



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 21, 2023

5:00 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 August 21, 2023.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6750](#) 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 - 5:00 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.

- 2 [23-6733](#) Receive Police Department Update.

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

INVOCATION

Reginald Jefferson, Pastor, New Hope Baptist Church.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 3 [23-6748](#) Receive presentation of Texas Municipal League's (TML) Risk Pool Partnership Award to the City of Mesquite and the Mesquite Fire Department for the Fire Department's Attenuator Truck.

Attachments: [Nomination Letter](#)

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 [23-6754](#) Minutes of the regular City Council meeting held August 7, 2023.

Attachments: [August 7, 2023, minutes](#)

- 5 [23-6744](#) 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 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](#)

- 6 [23-6758](#) An ordinance, on first reading, approving a negotiated settlement between the Atmos Steering Committee (ASCS) 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 deliver of this ordinance to the company and the ACSC's legal counsel.
- Attachments:* [Ordinance](#)
- 7 [23-6761](#) A resolution authorizing the City Manager to enter into an Interlocal Agreement with the State of Texas, by and through the Texas Department of Transportation (TxDOT), for the purpose of payment for the placement of signage along Interstate Highway 635 in Mesquite designated as "Officer Richard Houston II Memorial Highway."
- Attachments:* [Resolution](#)
- 8 [23-6737](#) Bid No. 2023-095 - Paving Improvements for Lee Street and Grubb Drive. (Staff recommends award to low bidder Texas Materials Group, Inc., dba TexasBit and to authorize the City Manager to finalize and execute a contract in the amount of \$2,379,149.20.)
- Attachments:* [Recommendation Letter](#)
[Bid Tabulation](#)
[Location Map](#)
- 9 [23-6732](#) Bid No. 2023-097 - Street Repairs for East Kearney Street and Peachtree Road. (Staff recommends award to low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in the amount of \$1,721,953.50.)
- Attachments:* [Recommendation Letter](#)
[Bid Tabulation](#)
[Location Map](#)
- 10 [23-6743](#) Bid No. 2023-120 - Annual Telephone Services - Local and Long Distance. (Staff recommends purchase of local and long-distance phone service from AT&T Corp., through Texas Department of Information Resources Contract No. DIR-TELE-CTSA-002, in an amount not to exceed \$375,000.00.)
- 11 [23-6742](#) Bid No. 2023-121 - Annual Mobile Data and Voice Service. (Staff recommends purchase of voice and data plans from AT&T Corp.,

through the Texas Department of Information Resources Contract No. DIR-TELE-CTSA-002, in an amount not to exceed \$200,000.00.)

- 12 [23-6736](#) Bid No. 2023-123 - Annual Supply of Neptune Mach 10 V5 Electronic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$738,257.40.)

Attachments: [Sole Source Letter](#)
[Bid Tabulation](#)

- 13 [23-6741](#) Bid No. 2023-129 - Annual Supply of Aftermarket Vehicle Replacement Parts.
(Authorize the City Manager to finalize and execute a contract and any required documents with O'Reilly Auto Parts, through Sourcewell Contract No. 032521, in an amount not to exceed \$75,000.00. The term of this contract 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.)

Attachments: [Bid Tabulation](#)

- 14 [23-6747](#) Bid No. 2023-134 - Purchase of 42 Sets of Fire Protective Clothing for Fire Operations Personnel.
(Staff recommends the purchase of 42 sets of firefighter protective coats and pants offered by Municipal Emergency Services, Inc., through Sourcewell Purchasing Cooperative Contract No. 032620, in an amount not to exceed \$195,887.00.)

- 15 [23-6749](#) Authorize the City Manager to finalize and execute a Supplemental Agreement (Phase II) to Bid No. 2023-040, Construction Manager-at-Risk Services for the construction of the Mesquite Animal Shelter and Adoption Center Addition, with Falkenberg Construction Company, Inc., and establish the Guaranteed Maximum Price (GMP) of \$3,374,855.12.

Attachments: [GMP Proposal](#)

- 16 [23-6753](#) Approve Amendment No. 4 to the 2022-23 Police State Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$36,500.00.

Attachments: [State Seizure Amendment No. 4](#)

- 17 [23-6671](#) Ratify an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match On-System with the Texas Department of Transportation for participation in the Interstate 635 at US 80 Interchange Project.

PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND RESOLUTIONS RELATING TO THE FISCAL YEAR 2023-24 BUDGET:

- 18 [23-6752](#) 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.
(This item was postponed at the August 7, 2023, City Council meeting.)
- Attachments:* [Ordinance](#)
 [FY2023-24 Proposed Budget Highlights](#)
- 19 [23-6751](#) An ordinance ratifying the property tax revenue increase reflected in the 2023-24 Fiscal Year budget for said period.
(This item was postponed at the August 7, 2023, City Council meeting.)
- Attachments:* [Ordinance](#)
- 20 [23-6694](#) A. Conduct a public hearing regarding the proposed Fiscal Year 2023-24 ad valorem tax rate of \$0.69000 per \$100 valuation.
- B. An ordinance levying the ad valorem taxes for tax year 2023 (Fiscal Year 2023-24).
- Attachments:* [Ordinance](#)
- 21 [23-6662](#) A resolution ordering a Special Election on November 7, 2023, for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rate for the 2023 tax year.
- Attachments:* [Resolution](#)
- 22 [23-6663](#) A resolution ordering a General Election on November 7, 2023, for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5 and 6.
- Attachments:* [Resolution](#)

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.)

- 23 [23-6740](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1122-0260, submitted by Clay Christy of Claymoore Engineering, Inc., for a change of zoning from Agricultural to Planned Development - General Retail to allow retail, self-storage, convenience store with fuel, and restaurant uses in addition to the other uses allowed in the General Retail Zoning District, located at 6611 and 6619 FM 741.
(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](#)

- 24 [23-6756](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0295, submitted by Alan Naul of The Javelin Group, for a change of zoning from General Retail to Planned Development - Multifamily to allow a 76-unit age-restricted multifamily development with modifications to the development standards, and a Comprehensive Plan amendment to change the future land use designation from Neighborhood Retail to High Density Residential, located at 1220 North Town East Boulevard.

(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 Reports and Maps](#)
[P&Z Minutes](#)
[Ordinance](#)

- 25 [23-6738](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2023-02, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Section 3-200 "Use Regulations" and Section 3-500 "Supplementary Use Regulations" thereby amending regulations for the location of check cashing and money transfer establishments.

(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

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:

- 26 23-6775** Discuss economic development incentives for the redevelopment of a commercial building at Crestridge Drive and North Galloway Avenue.

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.