



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 16, 2023

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 October 16, 2023.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6864](#) Discuss request from the Town 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 - 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

Richard Koons, Pastor, Calvary First, 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.

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 [23-6866](#) Minutes of the regular City Council meeting held October 2, 2023.

 Attachments: [October 2, 2023, minutes](#)

- 3 [23-6854](#) An ordinance amending Chapter 9, Section 9-147(1)(a) of the City Code by providing two additional school zones for Cross Elementary School.

 Attachments: [Ordinance](#)
 [Location Map](#)

- 4 [23-6857](#) An ordinance amending Chapter 14 of the City Code regarding Solid Waste, Article III (Commercial Collection) for the purpose of providing updated commercial collection regulations and other related general revisions.

 Attachments: [Ordinance](#)

- 5 [23-6850](#) A resolution authorizing acceptance of the Fiscal Year 2023-2024 Homeland Security Grant Program and execution of the Sub-Recipient Agreements with the Office of the Governor, Texas Homeland Security - State Administrative Agency, in the amounts of \$100,000.00 and \$146,084.73, 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 State of Texas

Department of Homeland Security.

- 6 [23-6851](#) A resolution authorizing acceptance of the Fiscal Year 2023-2024 Homeland Security Grant Program and execution of the Sub-Recipient Agreements with the Office of the Governor, Texas Homeland Security - State Administrative Agency, in the amount of \$20,000.00, 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 State of Texas Department of Homeland Security.

Attachments: [Resolution](#)

- 7 [23-6847](#) Bid No. 2023-051 - Cost Recovery Billing for Vehicle Accidents.
(Staff recommends award to Fire Recovery USA, LLC., and to authorize the City Manager to finalize and execute an agreement. The term of the agreement is for a one-year period and shall automatically renew for five successive one-year periods unless either party provides written notice to the other party of its decision not to renew.)

Attachments: [Fire Recovery USA, LLC Service Agreement](#)

- 8 [23-6849](#) An ordinance amending Chapter 6 of the City Code by adding new Article III - Mitigation Rates - For Emergency and Non-Emergency Services for the purpose of adding authorization for a schedule of mitigation rates for Fire Department services, amending Appendix D - Comprehensive Fee Schedule, Article VI - Fire, adding new Sec. 6-109 Mitigation Rates - For Emergency and Non-Emergency Services thereby adding the schedule of mitigation rates.

Attachments: [Ordinance](#)

- 9 [23-6853](#) Bid No. 2023-108 - Roadway Maintenance for Motley Drive.
(Staff recommends award to low bidder Estrada Concrete Company, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$1,883,456.00.)

Attachments: [Recommendation Letter](#)

[Bid Tabulation](#)

[Location Map](#)

- 10 [23-6823](#) Bid No. 2024-003 - Annual Supply of Police Body Armor.
(Staff recommends purchase from Nardis, Inc., through BuyBoard Contract No. 670-22, in an amount not to exceed \$58,800.00.)

Attachments: [Quote](#)

[Bid Recommendation Form](#)

- 11 [23-6858](#) Bid No. 2024-009 - Purchase of Irrigation Controllers.
(Staff recommends award to Irrigation Station - Rockwall, through BuyBoard Contract No. 706-23, in an amount not to exceed \$181,666.81.)

Attachments: [Quote](#)

- 12** [23-6845](#) Bid No. 2024-012 - GrayKey License Renewal FY 2024.
(Staff recommends purchase from sole source provider Grayshift, LLC, in an amount not to exceed \$50,595.00.)

Attachments: [Sole Source Letter](#)
[Grayshift - GrayKey Renewal Quote](#)

- 13** [23-6861](#) Bid No. 2024-018 - GolfNow Software Upgrade and Credit Card Processing Services.
(Authorize the City Manager to finalize and execute a contract and required documents with sole source provider GolfNow, LLC, for the sole source software and credit card processing services in an amount not to exceed \$70,000.00. The term of the contract is for a one-year period, with five one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

Attachments: [Sole Source Letter](#)

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.)

- 14 [23-6852](#) Conduct a public hearing and consider an ordinance for: (1) Zoning Text Amendment No. 2023-03, amending the Mesquite Zoning Ordinance (“MZO”) by making certain revisions to Part 4, 4-930, including Section 4-932 “Skyline Logistics Hub Overlay District Prefix” thereby amending the identified boundaries for the overlay, and Section 4-933 “Permitted uses” thereby amending prohibited uses in the Skyline Logistics Hub Overlay, and other related revisions as needed to the MZO; and (2) Zoning Application No. Z0823-0324, submitted by the City of Mesquite, for a change of zoning and making a zoning map amendment thereby removing the Skyline Logistics Hub Overlay from certain properties located in the 5500 and 5600 blocks of South Buckner Boulevard; the 4200 and 4300 blocks of Interstate Highway 30; the 2800 through 3000 blocks of East Meadows Boulevard; and the 4200 and 4300 blocks of Action Drive.
- (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.)

Attachments: [Staff Memo and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

- 15 [23-6862](#) Conduct a public hearing and consider a resolution approving a First Amendment to TIRZ No. 12 Reimbursement Agreement, Repurchase Option Agreement and City Chapter 380 Incentive and Performance Agreement (First Amendment) with IH 20 IP, LLC (Developer) and the Board of Directors of Reinvestment Zone No. 12, City of Mesquite, Texas (IH-20 Business Park) (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, and 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 finalize and execute the First Amendment and take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the First Amendment and administer the First Amendment on behalf of the City.

Attachments: [Resolution](#)

- 16 [23-6720](#) 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 (Developer), and the Board of Directors of Reinvestment Zone No. 12, City of Mesquite, Texas (IH-20 Business Park) (TIRZ) regarding the Developer's construction of an approximately 34-acre Retail Development in the TIRZ located at 4300 Lawson Road, Mesquite, Texas, the acquisition from the City and by the Developer of approximately 34-acres of land in the TIRZ and located at 4300 Lawson 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](#)

- 17 [23-6776](#) 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 and Performance Agreement for such purposes with MSAP 216, LLC, and 42 BP, LP, (collectively the Developer) and the Board of Directors of Reinvestment Zone No. 12, City of Mesquite, Texas (IH-20 Business Park) (TIRZ) regarding the Developer's construction of an approximately 217-acre Class A Industrial Development in the TIRZ located at 229 Lawson Road, 231 Lawson Road, 1600 Lawson Road, Mesquite, Texas, and the granting to the Developer of certain TIRZ reimbursements, 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](#)

- 18 [23-6856](#) 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 Hexagon Purus Texas LLC, for the lease and occupation of the industrial park facility located at 2400 East Meadows Boulevard in the City of Mesquite, Texas, 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. 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:

- 19 23-6859** Discuss economic development agreement for an updated lease of a City-owned property on Main Street in Mesquite.

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.