



City of Mesquite, Texas

Action Agenda

City Council

Monday, August 21, 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 Discuss the proposed budget and tax rate for Fiscal Year 2023-24. **Discussed.**

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 Receive Police Department Update. **Received.**

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 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. **Received.**

SPECIAL ANNOUNCEMENTS

1. **Mr. Casper invited residents to a District 1 Neighborhood Meeting on Thursday, August 31, 2023, at 7:00 p.m., at Dunford Recreation Center, 1015 Green Canyon Drive.**

2. Mr. Casper reminded everyone that the Mesquite Animal Shelter and Adoption Center, 1650 Gross Road, is once again participating in the National Clear the Shelters initiative that promotes pet adoption in August. This Saturday, August 26, 2023, the Animal Shelter will host a special one-day adoption event, waiving all fees. Shelter pets available for adoption have been sterilized, vaccinated and microchipped. In addition to the one-day event, pet adoption fees throughout the month of August are reduced when a donation of a jar of jelly, peanut butter or seed butter is made to the City's Spread the Love campaign, which helps feed children in need in Mesquite.
3. Mr. Green invited residents to a District 2 Neighborhood Meeting on Tuesday, September 12, 2023, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way.
4. Mr. Green announced that the Guts and Gory Experience will be held on Saturday, September 16, 2023, from 9:00 a.m. to Noon, at Rorie-Galloway Day Camp, 3100 Lawson Road. Racers will work in teams of up to five members to escape zombies and complete challenges along the way designed to test strength, speed, problem-solving and teamwork. Volunteers are needed for the zombie horde. Zombies can dress in their best zombie costume, nothing too revealing or horrific, and get free theatrical makeup applied courtesy of event sponsor, The Parker House. Registration is free for zombies. For more information and registration, visit www.cityofmesquite.com/GutsAndGoryRun.
5. Ms. Vidler stated that she received a thank you card from Tosch Elementary School Principal, Ms. Johnson, for welcoming students back to school recently. She encouraged citizens to volunteer their time and get involved with the City's youth.
6. Ms. Vidler invited residents to attend a District 3 Neighborhood Meeting on Thursday, September 7, 2023, at 7:00 p.m., at J. C. Austin Elementary School, 3020 Poteet Drive.
7. Ms. Vidler announced that Keep Mesquite Beautiful, Inc., will celebrate its 35th Anniversary with the Butterfly Ball on Saturday, September 16, 2023, from 6:00 p.m. to 11:00 p.m., at the Mesquite Convention Center, 1700 Rodeo Drive. This fund-raising gala will feature dinner, drinks, live music, dancing, an auction and much more. The V.I.P. reception starts at 6:00 p.m. and general admission begins at 7:00 p.m. The cost for V.I.P. tickets is \$100.00 each, and general admission tickets are \$75.00. Tickets can be purchased online at www.cityofmesquite.com/ButterflyBall.
8. Mr. Boroughs stated that the Mesquite Fire Department welcomed seven new paramedics to the team last week. Becoming a paramedic is not easy. It requires a broad knowledge base and the ability to handle medical emergencies with efficiency, accuracy and poise. He congratulated the new firefighters for completing paramedic school and beginning their careers in the ambulance, serving Mesquite residents and saving lives.
9. Mr. Boroughs stated that citizens can serve as volunteers assisting the Mesquite Fire Department and the Office of Emergency Management. As part of the Mesquite Fire Corps, citizens assist first responders during emergencies and disasters as well as help educate the public about how to make their homes safer from the effect of fire and severe weather.
10. Mr. Smith wished everyone a fun and safe Labor Day holiday coming up on Monday, September 4, 2023. This patriotic holiday honors the source of our nation's strength – American workers. All City of Mesquite offices and facilities will be closed with the exception of the Mesquite Metro Airport and Recreation Centers. No trash or recycling will be collected. Collection will resume on residents' next scheduled collection day. Also, since Labor Day falls on the first Monday in September, the City Council will meet on Tuesday, September 5, 2023.
11. Ms. Anderson announced that the City of Mesquite, Mesquite Independent School District and the City of Balch Springs have collaborated to form a new leadership program for citizens called Project LEAD. Program organizers are looking for motivated residents interested in learning about leadership. Those selected to participate in Project LEAD will commit to attending four sessions. Classes will meet four times from 6:30 p.m. to 8:00 p.m., in October, November, December and January. The program is designed to encourage attendees to serve on boards, commissions and organizations within their city and school district as well as to develop future elected officials. Interested citizens can apply now through September 15, 2023 by visiting www.cityofmesquite.com/ProjectLead.
12. Mayor Alemán thanked everyone who at participating restaurants today for 821 Day. The Mesquite Police Association Charities created 821 Day as a way to honor Officer Richard Houston II, who

was slain the line of duty in December 2021. Officer Houston's badge number was 821. 821 Day was a fund-raiser to help fund signage on a designated section of Interstate Highway 635 as the Officer Richard Houston II Memorial Highway. She thanked the 16 local restaurants that donated a portion of their proceeds from today's sales. If you were not able to participate in 821 Day but would like to donate, please visit www.mpacharities.com/RHMH.

CITIZENS FORUM

1. Rodney Fenimore, 4417 Ivy Drive, expressed concerns regarding the Environmental Code Division.
2. Alan Naul, 522 Country Lane, Coppell, invited citizens to attend a Cowboys Kick-Off Party at Town East Village Nursing Home, 3617 O'Hare Drive, on Thursday, September 7, 2023, from 4:00 p.m. to 7:00 p.m. Former Dallas Cowboy Billy Joe Dupree and the Dallas Cowboys Cheerleaders will be in attendance.
3. Vivian Johnson, 4538 Live Oak Drive, thanked the City for approving plumbing improvements for her church and assisting with sidewalk improvements for her neighbor.

CITIZENS COMMENTS

No one appeared.

CONSENT AGENDA

- 4 Minutes of the regular City Council meeting held August 7, 2023. **Approved.**
- 5 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. **Approved by Ordinance No. 5043.**
- 6 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. **Approved.**
- 7 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." **Approved by Resolution No. 37-2023.**
- 8 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.) **Approved as recommended.**

- 9** 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.) **Approved as recommended.**
- 10** 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.) **Approved as recommended.**
- 11** 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.) **Approved as recommended.**
- 12** 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.) **Approved as recommended.**
- 13** 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.) **Approved as recommended.**
- 14** 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.) **Approved as recommended.**
- 15** 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. **Approved.**
- 16** 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. **Approved.**
- 17** 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. **Approved.**

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

- 18** 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.)
Public hearing held. Approved by Ordinance No. 5045.
- 19** 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.)
Public hearing held. Approved by Ordinance No. 5046.
- 20** A. Conduct a public hearing regarding the proposed Fiscal Year 2023-24 ad valorem tax rate of \$0.69000 per \$100 valuation. **Public hearing held.**
- B. An ordinance levying the ad valorem taxes for tax year 2023 (Fiscal Year 2023-24).
Approved by Ordinance No. 5047.
- 21** 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. **Approved by Resolution No. 38-2023.**
- 22** 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.
Approved by Resolution No. 39-2023.

PUBLIC HEARINGS

- 23** 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.)
Public hearing held. Approved by Ordinance No. 5048 with certain stipulations.
- 24** 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.)
Public hearing held. Approved by Ordinance No. 5049.

- 25** 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.) **Public hearing held. Approved by Ordinance No. 5050.**

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

Discussed.

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 economic development incentives for the redevelopment of a commercial building at Crestridge Drive and North Galloway Avenue. **Discussed.**