



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, November 1, 2021

5:45 PM

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

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 November 1, 2021. The email address is 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 November 1, 2021, to the following email address: sland@cityofmesquite.com.

PRE-MEETING - TRAINING ROOMS A&B - 5:45 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:45 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 [21-5722](#) Receive quarterly report from the Police Department.

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

INVOCATION

Christopher S. Allen, Pastor, Connection Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Municipal Court Team.

SPECIAL RECOGNITION

- 2 [21-5680](#) Recognize Real. Texas. Service. Champions.

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.)

- 3 [21-5720](#) Minutes of the regular City Council meeting held October 18, 2021.
- Attachments:* [October 18, 2021, minutes](#)
- 4 [21-5694](#) An ordinance amending Article VI, Stopping Standing and Parking, of Chapter 9, Motor Vehicles and Traffic, of the City Code regarding prohibiting parking in specific places.
- Attachments:* [Ordinance](#)
- 5 [21-5711](#) A resolution approving the City joining a global opioid settlement of claims, adopting the State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet and authorizing the City Attorney to execute such other documents necessary to facilitate the City's participation in the settlement.
- Attachments:* [Resolution](#)
- 6 [21-5715](#) A resolution approving a Reimbursement Agreement relating to the Heartland Town Center Public Improvement District Phase #2 Specific Improvements.
- Attachments:* [Resolution](#)

- 7 [21-5721](#) A resolution authorizing the City Manager to finalize and execute a Fourth Amendment to the Iron Horse Development Agreement to (i) amend Section 2.02(a)(ii) "Project Overview - Iron Horse Development" to reduce the minimum square footage of restaurant and retail space from 130,000 square feet to 126,000 square feet and (ii) amend Section 6.04(f) "Zoning of the Property," to reduce the minimum square footage of air conditioned restaurant space and allow retail space to satisfy the square footage minimum, the reduction being from 30,000 square feet to 26,000 square feet, to establish a commencement and completion date for such improvements and to provide a penalty for failure to meet said completion date, for property commonly referred to as "Iron Horse Village" and being generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas.
- Attachments:* [Resolution](#)
 [Iron Horse Development Agreement](#)
 [First Amendment to Iron Horse Development Agreement](#)
 [Second Amendment to Iron Horse Development Agreement](#)
 [Third Amendment to Iron Horse Development Agreement](#)
- 8 [21-5691](#) Bid No. 2022-015 - Purchase of A New 2021 Ford F-350 Diesel Chassis Ambulance. (Staff recommends the purchase of one ambulance offered by McCall F Inc. d/b/a Sterling McCall Ford, an approved vendor of the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC Buy), Contract No. AM10-20, in the amount of \$209,972.00.)
- Attachments:* [HGAC Quote](#)
- 9 [21-5697](#) Bid No. 2022-018 - MPD Trailer Based Camera System.
(Staff recommends award to Wireless CCTV, through GSA Contract No. GS-07F-031DA, in the amount of \$58,600.00.)
- Attachments:* [Proposal](#)
- 10 [21-5695](#) Authorize the City Manager to finalize and execute the Work Order for the P25 Public Safety Radio system maintenance and support with the City of Garland for the term of October 1, 2021, through September 30, 2022, in the amount of \$122,787.00.
- Attachments:* [Work Order with City of Garland](#)
 [Garland Invoices](#)
- 11 [21-5696](#) Authorize the City Manager to finalize and execute Change Order No. 8 to Bid No. 2021-048, 117 West Main Renovation, to accommodate changes required to install the kitchen exhaust duct, provide surface walkway from Main Street to Front Street and landscaping along the patio in the amount

of \$11,408.69.

Attachments: [Change Order No. 8](#)

- 12 21-5698** Authorize the City Manager to execute a contract with Kimley-Horn and Associates, Inc., for professional engineering services in connection with a Water and Wastewater Impact Fee Study Update in the amount of \$182,700.00.

Attachments: Contract

- 13 [21-5681](#)** Authorize the City Manager to finalize and execute Amendment No. 2 to the Lawson Road Tributary Sanitary Sewer and Drainage Improvements contract with Garver, LLC, for McKenzie Road alignment study, in the amount of \$74,030.00.

Attachments: [Location Map](#)

- 14 [21-5713](#)** Authorize an increase in the Legal Services Agreement between the City and Messer, Fort & McDonald PLLC for the provision of legal services, advice, and counsel to the City of Mesquite in connection with Cause No. DC-20-19115, 44th District Court, Dallas County, Texas, in the amount not to exceed \$50,000.00, for a total contract amount not to exceed \$150,000.00, and authorize the City Attorney to finalize and execute the Agreement.

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.)

- 15 [21-5706](#)** Conduct a public hearing and consider an ordinance for Application No. Z0821-0216, submitted by Half Associates on behalf of Huntington Industrial, for a change of zoning from Single-family Residential and Commercial within the Military Parkway-Scyene Corridor Overlay District to Planned Development-Commercial and to remove the property from the Military Parkway-Scyene Corridor Overlay District to allow an industrial distribution center and to allow certain uses permitted by right in the commercial districts on approximately 24.05 acres of land, located at 1110 and 1126 Military Parkway.

(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.)

Attachments: [Staff report & maps](#)

[P&Z minutes](#)

[Ordinance](#)

- 16 [21-5704](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z0921-0218, submitted by Adeel Shibli, for a change of zoning from Truman Heights Neighborhood District to Truman Heights Neighborhood District with a Conditional Use Permit to allow a medical clinic, located at 802 E. U.S. Highway 80.
(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.)
- Attachments:* [Staff report & maps](#)
 [P&Z minutes](#)
 [Ordinance](#)
- 17 [21-5707](#) Conduct a public hearing and consider an ordinance for Application No. Z1021-0222, submitted by WRA Architects on behalf of Mesquite Independent School District, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow school uses, located at 2600, 2700, 2704 and 2710 Motley Drive.
(Four responses 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](#)
- 18 [21-5672](#) 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 QT South, LLC, a Texas limited liability company, for the construction and development of a retail fuel center and convenience store located at 5040 Lawson Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute, and administer the agreement on behalf of the City.
- Attachments:* [Resolution](#)
- 19 [21-5716](#) 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 TIRZ No. 8 Reimbursement Agreement and Chapter 380 Economic Development Program Agreement with the Board of Directors of Reinvestment Zone Number 8, John Brian Hutcheson, Aggie Chick & Feed Store, Inc., and Mesquite Feed & Hardware, Inc., for the construction of a new retail building and redevelopment of a

retail center located at 4401, 4407 and 4415 Gus Thomasson Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

(This item was postponed at the November 1, 2021, City Council meeting.)

Attachments: [Resolution](#)

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 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.