



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 15, 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 August 15, 2022. 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 August 15, 2022, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [22-6182](#) Receive briefing regarding the Parks and Recreation Master Plan.
- 2 [22-6097](#) Discuss the proposed budget and tax rate for Fiscal Year 2022-23.

(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

Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Masonic Lodge AF&AM #928.

PRESENTATIONS

- 3 [22-6143](#) Presentation of a Certificate of Appreciation to Benny Rice in recognition of her service as a member of the Mesquite Quality of Life Corporation Board of Directors.
- 4 [22-6173](#) 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.

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 [22-6171](#) Minutes of the regular City Council meeting held August 1, 2022.

Attachments: [August 1, 2022, minutes](#)

- 6 [22-6132](#) An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Company") regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached

settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsel.

Attachments:[Ordinance](#)[Rate Review Mechanism FAQ](#)

- 7 [22-6155](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"), making and adopting findings; accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments:[Ordinance](#)

- 8 [22-6157](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements and Phase No. 2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments:[Ordinance](#)

- 9 [22-6160](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements and Phase Nos. 2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2022-2023 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments:[Ordinance](#)

- 10 [22-6158](#) An ordinance amending Chapter 9, Section 9-150, of the City Code by adding a new speed limit of 35 MPH on Griffin Lane from the west City limit to FM 2932.

Attachments:[Griffin Lane Location Map](#)[Ordinance](#)

- 11 [22-6159](#) An ordinance amending Chapter 9 and Chapter 10 of the City Code regarding engine compression braking prohibition.
Attachments: [Ordinance](#)
- 12 [22-6184](#) An ordinance amending Chapter 14 “Solid Waste,” Article I “General Provisions” and Article II “Residential Collection” of the City Code for the purpose of aligning the Code with the City’s Trash Cart Program, and other related general provisions and amending Appendix D - the Comprehensive Fee Schedule for the purpose of adding a user fee for the City’s specified trash carts in connection with the Trash Cart Program.
Attachments: [Ordinance](#)
- 13 [22-6176](#) A resolution calling certain outstanding bonds for redemption, authorizing the deposit of funds with the paying agent/registrar and resolving other matters related thereto.
Attachments: [Resolution](#)
- 14 [22-6162](#) Bid No. 2022-041 - Earthen/Hybrid Channel Debris Removal Project.
(Authorize the City Manager to finalize and execute a contract with Iron T Construction, Inc., in an amount not to exceed \$485,398.80.)
Attachments: [Bid Tabulation](#)
 [Recommendation Letter](#)
 [Location Map](#)
- 15 [22-6161](#) Bid No. 2022-047 - Box Hangar for Mesquite Metro Airport.
(Authorize the City Manager to finalize and execute a contract with J.C. Commercial, Inc., in the amount of \$1,971,777.00 for the construction of an aircraft hangar at the Mesquite Metro Airport.)
Attachments: [Scoring Matrix](#)
- 16 [22-6168](#) Bid No. 2022-143 - Purchase of One Dodge Chassis with Altec Platform Bucket Truck for Replacement (Model AT237S).
(Staff recommends award to Altec Industries, Inc. through Sourcewell Contract No. 110421-ALT, in the amount of \$147,276.00.)
Attachments: [Photo](#)
 [Quote](#)
- 17 [22-6169](#) Bid No. 2022-147 - Purchase of Ten Dodge Chargers (LDDE48) for Police.
(Staff recommends award to Grapevine DCJ, LLC, through the BuyBoard Contract No. 601-19, in the amount of \$354,390.00.)
Attachments: [Photo](#)
 [Quote](#)
- 18 [22-6163](#) Authorize the City Manager to finalize and execute a Professional Services Agreement with Maldonado-Burkett, LLP, for an upgraded traffic signal

design project in the amount of \$59,380.00.

Attachments: [Intersection Map](#)
 [Recommendation Letter](#)

PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2022-23 BUDGET:

- 19** [22-6099](#) An ordinance providing funds for the 2022-23 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.
(This item was postponed at the August 1, 2022, City Council meeting.)

Attachments: [Ordinance and Proposed Fiscal Year 2022-23 Budget](#)
 [FY2022-23 Proposed Budget Highlights](#)

- 20** [22-6098](#) An ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget for said period.
(This item was postponed at the August 1, 2022, City Council meeting.)

Attachments: [Ordinance](#)

- 21** [22-6128](#) A. Conduct a public hearing regarding the proposed Fiscal Year 2022-23 ad valorem tax rate of \$0.65814 per \$100 valuation.

 B. An ordinance levying the ad valorem taxes for tax year 2022 (Fiscal Year 2022-23).

Attachments: [Ordinance](#)

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.)

- 22 [22-6165](#) Conduct a public hearing and consider possible action regarding a request from John Hood, on behalf of Dallas County Commissioners Court Administration, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for a six-foot-tall ornamental fence and existing trees, on property located at 500 South Galloway Avenue.

Attachments: [Staff Memo with Attachments](#)

- 23 [22-6156](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0322-0239, submitted by Sparks Property Holding, LLC, for a change of zoning from Planned Development Ordinance No. 1110 to Planned Development - Commercial to allow a restaurant with accessory uses, located at 3200 East U.S. Highway 80.

(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. This item was tabled at the July 5, 2022, City Council meeting.)

Attachments: [Staff report and maps](#)

[P&Z minutes](#)

[Ordinance](#)

[Letters of Support](#)

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. 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
5. 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
6. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
7. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
8. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21

9. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
10. 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; and In re CC Hillcrest, LLC, Case No. 22-31362-swe11 – Filed 7-29-22
11. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
12. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22

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 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.