



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 19, 2024

6:00 PM

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

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 by 3:00 p.m., on August 19, 2024.

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

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:00 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

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

INVOCATION

Morris Jackson, Pastor, Word of Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

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

- 1 [24-7331](#) Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review the 2024 issuance and sale of bonds.)
- 2 [24-7204](#) An ordinance providing for the issuance of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2024, in the approximate aggregate principal amount \$37,350,000; levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; authorizing the execution and delivery of a paying agent/registrar agreement; approving the official statement; and enacting provisions incident and relating to the subject and purposes of said ordinance.

 Attachments: [Ordinance](#)
- 3 [24-7329](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2023, in the approximate principal amount of \$17,750,000; approving an official statement; awarding the sale thereof; making provisions for the security thereof; authorizing the execution and delivery of a paying agent agreement; providing an effective date; approving and enacting other provisions relating thereto.

 Attachments: [Ordinance](#)
- 4 [24-7330](#) An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Bonds, Series 2024, in the approximate aggregate principal amount of \$16,500,000; levying a tax in payment thereof; prescribing the form of said bonds; awarding the sale thereof; authorizing a paying agent agreement; approving the official statement; and enacting other provisions relating thereto.

Attachments: [Ordinance](#)

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.)

- 5 [24-7319](#) Minutes of the regular City Council meeting held August 5, 2024.

Attachments: [August 5, 2024, minutes](#)

- 6 [24-7333](#) An ordinance amending Chapter 2 of the City Code to update the political contribution limitations based on the changes to the Consumer Price Index.

Attachments: [Ordinance](#)

- 7 [24-7334](#) An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 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 delivery of this ordinance to the company and the ACSC's legal counsel.

Attachments: [Ordinance](#)

- 8 [24-7235](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements, Phase No. 2 Major Improvements and Phase No. 2 Specific Improvements for the Heartland Town Center Public Improvement District (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2024-2025 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments: [Ordinance](#)

- 9 [24-7236](#) 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 2024 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments: [Ordinance](#)

- 10 [24-7237](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements and Phase Nos. 2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2024-2025 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments: [Ordinance](#)

- 11 [24-7227](#) An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for authorized improvements in Improvement Area A-1, C-1, C-2, and C-3 in the Solterra Public Improvement District (the "District"); making and adopting findings, accepting, and approving the 2024 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Attachments: [Ordinance](#)

- 12 [24-7326](#) Bid No. 2020-060 - Mesquite Independent School District Interlocal Cooperative Purchasing Agreement - Annual Fiber Optic Cabling Repair and Maintenance.
(Staff recommends ratification of a change order for payment of services rendered by Future Infrastructure, LLC, for fiber locates and repairs in the amount of \$172,286.20.)

- 13 [24-7300](#) Bid No. 2024-151 - Mesquite Independent School District Interlocal Cooperative Purchasing Agreement (Bid No. 2020-060) - Annual Fiber Optic Cabling Repair and Maintenance.
(Authorize the City Manager to finalize and execute a contract with Future Infrastructure, LLC, for fiber locates and repairs in an amount not to exceed \$250,000.00.)

- 14 [24-7320](#) Bid No. 2024-016 - Roadway Maintenance for Oates Drive.
(Authorize the City Manager to finalize and execute a contract with Texas Materials Group, Inc., in the amount of \$1,470,629.95.)

Attachments: [Recommendation Letter](#)

[Bid Tabulation](#)

[Location Map](#)

- 15 [24-7314](#) Bid No. 2024-134 - Annual Supply of Neptune Mach 10 V5 Electronic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP in an amount not to exceed \$546,817.98.)

Attachments: [Sole Source Letter](#)
[Bid Tabulation](#)

- 16 [24-7301](#) Bid No. 2024-143 - Mesquite Golf Course: Parking Lot Lighting.
(Authorize the City Manager to finalize and execute a contract and any required documents with Voss Electric Company, dba Voss Lighting, for the purchase and installation of LED parking lot lights, through Omnia Purchasing Cooperative Contract No. 02-83, in an amount of \$132,390.00.)

Attachments: [Exhibit](#)

- 17 [24-7312](#) Bid No. 2024-153 - Purchase of 8-Yard Rear Loader for Solid Waste.
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 723-23, in an amount not to exceed \$155,318.40.)

Attachments: [Quote](#)
[Photo](#)

- 18 [24-7322](#) Bid No. 2024-155 - Repair of Jet Cleaning Vactor Truck.
(Staff recommends ratification of the total expenditure of \$151,327.04, without competitive bidding, for emergency repairs and authorizing payment to Kinloch Equipment & Supply, Inc.)

Attachments: [Invoice](#)

- 19 [24-7313](#) Authorize the City Manager to finalize and execute a Professional Services Contract with McCoy Collaborative Preservation Architecture, PLLC, for design and construction documents and construction administration in an amount not to exceed \$500,000.00 for restoration of the Opal Lawrence Historic House, located at 701 East Kearney Street.

- 20 [24-7321](#) Ratification of the total expenditure of \$289,553.00, without competitive bidding, for the emergency repair sewer line that serves East Cartwright Road and authorizing payment to North Texas Contracting, Inc. for such repairs.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 21 [24-7305](#) Consider appointment of one Regular Member (Position No. 2) to the Building Standards Board for a term to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

OTHER BUSINESS

- 22 [24-7306](#) Consider an application to allow fee in lieu of or waiver of park land dedication for the Town East Trails Mesquite senior living apartments, located at 3625 Poteet Drive.

Attachments: [Request letter](#)
[Aerial Map and Concept Plan](#)

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.)

- 23** [24-7325](#) Conduct a public hearing and consider an ordinance revising the City Code by making a Zoning Ordinance Text Amendment, ZTA No. 2024-04, thereby revising Appendix C - Zoning Ordinance, Parts 3 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for drone delivery services.
(The Planning and Zoning Commission recommends approval of the zoning text amendment. This item was postponed at the August 5, 2024, City Council meeting.)

Attachments: [Staff Memo](#)
 [P&Z Minutes](#)
 [Ordinance](#)

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. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 03-14-2022; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-22-00826-CV - Filed 08-10-2022
2. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 08-03-2022
3. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 09-06-2022
4. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 04-11-2023
5. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Criminal Appeals, Cause No. PD-0756-23 - Filed 12-10-2021
6. David Briones v. City of Mesquite and Steven Pierce, Cause No. CC-23-05044-E - Filed 08-04-2023
7. Danny Booker v. City of Mesquite Risk Management, Cause No. DC-23-18301 - Filed 10-25-2023
8. Elgin Singleton v. City of Mesquite, Cause No. DC-23-18152 - Filed 10-25-2023
9. Avery Fuentes v. City of Mesquite, Cause No. DC-23-19555 - Filed 11-20-2023
10. Bethany Hall and Antonio Holmes v. City of Mesquite, et al.; Case No. DC-24-00034 - Filed 01-02-2024
11. Dominick Green v. R. Rose, C. Pabst and the City of Mesquite, Texas, Cause No. 3:24-cv-00337-X - Filed 02-12-2024

12. Mesquite Asset Recovery Group, LLC, et al. v. City of Mesquite, Case No. DC-24-02668, 191st District Court, Dallas County, Texas – Filed 02-15-2024; removed to the U.S. District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3:24-cv-00740-D – Filed 03-28-2024
13. Keiarra Tolbert v. City of Mesquite, Cause No. DC-24-07173 – Filed 05-15-2024
14. Alexander Reyes Serrano v. City of Mesquite, Cause No. CC-24-05058A – Filed 07-10-2024
15. Shamsa Alshilbi v. City of Mesquite, et al., Cause No. 3:24-cv-02000 – Filed 08-06-2024

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:

- 24 24-7317** Discuss an update to economic development incentives for a project at IH-20 and Lawson Road.
- 25 24-7316** Discuss an update to economic development incentives for a project at Scylene Road and Faithon P. Lucas, Sr., Boulevard.

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.