



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, February 20, 2023

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 February 20, 2023.

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

AGENDA REVIEW

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 - 6:00 P.M.

- 1 Receive presentation of 2022 Meritorious Awards to Fire Department employees.

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

INVOCATION

Kelly James, Pastor, Pathway of Life 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.)

- 2 Minutes of the regular City Council meeting held February 6, 2023.
- 3 An ordinance amending Appendix D - Comprehensive Fee Schedule of the City Code amending the commercial solid waste collection rates, effective April 01, 2023.
- 4 A resolution authorizing the City Manager to finalize and execute a Second Amendment to the Solterra Development Agreement and enacting other provisions relating thereto.
- 5 A resolution supporting the designation of the portion of Interstate Highway 635 in Mesquite as "Officer Richard Houston II Memorial Highway."
- 6 Bid No. 2022-122 – Annual Supply of Concrete.
(Staff recommends award to B&B Ready Mix, Inc., and to authorize the City Manager to finalize and execute a contract in the amount not to exceed \$608,375.00. The term of this contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)
- 7 Bid No. 2023-058 - Purchase of Seven Ford Escapes.
(Staff recommends award to Sam Pack's Five Star Ford, in Carrollton, Texas, through BuyBoard Contract No. 601-19, in the amount of \$185,922.12.)

- 8 Bid No. 2023-059 - Purchase of Five Ford Explorer Interceptors.
(Staff recommends award to Sam Pack's Five Star Ford, in Carrollton, Texas, through BuyBoard Contract No. 601-19, in the amount of \$254,526.05.)
- 9 Authorize the City Manager to finalize and execute a ground lease renewal with Comanche Group, Inc., for a 10-year extension for Aircraft Hangar D1, located at 910 Airport Boulevard, Mesquite, Texas.
- 10 Authorize the City Manager to finalize and execute a ground lease renewal with Comanche Group, Inc., for a 10-year extension for Aircraft Hangar D2, located at 910 Airport Boulevard, Mesquite, Texas.
- 11 Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2022-047, Box Hangar for Mesquite Metro Airport, with J.C. Commercial, Inc., in the amount of \$359,032.26, for the construction of an aircraft hangar at the Mesquite Metro Airport.
- 12 Authorize the City Manager to finalize and execute a Supplemental Agreement (Phase II) to Bid No. 2023-002, Construction Manager at Risk Services for the Addition to and Remodel of the Mesquite Service Center Field Services Building, with Crossland Construction Company, Inc., to establish the Guaranteed Maximum Price (GMP) of \$12,898,488.00.
- 13 Ratify an expenditure in the amount of \$80,714.37, without competitive bidding, for the rental of an emergency cooling tower unit at the Mesquite Convention Center Central Utility Plant located at 1818 Rodeo Drive and authorizing payment to Berger Engineering Co., for such rental services.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 14 Consider appointment of one regular member (Position No. 7) to the Animal Services Advisory Committee for a term to expire December 31, 2023.
- 15 Consider appointment of one alternate member (Alternate No. 1) to the Board of Adjustment for a term to expire December 31, 2023.
- 16 Consider appointment of one regular member (Position No. 8) to the Capital Improvements Advisory Committee for a term to expire December 31, 2024.

OTHER BUSINESS

- 17 Consider an application to allow fee in lieu of parkland dedication for the subdivision of a parcel from one lot to two lots resulting in a net increase of one lot, located at 1204 Lakeshore Drive.

PUBLIC HEARINGS

- 18 Conduct a public hearing and consider a resolution supporting MQ Baker Housing LP's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 100-unit affordable multi-family rental housing development to be located at 2500 Baker Drive, in accordance with Chapter 2306 of the Texas Government Code and authorizing the City Secretary to certify the resolution to the TDHCA.
- 19 Conduct a public hearing and consider a resolution supporting Town East Trails Realty, LP's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of an age-restricted, 70-unit affordable multi-family rental housing development to be located at the northeast corner of Poteet Drive and Independence Drive, in accordance with Chapter 2306 of the Texas Government Code and authorizing the City Secretary to certify the resolution to the TDHCA.
- 20 Conduct a public hearing and consider a resolution supporting MPH East Glen, LLC's application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 100-unit affordable multi-family rental housing development to be located at 2200 Newsom Road, in accordance with Chapter 2306 of the Texas Government Code and authorizing the City Secretary to certify the resolution to the TDHCA.
- 21 Conduct a public hearing and consider a resolution supporting Legacy 80 in Mesquite Apartments' application to the Texas Department of Housing and Community Affairs (TDHCA) for 2023 Competitive 9% Housing Tax Credits Program for the construction of a 116-unit affordable multi-family rental housing development to be located at 2749 Interstate Highway 30, in accordance with Chapter 2306 of the Texas Government Code and authorizing the City Secretary to certify the resolution to the TDHCA.

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. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
4. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
5. 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; and In re CC Hillcrest, LLC, Case No. 22-31362-swe11 – Filed 7-29-22
6. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
7. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
8. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
9. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

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. The following subject may be discussed:

- Annual review of the City Manager.

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.