



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 17, 2020

5:00 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 participate in the meeting by videoconference, telephone conference or by being physically present 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. *Members of the public may participate by telephone conference as follows:*
 - a. *Dial the following toll-free number: 877-853-5257. The participation code (meeting id) for this telephone conference is: 846 2257 0868 # #. Press *9 to raise your virtual hand and you will be recognized by the last four digits of your telephone number.*
3. *Members of the public desiring to comment during Citizens Forum must pre-register as follows:*
 - a. *Send an email to the City Secretary at sland@cityofmesquite.com before 3:00 p.m., on August 17, 2020.*
 - b. *Provide the City Secretary with your name, address and telephone number from which you will call.*
4. *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 via telephone conferencing or by email submission to the City Secretary at sland@cityofmesquite.com before 3:00 p.m. on August 17, 2020.*
5. *An electronic copy of the agenda packet is posted online with this agenda.*
6. *The meeting will be recorded and the recording made available to the public.*

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [20-4936](#) 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.

 Attachments: [Executive Summary](#)
- 2 [20-4951](#) Discuss the proposed budget for Fiscal Year 2020-21.

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 [20-4897](#) Receive financial statement for period covering October 1, 2019, through June 30, 2020.

Attachments: [June 30, 2020 Financial Statement](#)
 [June 30, 2020 Financial Statement Overview](#)

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

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.

CITIZENS COMMENTS

At this time, any individual wishing to discuss any 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. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

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 [20-4945](#) Minutes of the regular City Council meeting held August 3, 2020.
- Attachments:* [08.03.2020m](#)
- 5 [20-4901](#) 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.
- Attachments:* [Ordinance](#)
 [Summary of Changes](#)
- 6 [20-4938](#) 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.
- Attachments:* [2020 Consolidated Plan w Exhibits, 8.7.2020.pdf](#)
 [Resolution](#)
- 7 [20-4921](#) 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.)
- Attachments:* [RFP 2018-070](#)
- 8 [20-4941](#) 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.)
- Attachments:* [Bid Tabulation](#)

- 9 [20-4931](#) 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.)
- Attachments:* [Bid Tabulation](#)
- 10 [20-4930](#) 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.)
- Attachments:* [Bid Tabulation](#)
- 11 [20-4956](#) 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.
- Attachments:* [Proposed DRMC Equipment List](#)
- 12 [20-4947](#) 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.
- Attachments:* [Seizure Amendment No. 2](#)
- 13 [20-4924](#) 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.
- Attachments:* [July 2020 Report](#)
 [CIAC Minutes 7-27-2020](#)
- 14 [20-4939](#) 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.
- 15 [20-4962](#) 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.

16 [20-4953](#)

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).

Attachments:

[Resolution](#)

[Iron Horse Development Agreement](#)

[First Amendment to Iron Horse Development Agreement](#)

[Second Amendment to Iron Horse Development Agreement](#)

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 [20-4925](#) 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.)

Attachments: [Staff Memo](#)
 [P&Z Minutes](#)
 [Ordinance](#)

- 18 [20-4952](#) 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.

Attachments: [Resolution](#)

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

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 20-4954** 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 Scylene Road, west of Lawson Road and north of Berry 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 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.