



City of Mesquite, Texas

Action Agenda

City Council

Monday, January 4, 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 briefing regarding the Mesquite Metro Airport's strategic plan.

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

Harry Sewell, Pastor, Family Cathedral, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom stated that with the surge of positive COVID-19 cases, she reminded citizens to practice the "3 W's" when out in public – Wear a mask, Wash your hands and Watch your distance by staying six feet away from others.
2. Mr. Green thanked City staff for their efforts on New Year's Eve to address illegal fireworks and gunfire. During the City's deployment, 97 calls for fireworks and 92 calls for sounds of gunfire were received along with two shooting in-progress calls. Six citations were issued for fireworks, 12 pounds of fireworks were seized and five guns were confiscated. He requested citizens contact the Police Department if they have any video evidence or testimony regarding this type of illegal activity.
3. Mr. Boroughs reminded citizens that students will be heading back to school this week after winter break so "Drive Like Your Family Lives Here" because our families do.

4. Mr. Smith stated that the City has begun enforcement of new amendments to the parking ordinance which include regulations for parking of commercial, oversized and recreational vehicles and parking on streets, private property and unimproved surfaces in residential neighborhoods. Residents are encouraged to contact the City's Environmental Code Office with any questions or concerns.
5. Mr. Smith mentioned that he saw a plaque in a store today containing the phrase "If you can be anything, be nice." He asked citizens to adopt this phrase and pass it on to others throughout the year.
6. Mr. Aleman encouraged citizens to take advantage of the Mesquite Arts Center's free, safe programs for families. "Tote and Go" services consist of arts and crafts that families can pick up at the Arts Center and take home to complete. A free art gallery is offered and virtual classes are available on the Arts Center's YouTube channel.
7. Mr. Aleman commended Elizabeth Harrell, Director of Parks and Recreation, and her team for a successful drive-through Christmas In the Park event in December 2020.
8. Mr. Miklos stated that the City's new animal ordinance is now in effect which includes new requirements for proper care and humane treatment of animals. Also, animal nuisance violations and mandatory microchipping of impounded animals is addressed.
9. Mr. Miklos stated that this past New Year's Eve, volunteers manned a phone bank to take calls regarding illegal fireworks and gunfire. Police and Fire Department staff were present in neighborhoods along with other City staff, the Mayor and City Councilmembers spotting and reporting this illegal activity.

CITIZENS FORUM

No one spoke.

CITIZENS COMMENTS

No one spoke.

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 December 21, 2020. **Approved.**
- 4 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; 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 Ordinance No. 4773, Ordinance No. 4781, Ordinance No. 4784, Ordinance No. 4793, Ordinance No. 4804, and Ordinance No. 4822; 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 various findings and provisions related to the subject; making it an offense to fail to comply with a 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. **Approved by Ordinance No. 4836.**

- 5 An ordinance authorizing and directing the City Manager to execute all documents necessary to convey approximately 171.393 acres of land located in Balch Springs, Texas (the "Property") to Bloomfield Homes, L.P., ratifying all such actions taken in furtherance of such direction, and authorizing payment to the U.S. Department of Housing and Urban Development for release and modification of interests in the Property necessary to facilitate the sale of the Property. **Approved by Ordinance No. 4837.**
- 6 Bid No. 2021-045 - Purchase of Pickup Trucks for Parks Services. (Staff recommends award to Sam Pack's Five Star Ford and Chevrolet in Carrollton, Texas, through Tarrant County Contract No. 2019-041, for a total amount of \$320,934.50.) **Approved as recommended.**
- 7 Authorize the Mayor to finalize and execute an employment agreement between the City of Mesquite and City Manager Cliff Keheley. **Approved.**
- 8 Authorize the Mayor to finalize and execute an addendum to the employment agreement between the City of Mesquite and City Attorney David L. Paschall. **Approved.**

PUBLIC HEARINGS

- 9 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0920-0149, submitted by Dowdy, Anderson and Associates on behalf of Bloomfield Homes for a change of zoning to amend Planned Development - Single Family Ordinance No. 3887 for Tract 1 (approximately 27.2 acres) and Tract 2 (approximately 73.6 acres), a change of zoning from Agricultural to Planned Development - Single-Family Residential Ordinance No. 3887 for Tract 3 (approximately 13.4 acres) and a change of zoning from Planned Development - Single Family Ordinance No. 3538 to Planned Development - Single-Family Residential Ordinance No. 3887 for Tract 4 (approximately 18.7 acres) to allow expansion of the Ridge Ranch single-family subdivision and to modify the development standards on a total of approximately 132.787 acres of land, located generally west of East Cartwright Road and Lawson Road.
(No responses 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.) **Public hearing held. Approved by Ordinance No. 4838.**
- 10 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0920-0153, submitted by Brian Bridgewater of Wintergreen HS Partners Ltd., for a Comprehensive Plan amendment from Commercial to Light Industrial and a change of zoning from Traditional Neighborhood Mixed Residential and Commercial within the Skyline Logistics Hub Overlay to Planned Development - Industrial within the Skyline Logistics Hub Overlay to allow an urban industrial park, located generally northwest of East Meadows Boulevard and U.S. Highway 80.
(No responses in favor and three 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.) **Public hearing held. Postponed to the January 19, 2021, City Council meeting.**
- 11 Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-13 by amending various sections of the Mesquite Zoning Ordinance, including but not limited to Section 3-203, Schedule of Permitted Uses; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions, regarding businesses that sell smoking paraphernalia used to ingest substances into the human body.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Approved by Ordinance No. 4839.**

- 12** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0159, submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC, for a change of zoning from Planned Development - Service Station Ordinance No. 2888 to Planned Development - General Retail with a Conditional Use Permit to allow a coin operated amusement game room or, alternatively, to amend Ordinance No. 2888 to allow a proposed building expansion subject to new stipulations, located at 1320 Gross 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 denial of the rezoning request and approval of the amendment to Ordinance No. 2888.) **Public hearing held. Postponed to the February 15, 2021, City Council meeting.**
- 13** Conduct a public hearing for Zoning Application No. Z1120-0158, submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin operated amusement game room with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1430 N. Galloway Avenue.
(One response 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 denial.) **Public hearing held. Postponed to the February 15, 2021, City Council meeting.**
- 14** Conduct a public hearing for Zoning Application No. Z1120-0161, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Niraj KC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement game room with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1604 West Bruton Road.
(No responses 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.) **Public hearing held. Postponed to the February 15, 2021, City Council meeting.**
- 15** Conduct a public hearing for Zoning Application No. Z1120-0162, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Bikash Pant, Tobacco Corner, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement game room with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 2411 North Galloway Avenue, Suite 126.
(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 denial.) **Public hearing held. Postponed to the February 15, 2021, City Council meeting.**

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
 16. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
 17. Vault Ventures, LLC v. City of Mesquite, Cause No. 20-19115 – Filed 12-28-20
- 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 following subject may be discussed:

- Annual review of the City Manager.

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.