



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, July 17, 2023

5:00 PM

City Hall | Council Chamber  
757 N. Galloway Avenue | Mesquite, Texas

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

##### AGENDA REVIEW

##### STAFF PRESENTATIONS

- 1 Receive departmental strategy and budget presentations from Finance and Parks and Recreation Departments related to City Council strategic goals and objectives.  
**Received.**

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

##### INVOCATION

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

##### PLEDGE OF ALLEGIANCE

City Staff.

##### PRESENTATIONS

- 2 Recognize Real. Texas. Service. Champions. **Recognized.**

##### SPECIAL ANNOUNCEMENTS

1. **Mr. Green announced that the 17<sup>th</sup> Annual Doggie Splash Day will be held on Saturday, August 5, 2023, from 8:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Proof of current vaccinations must be provided for all dogs. Doggie swimmers will have access to the wading pool and lap pool. Dogs can also compete for prizes in the pet swimsuit contest, diving contest, paddle race and a trick or talent contest. Admission is \$5.00 for one owner and one pet, \$2.00 for each additional pet and \$1.00 for spectators. Receive a \$2.00 discount if you bring a jar of jelly, peanut butter or seed butter to benefit the City's Spread the Love campaign that helps feed children in need in Mesquite.**

2. Ms. Vidler stated that classes resume for Mesquite Independent School District (MISD) students on Monday, August 7, 2023. Please remember to stay alert, obey traffic signs and slow down when driving in residential areas. The City's "Drive Like Your Family Lives Here" education program uses a variety of bilingual communications and tips to help keep our roads safe.
3. Mr. Boroughs encouraged citizens to donate jars of peanut butter and jelly during the City's annual Spread the Love campaign, which continues through Labor Day, September 4, 2023. This year, donations of alternative butters that are safe for children with nut allergies, such as sunflower seed butter or pumpkin seed butter, are also requested. The City partners with Sharing Life Community Outreach to distribute the food collected.
4. Mr. Smith invited citizens to attend a Back-to-School Rally on Saturday, July 22, 2023, at New Light Church, 1300 South Beltline Road, from 10:00 a.m. to 2:00 p.m. Free backpacks and school supplies will be distributed. Health screenings and immunizations will also be offered.
5. Mr. Smith invited citizens to celebrate the conclusion of National Parks and Recreation Month at the City's "Pop Up at the Park" event at Mesquite's new spray pad at Clay Mathis Park. This free, family-friendly event will be held on Saturday, July 29, 2023, from 9:00 a.m. to Noon. The celebration will include free popsicles, games and more at the Spray Zone, which officially opened on Monday, May 1, 2023.
6. Ms. Anderson thanked the City of Mesquite Police Officers and Firefighters for helping to keep residents safe during the July 4<sup>th</sup> weekend. Patrols were dispatched to areas with historically high call volume on the holiday in previous years. Mesquite Police Officers responded to 81 calls for service for fireworks reports and 62 calls for service for sounds of gunfire. In addition, more than 38 pounds of fireworks were confiscated and 19 handguns and one rifle were seized. Police Officers also made 27 DWI arrests. While there is still work to be done, progress is made every year by educating residents on celebrating the holiday in a safe manner.
7. Ms. Anderson stated that she recently attended a Texas Citizen Police Academy Alumni Association conference where Lieutenant Brandon Ricketts was honored and awarded the Peace Officer of the Year.
8. Mayor Alemán announced that the next Town Hall Tuesday meeting will be held tomorrow evening, July 18, 2023, from 6:30 p.m. to 7:30 p.m., at Mesquite City Hall, 757 North Galloway Avenue. Attendees will learn about the City's current budget and plans for next year's budget. Presentations will include results of the budget survey that was recently completed by the public.
9. Mayor Alemán thanked everyone involved in the new Real. Texas. Teens. Epic Summer Experience, which is a four week program. During the first two weeks of the program, more than 55 teenagers participated in a variety of activities from a game truck to sports, crafts and a rock climbing wall. More than 200 teenagers participated the third week. If you have an 11 – 18 year old, encourage them to participate in the Epic Summer Experience program this Thursday, July 20, 2023, from 6:00 p.m. to 8:00 p.m., at Terry Middle School, 2531 Edwards Church Road, and on Thursday, August 3, 2023, for a special Epic Summer Splash event. Watch the City's social media for more information regarding Real. Texas. Teens. and more youth engagement programs coming soon. Mayor Alemán thanked the City of Mesquite, Parks and Recreation Department, Mesquite Independent School District, community volunteers, Dr. James Terry and his wife, and the Men of Honor for helping make this program a huge success.

## **CITIZENS FORUM**

1. Sharon Davenport, 4804 Blue Cap Court, expressed support for more retail stores near her neighborhood.
2. Genia Deluga, representing Dependable Mini Storage at 730 and 740 Military Parkway, expressed concerns regarding the recent increase in water bills.

## **PUBLIC HEARINGS**

- 3 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2023-24 budget. **Public hearing held.**
- 4 Conduct a public hearing on the levy of assessments on property within Improvement Area A-1, Improvement Area C-1, Improvement Area C-2, and Improvement Area C-3 of the Solterra Public Improvement District. **Public hearing held.**

## **CITIZENS COMMENTS**

**No one appeared.**

## **CONSENT AGENDA**

- 5 Minutes of the regular City Council meeting held July 3, 2023. **Approved.**
- 6 A resolution approving a Reimbursement Agreement (Improvement Area C-3) relating to the Solterra Public Improvement District. **Approved by Resolution No. 31-2023.**
- 7 An ordinance approving a Service and Assessment Plan and Assessment Roll for authorized improvements in Improvement Area A-1, C-1, C-2 and C-3 in the Solterra Public Improvement District (the "District"); making a finding of special benefit to certain property within the district; levying assessments against certain property within the district and establishing a lien on such property; providing for payment of the assessment in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of assessments; providing penalties and interest on delinquent assessments; providing for severability and providing an effective date. **Approved by Ordinance No. 5031.**
- 8 An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area A-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date. **Approved by Ordinance No. 5032.**
- 9 An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date. **Approved by Ordinance No. 5033.**
- 10 An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-2 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date. **Approved by Ordinance No. 5034.**

- 11 An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra).  
**Approved by Ordinance No. 5035.**
- 12 A resolution approving the TIRZ Reimbursement Agreement between the City of Mesquite, Texas, the Board of Directors of Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra) (the TIRZ) and HC Solterra, LLC, regarding the reimbursement of project costs for public improvements within the TIRZ. **Approved by Resolution No. 32-2023.**
- 13 An ordinance amending the City Code by revising Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board) for the purpose of clarifying that all “types” of appeals identified in said article are all considered “administrative decisions”.  
**Approved by Ordinance No. 5036.**
- 14 An ordinance amending the City Code by revising Chapter 20, Article IV, Division 4 “Building Standards Board” for the purpose of removing the residency requirement for regular members and alternates thereby allowing any qualified applicant to be appointed regardless of the city the person resides in. **Approved by Ordinance No. 5037.**
- 15 A resolution approving the Mesquite Quality of Life Corporation budget for Fiscal Year 2023-24. **Approved by Resolution No. 33-2023.**
- 16 Bid No. 2023-008 - Community Development Block Grant (CDBG) 2023 Sidewalk Project. (Staff recommends that all bids be rejected.) **Approved.**
- 17 Bid No. 2023-064 - 2021 Large Diameter High Risk Sewer Main Repair/Rehabilitation Project. (Staff recommends that all bids be rejected and rebid at a later date.) **Approved.**
- 18 RFQ No. 2023-103 - Engineering Services for City Lake Aquatic Center: Engineering Design Services. (Authorize the City Manager to finalize and execute a contract with Aqueous Engineering, LLC, in an amount not to exceed \$180,000.00.) **Approved as recommended.**
- 19 Bid No. 2022-104 - Mesquite Police Department TASER Replacement. (Authorize the City Manager to approve annual payments to Axon Enterprise, Inc., in an amount not to exceed \$128,180.97 each year, through BuyBoard Contract 603-20. The contract expires June 30, 2027. **Approved as recommended.**
- 20 Bid No. 2023-114 - Purchase of two Video Camera Trailers for Town East Mall area. (Staff recommends award to Comprehensive Communication Services, through BuyBoard Contract No. 617-20, in an amount not to exceed \$96,792.42.) **Approved as recommended.**
- 21 Authorize the City Manager to finalize and execute Amendment No. 1 to the Professional Engineering Services Contract for the Crandall Connector Water Line Project, with Garver, LLC, for the additional design and preparation of construction documents in an amount not to exceed \$134,265.00. **Approved.**
- 22 Authorize the City Manager to finalize and execute a Professional Services Agreement with

Garver, LLC, for the McKenzie Sewer Main Project, in an amount not to exceed \$549,320.50. **Approved.**

- 23** Call a public hearing for August 7, 2023, 7:00 p.m., at City Hall, Council Chamber, 757 North Galloway Avenue, Mesquite, Texas 75149, and order the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2023-24 budget. **Public hearing held.**

## **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- 24** Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, August 23, 2023, at 1:30 p.m.  
**Jennifer Vidler and Debbie Anderson were appointed as regular members and Tandy Boroughs as an alternate member to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held on Wednesday, August 23, 2023, at 1:30 p.m.**

## **PUBLIC HEARINGS**

- 25** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0623-0307, submitted by Kennett Wilson and Sharonda Ross, Love Healed Pain (LHP), for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow a group home, located at 7020 Shannon Loop.  
(No 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.) **Public hearing held. Denied.**
- 26** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0323-0299, submitted by Edward Arshouk and Amy Mathews, for a change of zoning from Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District to Planned Development - Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District with modifications to allow a carwash within 100 feet of a residential zoning district, located at 2670 and 2704 Towne Centre Drive.  
(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.)  
**Public hearing held. Approved by Ordinance No. 5038.**
- 27** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0303, submitted by Flavio Mendoza, for a change of zoning from R-3 Single-Family Residential to R-3 Single-Family Residential with a Conditional Use Permit to allow an Accessory Dwelling Unit with modifications, located at 1432 Hillcrest Street.  
(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.) **Public hearing held. Denied.**
- 28** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0304, submitted by Adrienne Moore of A.N. Moore Consulting, LLC, for a change of zoning from

General Retail to Planned Development - General Retail to allow for retail trade and service use classifications, as well as allowing printing, publishing and allied industries (SIC 27) by right, in addition to the other uses allowed in the General Retail Zoning District, located at 1313 Oates Drive.

(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.)

Public hearing held. Approved by Ordinance No. 5039.

## **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. Jennifer Villatoro v. City of Mesquite, Cause No. CC-23-02787-D - Filed 5-8-2023
7. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 4-11-23

#### **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:

- 29** Discuss economic development incentives for a company considering redeveloping a commercial building at Oates Drive and IH-635. **Discussed.**
- 30** Discuss economic development incentives for a company considering developing a retail facility at IH-635 in the Iron Horse district. **Discussed.**

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.