



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, March 15, 2021

5:00 PM

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

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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 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.
3. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on March 15, 2021, 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 [21-5328](#) Receive briefing regarding Governor Abbott's Executive Order No. GA-34 and the impact on City operations.

(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 [21-5327](#) 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**

Danny Mack, Chaplain, Christian Care Center, 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.)

- 3      [21-5285](#)      Minutes of the regular City Council meeting held March 1, 2021.

***Attachments:***      [03.01.2021m](#)

- 4      [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.pdf](#)  
                                 [Summary of Changes](#)

- 5      [21-5306](#)      A resolution setting a public hearing under Section 311.003 of the Texas

Tax Code for the creation of a Tax Increment Reinvestment Zone (TIRZ) consisting of approximately 251.8175 acres of land generally located south of East Scyene Road, west of the Mesquite Metro Airport, north of Berry Road and Newsom Road, and east of Smokey Mountain Trail in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan.

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

- 6 [21-5316](#) A resolution authorizing the City Manager to finalize and execute a First Amendment to the Solterra Development Agreement (the "Agreement") to amend the terms of the Agreement related to the McKenzie Road connection and granting of drainage and right-of-way easements related to said connection that benefit the 1,424.398-acre Solterra development, 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 in Dallas County, Texas.

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

- 7 [21-5308](#) Bid No. 2021-024 - Heritage Plaza: Masonry and Wood Truss Restoration. (Authorize the City Manager to finalize and execute the required documents with Nouveau Technology Services, L.P., dba Nouveau Construction and Technology, L.P., through Dallas County RFP 2017-050-6674, in the amount of \$255,827.00.)

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

- 8 [21-5295](#) Bid No. 2021-059 - Radio Frequency Identification System for Mesquite Public Libraries. (Staff recommends award to SHI/Government Solutions, Inc., through BuyBoard Contract No. 579-19, in the amount of \$79,163.37. The maintenance agreement included in this bid is for a one-year period with an additional one-year renewal option).

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

- 9 [21-5296](#) Bid No. 2021-064 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance. (Staff recommends award to SHI/Government Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4092, in the total amount of \$224,539.87.)

**Attachments:** [SHI quote](#)

- 10 [21-5320](#) Bid No. 2021-069 - Purchase of One (1) Milling Machine. (Staff recommends award to Kirby - Smith Machinery, Inc., in Dallas, Texas, through BuyBoard Contract No. 597-19 in the amount of \$628,625.00.)

**Attachments:**      [Photo - 2021 Milling Machine](#)

- 11**      [21-5318](#)      Bid No. 2021-073 - Purchase of a Concrete Truck.  
(Staff recommends award to Kenworth Truck Company, a division of PACCAR, Inc., in Dallas, Texas, through Sourcewell Contract No. 060920-KTC, in the amount of \$183,020.37.)

**Attachments:**      [Photo - 2021 T880 Kenworth Truck W/McNeilus 10.5 Cubic Yard Hopper](#)

- 12**      [21-5319](#)      Bid No. 2021-074 - Purchase of Heavy Construction Equipment.  
(Staff recommends award to Associated Supply Company, Inc., in Eules, Texas, through BuyBoard Contract No. 597-19, in the amount of \$291,001.00 and Clark Equipment Company dba Bobcat Company, through BuyBoard Contract No. 597-19, in the amount of \$24,676.02, for a total amount of \$315,677.02.)

**Attachments:**      [Photo - 2021 Small Case Excavator](#)  
[Photo - 2021 Husqvarna Concrete Saw](#)  
[Photo - 2021 Case Skidsteer](#)  
[Photo - 2021 Husqvarna Vibratory Plate](#)  
[Photo - 2021 Case Sheep Foot Roller](#)  
[Photo - 2021 Bobcat Mini Excavator](#)

- 13**      [21-5321](#)      Bid No. 2021-076 - Purchase of a Rubber Tire Loader.  
(Staff recommends award to Caterpillar, Inc., in Dallas, Texas, through Sourcewell Contract No. 032119-CAT, in the amount of \$226,889.00.)

**Attachments:**      [Photo - 2021 Cat Rubber Tire Loader](#)

- 14**      [21-5323](#)      Bid No. 2021-072 - Purchase of Trailers 2020-2021.  
(Staff recommends award to Interstate Trailers, Inc., in Mansfield, Texas, through BuyBoard Contract No. 599-19 in the amount of \$65,040.00.)

**Attachments:**      [Photo - 2021 Interstate 20DT trailer](#)  
[Photo - 2021 Interstate 40DLA trailer](#)

- 15**      [21-5322](#)      Bid No. 2021-077 - Purchase of Police Specialty Vehicles.  
(Staff recommends award to Sam Pack's Five Star Ford. Ltd., through Tarrant County Contract No. 2020-174, in the total amount of \$58,600.10.)

**Attachments:**      [Photo - Ford Med Roof Cargo Van \(Surveillance Van\)](#)  
[Photo - Ford Transit Connect Van \(Crime Scene Van\)](#)

- 16**      [21-5324](#)      Authorize the City Manager to execute a Property Damage Release in favor of Cirrus Holdings, LLC, U.S. Specialty Insurance Company and Jeff Martin regarding a fuel spill at the Mesquite Metro Airport on October 3, 2020.

**Attachments:**      [Property Damage Release](#)

**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.)

- 17     [21-5311](#)     Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with First Texas Homes, Inc., for proposed new residential construction in Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

**Attachments:**     [Resolution](#)  
                          [Executive Summary](#)

- 18     [21-5325](#)     A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.
- B. Consider an ordinance adopting Standards of Care associated with the City's recreation programs titled "2021 Youth Programs Standards of Care" and repealing Ordinance No. 4772.

**Attachments:**     [Ordinance](#)  
                          [Updated Standards with highlighted revisions](#)

- 19     [21-5313](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0177, submitted by Lalanii Jones of Stepping Stones Early Childhood Development Centers, Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a day care center, located at 1460 East Glen Boulevard.
- (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.)

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

- 20     [21-5314](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0178, submitted by Adel Atalla for a change of zoning from Planned Development - General Retail Ordinance No. 4774 to Planned Development - General Retail Ordinance No. 4774 with a Conditional Use Permit to allow the sale of used cell phones, located at 1711 West Scyene Road, Suite B.
- (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.)

**Attachments:**

[Staff report & maps](#)

[P&Z minutes](#)

[Ordinance](#)

- 21     [21-5315](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0179, submitted by Nicole Thompson for a change of zoning from Planned Development - Single Family Residential to Planned Development - Single Family Residential with a Conditional Use Permit to allow a group home, located at 1217 Christa Drive. (No responses 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 approval with certain stipulations.)

**Attachments:**

[Staff report and maps](#)

[P & Z minutes](#)

[Ordinance](#)

- 22     [21-5269](#)     Conduct a Public Hearing and consider an ordinance for Zoning Text Amendment ZTA 2021-01, amending the Mesquite Zoning Ordinance, as previously amended, by repealing and replacing Section 1-402 "Noise" in Part 1 "General Provisions" whereby this zoning text amendment removes noise violations and instead cross references to the CITY CODE; and amending the Mesquite City Code, as previously amended, by revising Chapter 8 "Licenses, Permits And Business Regulations" to include a general appeal process applicable to Special Event Permits and Temporary Noise Permits in Article I, Division 2; and revising Chapter 8, Article XV "Special Events" to remove the specific appeal process for Special Event Permits and instead cross reference to the new general appeal process in Article I, Division 2; creating new Article XVII to be titled "Noise: Temporary Noise Permit And Noise Variance" relating to the process and procedures for issuance of said noise permits or variances; repealing and replacing Chapter 10, Article III "Noise" thereby updating certain violations and offenses regarding noise disturbances and vibration offenses; revising Appendix D - Comprehensive Fee Schedule to provide fees for Temporary Noise Permits and Noise Variances, and a fee for the general appeal process for appealing certain administrative decisions to the City Council under Chapter 8. (The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**Attachments:**

[Ordinance](#)

[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 [21-5261](#) 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](#)

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

- 27 [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](#)

- 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. 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., Mesquite, 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
15. Texas Hemp Federation and Create a Cig Mesquite LLC dba CAC Mesquite v. City of Mesquite and Cliff Keheley in his official capacity as City Manager, Cause No. DC-21-02420 – Filed 2-25-21

**Consultation with Attorney**

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- Consultation with City Attorney regarding collection of outstanding hotel occupancy taxes.

**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.

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.