



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, November 20, 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 November 20, 2023.

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

#### **AGENDA REVIEW**

#### **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

#### **CANVASS MEETING - 7:00 P.M.**

#### **OTHER BUSINESS**

- 1 [23-6899](#) Canvass results of the General Election for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5, and 6 and the Special Election for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rate for the 2023 tax year held November 7, 2023.
- 2 [23-6900](#) Consider a resolution declaring the results of the November 7, 2023, General Election and Special Election.

#### **SPECIAL ANNOUNCEMENTS**

This time is reserved for special announcements and recognition of individuals or groups.

#### **ADJOURNMENT**

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:15 p.m.****INVOCATION**

Pastor Reginald Jefferson, New Hope Baptist Church; Pastor Harry Sewell, Family Cathedral; and Pastor Stanley Viquez, Mundo de Fe 'Iglesia.

**PLEDGE OF ALLEGIANCE**

BSA Troop 2023.

**OTHER BUSINESS**

- 3      [23-6905](#)      Installation of newly elected Mayor and Councilmembers.

**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.)

- 4      [23-6884](#)      Minutes of the regular City Council meeting held November 6, 2023.

**Attachments:**      [November 6, 2023, minutes](#)

- 5      [23-6910](#)      An ordinance amending Chapter 9, Section 9-195, of the City Code by prohibiting parking at any time on certain sections of Chase Road, McKenzie Road and Skyline Drive.

**Attachments:**      [Location Map](#)  
[Ordinance](#)

- 6      [23-6909](#)      A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on Saturday, January 13, 2024, for the City of Mesquite Martin Luther King, Jr., Parade.

**Attachments:**      [Location Map](#)  
[Resolution](#)

- 7      [23-6914](#)      Bid No. 2023-133 - Annual Supply of Rebar.  
(Staff recommends award to Barnsco, Inc., in the amount of \$145,800.00. The term is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

**Attachments:**      [Bid Tabulation](#)

- 8      [23-6912](#)      Bid No. 2024-001 - Installation of Traffic Signals (State Highway 352 at Belt Line Road).  
(Staff recommends award to low bidder EAR Telecommunications, LLC dba EARTC and to authorize the City Manager to finalize and execute a contract in the amount of \$569,791.35.)

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

- 9      [23-6913](#)      Bid No. 2024-006 - Alley Reconstruction 2023 Project.  
(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 \$1,196,500.00.)

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

- 10      [23-6911](#)      Bid No. 2024-013 - South Parkway Reconstruction (U.S. Highway 80 to Peachtree Road).  
(Staff recommends award to low bidder DDM Construction Corporation and to authorize the City Manager to finalize and execute a contract in the amount of \$16,709,550.00.)

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

- 11     [23-6876](#)     RFP No. 2024-023 - Annual Medical Plan Reinsurance (Stop Loss).  
(Staff recommends award to VOYA Financial Advisors, Inc., through insurance broker, Stealth Partner Group, LLC, and to authorize the City Manager to finalize and execute any required documents for FY 2023-2024, to secure stop loss coverage for the City group medical healthcare plan in an amount not to exceed \$892,657.00.)
- Attachments:**     [Proposal](#)
- 12     [23-6897](#)     Authorize the City Manager to finalize and execute Amendment No. 2 to RFP No. 2020-080, Retiree Medicare Supplement Plan, with renewal rates for The Hartford/Express Scripts for Post 65 Retiree Medical and Prescription Drug Plan, effective January 1, 2024, to December 31, 2024.
- Attachments:**     [Renewal Letter](#)  
                          [Post 65 Retiree Marketing Analysis](#)
- 13     [23-6916](#)     Authorize the City Manager to finalize and execute an Office Lease Agreement with ATP USA, Inc., for office rental space at the Mesquite Metro Airport.
- 14     [23-6917](#)     Authorize the City Manager to finalize and execute an Interlocal Agreement (ILA) with Dallas County for tax assessor and collection services, effective March 1, 2024.
- Attachments:**     [Interlocal Agreement](#)
- 15     [23-6922](#)     Authorize the City Manager to finalize and execute a subrecipient agreement between the City of Mesquite and Sharing Life Community Outreach, in the amount of \$500,000.00, to provide support for the City of Mesquite American Rescue Plan Act program.
- Attachments:**     [Sharing Life - ARPA Subrecipient Agreement](#)
- 16     [23-6920](#)     Authorize the City Manager to finalize and execute an Interlocal Agreement for Emergency 9-1-1 Communications Center and Dispatch Services between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives.
- 17     [23-6921](#)     Authorize the City Manager to finalize and execute an Interlocal Agreement for use of the City of Mesquite City Jail Facility between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives.

## **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     [23-6885](#)     Conduct a public hearing and consider an ordinance for Zoning

Application No. Z0923-0326, submitted by Ameer Syed of Al Ameer, LLC., for a change of zoning from General Retail to Planned Development - General Retail with a Conditional Use Permit to allow a used vehicle dealership, limited to five vehicle spaces, located at 2944 Motley Drive.

(One response in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.)

**Attachments:** [Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

- 19 [23-6888](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0923-0327, submitted by Ahmad Karimi of One World Cars, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a used vehicle dealership with an outdoor display lot, located at 4441 Interstate Highway 30.

(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](#)

[Ordinance](#)

- 20 [23-6889](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1023-0330, submitted by Michelle Pope of Eagle Restoration on behalf of Yvonne Porter, for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow an Accessory Dwelling Unit with a modification to the 15-foot interior side yard setback requirement, located at 6310 Lumley Road.

(Two responses 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](#)

[Ordinance](#)

- 21 [23-6891](#) Conduct a public hearing and consider an ordinance revising the City Code by making a Subdivision Ordinance Text Amendment, STA No. 2023-02, thereby repealing and replacing Appendix B - Subdivisions, Article III (Platting Review Procedures) for the purpose of updating the City's ordinances regarding review, approval, and appeal procedures for plats due to the Texas Legislature's passage of House Bill 3699 and House Bill 14 during its 88th Regular Session; and revising Appendix D -

Comprehensive Fee Schedule, Section 12-121 (Planning and Zoning Fees), for the same purpose.

(The Planning and Zoning Commission recommends approval of the subdivision text amendment.)

**Attachments:**

[Staff Memo](#)

[P&Z Minutes](#)

[Ordinance](#)

**22**     [23-6890](#)

Conduct a public hearing and consider an ordinance revising the City Code by making a Zoning Ordinance Text Amendment, ZTA No. 2023-04, thereby revising Appendix C - Zoning Ordinance; Part 1 (General Provisions); Part 2 (Residential Districts); Part 3 (Nonresidential Districts); Part 4 (PD and Overlay Districts); Part 5 (Administration); and Part 6 (Definitions); for the purpose of updating the City's ordinances regarding review, approval, and appeal procedures for site plans due to the Texas Legislature's passage of House Bill 14 during its 88th Regular Session.

(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
9. Michael L. Fogarty, April M.C, Gomez and Victor Gomez v. City of Mesquite/Fire Dept, Mesquite EMTS, Kris Kyle; South Mesquite Regional Hospital, Cause No. DC-23-16587, filed September 28, 2023
10. April Patton v. City of Mesquite, Cause No. DC-23-14996, Filed September 13, 2023
11. Danny Booker v. City of Mesquite Risk Management, Cause No. DC-23-18301 - Filed 10-25-2023
12. Elgin Singleton v. City of Mesquite, Cause No. DC-23-18152 - Filed 10-25-2023

### **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:

- 23      23-6932**      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:

- 24      23-6904**      Discuss economic development incentives for a project at Town East

**Boulevard and IH-635.**

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.