



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, August 1, 2022

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 presentation by North Texas Municipal Water District Executive Director and General Manager Jena Covington, PE. **Received.**
- 2 Discuss the proposed budget and tax rate for Fiscal Year 2022-23. **Discussed.**

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

##### INVOCATION

Nathaniel Rainey, Pastor, Jireh's Tabernacle Worship Center, Mesquite, Texas.

##### PLEDGE OF ALLEGIANCE

City Staff.

##### SPECIAL ANNOUNCEMENTS

1. Mr. Casper requested residents and businesses to conserve water voluntarily due to continued unseasonable hot temperatures and a lack of rainfall. Residents and businesses are reminded of the City's water conservation plan which limits watering to twice per week, before 10:00 a.m. and after 6:00 p.m. Watering during these hours help eliminate evaporation. Please help so further restrictions are not required.
2. Mr. Green invited dogs and their owners to the 18<sup>th</sup> Annual Doggie Splash Day on Saturday, August 6, 2022, from 9:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Admission is \$5.00 for one owner and one pet, \$2.00 for each additional pet and \$1.00 for all spectators. Participants who bring a jar of peanut butter or jelly to support the Spread the Love campaign will receive \$2.00 off admission.
3. Ms. Vidler encouraged citizens to visit the Downtown Mesquite Farmer's Market at Front Street Station, every Saturday through November 26, 2022, from 9:00 a.m. to 1:00 p.m.
4. Mr. Boroughs announced that McWhorter School Park improvements include renovations for the hockey, basketball and volleyball courts. Ideas for the improvements came from residents during Park Master Planning Public Input Sessions.

5. Mr. Boroughs stated that on Monday, July 25, 2022, a grass fire in the City of Balch Springs spread and destroyed many homes. Fire Department staff and equipment from eight cities, including the City of Mesquite, were dispatched to help combat the fire. He commended the Mesquite Fire Department, the Mesquite Fire Corps, Mesquite Police Department, Balch Springs citizens and the City's Emergency Management team, Jason Block and Michael Clement, for coming together during this disaster.
6. Mr. Boroughs stated that he recently played in the Mesquite Independent School District's Wall of Honor Golf Tournament at the Mesquite Golf Course and encouraged citizens to play a round of golf and experience what the golf course has to offer.
7. Mr. Smith announced that the Parks and Recreation Department is now offering a Youth Fast Pitch Softball League for ages 5 – 18. Registration is open through Sunday, August 7, 2022. The cost is \$70.00 per player and the season begins on Tuesday, September 6, 2022. All games will be played at the newly renovated Mesquite Girls Softball Complex, 1717 McKenzie Road.
8. Ms. Anderson stated that The Elton Johns will perform on the Mesquite Arts Center Courtyard Stage, 1527 North Galloway Avenue, on Thursday, August 4, 2022, at 7:00 p.m. This free event is open to the public and includes a live music experience, performed by a costumed full band and string section.
9. Mayor Alemán stated that school will begin for Mesquite Independent School District students on Tuesday, August 9, 2022. He reminded residents to slow down, don't use cell phones in school zones and don't text while driving. Watch for children in school zones and cross walks and remember to "Drive Like Your Family Lives Here."

## CITIZENS FORUM

Renee Chaney, 4417 Ocean Reef, expressed concerns regarding false claims of property ownership.

## CITIZENS COMMENTS

Tom Brashear, 1417 Panola Drive, expressed support for repealing the Emergency Measure Ordinance, which is Item No. 4 on tonight's agenda, due to concerns regarding first amendment rights.

## CONSENT AGENDA

- 3 Minutes of the regular City Council meeting held July 18, 2022. **Approved.**
- 4 An Emergency Measure Ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency Related to COVID-19 issued on March 23, 2020, and as previously continued and authorized; confirming the continued activation of the City's Emergency Management Plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense. **Approved by Ordinance No. 4964.**
- 5 An ordinance amending the Mesquite City Code by amending Division 1, generally, and Division 5, Public and Semi-Public Pools and Spas, of Article IX, Swimming Pool and Spa Code, of Chapter 5, Buildings and Construction, to provide health and safety regulations for swimming pools and spas located on single-family property for which fees are charged for

use by the public. **Approved by Ordinance No. 4965.**

- 6 Bid No. 2022-061 - Alley Reconstruction 2022 Project.  
(Authorize the City Manager to finalize and execute a contract with the lowest qualified bidder Estrada Concrete Company, LLC, in the amount of \$1,882,603.00.)  
**Approved as recommended.**
- 7 Bid No. 2022-141 - Construct and Install Study Rooms at Mesquite Main Library.  
(Authorize the City Manager to finalize and execute an agreement with CCS Custard Construction Services Inc., through The Interlocal Purchasing System (TIPS) Contract No. 211001, in an amount not to exceed \$76,696.99.) **Approved as recommended.**
- 8 Authorize the City Manager to finalize and execute a Professional Services Agreement with Freese and Nichols, Inc., for the survey, engineering, design and preparation of bidding and construction documents for the City Lake Dam and Spillway Improvements Project in an amount not to exceed \$162,390.00. **Approved.**
- 9 Authorize the City Manager to finalize and execute an Office Lease Agreement with the Mesquite Chamber of Commerce for operating and maintaining an office for the Mesquite Chamber of Commerce on City-owned property located at 111 South Broad Street, Mesquite, Texas. **Approved.**

#### **CONSIDERATION OF ORDINANCE**

- 10 Consider an ordinance determining the necessity of acquiring real property for construction, operation, and maintenance of public facilities on a portion of property located at 2210 East Scylene Road; authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use; and delegating authority to initiate condemnation proceedings to the City Manager. **Approved by Ordinance No. 4966.**

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

- 11 Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2022.  
**David Burris was appointed as an alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2022.**
- 12 Consider appointment of one regular member to the Building Standards Board to fill the position for Registered Homebuilder (Position No. 3) for a term to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.  
**Scott Gibb was moved from an alternate member (Alternate No. 1) to a regular member (Position No. 3) to fill the position for Registered Homebuilder on the Building Standards Board for a term to expire December 31, 2023, and Sam Anderson was appointed as an alternate member (Alternate No. 2) for a term to expire December 31, 2022.**
- 13 Consider appointment of two members (Places 5 and 9) to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, two members (Places 1 and 2) for terms to expire December 31, 2023, and one member (Place 8) for a term to expire December 31, 2024. **Christian Jaynes was appointed as a member (Place 1) to the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2023.**

- 14 Consider appointment of one regular member (Position No. 4) and one alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2022.  
Laquitha Hasley was moved from an alternate member (Alternate No. 1) to a regular member (Position No. 4) and Kalayah Fisher was appointed as an alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2022, and Wanda Gray was appointed as an alternate member (Alternate No. 1) for a term to expire December 31, 2023.
- 15 Consider appointment of two regular members (Position No. 4 and Position No. 6) to the Library Advisory Board for terms to expire December 31, 2022.  
Karen Eberle was appointed as a member (Place No. 4) to the Library Advisory Board for a term to expire December 31, 2022.
- 16 Consider appointment of one regular member (Position No. 1) and one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.  
Nellapalli Dharmarajan was appointed as a regular member (Position No. 1) and Rick Cumby was appointed as an alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2023, and Elizabeth Rodriguez-Ross was appointed as an alternate member (Alternate No. 2) for a term to expire December 31, 2022.

**PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEM RELATING TO THE FISCAL YEAR 2022-23 BUDGET:**

- 17 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2022-23 budget. **Public hearing held.**
- 18 An ordinance providing funds for the 2022-23 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.  
**Postponed to the August 15, 2022, City Council meeting.**
- 19 An ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget for said period. **Postponed to the August 15, 2022, City Council meeting.**
- 20 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2022-2023 and call a public hearing for August 15, 2022, on the proposed Fiscal Year 2022-2023 ad valorem tax rate. **Approved.**

**PUBLIC HEARINGS**

- 21 A. Conduct a public hearing to receive citizen input regarding the proposed 2022-2023 Community Development Block Program (CDBG) budget and adopt the Annual Action Plan.  
**Public hearing held.**
- B. Consider a resolution approving the Community Development Block Grant Program Year 2022-2023 Budget and authorizing the filing an application for an amount not to exceed \$1,093,795.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.  
**Approved by Resolution No. 29-2022.**

- 22** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2022-02, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 2, Section 2-600 “Accessory Structure Regulations” pertaining to revising and establishing new regulations for accessory structures including front carports on residential zoned properties.  
**Public hearing held. Approved by Ordinance No. 4967.**
- 23** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0243, submitted by IH 20 IP, LLC, for a change of zoning from Agricultural, General Retail and Planned Development - Ordinance No. 3530 to Planned Development - Industrial to allow an industrial business park with modifications, located at 4800 and 4900 Lasater Road and 925, 2700 and 3400 McKenzie Road.  
(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. Approved by Ordinance No. 4968.**
- 24** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0244, submitted by IH 20 IP, LLC, for a change of zoning from Planned Development - Ordinance No. 3530 to Planned Development - General Retail, to allow a retail development with modifications, located at 4300 Lawson Road.  
(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. 4969.**
- 25** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0222-0234, submitted by MVAH Partners, for an amendment to the Comprehensive Plan, thereby changing the recommended land use designation from Commercial to High Density Residential and for a change of zoning from Commercial to Planned Development - Multifamily to allow an apartment development, located at 901 East U.S. Highway 80.  
(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 denial. The applicant made a timely appeal of the Planning and Zoning Commission’s denial.) **Public hearing held. Denied.**

## **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. City of Allen, et al v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Cause No. 6:19-cv-345-ADA-JCM – Filed 10-19-18
2. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
3. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:19-CV-01263-L – Filed 5-24-19
4. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-01982-X – Filed 7-27-20
5. City of Mesquite v. Ulises Rivera, Jessica Rivera and 3509 Byrd Drive, Mesquite, Texas 75150 in

rem, Cause No. DC-20-12465 – Filed 9-3-20

6. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21

7. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21

8. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21

9. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21

10. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764 - Filed 2-14-22

11. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22

12. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22

### **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** Discuss Tax Increment Reinvestment Zone (TIRZ) projects and economic development incentives to construct a prospective business park at Scyene Road and Lawson Road, and a prospective business park and retail development at IH-20 near Lawson Road and Lasater Road. **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.