



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 6, 2023

5:00 PM

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

Members of the public desiring to speak during Citizens Forum may complete a registration card, which is available at the entrance to the City Council Chamber, and present it to the City Secretary prior to the meeting or pre-register by sending an email, including name, address and subject to be discussed, to the City Secretary at sland@cityofmesquite.com by 3:00 p.m., on February 6, 2023.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 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 - 5:00 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 quarterly report from the Police Department for the period covering October 1, 2022, through December 31, 2022.

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

INVOCATION

James Doughton, Pastor, First Presbyterian, 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.)

- 3 Minutes of the regular City Council meeting held January 17, 2023.

- 4 An ordinance amending the City Code by revising Appendix D - Comprehensive Fee Schedule, Article VI - FIRE, for the purpose of increasing the ambulance transport fees, adding lift assist fees to be charged to care facilities and other related general and organizational updates.

- 5 A resolution authorizing acceptance of Fiscal Year 2023 Bullet Resistant Shield Grant Program and execution of the Sub-Recipient Agreements with the Office of the Governor - Criminal Justice Division, in the amount of \$6,250.00 and authorizing the Assistant Fire Chief - Special Services as the authorized official to apply for, accept, reject, alter or terminate the Grant on behalf of the City.

- 6 RFP No. 2023-011 - Transfer Station Compactor Replacement.
(Staff recommends award to Kee Service Company and to authorize the City Manager to finalize and execute a contract in the amount of \$898,846.00 for replacement of the Transfer Station Compactor.)
- 7 Bid No. 2023-047 - Purchase of Three 20-yard Rear-Loaders for Solid Waste.
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in the amount of \$807,153.82.)
- 8 Authorize the City Manager to execute Change Order No. 2 to Bid No. 2022-059, Purchase of Ten Solid Waste Front Load Trucks, with Bruckner Truck Sales for a change in chassis paint color in the amount of \$25,000.00.
- 9 Authorize the City Manager to finalize and execute a Master Interlocal Agreement with Dallas County pertaining to road and bridge transportation-related improvements and/or maintenance on roads inside Dallas County and the territorial limits of the City of Mesquite.

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.)

- 10 Conduct a public hearing and consider an ordinance for Zoning Application No. Z1022-0259, submitted by Celeris Group Consultation Engineers on behalf of Oncor, for a change of zoning from Industrial and Skyline Logistics Hub Overlay to Industrial and Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a telecommunications tower with modifications to allow a height of 195 feet and a separation distance of 800 feet from the closest telecommunications tower, located at 1545 High Point Drive.
(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.)
- 11 Conduct a public hearing and consider an ordinance for Zoning Application No. Z1222-0279, submitted by Centurion American, for a change of zoning to amend Planned Development Ordinance No. 4766 to reduce required setbacks, located southeast of Interstate Highway 20 and FM 740 along FM 2757.
(No responses in favor and or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.)

- 12** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1222-0281, submitted by The Nehemiah Company, for a change of zoning to amend “Exhibit B - Legal Description of the Property,” “Exhibit E - Planned Development Standards,” and “Exhibit F - Building Setback, Area, and Bulk Requirements for Residential” in Planned Development Ordinance No. 4739, located at 9850 FM 2757.
(No responses in favor and or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.)
- 13** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0123-0282, submitted by Gary Conway of MJM Architects, LLC and Ryan Kerr representing Pop Shelf, for a change of zoning from Commercial to Commercial with a Conditional Use Permit for a Variety Store with modifications to allow a Variety Store within 5,000 feet of another Variety Store and to waive the requirement that a minimum of 10 percent of the floor area be dedicated to fresh foods, located at 19153 Interstate Highway 635.
(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.)
- 14** Conduct a public hearing and consider a resolution supporting the Brompton Community Housing Development Corporation’s application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of an age-restricted, 80-unit affordable multi-family rental housing development to be located at 3000 East U.S. Highway 80, in accordance with Chapter 2306 of the Texas Government Code, and authorizing the City Secretary to certify the resolution to the TDHCA.

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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; and Civil Action 3:20-cv-20-01982-X – Filed 7-27-20, and on appeal, Cause No. 22-10321 - Filed 3-24-22
2. 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
3. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
4. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
5. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21

6. 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; and In re CC Hillcrest, LLC, Case No. 22-31362-swe11 – Filed 7-29-22
7. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
8. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
9. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
10. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

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.

- Annual Review of City Attorney

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:

- 15** Discuss an economic development project near IH-635 and Rodeo Center Boulevard.
- 16** Discuss a redevelopment project near Gross Road and North Peachtree Road.
- 17** Discuss economic development incentives for a company considering the relocation and expansion of production operations at a facility near Town East Boulevard and Skyline Drive.

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.