



City of Mesquite, Texas

Action Agenda

City Council

Monday, October 2, 2023

6:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.

AGENDA REVIEW

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

INVOCATION

Rick Nichols, Pastor, Wildwood Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Staff from the Mesquite Fire Department, Mesquite Police Department and Dispatch.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper congratulated Keep Mesquite Beautiful, Inc., for a successful Trash Bash this past Saturday, September 30, 2023. Vanguard High School students collected trash along Heritage Trail from Palos Verdes Drive to Town East Boulevard. He thanked all of the volunteers that donated their time to clean up our community.
2. Mr. Casper announced that a Town Hall meeting will be held on Tuesday, October 10, 2023, at 6:30 p.m., at Rutherford Recreation Center, 900 Rutherford Drive, to discuss the 2023 Tax Rate Election. The City's 2023-24 budget includes funding for roadway and alley reconstruction, additional police officers, a new fire station, staffing and equipment to operate the fire station and a new Behavioral Health Division. An increase in the tax rate will be required to fund these services. The last day to register to vote is Tuesday, October 10, 2023, and Early Voting begins on Monday, October 23, 2023. To learn more about the tax rate election and for voting resources, visit www.cityofmesquite.com/2023TaxElection.
3. Mr. Green announced that the Parks and Recreation Department will be hosting two family-friendly events in October 2023. On Saturday, October 7, 2023, the final Movies in the Park event of the year will be a screening of "The Addams Family 2." Pre-show entertainment begins at 7:00 p.m. and the movie begins at dusk at Rorie-Galloway Day Camp, 3100 Lawson Road. On Saturday, October 21, 2023, the City will host the Annual PumpkinFest from Noon to 5:00 p.m., at Paschall

Park, 1001 New Market Road. This free event will feature a new hay maze and hayride along with a pumpkin patch, contests, games and lots of food.

4. Ms. Vidler stated that the Mesquite Economic Development team anticipates that over the next decade, four million manufacturing jobs will need to be filled in the United States. To prepare the future workforce in our area, the Mesquite Regional Business Retention and Expansion (BRE) Task Force will host its 4th Annual Manufacturing Day for manufacturing and career and technical education students on Wednesday, October 4, 2023, at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard. Mesquite's Manufacturing Day connects approximately 400 Mesquite Independent School District students with local companies that focus on engineering, robotics, welding and design, and manufacturing job opportunities. The students will attend a job fair and take tours of local manufacturing plants.
5. Mr. Boroughs stated that October 2 – 6, 2023, is Public Safety Appreciation Week in Mesquite. The City has many events planned to celebrate our Police, Fire and Dispatch personnel. Thank you to Chick-fil-A on Town East Boulevard and to all of you who attended one of the first celebration events this morning – Fries with a Firefighter. As part of Public Safety Appreciation Week, several gatherings are planned across Mesquite for National Night Out tomorrow. For locations and more information, visit www.cityofmesquite.com/NationalNightOut.
6. Mr. Boroughs thanked Ms. Vidler and her team for joining him in cleaning up the area at Gross Road and IH-635 and Ridgeview Street and Gross Road during Trash Bash last Saturday. He encouraged citizens to get together with neighbors and take time to pick up trash in our community.
7. Mr. Smith stated that the Public Safety Appreciation Week celebration continues on Wednesday, October 4, 2023, with Burgers with a Badge. Come out and enjoy a delicious meal with our Police Officers, Firefighters and Dispatchers, from 5:30 p.m. to 7:30 p.m., at Braum's, 3506 North Galloway Avenue. Safety equipment will also be on location for kids and the young at heart to explore.
8. Mr. Smith invited citizens to attend a District 5 Neighborhood Meeting on Saturday, October 14, 2023, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.
9. Ms. Anderson stated that another Public Safety event this week is Coffee with a Cop on Thursday, October 5, 2023, from 7:00 a.m. to 9:00 a.m. at two McDonald's locations – 2012 West Scyene Road and 1444 South Beltline Road. Mesquite Police Officers will be on site. Back the Blue coffee sleeves will be provided for free to the public while supplies last.
10. Ms. Anderson invited citizens to attend a District 6 Neighborhood Meeting on Thursday, October 5, 2023, at 7:30 p.m., at Don Achziger Elementary School, 3300 Ridge Road.
11. Mayor Alemán thanked Mr. Boroughs for sitting in for him at the September 18, 2023, City Council meeting. He had a medical emergency with his mother and she is now doing well.
12. Mayor Alemán stated that 300 to 400 people registered for last Saturday's Trash Bash. He thanked Keep Mesquite Beautiful, Inc., Program Administrator Jonathan Chitty and all volunteers for a very successful event.
13. Mayor Alemán stated that Public Safety Appreciation Week will end with the Annual First Responder's Games on Friday, October 6, 2023, at 7:00 p.m., at Mesquite Memorial Stadium, 2500 Memorial Boulevard. The Mesquite Police Chief and Mesquite Fire Chief will be in attendance along with other community leaders. This year's game will be between Mesquite High School and Horn High School. For a full list of Public Safety Appreciation Week activities, visit www.cityofmesquite.com/PublicSafety.
14. Mayor Alemán thanked Assistant City Manager Raymond Rivas for sitting in for City Manager Cliff Keheley at tonight's meeting.

CITIZENS FORUM

No one appeared.

CITIZENS COMMENTS

No one appeared.

CONSENT AGENDA

- 1 Minutes of the regular City Council meeting held September 18, 2023. **Approved.**
- 2 An ordinance amending Chapter 8 of the City Code, by reserving current Article XIII and adding new Article XVIII "Hotel Premise Regulations" to provide for additional provisions regarding hotel license requirements and associated fees and providing transitional provisions regarding issuance of a license and enforcement prior to December 1, 2023. **Approved by Ordinance No. 5070.**
- 3 A resolution expressing intent to reimburse expenditures from proceeds of future obligations. **Approved by Resolution No. 48-2023.**
- 4 A resolution endorsing and accepting the 2023-2024 Comprehensive Safety Grant ("Grant") for the Selective Traffic Enforcement Program ("STEP"), authorizing the filing of the application for the Grant, approving the contribution of City funds in the amount of \$9,592.12, designating the City Manager as the official representative of the City in connection with the Grant, and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such Grant and STEP Program. **Approved by Resolution No. 49-2023.**
- 5 A resolution authorizing the City Manager to execute Amendment No. 1 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2023-24 for an amount not to exceed \$129,448.00. **Approved by Resolution No. 50-2023.**
- 6 A resolution approving the purchase of 6.5 acres of land being part of the WM Peters Survey Tracts 35.02 and 35.04 in Kaufman, Texas by the Kaufman Central Appraisal District and the construction of and related financing of a building pursuant to a lease purchase agreement. **Approved by Resolution No. 51-2023.**
- 7 Bid No. 2023-082 - Utility Relocation for CSJ: 0095-10-033 U.S. 80 from Interstate Highway (IH) 30 to Gus Thomasson Road.
(Staff recommends award to low bidder ANA Site Construction, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$3,081,232.00.) **Approved as recommended.**
- 8 Bid No. 2023-106 - Purchase of Isuzu Jet-Vac Truck for Utilities.
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$200,338.25.) **Approved as recommended.**
- 9 Bid No. 2023-105 - Purchase of Elgin Eagle Street Sweeper.
(Staff recommends award to Kinloch Equipment and Supply, through Sourcewell Contract No. 093021-ELG, in an amount not to exceed \$378,380.00.) **Approved as recommended.**
- 10 Bid No. 2024-007 - Annual Internet Auctioning Services.
(Staff recommends award to René Bates Auctioneers, Inc., through BuyBoard Contract No. 708-23, for a commission of 7.5 percent of gross sales. The term 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.**

- 11 Bid No. 2023-122 - Annual Contract for Crushed Concrete Aggregate.
(Staff recommends award to low bidder Big City Crushed Concrete in the amount of \$198,800.00. The term 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 annual appropriation of sufficient funds.) **Approved as recommended.**
- 12 Reappoint Carolyn Miller Stoddard (Position 4) and Troy Hutchison (Position 5) and appoint LaMonica Davison (Position 2) to the Spradley Farms Improvement District of Kaufman County Board of Directors for terms to expire August 19, 2027. **Approved.**

PUBLIC HEARINGS

- 13 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0313, submitted by Debra Cox of JDJR Engineers and Consultants, Inc., for a change of zoning from Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial to Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial with a Conditional Use Permit to allow a new and used vehicle dealership with an outdoor display lot, located at 16160, 16190 and 16200 Interstate Highway 635.
(One response in favor and none 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. 5071.
- 14 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0823-0323, submitted by Shannon Vazquez of Broadmoor Plaza Retail, LLC, for a change of zoning from General Retail to General Retail zoning with a Conditional Use Permit to allow a variety store within 5,000 feet of another variety store with no sales floor dedicated to fresh produce, meats or dairy, located at 500 North Galloway Avenue, Suite 110.
(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. 5072.

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

Consultation with Attorney

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to conduct a private consultation with its attorney related to pending or contemplated litigation, a settlement offer, and/or a matter in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas that conflicts with Texas Government Code Chapter 551. The following subjects may be discussed:

- 15 Discuss the legality of a proposed land use seeking to locate within the City of Mesquite. **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:

- 16 Discuss economic development incentives for a development at the corner of Cartwright Road and Faithon P. Lucas, Sr., Boulevard. **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.