



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, March 1, 2021

5:15 PM

City Hall | Council Chamber  
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. 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 March 1, 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 March 1, 2021, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

### **PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M. upon conclusion of the meeting of the Board of Directors, Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1      [21-5310](#)      Receive briefing regarding the Winter Storm Response.

(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 - 5:15 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      [21-5275](#)      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.pdf](#)

- 3      [21-5298](#)      Receive Neighborhood Services Environmental Code quarterly report for the period of October 1, 2020, through December 31, 2020.

**Attachments:**      [Environmental Code FY 2020-2021 1st Quarter Summary](#)

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

### **INVOCATION**

Deputy Mayor Pro Tem Dan Aleman.

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

**Attachments:**      [02.01.2021m](#)

- 5      [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](#)

- 6      [21-5297](#)      An ordinance approving an amendment to the Downtown Mesquite Façade Improvement Program of the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, previously approved by City Ordinance No. 4672 to allow for grants of up to \$20,000.00 per street address instead of \$20,000.00 per property to encourage the rehabilitation, enhancement, restoration and preservation of the facades of buildings occupied by multiple business uses located within a designated portion of the City of Mesquite's downtown area.

Attachments:      [Ordinance](#)

- 7      [21-5292](#)      A resolution setting a public hearing under Section 372.009 of the Texas Local Government Code for the creation of the Solterra Public Improvement District (PID) to include 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, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Attachments:      [Solterra PID Petition](#)  
                                 [Resolution](#)

- 8      [21-5301](#)      A resolution authorizing the submission of the 2019 Community Development Block Grant's Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).
- Attachments:*      [Resolution](#)  
                                 [PY2019 CAPER](#)
- 9      [21-5273](#)      Bid No. 2021-048 - 117 West Main Renovation.  
(Authorize the City Manager to finalize and execute the required documents with Custard Construction Services, through Tips/Taps Contract No. 181101, in the amount of \$478,248.72.)
- Attachments:*      [Custard Construction Services Proposal](#)  
                                 [Lease Agreement](#)
- 10     [21-5224](#)      RFP No. 2021-052 - Copeland Park Design Services.  
(Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., in the amount of \$150,000.00.)
- Attachments:*      [Concept Exhibit for Copeland Park](#)
- 11     [21-5250](#)      Bid No. 2021-057 - Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires.  
(Staff recommends award to Wingfoot Tire dba Goodyear Tire and Rubber Company, through Sourcewell Contract No. 102517-GTC, in an amount not to exceed \$239,083.93 annually, for a period of up to five years, subject to annual appropriation of sufficient funds.)
- Attachments:*      [Sourcewell Contract No. 102517-GTC](#)
- 12     [21-5251](#)      Bid No. 2021-058 - Annual Supply of Bridgestone/Firestone Auto, Truck and Industrial Tires.  
(Staff recommends award to Southern Tire Mart, LLC, through The Interlocal Purchasing System (TIPS) Contract No. 180603, in an amount not to exceed \$166,121.49 annually, for a period of up to six years, subject to annual appropriation of sufficient funds.)
- Attachments:*      [TIPS Contract Price Listing](#)
- 13     [21-5281](#)      Bid No. 2021-060 - Purchase of Six (6) Pickup Trucks for 2020-2021.  
(Staff recommends award to Sam Pack's Five Star Ford in Carrollton, Texas, through BuyBoard Contract No. 601-19, Tarrant County Contract No. 2019-041 in the amount of \$298,387.83.)
- Attachments:*      [Photo - Ford F-250 XL Reg Cab](#)  
                                 [Photo - Ford-F-250 XL Crew Cab Pickup](#)  
                                 [Photo - Ford F-750 XL Regular Cab](#)

- 14     [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](#)
- 15     [21-5303](#)     Bid No. 2021-070 - Annual Supply of Emergency Medical Supplies.  
(Authorize the City Manager to finalize and execute a contract with Bound Tree Medical, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Midlothian, in an amount not to exceed \$175,000.00.)
- Attachments:*     [Contract](#)
- 16     [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](#)
- 17     [21-5274](#)     Authorize the City Manager to finalize and execute a Credit Sales Agreement with Red Oak Umbrella Mitigation, Ltd., for wetland mitigation credits for the Kaufman County Large Diameter Transition Main, in the amount of \$105,888.00.
- Attachments:*     [Agreement](#)
- 18     [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](#)
- 19     [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](#)
- 20     [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](#)

- 21     [21-5302](#)     Approve Amendment No. 2 to the Fiscal Year 2020-21 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$200,000.00.

**Attachments:**     [Seizure Amendment No 2](#)

- 22     [21-5307](#)     Receive the Fiscal Year 2019-2020 annual report from the Mesquite Quality of Life Corporation Board of Directors.

**Attachments:**     [Annual Report 2019-2020.pdf](#)

- 23     [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

- 24     [21-5257](#)     Receive resignation from Patrick Reyes as a regular member of the Building Standards Board.

**Attachments:**     [Resignation Letter](#)

- 25     [21-5277](#)     Receive resignation from Mo Sanford as a regular member of the Landmark Commission.

**Attachments:**     [Resignation Email](#)

- 26     [21-5283](#)     Receive resignation from Andrew Hubacek as a member of the Mesquite Quality of Life, Inc., Board of Directors.

**Attachments:**     [Resignation Letter](#)

- 27     [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

- 28     [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:**     [Personal Data Form - Nancy Felix](#)

- 29     [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 March 1, 2023.

**Attachments:**     [County Order Appointing Two Members to Spradley Farms TIRZ Board](#)  
[Amendment to Tax Participation Agreement](#)

#### **PUBLIC HEARINGS**

- 30     [21-5259](#)     Conduct a public hearing and consider a resolution authorizing the exchange of property with the Mesquite Independent School District (MISD) for the construction and maintenance of a detention pond and a driveway for Vanguard High School on property located at 1717 McKenzie Road, Mesquite, Texas, in exchange for MISD land on property located at 4201 Faithon P. Lucas, Sr., Boulevard, Mesquite, Texas, finding that there is no feasible and prudent alternative to MISD's use of the land, and all reasonable planning has been done to minimize harm to the land as a park; and authorizing the City Manager to execute the exchange agreement with MISD and all documents necessary to consummate the transactions contemplated in the exchange agreement.

**Attachments:**     [Resolution](#)  
[City-MISD Property Exchange Site Plan](#)  
[City Tract Location Map](#)  
[MISD Tract Location Map](#)

#### **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. Kenneth Parker v. City of Mesquite, Cause No. DC-20-14625 – Filed 10-5-20
12. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
13. 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
14. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21

### **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.

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.