



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, April 4, 2022

5:30 PM

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

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 April 4, 2021. The email address is 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 April 4, 2021, to the following email address: sland@cityofmesquite.com.

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation regarding a proposed electrical aggregate program for Mesquite residents and discuss the potential for implementing a Mesquite Power Switch program with iChoosr, LLC.

(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 - 5:30 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

Morris Jackson, Pastor, Word of Life, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

National Elementary Honor Society members from McWhorter Elementary School, Mesquite, Texas.

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.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 2 Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review the 2022 issuance and sale of bonds.)
- 3 A resolution authorizing publication of Notice of Intention to issue Certificates of Obligation, approving the preparation of a preliminary official statement and a notice of sale; and providing for the effective date thereof.
- 4 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2022, in the aggregate principal amount not to exceed \$39,500,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement, a deposit agreement, and an escrow agreement; providing an effective date; approving and enacting other provisions relating thereto.
- 5 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Refunding and Improvement Bonds, Series 2022 in the aggregate principal amount not to exceed \$21,500,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of a bond purchase agreement, a deposit agreement, and an escrow agreement; approving the official statement; and enacting other provisions relating thereto.

- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Drainage Utility District Revenue Bonds, Series 2022, in the aggregate principal amount not to exceed \$4,250,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement; providing an effective date; approving and enacting other provisions relating thereto.

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.)

- 7 Minutes of the regular City Council meeting held March 21, 2022.
- 8 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 by the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 ordinances, Ordinance No. 4836, No. 4844, No. 4858, No. 4879, No. 4902; and 2022 Ordinances, Ordinance No. 4933; 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.
- 9 An ordinance amending Chapter 5 of the Mesquite City Code by revising Article I, Division 1, making certain additions and deletions to Section 5-4 "Certain Regulations Regarding Building Products, Materials, or Aesthetic Methods Prohibited" to align with changes in State law; and amending Division 2, by making certain additions and deletions to Section 5-6 revising the title to "National Model Codes - Board and City Council Review and Adoption" and to clarify the process and procedures for adoption of International Model Codes, and any local amendments thereto, thereby aligning with changes made in State law.
- 10 An ordinance amending the Mesquite City Code, Chapter 20 "Boards, Commissions, and Committees" adding new Division 4 "Economic Development Advisory Board" to Article V, thereby creating the Mesquite Economic Development Advisory Board ("MEDA Board"); and making certain other related additions or deletions.

- 11 A resolution approving a repeal of the "SECOND BYLAWS" of the Mesquite Quality of Life Corporation ("MQOLC") and replacing said bylaws with the "THIRD BYLAWS" as identified herein.
- 12 Bid No. 2022-076 - MPD Fixed License Plate Readers Installation.
(Authorize the City Manager to finalize and execute a contract with sole source provider Trinity Innovative Solutions, LLC, in the amount of \$133,375.00)
- 13 Bid No. 2022-090 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends authorizing the City Manager to finalize and execute a contract award to Jack Ray Oil Company, as the primary vendor, and Douglass Distributing Company, as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery in an amount not to exceed \$2,818,932 each fiscal year. The term of the contract is for a one-year period, with three additional one-year options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- 14 Consider appointment of Matthew Holzapfel (Position No. 1) to the Personnel/Trial Board for a term to expire December 31, 2024, and confirmation of appointment by the City Manager of Matthew Holzapfel to serve as a member of the City of Mesquite Firefighters' and Police Officers' Civil Service Commission for a term to expire December 31, 2024.

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.)

- 15 Conduct a public hearing and consider possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight or six-foot-tall wall constructed of a different material on property located at 1402 South Peachtree Road.
(This item was postponed at the February 7, 2022, City Council meeting.)
- 16 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 SRPF C/Trinity Pointe Phase I, L.P., for the development of approximately 283 acres of real property located at 12855 FM 2932, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

- 17 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0222-0235, submitted by the City of Mesquite as the applicant, for a change of zoning making a map amendment to the official Zoning Map of the City of Mesquite by adding the designation "ML" for an individually designated local Mesquite Landmark, located at 701 East Kearney Street, the Lawrence Farmstead (Opal Lawrence Historical Park), and making a Zoning Text Amendment No. 2022-01, to the Mesquite Zoning Ordinance, amending Part 8, Section 8-200 "Mesquite Landmarks" by adding the property located at 701 East Kearney Street, the Lawrence Farmstead (Opal Lawrence Historical Park), as a designated local Mesquite Landmark ("ML") to the City of Mesquite, Texas, Landmark Register of Historic Places. (Six responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Landmark Commission recommends approval.)

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. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
5. 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
6. 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
7. 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, on Appeal to the Fifth Court of Appeals, Case No. 05-21-00986-CV
8. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
9. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
10. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
11. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
12. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
13. 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
14. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22

Real Property

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 18 Discuss potential lease of property at 1035 Military Parkway.

- 19 Discuss purchase of property on Ebrite Street.

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 segun el Sub-capitulo H, Capitulo 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.