



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, February 21, 2022

5:00 PM

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

#### PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 Discuss draft illustrative plans redistricting City Councilmember Districts based on 2020 Census data and proposed public hearing dates to receive public input on the designated plan. **Discussed.**

#### CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 Receive preliminary financial statements for fiscal year ending September 30, 2021, and financial statements for period covering October 1, 2021, through December 31, 2021. **Received.**

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

#### INVOCATION

Sam Bailey, Pastoral Assistant, Emmanuel Pentecostal Church, Mesquite, Texas.

#### PLEDGE OF ALLEGIANCE

City Staff.

#### SPECIAL ANNOUNCEMENTS

1. Ms. Anderson announced that a District 6 Neighborhood Meeting will be held on Thursday, February 24, 2022, at 7:00 p.m., at Pirrung Elementary School, 1500 Creek Valley Road, and invited residents to attend.
2. Mr. Smith announced that STAR Transit is providing free round-trip rides to local polling places for voters on Tuesday, March 1, 2022. To schedule a free ride to vote, call STAR Transit no less than 30 minutes in advance of the desired trip during normal business hours. To book a

STARNow ride, use the STARNow app, which can be downloaded free of charge from the Apple App Store or Google Play Store.

3. Mr. Boroughs invited residents to attend a District 4 Neighborhood Meeting on Thursday, March 3, 2022, at 7:00 p.m., in the Hanby Elementary School cafeteria, 408 Gross Road.
4. Mr. Boroughs stated that the Mesquite Symphony Orchestra celebrated 35 years this past Saturday, February 19, 2022, and have been performing at the Mesquite Arts Center for the last 25 years. He encouraged residents to support the Mesquite Symphony Orchestra by attending their next concert on Saturday, April 2, 2022.
5. Ms. Vidler stated that on February 11, 2022, firefighters at Fire Station No. 2 placed a new fire engine into service with a traditional push-in ceremony. The housing ceremony is a proud tradition in the history of fire service in which firefighters push a new engine into the station for the first time. The tradition dates back to the 1800's when firefighters used horse-drawn equipment. After returning to the fire station after a fire call, the horses could not easily back the equipment into the fire station, so they were disconnected from the fire equipment and firefighters would push the equipment back into the bay.
6. Mr. Green congratulated Beverly Abell, Downtown Development Manager, for receiving the prestigious Anice B. Read award. This award recognizes an individual or organization for exemplary work in community revitalization, preservation planning and more and was presented to Ms. Abell for her work leading the Mesquite Main Street Program and positively impacting downtown revitalization in Texas.
7. Mr. Casper encouraged residents to participate in the 5<sup>th</sup> Annual Neighborhood Summit, hosted by the Office of Neighborhood Vitality, to be held on Saturday, February 26, at 9:00 a.m., at the Mesquite Independent School District Professional Development Center, 3819 Towne Crossing Boulevard. The free summit will feature guest speakers and provide education to citizens about City government.
8. Mayor Alemán welcomed Whitney Golin, new Director of Communications and Marketing, who brings 25 years of strategic marketing and communications to the City. Ms. Golin has a proven history of managing innovative partnerships with local and state leaders and has extensive knowledge of strategic planning, performance management and marketing applications.
9. Mayor Alemán congratulated Elizabeth Harrell, Director of Parks and Recreation, for a successful Daddy Daughter Dance on Saturday, February 19, 2022. He took his granddaughter and enjoyed a night of dancing and fun.

## **CITIZENS FORUM**

No one spoke.

## **CITIZENS COMMENTS**

No one spoke.

## **CONSENT AGENDA**

- 3 Minutes of the regular City Council meeting held February 7, 2022. **Approved.**
- 4 An ordinance amending Article XII, Sections 12-100, 12-103 and 12-115 of Appendix D - Comprehensive Fee Schedule of the Mesquite City Code by revising certain building permit and health permit fees collected by the City of Mesquite. **Approved by Ordinance No. 4939.**
- 5 An ordinance, on second 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.**

- 6 An ordinance amending Chapter 13 of the Mesquite City Code, thereby updating certain regulations on signs and adding regulations for “Murals” and “Ghost Signs.” **Approved by Ordinance No. 4940.**
- 7 A resolution authorizing the City Manager to execute a Wholesale Water Facilities Construction and Treated Water Supply Agreement with the City of Crandall for the design, construction and operations of a water supply line and supply of treated water. **Approved by Resolution No. 09-2022.**
- 8 A resolution designating Illustrative Redistricting Plan for public hearings, establishing public hearing dates and providing an effective date. **Approved by Resolution No. 10-2022.**
- 9 Bid No. 2021-119 - Roof Restoration - Evans Recreation Center.  
(Authorize the City Manager to finalize and execute a contract with Simon Roofing and Sheet Metal Corporation d/b/a SR Products, through The Interlocal Purchasing System (TIPS), Contract No. 21060302, in the amount of \$232,145.00.) **Approved as recommended.**
- 10 Bid No. 2022-020 - Annual Contract for Sidewalk, Pedestrian Ramps, Drive Approaches and Curb & Gutter Replacement.  
(Authorize the City Manager to finalize and execute a contract with low bidder Ken-Do Construction, in the amount of \$285,300.00. The term of the contract is for a one-year period, with two additional one-year options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.) **Approved as recommended.**
- 11 RFP No. 2022-027 - Economic Development Strategic Plan.  
(Authorize the City Manager to finalize and execute a contract with Resonance Consultancy, Inc., in the amount of \$99,650.00.) **Approved as recommended.**
- 12 Bid No. 2022-043 - Purchase of a New 2023 Ford F-350 Diesel Chassis Remounted Ambulance. (Staff recommends the purchase of one remounted ambulance offered by McCall F Inc., d/b/a Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy) Contract No. AM10-20, in the amount of \$153,800.00). **Approved as recommended.**
- 13 Bid No. 2022-048 - Purchase of Eight Ford Explorers with Police Interceptor vehicle package for the Police Department.  
(Staff recommends the purchase of eight 2022 Ford Explorers (model K7A) with Police Interceptor vehicle package (model K8A) offered by Sam Pack’s Five Star Ford, through BuyBoard National Purchasing Cooperative, Contract No. 601-19, in the amount of \$325,963.58.) **Approved as recommended.**
- 14 Bid No. 2022-053 - Clay Mathis Park: SprayPad.  
(Authorize the City Manager to finalize and execute a contract with Kraftsman Equipment, L.P., through BuyBoard National Purchasing Cooperative, Contract No. 592-19, in the amount of \$349,992.73.) **Approved as recommended.**
- 15 Bid No. 2022-054 - Clay Mathis Park: Pre-Fabricated Restroom.  
(Authorize the City Manager to finalize and execute a contract with Restroom Facilities Ltd., d/b/a CorWorth, through BuyBoard National Purchasing Cooperative, Contract No. 592-19, in the amount of \$286,408.00.) **Approved as recommended.**
- 16 Bid No. 2022-055 - Latimore Park: Playground.

(Authorize the City Manager to finalize and execute a contract with Total Recreation Products, Inc., through BuyBoard National Purchasing Cooperative, Contract No. 592-19, in the amount of \$93,241.83.) **Approved as recommended.**

- 17** Bid No. 2022-056 - Copeland Park: Pre-Fabricated Restrooms.  
(Authorize the City Manager to finalize and execute a contract with Restroom Facilities Ltd., d/b/a CorWorth, through BuyBoard National Purchasing Cooperative, Contract No. 592-19, in the amount of \$159,355.00.) **Approved as recommended.**
- 18** Bid No. 2022-058 - Purchase of Eight Commercial Solid Waste Roll-Off Trucks.  
(Staff recommends the purchase of eight commercial solid waste roll-off trucks offered by Bruckner Truck Sales, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy) Contract No. HT06-20, in the amount of \$1,489,416.00.) **Approved as recommended.**
- 19** Bid No. 2022-059 - Purchase of Ten Commercial Solid Waste Front Load Trucks.  
(Staff recommends the purchase of ten commercial solid waste front load trucks offered by Bruckner Truck Sales, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy) Contract No. HT06-20, in the amount of \$3,611,830.00.) **Approved as recommended.**
- 20** Bid No. 2022-060 - MPD FARO Laser Scanner and Training.  
(Staff recommends award to ZNET Tech, through GSA Schedule GSA 47QTCA18D003S, in the amount of \$58,678.54.) **Approved as recommended.**
- 21** Bid No. 2022-063- Annual Supply of Personal Computers.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$307,229.72.) **Approved as recommended.**
- 22** Bid No. 2022-064 - Purchase of Enterprise Servers.  
(Staff recommends award to Dell, Inc., through Texas Department of Information Resources Contract No. TX DIR-TSO-3763, in the amount of \$69,075.84.) **Approved as recommended.**
- 23** Authorize the City Manager to finalize and execute Amendment No. 3 to the Commercial and Industrial Refuse Collection Agreement between the City of Mesquite and Allied Waste Systems, Inc., d/b/a Republic Services, to extend services for two years with one 90-day extension option. **Approved.**
- 24** Approve the purchase of a tract of land containing approximately 1.529 acres and being located in the Theophalus Thomas Survey, Abstract Number 1461, City of Mesquite, Dallas County, Texas, and being referred to as Block 16, Lot 11R2 of Casa View Heights Number 18 2nd installment Replat (the "Property") from the Oates Drive Baptist Church (the "Seller") for the purchase price of \$193,861.96, plus closing costs, authorize the City Manager to finalize and execute a Sales Contract between the Seller and the City for the purchase of the Property, and execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property. **Approved.**
- 25** Approve the purchase of a tract of land containing approximately 3.272 acres of property located at 2800 Creek Crossing Road, City of Mesquite, Dallas County, Texas, (the "Property") from Ken and Ginger Griffis (Seller) for the purchase price of \$75,500.00 and related closing costs, authorize the City Manager to finalize and execute a Sales Contract

between the Seller and the City for the purchase of the Property, and authorize the City Manager to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property. **Approved.**

## **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- 26** Consider appointment of two members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2023. **Brandon Murden and Tom Palmer were appointed as members of the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2023.**

## **PUBLIC HEARINGS**

- 27** Conduct a public hearing and consider a resolution authorizing the right-of-way acquisition from Rorie Galloway Day Camp for safety improvements to Lawson Road and authorizing the City Manager to take all actions necessary to complete this transaction. **Public hearing held. Approved by Resolution No. 11-2022.**
- 28** 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, and February 7, 2022, City Council meetings.) **Public hearing held. Approved by Ordinance No. 4941.**
- 29** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0206, submitted by Maxwell Fisher of Masterplan, for a change of zoning from Planned Development - Industrial (Ord. No. 4856) to Planned Development - Industrial (Ord. No. 4856) with a Conditional Use Permit to allow a self-storage facility and outdoor recreational vehicle storage with modifications to the Special Conditions found in Section 3-502, located at 2210 East Scyene 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 until the March 7, 2022, City Council meeting.**
- 30** Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with DG Mesquite III Property Owner, L.P. (Mesquite Airport Logistics Center), for the development of approximately 89 acres of real property located at 1900 Airport Boulevard and 1800 Berry Road, in the City of Mesquite, Texas, and the exercise of option to purchase approximately 48 acres of City-owned property, and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 12-2022.**
- 31** Conduct a public hearing and consider a resolution providing support or resolution providing no objection to the MVAH Partners' application to the Texas Department of Housing and Community Affairs (the "TDHCA") for 2022 Competitive 9% Housing Tax Credits Program for the construction of a 96-unit affordable multi-family rental housing development to be located

at 901 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. **Public hearing held. Approved by Resolution No. 13-2022.**

## **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
15. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-2021
16. 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

#### **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. **Discussed.**



## **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:

- 32** Discuss economic development incentives for a prospective business relocation within Alcott Logistics Station Tract A at the corner of East Scyene Road and Clay Mathis Road. **Discussed.**
- 33** Discuss economic development incentives for an existing business relocation at the corner of North Galloway Avenue and US Highway 80. **Discussed.**

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.