



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 4, 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 March 4, 2024.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [24-7091](#) Receive presentation regarding the Dallas County Inland Port Flood Planning Study.
- 2 [24-7083](#) Receive proposed changes to the Utility Billing Office operations.

(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

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

- 3 [24-7022](#) Receive preliminary financial statements for fiscal year ending September 30, 2023, and financial statements for the first quarter of fiscal year 2023-2024 covering October 1, 2023, through December 31, 2023.

Attachments: [Fiscal Year 2022-2023 Preliminary Financial Report](#)
 [Fiscal Year 2023-2024 1st Quarter Financial Report](#)

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

Deron Biles, Pastor, Sunnyvale First Baptist Church, Sunnyvale, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Hiram Bennett Chapter of the Daughters of the Republic of Texas.

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.)

- 4 [24-7065](#) Minutes of the regular City Council meeting held February 19, 2024.

Attachments: [February 19, 2024. minutes](#)

- 5 [24-7057](#) An ordinance providing for the abandonment of approximately 1,470.3 linear feet of three separate fifteen-foot utility easements all generally located south of Military Parkway and its intersection with Gross Road, for development of Class A industrial buildings.

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

- 6 [24-7080](#) A resolution authorizing continued partnership in the ATMOS Cities Steering Committee and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation.

Attachments: [Resolution](#)
[Invoice](#)

- 7 [24-7095](#) A resolution authorizing the creation of the Inland Port of Dallas County Local Government Corporation, Inc. as a local government corporation, approving the form of Certificate of Formation for said corporation, approving the form of bylaws for said corporation and appointing the initial members of the Board of Directors of said corporation.

Attachments: [Resolution](#)

- 8 [24-7052](#) Bid No. 2024-014 - Mesquite Heritage Trail, Phase II.
(Authorize the City Manager to finalize and execute a contract with Urban Infraconstruction, LLC, in the amount of \$6,845,385.80.)

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

- 9 [24-7076](#) Bid No. 2024-083 - Annual Supply of Vehicle and Equipment Batteries.
(Staff recommends award to O'Reilly Auto Enterprises LLC dba O'Reilly Auto Parts, through Sourcewell Contract No. 032521-ORA, in the amount of \$100,000.00. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Attachments: [Sourcewell Contract No. 032521-ORA](#)
[Quote](#)

- 10 [24-7061](#) Approve Amendment No. 1 to the 2023-24 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 \$185,000.00.

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

- 11 [24-7062](#) Approve Amendment No. 1 to the 2023-24 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 \$8,200.00.

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

- 12 [24-7066](#) Authorize the Mesquite Police Department's participation in the Dallas Violent Crime Task Force, approve the Dallas Violent Crime Task Force Memorandum of Understanding (MOU) and Cost Reimbursement Agreement (Agreement) between the City of Mesquite and the Federal Bureau of Investigation, and authorize and ratify the Police Chief's execution of the MOU and Agreement.

Attachments: [Agreement](#)

- 13 [24-7087](#) Authorize the City Manager to finalize and execute (1) Consent to Assignment of Ground Lease with WRE Hangar 1680, LLC and Sundance MC, LLC, and (2) Consent to Assignment of Ground Lease with Sundance MC, LLC and Colmet Aviation 1680 LLC.

- 14 [24-7089](#) Approve the purchase of a tract of land containing approximately 15.87 acres and being located in the W.W. Bruton Survey, Abstract No. 160, City of Mesquite, Dallas County, Texas, and being commonly referred to as 2105 Lawson Road and 2900 Berry Drive (the "Property") from White Orchid Holding Co. (the "Seller") for the purchase price of \$500,000.00, plus closing costs, and authorize the City Manager to finalize and execute a Real Estate Sales Contract between the Seller and the City for the purchase of the Property, and to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property.

Attachments: [Map](#)
 [Survey](#)

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 15 [24-7081](#) Consider appointment of one Regular Member (Position No. 6) to the Planning and Zoning Commission/Capital Improvements Advisory Committee/Airport Zoning Commission for a term to expire December 31, 2024.

Attachments: [List of Eligible Applicants](#)

- 16 [24-7082](#) Consider appointment of one Alternate Member (Alternate No. 1) for a term to expire December 31, 2025, and one Alternate Member (Alternate No. 2) for a term to expire December 31, 2024, to the Board of Adjustment/Airport Board of Adjustment.

Attachments: [List of Eligible Applicants](#)

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.)

- 17 [24-7078](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1223-0340, submitted by Maxwell Fisher of ZoneDev, for a Comprehensive Plan amendment from Public/Semi-Public to High Density Residential and a change of zoning from Planned Development - R-1, Residential Single-Family (Ordinance No. 4119) to Planned Development - A-3 Multifamily to allow a 288-unit apartment complex with modifications, located at 1410 Wooded Lake Drive.

(One response in favor and none 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](#)

- 18 [24-7077](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0289, submitted by Shell Craft LLC, on behalf of Lawson I-20 Holdings LLC, for a Comprehensive Plan amendment from Commercial to High Density Residential and a change of zoning from Light Commercial to Planned Development - A-3 Multifamily and General Retail to allow multifamily and general retail development with 322 dwelling units, retail, restaurant and service uses, located at 5000 and 5001 Lawson Road, and 13800, 13900 and 14600 Interstate 20.

(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 denial of the application.)

Attachments:

[Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

19 [24-7079](#)

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1223-0339, submitted by Bohler Engineering TX, LLC on behalf of Dosti Mesquite, LLC for a Comprehensive Plan amendment from Commercial to High Density Residential and a change of zoning from Agricultural to Planned Development - A-3 Multifamily to allow a 310-unit apartment complex with modifications, located at 5801 Shannon Road.

(No responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

Attachments:

[Staff Report and Maps](#)

[P&Z Minutes](#)

[Ordinance](#)

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; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-23-00485-CV - Filed 05-19-2023
3. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 09-06-2022
4. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 04-11-2023
5. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Criminal Appeals, Cause No. PD-0756-23
6. David Briones v. City of Mesquite and Steven Pierce, Cause No. CC-23-05044-E – Filed 08-04-2023
7. Michael L. Fogarty, April M.C, Gomez and Victor Gomez v. City of Mesquite/Fire Dept, Mesquite EMTS, Kris Kyle; South Mesquite Regional Hospital, Cause No. DC-23-16587, filed 09-28-2023
8. April Patton v. City of Mesquite, Cause No. DC-23-14996, Filed 09-13-2023
9. Danny Booker v. City of Mesquite Risk Management, Cause No. DC-23-18301 - Filed 10-25-2023
10. Elgin Singleton v. City of Mesquite, Cause No. DC-23-18152 - Filed 10-25-2023
11. Avery Fuentes v. Jeffery Holland and City of Mesquite, Cause No. DC-23-19555 - Filed 11-20-2023
12. Bethany Hall v. City of Mesquite, Cause No. DC-24-00034, Filed 01-02-2024
13. Dominick Green v. R. Rose, C. Pabst and the City of Mesquite, Texas, Cause No. 3:24-cv-00337-X, Filed 02-12-2024
14. Mesquite Asset Recovery Group, LLC; Verde Center Partners, LLC; HQZ Partners, L .P.; Lang and Company, LLC; and MCG-124, LLC v. City of Mesquite, Texas, Cause No. DC-24-02668, Filed 02-15-2024

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.

- Annual review of City Manager

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:

- 20 24-7085** Discuss economic development incentives for a business relocation and expansion at Big Town Boulevard.
- 21 24-7086** Discuss economic development incentives for a business expansion at Samuell Boulevard.
- 22 24-7094** Discuss economic development incentives for a property at Town East Boulevard and Motley Drive.

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.