



City of Mesquite, Texas

Action Agenda

City Council

Monday, February 1, 2021

5:30 PM

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

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 Receive quarterly report from the Police Department. **Received.**

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

1. Ms. Wisdom encouraged residents to practice the Police Department's initiatives "Take. Lock. Hide." and "9 PM Routine." Lock your vehicle and remove or hide your valuables. Also, at 9 PM each night, check to see that the doors on your home are locked and exterior lights are turned on. These steps will help deter criminal activity in neighborhoods.
2. Mr. Green thanked the Parks and Recreation Department regarding the refurbished picnic shelter at Westover Greenbelt Park in District 3, at the intersection of North Parkway and Sybil Drive. This was completed at no cost to Mesquite taxpayers by utilizing the 4B budget, which is funded from sales tax. The efforts of the Parks and Recreation staff saved the City more than \$80,000.00.
3. Mr. Green reminded citizens to remember the 3 W's – Wash your hands frequently, wear a face covering when out in public and watch your distance from others.
4. Mr. Boroughs stated that as a part of "Recovery Mesquite" efforts to assist the community, our partners at Neighborhood Credit Union will offer a free "Financial Literacy Web Class" on Wednesday, February 10, 2021, at 11:30 a.m., to help citizens manage their debt. Participants will learn budgeting and create a personal financial plan.
5. Mr. Smith encouraged citizens to make an effort to get their COVID-19 vaccine. He received his vaccine and has not experienced any side effects.
6. Mr. Smith announced that the Parks and Recreation Department will be holding a free virtual "Let's Glow Crazy" Dance Party on the City's Facebook page on Saturday, March 6, 2021, from 7:00 p.m. to 8:00 p.m. This party is a safe alternative to the annual Daddy/Daughter and Mother/Son Dances. It will feature a DJ and lots of fun. Optional "Glowtastic Party Bags" will be available for purchase at \$10.00 per couple.
7. Mr. Aleman congratulated the City's Equipment Services Division of the Public Works Department for being recognized as a "2020 Silver Fleet Award Winner" for the second year in a row. This annual honor, awarded by the North Central Texas Council of Government's Clean City Commission, recognizes fleets for their commitment to a cleaner environment through their efforts to reduce emissions and improve the fuel efficiency of their fleets. Mesquite is one of only six cities in North Texas to receive the 2020 Silver Fleet Award with 989 vehicles in its fleet.
8. Mr. Aleman thanked volunteers who participated in the trash pick-up at Clay Mathis Park last Saturday, January 30, 2021. He expressed appreciation for their efforts to make Mesquite a cleaner place to live.
9. Mayor Archer stated that last week, the Mesquite Police Association and Mesquite Firefighters Association – Local 1518 jointly donated \$1,000.00 towards the Mesquite NAACP's Mental Health Scholarship Fund which offers funding to MISD students who are interested in pursuing a degree in a mental health profession. He thanked both associations for their donation and Henry Brown, President of the Mesquite NAACP, for his efforts on mental health.
10. Mayor Archer stated that last week, he challenged residents to spend 45 minutes to one hour this past Saturday or Sunday to pick up trash in their neighborhoods and was encouraged by the participation he observed.
11. Mayor Archer encouraged citizens to spread kindness to everyone they come in contact with everyday.

PRESENTATIONS

- 2 Receive presentation regarding the 2020 meritorious awards to Fire Department employees.
Received.

CITIZENS FORUM

1. Ron Ward, 430 Running Brook Lane, expressed support for the creation of a skate park and a youth advisory board.
2. Melawn Dineen, 1044 Clifton Drive, stated that free COVID-19 testing is available through Dascena Labs at 2944 Motley Drive, Monday – Sunday, 8:00 a.m. – 4:00 p.m.

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.)

- 3 Minutes of the regular City Council meeting held January 19, 2021. **Approved.**
- 4 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. **Approved by Ordinance No. 4841.**
- 5 An ordinance changing the name of a street in the Cloverleaf Subdivision from Aster Drive to Percheron Drive. **Approved by Ordinance No. 4842.**
- 6 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. **Approved by Resolution No. 03-2021.**
- 7 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. **Approved by Resolution No. 04-2021.**
- 8 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.) **Approved as recommended.**
- 9 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.) **Approved as recommended.**

- 10 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.) **Approved as recommended.**
- 11 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.) **Approved as recommended.**
- 12 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.) **Approved as recommended.**
- 13 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. **Approved.**
- 14 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. **Approved.**
- 15 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. **Approved.**
- 16 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. **Approved.**
- 17 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. **Approved.**
- 18 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. **Approved.**
- 19 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. **Approved.**
- 20 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. **Approved.**

SITE PLAN AND PUBLIC HEARINGS

- 21** 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. **Approved.**
- 22** 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. **Public hearing held. Approved by Resolution No. 05-2021.**
- 23** 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. **Public hearing held. Approved by Resolution No. 06-2021.**
- 24** 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 Wiser 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.) **Public hearing held. Approved by Ordinance No. 4843.**
- 25** 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.) **Postponed to the February 15, 2021, City Council meeting.**
- 26** 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.) **Postponed to the February 15, 2021, City Council meeting.**

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

Discussed.

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 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.