



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 3, 2022

5:00 PM

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

1. Members of the public desiring to comment during Citizens Forum may preregister as follows:
 - a. Send an email to the City Secretary on or before 3:00 p.m., on October 3, 2022. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.
 - b. Provide the City Secretary with your name and address.
2. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on October 3, 2022, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [22-6224](#) Receive briefing regarding proposed Impact Fee Study Update for water and wastewater.

(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 [22-6221](#) Receive Economic Development Department Council update.

Attachments: [Economic Development Department Update Summary](#)

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

Michael Luster, Sr., Pastor, New Beginnings Fellowship, Mesquite.

PLEDGE OF ALLEGIANCE

Representatives from the Mesquite Fire and Police Departments and Dispatch.

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.)

- 3 [22-6236](#) Minutes of the regular City Council meeting held September 19, 2022.

Attachments: [September 19, 2022, minutes](#)

- 4 [22-6229](#) A resolution finding that Oncor Electric Delivery Company, LLC's application to change rates within the City should be denied, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, finding that the meeting at which this Resolution is passed is open to the public as required by law and requiring notice of this Resolution to the Company and legal counsel.

Attachments: [Resolution](#)
[Resolution No. 24-2022](#)
[List of Oncor Steering Committee Cities](#)

- 5 [22-6225](#) A resolution authorizing the City Manager to execute a release and abandonment of Twin Oaks Drive Drainage Easement Tracts (Tract No. 1 through Tract No. 6) along Twin Oaks Drive southwest of Cartwright Road and dedication by the final plat of Twin Oaks Drive Right-of-Way as recorded in Volume 2003194, Page 160, Map Records, Dallas County, Texas.

Attachments: [Resolution](#)

- 6 [22-6222](#) A resolution to resell tax-foreclosed properties located at 121 Woodbridge Way and 613 Willowbrook Drive by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.

Attachments: [Resolution](#)
[Location Map for 121 Woodbridge Way](#)
[Location Map for 613 Willowbrook Drive](#)

- 7 [22-6243](#) A resolution repealing Resolution No. 51-2016 and adopting a new tax lien foreclosure policy.

Attachments: [Resolution](#)
[Resolution No. 51-2016 redline](#)

- 8 [22-6231](#) RFP No. 2022-110 - Upgrade Building Automation Systems.
(Staff recommends award to Texas Building Controls, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$90,196.64 for the upgrade of the City's Building Automation Systems)

- 9 [22-6242](#) Bid No. 2022-138 - Annual Contract for Utility Concrete Repair (Area 1).
(Staff recommends award to Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$527,100.00. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

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

- 10 [22-6233](#) Bid No. 2022-139 - Annual Contract for Utility Concrete Repair (Area 2).
(Staff recommends award to Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$527,100.00. The term of the contract is for a one-year period, with two 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](#)

[Recommendation Letter](#)

11 [22-6248](#)

RFP No. 2022-142 - Development of 5025 Kiamesha Way, Mesquite, Texas for Single Family Development.

(Staff recommends acceptance of the Affluency Homes, LLC, proposal for the sale of 5025 Kiamesha Way in the amount of \$45,000.00 for a single-family development and authorize the City Manager to execute the Contract for Sale and all necessary closing documents.)

Attachments:

[Location Map](#)

[Existing Neighborhood Home Elevations](#)

[Affluency Concept Elevation and Floor Plan](#)

[Affluency Homes Recent Infill Development](#)

[RFP No. 2022-142](#)

12 [22-6164](#)

Bid No. 2022-144 - Avaya Phone System Subscription and Annual Maintenance (DIR-CPO-4644).

(Authorize the City Manager to finalize and execute a contract and any required documents with Lantana Communications Corporation, for the purchase of annual subscription licensing and maintenance for the City's Avaya Phone System, through Texas Department of Information Resources Contract No. DIR-CPO-4644, in an amount not to exceed \$74,971.08. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to the annual appropriation of sufficient funds.)

Attachments:

[Quote](#)

13 [22-6187](#)

Bid No. 2022-145 Avaya Phone System Software Upgrade Services.

(Authorize the City Manager to finalize and execute a contract and any required documents with Lantana Communications Corporation, for the purchase of software upgrade services for the City's Avaya Phone System, through Texas Department of Information Resources Contract No. DIR-CPO-4644, in an amount not to exceed \$83,350.00.)

Attachments:

[Quote](#)

14 [22-6206](#)

Bid No. 2022-150 - Ratification of the Annual Contract for Supply of Asphalt for Type B.

(Staff recommends ratification of the contract with Texas Materials Group Inc., dba Oldcastle Materials Texas, Inc., and TexasBit, a CRH company, for the purchase of Hot Mix Asphaltic Concrete Pavement, Type B, in an amount not to exceed \$86,445.45, through an Interlocal Cooperative Purchasing Agreement with the City of Garland. The term of the contract is

for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

- 15 [22-6207](#) Bid No. 2022-153 - Rental of Odor Control Equipment.
(Staff recommends ratification of odor control equipment rental fees in the amount of \$122,138.63, through Houston-Galveston Area Council Contract No. RN11-19, and to authorize the City Manager to finalize and execute a contract with United Rentals (North American), Inc., for rental of odor control equipment, through Sourcewell Contract No. 062320-URI, in the amount not to exceed \$116,790.81. The term of the contract is for a one-year period, with one additional one-year renewal option. The City Manager is authorized to exercise the renewal option subject to the annual appropriation of sufficient funds.)

Attachments: [Quote](#)

- 16 [22-6239](#) Authorize the City Manager to finalize and execute a Project Financing Agreement (City of Crandall Water Supply Project) with the City of Crandall for certain water transmission line improvements.

Attachments: [Project Financing Agreement \(City of Crandall Water Supply Project\)](#)

- 17 [22-6208](#) Approve the purchase of a tract of improved land containing approximately 0.3759 acres and being located at 617 North Ebrite Street, Mesquite, Dallas County, Texas (the "Property") from the Mesquite Chamber of Commerce of Mesquite, Texas (the "Seller") for the purchase price of \$305,000.00, plus closing costs, authorize the City Manager to finalize and execute a Purchase and Sale Agreement between the Seller and the City for the purchase of the Property and to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property.

Attachments: [Location Map](#)

- 18 [22-6237](#) A resolution determining to request financial assistance from the Texas Department of Transportation for purposes of preparation of an Airport Master Plan, designating the Texas Department of Transportation (TxDOT) as an agent for the purposes of applying for, receiving, and disbursing all funds, authorizing the expenditure of up to \$50,000.00 of City funds for the plan; and authorizing the City Manager to execute all contracts and agreements as necessary.

Attachments: [Resolution](#)

- 19 [22-6215](#) Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation (TxDOT), Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

- 20 [22-6230](#) Authorize the City Manager to finalize and execute a Consent to

Assignment of Ground Lease with Hangar 1280, LLC.

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.)

- 21** [22-6234](#) Conduct a public hearing and consider possible action regarding a request from Daniel R. Marsicano of Leon Capital Group, to waive the requirement for screening of a nonresidential service area abutting Executive Circle and South Town East Boulevard and to waive the requirement for an eight-foot-tall screening wall buffer from a residential zoning district along the east property line, located at 540 South Town East Boulevard.

Attachments: [Notification Map](#)
 [Applicant's Letter with Attachments](#)

- 22** [22-6241](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0248, submitted by Graham Baumann, WRA Architects, Inc. on behalf of Mesquite ISD, for a change of zoning from Agricultural and Planned Development - Single Family No. 3887 to Agricultural and Planned Development - Single Family No. 3887 with a Conditional Use Permit to allow a school use on the property, located at 3300 East Cartwright Road.

(One response in favor and none 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](#)

- 23** [22-6226](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0252, submitted by Shahbaz Ali Syed, for a change of zoning from Commercial with Special Permit (Ordinance No. 1027) within the Skyline Logistics Hub Overlay to Commercial with Special Permit (Ordinance No. 1027) within the Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a Game Room with three coin-operated game machines, located at 3828 East U.S. Highway 80.

(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 and maps](#)
[P&Z minutes](#)
[Ordinance](#)

- 24 [22-6227](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0251, submitted by Mark Cohen on behalf of Responsive Education of Texas, for a change of zoning from Commercial and Town East Retail and Restaurant Area (TERRA) Overlay to Commercial and TERRA Overlay with a Conditional Use Permit to allow a charter high school, located at 3677 and 3733 Emporium Circle.
(Two responses in favor and none 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](#)

- 25 [22-6228](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2022-04, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 2, Section 2-200 "Use Regulations", Section 2-600 "Accessory Structure Regulations" and Part 6, Section 6-102 "Definitions" pertaining to revising and establishing new regulations for solar panels in residential districts, garage conversions and accessory dwelling units.
(The Planning and Zoning Commission recommends approval of the Zoning Text Amendment.)

Attachments: [Staff Memo](#)
[P&Z minutes](#)
[Ordinance](#)

- 26 [22-6196](#) Conduct a public hearing and consider a resolution approving a First Amendment to the Amended and Restated Chapter 380 Economic Development Program Agreement Three between the City of Mesquite, Texas and MMAH Rodeo Land Holdings, LLC ("Company"), clarifying payment terms of Company's obligations regarding the electronic Freeway-Oriented Marquee Sign, and authorizing the City Manager to execute the First Amendment.

Attachments: [Resolution](#)

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. 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
2. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 - Filed 11-8-18
3. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:19-CV-01263-L - Filed 5-24-19
4. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-01982-X - Filed 7-27-20
5. 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
6. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B - Filed 3-4-21
7. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
8. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
9. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
10. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764- Filed 2-14-22; and In re CC Hillcrest, LLC, Case No. 22-31362-swe11 - Filed 7-29-22
11. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
12. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
13. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
14. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

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.

- Annual review of City Manager.

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:

- 27 22-6216** Discuss economic development incentives for a proposed redevelopment of an existing building at Belt Line Road and U.S. Highway 80.
- 28 22-6235** Discuss economic development incentives for a prospect considering a commercial development at FM 352 near Kearney Street in Mesquite.

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.