



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, February 15, 2021

5:00 PM

City Hall | Training Rooms A&B  
757 N. Galloway Avenue | Mesquite, Texas

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In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office:

1. *A quorum of the City Council will participate in the meeting by videoconference, telephone or by being physically present in Training Rooms A & B (meeting location), located at City Hall, 757 North Galloway Avenue.*
2. *Applicants having matters on the agenda may participate by videoconference, telephone or by appearing at the meeting location.*
3. *Members of the public may participate by telephone or by appearing at the meeting location.*
4. *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. Seating capacity shall be limited at the meeting location to adhere to social distancing protocols.*
5. *Those participating by videoconference or telephone may do so as follows:*
  - a. *For free-of-charge videoconference, use a computer or smart device to videoconference into the meeting using a service provided by Zoom at <https://us02web.zoom.us/j/83283594406> (advanced loading of application/ software is required).*
  - b. *For telephone, dial one of the following toll-free dial-in numbers: 877-853-5257 or 888-475-4499. The participation code (meeting id) for this telephone conference is: 832 8359 4406 # #. Press \*9 to raise your virtual hand and you will be recognized by the last four digits of your telephone number.*
6. *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 February 15, 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.*
7. *Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on February 15, 2021, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).*
8. *An electronic copy of the agenda packet is posted online with this agenda.*
9. *The meeting will be recorded and the recording made available to the public.*

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

#### **AGENDA REVIEW**

**EXECUTIVE SESSION - TRAINING ROOMS A&B - 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 - TRAINING ROOMS A&B - 6:30 P.M.**

- 1      [21-5275](#)      Receive preliminary financial statements for fiscal year ending September 30, 2020, the period covering October 1, 2019, through September 30, 2020.

**Attachments:**      [FYE20 Financial Statement](#)  
                                 [FYE20 Financial Statement Highlights](#)

**REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:00 P.M.****INVOCATION**

Rev. Dr. E. Jones Doughton, Pastor, First Presbyterian Church, Mesquite, Texas.

**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.)

- 2      [21-5272](#)      Minutes of the regular City Council meeting held February 1, 2021.

*Attachments:*      [02.01.2021m](#)

- 3      [20-5186](#)      An ordinance amending the budget for the Fiscal Year 2020-21, as heretofore approved by Ordinance No. 4805 of the City of Mesquite, Texas, adopted on September 21, 2020, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2020-21, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.

*Attachments:*      [Ordinance](#)  
[Summary of Changes](#)

- 4      [21-5278](#)      An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 Ordinance No. 4836; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

*Attachments:*      [Ordinance](#)



- 10     [21-5267](#)     Bid No. 2021-061 - Purchase Three Ventrac Tractors with Attachments.  
(Staff recommends award to Austin Turf & Tractor in Farmers Branch, Texas, through BuyBoard Contract No. 611-20, sponsored by the Texas Association of School Boards, in the amount of \$96,354.00.)
- Attachments:*     [BuyBoard Quote](#)
- 11     [21-5293](#)     Authorize the City Manager to finalize and execute an Agreement for Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) Creation and Administration Services with P3Works, LLC, for the Solterra Development for an initial term of three years with one-year automatic renewal options.
- Attachments:*     [Agreement for PID and TIRZ Admin Services](#)
- 12     [21-5282](#)     Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to RFP No. 2017-020, Annual Contract for Recyclables Processing and Marketing, with FOMENTO DE CONSTRUCCIONES Y CONTRATAS, INC, dba FCC, SA.
- Attachments:*     [FCC Renewal Letter](#)
- 13     [21-5266](#)     Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. 2019-037, Annual Miscellaneous Concrete Work (Section A), with Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., for additional services in the amount of \$69,346.60.
- Attachments:*     [Item Tabulation](#)
- 14     [21-5268](#)     Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - U.S. Highway 80 to Town East Boulevard, with Tiseo Paving Company to reconcile contract quantities to field quantities and provide payment for additional work in the amount of \$276,526.19.
- Attachments:*     [Change Order No. 3](#)
- 15     [21-5260](#)     Receive the January 2021 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
- Attachments:*     [January 2021 CIAC report](#)  
                          [CIAC Minutes 01-25-2021](#)

**RECEIPT OF RESIGNATION**

- 16     [21-5257](#)     Receive resignation from Patrick Reyes as a regular member of the Building Standards Board.
- Attachments:*     [Resignation Letter](#)

- 17     [21-5277](#)     Receive resignation from Mo Sanford as a regular member of the Landmark Commission.
- Attachments:*     [Resignation Email.pdf](#)
- 18     [21-5283](#)     Receive resignation from Andrew Hubacek as a member of the Mesquite Quality of Life, Inc., Board of Directors.
- Attachments:*     [Resignation Letter.pdf](#)
- 19     [21-5284](#)     Receive resignation from Brandon Murden as an alternate member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- Attachments:*     [Resignation Email](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 20     [21-5271](#)     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, 2021.
- Attachments:*     [Nancy Felix.pdf](#)
- 21     [21-5254](#)     Consider appointment of Ken Cates and Skeet Phillips as members of the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), representing Kaufman County, for two-year terms to expire February 15, 2023.
- Attachments:*     [County Order Appointing Two Members to Spradley Farms TIRZ Board](#)  
                          [Amendment to Tax Participation Agreement](#)

#### 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.)

- 22     [21-5269](#)     Conduct a public hearing for Zoning Text Amendment No. 2021-01, amending the Mesquite Zoning Ordinance, as previously amended, by repealing and replacing Section 1-402 “Noise” in Part 1 “General Provisions” whereby noise violations will now be contained in the City Code; and amending the Mesquite City Code, as previously amended, by repealing and replacing Chapter 10, Article III “Noise”; thereby updating certain regulations and offenses regarding noise and vibration violations. (The Planning and Zoning Commission recommends approval of the zoning text amendment.)
- Attachments:*     [PZ Minutes 2-8-2021](#)

- 23     [21-5264](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0159, submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC, for a change of zoning to amend Planned Development - Service Station Ordinance No. 2888 to Planned Development - General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom or, alternatively, to amend Ordinance No. 2888 to allow a proposed building expansion subject to new stipulations, located at 1320 Gross Road.

(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 denial of the rezoning request and approval of the amendment to Ordinance No. 2888. This item is continued from the January 4, 2021, City Council meeting.)

**Attachments:**     [Staff reports & maps](#)  
                              [P&Z minutes](#)  
                              [Ordinance](#)

- 24     [21-5279](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0165, submitted by Gilbert Jordan, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with certain stipulations, located at 1012 Pioneer Road.

(One response in favor and four in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval. This item is continued from the February 1, 2021, City Council meeting.)

**Attachments:**     [Staff report and maps](#)  
                              [P&Z minutes](#)  
                              [Ordinance](#)

- 25     [21-5263](#)     Conduct a public hearing for Zoning Application No. Z1120-0158, submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1430 North Galloway Avenue.

(One response in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial. This item is continued from the January 4, 2021, City Council meeting.)

**Attachments:**     [Staff report & maps](#)  
                              [P&Z minutes](#)

- 26     [21-5262](#)     Conduct a public hearing for Zoning Application No. Z1120-0161, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Niraj KC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1604 West Bruton Road.

(No 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 denial. This item is continued from the January 4, 2021, City Council meeting.)

**Attachments:**     [Staff report & maps](#)  
                          [P&Z minutes](#)

- 27     [21-5261](#)     Conduct a public hearing for Zoning Application No. Z1120-0162, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Bikash Pant, Tobacco Corner, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 2411 North Galloway Avenue, Suite 126.

(No 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 denial. This item is continued from the January 4, 2021, City Council meeting.)

**Attachments:**     [Staff report & maps](#)  
                          [P&Z minutes](#)

- 28     [21-5280](#)     Conduct a public hearing for Zoning Application No. Z1120-0164, submitted by Kevin Albanna, Nadian Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to allow a coin-operated amusement gameroom within 300 feet of a school, located at 1220 East Davis Street.

(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 denial. This item is continued from the February 1, 2021, City Council meeting.)

**Attachments:**     [Staff report and maps](#)  
                          [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, 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. Agustin Baena, et al v. The City of Mesquite, et al, Cause No. DC-20-14261– Filed 9-29-20
12. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
13. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
14. 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
15. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
16. Possible claim regarding failure to pay franchise fees by video service providers.

**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:

- 29 21-5288** Discuss economic development incentives for a prospective development at the corner of North Galloway Avenue and Hillcrest Street.
- 30 21-5289** Discuss economic development incentives for a prospective development at the corner of Cartwright Road and Faithon P. Lucas, Sr., Boulevard.
- 31 21-5290** Discuss economic development incentives for a prospective development on Scyene Road near Airport Boulevard.
- 32 21-5291** Discuss economic development incentives for a prospective development at the corner of Scyene Road and Faithon P. Lucas, Sr., Boulevard.
- 33 21-5299** Discuss economic development incentives with a developer on property located near Cartwright Road and Lawson Road.

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.