



City of Mesquite, Texas

Action Agenda

City Council

Monday, March 15, 2021

5:00 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding Governor Abbott's Executive Order No. GA-34 and the impact on City operations. **Received.**

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 - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 Receive Neighborhood Services Environmental Code quarterly report for the period of October 1, 2020, through December 31, 2020.

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

INVOCATION

Danny Mack, Chaplain, Christian Care Center, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Henry Brown, President of the Mesquite Tri-East NAACP.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman stated that Historic Mesquite, Inc. will celebrate Texas History Month with a Drive-In Movie on Saturday, March 20, 2021, at 7:30 p.m., at Opal Lawrence Historical Park. He encouraged residents to participate in this family friendly event.
2. Mr. Aleman stated that Randy Lawson passed away last week. Randy and the Heroes of Mesquite had a vision and championed for a memorial to honor the lives of military veterans. His vision came to fruition with a dedication ceremony at the new memorial near City Lake Park in November 2020. Mr. Aleman thanked City Manager Cliff Keheley for embracing Randy's dream for this memorial and helping to make it a reality.
3. Mr. Smith reminded citizens that this is Spring Break week so "Drive Like Your Family Lives Here." Slow down, watch your speed, put down your phone and keep your head up.
4. Mr. Boroughs stated that a "Bunny Trail" drive-through event, hosted by the Parks and Recreation Department, will take place on Saturday, March 20, 2021, from 9:00 a.m. to 1:00 p.m., at Westlake Park. Participants will receive goody bags containing Easter eggs, holiday-themed crafts and coupons from local businesses. Professional photos with the Easter Bunny will be available from the safety of their vehicles.
5. Mayor Archer asked for prayers for Councilmember Kenny Green and his wife as they heal from COVID-19.
6. Ms. Wisdom announced that the Mesquite Animal Shelter is currently holding a "March Madness" Dog Adoption special. Until March 31, 2021, adoption fees for all dogs are 50 percent off. She encouraged residents to consider this opportunity to adopt a new pet.
7. Ms. Wisdom stated that the Mesquite Symphony Orchestra will host a concert on Saturday, March 20, 2021, at 7:30 p.m., at the Mesquite Arts Center. The concert, "Lightspeed: Music of Strings," will be held with limited seating, required face coverings and other COVID-19 safeguards.
8. Mr. Miklos stated that the City will host a mandatory information session and workshop for any organization planning to apply for Community Development Block Grant funds for Program Year 2021-2022. The virtual meeting will be held on Friday, March 19, 2021, from 9:30 a.m. to 12:30 p.m.
9. Mayor Archer stated that the Mesquite Tri-East NAACP will host a Virtual Mesquite Black-Owned Business Symposium on Saturday, March 20, 2021, beginning at 10:00 a.m. Business leaders and City officials will provide information to all participants on how to grow their business.
10. Mayor Archer encouraged citizens to take a few minutes out of their day to pick up trash in their neighborhoods to help community appearance.
11. Mayor Archer thanked everyone for the kindness his family received after the recent loss of his brother.

CITIZENS FORUM

1. Henry Brown, 211 Athel Drive, President of the Mesquite Tri-East NAACP, encouraged small business owners to participate in the Virtual Black-Owned Business Symposium on Saturday, March 20, 2021.

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 March 1, 2021. **Approved.**
- 4 An ordinance amending the budget for the Fiscal Year 2020-21, as heretofore approved by Ordinance No. 4805 of the City of Mesquite, Texas, adopted on September 21, 2020, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2020-21, 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 amended budget. **Approved by Ordinance No. 4846.**
- 5 A resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone (TIRZ) consisting of approximately 251.8175 acres of land generally located south of East Scyene Road, west of the Mesquite Metro Airport, north of Berry Road and Newsom Road, and east of Smokey Mountain Trail in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan. **Approved by Resolution No. 10-2021.**
- 6 A resolution authorizing the City Manager to finalize and execute a First Amendment to the Solterra Development Agreement (the "Agreement") to amend the terms of the Agreement related to the McKenzie Road connection and granting of drainage and right-of-way easements related to said connection that benefit the 1,424.398-acre Solterra development, generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas. **Approved by Resolution No. 11-2021.**
- 7 Bid No. 2021-024 - Heritage Plaza: Masonry and Wood Truss Restoration.
(Authorize the City Manager to finalize and execute the required documents with Nouveau Technology Services, L.P., dba Nouveau Construction and Technology, L.P., through Dallas County RFP 2017-050-6674, in the amount of \$255,827.00.) **Approved as recommended.**
- 8 Bid No. 2021-059 - Radio Frequency Identification System for Mesquite Public Libraries.
(Staff recommends award to SHI/Government Solutions, Inc., through BuyBoard Contract No. 579-19, in the amount of \$79,163.37. The maintenance agreement included in this bid is for a one-year period with an additional one-year renewal option).
Approved as recommended.
- 9 Bid No. 2021-064 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.
(Staff recommends award to SHI/Government Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4092, in the total amount of \$224,539.87.)
Approved as recommended.
- 10 Bid No. 2021-069 - Purchase of One (1) Milling Machine.
(Staff recommends award to Kirby - Smith Machinery, Inc., in Dallas, Texas, through BuyBoard Contract No. 597-19 in the amount of \$628,625.00.) **Approved as recommended.**
- 11 Bid No. 2021-073 - Purchase of a Concrete Truck.
(Staff recommends award to Kenworth Truck Company, a division of PACCAR, Inc., in Dallas, Texas, through Sourcwell Contract No. 060920-KTC, in the amount of \$183,020.37.)
Approved as recommended.
- 12 Bid No. 2021-074 - Purchase of Heavy Construction Equipment.

(Staff recommends award to Associated Supply Company, Inc., in Euless, Texas, through BuyBoard Contract No. 597-19, in the amount of \$291,001.00 and Clark Equipment Company dba Bobcat Company, through BuyBoard Contract No. 597-19, in the amount of \$24,676.02, for a total amount of \$315,677.02.) **Approved as recommended.**

- 13** Bid No. 2021-076 - Purchase of a Rubber Tire Loader.
(Staff recommends award to Caterpillar, Inc., in Dallas, Texas, through Sourcewell Contract No. 032119-CAT, in the amount of \$226,889.00.) **Approved as recommended.**
- 14** Bid No. 2021-072 - Purchase of Trailers 2020-2021.
(Staff recommends award to Interstate Trailers, Inc., in Mansfield, Texas, through BuyBoard Contract No. 599-19 in the amount of \$65,040.00.) **Approved as recommended.**
- 15** Bid No. 2021-077 - Purchase of Police Specialty Vehicles.
(Staff recommends award to Sam Pack's Five Star Ford. Ltd., through Tarrant County Contract No. 2020-174, in the total amount of \$58,600.10.) **Approved as recommended.**
- 16** Authorize the City Manager to execute a Property Damage Release in favor of Cirrus Holdings, LLC, U.S. Specialty Insurance Company and Jeff Martin regarding a fuel spill at the Mesquite Metro Airport on October 3, 2020. **Approved.**

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** 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 First Texas Homes, Inc., for proposed new residential construction in Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.
Public hearing held. Approved by Resolution No. 12-2021.
- 18** A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care. **Public hearing held.**

B. Consider an ordinance adopting Standards of Care associated with the City's recreation programs titled "2021 Youth Programs Standards of Care" and repealing Ordinance No. 4772. **Approved by Ordinance No. 4847.**
- 19** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0177, submitted by Lalanii Jones of Stepping Stones Early Childhood Development Centers, Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a day care center, located at 1460 East Glen Boulevard.
(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.) **Public hearing held. Approved by Ordinance No. 4848.**
- 20** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0178,

submitted by Adel Atalla for a change of zoning from Planned Development - General Retail Ordinance No. 4774 to Planned Development - General Retail Ordinance No. 4774 with a Conditional Use Permit to allow the sale of used cell phones, located at 1711 West Scyene Road, Suite B.

(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.) **Public hearing held. Approved by Ordinance No. 4849.**

- 21** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0179, submitted by Nicole Thompson for a change of zoning from Planned Development - Single Family Residential to Planned Development - Single Family Residential with a Conditional Use Permit to allow a group home, located at 1217 Christa Drive.
(No responses in favor and two 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. Denied.**
- 22** Conduct a Public Hearing and consider an ordinance for Zoning Text Amendment ZTA 2021-01, amending the Mesquite Zoning Ordinance, as previously amended, by repealing and replacing Section 1-402 "Noise" in Part 1 "General Provisions" whereby this zoning text amendment removes noise violations and instead cross references to the CITY CODE; and amending the Mesquite City Code, as previously amended, by revising Chapter 8 "Licenses, Permits And Business Regulations" to include a general appeal process applicable to Special Event Permits and Temporary Noise Permits in Article I, Division 2; and revising Chapter 8, Article XV "Special Events" to remove the specific appeal process for Special Event Permits and instead cross reference to the new general appeal process in Article I, Division 2; creating new Article XVII to be titled "Noise: Temporary Noise Permit And Noise Variance" relating to the process and procedures for issuance of said noise permits or variances; repealing and replacing Chapter 10, Article III "Noise" thereby updating certain violations and offenses regarding noise disturbances and vibration offenses; revising Appendix D - Comprehensive Fee Schedule to provide fees for Temporary Noise Permits and Noise Variances, and a fee for the general appeal process for appealing certain administrative decisions to the City Council under Chapter 8.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Approved by Ordinance No. 4850.**
- 23** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0159, submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC, for a change of zoning to amend Planned Development - Service Station Ordinance No. 2888 to Planned Development - General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom or, alternatively, to amend Ordinance No. 2888 to allow a proposed building expansion subject to new stipulations, 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 denial of the rezoning request and approval of the amendment to Ordinance No. 2888. This item is continued from the January 4, 2021, City Council meeting.)
Public hearing held. Approved by Ordinance No. 4851 to amend Ordinance No. 2888 to allow a proposed building expansion and at the request of the owner's representative, Denied the change of zoning with CUP to allow a coin-operated amusement gameroom.
- 24** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0165,

submitted by Gilbert Jordan, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with certain stipulations, 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. This item is continued from the February 1, 2021, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4852.**

- 25** Conduct a public hearing for Zoning Application No. Z1120-0162, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Bikash Pant, Tobacco Corner, 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 male and female, located at 2411 North Galloway Avenue, Suite 126.
(No 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 denial. This item is continued from the January 4, 2021, City Council meeting.) **Public hearing held. Denied.**
- 26** Conduct a public hearing for Zoning Application No. Z1120-0161, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Niraj KC, 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 male and female, located at 1604 West Bruton Road.
(No responses 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. This item is continued from the January 4, 2021, City Council meeting.) **Public hearing held. Denied.**
- 27** Conduct a public hearing for Zoning Application No. Z1120-0158, submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC, 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 male and female, located at 1430 North Galloway Avenue.
(One response in favor and two 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 is continued from the January 4, 2021, City Council meeting.) **Public hearing held. Denied.**
- 28** 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. This item is continued from the February 1, 2021, City Council meeting.) **Public hearing held. Denied.**

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. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
 12. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Mesquite, Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
 13. 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
 14. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
 15. Texas Hemp Federation and Create a Cig Mesquite LLC dba CAC Mesquite v. City of Mesquite and Cliff Keheley in his official capacity as City Manager, Cause No. DC-21-02420 – Filed 2-25-21
- 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, 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:

- Consultation with City Attorney regarding collection of outstanding hotel occupancy taxes. **Discussed.**
- Agenda Item Nos. 23-28 and Collection of outstanding hotel occupancy taxes. **Discussed.**

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.