



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, July 19, 2021

5:00 PM

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

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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 July 19, 2021, to [sland@cityofmesquite.com](mailto: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 July 19, 2021, to [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

#### **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, and deliberations regarding Fiscal Year 2021-22 Budget and tax rate.

(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

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

#### **INVOCATION**

Ken Griffis, Senior Pastor, Keystone Church of Mesquite.

**PLEDGE OF ALLEGIANCE**

Department of Neighborhood Services Staff.

**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.)

- 2 Minutes of the regular City Council meeting held July 6, 2021.
  
- 3 An ordinance amending Appendix D "Comprehensive Fee Schedule" by making certain deletions and additions in Article XII, Section 12-100 "Building Permits," by updating the fees for "Single-family residential (SFR), duplexes, townhouses and condominiums per unit" and establishing new fees for "Emergency Notification Fee," "Emergency Services Fee" and "Technology Fee."

- 4 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by prior ordinances; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making it an offense to fail to comply with state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.
  
- 5 Bid No. 2020-003 - Annual Avaya Telephone System Maintenance.  
(Staff recommends ratification of the first of two contract renewal options with Lantana Communications Corporation, through the Texas Department of Information Resources Contract No. DIR-TSO-3991, in the amount of \$73,226.28 and authorizing the City Manager to exercise the remaining one-year renewal option, subject to annual appropriation of sufficient funds.)
  
- 6 Bid No. 2021-067 - Annual Contract for Utility Concrete Repairs (Area 2).  
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, in the amount of \$372,200.00. The term of this contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.)
  
- 7 Bid No. 2021-068 - Annual Contract for Sidewalk, Pedestrian Ramps, Drive Approaches and Curb & Gutter Replacement.  
(Authorize the City Manager to finalize and execute a contract with low bidder DBi Services, LLC, in the amount of \$297,450.00. The term of the contract is for a one-year period, with two additional one-year options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of funds.)
  
- 8 Bid No. 2021-094 - Griffin Lane Overlay.  
(Authorize the City Manager to finalize and execute a contract with low bidder Reliable Paving, Inc., in the amount of \$284,575.50.)
  
- 9 Bid No. 2021-106 - Annual Supply of Auto and Truck Parts and Accessories.  
(Staff recommends award to Genuine Parts Company with Sourcewell Contract No. 032521-GPC in the amount of \$85,000.00. The term of the contract is for one year, with three additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

- 10 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-112, Annual Grinding of Brush, with GWG Wood Group, Inc., for an increase in the contract amount of \$30,973.32
- 11 Call a public hearing for August 2, 2021, 7:00 p.m., at City Hall, Council Chamber, 757 North Galloway Avenue, Mesquite, Texas 75149, and order the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2021-22 budget.

#### RECEIPT OF RESIGNATION

- 12 Receive resignation from Debra Morgan as a member of the Municipal Library Advisory Board.
- 13 Receive resignation from Debbie Anderson as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- 14 Receive resignation from Bryan Odom as a member of the Board of Adjustment.

#### 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.)

- 15 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2021-22 budget.
- 16 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0320-0133, submitted by Masterplan, on behalf of Don Valk of Platinum Storage, for a change of zoning from General Retail and Commercial to Planned Development - Commercial and Planned Development - General Retail to allow miniwarehouses, storage of vehicles, rental of passenger vehicles and trucks, trade and building contractors and other uses permitted in the Commercial and General Retail zoning districts, located on Towne Centre Drive and Gus Thomasson 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.)

- 17** Conduct a public hearing for Zoning Application No. Z0321-0187, submitted by Tuong Nguyen, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with modifications to allow a coin-operated amusement gameroom within 300 feet of a church and to have one customer restroom instead of the required one customer restroom each for male and female, located at 704 Gross Road.  
(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.)
- 18** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0421-0193, submitted by Tuong Nguyen, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom, limited to two coin-operated amusement devices, with a modification within 300 feet of a church, conditioned on providing one customer restroom each for male and female, located at 710 Gross Road.  
(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 approval with certain stipulations.)
- 19** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0521-0201, submitted by Roger Albright of Sheils Winnubst PC, for a change of zoning to amend Planned Development - General Retail Ordinance Nos. 3517 and 3581 to modify development standards for an existing self-storage facility, located at 4809 Belt Line Road.  
(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.)
- 20** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0521-0202, submitted by Graham Baumann, WRA Architects on behalf of the Mesquite Independent School District, for a change of zoning from Planned Development - Single-Family Ordinance No. 3783 to Planned Development - Single-Family Ordinance No. 3783 with a Conditional Use Permit to allow a new elementary school with a modification to the Special Conditions to allow queuing of vehicles within the public right-of-way, located at 6550 Shannon Road (future address is 6425 Park Vista Drive).  
(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.)

## 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 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
3. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
4. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
5. 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
6. 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
7. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
8. 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
9. 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
10. 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
11. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
12. 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
13. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
14. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21

**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.