



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, August 16, 2021

5:00 PM

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

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1. Members of the public desiring to comment during Citizens Forum may preregister as follows:

a. Send an email to the City Secretary on or before 3:00 p.m., on August 16, 2021. The email address is [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com). The phone number is 972-216-6244.

b. Provide the City Secretary with your name and address.

2. Comments on agenda items may be made during the meeting or by submission on or before 3:00 p.m., on August 16, 2021, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

1 [21-5569](#) Receive briefing regarding the proposed Neighborhood Speed Management Program.

Attachments: [Draft Neighborhood Speed Management Program](#)

2 [21-5559](#) Discuss the proposed budget and tax rate for Fiscal Year 2021-22.

(Any staff presentation not completed prior to the City Council Regular Meeting in the City Council Chamber at 7:00 p.m. may be presented and considered in the City Council Chamber following the Regular Meeting.)

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:00 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

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

#### **INVOCATION**

Daniel Rorie, Regional Director for the Men & Ladies of Honor, Honor Academy.

### **PLEDGE OF ALLEGIANCE**

Business owners and representatives in recognition of Black-Owned Business Month.

### **PRESENTATIONS**

- 3      [21-5574](#)      Recognize Real. Texas. Service. Champions.
- 4      [21-5553](#)      Receive presentation regarding the Mesquite Fire Department's achievement in becoming a Texas Fire Chiefs Association Best Practices Recognized Department.
- 5      [21-5563](#)      Presentation of an award to Ron Ward in recognition of his service as a member of the Mesquite Quality of Life Corporation Board of Directors.
- 6      [21-5564](#)      Presentation of an award to Debbie Anderson in recognition of her service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

### **SPECIAL ANNOUNCEMENTS**

This time is reserved for special announcements and recognition of individuals or groups.

### **CITIZENS FORUM**

At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than items on the agenda, personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not exceeding three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.

### **CITIZENS COMMENTS**

At this time, any individual wishing to discuss any matter on the agenda shall be allowed to speak for a length of time not exceeding three minutes on a first-come, first-served basis. Citizens addressing the Council through a translator will be allowed six minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

### **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.)

- 7      [21-5572](#)      Minutes of the regular City Council meeting held August 2, 2021.

**Attachments:** [August 2, 2021, minutes](#)

- 8 [21-5537](#) An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division (“Company”) regarding the Company’s 2021 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC’s legal counsel.

**Attachments:** [Ordinance](#)  
[Rate Review Mechanism FAQ](#)

- 9 [21-5561](#) A resolution authorizing the City Manager to finalize and execute an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for BioTel/EMS System social work and Emergency Medical Technician (EMT)/paramedic support for the Southeast Collaboration Crisis Intervention Team in the amount of \$176,089.00 for Fiscal Year 2021-22.

**Attachments:** [Resolution](#)

- 10 [21-5562](#) Bid No. 2021-046 - Annual Supply of Neptune Mach 10 V5 Electronic Water Meters.  
(Staff recommends award to sole source provider Core & Main, LP, for an amount not to exceed \$96,618.00.)

**Attachments:** [Sole Source Letter](#)  
[Bid Tabulation](#)

- 11 [21-5552](#) Bid No. 2021-098 - Annual Pavement Lifting Project.  
(Authorize the City Manager to finalize and execute a contract with low bidder PJM Construction, LLC, in the amount of \$490,000.00. The term of the contract is for a one-year period, with two additional one-year options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of funds.)

**Attachments:** [Recommendation Letter](#)  
[Bid Tabulation](#)

- 12 [21-5542](#) Approve removal of Quinton Middleton as a member of the Parks and

Recreation Advisory Board and Tree Board.

- 13     [21-5548](#)     Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Binkley & Barfield, Inc. for preliminary engineering in the amount of \$221,473.00 for Utility Engineering for CSJ 2374-02-162 - IH 635 at US Highway 80 Interchange.

*Attachments:*     [Location Map](#)

- 14     [21-5538](#)     Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Binkley & Barfield, Inc., for the survey, engineering design and preparation of bidding and construction documents for the installation of large water valves and other water and sewer adjustments at various locations in the amount of \$80,500.00.

*Attachments:*     [Location Maps](#)

- 15     [21-5577](#)     Authorize the City Manger to finalize and execute Change Order No. 7 to Bid No. 2021-048, 117 West Main Renovation, for the purchase and installation of trusses to support roof top HVAC units in the amount of \$21,547.28

*Attachments:*     [Change Order No. 7](#)

[Alejandro's Wood Joist Structural Plan](#)

- 16     [21-5550](#)     An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"); making and adopting findings; accepting and approving the Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.

*Attachments:*     [Ordinance](#)

- 17     [21-5551](#)     An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phases #2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"); making and adopting findings, accepting and approving the Fiscal Year 2021-2022 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.

*Attachments:*     [Ordinance](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 18     [21-5576](#)     Consider appointment of one regular member (Position No. 3) to the Planning and Zoning Commission/Capital Improvements Advisory

Committee for a term to expire December 31, 2021 and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.

**Attachments:** [Personal Data Form - Debbie Screws](#)

**PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND RESOLUTIONS RELATING TO THE FISCAL YEAR 2021-22 BUDGET**

- 19**     [21-5557](#)     An ordinance providing funds for the 2021-22 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.  
(This item was postponed at the August 2, 2021, City Council meeting.)

**Attachments:**     [Ordinance and Proposed Fiscal Year 2021-22 Budget](#)  
                          [Summary of Changes](#)

- 20**     [21-5558](#)     An ordinance ratifying the property tax revenue increase reflected in the 2021-22 Fiscal Year budget for said period.  
(This item was postponed at the August 2, 2021, City Council meeting.)

**Attachments:**     [Ordinance](#)

- 21**     [21-5519](#)     A. Conduct a public hearing regarding the proposed Fiscal Year 2021-22 ad valorem tax rate of \$0.70862 per \$100 valuation.  
  
              B. Approve an ordinance levying the ad valorem taxes for tax year 2021 (Fiscal Year 2021-22).

**Attachments:**     [Ordinance](#)

- 22**     [21-5573](#)     A resolution ordering a Special Election on November 2, 2021, for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rate for the 2021 tax year.

**Attachments:**     [Resolution](#)

- 23**     [21-5540](#)     A resolution ordering a general election on November 2, 2021, for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5 and 6, and adopting Kaufman County Elections Department's voting system for use in the City of Mesquite elections conducted in Kaufman County.

**Attachments:**     [Resolution](#)

**PUBLIC HEARINGS**

(City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to include nonresidential when the request is for solely residential uses or vice versa.)

- 24     [21-5554](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0521-0196, submitted by Lori Lusk of Kimley-Horn and Associates, Inc., for a change of zoning from Agriculture to Planned Development - Single-Family Residential to allow a 235-lot single-family residential subdivision, located at 2400, 2402, 2404 and 2800 Mesquite Valley Road.  
(One response 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.)
- Attachments:**     [Staff report & maps](#)  
                                  [P&Z minutes](#)  
                                  [Ordinance](#)
- 25     [21-5555](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0521-0200, submitted by Rob Baldwin of Baldwin Associates, for a change of zoning from Commercial with Skyline Logistics Hub Overlay to Planned Development - Industrial with Skyline Logistics Hub Overlay to allow uses permitted in the Industrial zoning district, located at 2500, 2526 and 2614 Big Town Boulevard.  
(No responses in favor and four 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.)
- Attachments:**     [Staff report & maps](#)  
                                  [P&Z minutes](#)  
                                  [Ordinance](#)
- 26     [21-5556](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0621-0204, submitted by Allen Perez of JM Civil Engineering, for a change of zoning from Planned Development - Service Station Ordinance No. 3016 to Planned Development - General Retail Ordinance No. 3016 to allow a convenience store and fueling station, located at 1712 West Scyene Road.  
(One response in favor and none 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.)
- Attachments:**     [Staff report & maps](#)  
                                  [P&Z minutes](#)  
                                  [Ordinance](#)
- 27     [21-5513](#)     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 Chapter 380 Agreement with Landmark at the Meadows, LLC, for the construction and development of the property located at 2401 and 2601 East Meadows Boulevard, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

*Attachments:* [Resolution](#)

- 28 [21-5565](#) Conduct a public hearing and consider an ordinance repealing and replacing the Mesquite Thoroughfare Plan.

*Attachments:* [Ordinance](#)

#### **OTHER BUSINESS**

- 29 [21-5571](#) Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms to expire in August 2022.

*Attachments:* [History of Mayor Pro Tem/Deputy Mayor Pro Tem](#)

#### **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 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
3. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18
4. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
5. 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
6. 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
7. Corey Reynolds and Molly Reynolds v. The City of Mesquite, et al, Cause No. DC-20-07209 – Filed 5-22-20
8. 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
9. 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
10. 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
11. Delance Holt v. Troy Burke and Olivia Elliott, Civil Action No. 3:21-cv-164 – Filed 1-25-21
12. 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
13. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
14. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
15. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
16. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21

### **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.

### **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:

- 30 21-5521** Discuss economic development incentives for a proposed development at the southeast corner of IH-635 and U.S. Highway 80.

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 segun el Sub-capitulo H, Capitulo 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 segun el Sub-capitulo H, Capitulo 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.