



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, August 2, 2021

5:30 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 August 2, 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 August 2, 2021, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 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 - 5:30 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.

- 2 Receive financial statement for the period April 1, 2021 through June 30, 2021.

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

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Police Department Staff.

PRESENTATIONS

- 3 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.)

- 4 Minutes of the regular City Council meeting held July 19, 2021.
- 5 An ordinance repealing and replacing the Mesquite Thoroughfare Plan.

- 6** Bid No. 2019-023 - Ratification of Renewal of Annual Landscape Maintenance of the TxDOT IH635/Town East Boulevard/Town Centre Drive Interchange and US Highway 80/Town East Boulevard Interchange.
(Staff recommends ratification of the first and second of four contract renewal options with SLM Landscaping and Maintenance in the amount of \$109,397.00 and authorizing the City Manager to exercise the remaining two one-year renewal options, subject to annual appropriation of sufficient funds.)
- 7** Bid No. 2019-077 - Ratification of Renewal of Annual Mowing Maintenance of City Parks and Special Areas.
(Staff recommends ratification of the first and second of four contract renewal options with Good Earth Corporation, in the amount of \$305,859.60 and authorizing the City Manager to exercise the remaining two one-year renewal options, subject to annual appropriation of sufficient funds.)
- 8** RFP No. 2021-075 - Bank Depository Agreement.
(Authorize the City Manager to finalize and execute the necessary documents with Bank of America, N.A. in the amount of \$80,000.00 annually. The term of this contract is for a three-year period, with one additional two-year renewal option. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.)
- 9** Bid No. 2021-080 - U.S. 80 Bore Sanitary Sewer Improvements.
(Authorize the City Manager to finalize and execute a contract with low bidder BRCT, LLC in the amount of \$262,345.00).
- 10** Bid No. 2021-111 - Purchase of 2021 Ford F-350 Diesel Chassis Ambulance Remount.
(Staff recommends award to Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract AM10-20, in the amount of \$151,000.00.)
- 11** Authorize the City Manager to finalize and execute a professional engineering services contract with Pacheco Koch Consulting Engineers, Inc., for the engineering conceptual design of Faithon P. Lucas, Sr., Boulevard (F. P. Lucas Blvd.), from McKenzie Road to East Cartwright Road, in the amount of \$113,220.00.
- 12** Authorize the City Manager to finalize and execute a professional engineering services contract with Halff Associates, Inc., for the engineering design of the Lawson Road Highway Safety Improvement Program (HSIP) Project, in the amount of \$164,394.00.
- 13** Authorize an expenditure in the amount of \$135,375.85 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

RECEIPT OF RESIGNATION

- 14 Receive resignation from Cheryl Allen as a member of the Mesquite Downtown Development Advisory Board.
- 15 Receive resignation from Rose Grimsley as a member of the Historic Mesquite, Inc., Board of Directors.
- 16 Receive resignation from Jennifer Vidler as a member of the Mesquite Downtown Development Advisory Board
- 17 Receive resignation from Teia Collier as a member of the Historic Mesquite, Inc., Board of Directors and Mesquite Landmark Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 18 Consider appointment of seven members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2023.

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

- 19 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2021-22 budget.
- 20 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.
- 21 An ordinance ratifying the property tax revenue increase reflected in the 2021-22 Fiscal Year budget for said period.
- 22 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2021-2022 and call a public hearing for August 16, 2021, on the proposed Fiscal Year 2021-2022 ad valorem tax rate.

OTHER BUSINESS

- 23 Consider an application to allow fee in lieu of parkland dedication for the subdivision of a parcel into two lots, located at 1011 South Belt Line Road.

PUBLIC HEARINGS

- 24** A. Conduct a public hearing to receive citizen input regarding the proposed 2021-2022 Community Development Block Program (CDBG) budget and adopt the Annual Action Plan.
- B. Consider a resolution authorizing the transfer and reallocation of funds to the Program Year 2021-2022 Community Development Annual Action Plan and filing an application for an amount not to exceed \$1,135,680.00 for federal funds under the Housing and Community Development Act, approving and adopting the Program Year 2021-2022 Community Development Block Grant Annual Action Plan and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.

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.

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.



The Mesquite City Council meets on the 1st and 3rd Mondays of each month in the City Council Chamber. The City Council follows a printed agenda format and State law requires that all official actions of the Council be based on notice which is posted no less than 72 hours prior to the meeting at which the proposed action is to be taken. Special procedures relating to notice are established for items declared as emergencies.

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Any person desiring to present an item for the Council's agenda may do so by written request to the City Secretary no later than noon on the Monday preceding the City Council meeting at which time the item is to be considered.

Prior to the regular City Council meeting, the Council conducts a briefing session in Training Rooms A and B and a Council-Staff Work Session, when needed, in the Council Chamber. Both are open to the public and press.

In order to conserve time, and yet give persons an opportunity to express themselves at zoning and other public hearings, the Council has established procedures and time limits for such hearings. Specifically, the proponents, or applicants, are given 15 minutes for their presentation, and five minutes for rebuttal. Special interest and other organized groups are allowed 15 minutes to express their support or opposition, and individuals are allocated three minutes. The Council requests that repetition and restatement be avoided as much as possible. In certain large zoning applications, the presiding officer may announce at the beginning that additional time is being permitted due to the size or complexity of the case.

Any person desiring to address the Council is requested to complete a registration card which is available at the entrance to the City Council Chamber. This card may also be completed by those who wish to express their support or opposition on an item, but do not wish to speak. Please submit these cards to the City Secretary prior to the meeting.