



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, January 3, 2022

6:00 PM

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

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

#### AGENDA REVIEW

#### EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:00 P.M.

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

#### INVOCATION

Jones Doughton, Pastor, First Presbyterian Church, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

City Staff.

#### SPECIAL ANNOUNCEMENTS

1. Ms. Anderson announced that two new galleries will open on January 10, 2022, at the Mesquite Arts Center, 1527 North Galloway Avenue. The "Clear as Mud" exhibit by Jay Hendricks will be displayed in the Main Gallery and the "Color and Pattern" exhibit by Leah Lawless-Smith in the Chamber Gallery. Both exhibits will run through March 19, 2022, and can be viewed weekdays from 8:00 a.m. to 5:00 p.m. Admission is free.
2. Mr. Boroughs reminded residents to be mindful of children starting back to school after the Winter Break and to "Drive Like Your Family Lives Here."
3. Ms. Vidler thanked residents in District 3 for the Christmas decoration displays during the holiday season.
4. Ms. Vidler stated that the Mesquite Business Retention and Expansion Task Force presented five awards at the Mesquite Chamber of Commerce Annual Business Awards event. Fritz Industries received the Business Legacy Award. Lisa Haar was named the Downtowner of the Year Award. Urban Air received the Tourism Award. Benjamin Moore received the Manufacturer of the Year Award and Revolution received the Employer of the Year Award. She congratulated all of the winners.

5. Mr. Casper encouraged residents to attend the Martin Luther King, Jr., Parade and Community Celebration on Saturday, January 15, 2022, hosted by the Mesquite NAACP and the City of Mesquite. The parade will begin at 10:00 a.m., and will proceed through Downtown Mesquite. Afterwards, the Community Celebration will begin at 1:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue, with performances by local choirs, student groups and various speeches.
6. Mr. Green reminded residents that, per the recently approved solid waste ordinance, all trash must be placed in a bag then placed into approved trash cans. This month, solid waste will focus on bulk trash, which does not include yard waste or brush. Bulk trash must be under eight cubic yards, which is the approximate size of two couches. Bulk trash items should be placed at the curb no earlier than 24 hours before the collection date.

## CITIZENS FORUM

Henry Brown, 211 Athel Drive, welcomed new Councilmembers Jeff Casper, Jennifer Vidler and Debbie Anderson and invited citizens to attend the Martin Luther King, Jr., Parade in Downtown Mesquite on Saturday, January 15, 2022.

## CONSENT AGENDA

- 1 Minutes of the regular City Council meeting held December 20, 2021. **Approved.**
- 2 An ordinance amending the Mesquite City Code, making certain additions and deletions in “Chapter 1 - General Provisions,” Section 1-2 “Rules of Construction;” and “Chapter 2 - Administration” by adding Section 2-7 “Signatures & Seals: Electronic, Digital, and Facsimile,” and approving the adoption of City Rules for same. **Approved by Ordinance No. 4927.**
- 3 A resolution authorizing the City Manager to execute an interlocal agreement with the City of Dallas to allow the co-location of certain City of Dallas P-25 radio communication system equipment at two existing City of Mesquite radio towers. **Approved by Resolution No. 01-2022.**
- 4 A resolution authorizing an early additional penalty for collection costs of delinquent personal property taxes collected pursuant to Section 33.11, Texas Property Tax Code. **Approved by Resolution No. 02-2022.**
- 5 A resolution casting a vote in the runoff election for the fourth member of the Board of Directors of the Dallas Central Appraisal District. **Approved by Resolution No. 03-2022.**
- 6 Authorize the City Manager to execute Change Order No. 2 to Bid No. 2020-012, Kaufman County Large Diameter Transmission Water Main Project, with S.J. Louis Construction of Texas, LTD, for additional services, decreasing the contract amount by \$54,839.94. **Approved.**

## PUBLIC HEARINGS

- 7** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0207, submitted by Maxwell Fisher of Masterplan, for a change of zoning from R-2 Single-Family Residential, Planned Development - Single-Family Residential (Ordinance No. 2741) and Planned Development - General Retail (Ordinance No. 2521) to Planned Development - Single-Family Residential with an underlying zoning district of R-3 on approximately 23.949 acres of land to allow an 85-lot single-family subdivision, located at 22200 IH-635 and 1401 and 1341 New Market 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.) **Public hearing held. Postponed to the February 7, 2022, City Council meeting.**
- 8** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0229, submitted by Jerry Brown, for a change of zoning to amend Planned Development - Light Commercial (Ordinance No. 2088) to allow a crematory as a permitted use within the Mesquite Arena/Rodeo Entertainment Overlay (MARE), located at 1720 Neal Gay 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 with certain stipulations.) **Postponed to the February 7, 2022, City Council meeting.**
- 9** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0230, submitted by the City of Mesquite, for a change of zoning from Light Commercial to Planned Development - Light Commercial to allow an animal shelter with outdoor facilities, located at 1650 Gross Road.  
(No responses in favor and one 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.) **Public hearing held. Approved by Ordinance No. 4928.**
- 10** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0228, submitted by the City as the applicant, for a change of zoning making a map amendment to the official Zoning Map of the City of Mesquite by adding the designation “ML” for an individually designated local Mesquite Landmark, located at 1424 Barnes Bridge Road, the Florence Ranch Homestead, and making a Zoning Text Amendment No. 2021-11, to the Mesquite Zoning Ordinance, amending Part 8, Section 8-200 “Mesquite Landmarks” by adding the property located at 1424 Barnes Bridge Road, the Florence Ranch Homestead, as a designated local Mesquite Landmark (“ML”) to the City of Mesquite, Texas, Landmark Register of Historic Places.  
(Four responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Landmark Commission recommends approval.) **Public hearing held. Approved by Ordinance No. 4929.**
- 11** Conduct a public hearing and consider an ordinance making a MESQUITE ZONING ORDINANCE TEXT AMENDMENT No. 2021-10 amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 5, 5-100 “Review and Enforcement Procedures” pertaining to updating the general penalty provisions and increasing the maximum fine amount for dumping refuse to align with the maximum amount authorized under State law at four thousand dollars (\$4,000.00); revising Part 6, 6-100, Section 6-102 “Definitions;” and making a MESQUITE CITY CODE TEXT AMENDMENT making certain additions and deletions to Chapter 1, Section 1-2 “Rules of Construction,” thereby revising definitions, and repealing and replacing Section 1-6 to be titled “General

Penalties;” updating the general penalty clause, and increasing the maximum fine amount for the offense of dumping refuse to align with the maximum amount authorized under State law at \$4,000.00.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.) **Public hearing held. Approved by Ordinance No. 4930.**

- 12 Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with downtown property owner Rita Jean Crump for rehabilitation of properties located at 201, 203 and 205 West Main Street, Mesquite, Texas, 75149 and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 04-2022.**

## **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

**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 Secretary

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.