



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, December 21, 2020

5:00 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 December 21, 2020. 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 December 21, 2020, to the following email address: sland@cityofmesquite.com

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding City Council District redistricting.
- 2 Receive briefing to consider ordinance amendments, thereby updating regulations regarding hens in residential areas.
- 3 Receive briefing regarding the Mayor's Clean City Initiative.

(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 - EXECUTIVE 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

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

Chris Walker, Lead Pastor, Kingdom Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

PRESENTATIONS

- 4 Receive video presentation recognizing Real. Texas. Service. Champions.

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.)

- 5 Minutes of the regular City Council meeting held December 7, 2020.

- 6** A resolution authorizing the sale of tax-foreclosed property located at 109 Clary Drive in Mesquite, Texas (the "Property"); accepting the offer from Jose R. Velasquez and Maria Velasquez (the "Purchasers") to purchase the Property; ratifying and approving the Offer and Purchase Agreement executed by the Purchasers setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute the quitclaim deed and all other necessary or requested documents to complete the closing and sale of the Property.
- 7** A resolution authorizing acceptance of the 2020 Homeland Security Grant Program and execution of the sub-recipient agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$164,198.32; authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate the grant on behalf of the city.
- 8** RFP No. 2020-109 - Annual Contract for Spay/Neuter Services - Supplementing prior Council contract award, File ID No. 20-5111 approved on November 16, 2020, Agenda Item No. 10, to change the vendor name from Pathway Vet Alliance, LLC, to PP-TX LLC, its affiliated entity.
- 9** Bid No. 2021-016 - Annual Supply of Ammunition.
(Authorize the City Manager to finalize and execute a contract with Precision/Delta Corporation - Group 1, Item Nos. 1, 2, 3, and 4 in the amount of \$79,508.80; G T Distributors, Inc. - Group II, Item Nos. 1, 3, 4, 5, 6, 8, 9, and 10 in the amount of \$85,598.00, for a total amount of \$165,106.80. The term of the contract is for one year with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to appropriation of sufficient funds.)
- 10** Bid No. 2021-031 - Storage Area Network (SAN) Replacement for General Government and Public Safety.
(Staff recommends award to UniqueDigital, Inc., through the Texas Department of Information Resources (DIR) Contract No. DIR-TSO-3763 in the amount of \$599,882.08.)
- 11** Bid No. 2021-032 - Enterprise Data Backup System.
(Staff recommends award to SHI Government Solutions, through BuyBoard Contract No. 579-19, sponsored by the Texas Association of School Boards, in the amount of \$161,896.71.)
- 12** Bid No. 2021-037 - Purchase of 19 ZOLL X Series Advanced Manual Monitor/Defibrillators and 3 ZOLL AED Plus Devices.
(Staff recommends award to Zoll Medical Corporation through SAVVIK Contract No. 2018-11 in the amount of \$699,995.96.)
- 13** Bid No. I009-2021 - Annual Inspection and Cleaning of Firefighting Protective Gear.
(Authorize the City Manager to finalize and execute a contract with low bidder Gear Cleaning Solutions, LLC, in an amount not to exceed \$51,280.00. 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 options subject to annual appropriation of sufficient funds.)

- 14 Authorize the City Manager to finalize and execute an Interlocal Cooperation Contract with the Department of Public Safety (DPS) for the purpose of providing a tactical flight officer in the DPS Aircraft Operations Division.
- 15 Authorize the City Manager to finalize and execute Amendment No. 2 to a contract with Binkley & Barfield, Inc., for additional design and preparation of construction documents for the Gus Thomasson Road Reconstruction Project (Town East Boulevard to US Highway 80) in the amount of \$19,500.00.
- 16 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2020-049, Town Ridge, Pecan Bend, Woodlawn, Skyline Neighborhoods Paving Improvements, with Estrada Concrete Company, LLC, for additional services requested in the amount of \$154,740.00.

RECEIPT OF RESIGNATION

- 17 Receive resignation from Rachel Lopez as a member of the Civil Service Commission and Personnel/Trial Board.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 18 Consider appointment of two regular members (Positions No. 2 and No. 4) and one alternate member (Alternate No. 2) to the Board of Adjustment for terms to expire December 31, 2022.
- 19 Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2023, (Places 1, 2 and 3), two members for terms to expire December 31, 2021, (Places 7 and 8) and one member for a term to expire December 31, 2022, (Place 9).
- 20 Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2023, and one member for a term to expire December 31, 2022.
- 21 Consider appointment of four regular members and one alternate member to the Landmark Commission for terms to expire December 31, 2021, and three regular members and one alternate member for terms to expire December 31, 2022.
- 22 Consider appointment of four members to the Mesquite Downtown Development Advisory Board for terms to expire December 31, 2023.
- 23 Consider appointment of one regular member and one alternate member to the Mesquite Housing Board for terms to expire December 3, 2021, and one alternate member for a term to expire December 3, 2022.

- 24 Consider appointment of one regular member to the Municipal Library Advisory Board for a term to expire December 4, 2021, and one regular member and two alternate members for terms to expire December 4, 2022.

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.)

- 25 Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Cheryl Allen for façade improvements to the building located at 136 East Main Street, Mesquite, Texas 75149, and authorizing the City Manager to administer the agreement on behalf of the City.
- 26 Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Bill Metzger for façade improvements to the building located at 111 West Main Street, Mesquite, Texas 75149, and authorizing the City Manager to administer the agreement on behalf of the City.
- 27 Conduct a public hearing and consider an ordinance for Application No. Z1120-0157, submitted by Coy Quine on behalf of TSCA-203 Limited Partnership, for a change of zoning from North Gus Thomasson Corridor District to Planned Development - General Retail, to allow outdoor display and sales, and wholesale and retail sales of plumbing, electrical and mechanical related supplies, in addition to other uses allowed in the General Retail Zoning District, located at 4414 Gus Thomasson Road.
(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 approval with certain stipulations.)
- 28 Conduct a public hearing and consider possible action regarding a request from William Jones and Dr. John Fain, to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the western and southern property lines of property located at 610 North Town East Boulevard.
(No responses in favor or in opposition to the application have been received from property owners within the notification area.)

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 – Filed 8-12-15; Cause No. 3:15-CV-02638-B; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
2. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
3. Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 (Appealing Wholesale Water Rates for 2018) – Filed 12-15-17
4. 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
5. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
6. 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
7. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; Affirmed by Dallas Court of Appeals, Case No. 05-19-00667-CV; Petition for Review filed with Texas Supreme Court, Case No. 20-0553
8. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
9. 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
10. 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
11. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
12. 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
13. 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
14. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261– Filed 9-29-20
15. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Texas 75181, in rem, Cause No. DC-20-1843 – Filed 12-14-20

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.

Economic Development

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such a business prospect. The following subjects may be discussed:

- 29** Discuss economic development incentives for a prospective business seeking to locate on IH 30 east of North Galloway and west of Northwest Drive.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

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.