



# City of Mesquite, Texas

## Minutes - Final City Council

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Tuesday, January 18, 2022

5:30 PM

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

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Present: Mayor Daniel Alemán, Jr. and Councilmembers Kenny Green, Jeff Casper, Jennifer Vidler, B.W. Smith and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmember Tandy Boroughs.

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

### **AGENDA REVIEW**

### **EXECUTIVE SESSION - TRAINING ROOMS A & B - 5:32 P.M.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item No. 10); whereupon, the City Council proceeded to meet in Training Rooms A & B. After the closed meeting ended at 5:56 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 10 for executive action taken.

### **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.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.**

### **INVOCATION**

Jones Doughton, Pastor, First Presbyterian Church, 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, containing 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 provide 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 place 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. Mayor Alemán 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 following the pursuit of a vehicle with no license plates and the recovery of a firearm and stolen catalytic converters.

**CITIZENS COMMENTS**

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

**CONSENT AGENDA****Approval of the Consent Agenda**

**Mr. Casper requested that Item Nos. 3 and 6 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows: Motion was seconded by Ms. Vidler and approved unanimously.**

- 2** Minutes of the regular City Council meeting held January 3, 2022.

**Approved on the Consent Agenda.**

- 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 on the Consent Agenda.**

**Ordinance No. 4932, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 - "FIRE PREVENTION AND PROTECTION" OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY REPEALING AND REPLACING ITEM NO. 46 FROM THE TABLE OF LOCAL AMENDMENTS TO THE 2018 INTERNATIONAL FIRE CODE CONTAINED IN SECTION 6-151(2) REGARDING IFC 503.4.1 - "TRAFFIC CALMING DEVICES"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4932 recorded in Ordinance Book No. 126.)**

- 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 on the Consent Agenda.**

**Ordinance No. 4933, 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; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. (Ordinance No. 4933 recorded in Ordinance Book No. 126.)**

- 7 A resolution adopting guidelines for persons submitting specific redistricting proposals and providing comments for the 2022 redistricting process.

**Approved on the Consent Agenda.**

**Resolution No. 06-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS AND PROVIDING COMMENTS FOR THE 2022 REDISTRICTING PROCESS. (Resolution No. 06-2022 recorded in Resolution Book No. 64.)**

- 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 on the Consent Agenda.**

- 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 on the Consent Agenda.**

### **CONSENT AGENDA ITEMS TO BE CONSIDERED SEPARATELY**

- 3** An ordinance amending Chapter 2 of the City Code increasing political contribution limitations based on increases to the Consumer Price Index.

**Approved on the Consent Agenda.**

Mr. Casper stated that on November 16, 2020, the City Council enacted Ordinance No. 4824 limiting and regulating political contributions in local races. The ordinance established contribution limitations of \$500.00 for single member district candidates and \$3,000.00 for the Mayor's race.

He stated that the proposed ordinance amends the contribution limitation to increase in accordance with the Consumer Price Index for All Urban Consumers (CPI-U). The new contribution limitations are \$530.00 for single member district candidates and \$3,210.00 for the Mayor's race.

Mr. Casper moved to approve Ordinance No. 4931, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE BY DELETING SECTIONS 2-159(A) AND 2-159(C) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 2-159(A) AND 2-159(C) TO UPDATE THE POLITICAL CONTRIBUTION LIMITATIONS; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4931 recorded in Ordinance Book No. 126.)

- 6** A resolution adopting criteria for use in redistricting the City based on the 2020 Census.

**Approved on the Consent Agenda.**

Mr. Casper stated that the proposed resolution begins the redistricting process which will include citizen input meetings.

Mr. Green moved to approve Resolution No. 05-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING CRITERIA FOR USE IN REDISTRICTING THE CITY BASED ON THE 2020 CENSUS. Motion was seconded by Ms. Anderson and approved unanimously. (Resolution No. 05-2022 recorded in Resolution Book No. 64.)

### **END OF CONSENT AGENDA**

### **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.

Ms. Anderson moved to appoint Christy Fay as a member of the Animal Services Advisory Committee for a term to expire December 31, 2022. Motion was

seconded by Ms. Vidler and approved unanimously.

## PUBLIC HEARINGS

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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.

A public hearing was held to consider a Second Amendment to an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite and Ashley Furniture Industries, LLC.

Kim Buttram, Director of Economic Development, presented an overview of the Chapter 380 Agreement approved by the City Council on March 6, 2017, with Ashley Furniture Industries, Inc. The proposed amendment is to accelerate Phase Two and be operational in 2023 with 700,000 square feet, 450 new jobs and a capital investment of \$45 million. The proposed City property tax rebate increase is 10 percent, from 60 percent to 70 percent, over ten years.

Ms. Buttram presented a video from Ashley Furniture Industries, Inc. detailing the Phase 2 project.

No one appeared regarding a Second Amendment to an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite and Ashley Furniture Industries, LLC.

Mr. Green moved to approve Resolution No. 07-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A SECOND AMENDMENT TO AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) BETWEEN THE CITY OF MESQUITE ("CITY") AND ASHLEY FURNITURE INDUSTRIES, LLC, AS ASSIGNEE OF ASHLEY FURNITURE INDUSTRIES, INC. ("COMPANY"), 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. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 07-2022 recorded in Resolution Book No. 64.)

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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.

A public hearing was held to consider a Resolution of No Objection to the Mesquite Leased Housing Associates I, Limited Partnership for the construction of the Vega Apartments.

Ted Chinn, Assistant City Manager, stated the developer, Dominion Group Incorporated, is proposing construction of a 300-unit affordable housing development within Mesquite’s Extraterritorial Jurisdiction (ETJ) at FM2932 and IH-20. Dominion intends to apply for 4% Non-Competitive Housing Tax Credits (HTC) through the Texas Department of Housing and Community Affairs (TDHCA) once they obtain private activity bond financing for the Vega Apartments. Even though the proposed development lies outside of the City limits in Kaufman County, State law requires both the City and County to conduct public hearings to receive public comments on the proposed development application. Kaufman County has not yet held their public hearing.

Mr. Chinn stated that the TDHCA Board will not consider Dominion’s application for HTC unless both the City and County pass Resolutions of No Objection.

Jeff Armstrong, Director of Planning and Development Services, stated that Dominion would be required to submit a plat to the City and meet the City’s subdivision standards.

Neal Route, Vice President and Project Partner for Dominion Group Incorporated, presented an overview of the Vega Apartments project.

No one appeared regarding a Resolution of No Objection to the Mesquite Leased Housing Associates I, Limited Partnership for the construction of the Vega Apartments.

Ms. Vidler moved to deny approval of a Resolution of No Objection to the Mesquite Leased Housing Associates I, Limited Partnership for the construction of the Vega Apartments. Motion was seconded by Ms. Anderson. On call for a vote on the motion, the following votes were cast:

- Ayes: Vidler, Anderson, Alemán, Smith
- Nays: Green, Casper
- Absent: Boroughs

Motion carried.

**ADJOURNMENT**

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Green and approved unanimously. The meeting adjourned at 8:16 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Daniel Alemán, Jr., Mayor