



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 4, 2021

6:30 PM

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

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

a. Send an email to the City Secretary on or before 3:00 p.m., on October 4, 2021. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.

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

2. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on October 4, 2021, to the following email address: sland@cityofmesquite.com.

PRE-MEETING - TRAINING ROOMS A&B - 6:30 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:30 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

Pastor Michael Luster, Sr., New Beginning Fellowship Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL RECOGNITION

- 1 Recognize Mesquite's Deja Young for her career as a Paralympian.

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 September 20, 2021.
- 3 A resolution authorizing the City Manager to execute Amendment No. 4 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2021-22 for an amount not to exceed \$123,566.00.
- 4 A resolution authorizing the City Manager to execute the 2021 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson; authorizing an equitable redistribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$31,576.76; designating the City of Dallas as the applicant and fiscal agent; and designating the Police Chief of the City of Mesquite as the responsible officer for the purpose of signing all documents associated with the grant.

- 5 A resolution accepting additional funding in connection with the 2019 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 \$60,000.00; authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate the grant on behalf of the City and agreeing to return the \$60,000.00 grant in the event of loss or misuse of the \$60,000.00 grant funds.
- 6 A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, municipal building improvements and acquisition of vehicles and equipment and computer equipment and software for municipal departments.
- 7 A resolution authorizing the Mayor to finalize and execute all documents necessary to designate the positions of Director of Finance, Manager of Accounting, and Manager of Budget and Treasury to act as the City of Mesquite's authorized representatives for Texas Local Government Investment Pool ("TexPool/TexPool Prime").
- 8 RFP No. 2021-084 - Basic Term Life, Voluntary Life and Voluntary AD&D Insurance.
(Authorize the City Manager to finalize and execute a contract with Dearborn Life Insurance Company, d/b/a Blue Cross and Blue Shield of Texas (Dearborn Life Insurance), effective January 1, 2022, through December 31, 2022. 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 appropriation of funds.)
- 9 Bid No. 2021-117 - Annual Purchase of Cleaning Supplies for Warehouse Stock.
(Staff recommends award to Eagle Brush and Chemical, Inc., through BuyBoard Contract No. 649-21, in an amount not to exceed \$102,000.00. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- 10 Bid No. 2022-003 - Annual Supply of International Truck Parts.
(Staff recommends award to Southwest International Trucks, Inc., through BuyBoard Contract No. 601-19, sponsored by the Texas Association of School Boards, in an amount not to exceed \$130,000.00. The term of this contract is for one year, with one additional one-year renewal option. The City Manager is authorized to exercise the renewal option subject to annual appropriation of sufficient funds.)
- 11 Bid No. 2022-004 - Annual Supply of Toro Commercial Mower Parts.
(Staff recommends award to Professional Turf Products, LP, through BuyBoard Contract No. 611-20, sponsored by the Texas Association of School Boards, in an amount not to exceed \$65,000.00. The term of this contract is for one year, with one additional one-year renewal option. The City Manager is authorized to exercise the renewal option subject to annual appropriation of sufficient funds.)

- 12 Bid No. 2021-006 - Mesquite-Garland Trail Connector.
(Authorize the City Manager to finalize and execute a contract with low bidder Wall Contractors, LLC, in the amount of \$563,893.75.)
- 13 Bid No. 2022-008 - Purchase of One 1500 GPM Pumper Truck.
(Staff recommends the purchase of one Spartan Emergency Response Pumper Truck offered by Metro Fire Apparatus Specialists, Inc., an approved vendor of the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy) Contract No. FS12-19, in the amount of \$681,744.00.)
- 14 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Kimley-Horn and Associates, LLC for the survey, engineering design and preparation of bidding and construction documents for the rehabilitation of the ground storage tank roofs at the Barnes Bridge Pump Station in the amount of \$168,700.00.
- 15 Authorize the City Manager to execute an advance funding agreement with the Texas Department of Transportation for participation in the Lawson Road Highway Safety Improvement Program Project.
- 16 Authorize the City Manager to finalize and execute a grant agreement with the Dallas Area Agency on Aging (DAAA), to receive funds that provide meals for senior citizens, in an amount not to exceed \$144,043.00.
- 17 Ratification of Bid No. 2022-010 - Senior Citizen Meal Delivery Program.
(Staff recommends ratification of a one-year contract with the Visiting Nurse Association of Texas (VNA), in an amount not exceed \$114,000.00, through an Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie, Texas. The term of this contract is for one year, with no renewal options.)
- 18 Approve Amendment No. 1 to the Fiscal Year 2021-22 Police State Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$276,000.00.

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.)

- 19 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0821-0211, submitted by Iresha Hayes of Little Texans, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a child daycare facility, located at 1515 East Kearney, Suite 500.
(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. 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
2. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
3. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
4. 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
5. 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
6. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
7. 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
8. 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
9. 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
10. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
11. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
12. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
13. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
14. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
15. City of Mesquite v. Peggy Lou Schweitzer and 1509 Alta Vista Street, Mesquite, Texas 75149 in rem, Cause No. DC-21-11200 - Filed 8-20-21

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.