



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, June 7, 2021

5:00 PM

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

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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 June 7, 2021. The email address is [sland@cityofmesquite.com](mailto: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 June 7, 2021, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 [21-5424](#) Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

(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

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

- 2 [21-5437](#) Receive Neighborhood Services Environmental Code quarterly report for the period of January 1, 2021, through March 31, 2021.

**Attachments:** [Environmental Code FY 2020-2021 2nd Quarter Summary.pdf](#)

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

Rev. Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Mesquite Animal Control Officers.

**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.

**APPOINTMENTS FOR PERSONAL APPEARANCE**

- 3      [21-5447](#)      Appointment - Representatives of Hilltop Securities, Inc.  
(Representatives of Hilltop Securities, Inc., will review pricing for the issuance and sale of bonds.)
- 4      [21-5440](#)      An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2021; awarding the sale thereof; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a paying agent agreement; providing an effective date; approving and enacting other provisions relating thereto.

**Attachments:**      [Ordinance](#)

- 5      [21-5441](#)      An ordinance authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2021; levying a tax in payment thereof; prescribing the form of said

certificates and awarding the sale thereof; approving execution and delivery of a paying agent agreement; approving the official statement; approving and enacting other provisions relating thereto.

**Attachments:** [Ordinance](#)

- 6 [21-5442](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable Series 2021; levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; approving execution and delivery of a paying agent agreement; approving the official statement; approving and enacting other provisions relating thereto.

**Attachments:** [Ordinance](#)

## 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.)

- 7 [21-5403](#) Minutes of the regular City Council meeting held May 17, 2021.

**Attachments:** [May 17, 2021, minutes](#)

- 8 [21-5436](#) A resolution authorizing the adoption of the City of Mesquite Hazard Mitigation Action Plan.

**Attachments:** [Resolution](#)  
[State of Texas Approval Letter](#)  
[Hazard Mitigation Action Plan](#)

- 9 [21-5457](#) Bid No. 2019-079 - Annual TxDOT IH635/IH 30/Highway 80 Corridor Maintenance Contract and Litter Control Contract.  
(Staff recommends ratification of the first of four contract renewal options with Good Earth in the amount of \$272,094.04 and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)

- 10 [21-5417](#) Bid No. 2021-066 - Annual Contract for Utility Concrete Repairs (Area 1).  
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, in the amount of \$372,200.00. The term of this contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.)

**Attachments:** [Bid Tabulation](#)  
[Recommendation Letter](#)

- 11     [21-5411](#)     Bid No. 2021-083 - Annual Supply of Water Parts.  
(Staff recommends award to low bidders: Groups I, III, and IV to Core & Main LP in the amount of \$387,735.25 and Group II to Fortiline, Inc., in the amount of \$124,610.00, for a total bid amount of \$512,345.25. The term of this 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 annual appropriation of sufficient funds.)

Attachments:     [Bid Tabulation](#)

- 12     [21-5439](#)     Authorize the City Manager to finalize and execute an Interlocal Agreement with the Mesquite Independent School District to provide bus transportation for City Parks and Recreation Programs including school age children.

Attachments:     [Interlocal Agreement](#)

- 13     [21-5410](#)     Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to Bid No. 2019-091, Municipal Court Interactive Voice Response (IVR) System, for increased IVR call volume with sole source provider Selectron Technologies, Inc., in the amount of \$102,250.00, for a total contract amount of \$238,820.00.

Attachments:     [Sole Source Letter](#)  
                          [Supplemental Agreement No. 2](#)

#### RECEIPT OF RESIGNATION

- 14     [21-5452](#)     Receive resignation from Dorothy Patterson as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Attachments:     [Resignation Email](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 15     [21-5433](#)     Consider appointment of one regular member to the Landmark Commission for a term to expire December 31, 2021.

Attachments:     [Personal Data Form - Phyllis Prycer](#)

#### 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.)

- 16     [21-5429](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0420-0139, submitted by Mazidji Group Engineering, on behalf of SAM 77, Inc., to amend the Comprehensive Plan from Low Density Residential to Neighborhood Retail and a change of zoning from

Agricultural and General Retail to General Retail with a Conditional Use Permit with a modification to allow a convenience store and limited fuel sales within 500 feet of a residential district, generally located at the east corner of Pioneer Road and McKenzie Road (400 McKenzie Road and 3100 McKenzie Road).

(No responses in favor and 11 in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of a portion of the request and denial of the conditional use permit.)

**Attachments:** [Staff report and maps](#)

[P&Z minutes](#)

[Ordinance](#)

- 17 [21-5430](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0421-0191, submitted by Evaristo Pineda of MBM Liquidation, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used merchandise, located at 720 Military Parkway, Suite A.

(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 & maps](#)

[P&Z Minutes](#)

[Ordinance](#)

- 18 [21-5431](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-03, amending the Mesquite Zoning Ordinance, as amended, by amending various provisions of Section 2-600 "Accessory Structure Regulations" thereby establishing new regulations for accessory structures in the rear yard of residential properties.

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

**Attachments:** [P&Z Minutes](#)

[Ordinance](#)

- 19 [21-5443](#) Conduct a public hearing and consider an ordinance amending the Mesquite Zoning Ordinance (Zoning Text Amendment No. 2021-02), 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 making certain deletions and additions, including 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 health permitting of various types of Mobile Food Units (MFU), including food trucks and food trailers, and incorporating an MFU-Operation Site Approval process including an MFU-Operation Site Permit; amending ARTICLE I, DIVISION 2, related to appeal of the City Manager's decision to the City Council; amending ARTICLE III, DIVISIONS 4 and 5 related to mobile vendors and Mobile Food Units; and amending APPENDIX D - COMPREHENSIVE FEE SCHEDULE, revisions to related fees in ARTICLES I and XII.

(This item was postponed at the April 19, 2021, City Council meeting and tabled at the May 3, 2021, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:** [P&Z Minutes](#)

[Ordinance](#)

- 20 [21-5432](#) Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 1,920 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date for the termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance.
- (This public hearing is continued from the May 3, 2021, City Council meeting.)

**Attachments:** [Ordinance](#)

- 21 [21-5373](#) Conduct a public hearing and consider an ordinance enlarging the boundaries and increasing the geographic area of Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) ("the Zone") by adding to the Zone approximately 9.65 acres of City rights-of-way adjacent to the Zone and approximately 924 acres of noncontiguous land generally located south of Scylene Road, west of Lawson Road, north of Berry Road, and east of Ashley Furniture Industries Distribution Center, and being located within the corporate limits and extraterritorial jurisdiction of the City, pursuant to Chapter 311 of the Texas Tax Code, describing the boundaries of the Zone, extending the term of the Zone, amending Ordinance No. 4579, containing findings related to the enlargement of the Zone, and providing that expansion of the Zone take effect immediately upon passage of the ordinance.

**Attachments:**      [Proposed TIRZ Expansion Ordinance](#)  
[TIRZ Designation Ordinance No. 4579](#)  
[TIRZ Preliminary Financing Plan](#)

## **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. 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
12. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
13. 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
14. 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.

**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:

- 22 21-5448** Discuss economic development incentives for a prospective development on Mesquite Valley Road in southeast Mesquite
- 23 21-5454** Discuss economic development incentives for a prospective business expansion at 2200 Skyline Drive in the Skyline Trade Center.
- 24 21-5455** Discuss economic development incentives for a prospective business expansion on Executive Boulevard.

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.