



City of Mesquite, Texas

Action Agenda

City Council

Monday, October 5, 2020

5:00 PM

City Hall | Council Chamber
757 N. Galloway Avenue | Mesquite, Texas

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding ordinance amendments to the Mesquite Zoning Ordinance and Chapters 2, 9 and 10 of the Mesquite City Code, thereby updating certain regulations and offenses regarding the parking and storage of commercial motor vehicles, oversized vehicles, recreational vehicles (RVs) and trailers in residential areas and the associated required off-street parking spaces.
- 2 Discuss campaign finance and contribution limitations.

(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.)

EXECUTIVE SESSION - EXECUTIVE 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

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.

INVOCATION

Beto Meza, Pastor, New Life Church DFW, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Secretary Sonja Land.

PRESENTATIONS

- 3 Receive presentation regarding the 2020 Mesquite Elks Lodge Awards. **Received.**

SPECIAL ANNOUNCEMENTS

1. **Mr. Aleman stated that October is Hispanic Heritage Month. The Hispanic Forum of Mesquite and the League of United Latin American Citizens, LULAC, was recently recognized with a special**

proclamation. He thanked both groups and all Hispanic citizens, business owners, employees and residents for making Mesquite a great place to live and raise a family.

2. Mr. Smith stated that October 6, 2020, is National Night Out. The Mesquite Police Department (MPD) has implemented a new program, "9 PM Routine," to help keep Mesquite safe. Residents are encouraged to make it a daily routine to set an alarm for 9:00 p.m. as a reminder to make sure all car doors are locked and valuables have been removed, home doors are locked and any exterior lights such as porch lights and landscape lights are turned on.
3. Mr. Boroughs stated that last Saturday, October 3, 2020, was the 16th Annual Addressing Mesquite Day. He commended the Mesquite AMBUCS for their participation and Jerry Dittman for his leadership in this event. He expressed appreciation to all City staff, volunteers and sponsors who made this day a success.
4. Mr. Boroughs announced the launch of a new website, www.DowntownMesquiteTX.com, which offers opportunities for businesses, visitors and investors to receive information about downtown businesses, programs, events and more. He thanked City staff and the Mesquite Downtown Development Advisory Board for this achievement.
5. Mr. Miklos stated that STAR Transit now offers expanded operating hours. New Saturday service is available from 8:00 a.m. to 5:00 p.m. and Monday through Friday service from 6:00 a.m. to 8:00 p.m. By utilizing the "STARNow" app, riders can book trips, receive real-time updates via text, phone call or app notification and track the vehicle location and estimated time of arrival.
6. Mr. Miklos stated that he and Mayor Archer visited with residents on Fielding Drive, in the Rollingwood Hills subdivision, regarding an armed robbery that took place last week. One of the concerns of the residents is speeding in the neighborhood. Currently, the City has a policy that does not allow speed bumps to be installed on residential streets. Mr. Miklos asked City Manager Cliff Keheley to explore options for slowing traffic on residential streets that will not impact emergency vehicles.
7. Ms. Wisdom announced that the North Branch Library, 2600 Oates Drive, has re-opened. To adjust to health protocols, revised hours and new rules have been implemented to ensure a safe environment for the public and City employees.
8. Ms. Wisdom thanked residents who support our community and do not engage in negativity on social media.
9. Mayor Archer stated that he is proud of this City and thanked Councilmembers, City staff and community leaders for continuing to build unity in our community.
10. Mayor Archer stated that Dr. James Terry and Audwin Prince are leading a group called the "Cleanest City Initiative" to explore aggressive recommendations for the City Council that will help accomplish much more than just picking up trash. Therefore, Mayor Archer asked all Mesquite residents to take 30 – 45 minutes out of their day on Saturday, October 10, 2020, to support this initiative by picking up trash in our community.
11. Mr. Aleman commended a young man, who has recovered from a severe head injury, for volunteering this past Saturday at Addressing Mesquite Day to help our community.

CITIZENS FORUM

Belinda Allen, 2171 McKenzie Road, expressed concerns regarding a large water bill she received and the City of Mesquite Water Department policies.

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 A resolution authorizing the City Manager to execute Amendment No. 3 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2020-21 in an amount not to exceed \$117,682.00. **Approved by Resolution No. 48-2020.**
- 6 A resolution ratifying the total expenditure of \$76,312.08 without competitive bidding for the emergency repair and replacement of the sewer line that serves the Vanston Park Concession Stand located at 3003 Oates Drive and authorizing payment to DMI Corporation for such repairs. **Approved by Resolution No. 49-2020.**
- 7 A resolution authorizing the City Manager to execute and approve the Second Amendment to the Project Specific Agreement with Dallas County for the purpose of repaving certain specific "Type B" roadways within the City of Mesquite. **Approved by Resolution No. 50-2020.**
- 8 Bid No. 2020-078 - Annual Supply of Brakes, Pads and Accessories.
(Authorize the City Manager to finalize and execute a contract with split award to Town East Ford in the amount of \$21,685.32, Dallas Dodge Chrysler Jeep in the amount of \$24,765.00, Ogburn's Truck Parts in the amount of \$22,102.99, Advanced Auto Parts Group in the amount of \$4,742.48, Napa Auto Parts in the amount of \$14,999.46 and Park Cities Ford in the amount of \$24,991.67, for a total amount not to exceed \$113,286.92. 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.**
- 9 Bid No. 2020-090 - Annual Supply of Fire Hydrants.
(Authorize the City Manager to finalize and execute a contract with Ferguson Enterprises, LLC, in an amount of \$104,058.72. 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. 2020-097 - Annual Vacant Landscaping & Property Preservation Maintenance for Environmental Code.
(Authorize the City Manager to finalize and execute a contract with Sara Nevill and Joni Nevill d/b/a iMowTexas Lawn Care in the amount of \$71,750.00. The term of this contract is for one year, 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. 2020-104 - Paving Improvements in Quail Hollow No. 2 Subdivision.
(Authorize the City Manager to finalize and execute a contract with low bidder KIK Underground, LLC, in the amount of \$1,431,320.00.) **Approved as recommended.**
- 12 Bid No. 2021-001 - Town East Estates Phase II - Paving Improvements.
(Authorize the City Manager to finalize and execute a contract with low bidder HQS Construction, LLC, in the amount of \$4,155,566.00.) **Approved as recommended.**
- 13 Bid No. 2021-011 - Municipal Building Modular Furniture Project.
(Authorize the City Manager to finalize and execute the necessary documents with Preferred Business Solutions through the National Cooperative Purchasing Alliance Contract No. NCPA 11-18 in the amount of \$67,093.24.) **Approved as recommended.**
- 14 Authorize the City Manager to finalize and execute a professional engineering services contract with Nathan D. Maier Consulting Engineers, Inc., for the engineering design of Skyline Drive, from Town East Boulevard to Peachtree Road, in the amount of \$818,393.00. **Approved.**

- 15 A. Authorize the City Manager and Police Chief to finalize and execute the 2021 SURGE Program - Funded State and Local Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration, Dallas Field Division for Task Force 1 activities. **Approved.**
- B. Authorize the City Manager and Police Chief to finalize and execute the Fiscal Year 2021 Asset Forfeiture Sharing Agreement with the United States Department of Justice, Drug Enforcement Administration, Dallas Field Division for Task Force 1 activities. **Approved.**

RECEIPT OF RESIGNATION

- 16 Receive resignation from Carol Ann Hooker as a regular member of the Mesquite Housing Board. **Received.**

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 for Application No. Z0720-0143, submitted by Masterplan on behalf of Infinity 2020 Partners, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a car wash with modification to special conditions within 100 feet of a residential district, located at 1200 Pioneer Road.
(No responses in favor and four 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. 4817 with certain stipulations.**
- 18 Conduct a public hearing and consider an ordinance for Application No. Z0220-0129, submitted by Huffines Land Holding Partners, LP, for a change of zoning from Agricultural and Planned Development District Ordinance No. 3538 to Planned Development District to allow a master-planned community that would provide development standards and allow mixed uses, residential and commercial uses, located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas Sr., Boulevard.
(Four responses in favor and 16 in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval. This item was postponed at the September 21, 2020, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4818 with certain stipulations.**

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, et al – 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, et al 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; Affirmed by Dallas Court of Appeals, Case No. 05-19-00667-CV; Petition for Review filed with Texas Supreme Court, Case No. 20-0553
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, et al, 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. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
12. 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
13. City of Mesquite v. Ulises Rivera, Jessica Rivera and 3509 Byrd Drive, Mesquite, Texas 75150 in rem, Cause No. DC-20-12465 – Filed 9-3-20
14. City of Mesquite v. Thomas Chaddick, Catamount Properties 2018 L.L.C., and 1404 Quapaw Trail, Mesquite, Texas 75149, in rem, Cause No. DC-20-13609 – Filed 9-17-20
15. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261– Filed 9-29-20
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.

- Conduct Municipal Court Judge candidate interviews. **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.