



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, January 17, 2023

5:30 PM

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

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Members of the public desiring to speak during Citizens Forum may complete a registration card, which is available at the entrance to the City Council Chamber, and present it to the City Secretary prior to the meeting or pre-register by sending an email, including name, address and subject to be discussed, to the City Secretary at [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com) by 3:00 p.m., on January 17, 2023.

#### **PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.**

#### **AGENDA REVIEW**

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:30 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**

Mike Tolleson, Minister of the Gospel.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Heart Board.

#### **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**

- 1        [23-6387](#)        Appointment - Henry Brown, President of Mesquite NAACP  
(Mr. Brown will discuss diversity in the City of Mesquite.)

**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.)

- 2        [22-6376](#)        Minutes of the regular City Council meeting held January 3, 2023.  
  
*Attachments:*        [January 3, 2023 minutes](#)
- 3        [23-6382](#)        An ordinance changing the name of the classification of Deputy Chief to Battalion Chief in the Mesquite Fire Department as of January 17, 2023.  
  
*Attachments:*        [Ordinance](#)
- 4        [23-6383](#)        An ordinance changing the name of the classification of Police Captain to Police Deputy Chief in the Mesquite Police Department as of January 17, 2023.  
  
*Attachments:*        [Ordinance](#)
- 5        [22-6178](#)        A resolution accepting the preliminary Service and Assessment Plan for authorized improvements within the Improvement Area #A-1.1 and #C-1 of the Solterra Public Improvement District, setting a date for public hearing on the proposed levy of assessments, authorizing the publication and mailing of notice, and enacting other provisions relating thereto.  
  
*Attachments:*        [Resolution and preliminary Service and Assessment Plan](#)  
                                  [Solterra Concept Plan](#)
- 6        [22-6367](#)        A resolution authorizing the City Manager to finalize and execute a Second

Amendment to the Solterra Development Agreement (the "Agreement") and enacting other provisions relating thereto.

**Attachments:** [Resolution and Second Amendment](#)  
[Original Development Agreement](#)  
[First Amendment](#)

- 7 [22-6361](#) Bid No. 2023-005 - Annual Contract for Sidewalk, Pedestrian Ramps, Drive Approaches and Curb & Gutter Replacement.  
(Staff recommends award to low bidder Texas Made Ramirez Construction Corporation and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$313,175.00. 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 annual appropriation of sufficient funds.)

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

- 8 [22-6362](#) Bid No. 2023-007 - Paving and Utility Improvements for Rollingwood Hills Subdivision.  
(Staff recommends award to low bidder Douglas Dailey Construction, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$10,638,193.00 for the Paving and Utility Improvements for Rollingwood Hills Subdivision Project).

**Attachments:** [Recommendation Letter](#)  
[Location Map](#)  
[Street List](#)  
[Bid Tabulation](#)

- 9 [22-6370](#) Bid No. 2023-017 - 2021 Large Water Valve and RCCP Replacement Project.  
(Staff recommends that all bids be rejected and rebid at a later date.)

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

- 10 [23-6385](#) Bid No. 2023-050 - Purchase of Five Ford F-150 Pick-Up Trucks.  
(Staff recommends award to Sam Pack Five Star Ford in Carrollton, Texas, through BuyBoard Contract No. 601-19, in the amount of \$145,055.95.)

**Attachments:** [Quote](#)  
[Photo](#)

- 11 [22-6381](#) Authorize the City Manager to execute an Amendment to the Interlocal Agreement between the North Central Texas Council of Governments (NCTCOG) and the City of Mesquite concerning the solid waste program implementation project executed on December 1, 2021, extending the deadline to complete all grant activities to April 15, 2023.

**Attachments:**      [Amendment to ILA](#)  
[Interlocal Agreement](#)

- 12      [23-6386](#)      Authorize the City Manager to execute an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) to provide grant funding for the purchase and installation of Electric Vehicle Charging Stations.

**Attachments:**      [Interlocal Agreement](#)  
[Photo of Charging Station](#)

- 13      [22-6368](#)      Authorize the City Manager to execute Change Order No. 2 to Bid No. 2022-009, Paving Improvements for Galloway Place and Northridge Addition Repairs, with Estrada Concrete Company, LLC, to reconcile contract quantities to final constructed quantities in the amount of \$101,767.10.

**Attachments:**      [Change Order No. 2](#)

## **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.)

- 14      [22-6350](#)      Conduct a public hearing and consider an ordinance for Zoning Application No. Z1022-0258, submitted by Dulce Reyes, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow an Alternative Financial Institution with modifications to requirements that permit it to (1) be located within 200 feet of any lot zoned or used for residential purposes and (2) be co-located within the same structure as other uses, located at 1336 N. Galloway Avenue, Suite 150A.

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

- 15      [22-6374](#)      Conduct a public hearing and consider an ordinance for Zoning Application No. Z1122-0278, submitted by Shannon Taylor and Matthew Gabeline of Park and Tow Solution, for a change of zoning from Commercial within the Skyline Logistic Hub Overlay District to Commercial within the Skyline Logistic Hub Overlay District with a Conditional Use Permit to allow a towing company to have primary outdoor storage, located at 2530 Big Town Boulevard and 4501 East US 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](#)

- 16 [22-6377](#) Conduct a public hearing and consider a resolution providing support to the Palladium USA International, Inc's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 140-unit affordable multi-family rental housing development to be located at 2910 Motley Drive, in accordance with Chapter 2306 of the Texas Government Code, and authorizing the City Secretary to certify the resolution to the TDHCA.

**Attachments:** [Overview of Project – provided by applicant](#)  
[Location Map](#)  
[Resolution](#)

- 17 [22-6378](#) Conduct a public hearing and consider a resolution supporting the Palladium USA International, Inc's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 120-unit affordable multi-family rental housing development to be located at 2701 Motley Drive, in accordance with Chapter 2306 of the Texas Government Code, and authorizing the City Secretary to certify the resolution to the TDHCA.

**Attachments:** [Overview of Project – provided by applicant](#)  
[Location Map](#)  
[Resolution](#)

- 18 [22-6379](#) Conduct a public hearing and consider a resolution supporting the Palladium USA International, Inc's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 105-unit affordable multi-family rental housing development to be located at 930 Military Parkway, in accordance with Chapter 2306 of the Texas Government Code, and authorizing the City Secretary to certify the resolution to the TDHCA.

**Attachments:** [Overview of Project – provided by applicant](#)  
[Location Map](#)  
[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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; and Civil Action 3:20-cv-20-01982-X – Filed 7-27-20, and on appeal, Cause No. 22-10321 - Filed 3-24-22
2. 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
3. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
4. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
5. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
6. 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
7. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
8. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
9. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
10. 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.

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 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 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.