



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 7, 2022

5:30 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 February 7, 2022. 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 February 7, 2022, to the following email address: sland@cityofmesquite.com.

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding a possible amendment to the Sign Ordinance pertaining to murals.

(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 - 5:30 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 - 5:30 P.M.

INVOCATION

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

PLEDGE OF ALLEGIANCE

City 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 upon request by a City Councilmember.)

- 2 Minutes of the regular City Council meeting held January 18, 2022.
- 3 An ordinance amending Chapters 4, 10, 14 and 15 of the City of Mesquite General Government Policies and Procedures Manual.
- 4 An ordinance, on first reading, granting to Mesquite Independent School District, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of a communication system.
- 5 A resolution authorizing the City Manager to grant "Supplemental Pay" in an amount necessary to ensure no loss in wages between military pay and the employee's gross wages (excluding overtime) to all full-time employees who are called to active duty to serve our country.
- 6 Bid No. 2021-112 - Concrete Lined Channel Maintenance Project 2022.
(Authorize the City Manager to finalize and execute a contract with Iron T Construction, Inc., in an amount not to exceed \$250,000.00.)

- 7 RFP No. 2022-033 - Anderson Park: Design Services.
(Authorize the City Manager to finalize and execute a contract with Westwood Professional Services, Inc., in the amount of \$88,300.00.)
- 8 Bid No. 2022-046 - Purchase of a 25-Yard Rear Loader.
(Staff recommends award to Bond Equipment Company in Dallas, Texas, through BuyBoard Contract No. 601-19, in the amount of \$293,672.00.)
- 9 Bid No. 2022-051 - Leasing Agreement for IS5000 Postage Mailing System and EMS Compliant Packaging Processing System.
(Authorize the City Manager to finalize and execute a lease agreement with Quadient, Inc., through TxSmartBuy Contract No. 985-L1, in an amount not to exceed \$57,610.44. The term of the lease is for 36 months with a monthly lease amount of \$1,600.29 and an annual amount of \$19,203.48, subject to annual appropriation of sufficient funds.)
- 10 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Westwood Professional Services, Inc. for the preliminary design, final design, and construction documents for the existing Faithon P. Lucas, Sr., Boulevard from a two-lane section to a four-lane divided roadway in the amount of \$769,252.00.
- 11 Authorize the City Manager to execute a Professional Services Contract with On Duty Health - Texas, PLLC, to provide annual medical and physical assessment services for City of Mesquite employees in an amount not to exceed \$231,069.00, for a one-year term, with one additional one-year renewal option. The City Manager is authorized to execute the renewal option, subject to annual appropriation of sufficient funds.

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.)

- 12 Conduct a public hearing and consider possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight-foot-tall board on board fence on property located at 1402 South Peachtree Road.
- 13 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0820-0145, submitted by Manuel Molina, Jr. of Molina Construction, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2526 Westwood Avenue.
(Four 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. This item was postponed at the December 6, 2021, City Council meeting.)

- 14** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0207, submitted by Maxwell Fisher of Masterplan, for a change of zoning from R-2 Single-Family Residential, Planned Development - Single-Family Residential (Ordinance No. 2741) and Planned Development - General Retail (Ordinance No. 2521) to Planned Development - Single-Family Residential with an underlying zoning district of R-3 on approximately 23.949 acres of land to allow an 85-lot single-family subdivision, located at 22200 IH-635 and 1401 and 1341 New Market 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. This item was postponed at the January 3, 2022, City Council meeting.)
- 15** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0229, submitted by Jerry Brown, for a change of zoning to amend Planned Development - Light Commercial (Ordinance No. 2088) to allow a crematory as a permitted use within the Mesquite Arena/Rodeo Entertainment Overlay (MARE), located at 1720 Neal Gay Drive.
(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. This item was postponed at the January 3, 2022, City Council meeting.)
- 16** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1221-0231, submitted by Taqieddin Hamdan, for a change of zoning from North Gus Thomasson Corridor District to North Gus Thomasson Corridor District with a Conditional Use Permit to allow used tire sales, located at 5151 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 and consider an ordinance for Zoning Application No. Z1221-0232, submitted by Zack Amick of The Charles Morgan Group, LP on behalf of Charlie Newsom, Williams Chicken, for a change of zoning from Truman Heights Neighborhood District to Planned Development - General Retail to allow a fast-food restaurant and other uses permitted in the General Retail zoning district, located at 2015 and 2019 North Galloway Avenue.
(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).

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. 3:19-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-20-01982-X – 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, on Appeal to the Fifth Court of Appeals, Case No. 05-21-00986-CV
10. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
11. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
12. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
13. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
14. 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
15. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-2021

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:

- Discuss Multi-Family Residential Code enforcement 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 following subjects may be discussed:

- Annual review of the City Secretary

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 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.