



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, December 5, 2022

5:00 PM

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

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 December 5, 2022. The email address is 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 December 5, 2022, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [22-6344](#) Receive briefing regarding possible changes to the property owner notification requirements for zoning cases.
- 2 [22-6349](#) Receive presentation regarding the City of Mesquite Legislative Program.

(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 - 5:00 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

Rick Nichols. Pastor, Wildwood Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 3 [22-6343](#) Recognize Real. Texas. Service. Champions.

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.)

- 4 [22-6297](#) Minutes of the regular City Council meeting held November 21, 2022.

Attachments: [November 21, 2022, minutes](#)

- 5 [22-6320](#) A resolution authorizing the submission of the 2021 Community Development Block Grant (CDBG) Programs Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).

Attachments: [PY21 Consolidated Annual Performance and Evaluation Report](#)
[PY21 CDBG Program Overview](#)
[Resolution](#)

- 6 [22-6339](#) A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on January 14, 2023, for the City of Mesquite Martin Luther King, Jr., Parade.

Attachments: [Resolution](#)

- 7 [22-6341](#) RFP No. 2022-124 - Purchase and Development of Orlando Avenue, Mesquite, Texas, 75149, a 1.2-acre tract, to be included within a 13-acre planned development of a commercial industrial property.
(Staff recommends award to Masterplan in the amount of \$181,082.16, for the development of a 200,000-square-foot commercial building at the northeast corner of IH-635 and US Highway 80 and to authorize the City Manager to execute the Contract for Sale and all necessary closing documents.)

Attachments: [Land Appraisal](#)
 [Working Concept Plan](#)

- 8 [22-6309](#) Bid No. 2023-031 - Annual Supply of Police Body Armor.
(Staff recommends purchase of Annual Supply of Police Body Armor from Nardis, Inc., through BuyBoard Contract No. 603-20, in an amount not to exceed \$52,500.00.)

Attachments: [Quote](#)
 [Bid Recommendation Form](#)

- 9 [22-6327](#) Bid No. 2023-034 - Managed Detection and Response Service for Rapid7 Cybersecurity.
(Staff recommends purchase of Managed Detection and Response Service for Rapid7 Cybersecurity from SHI/Government Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4291, in an amount not to exceed \$143,955.00.)

Attachments: [Quote](#)

- 10 [22-6328](#) Bid No. 2023-035 - Supply of Replacement Fire Protective Clothing for Fire Operations Personnel.
(Staff recommends the purchase of eighteen sets of firefighter protective coats and pants offered by Municipal Emergency Services, Inc., through Sourcewell Purchasing Cooperative Contract No. 032620, in an amount not to exceed \$78,670.10.)

Attachments: [Quote](#)

- 11 [22-6310](#) Authorize the City Manager to finalize and execute the Work Order for the P25 Public Safety Radio System maintenance and support with the City of Garland for the term of October 1, 2022, through September 30, 2023, in an amount not to exceed \$123,507.00.

Attachments: [Work Order with City of Garland](#)
 [Garland Invoice 211](#)
 [Garland Invoice 212](#)

- 12 [23-6326](#) Appoint Daniel Alemán, Jr. as Chairman of the Board of Directors on the

following boards: Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas; Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas; Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas; Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas; Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine, City of Mesquite, Texas; Reinvestment Zone Number Ten, City of Mesquite, Texas (Polo Ridge); Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center); Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park); Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms); Reinvestment Zone Number Fourteen, City of Mesquite, Texas (Alcott Logistics Station); and Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra), for a one-year term beginning January 1, 2023.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 13 [22-6334](#) Consider appointment of four regular members (Position Nos. 2, 4, 6 and 8) to the Animal Services Advisory Committee for terms to expire December 31, 2024, and one regular member (Position No. 7) for a term to expire December 31, 2023.

Attachments: [List of Eligible Applicants](#)

- 14 [22-6321](#) Consider appointment of two regular members (Position Nos. 2 and 4) and one alternate member (Alternate No. 2) to the Board of Adjustment for terms to expire December 31, 2024.
- 15 [22-6322](#) Consider appointment of three regular members (Position Nos. 2, 4 and 6) and one alternate member (Alternate No. 2) to the Building Standards Board for terms to expire December 31, 2024, and one regular member (Position No. 5) and one alternate member (Alternate No. 1) for terms to expire December 31, 2023.
- 16 [22-6312](#) Consider appointment of one regular member (Position No. 2) to the Personnel/Trial Board for a term to expire December 31, 2025, and confirmation of appointment by the City Manager to serve as a member of the City of Mesquite Firefighters' and Police Officers' Civil Service Commission for a term to expire December 31, 2025.
- 17 [22-6331](#) Consider appointment of four regular members (Position Nos. 1, 4, 7 and 10) to the Downtown Development Advisory Board for terms to expire December 31, 2025.
- 18 [22-6330](#) Consider appointment of three regular members (Places 4, 5 and 9) to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2025, one regular member (Place 2) for a term to expire December 31, 2023, and one regular member (Place 8) for a term to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

19 [22-6332](#) Consider appointment of two regular members (Position Nos. 2 and 4) and one alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2024.

20 [22-6335](#) Consider appointment of three regular members (Places 1, 3 and 6) to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2025, and one member (Place 5) for a term to expire December 31, 2023.

Attachments: [List of Eligible Applicants](#)

21 [22-6323](#) Consider appointment of three regular members (Position Nos. 2, 4 and 6) and one alternate member (Alternate No. 2) to the Landmark Commission for terms to expire December 31, 2024, and one regular member (Position No. 1) for a term to expire December 31, 2023.

22 [22-6336](#) Consider appointment of one regular member (Position No. 4) to the Mesquite Quality of Life Corporation Board of Directors for a term to expire December 31, 2024, who will also serve on the Mesquite Economic Development Advisory Board.

Attachments: [List of Eligible Applicants](#)

23 [22-6338](#) Consider appointment of three regular members (Position Nos. 2, 4 and 6) to the Parks and Recreation Advisory Board/Tree Advisory Board and one alternate member (Alternate No. 2) for terms to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

24 [22-6325](#) Consider appointment of three regular members (Position Nos. 2, 4 and 6) and one alternate member (Alternate No. 2) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

OTHER BUSINESS

- 25 [22-6318](#) Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms.

Attachments: [History of Mayor Pro Tem & Deputy Mayor Pro Tem](#)

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.)

- 26 [22-6329](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1022-0257, submitted by Mark Westfall and Artuan McGee of Evolving Texas, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a carwash with modification to the 100-foot residential buffer requirement, located at 2230 North Town East Boulevard.

(Two 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](#)

- 27 [22-6333](#) Conduct a public hearing and consider possible action regarding a request from David Spencer of David Evans & Associates, Inc., to substitute an existing eight-foot-tall landscape hedge for the required six-foot-tall wood or masonry fence to screen outdoor storage, located at 1715 Big Town Boulevard.

Attachments: [Staff Report and Maps](#)

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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
2. 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
3. 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
4. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
5. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
6. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21

7. 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
8. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
9. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
10. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
11. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

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.

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:

- 28 22-6340** Discuss economic incentives for a company considering locating a regional e-commerce and distribution center on IH-20 and FM 2932.

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.