



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, October 17, 2022

6:00 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 October 17, 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 October 17, 2022, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

#### **PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 [22-6254](#) Receive a presentation from Mesquite Independent School District regarding the Voter Approval Tax Rate Election.

(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 - 6:00 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

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

#### **INVOCATION**

John Livaudus, Pastor, Macedonia Baptist, 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      [22-6263](#)      Minutes of the regular City Council meeting held October 3, 2022.

***Attachments:***      [October 3, 2022, minutes](#)

- 3      [22-6269](#)      An ordinance amending Ordinance No. 4983 by amending the 2022-23 Pay Plan for Fire Personnel to provide for and recognize a lateral entry program for the Mesquite Fire Department.

***Attachments:***      [Civil Service Resolution](#)  
                                 [MFD Standard Operating Procedure-Lateral Entry Program](#)  
                                 [Ordinance](#)

- 4      [22-6257](#)      An ordinance amending the Chapter 2 of the City Code for the purpose of placing all provisions regarding Municipal Court Judges into a new Division 6, creating and establishing two Divisions of the Municipal Court of the City of Mesquite, Texas and creating the office of the City of Mesquite, Texas, Municipal Court Associate Judge.

***Attachments:***      [Ordinance](#)

- 5      [22-6116](#)      A resolution expressing intent to reimburse expenditures from proceeds of future obligations.
- Attachments:*      [Resolution](#)
- 6      [22-6253](#)      A resolution authorizing the City Manager to finalize and execute agreements with Texas Department of Transportation for the sharing of Intelligent Transportation Systems Data and Traffic Video between the Department and the City for five years.
- Attachments:*      [Resolution](#)
- 7      [22-6179](#)      A resolution approving a Reimbursement Agreement relating to Improvement Area A-1 and C-1 of the Solterra Public Improvement District.
- Attachments:*      [Resolution](#)  
                                 [Solterra Site Plan](#)
- 8      [22-6267](#)      RFP No. 2022-112 - Multi-Year Service Contract for Landfill Disposal of Municipal Solid Waste.  
(Staff recommends award to Waste Management of Texas, Inc., and to authorize the City Manager to finalize and execute a contract for landfill disposal services of municipal solid waste. The term of this contract is for a ten-year period, with two additional five-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.)
- Attachments:*      [Scoring Matrix](#)
- 9      [22-6244](#)      Bid No. 2022-128 - Annual Supply of Traffic Control Square-Section Sign Posts and Accessories.  
(Staff recommends award to Centerline Supply, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$50,213.00. The term of the contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)
- Attachments:*      [Best Value Scoring Matrix](#)
- 10     [22-6245](#)      Bid No. 2022-137 - Annual Supply of Fire Hydrants.  
(Staff recommends award to Ferguson Enterprises, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$157,652.63. The term of the contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)
- Attachments:*      [Bid Tabulation](#)

- 11     [22-6266](#)     Bid No. 2022-140 - Purchase of 2022 PPV Tahoe for Fire Department.  
(Staff recommends the ratification of the purchase of a 2022 Tahoe from Caldwell Automotive Partners, LLC, through BuyBoard National Purchasing Cooperative Contract No. 601-19, in the amount of \$79,810.00.)
- Attachments:*     [Quote](#)
- 12     [22-6250](#)     Bid No. 2023-004 - Supply of Fire Protective Clothing for New Fire Department Employees.  
(Staff recommends the purchase of 22 sets of firefighter protective coats and pants from Casco Industries, Inc., through BuyBoard National Purchasing Cooperative Contract No. 603-20, in an amount not to exceed \$71,890.00.)
- Attachments:*     [Quote](#)
- 13     [22-6249](#)     Bid No. 2023-010 - Purchase of One 2023 Ford F-750 Stellar Carrier.  
(Staff recommends purchase of one 2023 Ford F-750 Stellar Solid Waste Container Delivery Unit (CDU) from Rush Truck Centers of Texas, L.P., through BuyBoard National Purchasing Cooperative Contract No. 601-19, in an amount not to exceed \$120,426.28).
- Attachments:*     [BuyBoard Quote](#)  
                          [Photo of CDU Truck](#)
- 14     [22-6264](#)     Bid No. 2023-014 - Purchase of One 2000 GPM 100-Foot Mid-Mount Platform Ladder Truck.  
(Staff recommends award to Pierce Manufacturing Inc., represented by Siddons-Martin Emergency Group, LLC, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. FS12-19, in the amount of \$1,750,621.00.)
- Attachments:*     [Letter of Intent](#)  
                          [H-GAC Order Confirmation](#)
- 15     [22-6255](#)     Authorize the City Manager to finalize and execute an Amended and Restated Wholesale Treated Water Agreement with Kaufman County Municipal Utility District No. 12.
- Attachments:*     [Wholesale Treated Water Agreement](#)  
                          [Heartland Wholesale Water Rate Study](#)
- 16     [22-6240](#)     Authorize the City Manager to finalize and execute an Interlocal Cooperative Agreement with the City of Garland for construction obligations and understandings to a segment of the Duck Creek multipurpose trail.
- Attachments:*     [Interlocal Cooperative Agreement](#)  
                          [Duck Creek Trail South Map](#)

- 17     [22-6247](#)     Approve Amendment No. 1 to the 2022-23 Police Federal 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 \$190,000.00.
- Attachments:*     [Federal Seizure Amendment 1](#)
- 18     [22-6246](#)     Approve Amendment No. 1 to the 2022-23 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 \$170,000.00.
- Attachments:*     [State Seizure Amendment No. 1](#)
- 19     [22-6256](#)     Consent to the representation of Lennar Homes of Texas Land and Construction, Ltd., in connection with the Solterra Public Improvement District by Ms. J. Prabha Cinclair and Miklos Cinclair PLLC.
- Attachments:*     [Letter of representation](#)
- 20     [22-6083](#)     Authorize an expenditure in the amount of \$220,330.06 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.
- Attachments:*     [MISD PEG Funding Request](#)  
                              [Adopted 2022-23 PEG Fund Budget](#)  
                              [Ordinance No. 4132](#)

## 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.)

- 21     [22-6252](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0247, submitted by Scott Harvel, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the outdoor display of used vehicles for sale, located at 2828 Interstate Highway 30, Suite 101.
- (No responses in favor and two 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.)
- Attachments:*     [Staff report and maps](#)  
                              [P&Z minutes](#)  
                              [Ordinance](#)

- 22     [22-6251](#)     Conduct a public hearing and consider an ordinance amending Chapter 7.5 of the City Code providing for the establishment of procedures for assessing and collecting impact fees, establishing provisions for credits against impact fees, providing an appeals procedure, adopting revised land use assumptions, adopting Capital Improvements Plans and impact fees for roadway, water and wastewater facilities.

**Attachments:**     [2022 Update to Water and Wastewater Impact Fee Study](#)  
                          [CIAC Minutes](#)  
                          [Ordinance](#)

## **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. 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
5. 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
6. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
7. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
8. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
9. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
10. 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
11. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
12. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
13. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
14. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

#### **Real Property**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 23 22-6271** Consider the lease of real property located at 1200 Hillcrest Street, Mesquite, Texas.

### **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.

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.