



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, June 21, 2021

5:00 PM

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

1. Members of the public desiring to comment during Citizens Forum may pre-register as follows:

a. Send an email to the City Secretary on or before 3:00 p.m., on June 21, 2021, to sland@cityofmesquite.com or call 972-216-6244.

b. Provide the City Secretary with your name and address.

2. Comments on agenda items may be made during the City Council meeting or by submission on or before 3:00 p.m., on June 21, 2021, to sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [21-5464](#) Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

(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 - 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 [21-5468](#) Receive quarterly activity report from the Economic Development Department.

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

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

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 [21-5460](#) Minutes of the regular City Council meeting held June 7, 2021.

Attachments: [June 7, 2021, minutes](#)

- 4 [21-5474](#) An ordinance amending Chapter 10.5 of the City Code regarding park hours and alcohol possession, consumption and sale in parks and facilities.

Attachments: [Ordinance](#)

- 5 [21-5409](#) 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.

Attachments: [Ordinance](#)

- 6 [21-5465](#) 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.

Attachments: [Ordinance](#)

- 7 [21-5473](#) 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).

Attachments: [Resolution](#)

- 8 [21-5450](#) 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.

Attachments: [Resolution](#)

- 9 [21-5445](#) 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.

Attachments: [Resolution](#)

- 10 [21-5463](#) 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.

Attachments: [Resolution](#)

- 11 [21-5462](#) 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.)

Attachments: [Evaluation Scoring Sheet](#)

- 12 [21-5453](#) 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.)
- 13 [21-5401](#) 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.)
- 14 [21-5444](#) 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.)
- 15 [21-5451](#) 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.)

Attachments: [Vehicle Pricing Summary](#)
 [Vehicle Diagram](#)

- 16 [21-5446](#) 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.)
- 17 [21-5467](#) 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.)

Attachments: [Sole Source Letter](#)
 [Renewal Quote](#)

- 18 [21-5459](#) Approval of the proposed Community Development Block Grant - COVID-19 (CDBG-CV) Budget for Fiscal Year 2021-2022.

Attachments: [FY2021 CDBG-CV Proposed Budget](#)
[CDBG-CV FY21-22 Program Summary](#)

- 19 [21-5481](#) Approval of association of Gary Allmon Grimes with Linebarger Goggan Glair & Sampson LLP for performance of miscellaneous collections contract dated October 15, 2001.

RECEIPT OF RESIGNATION

- 20 [21-5479](#) Receive resignation from Ron Ward as a member of the Mesquite Quality of Life Corporation Board of Directors.

Attachments: [Resignation Email](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 [21-5485](#) 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.

Attachments: [Personal Data Form - Roger Melend](#)

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.)

- 22 [21-5456](#) 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.)

Attachments: [Letter of Request](#)
[Survey](#)
[Notification Map and Comment Cards](#)
[Resolution](#)

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.

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.