



City of Mesquite, Texas

Action Agenda

City Council

Monday, October 16, 2023

6:00 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss request from the Town of Sunnyvale to provide public safety dispatching and jail services. **Discussed. Council directed staff to proceed with development of an Interlocal Agreement with the Town of Sunnyvale to provide public safety dispatching and jail services.**

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

1. Ms. Anderson announced that the Leash Free Zone at Copeland Park, located at Creek Crossing Road and Mesquite Valley Road, officially opened this past weekend. The new three-acre park is the City of Mesquite's largest dog park and is divided into two separate spaces for large and small dogs. It offers restrooms, a shaded seating area, dog washing station and dog training agility equipment. Opening the dog park is the first phase of development for Copeland Park, which will be 11 acres total when completed. The next phase will include a playground, picnic pavilion and nature walking trails. Planning for this park began almost 10 years ago. Our heartfelt thanks go out to the Copeland family for donating the land and to the citizens who pushed for this park. We are proud to have this wonderful amenity in South Mesquite for all of our residents to enjoy.
2. Mr. Smith stated that the Parks and Recreation Department is hosting the Annual PumpkinFest event on Saturday, October 21, 2023, from Noon to 5:00 p.m., at Paschall Park, 1001 New Market Road. This fun fall event will feature a new hay maze and hay ride this year along with a pumpkin

patch, contests, games and plenty of food. On-Air personality Gil Palmer from KEOM 88.5 FM will be the Master of Ceremonies for this year's event. Many of the activities at PumpkinFest are free including a complimentary trick-or-treat bag to collect candy from all vendors and free arts, crafts and selfie opportunities. With the purchase of a \$10.00 wristband, festival goers can enjoy unlimited inflatables, rides, face painting, a hay maze and hayrides. Concessions for purchase will also be available.

3. Mr. Smith announced that a new Neighborhood Watch Group has been created. A Ruby Shaw Neighborhood Meeting will be held on Wednesday, November 1, 2023, at 7:00 p.m., at Ruby Shaw Elementary School, 707 Purple Sage Trail. All citizens are invited to attend.
4. Mr. Boroughs thanked all residents who attended the recent Town Hall meetings that the City hosted to discuss the upcoming Tax Rate Election. If you were unable to attend, the Town Hall meeting held on Tuesday, October 10, 2023, was recorded and can be accessed by visiting www.cityofmesquite.com/2023TaxElection. You can also find Tax Election FAQ's and voting resources on the City's website. An increase in the tax rate has been proposed to fund services in the City's 2023-24 budget, including funds for roadway and alley reconstruction, additional police officers, a new fire station, staffing and equipment to operate the fire station and a new Behavioral Health Division. Early Voting begins Monday, October 23, 2023, and Election Day is Tuesday, November 7, 2023.
5. Mr. Boroughs announced that the upcoming weekend will be the last weekend of racing at the Devil's Bowl Speedway where he has been racing for the last 15 years. He stated that the owners have sold the property and confirmed that the City of Mesquite had nothing to do with the closure.
6. Ms. Vidler stated that the City of Mesquite is proud to be a co-sponsor with the Mesquite Chamber of Commerce of the upcoming Live-Work-Play in Mesquite, Texas Expo on Saturday, November 4, 2023, from 10:00 a.m. to 2:00 p.m., at the Mesquite Convention Center, 1700 Rodeo Drive. This free business expo and job fair will highlight the products, services, and career opportunities available in the City of Mesquite. The event will be divided into two sections. In the Live and Play area, attendees can visit with homebuilders and real estate professionals, restaurant and retail store owners, education representatives and service providers such as plumbers and electricians. In the Work section, attendees will meet with representatives from Mesquite businesses who are hiring.
7. Mr. Green stated that Keep Mesquite Beautiful, Inc., has a trio of special events in November 2023. The Arbor Day celebration will be held on Friday, November 3, 2023, at 10:00 a.m., at Cross Elementary School, 6425 Park Vista Drive. This event will feature music, poetry and a tree planting. Free tree saplings will be provided to attendees while supplies last. Mesquite Recycles Day will be held on Saturday, November 4, 2023, from 8:00 a.m. to Noon, at Poteet High School, 3300 Poteet Drive. This semi-annual event provides residents the chance to recycle items including cell phones, batteries, toys, clothes, and household items. Appliances, computers, and old TV's will be accepted. Tires are limited to four tires per person. Onsite shredding will be available. Visit www.cityofmesquite.com/RecyclesDay for a complete list of items that can be recycled. Also, the Annual Recycled Fashion Show will be held on Saturday, November 11, 2023, from 2:00 p.m. to 4:00 p.m., at Town East Mall. This unique event showcases costumes created from recycled materials.
8. Mr. Casper invited citizens to the Fall Festival and Car Show on Thursday, October 26, 2023, from 5:30 p.m. to 7:30 p.m., at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard.
9. Mr. Casper invited citizens to celebrate Hispanic culture and heritage with the Mesquite Arts Council's 7th Annual Día de los Muertos Celebration on Saturday, October 28, 2023. This free, family-friendly Day of the Dead festival will be held from 4:00 p.m. to 7:00 p.m. inside the building and on the grounds of the Mesquite Arts Center, 1527 North Galloway Avenue. This festival will feature cultural arts workshops, music, dancing, theatrical performances, food trucks and vendors. Attendees can also shop with more than a dozen vendors and concessions will be available for purchase from a variety of food trucks.
10. Mayor Alemán thanked all the hundreds of volunteers who made the 19th Annual Addressing Mesquite Day an incredible success. Dozens of home repair projects were performed for disabled veterans, senior citizens, single parents and other Mesquite residents who needed assistance. We

can also be proud of our community because the City was recently recognized with the highest-level designation from Scenic Texas for high-quality scenic standards for public roadways and spaces. City officials received the 2023 Platinum Scenic City Certification award in Dallas during the Texas Municipal League's Annual Conference on Thursday, October 5, 2023. The Scenic City program evaluates and recognizes Texas municipalities that put standards into practice that create a more scenic environment in their communities. This includes creating scenic roadways, preserving historic sites, and improving parks and green spaces. Mesquite is one of 23 cities in Texas to earn certifications in 2023. The City has earned four consecutive certifications and has been a certified Scenic City since the program began in 2010.

CITIZENS FORUM

No one appeared.

CITIZENS COMMENTS

No one appeared.

CONSENT AGENDA

- 2 Minutes of the regular City Council meeting held October 2, 2023. **Approved.**
- 3 An ordinance amending Chapter 9, Section 9-147(1)(a) of the City Code by providing two additional school zones for Cross Elementary School. **Approved by Ordinance No. 5073.**
- 4 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. **Approved by Ordinance No. 5074.**
- 5 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. **Approved by Resolution No. 52-2023.**
- 6 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. **Approved by Resolution No. 53-2023.**
- 7 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.) **Approved as recommended.**
- 8 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.
Approved by Ordinance No. 5075.

- 9** 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.)
Approved as recommended.
- 10** 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.) **Approved as recommended.**
- 11** 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.) **Approved as recommended.**
- 12** 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.) **Approved as recommended.**
- 13** 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.)
Approved as recommended.

PUBLIC HEARINGS

- 14** 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.) **Public hearing held. Approved by Ordinance No. 5076.**
- 15** 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.

Public hearing held. Approved by Resolution No. 54-2023.

- 16** 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.

Public hearing held. Approved by Resolution No. 55-2023.

- 17** 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.

Public hearing held. Approved by Resolution No. 56-2023.

- 18** 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. Public hearing held. Approved by Resolution No. 57-2023.

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