



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 21, 2022

5:15 PM

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

1. Members of the public desiring to comment during Citizens Forum may preregister as follows:

a. Send an email to the City Secretary on or before 3:00 p.m., on March 21, 2022. The email address is sland@cityofmesquite.com. The phone number is 972-216-6244.

b. Provide the City Secretary with your name and address.

2. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on March 21, 2022, to the following email address: sland@cityofmesquite.com.

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.

(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 - 5:15 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.

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

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.

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 Minutes of the regular City Council meeting held March 7, 2022.

- 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.)
- 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.)
- 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.)
- 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.)
- 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.)
- 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.)

- 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.)
- 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.)
- 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.)
- 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.)
- 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.)
- 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).
- 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.)
- 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.
- 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.

- 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
- 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.
- 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.
- 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.
- 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.

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.)

- 25 A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.
- 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.
- 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.
- 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.

- 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.

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.

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 según el Sub-capítulo H, Capítulo 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 según el Sub-capítulo H, Capítulo 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.