



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 16, 2022

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 May 16, 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 May 16, 2022, 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

Mike Pettitt, Pastor, Connection Pointe, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Mesquite Citizens Police Academy Alumni Association.

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.)

- 1 Minutes of the regular City Council Meeting held May 2, 2022.

- 2 An ordinance amending the budget for the Fiscal Year 2021-22, as heretofore approved by Ordinance No. 4886 of the City of Mesquite, Texas, adopted on August 16, 2021, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2021-22, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.

- 3 A resolution accepting additional funding in connection with the 2020 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 \$41,000.00; 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 \$41,000.00 grant in the event of loss or misuse of the \$41,000.00 grant funds.

- 4 A resolution adopting the City Council's Fiscal Year 2022-2023 Strategic Goals and Objectives.

- 5 Bid No. 2022-057 - EMS Fire Department Medical Supplies.
(Authorize the City Manager to finalize and execute a contract with Bound Tree Medical, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Midlothian, in an amount not to exceed \$175,000.00 for a one-year period. The City Manager is authorized to exercise three additional one-year renewal options, subject to annual appropriation of sufficient funds.)
- 6 Bid No. 2022-085 - Genetec-City Upgrade.
(Authorize the City Manager to finalize and execute the required documents with Convergent Technologies LLC, dba Convergent CTC Texas LLC, through OMNIA Partners Contract No. R170502, in an amount not to exceed \$65,738.17.)
- 7 Bid No. 2022-097 - Purchase of One John Deere Backhoe (Model 310SL).
(Staff recommends award to RDO Equipment Co., through Sourcewell Contract No. 032119-JDC, in the amount of \$109,735.00.)
- 8 Bid No. 2022-104 - MPD TASER Replacement.
(Authorize the City Manager to execute an agreement with Axon Enterprise, Inc., through BuyBoard Contract No. 603-20, in the amount of \$128,180.96.)
- 9 Bid No. 2022-105 - Neptune 360 Software-as-a-Service (SaaS) Agreement.
(Authorize the City Manager to execute an agreement with Sole Source Provider Core & Main LP, for water meter advanced metering infrastructure (AMI) software services, through Neptune Technology Group Inc., for a three-year period beginning in August 2023 through July 2026 for an amount not to exceed \$1.86 per year per water meter up to 50,000 water utility customers.)
- 10 Bid No. 2022-106 - WaterSmart Software-as-a-Service (SaaS) Agreement.
(Authorize the City Manager to execute an agreement with Sole Source Provider Core & Main LP, for water meter customer portal software services through WaterSmart Software, Inc., for a three-year period beginning on June 15, 2023, through June 14, 2026, for an amount not to exceed \$2.07 per year per water meter up to 50,000 water utility customers for year three and increasing to \$2.13 and \$2.19 respectively for years four and five.)
- 11 Authorize an expenditure in the amount of \$224,669.00 to the Mesquite Independent School District for reimbursement of improvements to the Mesquite Girls' Softball Complex and authorize the City Manager to execute payment.
- 12 Authorize the City Manager to finalize and execute the Authorization and Reimbursement Agreement with Union Pacific Railroad (UPRR) for the traffic signal at Clay Mathis Road and Scyene Road for a one-time payment in the amount of \$545,386.00, with an annual signal maintenance fee, subject to annual appropriation of sufficient funds.

- 13 Approve Amendment No. 4 to the 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 \$200,000.00.
- 14 Appoint Terry Anderson to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2024.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 15 Consider appointment of one alternate member (Alternate No. 1) to the Board of Adjustment for a term to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.
- 16 Consider appointment of one member (Position No. 7) to the Mesquite Quality of Life Corporation Board of Directors for a term to expire December 31, 2023, who will also serve on the Mesquite Economic Development Advisory Board.

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.)

- 17 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0322-0237, submitted by Kyle Coker of LGE Texas, LLC, for a change of zoning from Commercial to Planned Development - Commercial to allow an industrial business park, located at 19400 Interstate Highway 635, the 2100 through 2300 blocks of Orlando Avenue, and 2403 and 2501 Westwood 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. 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
4. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
5. 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
6. 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
7. 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
8. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
9. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
10. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
11. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
12. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
13. City of Mesquite v. CC Hillcrest, LLC, et al, Cause No. DC-22-01764 – Filed 2-14-22
14. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22

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.

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 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.