVE SESSION - TRAINING ROOMS A&B - 5:30 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

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

INVOCATION

Devin Labay, Pulpit Minister, Mesquite Church of Christ, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Public Works Department.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Green announced that the Mesquite Public Library has launched a new program, "Library To Go" in order to make library books, videos and audiobooks more accessible to the public during the COVID-19 pandemic. The public can reserve materials at the library on the City's website and pick up the materials, within 48 hours, curbside at the Main Library.
- (2) Mr. Boroughs expressed appreciation for the Municipal Court's City Marshal program, which recently celebrated its fifth anniversary. This program allows Mesquite Police Officers, who previously performed court-related duties, to refocus their attention on patrolling City streets.
- (3) Mr. Miklos stated that Memorial Day is a day to honor the men and women who lost their lives while serving in the United States military. Construction will soon begin on the Mesquite Veterans Memorial to honor all military veterans and their families. This is a great time to consider purchasing a \$50.00 brick, with a personalized message, to be placed on the walkway leading up to the memorial.
- (4) Mr. Smith stated that the Mesquite Police Department (MPD) recently uncovered a narcotics operation in Mesquite and made numerous arrests of persons purchasing drugs. Last week, MPD investigators conducted a search of the property and uncovered a significant amount of illegal drugs and several firearms. The person suspected of running the operation was arrested on numerous charges. He reminded residents, if you see something, say something.
- (5) Mr. Aleman stated that, according to the Texas Department of Transportation, an average of 10 people die every day in traffic crashes in Texas. The last deathless day on roadways in Texas was November 7, 2000. Memorial Day weekend is a good time to remember the three S's: Seat Belts, Sobriety and Safe Speed. Drive Live Your Family Lives Here because ours do!
- (6) Mr. Aleman asked citizens to keep families in their prayers who have lost loved ones in the military along with first responders.
- (7) Ms. Wisdom stated that many in our community are in need of food assistance. Eastfield College, 3737 Motley Drive, will be hosting a drive-thru food distribution event, sponsored by the

North Texas Food Bank, on Friday, May 22, 2020, from 9:00 a.m. to Noon. Citizens must stay in their car and food will be safely placed in the trunk.

- (8) Mayor Archer announced the City's new "Shop Mesquite" campaign designed to encourage residents to spend their money locally at stores and restaurants in Mesquite. The City will use a variety of resources, communications and partnerships to promote this campaign, which will be a long-term commitment to promoting local stores and restaurants.

CITIZENS FORUM

- (1) Alex Harris, 1130 Via Del Rey, expressed concerns regarding ethics and campaign finance reform.

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 May 4, 2020. **Approved.**
- 4 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 adopted by the City Council on March 30, 2020; 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. 4781.**
- 5 A resolution authorizing the City Manager to finalize and execute a Memorandum of Understanding with Bloomfield Homes, L.P., and the City of Balch Springs, Texas, for the sale of 173.393 acres of land located in Balch Springs to Bloomfield Homes, L.P., of which 171.393 acres is owned by the City of Mesquite and 2.0 acres is owned by the City of Balch Springs, and authorizing the City Manager, or the City Manager's designee, to negotiate the terms and provisions of an agreement related to the sale and purchase of such property. **Approved by Resolution No. 21-2020.**
- 6 Bid No. 2018-073 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends exercising the second of three contract renewal options with Martin

Eagle Oil Company, as the primary vendor, and Douglass Distributing Co., as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery. The City Manager is authorized to exercise the last renewal option, subject to annual appropriation of sufficient funds.) **Approved as recommended.**

- 7 Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to create an Americans with Disabilities Act (ADA) Transition Plan in the amount of \$125,000.00. **Approved.**
- 8 Authorize the City Manager to finalize and execute an interlocal agreement with the Kaufman County regarding the improvements and maintenance of Griffin Lane. **Approved.**
- 9 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-003, Front Street Station from Ebrite Street to Galloway Avenue, with DDM Construction Corporation for changes in conditions and design in the amount of \$52,071.14. **Approved.**
- 10 Reappoint Robert Miklos as the principal member and Bruce Archer as the alternate member to the Regional Transportation Council for terms to expire June 30, 2022. **Approved.**
- 11 Appoint a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms. **Robert Miklos was appointed Mayor Pro Tem and Dan Aleman was appointed as Deputy Mayor Pro Tem for one-year terms.**

PUBLIC HEARINGS

- 12 A. Conduct a public hearing for the purpose of considering the annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located southwest of FM 2932 and southeast of Griffin Lane, in the John Moore Survey, Abstract No. 309, and a portion of Griffin Lane, a Kaufman County road, and the right-of-way on both sides, that is adjacent to the City of Mesquite's existing corporate boundary, Kaufman County, Texas, in connection with voluntary petitions submitted by Oak National Holdings, LLC, Kaufman County, and the City of Mesquite. **Public hearing held.**
- B. Consider an ordinance annexing 364.65 acres in the City's extraterritorial jurisdiction and generally located southwest of FM 2932 and southeast of Griffin Lane, in the John Moore Survey, Abstract No. 309, Kaufman County, Texas (the "Property"), pursuant to voluntary petitions submitted by Oak National Holdings, LLC, and the City, and further annexing the northeastern portion of Griffin Lane adjacent to the existing corporate limits of the City including the part abutting the Property, pursuant to the voluntary petition submitted by Kaufman County; granting all inhabitants of said Property the rights and privileges of all other citizens and making applicable to said Property and its inhabitants all of the acts, ordinances, resolutions and regulations of the City except as otherwise provided; approving service plans for the provision of municipal services to the Property; designating the annexed Property to be zoned agricultural; directing the City Secretary to give notice as required to all affected jurisdictions; directing the City Manager to make map revisions; revising the official boundary limits of the City; adding the property into Single-Member District 6, and setting an effective date of annexation. **Approved by Ordinance No. 4782.**

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 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. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
10. 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
11. 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
12. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
13. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
14. Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20
15. 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
16. 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.

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.