



City of Mesquite, Texas

Action Agenda

City Council

Monday, April 4, 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 presentation regarding a proposed electrical aggregate program for Mesquite residents and discuss the potential for implementing a Mesquite Power Switch program with iChoosr, LLC. **Received.**

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

INVOCATION

Tom Palmer, Pastor, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

National Elementary Honor Society members from McWhorter Elementary School, Mesquite, Texas.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson invited citizens to bring their family and friends to the Bunny Bash on Saturday, April 9, 2022, from 9:00 a.m. to Noon, at Evans Recreation Center, 1116 Hillcrest St. An egg hunt will be provided for children under 9 years of age. Arts and crafts will be offered, for a small fee, and pictures with the Easter Bunny will be available.
2. Mr. Smith stated that a Citizen Input Meeting regarding Council Redistricting will be held on Tuesday, April 5, 2022, at 7:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive, and invited residents to attend.
3. Mr. Smith encouraged citizens to attend a District 5 Neighborhood Meeting on Saturday, April 23, 2022, at Noon, at Rutherford Recreation Center, 900 Rutherford Drive, for hot dogs and discussions.
4. Mr. Boroughs stated that Keep Mesquite Beautiful, Inc., will be partnering with the City's Clean City Initiative, through the Adopt-A-Spot program, which provides opportunities for the entire community to help keep Mesquite litter-free by "adopting" a specific location and committing to keeping it clean. Locations can be adopted by any group, such as a business, church, neighborhood association, school, civic organization or family. Groups adopting a location will receive a sign posted at their designated area.

5. Ms. Vidler encouraged citizens to visit the Downtown Mesquite Farmer's Market at Front Street Station this Saturday, April 9, 2022, from 9:00 a.m. – 1:00 p.m. Food trucks will be on site along with a variety of vendors including fresh produce from local farmers and live music.
6. Mr. Green invited citizens to attend a District 2 Picnic and Neighborhood Meeting on Saturday, April 9, 2022, from 3:00 p.m. to 5:00 p.m., at the Pavilion at Town East Park, 2724 North Town East Boulevard, for hot dogs, snacks and discussions.
7. Mr. Casper recognized and expressed support for Myla Taylor and Katelyn McDonald, students at West Mesquite High School, who have organized a Community Outreach Club.
8. Mr. Casper stated that volunteers are essential to the City's ability to provide quality services to the community by participating in a variety of City programs and activities. Citizens interested in volunteering for the City may complete a Volunteer Application on the City's website.
9. Mayor Alemán recognized the City's Animal Services Officers for Animal Services Officers Appreciation Week. The officers are responsible for caring for the animals at the Mesquite Animal Shelter and Adoption Center and are on-call 24/7 to respond to animal related emergencies. They attend six months of training to learn all aspects of Animal Services, work in the kennels and coordinate adoptions, both onsite and offsite. Mayor Alemán stated that he is proud to announce that the Animal Services Division has maintained a Save Rate of over 90 percent. If you are interested in being a part of the Animal Services team, employment applications are being accepted through the City's website.
10. Councilmembers commended City Staff for organizing a very successful Rodeo Parade last Saturday, April 2, 2022, and for their help with the District Neighborhood Meetings.

CITIZENS FORUM

1. Three persons expressed concerns regarding national issues.
2. Ron Watkins, 800 John Peter Way, requested information regarding the Opal Lawrence Historical Park landmark designation.

CITIZENS COMMENTS

No one spoke.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 2 Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review the 2022 issuance and sale of bonds.)
Reviewed.
- 3 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. 15-2022.**
- 4 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2022, in the aggregate principal amount not to exceed \$39,500,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement, a deposit agreement, and an escrow agreement; providing an effective date; approving and enacting other provisions relating thereto. **Approved by Ordinance No. 4946.**
- 5 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Refunding and Improvement Bonds, Series 2022 in the aggregate principal amount not to exceed \$21,500,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of a bond purchase agreement, a deposit agreement, and an escrow agreement; approving the official statement;

and enacting other provisions relating thereto. **Approved by Ordinance No. 4947.**

- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Drainage Utility District Revenue Bonds, Series 2022, in the aggregate principal amount not to exceed \$4,250,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement; providing an effective date; approving and enacting other provisions relating thereto. **Approved by Ordinance No. 4948.**

CONSENT AGENDA

- 7 Minutes of the regular City Council meeting held March 21, 2022. **Approved.**
- 8 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, No. 4902; and 2022 Ordinances, Ordinance No. 4933; 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. 4949.**
- 9 An ordinance amending Chapter 5 of the Mesquite City Code by revising Article I, Division 1, making certain additions and deletions to Section 5-4 "Certain Regulations Regarding Building Products, Materials, or Aesthetic Methods Prohibited" to align with changes in State law; and amending Division 2, by making certain additions and deletions to Section 5-6 revising the title to "National Model Codes - Board and City Council Review and Adoption" and to clarify the process and procedures for adoption of International Model Codes, and any local amendments thereto, thereby aligning with changes made in State law. **Approved by Ordinance No. 4950.**
- 10 An ordinance amending the Mesquite City Code, Chapter 20 "Boards, Commissions, and Committees" adding new Division 4 "Economic Development Advisory Board" to Article V, thereby creating the Mesquite Economic Development Advisory Board ("MEDA Board"); and making certain other related additions or deletions. **Approved by Ordinance No. 4951.**
- 11 A resolution approving a repeal of the "SECOND BYLAWS" of the Mesquite Quality of Life Corporation ("MQOLC") and replacing said bylaws with the "THIRD BYLAWS" as identified herein. **Approved by Resolution No. 16-2022.**
- 12 Bid No. 2022-076 - MPD Fixed License Plate Readers Installation.
(Authorize the City Manager to finalize and execute a contract with sole source provider Trinity Innovative Solutions, LLC, in the amount of \$133,375.00) **Approved as recommended.**
- 13 Bid No. 2022-090 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends authorizing the City Manager to finalize and execute a contract award to

Jack Ray Oil Company, as the primary vendor, and Douglass Distributing Company, as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery in an amount not to exceed \$2,818,932 each fiscal year. The term of the contract is for a one-year period, with three additional one-year options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.) **Approved as recommended.**

- 14 Consider appointment of Matthew Holzapfel (Position No. 1) to the Personnel/Trial Board for a term to expire December 31, 2024, and confirmation of appointment by the City Manager of Matthew Holzapfel to serve as a member of the City of Mesquite Firefighters' and Police Officers' Civil Service Commission for a term to expire December 31, 2024. **Approved.**

PUBLIC HEARINGS

- 15 Conduct a public hearing and consider possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight or six-foot-tall wall constructed of a different material on property located at 1402 South Peachtree Road.
(This item was postponed at the February 7, 2022, City Council meeting.) **Public hearing held.**
- 16 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, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with SRPF C/Trinity Pointe Phase I, L.P., for the development of approximately 283 acres of real property located at 12855 FM 2932, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 17-2022.**
- 17 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0222-0235, submitted by the City of Mesquite as the applicant, for a change of zoning making a map amendment to the official Zoning Map of the City of Mesquite by adding the designation "ML" for an individually designated local Mesquite Landmark, located at 701 East Kearney Street, the Lawrence Farmstead (Opal Lawrence Historical Park), and making a Zoning Text Amendment No. 2022-01, to the Mesquite Zoning Ordinance, amending Part 8, Section 8-200 "Mesquite Landmarks" by adding the property located at 701 East Kearney Street, the Lawrence Farmstead (Opal Lawrence Historical Park), as a designated local Mesquite Landmark ("ML") to the City of Mesquite, Texas, Landmark Register of Historic Places.
(Six responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Landmark Commission recommends approval.) **Public hearing held. Approved by Ordinance No. 4952.**

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. 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
4. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
5. 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
6. 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
7. 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
8. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
9. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
10. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
11. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
12. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
13. 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
14. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22

Real Property

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 18 Discuss potential lease of property at 1035 Military Parkway. **Discussed.**
- 19 Discuss purchase of property on Ebrite Street. **Discussed.**

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.