



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 20, 2024

6:00 PM

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

Members of the public desiring to speak during Citizens Forum may complete a registration card, which is available at the entrance to the City Council Chamber, and present it to the City Secretary prior to the meeting or pre-register by sending an email, including name, address and subject to be discussed, to the City Secretary at sland@cityofmesquite.com by 3:00 p.m., on May 20, 2024.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1** [24-7187](tel:24-7187) Receive briefing regarding the proposed Downtown Overlay ordinance.

(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 - 6:00 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

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

PLEDGE OF ALLEGIANCE

Members of the Mesquite Citizens Police Academy Alumni Association in honor of National Police Appreciation Week.

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.)

- 2 [24-7193](#) Minutes of the regular City Council meeting held May 6, 2024.

 Attachments: [May 6, 2024, Minutes](#)
- 3 [24-7188](#) An ordinance amending Chapter 5 (Buildings and Construction), Article V (Construction of Fences, Section 5-143 (Height Restrictions) of the City Code for the purpose of providing updated regulations for side yard fence setbacks.

 Attachments: [Staff Memo and Graphics](#)
 [Ordinance](#)
- 4 [24-7168](#) A resolution authorizing the Mayor to execute the First Amendment to the Lower East Fork Wastewater Interceptor System (LEFIS) Contract with the North Texas Municipal Water District (NTMWD).

 Attachments: [Resolution](#)
- 5 [24-7190](#) A resolution authorizing the Mayor to execute a Certification Agreement for the Certified Local Government Program and officially appointing a Historic Preservation Officer.

Attachments: [Staff Memo & CLG Application](#)
[Map of Existing Texas CLG Cities and Counties](#)
[Resolution](#)

- 6 [24-7196](#) A resolution adopting the City Council's Strategic Goals and Objectives for Fiscal Year 2024-2025.

Attachments: [Resolution](#)

- 7 [24-7175](#) Bid No. 2024-119 - Purchase of a New 2024 Horton Model 603 Ford F-550 Chassis Ambulance.
(Staff recommends award to Southern Emergency Rescue Vehicle Sales (SERVS), through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy) Contract No. AM10-23, in an amount not to exceed \$368,763.00.)

Attachments: [SERVS Mesquite Sales Agreement](#)
[HGAC AM10-23](#)
[Horton Specs](#)

- 8 [24-7176](#) Bid No. 2024-122 - Purchase of MPD Rifle Plates Replacement
(Staff recommends award to Rules of Engagement (ROE) Tactical, through BuyBoard Contract No. 698-23, in an amount not to exceed \$258,561.00.)

Attachments: [Quote](#)

- 9 [24-7117](#) Appoint Terry Anderson to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2026.

Attachments: [NTMWD Letter](#)

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 10 [24-7185](#) Consider appointment of one Regular Member (Position No. 5) and one Alternate Member (Alternate No. 1) to the Housing Board for terms to expire December 31, 2025, and one Alternate Member (Alternate No. 2) for a term to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

- 11 [24-7170](#) Consider appointment of one Regular Member (Position No. 9) to the Mesquite Downtown Development Advisory Board for a term to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

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.)

- 12 [24-7186](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0324-0353, submitted by Foresite Group, LLC, for a change of zoning from Agricultural to Planned Development - General Retail to allow an auto parts retailer and other uses permitted in the General Retail zoning district, located at 6491 FM 741.

(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. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 03-14-2022; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-22-00826-CV - Filed 08-10-2022
2. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 08-03-2022; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-23-00485-CV - Filed 05-19-2023
3. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 09-06-2022
4. J'Mei Walker, II v. City of Mesquite, Cause No. DC-23-04762 - Filed 04-11-2023
5. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Criminal Appeals, Cause No. PD-0756-23
6. David Briones v. City of Mesquite and Steven Pierce, Cause No. CC-23-05044-E - Filed 08-04-2023
7. April Patton v. City of Mesquite, Cause No. DC-23-14996, Filed 09-13-2023
8. Danny Booker v. City of Mesquite Risk Management, Cause No. DC-23-18301 - Filed 10-25-2023
9. Elgin Singleton v. City of Mesquite, Cause No. DC-23-18152 - Filed 10-25-2023
10. Avery Fuentes v. City of Mesquite, Cause No. DC-23-19555 - Filed 11-20-2023
11. Bethany Hall and Antonio Holmes v. City of Mesquite, et al; Case No. DC-24-00034, Filed 01-02-2024; removed to the United States District Court for the Northern District of Texas, Dallas Division, Case No. 3:24-cv-00231-B, on 01-30-2024
12. Dominick Green v. R. Rose, C. Pabst and the City of Mesquite, Texas, Cause No. 3:24-cv-00337-X, Filed 02-12-2024
13. Mesquite Asset Recovery Group, LLC, et al. v. City of Mesquite, Case No. DC-24-02668, filed in the 191st District Court, Dallas County, Texas, filed February 15, 2024; removed to the U.S. District Court for the Northern District Of Texas, Dallas Division, Civil Action No. 3:24-cv-00740-D, on March 28, 2024
14. Tijuana Richards v. Mesquite Parks and Recreation, Cause No. DC-24-03958, filed March 15, 2024

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 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.