



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, August 1, 2022

5:00 PM

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

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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 August 1, 2022. 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.
2. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on August 1, 2022, 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      [22-6149](#)      Receive presentation by North Texas Municipal Water District Executive Director and General Manager Jena Covington, PE.  
  
         **Attachments:**      [NTMWD 2022-23 Proposed Budget](#)
- 2      [22-6085](#)      Discuss the proposed budget and tax rate for Fiscal Year 2022-23.

(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

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

#### **INVOCATION**

Nathaniel Rainey, Pastor, Jireh's Tabernacle Worship Center, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

City 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 upon request by a City Councilmember.)

3      [22-6134](#)      Minutes of the regular City Council meeting held July 18, 2022.

*Attachments:*      [July 18, 2022, minutes](#)

4      [22-6140](#)      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 previously continued and authorized; 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; 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](#)

- 5 [22-6148](#) An ordinance amending the Mesquite City Code by amending Division 1, generally, and Division 5, Public and Semi-Public Pools and Spas, of Article IX, Swimming Pool and Spa Code, of Chapter 5, Buildings and Construction, to provide health and safety regulations for swimming pools and spas located on single-family property for which fees are charged for use by the public.

**Attachments:** [Ordinance](#)

- 6 [22-6137](#) Bid No. 2022-061 - Alley Reconstruction 2022 Project.  
(Authorize the City Manager to finalize and execute a contract with the lowest qualified bidder Estrada Concrete Company, LLC, in the amount of \$1,882,603.00.)

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

- 7 [22-6146](#) Bid No. 2022-141 - Construct and Install Study Rooms at Mesquite Main Library.  
(Authorize the City Manager to finalize and execute an agreement with CCS Custard Construction Services Inc., through The Interlocal Purchasing System (TIPS) Contract No. 211001, in an amount not to exceed \$76,696.99.)

**Attachments:** [Proposal](#)

- 8 [22-6139](#) Authorize the City Manager to finalize and execute a Professional Services Agreement with Freese and Nichols, Inc., for the survey, engineering, design and preparation of bidding and construction documents for the City Lake Dam and Spillway Improvements Project in an amount not to exceed \$162,390.00.

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

- 9 [22-6119](#) Authorize the City Manager to finalize and execute an Office Lease Agreement with the Mesquite Chamber of Commerce for operating and maintaining an office for the Mesquite Chamber of Commerce on City-owned property located at 111 South Broad Street, Mesquite, Texas.

**Attachments:** [Proposed Office Lease Agreement](#)

## CONSIDERATION OF ORDINANCE

- 10 [22-6147](#) Consider an ordinance determining the necessity of acquiring real property for construction, operation, and maintenance of public facilities on a portion of property located at 2210 East Scyene 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](#)

#### APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 11 [22-6152](#) Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2022.

**Attachments:** [List of Eligible Applicants](#)

- 12 [22-5991](#) Consider appointment of one regular member to the Building Standards Board to fill the position for Registered Homebuilder (Position No. 3) for a term to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.

**Attachments:** [List of Eligible Applicants](#)

- 13 [22-6150](#) Consider appointment of two members (Places 5 and 9) to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, two members (Places 1 and 2) for terms to expire December 31, 2023, and one member (Place 8) for a term to expire December 31, 2024.

**Attachments:** [List of Eligible Applicants](#)

- 14 [22-6153](#) Consider appointment of one regular member (Position No. 4) and one alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2022.

**Attachments:** [List of Eligible Applicants](#)

- 15 [22-6151](#) Consider appointment of two regular members (Position No. 4 and Position No. 6) to the Library Advisory Board for terms to expire December 31, 2022.

**Attachments:** [List of Eligible Applicants](#)

- 16 [22-6154](#) Consider appointment of one regular member (Position No. 1) and one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.

**Attachments:** [List of Eligible Applicants](#)

#### PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEM RELATING TO THE FISCAL YEAR 2022-23 BUDGET:

- 17 [22-6084](#) Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2022-23 budget.

- 18     [22-6086](#)     An ordinance providing funds for the 2022-23 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year 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 budget.
- Attachments:*     [Ordinance](#)  
                              [FY 2022-23 Proposed Budget Highlights](#)
- 19     [22-6087](#)     An ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget for said period.
- Attachments:*     [Ordinance](#)
- 20     [22-6127](#)     Consider and act on a proposed ad valorem tax rate for Fiscal Year 2022-2023 and call a public hearing for August 15, 2022, on the proposed Fiscal Year 2022-2023 ad valorem tax rate.

#### **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     [22-6144](#)     A. Conduct a public hearing to receive citizen input regarding the proposed 2022-2023 Community Development Block Program (CDBG) budget and adopt the Annual Action Plan.
- B. Consider a resolution approving the Community Development Block Grant Program Year 2022-2023 Budget and authorizing the filing an application for an amount not to exceed \$1,093,795.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.
- Attachments:*     [Annual Action Plan](#)  
                              [Resolution](#)
- 22     [22-6136](#)     Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2022-02, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 2, Section 2-600 "Accessory Structure Regulations" pertaining to revising and establishing new regulations for accessory structures including front carports on residential zoned properties.
- Attachments:*     [P&Z Minutes](#)  
                              [Ordinance](#)

- 23     [22-6141](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0243, submitted by IH 20 IP, LLC, for a change of zoning from Agricultural, General Retail and Planned Development - Ordinance No. 3530 to Planned Development - Industrial to allow an industrial business park with modifications, located at 4800 and 4900 Lasater Road and 925, 2700 and 3400 McKenzie Road.  
(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 approval with certain stipulations.)

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

- 24     [22-6142](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0244, submitted by IH 20 IP, LLC, for a change of zoning from Planned Development - Ordinance No. 3530 to Planned Development - General Retail, to allow a retail development with modifications, located at 4300 Lawson 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 approval with certain stipulations.)

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

- 25     [22-6138](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0222-0234, submitted by MVAH Partners, for an amendment to the Comprehensive Plan, thereby changing the recommended land use designation from Commercial to High Density Residential and for a change of zoning from Commercial to Planned Development - Multifamily to allow an apartment development, located at 901 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 denial. The applicant made a timely appeal of the Planning and Zoning Commission's denial.)

**Attachments:**     [Staff report and maps](#)  
                              [P&Z Minutes June 13, 2022](#)  
                              [P&Z Minutes June 27, 2022](#)  
                              [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. 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
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

**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:

- 26**     [22-6135](#)     Discuss Tax Increment Reinvestment Zone (TIRZ) projects and economic development incentives to construct a prospective business park at Scylene Road and Lawson Road, and a prospective business park and retail development at IH-20 near Lawson Road and Lasater 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.