



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, April 3, 2023

5:00 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 April 3, 2023.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6483](tel:23-6483) Receive briefing regarding the Gus Thomasson Corridor and the North Gus Thomasson Corridor zoning district.

(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

To be determined.

PLEDGE OF ALLEGIANCE

Members of the Dallas Christian Chargers Football Team.

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 [23-6523](#) Minutes of the regular City Council meeting held March 20, 2023.

Attachments: [March 20, 2023, minutes](#)

- 3 [23-6472](#) An ordinance, on third and final reading, granting to Farmers Electric Cooperative, Inc., 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 an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation; therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise and finding that the meeting at which this ordinance is passed is open to the public.

Attachments: [Ordinance](#)
 [Farmers Distribution Line Location Map](#)
 [Farmers Electric Cooperative Service Area Map](#)

- 4 [22-6268](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2023 (Heartland Town Center Public Improvement District Phase #2 Specific Improvements Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing

Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance](#)

- 5 [23-6497](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2023, in the aggregate principal amount not to exceed \$33,500,000.00; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement, providing an effective date; approving and enacting other provisions relating thereto.

Attachments: [Ordinance](#)
[Proposed Bond Projects](#)

- 6 [23-6496](#) A resolution authorizing publication of Notice of Intention to issue Certificates of Obligation, approving the preparation of a preliminary official statement and a notice of sale; and providing for the effective date thereof.

Attachments: [Resolution](#)
[Proposed Bond Projects](#)

- 7 [23-6487](#) Bid No. 2023-053 - Annual Vacant Landscaping and Property Preservation Maintenance for Environmental Code.
(Staff recommends award to A.J. Contracting LLC, and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$198,275.00. The term of the contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal option, subject to annual appropriations of sufficient funds.)

Attachments: [Evaluation Summary](#)

- 8 [23-6492](#) Bid No. 2023-054 - Annual Supply of Sand and Loam
(Staff recommends award to Earth Haulers, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$338,100.20. The term of this contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation](#)

- 9 [23-6999](#) Bid No. 2023-079 - Purchase of Five Ford Pick-Up Trucks.
(Staff recommends purchase from Sam Pack's Five Star Ford, Ltd., through BuyBoard Contract No. 601-19, in an amount not to exceed \$159,046.44.)

Attachments:[Quote](#)[Photo - Ford F150](#)[Photo - Ford Ranger](#)**10** [23-6517](#)

Bid No. 2023-081 - Purchase of One Peterbilt 548 Grapple Loader.

(Staff recommends purchase from Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$331,528.39.)

Attachments:[Quote](#)[Photo](#)**11** [23-6515](#)

Authorize the City Manager to finalize and execute a Local Agreement with the Kaufman County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure.

Attachments:[Local Agreement](#)**12** [23-6504](#)

Authorize the City Manager to finalize and execute Change Order No. 4 to Bid No. 2019-070, Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive, and Douglas Drive Paving and Utility Improvements (Real. Texas. Roads.), with Reliable Paving, Inc., for additional services required in the amount of \$49,800.00.

Attachments:[Location Map](#)[Change Order No 4 - Powell Road](#)[Change Order Request Form](#)

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.)

- 13 [23-6532](#) 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, execute and administer an Economic Development Program Chapter 380 Agreement for such purposes with Action TV, Stereo & Appliance d/b/a Quality Home, for the redevelopment and revitalization of a commercial building at 227 East U.S. Highway 80 in the City of Mesquite, Texas.

Attachments: [Resolution](#)

- 14 [23-6498](#) 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 of Mesquite, authorizing the City Manager to finalize and execute a First Amendment to an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with HC Solterra, LLC (the "Developer"), providing a grant amount equal to certain Roadway Capital Recovery Fees collected by the City for the development of approximately 1,424-acres of land, pursuant to Chapter 380 of the Texas Local Government Code, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)
 [Second Amendment to Solterra Development Agreement](#)

- 15 [23-6511](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0123-0285, submitted by Chad Potchana of PSA Engineering, for a change of zoning from Agricultural to Planned Development - Single-Family Residential R-2A for a single-family residential subdivision, located at 2120 Cordia Drive.

(No responses in favor and five 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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; and Civil Action 3:20-cv-20-01982-X – Filed 7-27-20, and on appeal, Cause No. 22-10321 - Filed 3-24-22
2. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
3. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
4. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
5. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
6. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22
7. Ulises Rivera, Jessica Rivera, and 3509 Byrd Drive, Mesquite, Texas 75150, in rem v. The City of Mesquite, Cause No. DC-22-17289 - Filed 2-10-2023

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:

- 16 23-6526** Discuss economic development incentives and sale of City right-of-way for a project at IH-635 and U.S. Highway 80.

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.