



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, May 15, 2023

5:15 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 May 15, 2023.

PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:15 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.

- 1 [23-6583](#) Receive financial statements for the period October 1, 2022, through March 31, 2023.

Attachments: [March 31, 2023 Financial Report](#)

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

INVOCATION

Andre Wadye, Reverend, Mesquite Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Citizens Police Academy Alumni Association (MCPAAA) in honor of National Police Appreciation Week.

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.)

- 2 [23-6582](#) Minutes of the regular City Council meeting held May 1, 2023.

 Attachments: [May 1, 2023, minutes](#)

- 3 [23-6543](#) An ordinance amending the budget for the Fiscal Year 2022-23, as heretofore approved by Ordinance No. 4976 of the City of Mesquite, Texas, adopted on August 15, 2022, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2022-23, 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 amended budget.

 Attachments: [Amended Budget Document Memo](#)
 [Ordinance](#)

- 4 [23-6574](#) A resolution authorizing the City Manager to execute an Amendment and Extension to the Dallas County New Directions in Public Safety Grant for an amount not to exceed \$1,250,000.00 for a term beginning May 1, 2023, to April 30, 2024.

 Attachments: [Resolution](#)

- 5 [23-6584](#) Bid No. 2023-055 - Annual Supply of Water Parts.
 (Staff recommends award of Groups I, III, and IV to Core & Main LP and to authorize the City Manager to finalize and execute contracts in an amount

not to exceed \$584,353.11, and Group II to Ferguson Enterprises, LLC, in an amount not to exceed \$192,846.31. The term of each contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal options on each contract, subject to the annual appropriation of sufficient funds.)

Attachments: [Bid Tabulation](#)

- 6 [23-6575](#) RFQ No. 2023-063 - Housing Study Assessment.
(Authorize the City Manager to finalize and execute a Professional Services Agreement with Stantec Consulting Services, Inc., in an amount not to exceed \$100,000.00.)

Attachments: [Scoring Matrix](#)

[Quote](#)

- 7 [23-6577](#) Bid No. 2023-065 - City of Mesquite Arts Center Building Exterior Painting.
(Authorize the City Manager to finalize and execute a contract and any required documents with CCS Custard Construction Services, Inc., through The Interlocal Purchasing System (TIPS) Contract No. 211001, in an amount not to exceed \$179,438.92.)

Attachments: [Proposal](#)

- 8 [23-6581](#) RFQ No. 2023-075 - Materials Testing Service for the Construction of the Service Center Field Service Building.
(Authorize the City Manager to finalize and execute a Professional Services Agreement with Terracon Consultants, Inc., for materials testing services for the addition to and remodel of the Mesquite Service Center Field Services Building in an amount not to exceed \$70,755.00.)

Attachments: [Scoring Matrix](#)

[Terracon Proposal](#)

- 9 [23-6561](#) Bid No. 2023-077 - Purchase of Two Ford Escapes for Airport.
(Authorize the City Manager to finalize and execute a contract and any required documents with Silsbee Ford, Inc., for the purchase of two vehicles, through The Interlocal Purchasing System (TIPS) Contract 210907, in an amount not to exceed \$61,607.00.)

Attachments: [Quote](#)

[Photo](#)

- 10 [23-6524](#) Bid No. 2023-083 - Cross Elementary School Park: Playground.
(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 \$191,523.53.)

Attachments: [Schematic](#)

- 11 [23-6563](#) Authorize the City Manager to execute Change Order No. 2 with Motorola Solutions, Inc., to Mesquite Contract No. 853 for the purchase of replacement radios for P25 Radio System in the amount of \$1,504,636.49.

Attachments: [Quote](#)

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.)

- 12 [23-6580](#) A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving a Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) (the "Zone") and increasing the total estimated project costs for the Zone.

B. Consider an ordinance approving a Second Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) (the "Zone") and increasing the total estimated project costs for the Zone.

Attachments: [Ordinance](#)

- 13 [23-6542](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute a TIRZ No. 12 Reimbursement Agreement, Repurchase Option Agreement, and City Chapter 380 Incentive and Performance Agreement for such purposes with IH 20 IP, LLC (the "Developer"), and the Board of Directors of Reinvestment Zone No. 12, City of Mesquite, Texas (IH-20 Business Park) (the "TIRZ") regarding the developer's construction of an approximately 210.026-acre Class A Industrial Park in the TIRZ located at 925 McKenzie Road, 3400 McKenzie Road, 2700 McKenzie Road, 4800 Lasater Road, and 4900 Lasater Road, Mesquite, Texas, the acquisition from the City and by the Developer of approximately 100.264 acres of land in the TIRZ and located at 925 McKenzie Road and 3400 McKenzie Road, Mesquite, Texas, and the granting to the Developer of certain TIRZ reimbursements and economic development incentives, and authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 14 [23-6578](#) Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and

stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Chapter 380 Agreement for such purposes with Oncor Electric Delivery Company, LLC, ("Oncor") for the construction and operation of an electrical facility on approximately three acres of real property (the "Property") owned by the City and located at 925 McKenzie Road in the City of Mesquite, Dallas County, Texas, and the acquisition of the Property from the City by Oncor, and authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and administer the agreement on behalf of the City.

Attachments: [Resolution](#)

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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; and Civil Action 3:20-cv-20-01982-X – Filed 7-27-20, and on appeal, Cause No. 22-10321 - Filed 3-24-22
2. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
3. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
4. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22

5. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
6. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22
7. 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
8. Jennifer Villatoro v. City of Mesquite, Cause No. CC-23-02787-D - Filed 5-8-2023
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9. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Case No. 3:20-cv-20-1982, filed in the U.S. District Court for the Northern District of Texas, Dallas Division, filed July 27, 2020; appealed to the U.S. Court of Appeals for the Fifth Circuit, Case No. 22-10321, filed on March 24, 2022
10. Landon Harris v. City of Mesquite, Cause No. DC-21-08418, filed in the 191st District Court, Dallas County, Texas; filed June 30, 2021.
11. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd., Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Case No. DC-22-01764, filed in the 44th District Court, Dallas County, Texas, filed February 14, 2022; In re CC Hillcrest, LLC, Case No. 22-31362-SWE-11, filed in the U.S. Bankruptcy Court for the Northern District of Texas, Dallas Division, filed July 29, 2022
12. Clement Bernard v. City of Mesquite, Texas, Cause No. 3:22-cv-00928-K, filed in the U.S. District Court for the Northern District of Texas, Dallas Division, filed April 26, 2022

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:

- 15 23-6587** Discuss economic development incentives for a project at Gus Thomasson Road and Town East Boulevard.
- 16 23-6588** Discuss economic development incentives for a prospective development on IH-30 near Motley Drive.
- 17 23-6594** Discuss economic development incentives for an industrial development at IH-20 and Lawson Road in Mesquite, Texas.

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 según el Sub-capítulo H, Capítulo 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 según el Sub-capítulo H, Capítulo 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.