



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 1, 2021

5:30 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 February 1, 2021. 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 February 1, 2021, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

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

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

- 1 [21-5244](#) Receive quarterly report from the Police Department.

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

INVOCATION

John Lay, Pastor, Church on the Hill, 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

- 2 [21-5230](#) Receive presentation regarding the 2020 meritorious awards to Fire Department employees.

Attachments: [List of award winners](#)

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.)

- 3 [21-5256](#) Minutes of the regular City Council meeting held January 19, 2021.

Attachments: [01.19.2021m.pdf](#)

- 4 [21-5249](#) An ordinance of the City of Mesquite, Texas, amending the Mesquite City Code, as amended, by revising Chapter 1, Section 1-15 to be titled "Records - Request for copies of City records" and Section 1-16 to be titled "Ambulance Services - Rules and policies for user fees" and revising Chapter 8, Sections 8-855 and Section 8-857 regarding updates to references to application processing fees and annual renewal fees for credit access businesses; and amending Appendix D "Comprehensive Fee Schedule" of the Mesquite City Code, as amended, repealing and replacing Article I "Administration" and revising Article VI "Fire," Article VIII "Library," and Article XIV "Public Works," thereby updating certain provisions related to fees and revising the fee schedule.

Attachments: [Ordinance with Exhibits](#)

- 5 [21-5232](#) An ordinance changing the name of a street in the Cloverleaf Subdivision from Aster Drive to Percheron Drive.

Attachments: [Memo and Map](#)
[Ordinance](#)

- 6 [21-5221](#) A resolution authorizing the City Manager to execute the 2020 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson; authorizing an equitable redistribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$25,761.37; designating the City of Dallas as the applicant and fiscal agent; and designating the Police Chief of the City of Mesquite as the responsible officer for the purpose of signing all documents associated with the grant.

Attachments:

[Resolution](#)

[2020 JAG Program Funds Sharing and Fiscal Agency Agreement.pdf](#)

- 7 [21-5255](#) A resolution ratifying the approval and the execution of a settlement agreement and a first amendment to North Texas Municipal Water District Regional Water Supply Facilities Amendatory Contract.

Attachments:

[Resolution](#)

- 8 [21-5227](#) Bid No. 2019-070 - Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive and Douglas Drive Paving and Utility Improvement.
(Authorize the City Manager to finalize and execute a contract with low bidder Reliable Paving, Inc., in the amount of \$4,293,081.70.)

Attachments:

[Bid Tabulation](#)

[Location Map](#)

[Recommendation Letter](#)

[Real. Texas. Roads. Rehabilitation Methods Graphic Flier](#)

- 9 [21-5222](#) RFP No. 2021-002 - Transfer Station Compactor Replacement.
(Staff recommends all proposals be rejected and the request for proposals be reissued at a later date.)

- 10 [21-5209](#) Bid No. 2021-029 - Annual Supply of Fire Protective Clothing.
(Staff recommends award to Municipal Emergency Services, Inc., for jackets and pants in the amount of \$116,403.10 and award to Casco Industries, Inc., for boots in the amount of \$13,930.00 for a total amount of \$130,333.10. The term of this bid is for a one-year period with four additional one-year renewal options. The City Manager is authorized to finalize and execute each contract and to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments:

[Bid Tabulation](#)

- 11 [21-5229](#) Bid No. 2021-055 - Purchase of Eight (8) Police Vehicles.
(Staff recommends award to Sam Pack's Five Star Ford and Chevrolet in Carrollton, Texas, through Tarrant County Contract Nos. 2019-041 and 2020-174, in the total amount of \$430,871.00.)
- Attachments:* [Photo - Ford Interceptor Police Pursuit Vehicle](#)
 [Photo - F250 Utility Bed](#)
- 12 [21-5233](#) Bid No. 2021-056 - Purchase of Police Uniforms.
(Staff recommends award to GT Distributors, through BuyBoard Contract No. 603-20, in the amount of \$51,933.12.).
- Attachments:* [Quote](#)
- 13 [21-5216](#) Authorize the City Manager to finalize and execute Contract Amendment No. 4 to the Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for survey and design of a new water main that will connect the Matthew Holzapfel Pump Station to the existing Markout Water Supply system within Kaufman County in the amount of \$128,100.00.
- Attachments:* [Contract Amendment No. 4](#)
 [Contract Summary](#)
- 14 [21-5225](#) Authorize the City Manager to finalize and execute a Memorandum of Understanding between the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the Mesquite Police Department (MPD) for the purpose of assigning a Major Crimes Investigator to the ATF's National Integrated Ballistic Information Network (NIBIN) Task Force.
- 15 [21-5228](#) Authorize the City Manager to finalize and execute a professional engineering services contract with Hazen and Sawyer, DPC, for the engineering design to rehabilitate 3,450 feet of large diameter, high-risk sanitary sewer mains in the amount of \$194,400.00.
- Attachments:* [Location Map](#)
- 16 [21-5236](#) Authorize the City Manager to finalize and execute an architectural design services contract with GSR Andrade Architects for the design of the Mesquite Animal Shelter and Adoption Center expansion and renovation project in an amount not to exceed \$227,735.00.
- Attachments:* [GSRAndrade Proposal-Part 1 Rev2-20-1217](#)
 [GSRAndrade Proposal-Part 2 Rev2 Description of Services-20-1217](#)
- 17 [21-5245](#) Authorize the City Manager to finalize and execute Amendment No. 3 to a contract with Binkley & Barfield, Inc., for additional design and preparation of construction documents for the 2017 Sanitary Sewer Replacement Project - Phase 2, in the amount of \$67,500.00.
- Attachments:* [Proposal](#)

18 [21-5247](#) Authorize the City Manager to finalize and execute a ground lease with LBL-Birdhouse 3, LLC, for the construction of a corporate aircraft hangar located at 1434 Airport Boulevard, Mesquite, Texas.

19 [21-5248](#) Authorize the City Manager to finalize and execute an Interlocal Agreement with the Mesquite Independent School District to provide one portable building for the purpose of firearms and active shooter training to Mesquite Police Department employees.

Attachments: [Interlocal Agreement](#)

20 [21-5246](#) Approve Amendment No. 1 to the Fiscal Year 2020-21 Police State 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 \$348,337.00.

Attachments: [Seizure Amendment No 1](#)

SITE PLAN AND 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.)

21 [21-5241](#) Consider a request from Olen Davis, Sr. and Nita Davis, to approve a site plan to allow commercial occupancy of a frame residential structure in the Central Business District, located at 320 West Davis Street.

Attachments: [Staff report with site plan and photos](#)

22 [21-5252](#) 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”) for such purposes with Elements Sleep, LLC (“ES”), and Style-Line Furn., Inc. (“SLF”), to incentivize ES to manufacture boxed mattresses and to incentivize SLF to manufacture upholstered furniture at an industrial building located at 1475 Republic Parkway, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 23 [21-5253](#) 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 sale by the City of an approximately 1.8093-acre tract of land commonly known as 1025 Military Parkway, Mesquite, Texas, 75149 (the "Land") to Kodiak Capital Partners, LLC ("Kodiak"); authorizing the City Manager to finalize and execute an agreement between the City and Kodiak for the sale of the land (the "Sales Agreement") and all documents necessary or advisable to complete the sale of the land; authorizing the City Manager to finalize and execute an Economic Development Program Agreement ("Chapter 380 Agreement") with Security Brands, Inc., Snap Lock Tech, LLC, and Kodiak in connection with the purchase of land and the development of a commercial building consisting of at least 16,000 square feet on the land; and authorizing the City Manager to administer the Chapter 380 Agreement and Sales Agreement on behalf of the City.

Attachments: [Resolution](#)

- 24 [21-5240](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0175, submitted by the City of Mesquite for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow a water pump station as a community/regional facility (water pump station with above ground storage tanks) and other governmental facilities, located at 15675 Wisser 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 and maps](#)
 [P&Z minutes](#)
 [Ordinance](#)

- 25 [21-5235](#) Conduct a public hearing for Zoning Application No. Z1120-0164, submitted by Kevin Albanna, Nadian Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to allow a coin-operated amusement gameroom within 300 feet of a school, located at 1220 East Davis Street.
(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 denial.)

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

- 26 [21-5237](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0165, submitted by Jordan Gilbert, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for males and females, located at 1012 Pioneer Road. (One response 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.)

Attachments: [Staff report and maps](#)
 [P&Z minutes](#)
 [Ordinance](#)

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, Cause No. 3:15-CV-02638-B- Filed 8-12-15
2. 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
3. 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
4. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
5. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
6. 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
7. 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
8. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
9. 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
10. 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
11. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261– Filed 9-29-20
12. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
13. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
14. Vault Ventures, LLC v. City of Mesquite and Cliff Keheley, in his Official Capacity as Mesquite City Manager, Cause No. DC-20-19115 – Filed 12-28-20

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; or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551. The following subject may be discussed:

- Consultation with City Attorney regarding collection of outstanding hotel occupancy taxes.

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.

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.