



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 21, 2024

5:00 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, 21, 2024.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [24-7377](#) Receive Behavioral Health Division Update.
- 2 [24-7396](#) Receive update regarding the use of the American Rescue Plan Act (ARPA) Coronavirus Local Fiscal Recovery Funds, expenditures and impact.

(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 - 5:00 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

Chad Flowers, Pastor, Emmanuel Pentecostal Church, 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.)

- 3 [24-7411](#) Minutes of the regular City Council meeting held October 7, 2024.

Attachments: [October 7, 2024, minutes](#)

- 4 [24-7399](#) A resolution endorsing and accepting the 2024-2025 Comprehensive Safety Grant (the "Grant") for the Selective Traffic Enforcement Program (the "STEP Program"), authorizing the filing of the application for the Grant, approving the contribution of City funds in the amount of \$10,713.99, 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 Texas Department of Transportation (TxDOT) in connection with such Grant and STEP Program.

Attachments: [Resolution](#)

- 5 [24-7402](#) A resolution authorizing the City Manager to execute Amendment No. 2 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2024-25 in an amount not to exceed \$129,448.00.

Attachments: [Resolution](#)

- 6 [24-7406](#) Bid No. 2024-126 - Mesquite to Crandall Water Line Connector.
(Authorize the City Manager to finalize and execute a contract with BRCT, LLC, dba Black Rock Construction, in the amount of \$5,137,596.00.)

Attachments: [Recommendation Letter](#)
 [Bid Tabulation](#)
 [Location Map](#)

- 7 [24-7401](#) Bid No. 2024-149 - Paving and Utility Improvements for Lorraine, Candise, Ivy, Mt. Vernon, Fernwood, Monticello, and Stoney Glen Neighborhoods.
(Authorize the City Manager to finalize and execute a contract with low bidder ANA Site Construction, LLC, in the amount of \$9,991,724.00.)

Attachments: [Recommendation Letter](#)
 [Bid Tabulation](#)
 [Location Map](#)

- 8 [24-7387](#) Bid No. 2025-002 - Purchase of One Velocity Pumper Truck and One Enforcer Pumper Truck.
(Staff recommends award to Siddons Martin Emergency Group, LLC., through BuyBoard Purchasing Cooperative Contract No. 651-21, in the amount of \$1,803,915.00.)

Attachments: [BuyBoard Contract Pricing Worksheets](#)

- 9 [24-7379](#) Authorize the City Manager to finalize and execute Change Order Nos. 4, 5, and 6 to Bid No. 2023-057, Utility Relocation for IH-635 at US Highway 80 Interchange, with BRCT, LLC dba Black Rock Construction for additional services required in the total amount of \$190,933.46.

Attachments: [Change Order No. 4](#)
 [Change Order No. 5](#)
 [Change Order No. 6](#)

- 10 [24-7407](#) Authorize the City Manager to finalize and execute a Supplemental Agreement (Phase II) to RFP No. 2023-137, Construction Manager-at-Risk (CMaR) Services for the Construction of New Fire Station No. 8, with Crossland Construction Company, Inc., to establish the Guaranteed Maximum Price (GMP) of \$13,042,264.00

Attachments: [GMP Proposal](#)
 [Fire Station No. 8 Rendering](#)
 [Site Plan](#)

- 11 [24-7400](#) Approve Amendment No. 1 to the 2024-25 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

\$315,000.00.

Attachments: [Federal Seizure Amendment No.1](#)

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** [24-7389](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0824-0368, submitted by Jonathan Kerby with Kimley-Horn and Associates, Inc., on behalf of NADG 10 Heartland LP and Candr LLC., for a change of zoning from Agricultural and Planned Development - General Retail Ordinance No. 5048 to Planned Development - General Retail with modified development standards to allow a restaurant and retail development located south of IH-20 and west of FM 741 (0, 6611 and 6619 FM 741, Kaufman Tax Property ID Numbers 9680, 9686, 9687, and 182255).

(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 with certain stipulations.)

Attachments: [Staff Report and Maps](#)
 [P&Z Minutes](#)
 [Ordinance](#)

- 13** [24-7393](#) Conduct a public hearing and consider an ordinance approving a variance reducing the separation requirement from 300 feet to zero (0) feet between a winery, Thoughtful Wine, and Larry G. Smith Elementary School, a Dallas Independent School serving children grades Pre-K through 5th Grade, located at 5299 Gus Thomasson Road, to allow the winery to sell wine for retail distribution and delivery to off-premises locations and events, located at 4811 Motley Drive.

(No responses in favor or two in opposition to the application have been received from property owners within the statutory notification area.)

Attachments: [Letter of Intent](#)
 [Survey](#)
 [Notification Map](#)
 [Public Notice Responses](#)
 [Ordinance](#)

- 14** [24-7390](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0724-0365, submitted by Jim Dewey with JDJR Engineers & Consultants, Inc., on behalf of 20100 LBJ Freeway, LLC., for a change of zoning from Planned Development - Light Commercial Ordinance No.

2649 to Planned Development - Light Commercial with modified development standards to allow a new and used vehicle dealership with outdoor display and auto repair services located at 20100 and 20104 IH-635.

(One response in favor and four in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

15 [24-7391](#)

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0824-0366, submitted by Bohler Engineering TX, LLC, on behalf of Bhadresh Trivedi with Dosti Mesquite, LLC., for a change of zoning from Agricultural to Planned Development - Commercial to allow a flex office development with an outdoor storage yard in addition to other uses permitted in the Commercial Zoning District located at 5801 Shannon Road (southwest corner of Shannon Road and IH-20 service road).

(One response in favor and one in opposition to the application has been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

16 [24-7392](#)

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1123-0338, submitted by Jason Shaw with Serenity Senior Living II, LLC., for a comprehensive plan amendment to change the future land use designation from Low Density Residential to Medium Density Residential and for a change of zoning from Agricultural to Planned Development - Townhomes with modified planned development standards to allow an age-restricted townhome development with an assisted living facility located at 2795 Clay Mathis Road.

(One response in favor and four in opposition to the application has been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:

[Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

17 [24-7385](#)

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 First Amendment to TIRZ No. 14 Reimbursement Agreement and Economic Development Program Chapter 380 Agreement for such purposes with 42 Alcott, LP (the "Developer") and the Board of Directors of Reinvestment Zone No. 14, City of Mesquite, Texas ("Alcott Station"), regarding: (I) The Developer's construction of a Class A industrial building located at 3301 East Glen Boulevard and 3300 East Glen Boulevard, Mesquite, Texas (collectively the "Property"), (II) The acquisition from the City and by the Developer of approximately 1.72 acres of land currently dividing the Property and (III) The granting to 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 First Amendment to the agreement and administer the First Amendment on behalf of the City.

Attachments:

[Resolution](#)

18 [24-7408](#)

Conduct a public hearing and consider a resolution approving the termination of an Economic Development Program Chapter 380 Agreement between the City, Elements Sleep, LLC, and Style-Line Furn., Inc., dated effective February 2, 2021, and approving the terms and conditions of a new Economic Development Program Chapter 380 Agreement between the City and Elements Sleep, LLC, to promote economic development and incentivize Elements Sleep, LLC, to continue manufacturing boxed mattresses at an industrial building located at 1475 Republic Parkway, in the City of Mesquite, and authorizing the City Manager to finalize and execute the agreement and administer it 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. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 03-14-2022; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-22-00826-CV - Filed 08-10-2022
2. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 08-03-2022

3. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 09-06-2022
4. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Criminal Appeals, Cause No. PD-0756-23 – Filed 12-10-2021
5. Danny Booker v. City of Mesquite Risk Management, Cause No. DC-23-18301 - Filed 10-25-2023
6. Avery Fuentes v. City of Mesquite, Cause No. DC-23-19555 - Filed 11-20-2023
7. Bethany Hall and Antonio Holmes v. City of Mesquite, et al.; Case No. DC-24-00034 – Filed 01-02-2024
8. Dominick Green v. R. Rose, C. Pabst and the City of Mesquite, Texas, Cause No. 3:24-cv-00337-X – Filed 02-12-2024
9. Mesquite Asset Recovery Group, LLC, et al. v. City of Mesquite, Case No. DC-24-02668, 191st District Court, Dallas County, Texas – Filed 02-15-2024; removed to the U.S. District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3:24-cv-00740-D – Filed 03-28-2024
10. Keiarra Tolbert v. City of Mesquite, Cause No. DC-24-07173 – Filed 05-15-2024
11. Alexander Reyes Serrano v. City of Mesquite, Cause No. CC-24-05058A – Filed 07-10-2024
12. Shamsa Alshilbi v. City of Mesquite, et al., Cause No. 3:24-cv-02000-L – Filed 08-06-2024
13. City of Mesquite v. Residence at Tradewind Apartments LLC, et al, Cause No. DC-24-12338 - Filed 08-09-2024

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:

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|-----------|----------------|---|
| 19 | 24-7410 | Discuss economic development incentives for a project on Military Parkway. |
| 20 | 24-7420 | Discuss an economic development redevelopment project on Main Street near Broad Street. |

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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.