City of Mesquite, Texas

Meeting Agenda

City Council

Monday, January 6, 2020 **5:00 PM** **City Hall | Council Chamber**
757 N. Galloway | Mesquite, Texas

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

AGENDA REVIEW

STAFF PRESENTATIONS

1 19-4573 Receive briefing regarding the annual Texas Department of Transportation Ethics Requirements.

2 19-4576 Receive briefing regarding improvements to development processes.

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

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

PLEDGE OF ALLEGIANCE

Members of the Mesquite Outlaws Futbol Club.

PRESENTATIONS

3 19-4597 Presentation of Certificate of Election to City Councilmember Sherry Wisdom, Place 1.

4 19-4571 Presentation of an award to Patrick Patterson in recognition of his service as a member of the Mesquite Housing Board.

5 19-4572 Presentation of an award to Barbara Dunn in recognition of her service as

a member of the Municipal Library Advisory Board.

6 19-4600 Presentation of donation to the Mesquite Veterans Memorial by the Mesquite Independent School District.

7 19-4585 Presentation of Census Complete Count Committee activities and Project Work Plan.

SPECIAL ANNOUNCEMENTS

This time is reserved for special announcements and recognition of individuals or groups.

CITIZENS FORUM

At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than items on the agenda, personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.

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.)

8 19-4603 Minutes of the regular City Council meeting held December 16, 2019, and the special City Council meetings held December 17, 2019, and December 26, 2019.

Attachments: 12.16.2019m

12.17.2019m

12.26.2019m

9 19-4595 An ordinance amending Chapter 2 of the City Code by making certain additions and deletions to Sections 2-51 and 2-53, which regulate electioneering at City owned polling locations and amending the City Code regarding political signs on public property.

Attachments: Ordinance - Chapter 2

Polling place rules and regulations - 01062020

10 19-4588 An ordinance correcting Ordinance No. 4740, which granted Oncor Electric Delivery Company, LLC, it's successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, and which was approved by the Mesquite City Council after readings on October 21, 2019, November 4, 2019, and

November 18, 2019, providing a severability clause, and providing an effective date.

Attachments: Ordinance - Oncor

11 19-4570 Bid No. 2020-037 - Annual Purchase of Traffic Signal Controller Cabinets.
(Staff recommends award to sole source provider MoboTrex, Inc., in the amount of $105,120.00).

Attachments: Quote

Sole Source Letter

12 19-4577 Bid No. 2020-038 - Annual Leasing of Xerox D125 Black/White Printer.
(Authorize the City Manager to finalize and execute a lease agreement with Xerox Corporation, through The Cooperative Purchasing Network (TCPN), Contract No. R150302, in an amount not to exceed $88,233.00. The term of the lease is for 60 months with a monthly amount of $1,470.55 and an annual amount of $17,646.60, subject to annual appropriation of sufficient funds.)

Attachments: Proposal

13 19-4587 Authorize the City Manager to finalize and execute Amendment No. 2 to a contract with Pipeline Analysis, LLC, to update the Sanitary Sewer Master Plan in the amount of $28,628.00.

14 20-4611 A resolution repealing Resolution No. 68-2019 and adopting a resolution opposing creation of the Spradley Farms Improvement District of Kaufman County through the Texas Commission on Environmental Quality for approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite, Texas; and providing an effective date.

Attachments: Resolution.pdf

15 20-4612 An ordinance repealing Ordinance No. 4734 that approved a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) (the "Zone"), established a tax increment for the Zone, and made a finding regarding feasibility; making a new finding regarding feasibility; disapproving the Project Plan and Reinvestment Zone Financing Plan for the Zone; providing a severability clause; and providing an effective date thereof.

Attachments: Ordinance.pdf

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.)

16 19-4580

Conduct a public hearing and consider an ordinance for Application No. Z0819-0109, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 3900 North Galloway Avenue.

(Two responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

Attachments: Staff report & maps

P&Z Minutes

Ordinance - Z0919-0109

17 19-4582

Conduct a public hearing and consider an ordinance for Application No. Z1019-0118, submitted by David Martin of Winstead PC, for a change of zoning from Single-Family Residential, Planned Development - Commercial and Planned Development - Light Commercial to Planned Development - Industrial to allow warehouse and distribution uses in addition to other uses allowed in the Industrial zoning district located at 200 Long Creek Drive.

(Seven responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

Attachments: Staff report & maps

P & Z minutes

Ordinance - Z1019-0118

18 19-4583

Conduct a public hearing and consider an ordinance for Application No. Z1119-0120, submitted by Mohammad Habis on behalf of Lucky Texan No. 9, for a change of zoning from Light Commercial to Planned Development - Service Station to allow a convenience store with more than eight fueling positions, a restaurant, and a laundromat in addition to other uses allowed in the Service Station zoning district located at 2650 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 of the application with certain stipulations.)

Attachments: Staff report & maps

P & Z minutes

Ordinance - Z1119-0120

19 19-4593 Conduct a public hearing and consider possible action regarding a request from Eddie Aguilar of Jacob & Martin, on behalf of PepsiCo Beverages Co., to substitute a six-foot-tall wooden fence for a required eight-foot-tall, long-span precast masonry screening wall along the southernmost property line of property located at 4532 Interstate Highway 30.

Attachments: Staff Report

20 19-4592 Conduct a public hearing regarding land use assumptions, a Capital Improvements Program (CIP) and imposition of a roadway impact fee.

At this time, any individual wishing to discuss any remaining matter on the agenda shall be allowed to speak for a length of time not to exceed three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes.

APPOINTMENTS TO BOARDS AND COMMISSIONS

21 19-4574 Consider appointment of a principal member to the STAR Transit Board of Directors for a term to expire August 31, 2022.

22 19-4578 Consider appointment of regular members and alternates to the Board of Adjustment (BOA) whereby two regular members (Position No. 3 and No. 5) are appointed with terms expiring on December 31, 2021; and consider appointment of two alternate members to the Board of Adjustment for Alternate No. 1 (expiring December 31, 2021) and Alternate No. 2 (expiring December 31, 2020).

Attachments: Personal Data Form - Benny Gordon

23 19-4579 Consider appointment of one alternate member (Alternate No. 2) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2020.

Attachments: Personal Data Form - Millie Arnold

24 19-4584 Consider appointment of four regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2022.

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. James H. Watson and Others Similarly Situated v. City of Allen, City of Amarillo, City of Arlington, City of Austin, City of Balch Springs, City of Balcones Heights, City of Bastrop, City of Baytown, City of Bedford, City of Burleson, City of Cedar Hill, City of Cleveland, City of Conroe, City of Coppell, City of Corpus Christi, City of Dallas, City of Denton, City of Diboll, City of Duncanville, City of El Paso, City of Elgin, City of Farmers Branch, City of Fort Worth, City of Frisco, City of Garland, City of Grand Prairie, City of Haltom City, City of Humble, City of Hurst, City of Hutto, City of Irving, City of Jersey Village, City of Killeen, City of League City, City of Little Elm, City of Longview, City of Lufkin, City of Magnolia, City of Marshall, City of Mesquite, City of North Richland Hills, City of Plano, City of Port Lavaca, City of Richardson, City of Richland Hills, City of Roanoke, City of Round Rock, City of Southlake, City of Sugar Land, City of Tomball, City of University Park, City of Watauga, City of Willis, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., American Traffic Solutions, LLC, Xerox State & Local Solutions, Inc., f/k/a ACS State & Local Solutions, Inc., and the State of Texas – Filed 4-28-15; Cause No. 153-278080-15; Appeal No. 02-16-00432-CV
2. 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 Heidelburg; Paul Polish; Joe Baker; Bill Hedgpeth – Filed 8-12-15; Cause No. 3:15-CV-02638-B; currently on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
3. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
4. 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
5. 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
6. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
7. 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
8. 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 Court of Appeals for the Fifth Circuit, Case No. 05-19-00667-CV
9. Tony Hobbs v. Kyle Warren, City of Garland and City of Mesquite, Cause No. 3:19-CV-00047-L – Filed 1-7-19

10. City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A – Filed 4-30-19
11. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
12. 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
13. 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
14. City of Mesquite v. Gary R. Timbes; Elizabeth S. Timbes, Cause No. CC-19-06231-A – Filed 10-11-19
15. Javier Pena-Enriquez v. Peter Velasquez and the City of Mesquite, Cause No. 3:19-CV-2529-S – Filed 10-24-19
16. City of Mesquite v. Daniel Contreras, 1715 Buena Vista, Mesquite, Texas, 75149 in rem and 1718 Buena Vista, Mesquite, Texas, 75149 in rem, Cause No. DC-19-19025 – Filed 11-27-19

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- Discuss the Spradley Farms development located in Kaufman County and within the City limits, including but not limited to the Master Development Agreement, the proposed Spradley Farms Improvement District of Kaufman County, and Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms).

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 consider commercial or financial information regarding business prospects or projects. The following subjects may be discussed:

25 **20-4616** Discuss economic development incentives for a prospective industrial business park in East Mesquite, south of US Highway 80, west of Lawson Road, east of Faithon P. Lucas, Sr., Blvd., north of Clay Mathis Road.

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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.