



City of Mesquite, Texas

Action Agenda

City Council

Monday, September 18, 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 request from the City of Sunnyvale to provide public safety dispatching and jail services. **Discussed. Council directed staff to proceed with development of an Interlocal Agreement with the Town of Sunnyvale to provide public safety dispatching and jail services.**

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

- 2 Receive Economic Development Department Update. **Received.**

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

INVOCATION

Jerry Brown, Pastor, Landmark Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Daughters of the American Revolution.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper stated that the Mesquite Regional Business Retention and Expansion (BRE) Task Force will host a Manufacturing Day for manufacturing and career and technical students on Wednesday, October 4, 2023, beginning at 9:30 a.m., at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard. Mesquite's Manufacturing Day connects Mesquite Independent School District students, as well as Dallas College students, with local companies and manufacturing job opportunities. The event features a job fair and tours for students of local manufacturing plants. Companies can still register to be part of the job fair at MesquiteEcoDev.com.
2. Mr. Green announced that Keep Mesquite Beautiful, Inc., will host the annual community cleanup event, Trash Bash, on Saturday, September 30, 2023, from 8:00 a.m. to Noon. Trash Bash is an opportunity for families, neighbors and groups to help beautify the Mesquite community. Volunteers are asked to pre-register to help event organizers coordinate supplies and cleanup site locations.
3. Mr. Green commended Keep Mesquite Beautiful Program Administrator Jonathan Chitty and Keep Mesquite Beautiful, Inc. board members for a successful "Butterfly Ball" last Saturday, September

16, 2023. This fundraiser celebrated the 35th Anniversary of Keep Mesquite Beautiful, Inc. Proceeds from this event are directed back into the beautification and education of the Mesquite community.

4. Ms. Vidler stated that with the weather turning cooler, it's the perfect time to visit Mesquite's Downtown Farmers Market. The market is fun for the entire family and offers locally grown produce, baked goods, bath and body products, and much more. The Farmer's Market is held every Saturday, from 9:00 a.m. to 1:00 p.m., through November at Front Street Station, 100 West Front Street.
5. Mr. Smith advised citizens that the City of Mesquite has been notified of a scam in which individuals are calling businesses pretending to be representatives of the City. These scammers are threatening to turn water off if the water bill is not paid or if payment is not made for a new water meter. Please know that the City does not call customers to communicate about financial matters. The City uses written correspondence. If you receive a telephone call from someone threatening to turn off your water, please call the myMesquite Call Center at 972-288-7711 or check your account online at MesquiteTX.WaterSmart.com.
6. Ms. Anderson stated that the Parks and Recreation Department had a great turnout this past weekend for one of Dallas-Fort Worth's most unique events – the Guts and Gory Zombie Experience. Almost 100 runners escaped a mob of approximately 40 zombies and lived to tell the tale. Congratulations on a successful event!
7. Ms. Anderson reminded citizens to attend the last "Movie in the Park" of the year on Saturday, October 7, 2023, at 7:00 p.m., at Rorie-Galloway Day Camp, 3100 Lawson Road, to watch The Addams Family 2 under the stars. This family-friendly event will feature face painting, volleyball, basketball and concessions from Fera's Grill food truck. Bring your family and friends along with lawn chairs and blankets. The movie begins at dusk.
8. Ms. Anderson invited citizens to a District 6 Neighborhood Meeting on Thursday, October 5, 2023, at 7:00 p.m., at Don Achziger Elementary School, 3300 Ridge Ranch Road.
9. Mayor Pro Tem Boroughs stated that the first week of October is Public Safety Appreciation Week. Big events that week include National Night Out and a football game honoring our first responders. Neighborhood groups are encouraged to host an event on National Night out, Tuesday, October 3, 2023. The Real. Texas. Heroes. football game will be held on Friday, October 6, 2023, at 7:00 p.m., at Mesquite Memorial Stadium, 2500 Memorial Boulevard. Before kickoff, officials will recognize and thank Police, Fire, 911 dispatch and EMS employees for their service to the community. Come celebrate our first responders and then stay for the Mesquite High School vs. Horn High School football game. Details regarding more events planned for Public Safety Appreciation Week are coming soon. Check the City's social media accounts for more information.
10. Mayor Pro Tem Boroughs stated that two Town Hall Meetings will be held regarding the upcoming Tax Rate Election. The first Town Hall Meeting will be held on Tuesday, September 26, 2023, at 6:30 p.m., at Florence Recreation Center, 2501 Whitson Way. The second Town Hall Meeting will be held on Tuesday, October 10, 2023, at 6:30 p.m., at Rutherford Recreation Center, 900 Rutherford Drive.

CITIZENS FORUM

No one appeared.

CITIZENS COMMENTS

No one appeared.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 3 Appointment - Mary Smith.
(Ms. Smith will recognize members of the Mesquite Police Department and Mesquite Police Department.) **Received.**

CONSENT AGENDA

- 4 Minutes of the regular City Council meeting held September 5, 2023.
Approved.
- 5 An ordinance amending Chapter 1 of the City Code for the purpose of revising the Hardship Assistance Policy regarding ambulance fees and charges and to allow said Hardship Assistance Policy to be applied to ambulance fees and charges with a service date of October 1, 2022.
Approved by Ordinance No. 5062.
- 6 An ordinance amending Chapter 13 of the City Code by making certain additions and deletions thereby updating regulations for “murals” and “ghost signs” for the purpose of allowing murals citywide in non-residential districts, updating the process and procedures for mural and ghost sign applications, and other matters related thereto.
Approved by Ordinance No. 5063.
- 7 An ordinance changing the name of a street in the Solterra Subdivision from Lakeside Trail to Casting Ridge.
Approved by Ordinance No. 5064.
- 8 An ordinance authorizing the City Manager to sell surplus and previously issued firearms to licensed peace officers and other authorized City personnel following certain procedures.
Approved by Ordinance No. 5065.
- 9 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policy and investment strategies.
Approved by Resolution No. 46-2023.
- 10 Bid No. 2023-052 - Ratification of Lease Agreement for Golf Carts and Golf Maintenance Equipment.
(Staff recommends ratification of the 2023 lease agreements with The Huntington National Bank and authorizing the City Manager to finalize and execute all documents reasonably necessary to complete the lease of golf carts and golf maintenance equipment for the golf course, through BuyBoard Contract No. 611-20, with Textron, Inc. dba E-Z-GO and The Huntington National Bank, their affiliates, agents and assigns, in an amount not to exceed \$544,355.04. The term of the contract is for a four-year period.)
Approved as recommended.
- 11 Bid No. 2023-100 - Annual Landscape Maintenance of Municipal Buildings and Properties.
(Staff recommends award to SLM Landscaping and Maintenance and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$120,000.00. The term of the contract is for a one-year period, with four 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.
- 12 Bid No. 2023-113 - Annual TxDOT IH 635/IH 30/Highway 80 Corridor Maintenance & Litter Control.
(Staff recommends award to SLM Landscaping and Maintenance and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$441,242.00. The term of the contract is for a one-year period, with four 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.

- 13 Bid No. 2023-130 - McWhorter: Replace Playground Poured in Place Safety Surface. (Authorize the City Manager to finalize and execute a contract and any required documents with Robertson Industries, Inc., for the purchase of playground resurfacing services, through Omnia Partners Group and Cooperative Purchasing Contract No. R230202, in an amount not to exceed \$111,180.00.)
Approved as recommended.
- 14 Authorize the City Manager to finalize and execute a Memorandum of Understanding between the City of Mesquite and Dallas Independent School District (DISD) for Mesquite Police Department response on DISD matters.
Approved.
- 15 Authorize the City Manager to finalize and execute Supplemental Agreement No. 5 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$506,076.00 for Fiscal Year 2024.
Approved.
- 16 Authorize the City Manager to finalize and execute a Seventh Amendment to renew Interlocal Agreement with the Dallas County Hospital District dba Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$83,098.92 for Fiscal Year 2023-24, effective October 1, 2023, through September 30, 2024.
Approved.
- 17 Authorize the City Manager to finalize and execute an Amendment to Fiscal Year 2023 Agreement Amendment and Extension with the Dallas Area Agency on Aging to receive grant funds that provide meals for senior citizens, in an amount not to exceed \$80,390.00.
Approved.
- 18 Authorize an expenditure in the amount of \$874,434.00 to the Mesquite Independent School District for reimbursement of the construction of the Ben and Jo Ann Cross Elementary School/City Park and authorize the City Manager to execute payment.
Approved.
- 19 Authorize the City Manager to execute Change Order No. 2 to Bid No. 2022-120, Annual Supply of Neptune Mach 10 V5 Water Meters, with Core & Main, LP, for the purchase of additional water meters in the amount of \$3,475.00.
Approved.
- 20 Receive the July 2023 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
Received.
- 21 Receive report regarding Conditional Use Permit Ordinance No. 4898 for a major reception facility, known as The Alexander Ballroom, located at 2021 North Town East Boulevard, Suite 1100. **Received.**

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

- 22 Conduct a public hearing and consider an ordinance amending Appendix D - the Comprehensive Fee Schedule of the City Code by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite for the purpose of the City Council's Annual Review and Update to the City's fees, reauthorizing all building permit fees and other City fees in accordance with Texas Local Government Code, Chapter 214, Subchapter Z,

Section 214.098. **Public hearing held. Approved by Ordinance No. 5066.**

OTHER BUSINESS

- 23** Consider a resolution whereby the City Council authorizes the City Manager to finalize, execute, and administer an Interlocal Agreement for Mobile Food Unit Inspections between Dallas County, on behalf of Dallas County Health and Human Services, and City of Mesquite for the purpose of Mesquite being an authorized inspection and permitting location site for Mobile Food Units and Roadside Vendors seeking a Dallas County Mobile Food Unit (“MFU”) Permit, and also authorizing the City Manager to enter into Memorandum of Understandings (“MOUs”) with other Dallas County cities to grant reciprocity for the purpose of recognizing another jurisdiction’s fire safety MFU inspection, and authorizing the City Manager to take such other actions and execute such other documents as are necessary or advisable to consummate the transactions contemplated by the agreement(s).
Approved by Resolution No. 47-2023.
- 24** Consider cancelling the regular City Council meeting scheduled for Monday, September 25, 2023. **Approved.**
- 25** Consider an ordinance amending the Mesquite City Code Chapter 8, Article VIII (Food and Food Establishments) for the purpose of revising the Mobile Food Unit (“MFU”) provisions regarding Health Permits and Fire Safety MFU Inspections, and amending Appendix D - Comprehensive Fee Schedule, Article VI (Fire) and Article XII (Planning and Development Services) for the purpose of revising and adding new fees regarding MFU health permits, fire safety inspections, and making other organizational revisions as needed.
Approved by Ordinance No. 5067.

PUBLIC HEARINGS

- 26** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0312, submitted by Kamal Alkak of Highland Crossing Auto, for a change of zoning from Commercial to Commercial zoning with a Conditional Use Permit to allow the sale of used tires and an outdoor storage yard with a modification to allow outdoor storage without screening, located at 2532 East U.S. Highway 80.
(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. 5068.
- 27** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0317, submitted by Creation RE, LLC, to amend Planned Development - Commercial (Ordinance No. 4862) to modify the development standards and concept plan to allow additional overnight truck and trailer parking, located at 19750, 19800 and 19850 Interstate Highway 635.
(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. 5069.

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

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:

- 28** Discuss a public-private partnership for the development of an industrial site at East Scyene Road and Lawson Road. **Discussed.**
- 29** Discuss a public-private partnership including economic development incentives for the development of a retail site at IH-20 and Lawson 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.