



City of Mesquite, Texas

Action Agenda

City Council

Monday, September 20, 2021

5:00 PM

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding trash container conversion program. **Received. It was Council consensus not to proceed with the trash can conversion program at this time.**

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 Receive quarterly activity report from the Economic Development Department. **Received.**

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

INVOCATION

Deputy Mayor Pro Tem Dan Aleman.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 3 Receive presentation of Preservation Texas Honor Award for the restoration of out buildings at Opal Lawrence Historical Park. **Received.**

SPECIAL ANNOUNCEMENTS

1. **Mr. Aleman invited citizens to attend Pumpkin Fest on Saturday, October 16, 2021, from Noon to 5:00 p.m., at Valley Creek Park, 2482 Pioneer Road. Activities include carnivals games, food vendors, children's costume contest, pumpkin pie eating contest and dog costume contest. Admission and parking are free.**
2. **Mr. Smith stated that the City has begun the process of replacing existing water meters at all homes and businesses in Mesquite with upgraded meters, which will allow for better accuracy and transparency for all of water utility customers. The process is estimated to take**

approximately two years to complete. For more details visit www.cityofmesquite.com/MeterProject.

3. Mr. Boroughs reminded citizens that new requirements for solid waste customers go into effect in October 2021. This includes placing trash in a bag and placing the bag into a trash can. If any citizen needs help with a special circumstance, call the Solid Waste staff at 972-216-6285. Citizens can review frequently asked questions regarding the new requirements at www.cityofmesquite.com/SolidWaste.
4. Mr. Miklos commended the Mesquite Fire Department (MFD) for the outstanding 9/11 Memorial ceremony with the help of the Mesquite Police Department, Parks and Recreation Department and the Mesquite Arts Center. The MFD also participated in the Dallas 9/11 Memorial Stair Climb on Saturday, September 4, 2021. Twenty-five firefighters climbed 110 flights of stairs at Fountain Place in downtown Dallas wearing full bunker gear and an air pack, representing the 110 floors of the World Trade Center. The City of Mesquite had the most firefighters participate out of the 101 departments represented at the event.
5. Mr. Miklos reminded citizens to be considerate and abide by the law by picking up after your dog.
6. Mr. Green stated that mental health is an important issue in our community. Last week, City Manager Cliff Keheley led a discussion on the topic with a panel of experts as part of National Suicide Prevention Awareness Month. He encouraged the public to watch the replay of the presentations on a variety of mental health issues that may help them or someone that they know. The presentation is available on the City's website at www.cityofmesquite.com/CommunityHealthForums.
7. Mayor Archer commended long-time Mesquite resident Shirley Weddle for being a suicide prevention advocate.
8. Ms. Wisdom stated that Kathy Fonville, Sustainability Program Coordinator, has been elected as Chair of the Resource Conservation Council, which provides advice to the North Central Texas Council of Governments on conservation and recycling efforts. Kathy has been with the City for 14 years and provides environmental programs and classes for Mesquite residents. She congratulated Kathy on this leadership accomplishment.

CITIZENS FORUM

1. Brett Yniguez, 1023 South Bryan Street, expressed concerns regarding dead vegetation in South Mesquite Creek due to chemical spraying.
2. Ukiah Swain, invited citizens to register to vote at Mardi Gras Daiquiris, 1336 North Galloway Avenue, Suite 116, on Saturday, October 2, 2021. Participants will be eligible for free gifts.

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.)

- 4 Minutes of the regular City Council meeting held September 7, 2021. **Approved.**
- 5 An ordinance amending Appendix D - the Comprehensive Fee Schedule of the Mesquite City Code, as amended, by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite. **Approved by Ordinance No. 4900.**
- 6 A resolution endorsing and accepting the 2021-2022 Comprehensive Safety Grant (the "Grant") for the Selective Traffic Enforcement Program (the "STEP Program"); authorizing the filing of the application for the Grant; approving the contribution of City funds in the amount of \$10,272.94; designating the City Manager as the official representative of the City in connection with the Grant; and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such

Grant and STEP Program. **Approved by Resolution No. 53-2021.**

- 7 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policies and investment strategies. **Approved by Resolution No. 54-2021.**
- 8 A resolution authorizing the Mayor to execute an Election Services Contract with Dallas County on behalf of the Dallas County Elections Administrator in connection with the Special and General Election to be held November 2, 2021. **Approved by Resolution No. 55-2021.**
- 9 A resolution authorizing the Mayor to execute an Election Services Contract with Kaufman County on behalf of the Kaufman County Elections Administrator in connection with the Special and General Election to be held November 2, 2021. **Approved by Resolution No. 56-2021.**
- 10 A resolution repealing existing City Council Policies and Procedures and Rules of Procedure and adopting new City Council Policies and Procedures and Rules of Procedure for the conduct of City Council business and meetings.
(This item was postponed at the September 7, 2021, City Council meeting.) **Tabled.**
- 11 RFP No. 2021-062 - Loncy Leake Ballfield Renovation: Construction Contract.
(Staff recommends all bids be rejected.) **Approved as recommended.**
- 12 Bid No. 2021-108 - Annual Supply of Tools.
(Authorize the City Manager to finalize and execute contracts with White Cap, L.P., dba White Cap Construction Supply for Group 1 - Item Nos. 4, 6, 8-10, 12-14, 16 and 17 in the amount of \$5,440.70, Group 2 - Item Nos. 2, 3, 8 and 9 in the amount of \$13,330.70, and Group 4 - Item Nos. 3-5, 7-9, 11, 13, 20-23, 25-26 and 28 in the amount of \$10,610.84, for a total amount of \$29,382.24; and Sid Tool Co., Inc., dba MSC Industrial Supply Co. for Group 1 - Item Nos. 1-3, 5, 7, 11, 15 and 18 in the amount of \$4,037.21, Group 2 - Item Nos. 1 and 4-7 in the amount of \$3,099.92, Group 3 - Item Nos. 1-8, 11-15, 17 and 19 in the amount of \$48,244.89, and Group 4 - Item Nos. 1, 2, 6, 10, 12, 14-19, 24, 27, 29 and 30 in the amount of \$8,013.50, for a total amount of \$63,395.52, for a total bid amount of \$92,777.76. The term of the 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.**
- 13 Bid No. 2021-109 - Annual Supply of Garbage Can Liners.
(Authorize the City Manager to execute a contract with low bidder Houston Poly Bag I, Ltd., in the amount of \$292,450.00. 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 funds.) **Approved as recommended.**
- 14 Bid No. 2021-113 - Evans and DeBusk Parks: Replace Playground Safety Surface (PIP).
(Authorize the City Manager to finalize and execute a contract with Robertson Industries, Inc., through Omnia Partners, Purchasing Cooperative Contract No. R162204, in the amount of \$132,403.70.) **Approved as recommended.**
- 15 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Grantham & Associates, Inc., for the survey, engineering design and preparation of bidding and construction documents for the installation of approximately 4,300 linear feet of 12-inch water main in the amount of \$98,940.00. **Approved.**
- 16 Authorize the City Manager to finalize and execute an Interlocal Agreement with the Collin County Community College District to provide emergency medical services education and

training in the classroom and through internship with the Mesquite Fire Department. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options. **Approved.**

- 17 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Garver, LLC, for the Paschall Park Odor Control Project located within Paschall Park in the amount of \$163,106.00. **Approved.**
- 18 Authorize the City Manager to approve Change Order No. 3 to Bid No. 2020-049, Town Ridge, Pecan Bend, Woodlawn, Skyline Neighborhoods, with Estrada Concrete Company, LLC, for additional services in the amount of \$569,840.00. **Approved.**
- 19 Approve the purchase of a tract of land containing approximately 3.45 acres and being located in the John Pike Survey, Abstract Number 1174, City of Mesquite, Dallas County, Texas, and being commonly referred to as 2100 Berry Drive, Mesquite, Texas (the "Property") from Paul R. Leake and Stephen A. Leake (the "Seller") for the purchase price of \$150,000.00, plus closing costs, authorize the City Manager to finalize and execute a Commercial Sales Contract-Unimproved Property between the Seller and the City for the purchase of the Property, and authorize the City Manager to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property. **Approved.**

CONSIDERATION OF RESOLUTION

- 20 Consider a resolution naming the future park on Emporium Square as Mike Anderson Park. **Cindy Hodges, Shackelford Drive, and David Burris, 4229 Coryell Way, expressed support for naming the park after the Country Meadows neighborhood or after persons involved in working to have the area dedicated as park land. Approved by Resolution No. 57-2021.**

RECEIPT OF RESIGNATION

- 21 Receive resignation from Chanteau "Janice" Chennault as a member of the Municipal Library Advisory Board. **Received.**

OTHER BUSINESS

- 22 Consider cancelling the regular City Council meeting scheduled for Monday, September 27, 2021. **Approved.**

PUBLIC HEARINGS

- 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) with Creation RE, LLC, for the construction and development of a Class A Industrial Business Park located at 1600 East US Highway 80 and 2000 East US Highway 80, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 58-2021.**
- 24 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) with TDI Valleybrooke, LLC, for the construction and development of the property located at 2400

Mesquite Valley Road and 2800 Mesquite Valley Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 59-2021.**

- 25** 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 amendment to a Master Development Agreement and Chapter 380 Agreement with Alcott Logistics Partners, LP, and Alcott Logistics Station Tract D, LP, for the early exercise of second purchase option of Tract C, identifying a third party developer for the acquisition and development of Tract C, and authorizing the City Manager to administer the amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the amendment on behalf of the City. **Public hearing held. Approved by Resolution No. 60-2021.**
- 26** 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 Jackson-Shaw Company, for the construction and development of the property located at 2700 East Scyene Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 61-2021.**
- 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 an Economic Development Program Agreement (Chapter 380 Agreement) with Vehicle Accessories, Inc., for the corporate relocation to and creation of new jobs at the property located at 2700 East Scyene Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City. **Public hearing held. Approved by Resolution No. 62-2021.**

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. 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. 3:10-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-20-1982 – 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

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

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

12. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21

13. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21

14. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21

15. 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

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:

- 28** Discuss Police Chief Position. **Discussed.**

Economic Development

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such a business prospect. The following subjects may be discussed:

- 29** Discuss economic development incentives for a prospective business expansion on East Scyene Road east of Faithon P. Lucas, Sr., Boulevard. **Discussed.**
- 30** Discuss economic development incentives for a prospective development on East Scyene Road west of Faithon P. Lucas, Sr. Boulevard. **Discussed.**
- 31** Discuss economic development incentives for a prospective development on East Scyene Road near Airport Boulevard. **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.