



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, February 7, 2022

5:30 PM

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

#### PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 Receive briefing regarding a possible amendment to the Sign Ordinance pertaining to murals.  
**Discussed.**

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

#### INVOCATION

Harry Sewell, Pastor, Family Cathedral of Praise, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

City Staff.

#### SPECIAL ANNOUNCEMENTS

1. Mr. Casper announced that the annual Daddy Daughter Dance, sponsored by the Mesquite Parks and Recreation Department, will be held on Saturday, February 19, 2022, at the Mesquite Convention Center, 1700 Rodeo Drive. This year's theme is "The Greatest Dance on Earth" and is open to all ages. Tickets must be purchased in advance. He encouraged fathers to take advantage of this unique opportunity to spend time with their daughters.
2. Mr. Green stated that February is Black History Month. The Mesquite Arts Center's YouTube channel features Mesquite Independent School District teacher Kevin Owens showcasing artists that have influenced Black Art History.
3. Ms. Vidler invited residents to attend a District 3 neighborhood meeting on Thursday, February 17, 2022, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.
4. Mr. Boroughs thanked everyone that participated in the recent Polar Plunge at City Lake Aquatic Center, 200 Parkview Street, which raised over \$20,000.00 for year-round sports and competitions for Special Olympics Texas athletes.
5. Mr. Boroughs stated that last Wednesday, February 2, 2022, former City of Mesquite Police Officer Gary Burch was laid to rest. He was a 35-year veteran of the Mesquite Police

Department and served two tours in Vietnam. Mr. Boroughs thanked Police Officer Luke, Assistant Police Chief Doug Yates and the Mesquite Police Department for their help in honoring Officer Burch.

6. Mr. Smith stated that the City is conducting a Mesquite Community Attitude and Satisfaction Survey. The survey will help determine citizen satisfaction with City services and determine community priorities. The online survey will be open to the public through February 14, 2022. All citizens are encouraged to participate in the survey.
7. Mr. Smith expressed appreciation to City street crews that worked last Thursday and Friday, during the inclement weather, and sanded City streets to ensure our citizens were safe on the roads.
8. Ms. Anderson invited residents to attend a District 6 neighborhood meeting on Thursday, February 24, 2022, at 7:00 p.m., at Pirrung Elementary School, 1500 Creek Valley Road.
9. Ms. Anderson stated that a Creek Crossing neighborhood meeting will be held on Thursday, February 17, 2022, at 7:00 p.m., at Keystone Church, 1575 Clay Mathis Road and invited residents to attend.
10. Mayor Alemán congratulated City Secretary Sonja Land on her recertification as a Texas Registered Municipal Clerk. Ms. Land completed 72 hours of classroom instruction plus additional education options to achieve recertification. Her original certification required the completion of 200 hours of home study on a four-course curriculum and attendance at 96 hours of professional development seminars.
11. Mayor Alemán thanked City employees for their efforts last week to keep our citizens safe during the inclement weather.

## **CITIZENS FORUM**

The following persons expressed concerns regarding the living conditions at the Hillcrest Apartments: (1) Henry Brown, 211 Athel Drive; (2) James Moore, 2007 Hillcrest Street; (3) Wanna Lisa Stidom, 2105 Hillcrest Street; (4) Ann Roquemore, 2105 Hillcrest Street; (5) Karen Chapman, 2005 Hillcrest St.; (6) Julia Pipkin, 2001 Hillcrest Street; (7) Jade Ware, Dallas; and (8) Brittany Jones, 2001 Hillcrest Street.

Ronald Stewart submitted a comment card but chose not to speak.

City Manager Cliff Keheley stated that the City has been aware of the deteriorating conditions at the Hillcrest Apartments for many years. In the past 60 days, the City has issued approximately 100 citations to the ownership and management of the Hillcrest Apartments. City inspectors report to the apartments daily regarding issues brought to the City's attention. He encouraged residents to report issues to the apartment manager and to Assistant City Manager Chris Sanchez at [esanchez@cityofmesquite.com](mailto:esanchez@cityofmesquite.com). Issues may also be reported to the City's Building Inspection Division at 972-216-4113.

## **CITIZENS COMMENTS**

No one spoke.

## **CONSENT AGENDA**

- 2 Minutes of the regular City Council meeting held January 18, 2022. **Approved.**
- 3 An ordinance amending Chapters 4, 10, 14 and 15 of the City of Mesquite General Government Policies and Procedures Manual. **Approved by Ordinance No. 4934.**
- 4 An ordinance, on first reading, granting to Mesquite Independent School District, its

successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of a communication system. **Approved.**

- 5 A resolution authorizing the City Manager to grant “Supplemental Pay” in an amount necessary to ensure no loss in wages between military pay and the employee’s gross wages (excluding overtime) to all full-time employees who are called to active duty to serve our country. **Approved by Resolution No. 08-2022.**
- 6 Bid No. 2021-112 - Concrete Lined Channel Maintenance Project 2022.  
(Authorize the City Manager to finalize and execute a contract with Iron T Construction, Inc., in an amount not to exceed \$250,000.00.) **Approved as recommended.**
- 7 RFP No. 2022-033 - Anderson Park: Design Services.  
(Authorize the City Manager to finalize and execute a contract with Westwood Professional Services, Inc., in the amount of \$88,300.00.) **Approved as recommended.**
- 8 Bid No. 2022-046 - Purchase of a 25-Yard Rear Loader.  
(Staff recommends award to Bond Equipment Company in Dallas, Texas, through BuyBoard Contract No. 601-19, in the amount of \$293,672.00.) **Approved as recommended.**
- 9 Bid No. 2022-051 - Leasing Agreement for IS5000 Postage Mailing System and EMS Compliant Packaging Processing System.  
(Authorize the City Manager to finalize and execute a lease agreement with Quadiant, Inc., through TxSmartBuy Contract No. 985-L1, in an amount not to exceed \$57,610.44. The term of the lease is for 36 months with a monthly lease amount of \$1,600.29 and an annual amount of \$19,203.48, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 10 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Westwood Professional Services, Inc. for the preliminary design, final design, and construction documents for the existing Faithon P. Lucas, Sr., Boulevard from a two-lane section to a four-lane divided roadway in the amount of \$769,252.00. **Approved.**
- 11 Authorize the City Manager to execute a Professional Services Contract with On Duty Health - Texas, PLLC, to provide annual medical and physical assessment services for City of Mesquite employees in an amount not to exceed \$231,069.00, for a one-year term, with one additional one-year renewal option. The City Manager is authorized to execute the renewal option, subject to annual appropriation of sufficient funds. **Approved.**

## **PUBLIC HEARINGS**

- 12 Conduct a public hearing and consider possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight-foot-tall board on board fence on property located at 1402 South Peachtree Road. **Postponed to the April 4, 2022, City Council meeting.**
- 13 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0820-0145, submitted by Manuel Molina, Jr. of Molina Construction, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2526 Westwood Avenue.  
(Four responses in favor and none 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 postponed at the December 6, 2021, City Council meeting.) **Postponed to the February 21, 2022, City Council meeting.**

- 14** 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. This item was postponed at the January 3, 2022, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4935.**
- 15** 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 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. This item was postponed at the January 3, 2022, City Council meeting.) **Public hearing held. Approved by Ordinance No. 4936.**
- 16** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1221-0231, submitted by Taqieddin Hamdan, for a change of zoning from North Gus Thomasson Corridor District to North Gus Thomasson Corridor District with a Conditional Use Permit to allow used tire sales, located at 5151 Gus Thomasson 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. Approved by Ordinance No. 4937.**
- 17** Conduct a public hearing and consider an ordinance for Zoning Application No. Z1221-0232, submitted by Zack Amick of The Charles Morgan Group, LP on behalf of Charlie Newsom, Williams Chicken, for a change of zoning from Truman Heights Neighborhood District to Planned Development - General Retail to allow a fast-food restaurant and other uses permitted in the General Retail zoning district, located at 2015 and 2019 North Galloway 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). **Public hearing held. Approved by Ordinance No. 4938.**

## **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
15. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-2021

## **Consultation with Attorney**

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- Discuss Multi-Family Residential Code enforcement matters. **Discussed.**

## **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. The following subjects may be

discussed:

- Annual review of the 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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.