



City of Mesquite, Texas

Action Agenda

City Council

Monday, March 21, 2022

5:15 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation regarding results of 2021 Community Attitude and Satisfaction Survey. **Received.**

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

- 2 Receive quarterly activity report from the Economic Development Department. **Received.**

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

INVOCATION

Archie Greer, Pastor, Trinity Worship Center, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 3 Receive presentation of 2021 meritorious awards to Fire Department employees. **Received.**

SPECIAL ANNOUNCEMENTS

1. Mr. Casper invited citizens to attend a District 1 neighborhood meeting and Mike Anderson Park citizen input meeting on Saturday, March 26, 2022, from 1:00 p.m. to 3:00 p.m., at the future park's location, 3500 East Emporium Circle.

2. Mr. Green stated that Pond Hopper Nation's Kids Fishing Event will be held on Saturday, March 26, 2022, from 10:00 to 3:00 p.m., at City Lake Park, 200 Parkview Street. This event is designed to educate and provide a hands-on fishing experience and memories for children and families. The first 100 children that attend will receive a free fishing rod and tackle. He encouraged families to take advantage of this exciting event.
3. Ms. Vidler encouraged citizens to participate in the ReadPlayTalk Fair to be held on Saturday, March 26, 2022, from 10:00 a.m. to 12:00 Noon, at Mesquite High School, 300 East Davis Street. Mesquite businesses will provide games, activities and crafts for families to enjoy and Mayor Alemán will be reading to students.
4. Mr. Boroughs stated that City Council Redistricting Public Input Meetings will be held at 7:00 p.m. on Tuesday, March 29, 2022, at Florence Recreation Center, 2501 Whitson Way; Tuesday, April 5, 2022, at Rutherford Recreation Center, 900 Rutherford Drive; and Monday, May 2, 2022, in the City Council Chambers, City Hall, 757 North Galloway Avenue. He encouraged residents to attend these meetings and provide their comments.
5. Mr. Boroughs stated that he has been retired from the Mesquite Fire Department for seven years and expressed appreciation to Fire Chief Russell Wilson and members of the Mesquite Fire Department.
6. Mr. Smith stated that the City Council was briefed in today's Pre-Meeting regarding results of the 2021 Community Attitude and Satisfaction Survey. He stated that he is proud to announce that the Police Department and Fire Department received very high marks from the community.
7. Mr. Smith encouraged citizens to attend the Rodeo Parade on Saturday, April 2, 2022, in Downtown Mesquite. The Farmer's Market will be open at Front Street Station for shopping and food trucks will be on site.
8. Ms. Anderson stated that April is National Volunteer Month. Being a volunteer in the City for over 20 years, she confirmed that volunteers are essential to the City's ability to provide quality service to the community by participating in a variety of City programs and activities.
9. Mayor Alemán reminded residents that Mesquite Independent School District students are back in school after Spring Break. Therefore, drivers should pay attention and Drive Like Your Family Lives Here.

CITIZENS FORUM

No one spoke.

CITIZENS COMMENTS

No one spoke.

CONSENT AGENDA

- 4 Minutes of the regular City Council meeting held March 7, 2022. **Approved.**
- 5 Bid No. 2021-035 - Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract.
(Authorize the City Manager to finalize and execute the first renewal of the contracts with Concord Commercial Services, Inc., in an amount not to exceed \$115,000.00; R Staggs Contracting LLC, dba Staggs Enterprise in an amount not to exceed \$10,000.00; Berger Engineering Co. in an amount not to exceed \$465,000.00; Boyd Operating Company, LLC, dba Boyd Electric in an amount not to exceed \$30,000.00; Artex Overhead Door Company in an amount not to exceed \$35,000.00; JM Management LLC, dba JM Construction Solutions in an amount not to exceed \$35,000.00; Texas Building Controls in an amount not to exceed

\$10,000.00; Phillips Lawn Sprinkler Co., Inc. in an amount not to exceed \$10,000.00; and Precision Fencing, LLC, in an amount not to exceed \$10,000.00, for a total amount not to exceed \$720,000.00. The term of this renewal contract is for a one-year period with three additional one-year renewal options remaining. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.) **Approved as recommended.**

- 6** RFP No. 2021-107 - Purchase and Development of 2015 and 2019 North Galloway Avenue, Mesquite, Texas, 75149 for the development of a quick service restaurant and public amenities.
(Staff recommends award to HCABDN Inc., dba Williams Chicken in the amount of \$487,000.00 for the development of a quick service restaurant and public amenities and authorize the City Manager to execute the Contract for Sale and all necessary closing documents.) **Approved as recommended.**
- 7** Bid No. 2022-034 - Fiber Optic Connection for Kaufman County Large Diameter Transmission Water Main Project.
(Authorize the City Manager to approve a purchase order to Future Infrastructure, LLC, through the City's Joint Response For Purchase with Mesquite Independent School District No. 2020-007, in an amount not to exceed \$72,811.00.) **Approved as recommended.**
- 8** RFP No. 2022-042 - Purchase and Development of 4545 Gus Thomasson Road, Mesquite, Texas, 75150 for the development of a coffee shop and public amenities.
(Staff recommends award to 4545 Gus Thomasson, LLC in the amount of \$485,940.00, and authorize the City Manager to execute the Contract for Sale and all necessary closing documents.) **Approved as recommended.**
- 9** Bid No. 2022-055 - Latimore Park: Playground.
(Rescind authorization City Council granted the City Manager to finalize and execute a contract with Total Recreation Products, Inc., through BuyBoard National Purchasing Cooperative Contract No. 592-19, in the amount of \$93,241.83.) **Approved as recommended.**
- 10** Bid No. 2022-055 - Latimore Park: Playground.
(Authorize the City Manager to finalize and execute a contract with PlayCore Wisconsin, Inc., dba GameTime, through OMNIA Purchasing Cooperative Contract No. 2017001134, in the amount of \$92,000.23.) **Approved as recommended.**
- 11** Bid No. 2022-075 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.
(Staff recommends renewal of the third and final year of the Microsoft Enterprise Agreement to SHI/Government Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4092, in the total amount of \$224,539.87.) **Approved as recommended.**
- 12** Bid No. 2022-077 - Purchase of MPD Tactical Night Vision Devices.
(Staff recommends award to Rules of Engagement Tactical LLC, through BuyBoard Contract No. 603-20, in the amount of \$59,921.71.) **Approved as recommended.**
- 13** Bid No. 2022-078 - Purchase of Eleven Ford F150 (F1C-W1C & SWB) for various City departments.
(Staff recommends award to Sam Pack's Five Star Ford, through BuyBoard Contract # 601-19, in the amount of \$417,015.04.) **Approved as recommended.**

- 14** Bid No. 2022-079 - Purchase of Twelve Ford Escape SUVs (Model Numbers U0F and U0B) for various City departments.
(Staff recommends award to Sam Pack's Five Star Ford, through BuyBoard Contract No. 601-19, in the amount of \$301,836.52.) **Approved as recommended.**
- 15** Bid No. 2022-080 - Purchase of One Case IH Farmall 110A Tractor with Boom Mower.
(Staff recommends award to Associated Supply Company, Inc., through BuyBoard Contract No. 611-20, in the amount of \$156,101.80.) **Approved as recommended.**
- 16** Bid No. 2022-081 - Purchase of One Street Sweeper for the Streets Division.
(Staff recommends award to Kinloch Equipment & Supply, Inc., through Sourcewell Contract No. 093021-ELG, in the amount of \$310,640.00). **Approved as recommended.**
- 17** Bid No. 2022-084 - Owner's Representative Services for the Administration of a Construction Manager-at-Risk Contract for the Construction of New Fire Station No. 2.
(Authorize the City Manager to finalize and execute a contract with Fitzpatrick Design Construction Services Group LLC, for Owner's Representative Services in connection with the design and construction of New Fire Station No. 2 in an amount not to exceed \$140,000.00, inclusive of reimbursables.) **Approved as recommended.**
- 18** Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2020-052, Renovation of 109-111 Broad Street - Heritage Plaza, with Donald F. Sopranzi, AIA, LEED-AP for changes in the design in the amount of \$5,065.50. **Approved.**
- 19** Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. 2019-070, Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive, and Douglas Drive Paving and Utility Improvements (Real Texas Roads), with Reliable Paving, Inc., for additional services required in the amount of \$142,532.00. **Approved.**
- 20** Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Binkley & Barfield, Inc., for the final design and construction documents for the Utility Relocation of US 80 from east of IH 30 to east of Gus Thomasson Road in the amount of \$224,700.00. **Approved.**
- 21** Authorize the City Manager to finalize and execute Change Order No. 1, to Bid No. 2020-011, Matthew Holzapfel Pump Station Project, with Gracon Construction, Inc., for price increases in certain materials required for the project in the amount of \$101,613.45.
Approved.
- 22** Approve Amendment No. 1 to the 2021-22 Police Treasury Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$83,500.00. **Approved.**
- 23** Approve Amendment No. 1 to the Fiscal Year 2021-22 Police Federal Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$188,000.00. **Approved.**
- 24** Approve Amendment No. 3 to the Fiscal Year 2021-22 Police State Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$153,700.00. **Approved.**

PUBLIC HEARINGS

- 25** A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care. **Public hearing held.**
- B. Consider an ordinance adopting Standards of Care associated with the City's recreation programs titled "2022 Youth Programs Standards of Care" and repealing Ordinance No. 4847. **Approved by Ordinance No. 4943.**
- 26** A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) ("the Zone"), increasing the total estimated project costs for the Zone, and other related matters. **Public hearing held.**
- B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park), increasing the total estimated project costs for the Zone, making a finding regarding feasibility, providing repealer and severability clauses, and providing an effective date thereof. **Approved by Ordinance No. 4944.**
- 27** Conduct a public hearing to obtain public comments and consider an ordinance amending Chapter 5 of the Mesquite City Code, by revising Article XII - Energy Conservation Code (I.E.C.C.) by making certain additions and deletions to the local amendments of the 2018 Edition of the International Code published by the International Code Council (I.C.C.) regarding appeals of administrative decisions and an exception to the standards for how a person may insulate certain buildings over 100,000 square feet. **Public hearing held. Approved by Ordinance No. 4945.**

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. City of Allen, et al v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Cause No. 6:19-cv-345-ADA-JCM – Filed 10-19-18
2. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
3. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
4. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:19-CV-01263-L – Filed 5-24-19
5. Patrish Ervin and John Dawson v. Mr. Phillip Aultman, Mesquite Police Department and the City of Mesquite, Cause No. CC-19-03248-C – Filed 5-31-19
6. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20

7. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-01982-X – Filed 7-27-20
8. City of Mesquite v. Ulises Rivera, Jessica Rivera and 3509 Byrd Drive, Mesquite, Texas 75150 in rem, Cause No. DC-20-12465 – Filed 9-3-20
9. Vault Ventures, LLC v. City of Mesquite and Cliff Keheley, in his Official Capacity as Mesquite City Manager, Cause No. DC-20-19115 – Filed 12-28-20, on Appeal to the Fifth Court of Appeals, Case No. 05-21-00986-CV
10. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
11. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
12. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
13. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
14. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-2021
15. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764 - Filed 2-14-22

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

- 28** Discuss economic development incentives for a new industrial business park at the corner of IH-20 and FM 2932 in Trinity Pointe, Mesquite, Kaufman County. **Discussed.**

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