



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, September 19, 2022

5:30 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 September 19, 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 September 19, 2022, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [22-6193](#) Receive briefing from STAR Transit regarding public transportation ridership survey results and proposed service modifications.

(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 - 5:30 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

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

- 2 [22-6195](#) Receive Neighborhood Services Environmental Code Division Council update.

Attachments: [Environmental Code Update Summary](#)

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

Jim Burt, Pastor, Oates Drive Baptist Church, 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.)

- 3 [22-6198](#) Minutes of the regular City Council meeting held September 6, 2022.

 Attachments: [September 6, 2022, minutes](#)

- 4 [22-6113](#) An ordinance amending Appendix D - the Comprehensive Fee Schedule of the City Code, as amended, by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite.

 Attachments: [Ordinance](#)
 [Summary Schedule of Proposed Fee Changes](#)

- 5 [22-6115](#) An ordinance amending Chapter 2 of the City Code to update the political

contribution limitations based on changes to the Consumer Price Index.

Attachments: [Ordinance](#)

- 6 [22-6114](#) A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policies and investment strategies.

Attachments: [Resolution](#)
[Redlined Version - Investment Policy](#)
[Public Trust Advisors Approved Broker/Dealer List](#)

- 7 [22-6210](#) A resolution authorizing the City Manager to execute an Interlocal Agreement with Dallas County for Fiscal Year 2022-23 for an amount not to exceed \$129,450.00 in connection with the Dallas Area Household Hazardous Waste Network with options to renew for four additional one-year terms. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.

Attachments: [Resolution](#)

- 8 [22-6219](#) A resolution of the City Council of the City of Mesquite, Texas, approving a Memorandum of Understanding between the City of Mesquite and the Mesquite Police Association under Subchapter B of Chapter 142 of the Texas Local Government Code effective as of October 1, 2022, and remaining in effect through September 20, 2026, unless extended as set forth therein ("the Agreement"); and authorizing the City Manager to execute the agreement and take all actions necessary or requested to carry out the terms and provisions of the agreement.

Attachments: [Resolution](#)
[Draft Redline Agreement](#)

- 9 [22-6218](#) RFP No. 2022-109 - Rejection of All Bids for Annual Youth Basketball Officials.

(Staff recommends all bids be rejected and rebid at a later date.)

- 10 [22-6217](#) RFP No. 2022-111 - Annual Contract for Congregate Meal Provider.
(Staff recommends award to The Visiting Nurse Association of Texas (VNA), in an amount not to exceed \$90,000.00. 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).

- 11 [22-6211](#) Bid No. 2022-133 - Mesquite Paschall Park Odor Control.
(Staff recommends award to Archer Western Construction, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$1,642,000.00 for construction of a permanent sanitary sewer odor control facility located in Paschall Park).

Attachments: [Bid Tabulation](#)
[Location Map](#)
[Recommendation Letter](#)

- 12 [22-6209](#) Bid No. 2022-135 - Shannon Road to Lawson Road Water Line Extension.
(Staff recommends award to Nu-Way Construction, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$670,868.00 for construction of approximately 2,600 linear feet of 12-inch water line).

Attachments: [Bid Tabulation](#)
[Location Map](#)
[Recommendation Letter](#)

- 13 [22-6191](#) Authorize the City Manager to finalize and execute Supplemental Agreement No. 4 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$1,483,000.00 for Fiscal Year 2023.

Attachments: [STAR Transit Cost of Service Letter](#)

- 14 [22-6212](#) Authorize an increase in the Legal Services Agreement between the City and Sherman & Yaquinto, LLP, for the provision of legal services, advice, and counsel to the City of Mesquite in connection with Cause No. 22-31362-swe11, pending in the U.S. Bankruptcy Court for the Northern District of Texas, Dallas Division, in the amount of \$50,000.00 for a total contract amount not to exceed \$100,000.00; and authorize the City Attorney to finalize and execute the Agreement.

- 15 [22-6223](#) Authorize the City Manager to finalize and execute a Sixth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$75,899.00 for Fiscal Year 2022-23, effective October 1, 2022, through September 30, 2023.

Attachments: [Sixth Amendment](#)

- 16 [22-6204](#) Receive the July 2022 Semiannual Report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c) (4) of the Texas Local Government Code.

Attachments: [July 2022 CIAC Report](#)
[CIAC Minutes 09-12-2022](#)

OTHER BUSINESS

- 17 [22-6183](#) Consider cancelling the regular City Council meeting scheduled for Monday, September 26, 2022.

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.)

- 18** [22-6203](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0249, submitted by John LeFevers, Andrew Oakwood Investments, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit, to allow a carwash, located at 1601 West Bruton 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.)

Attachments: [Staff report and maps](#)
 [P&Z 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

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.

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 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.