



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, December 7, 2020

5:00 PM

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

1. All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and must wear a covering over their nose and mouth.
2. Members of the public desiring to comment during Citizens Forum must preregister as follows:
 - a. Send an email to the City Secretary on or before 3:00 p.m., on December 7, 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.
3. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on December 7, 2020, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [20-5142](#) Receive briefing to consider ordinance amendments, thereby updating regulations regarding hens in residential areas.
- 2 [20-5151](#) Discuss changes to the noise ordinance.

(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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 3 [20-5141](#) Receive Neighborhood Services Environmental Code quarterly report for the period of July 1, 2020, through September 30, 2020.

Attachments: [Environmental Code FY 2019-2020 4th Quarter Summary](#)

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

INVOCATION

Mike Pettitt, Lead Pastor, Connection Pointe, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

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

PRESENTATIONS

- 4 [20-5134](#) Receive presentation regarding the 2019 Meritorious Conduct Awards to Police Department employees.

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 exceeding 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 exceeding 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.)

- 5 [20-5104](#) Minutes of the regular City Council meeting held November 16, 2020.

Attachments: [11.16.2020m](#)

- 6 [20-5130](#) An ordinance amending Chapter 8 of the City Code to update convenience store and late hours business regulations regarding security signs and surveillance camera systems.

Attachments: [Ordinance](#)

- 7 [20-4990](#) A resolution authorizing the City Manager to finalize, execute and administer a Water Transportation Agreement between Mesquite and the City of Forney, Texas, for the transportation of water to Markout Water

Supply Corporation customers.

Attachments: [Resolution](#)

- 8 [20-5154](#) A resolution supporting the City entering into an Interlocal Agreement with the Cities of Balch Springs and Seagoville and the Town of Sunnyvale, Texas, for the purpose of creating the Eastern Dallas County Response Team and authorizing the City Manager to execute any and all necessary documents for the submission of the New Directions for Public Safety Grant application for the Eastern Dallas County Response Team Program.

Attachments: [Resolution](#)

- 9 [20-5125](#) RFP No. 2020-074 - Multi-Year Service Contract for Post Disaster Debris Removal.
(Authorize the City Manager to finalize and execute contracts with T.F.R. Enterprises, Inc., as the primary vendor and DRC Emergency Services, LLC, as the secondary vendor in an amount not to exceed \$4,000,000.00. The term of the contract is for a five-year period with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to appropriation of sufficient funds.)

- 10 [20-5118](#) RFP No. 2020-094 - Multi-year Service Contract for Post Disaster Debris Monitoring.
(Authorize the City Manager to finalize and execute contracts with Tetra Tech, Inc., as the primary vendor and Witt O'Brien's, LLC, as the secondary vendor in an amount not to exceed \$2,000,000.00. The term of the contracts is for a five-year period with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to appropriation of sufficient funds.)

- 11 [20-5135](#) Bid No. 2020-093 - Gus Thomasson Asphalt Overlay.
(Authorize the City Manager to finalize and execute a contract with low bidder Texas Materials Group, Inc. dba TexasBit, in the amount of \$1,799,002.55.)

Attachments: [Bid Tabulation](#)
 [Location map](#)
 [Recommendation Letter](#)

- 12 [20-5087](#) Bid No. 2021-014 - Annual Supply of Aftermarket Vehicle Replacement Parts.
(Staff recommends award to O'Reilly Auto Parts through the cooperative purchasing agreement with The Interlocal Purchasing System (TIPS) in the amount of \$65,000.00. This agreement offers a discount of 41 percent or better off list price. 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.)

Attachments: [Bid Tabulation](#)

- 13 [20-5136](#) Bid No. 2021-027 - Four Restroom Renovation (1515).
(Authorize the City Manager to finalize and execute the required documents with Concord Commercial Services through the Time and Materials Bid No. 2018-037 in the amount of \$181,000.00.)

Attachments: [Concord Commercial Services Estimate No. 20-378](#)

- 14 [20-5126](#) Authorize the City Manager to finalize and execute an Office Lease Agreement with Ultimate Transportation, LLC, for office rental space at the Mesquite Metro Airport.

- 15 [20-5083](#) Authorize the City Manager to finalize and execute Amendment No. 3 to a contract with BGE, Inc., (formerly Brown & Gay Engineers, Inc.) for additional engineering and surveying services in conjunction with Mesquite Heritage Trail, Phase 2, in an amount not to exceed \$121,628.00.

Attachments: [Amendment No. 3](#)
 [Location Map](#)

- 16 [20-5140](#) An ordinance amending Ordinance No. 4713 to increase the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) from seven (7) members to nine (9) members and to provide that the two (2) additional members will be designated by Kaufman County, Texas.

Attachments: [Ordinance](#)

- 17 [20-5139](#) A resolution approving an amendment to the agreement with Kaufman County, Texas, to participate in Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms TIRZ), relating to the increase in the Spradley Farms TIRZ Board of Directors from seven (7) members to nine (9) members with the two (2) additional members to be designated by Kaufman County, Texas, and authorizing the Mayor to execute the Amendment.

Attachments: [Resolution](#)

- 18 [20-5143](#) Appoint Bruce Archer as Chairman of the Board of Directors for the Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas; Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas; Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas; Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas; Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine, City of Mesquite; Reinvestment Zone Number Ten, City of Mesquite, Texas (Polo Ridge); Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center); Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park); and Reinvestment Zone Number Thirteen, City of

Mesquite, Texas (Spradley Farms) for a one-year term beginning January 1, 2021.

RECEIPT OF RESIGNATION

- 19 [20-5149](#) Receive resignation from Barbara Rojas as a regular member of the Mesquite Housing Board.

Attachments: [Resignation Email](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 20 [20-5152](#) Consider appointment of three regular members and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2022.
- 21 [20-5159](#) Consider appointment of one regular member to the Capital Improvements Advisory Committee for a term to expire December 31, 2022.
- 22 [20-5153](#) Consider appointment of three regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2023, and one alternate member for a term to expire January 1, 2022.

OTHER BUSINESS

- 23 [20-5148](#) Consider appointment of an Alternate Municipal Court Judge for the City of Mesquite, Texas.

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.)

- 24 [20-5131](#) Conduct a public hearing for Zoning Application No. Z0920-0148 submitted by Ghader Mirak for a Zoning Change from "C" - Commercial to "C" - Commercial with a Conditional Use Permit to allow a major reception facility with a modification to the Special Conditions requiring a 500-foot separation from any residential district, located at 3935 East US Highway 80.
- (One response in favor and three in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial. This item was postponed at the November 2, 2020, meeting.)

Attachments: [Staff report & maps](#)
 [P&Z minutes](#)
 [Appeal Letter](#)

- 25 [20-5132](#) Conduct a public hearing and consider an ordinance for Zoning

Application No. Z0820-0147, submitted by Roberto Nunez on behalf of Alchemi Development Partners, by approving a change of zoning to amend Planned Development Ordinance No. 2888 to allow a proposed building expansion, located at 1320 Gross Road.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Staff report & maps](#)

[P&Z minutes](#)

[Ordinance](#)

26 [20-5133](#)

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1020-0156 submitted by Shield Engineering Group amending the Mesquite Comprehensive Plan by providing a Comprehensive Plan Amendment from Commercial to Low Density Residential and by approving a change of zoning from R-3, Single-Family Residential to Planned Development - Single Family Residential, to allow a 99-lot single-family subdivision generally located at 1218 South Belt Line Road and 430 Paza Drive.

(No responses in favor and three in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.)

Attachments:

[Staff report & maps](#)

[P&Z minutes](#)

[Ordinance](#)

27 [20-5109](#)

A. Conduct a public hearing and approve amendments to the 2019 Community Development Block Grant (CDBG) Annual Action Plan to include \$910,854.00 of additional CARES Act CDBG-CV funds.

B. Consider approval of the proposed CDBG-CV Budget for the 2021 Fiscal Year.

Attachments:

[2019 Annual Action Plan](#)

[CDBG-CV Summaries](#)

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. 6:19-cv-345-ADA-JCM – 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

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 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.