



City of Mesquite, Texas

Meeting Agenda

City Council

Tuesday, January 19, 2021

5:30 PM

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

1. All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and must wear a covering over their nose and mouth.
2. Members of the public desiring to comment during Citizens Forum must preregister as follows:
 - a. Send an email to the City Secretary on or before 3:00 p.m., on January 19, 2021. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.
 - b. Provide the City Secretary with your name and address.
3. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on January 19, 2021, 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 the annual Texas Department of Transportation ethics requirements.
- 2 Receive briefing regarding the Mesquite Metro Airport's strategic plan.
- 3 Briefing regarding park improvements.

(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 - TRAINING ROOMS A & B - 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 - 7:00 P.M.**INVOCATION**

Beto Meza, Pastor, New Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite 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 by motion of the City Council.)

- 4 Minutes of the special City Council meeting held December 14, 2020, and the regular City Council meeting held January 4, 2021.
- 5 A resolution authorizing the City Manager to finalize, execute and administer an agreement between the City of Mesquite, Texas, and Kaufman County Municipal Utility District No. 12 for the provision of wastewater service to the WJ Trinity Pointe, LP 283.647 acres development located on the west corner of FM 2932 and Griffin Lane.

- 6 A resolution authorizing the City Manager to finalize, execute and administer an agreement regarding the provision of wastewater service between the City of Mesquite, Texas, and WJ Trinity Pointe, LP, for the provision of wastewater services to the WJ Trinity Pointe, LP 283.647 acres development located on the west corner of FM 2932 and Griffin Lane.
- 7 Bid No. 2020-011 - Matthew Holzapfel Pump Station Project.
(Authorize the City Manager to finalize and execute a contract with low bidder Gracon Construction, Inc., in the amount of \$13,163,725.00.)
- 8 Bid No. 2021-044 - Public Safety Vehicle Equipment Installation Services.
(Authorize the City Manager to finalize and execute a contract with GTS Technology Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3655 in the amount of \$80,445.67.)
- 9 Bid No. 2021-049 - Purchase of One 1500 GPM Pumper Truck.
(Staff recommends award to Spartan ERV, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. FS12-19, in the amount of \$639,380.00.)
- 10 Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2020-088, Lake Park Addition Sanitary Sewer Replacement Project, with ANA Site Construction, LLC, for additional services in the amount of \$171,584.20.

RECEIPT OF RESIGNATION

- 11 Receive resignation from Yolanda Shepard as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 12 Consider appointment of Yolanda Shepard to the Personnel/Trial Board for a term to expire November 7, 2023, and confirmation of appointment by the City Manager of Yolanda Shepard to serve as a member of the City of Mesquite Firefighters' and Police Officers' Civil Service Commission for a term to expire November 7, 2023.
- 13 Consider appointment of two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2022.

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.)

- 14 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. This item was continued from the January 4, 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. 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
3. 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
4. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
5. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
6. 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
7. 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
8. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
9. 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
10. 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
11. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261 – Filed 9-29-20
12. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
13. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
14. 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

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 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.