



City of Mesquite, Texas

Action Agenda

City Council

Tuesday, January 18, 2022

5:30 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive and discuss Initial Assessment regarding whether redistricting is required for City Councilmember districts considering the new 2020 Census data; and, if so, discuss and consider adoption of redistricting criteria to apply to development of new districting plans, and guidelines for public participation in the redistricting process.
Received.

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

INVOCATION

Rev. Dr. E. Jones Doughton, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Leadership Mesquite.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper expressed appreciation to City of Mesquite employees for the donation of \$50,000.00 during the annual Real. Texas. Giving. Campaign last fall. In the past five years, City employees have donated approximately \$200,000.00 to local charities through the campaign. All donations are provided to 16 local charitable organizations, programs and services that support the Mesquite community.
2. Mr. Green stated that the Parks and Recreation Department's Spring edition of the Fun Guide, which contains activities from January 2022 through April 2022, is now available. He encouraged citizens to view the Fun Guide on the City's website and take advantage of these activities.

3. Mr. Green invited residents to attend a District 2 Neighborhood Meeting on Saturday, January 29, 2022, at 11:00 a.m., at Florence Recreation Center, 2501 Whitson Way.
4. Ms. Vidler stated that two new galleries opened this month at the Mesquite Arts Center, 1527 North Galloway Avenue. The “Clear as Mud” exhibit by Jay Hendricks is displayed in the Main Gallery and the “Color and Pattern” exhibit by Leah Lawless-Smith in the Chamber Gallery. Residents may view the exhibits weekdays, from 8:00 a.m. to 5:00 p.m., through March 19, 2022. Admission is free.
5. Mr. Smith stated that the Mesquite Police Department and Special Olympics of Texas invite citizens to participate in the Annual Polar Plunge on January 29, 2022, at City Lake Aquatic Center. Registration opens at 8:00 a.m., and the Polar Plunge begins at 10:00 a.m. Cost of registration is \$60.00 for ages 18 years and older and \$30.00 under the age of 18 years. All funds raised provides year-round sports and competition for individuals with intellectual disabilities in our community.
6. Ms. Anderson wished her husband a Happy Birthday.
7. Ms. Anderson reminded citizens that the City’s new solid waste ordinance is now in effect. Trash is required to be secured in trash bags and placed into an approved trash container. This month, the Solid Waste Division will focus on bulk trash, which does not include yard waste or brush. Bulk trash must be under eight cubic yards, which is approximately the size of two couches or two pick-up truck beds.
8. Mayor Alemán thanked the community for attending the Annual Martin Luther King, Jr., Parade and Community Celebration, hosted by the City of Mesquite and the Mesquite NAACP, this past Saturday. The parade and celebration included speeches and performances by local choirs and student groups to commemorate the legacy of Dr. Martin Luther King, Jr. He thanked keynote speaker Shaun Rabb, an award-winning journalist and Fox 4 News anchor, for sharing words of inspiration.
9. Mayor Alemán expressed appreciation to the Mesquite Police Department for the recent arrest after pursuing a vehicle with no license plates and recovering a firearm and stolen catalytic converters.

CITIZENS FORUM

No one spoke.

CITIZENS COMMENTS

Roger Melend, 2504 Cottonwood Drive, expressed support for the appointment of Brad Craft to the Animal Services Advisory Committee.

CONSENT AGENDA

- 2 Minutes of the regular City Council meeting held January 3, 2022.
Approved.
- 3 An ordinance amending Chapter 2 of the City Code increasing political contribution limitations based on increases to the Consumer Price Index.
Approved by Ordinance No. 4931.
- 4 An ordinance amending Chapter 6, “Fire Prevention and Protection,” of the City Code by repealing and replacing Item No. 46 from the Table of Local Amendments to the 2018 International Fire Code (IFC) contained in Section 6-151(2) regarding IFC 503.4.1 - “Traffic Calming Devices.”
Approved by Ordinance No. 4932.

- 5 An Emergency Measure Ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency Related to COVID-19 issued on March 23, 2020, and as previously continued and authorized by the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 ordinances, Ordinance No. 4836, No. 4844, No. 4858, No. 4879, and No. 4902; confirming the continued activation of the City's Emergency Management Plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet city objectives to have city government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.
Approved by Ordinance No. 4933.
- 6 A resolution adopting criteria for use in redistricting the City based on the 2020 Census.
Approved by Resolution No. 05-2022.
- 7 A resolution adopting guidelines for persons submitting specific redistricting proposals and providing comments for the 2022 redistricting process.
Approved by Resolution No. 06-2022.
- 8 Bid No. 2022-006 - Annual Vacant Landscaping & Property Preservation Maintenance for Environmental Code.
(Authorize the City Manager to finalize and execute a contract with low bidder, Good Earth Corporation, in the amount of \$100,975.00. 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.
- 9 RFP No. 2022-013 - Annual Contract for Spay/Neuter Services.
(Authorize the City Manager to finalize and execute a contract with Texas Coalition for Animal Protection., in the amount of \$144,055.00. The term of this contract is for a one-year period, 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.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 10 Consider appointment of one member to the Animal Services Advisory Committee for a term to expire December 31, 2022.
Christy Fay was appointed to Position 6 of the Animal Services Advisory Committee for a term to expire December 31, 2022.

PUBLIC HEARINGS

- 11 Conduct a public hearing and consider a resolution approving a Second Amendment to an economic development program agreement (Chapter 380 Agreement) between the City of

Mesquite and Ashley Furniture Industries, LLC, as assignee of Ashley Furniture Industries, Inc., to provide increased incentives for increased development and employment by company and authorizing the City Manager to finalize, execute and administer the Second Amendment and to take all actions necessary or advisable to complete the transactions contemplated by the Second Amendment. Public hearing held.

Public hearing held. Approved by Resolution No. 07-2022.

- 12 Conduct a public hearing and consider a resolution providing no objection to the Mesquite Leased Housing Associates I, Limited Partnership's application to the Texas Department of Housing and Community Affairs (the "TDHCA") for 2022 Non-Competitive 4% Housing Tax Credits Program for the construction of the Vega Apartments, an approximately 300-unit affordable multi-family rental housing development to be located at or about 12312 FM 2932 in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 2306 of the Texas Government Code, and authorizing the City Secretary to certify the resolution to the TDHCA.

Public hearing held. Denied.

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. City of Mesquite v. Peggy Lou Schweitzer and 1509 Alta Vista Street, Mesquite, Texas 75149 in rem, Cause No. DC-21-11200 - Filed 8-20-21

15. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-2021

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.

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.