



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, May 17, 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 May 17, 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 May 17, 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 [21-5427](#) Receive briefing regarding possible text amendments to the Zoning Ordinance pertaining to regulations for commercial accessory buildings.

(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 [21-5426](#) Receive quarterly report from the Police Department.

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

**INVOCATION**

Archie Greer, Sr., Senior Pastor, Trinity Worship Center, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Rodeo Cowboys.

**PRESENTATIONS**

- 3      [21-5415](#)      Receive presentation regarding the 2021 Mesquite Elks Lodge Awards.

**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      [21-5362](#)      Minutes of the regular City Council meeting held May 3, 2021.

Attachments:      [05.03.2021m](#)

- 5      [21-5414](#)      An ordinance determining the necessity of acquiring real property for construction of a public park on property located at 1100 North Bryan-Beltline Road; authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use; and delegating authority to initiate condemnation proceedings to the City Manager.

**Attachments:**      [Ordinance](#)

- 6      [21-5385](#)      A resolution endorsing and accepting the 2020-2021 Click It or Ticket Safety Grant for the Selective Traffic Enforcement Program (STEP), approving the contribution of City funds in the amount of \$1,000.76 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation in connection with such Grant and Program.

**Attachments:**      [Resolution](#)

- 7      [21-5407](#)      A resolution authorizing the sale of three tax-foreclosed properties located at 1004 Grande Drive, 907 Jardin Drive and 810 Leyenda Drive in Mesquite, Texas (the "Properties"); accepting the offers from Hossain Dezham (the "Purchaser") to purchase the Properties; ratifying and approving the Offer and Purchase Agreements executed by the Purchaser setting forth the terms and conditions of the sale of the Properties; consenting to the termination, release and discharge of certain covenants, conditions and restrictions imposed on the Properties; authorizing the City Manager to execute a Release of Deed Restrictions and a Quitclaim Deed with respect to each of the Properties; and authorizing the City Manager to take all actions and execute all other documents necessary or requested to complete the closing and sale of the properties.

**Attachments:**      [Location Map](#)  
                                 [Resolution](#)

- 8      [21-5341](#)      RFP No. 2021-065 - Heritage Plaza Renovations.  
(Authorize the City Manager to finalize and execute the required documents with Nouveau Construction and Technology Services, L.P., in the amount of \$698,800.00.)

**Attachments:**      [Nouveau Bid](#)  
                                 [Floor Plan and Elevation](#)

- 9      [21-5392](#)      RFP No. 2021-071 - Dunford Renovation: Improvements.  
(Authorize the City Manager to finalize and execute a contract with MBW Serv Corporation, in the amount of \$341,500.00.)

**Attachments:**      [Evaluation Summary](#)  
                                 [Bid Award attachment](#)

- 10     [21-5395](#)     RFP No. 2021-091 - Dunford Recreation: Gym Floor.  
(Authorize the City Manager to finalize and execute a contract with Ponder Company, Inc., through BuyBoard Contract No. 560-18, in the amount of \$58,155.00.)
- Attachments:*     [Bid Award attachment](#)
- 11     [21-5387](#)     Bid No. 2021-078 - Annual Supply of Full Circle Clamps.  
(Staff recommends award to the lowest bidder meeting specifications, Fortiline, Inc., for an amount not to exceed \$62,411.00. The term of this contract is for one year, 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     [21-5408](#)     Bid No. 2021-095 - Purchase of 2021 Ford F-350 Diesel Chassis Ambulance Remount.  
(Staff recommends award to Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$158,350.00.)
- Attachments:*     [HGAC Quote](#)
- 13     [21-5413](#)     Bid No. 2021-096 - MPD Tactical Night Vision Devices.  
(Staff recommends award to ROE Tactical LLC, through BuyBoard Contract No. 603-20, in the amount of \$59,921.71.)
- Attachments:*     [Quote](#)  
                      [Statement of Grant Award](#)
- 14     [21-5425](#)     Appoint Brenda Jean Patrick to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2023.
- Attachments:*     [NTMWD Letter](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 15     [21-5399](#)     Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, June 2, 2021, at 1:30 p.m.
- Attachments:*     [History of Appointments](#)

#### 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     [21-5402](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0321-0186, submitted by LGE Design Group, for a change of zoning from Commercial and Planned Development - Light Commercial Ordinance Nos. 2646 and 2647 to Planned Development - Commercial to allow an industrial business park, located at 1600 E. U.S. Highway 80, 2000 E. U.S. Highway 80, 997 Santa Maria Drive and 900009 Santa Maria Drive.

(Three 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 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.

### **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:

- |           |                |   |
|-----------|----------------|---|
| <b>17</b> | <b>21-5418</b> | Discuss economic development incentives for a prospective development at the corner of IH-20 and FM 2932 in Kaufman County.         |
| <b>18</b> | <b>21-5419</b> | Discuss economic development incentives for a prospective development west of Gus Thomasson Road on IH-30 south-side frontage road. |
| <b>19</b> | <b>21-5420</b> | Discuss economic development incentives for a prospective development on East Meadows Boulevard between US Highway 80 and IH-30.    |
| <b>20</b> | <b>21-5421</b> | Discuss economic development incentives for a prospective development on East Scyene Road within Alcott Logistics Station.          |

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.