



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, July 17, 2023

5:00 PM

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

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 by 3:00 p.m., on July 17, 2023.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6607](#) Receive departmental strategy and budget presentations from Finance and Parks and Recreation Departments related to City Council strategic goals and objectives.

Attachments: [Resolution 18-2023 - Strategic Goals and Objectives](#)

(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

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 2 [23-6682](#) Recognize Real. Texas. Service. Champions.

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.

PUBLIC HEARINGS

- 3 [23-6655](#) Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2023-24 budget.
- 4 [23-6703](#) Conduct a public hearing on the levy of assessments on property within Improvement Area A-1, Improvement Area C-1, Improvement Area C-2, and Improvement Area C-3 of the Solterra Public Improvement District.

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.)

- 5 [23-6679](#) Minutes of the regular City Council meeting held July 3, 2023.
- Attachments:* [July 3, 2023. minutes](#)
- 6 [23-6704](#) A resolution approving a Reimbursement Agreement (Improvement Area C-3) relating to the Solterra Public Improvement District.

Attachments: [Resolution](#)
[Solterra Site Plan - Improvement Area C-3](#)

- 7 [23-6705](#) An ordinance approving a Service and Assessment Plan and Assessment Roll for authorized improvements in Improvement Area A-1, C-1, C-2 and C-3 in the Solterra Public Improvement District (the "District"); making a finding of special benefit to certain property within the district; levying assessments against certain property within the district and establishing a lien on such property; providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of assessments; providing penalties and interest on delinquent assessments; providing for severability and providing an effective date.

Attachments: [Ordinance](#)

- 8 [23-6706](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area A-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance](#)

- 9 [23-6707](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance](#)

- 10 [23-6708](#) An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-2 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Attachments: [Ordinance](#)

- 11 [23-6709](#) An ordinance approving a Project Plan and Reinvestment Zone Financing

Plan for Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra).

Attachments: [Ordinance](#)

- 12 [23-6710](#) A resolution approving the TIRZ Reimbursement Agreement between the City of Mesquite, Texas, the Board of Directors of Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra) (the TIRZ) and HC Solterra, LLC, regarding the reimbursement of project costs for public improvements within the TIRZ.

Attachments: [Resolution](#)

- 13 [23-6678](#) An ordinance amending the City Code by revising Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board) for the purpose of clarifying that all “types” of appeals identified in said article are all considered “administrative decisions”.

Attachments: [Ordinance](#)

- 14 [23-6676](#) An ordinance amending the City Code by revising Chapter 20, Article IV, Division 4 “Building Standards Board” for the purpose of removing the residency requirement for regular members and alternates thereby allowing any qualified applicant to be appointed regardless of the city the person resides in.

Attachments: [Ordinance](#)

- 15 [23-6700](#) A resolution approving the Mesquite Quality of Life Corporation budget for Fiscal Year 2023-24.

Attachments: [Resolution](#)

- 16 [23-6666](#) Bid No. 2023-008 - Community Development Block Grant (CDBG) 2023 Sidewalk Project.
(Staff recommends that all bids be rejected.)

Attachments: [Bid Tabulation](#)

- 17 [23-6664](#) Bid No. 2023-064 - 2021 Large Diameter High Risk Sewer Main Repair/Rehabilitation Project.
(Staff recommends that all bids be rejected and rebid at a later date.)

Attachments: [Bid Tabulation](#)

- 18 [23-6638](#) RFQ No. 2023-103 - Engineering Services for City Lake Aquatic Center: Engineering Design Services.
(Authorize the City Manager to finalize and execute a contract with Aqueous Engineering, LLC, in an amount not to exceed \$180,000.00.)

Attachments: [Site Plan Exhibit](#)
[Selection Evaluation Matrix](#)

- 19 [23-6672](#) Bid No. 2022-104 - Mesquite Police Department TASER Replacement.

(Authorize the City Manager to approve annual payments to Axon Enterprise, Inc., in an amount not to exceed \$128,180.97 each year, through BuyBoard Contract 603-20. The contract expires June 30, 2027.

Attachments: [Year Two Invoice](#)
 [Executed Axon Agreement](#)

20 [23-6677](#) Bid No. 2023-114 - Purchase of two Video Camera Trailers for Town East Mall area.

(Staff recommends award to Comprehensive Communication Services, through BuyBoard Contract No. 617-20, in an amount not to exceed \$96,792.42.)

Attachments: [Quote](#)

21 [23-6667](#) Authorize the City Manager to finalize and execute Amendment No. 1 to the Professional Engineering Services Contract for the Crandall Connector Water Line Project, with Garver, LLC, for the additional design and preparation of construction documents in an amount not to exceed \$134,265.00.

Attachments: [Proposal](#)
 [Amendment No. 1](#)

22 [23-6669](#) Authorize the City Manager to finalize and execute a Professional Services Agreement with Garver, LLC, for the McKenzie Sewer Main Project, in an amount not to exceed \$549,320.50.

Attachments: [Location Map](#)

23 [23-6687](#) Call a public hearing for August 7, 2023, 7:00 p.m., at City Hall, Council Chamber, 757 North Galloway Avenue, Mesquite, Texas 75149, and order the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2023-24 budget.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

24 [23-6569](#) Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, August 23, 2023, at 1:30 p.m.

Attachments: [History of Appointments](#)

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.)

- 25 [23-6675](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0623-0307, submitted by Kennett Wilson and Sharonda Ross, Love Healed Pain (LHP), for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow a group home, located at 7020 Shannon Loop.

(No responses in favor and seven 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](#)

- 26 [23-6670](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0323-0299, submitted by Edward Arshouk and Amy Mathews, for a change of zoning from Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District to Planned Development - Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District with modifications to allow a carwash within 100 feet of a residential zoning district, located at 2670 and 2704 Towne Centre Drive.

(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 and Maps](#)
 [P&Z Minutes](#)
 [Ordinance](#)

- 27 [23-6673](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0303, submitted by Flavio Mendoza, for a change of zoning from R-3 Single-Family Residential to R-3 Single-Family Residential with a Conditional Use Permit to allow an Accessory Dwelling Unit with modifications, located at 1432 Hillcrest Street.

(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 and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

- 28** [23-6674](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0304, submitted by Adrienne Moore of A.N. Moore Consulting, LLC, for a change of zoning from General Retail to Planned Development - General Retail to allow for retail trade and service use classifications, as well as allowing printing, publishing and allied industries (SIC 27) by right, in addition to the other uses allowed in the General Retail Zoning District, located at 1313 Oates Drive.
(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 and Maps](#)

[P&Z Minutes](#)

[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. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
2. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-22-00826-CV - Filed 8-10-2022
3. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22; appeal to 5th District Court of Appeals, Dallas, Cause no. 05-23-00485-CV - Filed 5-19-2023
4. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22
5. 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
6. Jennifer Villatoro v. City of Mesquite, Cause No. CC-23-02787-D - Filed 5-8-2023
7. 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:

- | | | |
|-----------|----------------|--|
| 29 | 23-6658 | Discuss economic development incentives for a company considering redeveloping a commercial building at Oates Drive and IH-635. |
| 30 | 23-6681 | Discuss economic development incentives for a company considering developing a retail facility at IH-635 in the Iron Horse district. |

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.