



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 2, 2023

6:00 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 October 2, 2023.

PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:00 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

Rick Nichols, Pastor, Wildwood Baptist Church, Mesquite, Texas.

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.)

- 1 [23-6837](#) Minutes of the regular City Council meeting held September 18, 2023.

 Attachments: [September 18, 2023. minutes](#)

- 2 [23-6833](#) An ordinance amending Chapter 8 of the City Code, by reserving current Article XIII and adding new Article XVIII "Hotel Premise Regulations" to provide for additional provisions regarding hotel license requirements and associated fees and providing transitional provisions regarding issuance of a license and enforcement prior to December 1, 2023.

 Attachments: [Ordinance](#)

- 3 [23-6768](#) A resolution expressing intent to reimburse expenditures from proceeds of future obligations.

 Attachments: [Resolution](#)

- 4 [23-6829](#) A resolution endorsing and accepting the 2023-2024 Comprehensive Safety Grant ("Grant") for the Selective Traffic Enforcement Program ("STEP"), authorizing the filing of the application for the Grant, approving the contribution of City funds in the amount of \$9,592.12, designating the City Manager as the official representative of the City in connection with the Grant, and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such Grant and STEP Program.

 Attachments: [Resolution](#)

- 5 [23-6834](#) A resolution authorizing the City Manager to execute Amendment No. 1 to

the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2023-24 for an amount not to exceed \$129,448.00.

Attachments: [Resolution](#)

- 6 [23-6846](#) A resolution approving the purchase of 6.5 acres of land being part of the WM Peters Survey Tracts 35.02 and 35.04 in Kaufman, Texas by the Kaufman Central Appraisal District and the construction of and related financing of a building pursuant to a lease purchase agreement.

Attachments: [KCAD Proposal Presentation](#)

[Resolution](#)

- 7 [23-6836](#) Bid No. 2023-082 - Utility Relocation for CSJ: 0095-10-033 U.S. 80 from Interstate Highway (IH) 30 to Gus Thomasson Road.
(Staff recommends award to low bidder ANA Site Construction, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$3,081,232.00.)

Attachments: [Recommendation Letter](#)

[Bid Tabulation](#)

[Location Map](#)

- 8 [23-6831](#) Bid No. 2023-106 - Purchase of Isuzu Jet-Vac Truck for Utilities.
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$200,338.25.)

Attachments: [Quote](#)

[Photo](#)

- 9 [23-6832](#) Bid No. 2023-105 - Purchase of Elgin Eagle Street Sweeper.
(Staff recommends award to Kinloch Equipment and Supply, through Sourcewell Contract No. 093021-ELG, in an amount not to exceed \$378,380.00.)

Attachments: [Quote](#)

[Photo](#)

- 10 [23-6827](#) Bid No. 2024-007 - Annual Internet Auctioning Services.
(Staff recommends award to René Bates Auctioneers, Inc., through BuyBoard Contract No. 708-23, for a commission of 7.5 percent of gross sales. The term is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

- 11 [23-6838](#) Bid No. 2023-122 - Annual Contract for Crushed Concrete Aggregate.
(Staff recommends award to low bidder Big City Crushed Concrete in the amount of \$198,800.00. The term 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: [Bid Tabulation](#)

- 12 [23-6844](#) Reappoint Carolyn Miller Stoddard (Position 4) and Troy Hutchison (Position 5) and appoint LaMonica Davison (Position 2) to the Spradley Farms Improvement District of Kaufman County Board of Directors for terms to expire August 19, 2027.

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.)

- 13 [23-6830](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0313, submitted by Debra Cox of JDJR Engineers and Consultants, Inc., for a change of zoning from Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial to Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial with a Conditional Use Permit to allow a new and used vehicle dealership with an outdoor display lot, located at 16160, 16190 and 16200 Interstate Highway 635.
(One response in favor and none 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 9/25/2023](#)
[P&Z Minutes 9/11/2023](#)
[Ordinance](#)

- 14 [23-6828](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0823-0323, submitted by Shannon Vazquez of Broadmoor Plaza Retail, LLC, for a change of zoning from General Retail to General Retail zoning with a Conditional Use Permit to allow a variety store within 5,000 feet of another variety store with no sales floor dedicated to fresh produce, meats or dairy, located at 500 North Galloway Avenue, Suite 110.
(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. 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

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- 15 23-6842** Discuss the legality of a proposed land use seeking to locate within the City of Mesquite.

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:

- 16 23-6800** Discuss economic development incentives for a development at the corner of Cartwright Road and Faithon P. Lucas, Sr., Boulevard.

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.