



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, April 3, 2023

5:00 PM

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

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

Absent: Councilmember Tandy Boroughs.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding the Gus Thomasson Corridor and the North Gus Thomasson Corridor zoning district.  
  
Council directed staff to proceed with conducting a Corridor Land Use Study and Visioning for the North Gus Thomasson Corridor from the City Limits to North Mesquite Drive.

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:52 P.M.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 16 - Discuss economic development incentives and sale of City right-of-way for a project at IH-635 and U.S. Highway 80.); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 6:14 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

#### **INVOCATION**

David Gill, Chief of Police, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Dallas Christian Chargers Football Team.

Mayor Alemán stated that the Dallas Christian Chargers Football Team has earned back-to-back State Championships in the Texas Association of Private and Parochial Schools, Division III. This year, Dallas Christian School celebrates 66 years of academic excellence and athletic success. Mayor Alemán recognized the Dallas Christian Chargers Football Team and Coaches for this outstanding accomplishment.

**SPECIAL ANNOUNCEMENTS**

1. Mr. Casper invited citizens to participate in the Doggy Day Derby, hosted by Historic Mesquite, Inc., on Saturday, April 22, 2023, from 10:00 a.m. to 1:00 p.m., at Opal Lawrence Historical Park, 711 East Kearney Street. This is a free Kentucky Derby-themed event, which includes a doggy hat decorating station, best hat contest for the dogs and non-alcoholic mint juleps for their owners. Pet adoptions will also be offered by Mesquite Animal Services, along with on-location pet microchipping for \$10.00. For everyone's safety, all dog owners must provide proof of up-to-date vaccinations and pets must be leashed at all times.
2. Mr. Casper encouraged citizens to attend the Community Spring Carnival and Car Show at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard, on Tuesday, April 4, 2023, from 6:00 p.m. to 8:00 p.m. This event is free and will include a petting zoo, bounce houses, Easter Egg hunt, pictures with the Easter Bunny, concessions, games and other activities. All proceeds benefit the Vanguard High School Class of 2024.
3. Mr. Green stated that the City of Mesquite has partnered with WaterSmart Software to offer residents detailed information regarding household water use. WaterSmart is a free online service that provides tools to understand and manage water use, detect potential leaks and get the most value from every drop of water. Mesquite water customers can access all utility data as soon as it becomes available and get access to customized recommendation on how to save water and money. To register for WaterSmart, visit [mesquitetx.watersmart.com](http://mesquitetx.watersmart.com).
4. Ms. Vidler announced that the Mesquite Public Library has earned the Achievement of Library Excellence Award presented by the Texas Municipal Library Directors Association. This is an annual award to libraries that demonstrate consistent excellence and outstanding contributions to public library services within their communities. In 2022, only 73 out of 542 Texas Public Library Systems earned this prestigious honor. This is the seventh year in a row that the Mesquite Public Library has received this award. Ms. Vidler congratulated the Mesquite Public Library team for this accomplishment.
5. Mr. Smith encouraged citizens to participate in the Bunny EGGstravaganza on Saturday, April 8, 2023, at 9:00 a.m., at Evans Recreation Center, 1116 Hillcrest Street. This event will include face painting, arts and crafts, inflatables and free pictures with the Easter Bunny. Children ages 9 and under will also receive candy-filled eggs in an "egg scramble."
6. Ms. Anderson stated that the Mesquite Arts Center, in partnership with the International Artist Group, Take Me to the River, will present the exhibition "Healing Waters" from April 3, 2023 through June 24, 2023. Take Me to the River is an international group of artists creating bridges across borders through art reflecting the diversities and similarities of people around the world. Mesquite Arts Center Manager Cohn Drennan was the curator for the project. Also, the Mesquite Art Center's Courtyard Concert Series begins on Thursday, April 6, 2023, from 7:00 p.m. to 9:00 p.m., with music from Penny and the Flamethrowers. This band features everything from Elvis to The Toadies and will even mix in a little country. Watch them live inside the Arts Center's outside courtyard area. This is a free family-friendly event with limited bistro-seating.

7. Mayor Alemán stated that the 65th Annual Rodeo Day Parade and festivities took place this past weekend and was an incredible success. Along with the parade was a Food Truck Rodeo and the opening of the Downtown Farmer's Market at Front Street Station. He expressed appreciation to everyone who helped organize this event and a special thanks to Director of Parks and Recreation Elizabeth Harrell and Downtown Development Manager Beverly Abell and their staff.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

Mr. Green moved to approve the 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 March 20, 2023.

**Approved on the Consent Agenda.**

- 3 An ordinance, on third and final reading, granting to Farmers Electric Cooperative, Inc., its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation; therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise and finding that the meeting at which this ordinance is passed is open to the public.

**Approved on the Consent Agenda.**

**Ordinance No. 5014, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, GRANTING TO FARMERS ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MESQUITE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING FOR SEVERABILITY. (Ordinance No. 5014 recorded in Ordinance Book No. 128.)**

- 4 An ordinance approving and authorizing the issuance and sale of the City of Mesquite Special Assessment Revenue Bonds, Series 2023 (Heartland Town Center Public Improvement District Phase #2 Specific Improvements Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

**Approved on the Consent Agenda.**

**Ordinance No. 5015, AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF MESQUITE SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (HEARTLAND TOWN CENTER PUBLIC**

IMPROVEMENT DISTRICT PHASE #2 SPECIFIC IMPROVEMENTS PROJECT); APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5015 recorded in Ordinance Book No. 128.)

- 5 An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2023, in the aggregate principal amount not to exceed \$33,500,000.00; 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 on the Consent Agenda.**

Ordinance No. 5016, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2023 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$33,500,000; 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. (Ordinance No. 5016 recorded in Ordinance Book No. 128.)

- 6 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 on the Consent Agenda.**

Resolution No. 13-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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. (Resolution No. 13-2023 recorded in Resolution Book No. 67.)

- 7 Bid No. 2023-053 - Annual Vacant Landscaping and Property Preservation Maintenance for Environmental Code.  
(Staff recommends award to A.J. Contracting LLC, and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$198,275.00. The term of the contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal option, subject to annual appropriations of sufficient funds.)

**Approved on the Consent Agenda.**

- 8 Bid No. 2023-054 - Annual Supply of Sand and Loam  
(Staff recommends award to Earth Haulers, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$338,100.20. The term of this contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the

renewal options, subject to the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 9 Bid No. 2023-079 - Purchase of Five Ford Pick-Up Trucks.  
(Staff recommends purchase from Sam Pack's Five Star Ford, Ltd., through BuyBoard Contract No. 601-19, in an amount not to exceed \$159,046.44.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2023-081 - Purchase of One Peterbilt 548 Grapple Loader.  
(Staff recommends purchase from Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$331,528.39.)

**Approved on the Consent Agenda.**

- 11 Authorize the City Manager to finalize and execute a Local Agreement with the Kaufman County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure.

**Approved on the Consent Agenda.**

- 12 Authorize the City Manager to finalize and execute Change Order No. 4 to Bid No. 2019-070, Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive, and Douglas Drive Paving and Utility Improvements (Real. Texas. Roads.), with Reliable Paving, Inc., for additional services required in the amount of \$49,800.00.

**Approved on the Consent Agenda.**

**END OF CONSENT AGENDA**

**PUBLIC HEARINGS**

- 13 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, execute and administer an Economic Development Program Chapter 380 Agreement for such purposes with Action TV, Stereo & Appliance d/b/a Quality Home, for the redevelopment and revitalization of a commercial building at 227 East U.S. Highway 80 in the City of Mesquite, Texas.

**A public hearing was held to consider a resolution approving an Economic Development Program Chapter 380 Agreement with Action TV, Stereo & Appliance d/b/a Quality Home.**

**Kim Buttram, Director of Economic Development, stated that White Pickett, Inc., purchased the property at 227 East U.S. Highway 80 at the northwest corner of U.S. Highway 80 and Belt Line Road (previous location of Starplex Theater) with the intent to redevelop for a new tenant, Quality Home. The 38,000-square-foot building was designed as a movie theater with sloped floors and varying ceiling heights. The building was vacant for several years and had extensive deterioration to the outside of the building and the roof. The retrofit and bringing the building up to code presented many costly development challenges.**

Ms. Buttram stated that Quality Home is a forty-five-plus year Mesquite business expanding its footprint from 14,500 square feet within an in-line shopping center to the 38,000-square-foot building at a highly visible, free-standing location which has potential for additional outparcel development. The Chapter 380 Agreement requires Quality Home to show evidence of at least a \$2.5 million investment into existing building improvements, as well as add 14 new full-time employees, for a total of 30 full-time jobs at the 227 East U.S. Highway 80 location by December 31, 2026. She stated that the term of the agreement is 10 years, during which the City of Mesquite is obligated to rebate one percent of the local sales tax produced by Quality Home at this location payable annually, not to exceed a total rebate of \$500,000.00.

Jordan Barrick, President of Quality Home, stated that they opened the business in Mesquite in 1975 and continue to provide residents with quality home furnishings and exceptional financing.

No one appeared regarding a resolution approving an Economic Development Program Chapter 380 Agreement with Action TV, Stereo & Appliance d/b/a Quality Home.

Mr. Green moved to approve Resolution No. 14-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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, EXECUTE, AND ADMINISTER AN ECONOMIC DEVELOPMENT PROGRAM CHAPTER 380 AGREEMENT FOR SUCH PURPOSES WITH ACTION TV, STEREO & APPLIANCE D/B/A QUALITY HOME, FOR THE REDEVELOPMENT AND REVITALIZATION OF A COMMERCIAL BUILDING LOCATED AT 227 EAST U.S. HIGHWAY 80 IN THE CITY OF MESQUITE, TEXAS. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 14-2023 recorded in Resolution Book No. 67.)

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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 a First Amendment to an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with HC Solterra, LLC (the "Developer"), providing a grant amount equal to certain Roadway Capital Recovery Fees collected by the City for the development of approximately 1,424-acres of land, pursuant to Chapter 380 of the Texas Local Government Code, and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a resolution approving a First Amendment to an Economic Development Program Chapter 380 Agreement with HC Solterra, LLC.

Ted Chinn, Assistant City Manager, stated that one of the provisions of the Second Amendment to the Solterra Development Agreement was to increase the additional roadway impact fee from \$1,000.00 per lot to \$3,000.00 per lot and to rename the fee to "Roadway Capital Recovery Fee." He stated that the Second Amendment further provides that the City and developer intend to enter into an Economic Development Agreement to rebate the Roadway Capital Recovery Fee to the developer from the first 1,000 residential and commercial lots within the

development for which the Roadway Capital Recovery Fee is collected, subject to the discretion of the City Council. For the remaining lots, the City would rebate 33.3 percent of the Roadway Capital Recovery Fee and retain the remainder. He stated that the proposed First Amendment to the Solterra Chapter 380 Agreement specifies the terms for reimbursement of Roadway Capital Recovery Fees to the developer as contemplated in the Second Amendment to the Development Agreement.

No one appeared regarding a resolution approving a First Amendment to an Economic Development Program Chapter 380 Agreement with HC Solterra, LLC.

Ms. Vidler moved to approve Resolution No. 15-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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 A FIRST AMENDMENT TO AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) FOR SUCH PURPOSES WITH HC SOLTERRA, LLC (THE "DEVELOPER"), PROVIDING A GRANT AMOUNT EQUAL TO CERTAIN ROADWAY CAPITAL RECOVERY FEES COLLECTED BY THE CITY FOR THE DEVELOPMENT OF APPROXIMATELY 1,424-ACRES OF LAND, PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 15-2023 recorded in Resolution Book No. 67.)

15

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0123-0285, submitted by Chad Potchana of PSA Engineering, for a change of zoning from Agricultural to Planned Development - Single-Family Residential R-2A for a single-family residential subdivision, located at 2120 Cordia Drive. (No responses in favor and five 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.)

A public hearing was held for Zoning Application No. Z0123-0285.

Garret Langford, Manager of Planning and Zoning, stated that the applicant proposes to rezone a 5-acre tract of land to develop 17 single-family lots situated around a new cul-de-sac street. The lots would be developed in the same pattern as the subdivisions around the property with respect to lot size, home size, alleys with rear entry garages, and overall density. No façade, including its mirror image, would be repeated more often than once every four lots. The street width would be three feet wider than most of the nearby residential streets. The minimum dwelling size would be 1,700 square feet. He stated that the developer will add an entry monument that will be maintained by the Homeowner's Association (HOA). If approved, the property is subject to the park land ordinance and will come back to the City Council for consideration at a later date.

Applicant Pann Sribhen, President of PSA Engineering, stated that the development will consist of custom homes with seven of the homes sharing an alley with the adjacent subdivision. The HOA will be responsible for mowing and maintaining the playground, picnic area, detention pond and entry monument. He stated that each lot will contain three trees.

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Andrew Salazar, 1524 Cade Court, expressed concerns regarding fencing and traffic in the alley.

No others appeared regarding the proposed application.

Ms. Anderson moved to approve Ordinance No. 5017, as recommended by the Planning and Zoning Commission, with the exhibits provided to the City Council at tonight's meeting, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL R-2A TO ALLOW A 17-LOT SINGLE FAMILY SUBDIVISION LOCATED AT 2120 CORDIA DRIVE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 5017 recorded in Ordinance Book No. 128.)

#### ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Vidler and approved unanimously. The meeting adjourned at 7:54 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Daniel Alemán, Jr., Mayor