



# City of Mesquite, Texas

## Meeting Agenda

### City Council

---

Monday, October 19, 2020

5:00 PM

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

---

1. All persons present at the meeting location must observe social distancing by remaining a minimum of six (6) feet from other meeting participants and must 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 October 19, 2020. 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 October 19, 2020, 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      [20-5050](#)      Receive briefing regarding Trinity Valley Electric Cooperative operations and proposed franchise agreement.  
  
         Attachments:      [Background Summary](#)
- 2      [20-5054](#)      Receive briefing regarding ordinance amendments to the Mesquite Zoning Ordinance and Chapters 9 and 10 of the City Code, thereby updating certain regulations and offenses regarding the parking and storage of commercial motor vehicles, oversized vehicles, recreational vehicles (RVs) and trailers in residential areas and the associated required off-street parking spaces.
- 3      [20-5060](#)      Discuss campaign finance and contribution limitations.  
  
         Attachments:      [Exhibit to Proposed Ordinance.pdf](#)

(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 - EXECUTIVE 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**

Tony Rorie, The Men and Ladies of Honor.

**PLEDGE OF ALLEGIANCE**

City of Mesquite 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 by motion of the City Council.)

- 4      [20-5044](#)      Minutes of the regular City Council meetings held September 28, 2020, and October 5, 2020.

Attachments:      [09.28.2020m](#)  
                                 [10.05.2020m.pdf](#)

- 5      [20-5031](#)      An ordinance amending Chapter 9 of the City Code thereby providing a new school zone for Trinity Basin Preparatory School and a revised school zone for Vanston Middle School.
- Attachments:*      [Ordinance](#)  
                                 [Oates Drive School Zone Location Map](#)  
                                 [East Meadows School Zone Location Map](#)
- 6      [20-5053](#)      An ordinance, on first reading, granting to Trinity Valley 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, finding that the meetings at which this ordinance is passed are open to the public, and providing for severability.
- Attachments:*      [Proposed Franchise Ordinance](#)  
                                 [TVEC CCN and Board District Boundary Location Map](#)  
                                 [TVEC Tariff](#)  
                                 [TVEC Bylaws](#)
- 7      [20-5065](#)      A resolution authorizing the City Manager to finalize and execute a development agreement between the City of Mesquite, Texas, and HC Solterra, LLC, regarding the development of approximately 1,424.398 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard within the corporate limits of the City of Mesquite, Texas, in Dallas County, Texas, as a master-planned development consisting of residential and commercial mixed uses; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City.
- Attachments:*      [Resolution.pdf](#)
- 8      **20-5052**      A resolution adopting the Public Housing Authority 5-Year and Annual Plan for the Housing Choice Voucher Program.
- Attachments:*      Resolution.pdf
- 9      [20-5029](#)      A resolution supporting the reconstruction of US Highway 80 in Mesquite and authorizing the City Manager to execute an Agreement to Contribute Right-of-Way Funds estimated at \$651,000.00 with the Texas Department of Transportation for highway improvements on US Highway 80 from IH 30 to east of Belt Line Road (Sunnyvale Town Limits).

**Attachments:**      [Resolution](#)  
[US 80-RCSJ-0095-02-122-AGREEMENT](#)  
[US 80-RCSJ-0095-02-123-AGREEMENT](#)  
[US 80-RCSJ-0095-10-056-AGREEMENT](#)

- 10      [20-5049](#)      Bid No. 2020-012 - Kaufman County Large Diameter Transmission Water Main Project.  
(Authorize the City Manager to finalize and execute a contract with lowest responsible bidder S.J. Louis Construction of Texas, LTD, in the amount of \$10,192,834.35.)

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

- 11      [20-4773](#)      RFP No. 2020-077 - Parks Master Plan.  
(Authorize the City Manager to finalize and execute a contract with Dunaway Associates, L.P., in the amount of \$155,415.00.)

- 12      [20-5047](#)      Bid No. 2020-112 - Annual Contract for Paint and Body Services.  
(Authorize the City Manager to finalize and execute a contract with Town East Ford in the amount of \$324,500.00. The term of this contract is for one-year, with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Attachments:**      [Award Scoring Matrix](#)

- 13      [20-5022](#)      Bid No. 2021-005 - Annual Contract for Internet Auctioning Services.  
(Staff recommends award to Rene' Bates Auctioneers, Inc., through BuyBoard Contract No. 620-20, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

- 14      [20-5043](#)      Authorize the City Manager to finalize and execute a Water Disconnection Agreement with Talty Special Utility District.

**Attachments:**      [Water Disconnection Agreement](#)

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 15      [20-5051](#)      Consider appointment of four regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2022.

**Attachments:**      [Personal Data Form - Steve Bragg](#)

- 16      [20-5072](#)      Consider appointment of one regular member and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory

Committee for terms to expire December 31, 2020.

**Attachments:** [Personal Data Form - Brandon Murden](#)

## OTHER BUSINESS

- 17     [20-5066](#)     Consider appointment of the Municipal Court Judge for the City of Mesquite, Texas, effective November 13, 2020, and authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and Municipal Court Judge.

## 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     [20-5064](#)     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 an economic development program agreement (Chapter 380 Agreement) for such purposes with Skyline Commerce Center Owner, LP, (Conor Commercial Real Estate) for the development of two industrial buildings consisting of approximately 197,600 cumulative square feet on approximately 12.38 acres of real property located at the southeast corner of Buckner Boulevard and Interstate Highway 30 in Mesquite, Texas; and authorizing the City Manager to administer the agreement on behalf of the City.

**Attachments:** [Chapter 380 Agreement Summary](#)  
[Resolution](#)

- 19     [20-4986](#)     Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-05 by amending Mesquite Zoning Ordinance Section 3-203, Schedule of Permitted Uses; Section 3-507, Coin-Operated Amusement Devices; pertaining to new and revised regulations for amusement devices, game machines, video games and similar devices.  
(This item was postponed at the August 17, 2020, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:** [Staff Memo](#)  
[P&Z Minutes](#)  
[Ordinance.pdf](#)

- 20     [20-4971](#)     Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-07 to the Mesquite Zoning Ordinance, by making certain deletions and additions to various sections all pertaining to the applicable approval criteria for Special Exceptions.

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

**Attachments:**

[Staff Memo](#)

[P&Z Minutes](#)

[Ordinance](#)

**21     [20-5055](#)**

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-09 to the Mesquite Zoning Ordinance, by making certain additions and deletions to sections in Part 2 “Residential Districts” pertaining to requirements for off-street parking in residential districts; and amending Chapter 9 and Chapter 10 of the City Code thereby updating certain regulations and offenses regarding the parking and storing of commercial motor vehicles, oversized vehicles, recreational vehicles (RVs) and trailers in residential districts.

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

**Attachments:**

[Ordinance](#)

[P&Z Minutes](#)

**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 – Filed 8-12-15; Cause No. 3:15-CV-02638-B; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
2. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
3. Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 (Appealing Wholesale Water Rates for 2018) – Filed 12-15-17
4. 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
5. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18

6. 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
7. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; Affirmed by Dallas Court of Appeals, Case No. 05-19-00667-CV; Petition for Review filed with Texas Supreme Court, Case No. 20-0553
8. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
9. 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
10. 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
11. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
12. 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
13. 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
14. City of Mesquite v. Thomas Chaddick, Catamount Properties 2018 L.L.C., and 1404 Quapaw Trail, Mesquite, Texas 75149, in rem, Cause No. DC-20-13609 – Filed 9-17-20
15. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261 – Filed 9-29-20

### **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.

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.