



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, March 7, 2022

5:30 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 preregister as follows:

a. Send an email to the City Secretary on or before 3:00 p.m., on March 7, 2022. The email address is [sland@cityofmesquite.com](mailto: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 March 7, 2022, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding the annual Texas Department of Transportation ethics requirements.

(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

#### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M**

- 2 Receive Neighborhood Services Environmental Code quarterly report for the period of October 1, 2021, through December 31, 2021.

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

Stan Raibley, Pastor, Keystone Church of Mesquite, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Hiram Bennett Chapter of the Daughters of the Republic of Texas.

**SPECIAL RECOGNITION**

- 3 Recognize 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 upon request by a City Councilmember.)

- 4 Minutes of the regular City Council meeting held February 21, 2022, and Special City Council meeting held February 22, 2022.

- 5 An ordinance, on third and final 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.
- 6 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on April 2, 2022, for the City of Mesquite Rodeo Parade, commemorating the 63rd Anniversary of the Mesquite Championship Rodeo.
- 7 Bid No. 2022-066 - Purchase of One Truck with Attenuator for Fire.  
(Staff recommends award to Texas Kenworth in Dallas, Texas, through the BuyBoard Contract No. 601-19, in the amount of \$157,771.50.)
- 8 Bid No. 2022-068 - Network Switch Replacement.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763 in the amount of \$93,768.59.)
- 9 Bid No. 2022-071 - Purchase of Two 2022 Utility Pickups for Parks Department.  
(Staff recommends award to Rush Truck Center in Dallas, TX, through BuyBoard Contract No. 601-19, in the amount of \$90,871.90)
- 10 Bid No. 2022-072 - Annual Supply of Fire Protective Clothing.  
(Staff recommends the purchase of twenty-five sets of firefighter protective coats and pants offered by Casco Industries, Inc., through BuyBoard National Purchasing Cooperative, Contract #603-20, in the amount of \$81,075.00)
- 11 Authorize the City Manager to finalize and execute a Texas Commission on Environmental Quality (TCEQ) Contract for High Hazard Potential Dams (HHPD) Rehabilitation Grant for the City Lake Dam and spillway in the amount of \$61,750.00.
- 12 Authorize the City Manager to finalize and execute a professional engineering contract with Garver, LLC for the final design of South Parkway in the amount not to exceed \$945,987.00.
- 13 Authorize the City Manager to finalize and execute Mural Easements for installation of works of public art on the following properties:
  - (a) DPC Cedars LLC, owner of property at 211 West Main Street
  - (b) Mr. William M. and Mrs. Manuela M. Metzger, owner of property at 111 West Main Street
  - (c) BCL Real Estate LLC, owner of property at 307 West Main Street
- 14 Authorize the City Manager to finalize and execute a Joint Use Outdoor Room Agreement with Mr. William M. and Mrs. Manuela M. Metzger, for use of the unimproved lot at 113 West Main Street for the purposes of installation of temporary improvements and public use of the lot and installation.

- 15 Authorize the City Manager to finalize and execute Amendment No. 1 to the EMS Billing and Collection Services contract with Digitech Computer LLC, for additional services to determine hardship assistance eligibility related to EMS billing, at a flat rate not to exceed \$0.05 per record searched and \$0.06 per record located.
- 16 Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and Municipal Court Judge Detra Hill.
- 17 Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and City Attorney David Paschall.
- 18 Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.
- 19 Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and City Secretary Sonja Land.
- 20 Approve the proposed CDBG-CV Budget fiscal year 2022-2023.
- 21 Receive the Fiscal Year 2020-2021 annual report from the Mesquite Quality of Life Corporation Board of Directors.
- 22 Receive the January 2022 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

## **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.)

- 23 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0206, submitted by Maxwell Fisher of Masterplan, for a change of zoning from Planned Development - Industrial (Ord. No. 4856) to Planned Development - Industrial (Ord. No. 4856) with a Conditional Use Permit to allow a self-storage facility and outdoor recreational vehicle storage with modifications to the Special Conditions found in Section 3-502, located at 2210 East Scyene 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 from the February 21, 2022, 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. 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
16. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764 - Filed 2-14-22

**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:

- 24** Discuss economic development incentives for a development at the corner of Oates Drive and Gus Thomasson Road.

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.