



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, September 18, 2023

5:00 PM

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

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Members of the public desiring to speak during Citizens Forum may complete a registration card, which is available at the entrance to the City Council Chamber, and present it to the City Secretary prior to the meeting or pre-register by sending an email, including name, address and subject to be discussed, to the City Secretary at [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com) by 3:00 p.m., on September 18, 2023.

#### **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.

(Any staff presentation not completed prior to the City Council Regular Meeting in the City Council Chamber at 7:00 p.m. may be presented and considered in the City Council Chamber following the Regular Meeting.)

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:00 P.M.**

In accordance with Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into executive session to discuss any of the following:

- Pending and/or Contemplated Litigation
- Purchase, Exchange, Lease or Value of Real Property
- Personnel Matters
- Economic Development

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

- 2 Receive Economic Development Department Update.

#### **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**

This time is reserved for special announcements and recognition of individuals or groups.

**CITIZENS FORUM**

At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than items on the agenda, personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not exceeding three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.

**CITIZENS COMMENTS**

At this time, any individual wishing to discuss any matter on the agenda shall be allowed to speak for a length of time not exceeding three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

**APPOINTMENTS FOR PERSONAL APPEARANCE**

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

**CONSENT AGENDA**

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda upon request by a City Councilmember.)

- 4 Minutes of the regular City Council meeting held September 5, 2023.
- 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.

- 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.
- 7 An ordinance changing the name of a street in the Solterra Subdivision from Lakeside Trail to Casting Ridge.
- 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.
- 9 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policy and investment strategies.
- 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.)
- 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.)
- 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.)
- 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.)

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

**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.

**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).
- 24** Consider cancelling the regular City Council meeting scheduled for Monday, September 25, 2023.
- 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.

**PUBLIC HEARINGS**

(City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to include nonresidential when the request is for solely residential uses or vice versa.)

- 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.)
- 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.)

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

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

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices or Security Audits) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).

The City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at 972-216-6244 or TDD 1-800-735-2989.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia segun el Sub-capitulo H, Capitulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Local Government Code, any member of the public wishing to address the City Council through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.