



City of Mesquite, Texas

Action Agenda

City Council

Monday, May 3, 2021

5:15 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M.

AGENDA REVIEW

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.

- 1 Receive financial statement for the period covering October 1, 2020, through March 31, 2021. **Received.**

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

INVOCATION

Nathaniel Rainey, Pastor, Jireh's Tabernacle Worship Center, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Board Officers of the Mesquite Ministerial Alliance.

PRESENTATIONS

- 2 Receive video presentation recognizing Real. Texas. Service. Champions. **Received.**

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman invited citizens to attend the National Day of Prayer “Annual Prayer Breakfast,” hosted by the Mesquite Ministerial Alliance, on Thursday, May 6, 2021, at 7:00 a.m., at Family Cathedral, 790 Windbell Circle. The breakfast is free and open to the public. Anyone interested in attending can RSVP to info@ccharvest.org.
2. Mr. Aleman wished all mothers a “Happy Mother’s Day.”
3. Mr. Aleman commended Roy Long, School Resource Officer at Berry Middle School, for organizing approximately 70 middle school students who participated in the recent Trash Bash event, sponsored by Keep Mesquite Beautiful, Inc., and encouraging the students’ involvement with crime stoppers.
4. Mr. Aleman invited residents to attend a Ridge Ranch Neighborhood Meeting on Saturday, May 15, 2021, at 5:00 p.m., in the community pool area.
5. Mr. Smith expressed appreciation to the Mesquite Police Department (MPD) for hosting the “National Prescription Drug Take-Back Day” on Saturday, April 24, 2021. MPD collected 13 large boxes of unwanted prescription drugs, weighing nearly 250 pounds. He thanked all residents that participated in this event.
6. Mr. Boroughs thanked the Keep Mesquite Beautiful, Inc., staff, Board of Directors and all volunteers who participated in the recent Trash Bash event. More than 300 volunteers collected over 180 trash bags, containing nearly 4,000 pounds of litter from 19 locations throughout the City, including parks, neighborhoods and retail shopping areas. The next Trash Bash event will take place on September 25, 2021.
7. Mr. Boroughs stated that he, Mr. Miklos, Mr. Smith and Mr. Aleman organized groups to participate in the Trash Bash event and thanked the Councilmembers for their efforts.
8. Mr. Miklos thanked the Public Works Department staff for the recent completion of the Palos Verdes Lake Dam Project. After the construction was completed, they oversaw the successful re-stocking of aquatic wildlife into the lake including 5,000 new fish.
9. Mr. Miklos stated that the Parks and Recreation Department have partnered with the Hispanic Forum of Mesquite to broadcast a live virtual Cinco de Mayo event on Wednesday, May 5, 2021, at 2:00 p.m. This event will be televised on the City’s Facebook page, YouTube channel and website. He encouraged citizens to tune in for this event.
10. Mr. Miklos stated that country music legend Dwight Yoakam is coming to the Mesquite Arena on Saturday, May 29, 2021, with a concert beginning at 9:00 p.m. For more details or to purchase tickets, visit www.visitmesquitetx.com/events.
11. Mayor Archer stated that last week was difficult for the Mesquite Police Department (MPD). While assisting the Balch Springs Police Department during a pursuit of multiple aggravated robbery suspects, MPD K-9 Officer Kozmo was killed. He asked that citizens keep the MPD in their prayers as they grieve the loss of one of their officers. Details regarding a memorial service for Kozmo will be announced in the near future. Mayor Archer stated that when Kozmo was returned to the MPD last week, many law enforcement officers and K-9 units from neighboring agencies were there to support the MPD and honor Kozmo. Mayor Archer asked for a moment of silence in honor of Kozmo.
12. Mayor Archer also asked that citizens keep the two young individuals who lost their lives last week and their families in their prayers.
13. Mayor Archer asked residents, parents, business owners, corporate partners, churches, non-profit organizations, civic leaders and educators to help teens who want or need a summer job to find one. A more employed city is a safer city.

CITIZENS FORUM

1. Wayne Tywater, 3826 O’Hare Drive, expressed concerns regarding a retaining wall at Motley Drive and Gus Thomasson Road. He thanked City Manager Cliff Keheley and Jennifer Vidler for their help in getting this issue resolved.

CITIZENS COMMENTS

No one spoke.

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 April 19, 2021. **Approved.**
- 4 An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fourteen, City of Mesquite, Texas (Alcott Logistics Station); establishing a tax increment for the zone, and making a finding regarding feasibility. **Approved by Ordinance No. 4857.**
- 5 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter; 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 further continued and authorized by prior ordinances; 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 it an offense to fail to comply with 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. 4858.**
- 6 A resolution authorizing the acceptance of the Dallas County New Directions in Public Safety Grant in an amount not to exceed \$1,045,000.00, authorizing the City Manager to execute the required Interlocal Agreement with Dallas County on behalf of the City of Mesquite and authorizing the City Manager as the authorized official to manage, reject, alter, or terminate the grant on behalf of the City. **Approved by Resolution No. 23-2021.**
- 7 A resolution ratifying the City Manager's execution of the revision and restatement to the City of Mesquite's 457(b) Deferred Compensation Plan with Lincoln Financial Group as required by the Internal Revenue Service. **Approved by Resolution No. 24-2021.**
- 8 A resolution finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee, authorizing the hiring of legal counsel and consulting services, finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel. **Approved by Resolution No. 25-2021.**

- 9 RFP No. 2021-079 - Sale of 2800 Mesquite Valley Road, Mesquite, Texas for Single Family Development.
(Staff recommends acceptance of the Taylor-Duncan Interests, LLC, proposal for the sale of 2800 Mesquite Valley Road in the amount of \$271,000.00 for a single-family development and authorize the City Manager to execute the Contract for Sale and all necessary closing documents.) **Approved.**
- 10 RFP No. 2021-081 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets.
(Authorize the City Manager to finalize and execute a contract with A & Associates, Inc., in the amount not to exceed \$280,000.00. 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.**
- 11 Bid No. 2021-087 - Energy Savings Performance Contracts.
(Authorize the City Manager to finalize and execute a contract with Ameresco Inc., through The Interlocal Purchasing System (TIPS) Contract No. 170103, for the installation of a water metering advanced metering infrastructure system in the amount of \$33,755,704.00.) **Approved as recommended.**
- 12 Bid No. 2021-090 - Purchase of Three (3) Solid Waste Trucks.
(Staff recommends award to Texas Kenworth Co. dba MHC Kenworth in Dallas, Texas, through BuyBoard Contract No. 601-19, in the amount of \$553,379.10.) **Approved as recommended.**
- 13 Authorize the City Manager to finalize and execute a contract with H.W. Lochner, Inc., for the engineering and design of a box hangar at the Mesquite Metro Airport in the amount of \$262,760.00. **Approved.**
- 14 Ratify Change Order No. 1 to Bid No. 2020-012, Kaufman County Large Diameter Transmission Water Main Project, with S.J. Louis Construction of Texas, LTD, for additional services in the amount of \$97,575.00. **Approved.**
- 15 Confirm the City Manager appointment of David Faaborg as Interim Police Chief for the City of Mesquite, effective March 27, 2021. **Approved.**
- 16 Approve the form of a Maintenance Agreement with the Homeowner's Association (the "HOA") and HC Solterra, LLC regarding the maintenance of public improvements or land owned by the City, specifying the standards of maintenance to include irrigation, and requiring an HOA funded reserve account, in accordance with the Solterra Development Agreement, as amended, and authorizing the City Manager to execute and administer the Maintenance Agreement on behalf of the City prior to the City issuing special revenue assessment bonds for each phase of the development. **Approved.**

RECEIPT OF RESIGNATION

- 17 Receive resignation from Michael Garvey as a regular member of the Mesquite Housing Board. **Received.**
- 18 Receive resignation from Kenneth Burris as a member of the Parks and Recreation Advisory Board and Tree Board. **Received.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 19 Consider appointment of one regular member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2022. **Kendrick Blanton was moved from an alternate member to a regular member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2022, and Laura Nix was appointed as an alternate member for a term to expire October 21, 2021.**
- 20 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021. **Lisa Theriot was appointed to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.**

PUBLIC HEARINGS

- 21 Conduct a public hearing for Zoning Application No. Z0321-0183, submitted by Paula Najera, for a change of zoning from General Retail to Commercial with a Conditional Use Permit to allow a Paraphernalia Shop with a modification to allow a paraphernalia shop to be less than 500 feet from a residential zoning district, located at 1925 Towne Centre Drive. (No responses in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.) **Public hearing held. Denied.**
- 22 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) with Northridge Partners LLC, for the major renovation and redevelopment of the property located at 1805 North Galloway Avenue, 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. 26-2021.**
- 23 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 Notain Realty (Mesquite Airport Logistics Center) Limited Partnership, for the major development of property located at 4180 and 1262 East Scylene Road, in the City of Mesquite, Texas, and the sale of a portion and option to purchase the remainder of approximately 50 acres of City-owned property for development located at 1900 Airport Boulevard, and authorizing the City Manager to administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 27-2021.**
- 24 Conduct a public hearing for Zoning Text Amendment No. 2021-02, amending the Mesquite Zoning Ordinance, as previously amended, by making certain additions and deletions to sections contained in Parts 3 and 6 pertaining to the creation of Mobile Food Unit Parks as a regulated permitted land use in certain districts; and amending Chapter 8 of the Mesquite City Code, as previously amended, by repealing and replacing Article VIII to be titled "FOOD AND FOOD ESTABLISHMENTS," providing for general updates and adopting the TEXAS FOOD ESTABLISHMENT RULES ("TFER") 2015 EDITION and local amendments thereto, and providing additional updates to the operation and permitting of Mobile Food Units within the City, including Food Trucks and Food Trailers; and amending APPENDIX D - COMPREHENSIVE FEE SCHEDULE, Article XII, thereby revising health, food and food establishment fees.

(This item was postponed at the April 19, 2021, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.) Public hearing held. **Tabled indefinitely.**

- 25** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0321-0184, submitted by Richard Hanes, on behalf of Kodiak Capital Partners, LLC, for a change of zoning from Commercial with Military Parkway-Scyene Corridor Overlay to Planned Development - Industrial and removal of the Military Parkway-Scyene Corridor Overlay to allow an office and warehouse/distribution with light manufacturing development, located at 1030 West Scyene Road.
(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.) **Public hearing held. Approved by Ordinance No. 4859.**
- 26** Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 1,920 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, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra), 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. Postponed to the June 7, 2021, City Council meeting with the public hearing remaining open.**
- 27** 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 a Master Development Agreement and Chapter 380 Agreement between the City of Mesquite, Texas, and Alcott Logistics Partners, LP, and Alcott Logistics Station Tract D, LP, regarding the sale of a portion and options to purchase the remaining portions for development of approximately 75.01 acres of City-owned land generally located south of East Scyene Road and west of Faithon P. Lucas, Sr., Boulevard in the City and the granting of certain economic development incentives, said development to be a Master Planned Industrial Development with common amenities, design standards, and consistent with the operation of a Class A Industrial Business Park to be known as "Alcott Logistics Station"; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement; authorizing the City Manager to administer the agreement on behalf of the City; and providing a severability clause. **Public hearing held. Approved by Resolution No. 28-2021.**

CONSIDERATION OF ORDINANCE AND RESOLUTION

- 28** Consider an ordinance providing for the abandonment of approximately 256,347 square feet of right-of-way of East Glen Boulevard located west of the intersection of Faithon P. Lucas, Sr., Boulevard, subject to reservation of an easement, for development of the Alcott Logistics Station Class A industrial business park and authorizing the City Manager to release the easement upon satisfaction of stated conditions. **Approved by Ordinance No. 4860.**
- 29** Consider a resolution authorizing the City Manager to finalize and execute a reimbursement

agreement between the City of Mesquite, Texas, Board of Directors of Reinvestment Zone Number Fourteen, City of Mesquite, Texas (Alcott Logistics Station) (the "TIRZ") and Alcott Logistics Station Tract D, LP, regarding the reimbursement of project costs for public improvements within the TIRZ. **Approved by Resolution No. 29-2021.**

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.

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.