



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 5, 2024

5:00 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 5, 2024.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1** [24-7315](#) Discuss the proposed budget for Fiscal Year 2024-25.

(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

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

INVOCATION

Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL RECOGNITION

- 2 [24-7280](#) Recognize Real. Texas. Service. Champions.

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.

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.)

- 3 [24-7282](#) Minutes of the regular City Council meeting held July 15, 2024.

Attachments: [July 15, 2024, minutes](#)

- 4 [24-7292](#) A resolution authorizing the City Manager to excute an application to the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant (EECBG) Voucher Rebate Program for reimbursement in the sum of \$182,880.00 for the purchase and installation of an electric vehicle charging station and the purchase of three electric vehicles and to take such other actions as may be necessary to obtain and administer the grant and ratifying the prior acts of the City Manager.

Attachments: [Proposed Project Overview](#)
 [Resolution](#)

- 5 [24-7271](#) RFP 2024-096 - Purchase and Installation of Caging and Equipment for the Animal Shelter Expansion.
(Authorize the City Manager to finalize and execute a contract with OTTO ENVIRONM INC. in the amount of \$302,050.00.)

Attachments: [Evaluation Summary](#)

- 6 [24-7275](#) Bid No. 2024-118 - Annual Contract for Temporary Labor Services for Solid Waste and Streets.
(Authorize the City Manager to finalize and execute a contract with A & Associates, Inc., in an amount not to exceed \$400,000.00 annually, through an Interlocal Cooperative Purchasing Agreement with the City of Dallas. 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.)

Attachments: [Contract](#)

- 7 [24-7273](#) Bid No. 2024-142 - Annual Supply of Personal Computers.
(Authorize the City Manager to finalize and execute a contract and any required documents with Dell Marketing L.P., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in an amount not to exceed \$412,240.00.)

Attachments: [Standard Desktop](#)
 [Standard Laptop](#)
 [Standard Semi-Rugged Laptop](#)
 [Standard 2in1 Tablet](#)
 [Standard Semi-Rugged Tablet](#)
 [Standard Workstation](#)
 [Non-Standard Laptop 1](#)
 [Non-Standard Laptop 2](#)
 [Non-Standard Laptop 3](#)
 [Non-Standard Semi-Rugged Laptop 1](#)
 [Non-Standard Semi-Rugged Laptop 2](#)
 [Non-Standard 2in1 Tablet 1](#)

- 8 [24-7295](#) Bid No. 2024-144 - Rutherford Playground Replacement.
(Authorize the City Manager to finalize and execute a contract and any required documents with Whirlix Design, Inc., for the purchase and installation of playground equipment, through BuyBoard Purchasing Cooperative Contract No. 679-22, in an amount not to exceed \$286,266.00.)

Attachments: [Exhibit](#)

- 9 [24-7291](#) Authorize the City Manager to execute an Interlocal Agreement for Mutual Aid for Fire Protection Services between the City of Rockwall and City of Mesquite.

Attachments: [Interlocal Agreement](#)

- 10 [24-7283](#) Authorize the City Manager to finalize and execute a Professional

Engineering Services Contract with Binkley & Barfield, Inc., for design and construction documents in the amount of \$256,300.00 for Utility Engineering for CSJ 0095-02-096 - U.S. Highway 80 at Beltline Road.

Attachments: [Location Map](#)

- 11 [24-7276](#) Authorize the City Manager to finalize and execute Change Order No. 4 to Bid No. 2022-067, Skyline Drive Paving and Drainage Reconstruction (Town East Boulevard to Peachtree Road) with McMahon Contracting, LP in the amount of \$582,674.37.

Attachments: [Change Order No. 4](#)
 [Change Order No. 4 Details](#)

- 12 [24-7293](#) Approve the Memorandum of Understanding (MOU) between Texas Emergency Management Assistance Teams (TEMAT) state agency and Texas Division of Emergency Management (TDEM) and the Mesquite Fire Department and authorize the Fire Chief to execute the MOU.

Attachments: [Memorandum of Understanding](#)

OTHER BUSINESS

- 13 [24-7296](#) Consider a leave of absence request by Councilmember B.W. Smith.

Attachments: [Memorandum from Councilmember Smith to City Council](#)

PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEMS RELATING TO THE FISCAL YEAR 2024-25 BUDGET:

- 14 [24-7290](#) Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2024-25 budget.

- 15 [24-7302](#) An ordinance providing funds for the 2024-25 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.

Attachments: [Ordinance](#)

- 16 [24-7303](#) An ordinance ratifying the property tax revenue increase reflected in the 2024-25 Fiscal Year budget for said period.

Attachments: [Ordinance](#)

- 17 [24-7304](#) Consider and act on a proposed ad valorem tax rate for Fiscal Year 2024-25 and call a public hearing for August 19, 2024, on the proposed Fiscal Year 2024-25 ad valorem tax rate.

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.)

- 18** [24-7298](#) Conduct a public hearing and consider a resolution authorizing the City Manager to finalize and execute an agreement for the collection of delinquent taxes with Linebarger Goggan Blair & Sampson, LLP.
(The proposed agreement has no financial impact on the City of Mesquite and the cost associated with the professional services is borne and paid from the penalty authorized by the applicable provisions of the Texas Property Tax Code.)

Attachments: [Resolution](#)

- 19** [24-7215](#) A. Conduct a public hearing to receive citizen input regarding the proposed 2024-2025 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.

B. Consider a resolution approving the Community Development Block Grant Program Year 2024-2025 Budget, authorizing the filing of an application for an amount not to exceed \$1,055,228.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.

Attachments: [Annual Action Plan](#)

[Resolution](#)

[Exhibit A-1](#)

[Exhibit A-2](#)

[Exhibit A-3](#)

- 20** [24-7287](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0224-0346, submitted by Maxwell Fisher of ZoneDev on behalf of Palladium USA International, Inc., for a change of zoning from General Retail to Planned Development - Multifamily Residential with modifications to the development standards to allow an age-restricted multifamily development, located at 2910 Motley Drive.
(One response in favor and two 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. This item was postponed at the July 15, 2024, City Council meeting.)

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

- 21 [24-7288](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0324-0354, submitted by Naresh Patel, for a Comprehensive Plan amendment from Office to Light Industrial and a change of zoning from Planned Development - Light Commercial (Ordinance No. 2124) to Planned Development - Industrial to allow a flex office and warehouse development, located at 1202 Interstate Highway 30.
- (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. This item was postponed at the July 15, 2024, City Council meeting.)

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

- 22 [24-7277](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0424-0356, submitted by Rob Pennington of Kimley-Horn, for a change of zoning to amend Planned Development - Industrial (Ordinance No. 5057) to modify development standards and the concept plan, located at 2732, 2800 and 3200 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.)

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

- 23 [24-7278](#) Conduct a public hearing and consider an ordinance revising the City Code by making a Zoning Ordinance Text Amendment, ZTA No. 2024-01, thereby revising Appendix C - Zoning Ordinance, Parts 2 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for residential care facilities.
- (The Planning and Zoning Commission recommends approval of the zoning text amendment.)

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

- 24 [24-7279](#) Conduct a public hearing and consider an ordinance revising the City Code

by making a Zoning Ordinance Text Amendment, ZTA No. 2024-03, thereby revising Appendix C - Zoning Ordinance, Parts 2, 3, and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for accessory electric vehicle charging stations.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

Attachments:

[Staff Memo](#)

[P&Z Minutes](#)

[Ordinance](#)

25 [24-7281](#)

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.)

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
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, filed in the 191st District Court, Dallas County, Texas, filed February 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, on March 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 July 10, 2024

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:

- Receive legal advice regarding enforcement of municipal ordinances against multifamily developments.

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 24-7297** Discuss economic development incentives for a development located near the intersection of Markout Central Drive and County Road 202 in the City's Extraterritorial Jurisdiction.

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.