



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 7, 2023

5:30 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 August 7, 2023.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6689](#) Discuss the proposed budget and tax rate for Fiscal Year 2023-24.

(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

To be determined.

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.)

- 2 [23-6717](#) Minutes of the regular City Council meeting held July 17, 2023.

 Attachments: [July 17, 2023, minutes](#)

- 3 [23-6684](#) An ordinance amending Chapter 2 of the City Code to update the political contribution limitations based on changes to the Consumer Price Index.

 Attachments: [Ordinance](#)

- 4 [23-6713](#) An ordinance amending Chapter 9, of the City Code by providing revised range of time changes for school zones, a new school zone for Horn High School by adding Woolley Middle School, a new school flasher for Horn High School/Woolley Middle School/Achziger Elementary School and deleting the school zone for Mesquite Academy.

 Attachments: [Ordinance](#)

- 5 [23-6683](#) A resolution finding that Oncor Electric Delivery Company, LLC's application to amend its distribution cost recovery factor and update Generation Riders to increase distribution rates within the City should be denied, authorizing participation with the Steering Committee of Cities served by Oncor and authorizing hiring of legal counsel, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, finding that the meeting at which this Resolution is passed is open to the public as required by law and requiring notice of this Resolution to the Company and legal counsel.

Attachments: [Resolution](#)

- 6 [23-6711](#) RFP No. 2023-096 - Route Optimization, Billing and Payment System for Commercial Solid Waste.
(Staff recommends award to Routeware, Inc, in an amount not to exceed \$183,452.00, and authorize the City Manager to finalize and execute the necessary sales order and agreements.)

Attachments: [Scoring Sheet](#)

- 7 [23-6721](#) Bid No. 2023-098 - Purchase of One Ford F-150 for Fire Prevention.
(Authorize the City Manager to finalize and execute a contract and any required documents with Sam Pack's Five Star Ford, Ltd., through BuyBoard Contract No. 601-19, in an amount not to exceed \$57,971.44.)

Attachments: [Quote](#)

[Photo](#)

- 8 [23-6690](#) Bid No. 2023-111 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends authorizing the City Manager to finalize and execute a contract with Saratoga Rack Marketing, LLC, 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 \$2,390,789.00 each fiscal year. The term of the contract is for a one-year period, with three additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Tarrant County Commissioners Court Communication](#)

[Tarrant County Interlocal Agreement](#)

- 9 [23-6722](#) Bid No. 2023-112 - Annual Supply of Bridgestone/Firestone Auto, Truck and Industrial Tires.
(Authorize the City Manager to finalize and execute a contract and any required documents with Southern Tire Mart, LLC, through BuyBoard Contract No. 636-21, in an amount not to exceed \$166,121.49.)

Attachments: [Southern Tire Mart Price List](#)

- 10 [23-6680](#) Bid No. 2023-117 - NEOGOV Services Agreement.
(Authorize the City Manager to finalize and execute a contract and any required documents with sole source provider Governmentjobs.com, Inc., dba NEOGOV, for the purchase of Human Resources Information System services, with up to a six percent increase annually through 2028. The term of this contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Sole Source Letter](#)

- 11 [23-7000](#) Bid No. 2023-119 – Purchase of Eight Ford Explorers with Interceptor Options for Police.
(Staff recommends purchase from Sam Pack’s Five Star Ford, Ltd., through the BuyBoard Contract No. 601-19, in an amount not to exceed \$418,383.67).

Attachments: [Quote](#)

[Photo](#)

- 12 [23-6734](#) Bid No. 2023-126 - Annual Lease Agreement for Accuriopress C4080 Color Printer.
(Authorize the City Manager to finalize and execute a contract and any required documents with Konica Minolta Business Solutions U.S.A., Inc., for the annual lease of an Accuriopress C4080 color printer through Sourcewell Contract No. 030321-KON, in an amount not to exceed \$237,770.40. The term of this lease is for 48 months, subject to annual appropriation of sufficient funds.)

Attachments: [Accuriopress C4080 Machine Specification Sheet](#)

- 13 [23-6735](#) Authorize an expenditure in the amount of \$137,699.91 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City’s Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

Attachments: [MISD PEG Funding Request](#)

[Proposed 2023-24 PEG Fund Budget](#)

[Ordinance No. 4132](#)

PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEMS RELATING TO THE FISCAL YEAR 2023-34 BUDGET:

- 14 [23-6691](#) Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2023-24 budget.

- 15 [23-6692](#) An ordinance providing funds for the 2023-24 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](#)

[FY2023-24 Proposed Budget Highlights](#)

- 16 [23-6739](#) An ordinance ratifying the property tax revenue increase reflected in the

2023-24 Fiscal Year budget for said period.

Attachments: [Ordinance](#)

- 17 [23-6693](#) Consider and act on a proposed ad valorem tax rate for Fiscal Year 2023-24 and call a public hearing for August 21, 2023, on the proposed Fiscal Year 2023-24 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.)

- 18 [23-6716](#) A. Conduct a public hearing to receive citizen input regarding the proposed 2023-2024 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.

B. Consider a resolution approving the Community Development Block Grant Program Year 2023-2024 Budget and authorizing filing an application for an amount not to exceed \$1,041,662.00 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](#)

- 19 [23-6715](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0623-0308, submitted by Artemio Pinal Quiroz, 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 2906 Viva 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](#)

- 20 [23-6725](#) A. Consider reopening 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.

(This item was approved by a vote of 5 in favor and 1 opposed at the July 17, 2023, City Council meeting requiring a Conditional Use Permit for non-General Retail uses.)

B. 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, and repealing Ordinance No. 5039.

(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](#)

21 [23-6731](#) 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 Chapter 380 Agreement, a developer participation agreement establishing City participation in a waterline project, and a waiver of park land dedication requirements, for such purposes with S16 Texas Hold-Em Mesquite, LLC, an Idaho Limited Liability Company, for the construction and development of a self-storage facility, age-restricted single-family rental community and waterline located at 435 Clay Mathis Road and 2235 East Glen Boulevard in Mesquite, Texas.

22 [23-6712](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0296, submitted by Maxwell Fisher of ZoneDev, on behalf of Palladium USA International, Inc., for a change of zoning from Commercial and R-3, Single-Family Residential within the Military Parkway-Scyene Corridor Overlay District on Tract 1 and R-3, Single-Family on Tract 2 to Planned Development - Multifamily to allow a 111-unit multifamily development with modifications to the development standards, located at 930 Military Parkway.

(Five 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](#)

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
8. Zoning for 3029 E. Meadows Blvd., Mesquite, TX 75150, Skyline Logistics HUB Overlay District
9. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Appeals, Fifth District of Texas at Dallas, filed in Court of Appeals on March 16, 2022

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.