



City of Mesquite, Texas

Action Agenda

City Council

Monday, May 15, 2023

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

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

- 1 Receive financial statements for the period October 1, 2022, through March 31, 2023.
Received.

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

1. Mr. Casper invited citizens to attend the Mesquite Arts Council's "Mesquite Rocks!" concert series on Thursday, May 18, 2023, at 7:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue, featuring PriMadonna, a Madonna tribute band. This family-friendly concert series is held on the 3rd Thursday of each month through July and will feature a variety of performers.
2. Mr. Casper stated that the City's Parks and Recreation Department offers a variety of summer camps for children in Kindergarten through Sixth Grade. Activities will include games, field trips, swim days, crafts and much more. Registration is now open at www.cityofmesquite.com/Camps and space is limited.
3. Mr. Green announced that the City has launched a new monthly road report, "Word On The Street", which will include current and future road work information and can be found on the City's website at www.cityofmesquite.com/WordOnTheStreet. The May 2023 edition includes information regarding construction on Skyline Drive and Town East Boulevard to Peachtree Road. The City also offers an

interactive map of all current and future City of Mesquite transportation projects at www.cityofmesquite.com/PublicWorksProjects.

4. Ms. Vidler stated that Historic Mesquite, Inc., will be offering free admission to active-duty military personnel and their family members this summer. Free admission will be offered from Armed Forces Day on May 20, 2023, to Labor Day on September 4, 2023. This includes Mesquite's Florence Ranch Homestead and Opal Lawrence Historical Park. For more information, contact the Historic Mesquite, Inc.'s office at 972-216-6468 or visit www.cityofmesquite.com/HMI.
5. Ms. Vidler invited citizens to attend a District 3 Neighborhood Meeting and Picnic on Saturday, June 3, 2023, from 11:00 a.m. to 1:00 p.m., at Town East Park, 2724 North Town East Boulevard.
6. Mr. Boroughs invited citizens to attend Movies in the Park and a Touch-A-Truck event on Friday, May 19, 2023, at 6:00 p.m., at Paschall Park, 1001 New Market Road. Touch-A-Truck provides kids the opportunity to climb on and learn about their favorite big trucks and vehicles including police cars, dump trucks, tractors and fire trucks. Vehicle operators will be available to answer any questions. Afterwards, Movies in the Park will begin at dusk featuring the Disney movie, "Lightyear."
7. Mr. Boroughs shared that he had a heart attack on May 5, 2023, and thanked everyone for their thoughts and prayers.
8. Mr. Smith invited citizens to a District 5 Neighborhood Meeting and Picnic on Saturday, May 20, 2023, from 11:00 a.m. to 1:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive.
9. Mr. Smith stated that children will soon be out of school for summer break and reminded citizens to "Drive Like Your Family Lives Here."
10. Mayor Alemán invited citizens to attend a Memorial Day service on Monday, May 29, 2023, at the Mesquite Veterans Memorial, 425 South Galloway Avenue. A brief program will honor the men and women who died while serving in the United States Armed Forces. The service will begin at 2:55 p.m. to coincide with the National Moment of Remembrance at 3:00 p.m. The program will include a reading of the names of those Mesquite residents who gave the ultimate sacrifice.
11. Battalion Chief Phillip Cunningham, President of the Mesquite Firefighters Association, announced that the Muscular Dystrophy Association (MDA) Fill-the-Boot Campaign will be held on May 19, 2023, May 26, 2023, and June 2, 2023. Firefighters will be collecting donations on street corners for one hour in the morning and two hours in the evening. He thanked the citizens for their continued support of MDA and stated that since 2011, the citizens of Mesquite have donated \$347,000.00 to the Fill-the-Boot Campaign. Donations for this campaign funds research or the MDA Summer Camps. He thanked Mayor Pro Tem (MPT) Tandy Boroughs for his long-time support of MDA and for volunteering at the Summer Camps. MPT Boroughs kicked off the campaign by making the first donation followed by other Councilmembers.

CITIZENS FORUM

Charlotte Clouch, 3007 Portsmouth Drive, expressed concerns regarding fees charged through the Mesquite Pay portal.

CITIZENS COMMENTS

No one spoke.

CONSENT AGENDA

- 2 Minutes of the regular City Council meeting held May 1, 2023. **Approved.**
- 3 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. **Approved by Ordinance No. 5022.**

- 4 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.
Approved by Resolution No. 20-2023.
- 5 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.) **Approved as recommended.**
- 6 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.)
Approved as recommended.
- 7 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.)
Approved as recommended.
- 8 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.)
Approved as recommended.
- 9 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.)
Approved as recommended.
- 10 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.) **Approved as recommended.**
- 11 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. **Approved.**

PUBLIC HEARINGS

- 12 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. **Public hearing held.**

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. **Approved by Ordinance No. 5023.**

- 13** 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. **Public hearing held. Approved by Resolution No. 21-2023.**
- 14** 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. **Public hearing held. Approved by Resolution No. 22-2023.**

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

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

Discussed.

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