



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, July 6, 2021

5:15 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 must preregister as follows:

a. Send an email to the City Secretary on or before 3:00 p.m., on July 6, 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 July 6, 2021, to the following email address: [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com).

#### **PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive presentation regarding Boards and Commissions update.
  
- 2 Receive departmental strategy and budget presentations, as determined by city management, related to City Council strategic goals and objectives.

(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 - 5:15 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**

Stan Raibley, Associate Pastor, Keystone Church of Mesquite.

**PLEDGE OF ALLEGIANCE**

Members of the Mesquite Business Community.

**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 Minutes of the regular City Council meeting held June 21, 2021.
  
- 4 An ordinance amending the budget for Fiscal Year 2020-21 as heretofore approved by Ordinance No. 4805 of the City of Mesquite, Texas, adopted on September 21, 2020, and later amended by Ordinance No. 4846 on March 15, 2021, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2020-21, 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 second amended budget.

- 5 A resolution authorizing the City Manager or his designee to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for the reimbursement of \$103,500.00 from the acquisition of 2.9 acres of land located at 4180 Scyene Road in Mesquite, Dallas County, Texas.
- 6 A resolution authorizing the City Manager or his designee to accept a Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant from the Texas Department of Transportation, Aviation Division, in the maximum amount of \$57,162.00 to prevent, prepare for and respond to the impacts of the COVID-19 public health emergency on airports and the air traffic control towers operation, and authorizing the City Manager or his designee to finalize and execute all necessary documents relative to the acceptance of such grant.
- 7 A resolution adopting the Annual Plan for the Housing Choice Voucher Program for submission to the United States Department of Housing and Urban Development.
- 8 A resolution authorizing the sale of tax-foreclosed property located at 2200 Baker Drive in Mesquite, Texas (the "Property"); accepting the offer from Kamal Alkak (the "Purchaser") to purchase the property; ratifying and approving the Offer and Purchase Agreement executed by the Purchaser setting forth the terms and conditions of the sale of the property; and authorizing the City Manager to execute a Quitclaim Deed and all other documents necessary or requested to complete the closing and sale of the property.
- 9 Bid No. I069-2019 - Annual Xerox V180 Color Digital Press.  
(Staff recommends ratification of the lease agreement with Xerox Corporation, through The Cooperative Purchasing Network (TCPN), Contract No. R150302, in an amount not to exceed \$185,053.20. The term of the lease is for 60 months in the monthly amount of \$3,084.22, for a total annual amount of \$37,010.64, subject to annual appropriation of sufficient funds.)
- 10 Bid No. 2021-053 Annual Laboratory Testing and Services of Drugs and Controlled Substances.  
(Authorize the City Manager to execute a contract with National Medical Services, Inc., dba NMS Labs, in the amount of \$171,250.00. 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.)
- 11 Bid No. 2021-097 - Annual Supply of Traffic Control Square-Section Sign Posts and Accessories.  
(Authorize the City Manager to finalize and execute a contract with Centerline Supply, Inc., in the amount of \$71,401.00. 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.)

- 12 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 \$100,000.00, and authorize the City Attorney to finalize and execute the Agreement.
- 13 Authorize the Mayor to execute a Release and Termination of Agreement For Variance And Development For South Mesquite Creek Corridor.
- 14 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (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.
- 15 A resolution approving an Interlocal Agreement with the City of Crandall, Texas, reserving an area within Mesquite's Extraterritorial Jurisdiction ("ETJ") for release to Crandall upon annexation by Crandall and subject to said annexation accepting a release of an area within Crandall's ETJ to become a part of Mesquite's ETJ, all in the area of FM 2757 and FM 741 in Kaufman County and resulting in a reduction and expansion of Mesquite's ETJ and authorizing the City Manager to execute the Interlocal Agreement.

#### RECEIPT OF RESIGNATION

- 16 Receive resignation from Terry Tosch as a member of the Civil Service Commission and Personnel/Trial Board.

#### 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.)

- 17 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2021-22 budget.
- 18 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0521-0198, submitted by First United Methodist Church of Mesquite, for a change of zoning from Central Business to Central Business with a Conditional Use Permit to allow a private elementary school, located at 300 N. Galloway Avenue.  
(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.)

- 19 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 (“380 Agreement”) with LF Gateway LP, for the construction and development of the property located at 3201 East Cartwright Road, in the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.
- 20 A. Conduct a public hearing and consider an ordinance enlarging the boundaries and increasing the geographic area of Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) (“the Zone”) by adding to the Zone approximately 13 acres of City rights-of-way adjacent to the Zone and approximately 828 acres of noncontiguous land generally located south of Scylene Road, west of Lawson Road, north of Berry Road, and east of Ashley Furniture Industries Distribution Center, and being located within the corporate limits and extraterritorial jurisdiction of the City, pursuant to Chapter 311 of the Texas Tax Code, describing the boundaries of the Zone as enlarged, extending the term of the Zone, amending Ordinance No. 4579, containing findings related to the enlargement of the Zone, and providing that expansion of the Zone take effect immediately upon passage of the ordinance.  
(This public hearing is continued from the June 7, 2021, City Council meeting.)
- B. An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park), and making a finding regarding feasibility.

## **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

### **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 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.