



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, June 21, 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 departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives. **Received.**

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

- 2 Receive quarterly activity report from the Economic Development Department. **Received.**

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

#### INVOCATION

Heriberto Padilla, Pastor, Vida Life Church, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

Representatives of the Mesquite Downtown Development Board.

#### SPECIAL ANNOUNCEMENTS

1. Mr. Aleman announced that a limited supply of additional Mesquite Veterans Memorial bricks will be available for purchase beginning tomorrow, June 22, 2021, at 9:00 a.m. Bricks may be purchased online at [www.MesquiteVeteransMemorial.org](http://www.MesquiteVeteransMemorial.org) or in person at the Parks and Recreation Administration Office on the first floor of the George A. Venner, Sr., Municipal Center, 1515 North Galloway Avenue.

2. Mr. Smith stated that last Friday, June 18, 2021, eight new police recruits graduated from the Mesquite Police Academy Basic Peace Officers Course (BPOC). Only five percent of the law enforcement agencies in Texas have their own training academy, with Mesquite being one of them. Since this program began in 2013, 100 recruits have graduated. He commended the Mesquite Police Department for their training efforts in ensuring our Police Officers are trained and kept safe.
3. Mr. Smith invited residents to attend a District 5 Neighborhood Meeting on Saturday, June 26, 2021, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.
4. Mr. Boroughs stated that the Annual Addressing Mesquite Day (AMD) will take place this fall. Volunteers will help with exterior home repairs, painting and yard projects. The deadline for submitting applications is this Friday, June 25, 2021. He encouraged residents to take advantage of this opportunity.
5. Mr. Miklos stated that the Mesquite Animal Shelter and Adoption Center, 1650 Gross Road, is offering \$5.00 pet adoptions through June 30, 2021. All adoptions include a spay or neuter surgery, rabies vaccination, deworming and microchipping. He encouraged residents to consider the adoption of a new pet.
6. Mr. Green stated that Council is requesting citizen input during the City budget process. An online survey will be available on the City's website from Wednesday, June 23, 2021, to Wednesday, July 7, 2021, public hearings will be held during the City Council meetings on Tuesday, July 6, 2021, and Monday, July 19, 2021, and a Town Hall meeting will be held on Tuesday, July 13, 2021, at 7:00 p.m., at City Hall, 757 North Galloway Avenue, in the Training Rooms.
7. Mr. Green invited residents to attend a Town East/Range/Astronaut Streets Neighborhood Meeting on Tuesday, June 29, 2021, at 7:00 p.m., at Town East Baptist Church, 3117 North Town East Boulevard.
8. Mayor Archer reminded residents that it is illegal to possess or use fireworks and shoot a gun in the air. He reminded motorists about the dangers of driving while intoxicated (DWI). He asked for the public's help in reporting these types of activities by providing a specific address of where these incidents occur. He asked the public to call 911 to report gunfire or DWI's and to call 972-204-4888 to report fireworks. He stated that anyone caught shooting a gun in the air will be arrested.
9. Councilmembers commended Henry Brown for his efforts on a very successful Juneteenth celebration this past Saturday, June 19, 2021.

## **CITIZENS FORUM**

1. Henry Brown, 211 Athel Drive, thanked the City Council for their support of the 2<sup>nd</sup> Annual Juneteenth celebration. He stated that he is very grateful that this was a peaceful and successful celebration.

## **CITIZENS COMMENTS**

No one appeared.

## **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 June 7, 2021. **Approved.**
- 4 An ordinance amending Chapter 10.5 of the City Code regarding park hours and alcohol possession, consumption and sale in parks and facilities. **Approved by Ordinance No. 4870.**

- 5 An ordinance amending Chapter 14 of the City Code, making deletions, revisions and adding new sections throughout the chapter and revising Appendix D of the City Code regarding Solid Waste Administrative Fees. **Approved by Ordinance No. 4871.**
- 6 An ordinance increasing the number of positions in the Mesquite Fire Department (MFD) from 207 to 211 and establishing the classifications and total number of authorized positions in each classification of the MFD, effective July 1, 2021. **Approved by Ordinance No. 4872.**
- 7 A resolution authorizing the City Manager to execute the necessary documents with the United States Department of Treasury and serve as the authorized official to receive and administer the allocation of American Rescue Plan Act (ARPA) monies received from the Coronavirus Local Fiscal Recovery Fund (CLFRF). **Approved by Resolution No. 33-2021.**
- 8 A resolution authorizing the City Manager on behalf of the City of Mesquite to execute an Interlocal Agreement with the Cities of Balch Springs, Seagoville, and the Town of Sunnyvale creating the Southeast Collaboration Crisis Intervention Team per the provisions of the Dallas County New Directions in Public Safety Grant and appointing the City Manager as the authorized official to manage, reject, alter, or terminate the Interlocal Agreement on behalf of the City. **Approved by Resolution No. 34-2021.**
- 9 A resolution authorizing the sale of tax-foreclosed property located at 1212 Crest Park Drive in Mesquite, Texas (the "Property"); accepting the offer from Oscar L. Castillo (the "Purchaser") to purchase the Property; ratifying and approving the Offer and Purchase Agreement executed by the Purchaser setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute a quitclaim deed and all other necessary or requested documents to complete the closing and sale of the Property. **Approved by Resolution No. 35-2021.**
- 10 A resolution authorizing the filing of a grant application in the amount of \$66,370.00 with the North Central Texas Council of Governments (NCTCOG) for a regional solid waste program local implementation project, authorizing the City Manager to act on behalf of the City of Mesquite in all matters related to the application and pledging that if funding for this project is received, the City of Mesquite, Texas, will comply with all project requirements of the NCTCOG, the Texas Commission on Environmental Quality (TCEQ) and the State of Texas. **Approved by Resolution No. 36-2021.**
- 11 Bid No. 2021-036 - Annual Repair of Fire Apparatus.  
(Staff recommends award to Siddons Martin Emergency Group, LLC in an amount not to exceed \$176,700.00. 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 option, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 12 Bid No. 2021-042 - Paving Improvements for Galloway Place Neighborhood and Northridge Addition Repairs.  
(Staff recommends all bids be rejected and rebid at a later date.) **Approved.**
- 13 Bid No. 2021-092 - Annual Lease Vehicle Program - Police Department.  
(Staff recommends award to Acme Auto Leasing, Inc., through an Interlocal Cooperative Purchasing Agreement with the City of Plano (Bid No. 2021-0073-AC). The term of this contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the remaining renewal options, subject to annual

appropriation of sufficient funds.) **Approved as recommended.**

- 14 Bid No. 2021-099 - Annual Telephone Services - Local and Long Distance.  
(Staff recommends award to AT&T Corporation, through Texas Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)  
**Approved as recommended.**
- 15 Bid No. 2021-101 - Purchase of Van for New Southeast Collaboration Crisis Intervention Team.  
(Staff recommends award to Sam Pack's Five Star Ford, LTD and Chevrolet, through the State of Texas SmartBuy Contract No. 070-A1 in the total amount of \$64,730.00.) **Approved as recommended.**
- 16 Bid No. 2021-102 - Mobile Data and Voice Service.  
(Staff recommends award to AT&T Corporation for voice and data plans, through the Department of Information Resources Contract No. DIR-TSO-3420, in an amount not to exceed \$182,000.00.) **Approved as recommended.**
- 17 Bid No. 2021-104 CityWorks License and Maintenance Services.  
(Staff recommends award to sole source provider Azteca Systems, LLC for a one-year renewal of sole source software, in an amount not to exceed \$65,000.00. The City Manager is authorized to execute any documents necessary to authorize the one-year renewal.)  
**Approved as recommended.**
- 18 Approval of the proposed Community Development Block Grant - COVID-19 (CDBG-CV) Budget for Fiscal Year 2021-2022. **Approved.**
- 19 Approval of association of Gary Allmon Grimes with Linebarger Goggan Glair & Sampson LLP for performance of miscellaneous collections contract dated October 15, 2001.  
**Approved.**

## RECEIPT OF RESIGNATION

- 20 Receive resignation from Ron Ward as a member of the Mesquite Quality of Life Corporation Board of Directors. **Received.**

## APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 Consider appointment of one regular member and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2021. **Nancy Felix was moved from Alternate No. 1 to regular member Position No. 1 and Roger Melend was appointed as Alternate No. 1 of the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2021.**

## PUBLIC HEARINGS

- 22 Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 115 feet between La Michoacana Meat Market; an existing grocery store, and Larry G. Smith Elementary School; a public school within the Dallas Independent School District serving children grades Pre-K through 5th grade, to allow La Michoacana Meat Market to sell beer and wine for off-premise consumption, located at

5200 Gus Thomasson Road, Suite 100.

(One response in favor and one response in opposition to the application have been received from property owners within the required notification area.) **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. 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
12. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
13. 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
14. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
15. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21

#### **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:

- Pending and recently resolved litigation and dispute matters. **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 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.