



City of Mesquite, Texas

Action Agenda

City Council

Monday, April 5, 2021

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 Receive briefing regarding the results of the Ameresco water meter audit and an overview of a possible automated metering upgrade project. **Received.**

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:00 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

Rev. Chad Flowers, Senior Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite staff.

PRESENTATIONS

- 2 Receive presentation of 2021 Texas Recreation and Park Society (TRAPS) Lone Star Legacy Award for City Lake Park. **Received.**

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman stated that the City will hold a virtual “Community Health Forum Series” on April 8, 2021, at 7:00 p.m., with a focus on minority health issues as part of National Minority Health Month. The panelists are provided by the National Minority Quality Forum, an educational organization dedicated to ensuring that high-risk racial and ethnic populations receive optimal health care.
2. Mr. Smith announced that he will host a District 5 neighborhood meeting on Saturday, April 10, 2021, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive. He invited residents to view his most recent district video on his District 5 Facebook page.
3. Mr. Boroughs announced that the City’s Public Library System cardholders now have the option to pick-up and drop-off library materials at specific Parks and Recreation facilities, which includes printed books, audiobooks and movies. Library customers reserving items by phone or through the online catalog may request to receive and return their materials to Evans Recreation Center, Rutherford Recreation Center or Goodbar Senior Center.
4. Mr. Boroughs stated that this past weekend, he noticed many people enjoying our City parks and commended Director of Parks and Recreation Elizabeth Harrell and her staff for the work they do to make our parks a clean and attractive place for families to enjoy.
5. Mr. Miklos stated that the City is beginning the process to complete a Parks, Recreation and Open Space Master Plan, which will help the City plan for future growth. Citizens are invited to provide input at two virtual meetings on April 13, 2021, and April 22, 2021, at 6:30 p.m.
6. Mr. Green announced that he will host a District 2 neighborhood meeting on Friday, April 9, 2021, at 6:00 p.m., at Florence Recreation Center, 2501 Whitson Way, and encouraged residents to attend.
7. Ms. Wisdom stated that a District 1 neighborhood meeting is being planned for June 2021. Details will be available at a later date.
8. Ms. Wisdom encouraged citizens to enjoy many programs during April 2021 at the Mesquite Arts Center such as free art exhibitions, free outdoor concerts every Friday, performances by theatre groups on Fridays and Saturdays through April 25, 2021, and free “Tote-and-Go” activity kits for families to pick up and complete at home.
9. Mayor Archer stated that the City has launched a new “Clean City Initiative;” which includes more public education, regularly scheduled litter programs, stronger enforcement tools and new beautification projects. He encouraged citizens to participate in the April 24, 2021, Trash Bash event.

CITIZENS FORUM

No one appeared.

CITIZENS COMMENTS

No one appeared.

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 by motion of the City Council.)

- 3 Minutes of the regular City Council meeting held March 15, 2021. **Approved.**

- 4 A resolution authorizing the sale of tax-foreclosed property located at 1018 Irene Drive in Mesquite, Texas (the "Property"); accepting the offer from Jose R. Velasquez and Maria Velasquez (the "Purchasers") to purchase the Property; ratifying and approving the Offer and Purchase Agreement executed by the Purchasers setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute the quitclaim deed and all other necessary or requested documents to complete the closing and sale of the Property. **Approved by Resolution No. 13-2021.**
- 5 A resolution authorizing publication of Notice of Intention to issue Certificates of Obligation, approving the preparation of a preliminary official statement and a notice of sale and providing for the effective date thereof. **Approved by Resolution No. 14-2021.**
- 6 Bid No. 2021-050 - Annual Landscaping and Property Preservation Maintenance for Environmental Code.
(Authorize the City Manager to finalize and execute a contract with A.J. Contracting LLC, in the amount of \$180,325.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds). **Approved as recommended.**
- 7 Authorize the Mayor to finalize and execute an Interlocal Agreement with Kaufman County regarding development authority in Mesquite's extraterritorial jurisdiction. **Approved.**
- 8 Authorize the City Manager to finalize and execute the necessary documents for the Data Exchange Request and Safeguard Plan with the Texas Workforce Commission in an amount not to exceed \$1,500.00. **Approved.**
- 9 Authorize the City Manager to finalize and execute Amendment No. 1 to the Lawson Road Tributary Sanitary Sewer and Drainage Improvements contract with Garver, LLC, for hydrologic and hydraulic analysis services, in the amount of \$70,486.00. **Approved.**

PUBLIC HEARINGS

- 10 Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 251.8175 acres of land generally located south of East Scylene Road, west of the Mesquite Metro Airport, north of Berry Road and Newsom Road, and east of Smokey Mountain Trail in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Fourteen, City of Mesquite, Texas (Alcott Logistics Station), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date for the termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance. **Public hearing held. Approved by Ordinance No. 4853.**
- 11 Conduct a public hearing and consider a resolution authorizing and creating the Solterra Public Improvement District (PID) to include approximately 1,424.398 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code, providing for related matters and providing an effective date. **Public hearing held. Approved by Resolution No. 15-2021.**
- 12 A resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the

creation of a Tax Increment Reinvestment Zone (TIRZ) consisting of approximately 1,424.398 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan. **Approved by Resolution No. 16-2021.**

- 13 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 of Mesquite, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with HC Solterra, LLC (the “Developer”), a Texas limited liability company, providing a grant to reimburse the Developer in an amount equal to fifty percent (50%) of the City Water and Sewer Impact Fees collected by the City in connection with residential building permits issued by the City for the development of approximately 1,424-acres of land pursuant to Chapter 380 of the Texas Local Government Code, and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 17-2021.**

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. Kathy Dyer and Robert Dyer, Individually and as Representative of the Estate of Graham Dyer v. City of Mesquite, Texas, et al, Cause No. 3:15-CV-02638-B – Filed 8-12-15
2. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
3. 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
4. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
5. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
6. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:10-CV-01263-L – Filed 5-24-19
7. 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
8. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
9. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-1982 – Filed 7-27-20
10. 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
11. City of Mesquite v. Branden Sanders and 2412 Baretta Dr., Mesquite, Texas 75181, in rem, Cause No. DC-20-18343 – Filed 12-14-20
12. 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

13. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21

14. Texas Hemp Federation and Create a Cig Mesquite LLC dba CAC Mesquite v. City of Mesquite and Cliff Keheley in his official capacity as City Manager, Cause No. DC-21-02420 – Filed 2-25-21

15. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21

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 Secretary. **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.

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.