



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, September 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 September 5, 2023.

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

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 [23-6729](#) Receive presentation by Willdan Financial Services on the 2023 Water and Wastewater Rate Study and Financial Forecast.
- 2 [23-6696](#) Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.  
  
*Attachments:* [Investment Policy Redlined](#)
- 3 [23-6801](#) Discuss Extraterritorial Jurisdiction (ETJ) boundary change with the City of Forney.

(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

#### CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 4 [23-6685](#) Receive financial statements for the period October 1, 2022, through June 30, 2023.

**Attachments:**      [June 30, 2023, Financial Statement](#)

## **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.**

### **INVOCATION**

Heriberto Padilla, Pastor, Vida Life Church, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

Royal Rangers, Youth Group, Vida Life Church, 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.

### **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      [23-6777](#)      Minutes of the regular City Council meeting held August 21, 2023.

**Attachments:**      [August 21, 2023, minutes](#)

6      [23-6796](#)      An ordinance amending City Code by repealing Article VII (Curfew Hours for Minors) in Chapter 10 for the sole purpose of complying with the Texas Local Government Code, Chapter 370, Section 370.007 (Juvenile Curfews Prohibited).

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

- 7      [23-6695](#)      An ordinance determining the population of the City of Mesquite, Texas, to be 154,043 as of October 1, 2023.
- Attachments:*      [Ordinance](#)
- 8      [23-6789](#)      An ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2023 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 attachment establishing a benchmark for pensions and retiree medical benefits, 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](#)
- 9      [23-6763](#)      An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements, Phase No. 2 Major Improvements and Phase No. 2 Specific Improvements for the Heartland Town Center Public Improvement District (the “District”), making and adopting findings, accepting and approving the Fiscal Year 2023-2024 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     [23-6764](#)      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 2023-2024 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](#)
- 11     [23-6772](#)      A resolution authorizing the City Manager to finalize and execute a Project Specific Agreement (PSA) with Dallas County amending the Master Interlocal Agreement Governing the Major Capital Transportation Improvement Program for the construction of transportation improvements for the Mesquite Heritage Trail, Phase 2, Trail and Preserve Program (TAPP) Project 90154.
- Attachments:*      [Resolution](#)

- 12     [23-6771](#)     A resolution authorizing the City Manager to finalize and execute a Project Specific Agreement (PSA) amending the Master Interlocal Agreement with Dallas County pertaining to Road and Bridge transportation related maintenance, repairs and improvements to be performed on Motley Drive (south of Oates Drive to north of Interstate Highway 30) within the City of Mesquite.
- Attachments:*     [Resolution](#)
- 13     [23-6769](#)     A resolution authorizing the City Manager to finalize and execute the First Amendment to the Project Specific Agreement with Dallas County amending the Master Agreement Governing Major Capital Transportation Improvement Projects for the Faithon P. Lucas, Sr., Boulevard Major Capital Improvement Program (MCIP) Project 21904 from McKenzie Road to East Cartwright Road.
- Attachments:*     [Resolution](#)
- 14     [23-6798](#)     A resolution authorizing the Mayor to execute a Constitutional Amendment and Joint Election Contract for Joint Election Services with the Elections Administrator of Kaufman County in connection with the Special and General Election to be held November 7, 2023.
- Attachments:*     [Resolution](#)
- 15     [23-6799](#)     A resolution authorizing the Mayor to execute an Election Services Contract with Dallas County on behalf of the Dallas County Elections Administrator in connection with the Special and General Election to be held November 7, 2023.
- Attachments:*     [Resolution](#)
- 16     [23-6765](#)     A resolution repealing Resolution No. 15-2015 in its entirety thereby amending the payment schedule for the Municipal Court Alternate Judges.
- Attachments:*     [Resolution](#)  
                              [Resolution No. 15-2015](#)
- 17     [23-6788](#)     Bid No. 2023-093 - Executive Boulevard and Innovate Way Reconstruction.  
(Staff recommends award to low bidder Estrada Concrete Company, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$9,312,210.00.)
- Attachments:*     [Recommendation Letter](#)  
                              [Bid Tabulation](#)  
                              [Location Map](#)
- 18     [23-6760](#)     Bid No. 2023-094 - Wildlife Control Services  
(Staff recommends all bids be rejected and rebid at a later date.)
- 19     [23-6790](#)     Bid No. 2023-102 - Street Repairs for Big Town Boulevard.  
(Staff recommends award to low bidder FNH Construction, LLC, and to

authorize the City Manager to finalize and execute a contract in the amount of \$1,210,384.00.)

**Attachments:** [Recommendation Letter](#)  
[Bid Tabulation](#)  
[Location Map](#)

- 20 [23-6773](#) RFP No. 2023-132 - Relocation of Fiber Optic Lines on Faithon P. Lucas, Sr., Boulevard.  
(Authorize the City Manager to finalize and execute a contract with Future Infrastructure LLC, in an amount not to exceed \$247,876.38.)

**Attachments:** [Selection Evaluation Matrix](#)

- 21 [23-6780](#) Bid No. 2023-135 - Purchase and Installation of Dispatch Consoles for New Field Services Building.  
(Staff recommends purchase from ErgoFlex Systems Inc., dba Xybix Systems Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC), Contract No. EC07-23, in an amount not to exceed \$105,162.25.)

**Attachments:** [Quote](#)  
[Console Layout](#)

- 22 [23-6795](#) Authorize the City Manager to finalize and execute Amendment No. 2 to RFP No. 2018-017, Energy Consulting and Management Services, with TFS Energy Solutions, LLC, dba Tradition Energy, through Omnia Partners Cooperative Purchasing Program.

**Attachments:** [TFS Energy Solutions, LLC Contract](#)  
[Amendment No. 1](#)  
[Proposed Amendment No. 2](#)

- 23 [23-6762](#) Authorize the City Manager to execute an Interlocal Cooperation Contract with the Texas General Land Office to deliver natural gas to the Municipal Complex on a unit basis, equal to the Waha "First of the Month" Index Price, as published by Platts Gas Daily, plus a Market Demand Factor in an amount not to exceed \$0.60 per MMBtu, in accordance with Section 104.2545 of Texas Utilities Code, for a term of two years commencing on October 1, 2023, and ending on September 30, 2025.

**Attachments:** [Interlocal Cooperative Contract](#)  
[Exhibit B](#)

- 24 [23-6792](#) Authorize the City Manager to finalize and execute Amendment No. 2 to the Interlocal Agreement with the Dallas County Hospital District dba Parkland Health and Hospital System for BioTel/EMS System Social Work and Emergency Medical Technician (EMT)/Paramedic Support for the Southeast Alliance Community Care Team for a total not to exceed \$522,441.01, and renewing the agreement through September 30, 2024,

subject to annual appropriation of funds.

**Attachments:** [Amendment No. 2 to Interlocal Agreement](#)

## **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 [23-6702](#) A. Conduct a public hearing to receive citizen input regarding the proposed Substantial Amendment to the 2021-2022 Community Development Block Grant Annual Action Plan.

B. Consider approval of the Substantial Amendment to the 2021-2022 Community Development Block Grant Annual Action Plan.

**Attachments:** [Substantial Amendment Public Notice](#)

26 [23-6778](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0305, submitted by McAdams on behalf of Hampton Partners, for a change of zoning from Planned Development (Ordinance No. 1110) to Planned Development - Commercial to allow Motor Freight Transportation, Warehousing uses in addition to other uses allowed in the Commercial zoning district, located at 3020 and 3200 East U.S. Highway 80.

(Three 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](#)

27 [23-6770](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0311, submitted by Hunter Rowe and Kyle McCullah of 5G Studio Collaborative, amending the Mesquite Comprehensive Plan by providing a Comprehensive Plan Amendment from Commercial to Light Industrial and for a change of zoning from Planned Development (Ordinance No. 1153) and Planned Development-Commercial (Ordinance No. 2017) to Planned Development - Industrial to allow retail, wholesale trade, self-storage/miniwarehouse, office, warehousing, light industrial, manufacturing, and assembly uses in addition to other uses allowed in the Industrial Zoning District, located at 2732, 2800 and 3200 East U.S. Highway 80.

(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**    [23-6779](#)    Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0314, submitted by CA Mesquite, to amend Planned Development - Commercial (Ordinance No. 5029) to allow a shopping center with modifications to the sign regulations, located at 200 East U.S. Highway 80.

(No responses in favor and three 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](#)

- 29**    [23-6783](#)    Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0253, submitted by Scott Rohrman of 42 BP, LP, for a change of zoning from Industrial to Planned Development - Industrial to allow an industrial business park, located at 4650 and 4698 East Scyene Road, and 215, 225, 229, 231 and 1600 Lawson Road.

(Two 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](#)

- 30**    [23-6786](#)    Conduct a public hearing and consider an ordinance for Zoning Application No. Z0823-0320, submitted by Halff Associates on behalf of Huntington Industrial Partners, to amend Planned Development - Commercial (Ordinance No. 4911) to modify the development standards and concept plan to allow additional truck and trailer parking, located at 1110 and 1126 Military Parkway.

(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](#)

- 31**    [23-6767](#)    Conduct a public hearing and consider an ordinance making a Mesquite

Zoning Ordinance Text Amendment No. 2023-01, for certain additions and deletions to Sections contained in Parts 1, 5 and 6 pertaining to Certificate of Occupancy provisions for issuance, denial and revocation and clarifying the appeals of such are made to the Board of Adjustment and making Mesquite City Code text amendments for certain additions and deletions to Chapters 5, 6, 7 and 20, thereby clarifying that appeals of administrative decisions with regard to Certificates of Occupancy are made to the Board of Adjustment, revising Appendix D - Comprehensive Fee Schedule thereby adding additional fees associated with Certificates of Occupancy.

(The Planning and Zoning Commission recommends approval of the Zoning Text Amendment.)

**Attachments:**

[Staff Memo](#)

[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. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 4-11-23
7. 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
8. David Briones v. City of Mesquite and Steven Pierce, Cause No. CC-23-05044-E - Filed 8-4-23

**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:

- 32      23-6785**            Discuss purchase of real property located on Airport Boulevard.

**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:

- 33      23-6774**            Discuss economic development incentives for the development of an industrial site at East Scyene Road and Lawson Road.
- 34      23-6784**            Discuss economic development incentives for the development of a retail

site at IH-20 and Lawson Road.

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.