



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, September 7, 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 September 7, 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 September 7, 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 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.
- 2 Receive briefing regarding a possible text amendment to the Zoning Ordinance pertaining to the creation of a Trinity Pointe Mesquite Overlay District.

(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

**CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.**

- 3 Receive Neighborhood Services Environmental Code quarterly report for the period of April 1, 2021, through June 30, 2021.

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

Pablo Ferrera, Pastor, Castillo Del Rey, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Mesquite Fire Department.

**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 August 16, 2021.

- 5 An ordinance determining the population of the City of Mesquite, Texas, to be 150,108 as of October 1, 2021.
- 6 An ordinance amending the Mesquite City Code, as previously amended, by creating new Chapter 20 titled "Boards, Commissions, and Committees" thereby codifying the City's general regulations and other associated provisions regarding said title; making certain deletions and additions to Chapters 2, 3, 4, 5, 6, 7, and 15.5, including repealing and replacing certain ordinances, both uncodified and codified, to revise and relocate most of the City's boards, commissions, and committees into new CHAPTER 20, revising portions of Chapter 2, Article IV, Division 2 "Code of Ethics" associated with provisions relating to board, commission, and committee regular members and alternates and revising Appendix D - Comprehensive Fee Schedule to include a fee for appeals to the Building Standards Board.
- 7 An ordinance amending Chapter 5 of the City Code, as amended, by adding a new Article XIV, "Substandard, Dilapidated and Dangerous Buildings and Other Structures," and Division 1 thereto, "Municipal Court Proceedings Regarding Urban Nuisances."
- 8 A resolution repealing Resolutions No. 15-[19]90; No. 03-[19]96; and No. 09-2003 related to the Capital Improvements Advisory Committee whereby it is the intent of the City Council to repeal said resolutions because provisions related to the Capital Improvements Advisory Committee will instead, by ordinance, be codified into the Mesquite City Code.
- 9 An ordinance, on second and final 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.
- 10 A resolution authorizing the City Attorney to execute a contingent fee professional services contract for legal services with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Texas Government Code § 2254.
- 11 A resolution adopting STAR Transit Policy #119, Title VI Program, as updated on May 18, 2021, applicable to all City of Mesquite public transit services.
- 12 A resolution repealing existing City Council Policies and Procedures and Rules of Procedure and adopting new City Council Policies and Procedures and Rules of Procedure for the conduct of City Council business and meetings.

- 13 Authorize the City Manager to finalize and execute Supplemental Agreement No. 3 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$1,319,954.00 for Fiscal Year 2022.
- 14 Authorize the City Manager to finalize and execute a Fifth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$73,023.27 for Fiscal Year 2021-22, effective October 1, 2021, through September 30, 2022.
- 15 Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation (TxDOT), Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.
- 16 Receive the July 2021 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

#### **CONSIDERATION OF RESOLUTION**

- 17 Consider a resolution naming the future park on North Bryan Avenue as Officer Jon Latimore Park.

#### **RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 18 Receive resignation from Tom Palmer as a member of the Board of Adjustment.
- 19 Consider appointment of one alternate member (Position No. 1) to the Landmark Commission for a term to expire December 31, 2021.

#### **OTHER BUSINESS**

- 20 Consider an application to allow fee in lieu of parkland dedication for the subdivision of a parcel into two lots, located at 502 Fleet Circle.

#### **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.)

- 21** A. Conduct a public hearing to receive citizen input regarding the juvenile curfew ordinance.
- B. Consider an ordinance repealing and replacing Article VII, "Curfew Hours for Minors," of Chapter 10, "Offenses - Miscellaneous," of the City Code, creating offenses for minors, parents and guardians of minors, and business establishments violating curfew regulations, providing defenses, providing for enforcement, and providing for waiver by the Municipal Court of jurisdiction over a minor when required under the Texas Family Code.
- 22** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0205, submitted by George Morris, for a change of zoning from Commercial and Town East Retail and Restaurant Area Overlay to Commercial and Town East Retail and Restaurant Area Overlay with a Conditional Use Permit to allow a major reception facility with modifications to the 500-foot separation requirement from a residential zoning district and to the permitted hours of operation, located at 2021 North Town East Boulevard, Suite 1100.  
(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 conditions.)
- 23** Conduct a public hearing and consider an ordinance for a Comprehensive Plan Amendment from Neighborhood Retail to Medium Density Residential and Zoning Application No. Z0421-0190, submitted by Chris Blevins of HP Civil Engineering, for a change of zoning from Planned Development - Light Commercial Ordinance No. 3580 to Planned Development - Townhomes, to allow a townhome development including 43 homes, located at 1535 North Belt Line Road.  
(One response in favor and one 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.)
- 24** 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 an amendment to an Economic Development Program Agreement (Chapter 380 Agreement) with Skyline Trade Center B, LLC, and H&K International, Inc., for the expansion of new jobs and the extension of lease terms at a property located at 2200 Skyline Drive, Mesquite, Texas, and authorizing the City Manager to administer the amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the amendment on behalf of the City.

## 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. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
13. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
14. Raina Naomi Brechbiel v. Danielle Larrison and Christopher Odom, Cause No. 3:21-cv-01563-E - Filed 7-7-21
15. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
16. 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

**Real Property**

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 25 Discuss the purchase of property at Oates Drive and Sarazen Drive.

**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:

- 26 Discuss economic development incentives for a prospective development south of IH-20 near Lawson Road.
- 27 Discuss economic development incentives for a prospective development at Gus Thomasson Road and Moon Drive.

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 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.