



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, April 19, 2021

5:00 PM

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

1. All persons present at the meeting location is requested to observe social distancing by remaining a minimum of six (6) feet from other meeting participants and wear a covering over their nose and mouth.
2. Members of the public desiring to comment during Citizens Forum must preregister as follows:
 - a. Send an email to the City Secretary on or before 3:00 p.m., on April 19, 2021. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.
 - b. Provide the City Secretary with your name and address.
3. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on April 19, 2021, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [21-5369](#) Receive presentation regarding Neighborhood Speed Management.

(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

Morris Jackson, Pastor, Word of Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

This time is reserved for special announcements and recognition of individuals or groups.

The following announcement may be made:

Presentation regarding renaming Municipal Center to George A. Venner, Sr., Municipal Center.

PRESENTATIONS

- 2 [21-5359](#) Presentation of meritorious awards to Police Department employees.

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 by motion of the City Council.)

- 3 [21-5360](#) Minutes of the regular City Council meeting held April 5, 2021.

Attachments: [04.05.2021m](#)

- 4 [21-5368](#) An ordinance increasing the number of positions in the Mesquite Police Department in the classification of Police Officer from 200 to 205 and establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department effective as of April 19, 2021.

Attachments: [Ordinance](#)

- 5 [21-5334](#) A resolution authorizing the City Manager to execute an agreement with the State of Texas through the Texas Department of Transportation for the furnishing and installing of traffic signal equipment by a municipality at the intersection of IH-20 at FM 740 and providing for a maximum reimbursement by the State to the City in the sum of \$29,770.00.

Attachments: [Resolution](#)
 [IH 20 at FM 740 Signal Location Map](#)

- 6 [21-5309](#) A resolution authorizing the Mayor to execute the Master Agreement Governing Major Capital Improvement Program (MCIP) with Dallas County for the purpose of transportation improvements on roads inside Dallas County that are in the Dallas County Mobility Plan.

Attachments: [Resolution](#)

- 7 [21-5372](#) A resolution consenting to the Assignment by Skyline Commerce Center Owner, LP (“Assignor”), to Skyline Owner LLC (“Assignee”), of Assignor’s Interest in that certain Economic Development Program Agreement (Chapter 380 Agreement) dated effective October 20, 2020, between the Assignor and the City of Mesquite, Texas, relating to the Development of two industrial buildings located at the southeast corner of Buckner Boulevard and Interstate Highway 30 in Mesquite; and authorizing the City Manager to execute all documents necessary in connection therewith.

Attachments: [Resolution](#)

- 8 [21-5338](#) Bid No. 2021-035 - Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract.
(Authorize the City Manager to finalize and execute contracts with Concord Commercial Services, Inc., in an amount not to exceed \$115,000.00; R Staggs Contracting LLC, dba Staggs Enterprise in an amount not to exceed \$10,000.00; Berger Engineering Co. in an amount not to exceed \$465,000.00; Boyd Operating Company, LLC, dba Boyd Electric in an amount not to exceed \$30,000.00; Artex Overhead Door Company in an amount not to exceed \$35,000.00; JM Management LLC, dba JM Construction Solutions in an amount not to exceed \$35,000.00; Texas Building Controls in an amount not to exceed \$10,000.00; Phillips Lawn Sprinkler Co., Inc. in an amount not to exceed \$10,000.00; and Precision Fencing, LLC, in an amount not to exceed \$10,000.00, for a total amount not to exceed \$720,000.00.)

Attachments: [Bid Tabulation](#)
 [Scoresheet](#)

- 9 [21-5351](#) Bid No. 2021-082 - Purchase of Monitoring Trailers.
(Staff recommends award to All Traffic Solutions, Inc., through BuyBoard Contract No. 608-20, in the amount of \$66,227.20.)

Attachments: [Quote](#)

- 10 [21-5363](#) Authorize the City Manager to finalize, execute and administer a Memorandum of Understanding between Mesquite and the City of Crandall, Texas ("Crandall"), defining the expectations and responsibilities of both Cities related to the construction and operation of a water supply line from Mesquite to Crandall.

Attachments: [Memorandum of Understanding](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 11 [21-5358](#) Consider appointment of two members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2021, (Places 7 and 8), and one member for a term to expire December 31, 2022, (Place 9).

Attachments: [Personal Data Form](#)

- 12 [21-5366](#) Consider appointment of one alternate member (Alternate No. 1) to the Board of Adjustment for a term to expire December 31, 2021.

Attachments: [Personal Data 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 [21-5353](#) Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Eleanor Sue Carroll for façade improvements to the building located at 215 West Main Street, Mesquite, Texas 75149, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 14 [21-5354](#) Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Eleanor Sue Carroll for façade improvements to the building located at 217 West Main Street, Mesquite, Texas 75149, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 15 [21-5355](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0221-0181, submitted by Traci Jones of Little Texans for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a daycare, located at 1515 East Kearney Street, Suite 402.
(No responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.)

Attachments: [Staff report & maps](#)

[P&Z minutes](#)

[Ordinance](#)

- 16 [21-5357](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-02, amending the Mesquite Zoning Ordinance, as previously amended, by making certain additions and deletions to sections contained in Parts 3 and 6 pertaining to the creation of Mobile Food Unit Parks as a regulated permitted land use in certain districts; and amending Chapter 8 of the Mesquite City Code, as previously amended, by repealing and replacing Article VIII to be titled "FOOD AND FOOD ESTABLISHMENTS," providing for general updates and adopting the TEXAS FOOD ESTABLISHMENT RULES ("TFER") 2015 EDITION and local amendments thereto, and providing additional updates to the operation and permitting of Mobile Food Units within the City, including Food Trucks and Food Trailers; and amending APPENDIX D - COMPREHENSIVE FEE SCHEDULE, Article XII, thereby revising health, food and food establishment fees.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

Attachments: [P&Z minutes](#)

- 17 [21-5356](#) Conduct a public hearing and consider an ordinance to amend the Comprehensive Plan from Neighborhood Retail to Light Industrial and for Zoning Application No. Z0321-0182, submitted by the City of Mesquite for a change of zoning from Planned Development - Industrial No. 1848 and Industrial to Planned Development - Industrial to allow an industrial business park in addition to other uses permitted in the Industrial zoning district, located at 2600 Newsom Road, 2210 East Scyene Road, 2500 East Scyene Road, 2650 East Scyene Road, 2700 East Scyene Road, 3000 East Scyene Road, 2600 East Glen Boulevard, 2900 East Glen Boulevard, 3300 East Glen Boulevard, and 3301 East Glen Boulevard.
(No responses in favor and 12 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 & 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. Kathy Dyer and Robert Dyer, Individually and as Representative of the Estate of Graham Dyer v. City of Mesquite, Texas, et al, Cause No. 3:15-CV-02638-B – Filed 8-12-15
2. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
3. 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
4. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
5. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
6. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:10-CV-01263-L – Filed 5-24-19
7. 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
8. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
9. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-1982 – Filed 7-27-20
10. 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
11. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Mesquite, Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
12. 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
13. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21

14. Texas Hemp Federation and Create a Cig Mesquite LLC dba CAC Mesquite v. City of Mesquite and Cliff Keheley in his official capacity as City Manager, Cause No. DC-21-02420 – Filed 2-25-21
15. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21

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.