



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, June 5, 2023

5:00 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 June 5, 2023.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1      [23-6601](#)      Receive briefing regarding possible changes to the Mural Ordinance.
  
- 2      [23-6604](#)      Receive departmental strategy and budget presentations from Communications and Marketing, Airport and Information Technology Departments related to City Council strategic goals and objectives.  
  
         Attachments:      [Resolution 18-2023 - Strategic Goals and Objectives](#)
  
- 3      [23-6611](#)      Receive presentation regarding the City of Mesquite's Legislative Program update.

(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**

Harry Sewell, Pastor, Family Cathedral, 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.)

- 4      [23-6608](#)      Minutes of the regular City Council meeting held May 15, 2023.

Attachments:      [May 15, 2023, minutes](#)

- 5      [23-6616](#)      An ordinance amending the City Code by revising Appendix D - Comprehensive Fee Schedule, Article XII - Planning and Development Services, Section 12-100 (Building Permits) for the purpose of increasing the Temporary Noise Permit Fee.

Attachments:      [Ordinance](#)

- 6      [23-6615](#)      An ordinance amending the City Code by revising Chapter 2, Article IV,

Division 6 (Municipal Court) for the purpose of removing the office of Municipal Court Assistant Judge, clarifying appointment and removal provisions, qualifications, and term of office, providing for Substitute Judges during a temporary absence of a Municipal Judge, and the filling of a vacancy of an unexpired term.

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

- 7 [23-6617](#) An ordinance of the City of Mesquite, Texas authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, in one or more series in the aggregate principal amount of not to exceed \$61,000,000.00; levying a tax in payment thereof; awarding the sale thereof; prescribing the form of said certificates; approving execution and delivery of a paying agent agreement; approving the official statement; approving and enacting other provisions relating thereto.

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

#### APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 8 [23-6600](#) Consider appointment of one regular member (Place 9) to the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2025.

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

#### OTHER BUSINESS

- 9 [23-6612](#) Consider Verde Center Partners, LLC's request to extend compliance deadlines of the Master Developer Agreement effective June 8, 2018, with HQZ Partners, LP, MCG-124, LLC, and the Mesquite Medical Center Management District, as amended, for the Verde Center Project located at 21100 LBJ Freeway and authorize the City Manager to finalize and execute the extension.

**Attachments:** [Letter from Jim Ray, Attorney for Verde Center Partners](#)

#### 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.)

- 10 [23-6602](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0291, submitted by Horrocks Engineers, on behalf of Helu Development, for a Comprehensive Plan amendment from Medium Density Residential to High Density Residential and to change the zoning from Traditional Neighborhood Mixed Residential and R-3, Single-Family Residential to Planned Development - Multifamily to allow a 240-unit apartment complex, located at 1400 and 1609 Range 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. This item was continued from the May 1, 2023, City Council meeting.)

**Attachments:** [Revised Concept Plan](#)  
[Plan indicating changes and site lines](#)  
[Staff Report and Maps](#)  
[P&Z Minutes](#)  
[Ordinance](#)

- 11**     [23-6609](#)     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, execute and administer an Economic Development Program Agreement (Chapter 380 Agreement) with FHI Towne Crossing, LP, a subsidiary of Flying Horse Investments, LLC, for the major renovation and development of the property located at 3600 Gus Thomasson Road, Mesquite, Texas.

**Attachments:**     [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. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
3. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
4. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
5. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22
6. Ulises Rivera, Jessica Rivera, and 3509 Byrd Drive, Mesquite, Texas 75150, in rem v. The City of Mesquite, Cause No. DC-22-17289 - Filed 2-10-2023
7. Jennifer Villatoro v. City of Mesquite, Cause No. CC-23-02787-D - Filed 5-8-2023
8. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 4-11-23

#### **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:

- 12 23-6592** Discuss economic development incentives for a redevelopment on Gus Thomasson Road between La Prada and Oates Drives.
- 13 23-6618** Discuss economic development incentives for a company considering the relocation and expansion of production operations at a facility near Town East Boulevard and Skyline Drive.

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.