



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, October 18, 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 October 18, 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 October 18, 2021, to the following email address: sland@cityofmesquite.com.

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

AGENDA REVIEW

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.

- 1 Administer Oath of Office to Police Chief David S. Gill.

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

INVOCATION

John Livaudas, Pastor, Macedonia Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

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.)

- 2 Minutes of the regular City Council meeting held October 4, 2021.

- 3 An Emergency Measure Ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency Related to COVID-19 issued on March 23, 2020, and as previously continued and authorized by the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 ordinances, Ordinance No. 4836, No. 4844, No. 4858, and No. 4879; confirming the continued activation of the City's Emergency Management Plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet city objectives to have city government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

- 4 A resolution authorizing the City Manager to execute an Advance Funding Agreement for Highway Safety Improvement Program Project Off-System with the State of Texas, acting by and through the Texas Department of Transportation (TxDOT), for the reconstruction of Lawson Road south of East Cartwright Road to north of Milam Road.
- 5 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.
(This item was postponed at the September 20, 2021, City Council meeting.)
- 6 RFP No. 2021-086 -Employee Health Care Management Services
(Authorize the City Manager to finalize and execute the appropriate documents with Alight Solutions, LLC (Alight) effective January 1, 2022 through December 31, 2026. The term of this contract is for a three-year period with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.
- 7 RFP No. 2021-105 - Administrative Services Only (ASO) for Medical and Pharmacy Benefits.
(Authorize the City Manager to finalize and execute a Third-Party Administrator Services Agreement with Blue Cross and Blue Shield of Texas (BCBS) to provide medical coverage for full-time employees and underage 65 retirees effective January 1, 2022 through December 31, 2026. 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.)

OTHER BUSINESS

- 8 Confirm the City Manager appointment of David S. Gill as Police Chief for the City of Mesquite, effective October 18, 2021.

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.)

- 9 Conduct a public hearing and consider an ordinance for Application No. Z0821-0213, submitted by the City of Mesquite, for a change of zoning from Central Business and Planned Development - Central Business (Ordinance No. 2849) within the Military Parkway-Scyene Corridor (MP-SC) Overlay District to Planned Development - Central Business to remove the MP-SC Overlay District and to allow and restrict certain uses permitted in the Central Business Zoning District, located at 816 West Scyene Road and 641, 701, 735 and 821 Military Parkway.
(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.)

- 10** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0821-0214, submitted by Abdallah Adham, for a change of zoning from Commercial within the Military Parkway-Scyene Corridor (MP-SC) Overlay District to Planned Development - Commercial and to remove the MP-SC Overlay District to allow certain uses permitted in the Commercial district, located at 1210 West Scyene Road.
(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.)
- 11** 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 Agreement (Chapter 380 Agreement) with CH Realty IX-CE I Mesquite 635, LP, for the construction and development of a Class A Industrial Business Park, located at the southeast corner of US Highway 80 and IH-635, in the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.
- 12** 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 Agreement (Chapter 380 Agreement) with AIP Mesquite, LLC, a Texas limited liability company, for the construction and development of industrial and commercial workspace shops and studios located at 2828 IH-30, in Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.
- 13** 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 Agreement (Chapter 380 Agreement) with Brian Hutcheson, for the construction of a new retail building and redevelopment of a retail center located at 4401, 4407, 4411, and 4415 Gus Thomasson Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.
- 14** Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-05, amending the Mesquite Zoning Ordinance, as amended, by amending Section 5-207 by making revisions and deletions to various parts and sections regarding the approval standards for variances.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

- 15** A. Conduct a public hearing and consider ordinances for Zoning Text Amendment Nos. ZTA 2021-04, ZTA 2021-06, ZTA 2021-07 and ZTA 2021-08 amending the Mesquite Zoning Ordinance, as previously amended, by amending various provisions of Section 4-400 regarding Mesquite Landmarks and Historic Preservation Overlay Districts, Designations and Regulations; Sections 5-402, 5-406, 5-407, and 5-408 regarding the general regulations for Boards, Commissions, and Committees; Part 1A regarding the Municipal Arborist and appeals of the decisions of the Municipal Arborist; and Part 1, 1-300 regarding Nonconforming Situations and Amortization of Nonconforming Uses.
(The Planning and Zoning Commission recommends approval of the zoning text amendments.)
- B. An ordinance approving Zoning Text Amendment No. ZTA 2021-04 amending the Mesquite Zoning Ordinance, as amended, by making certain deletions and additions to various parts and sections regarding Mesquite Landmarks and Historic Preservation Overlay Districts, Designations and Regulations.
- C. An ordinance approving Zoning Text Amendment No. ZTA 2021-06 amending the Mesquite Zoning Ordinance, as amended, by deleting Sections 5-402, 5-406, 5-407 and 5-408 regarding the general regulations for Boards, Commissions and Committees.
- D. An ordinance approving Zoning Text Amendment No. ZTA 2021-07 amending the Mesquite Zoning Ordinance, as amended, by amending Part 1A by making revisions and deletions to various parts and sections regarding the Municipal Arborist and appeals of decisions of the City's Arborist.
- E. An ordinance approving Zoning Text Amendment No. ZTA 2021-08 amending the Mesquite Zoning Ordinance, as amended, by amending Part 1, 1-300, by making revisions and deletions to various parts and sections regarding Nonconforming Situations and Amortization of Nonconforming Uses.

- 16** A. Conduct a public hearing and consider ordinances for Zoning Text Amendment ZTA 2021-09, amending the Mesquite Zoning Ordinance, pertaining to repealing the form-based district titled “Kaufman-Interstate 20” and adding a new type of overlay zoning district to be called “Trinity Pointe Mesquite Overlay (TPM) District”; and Zoning Application No. Z0921-0219 for a change of zoning to add the Trinity Pointe Mesquite Overlay District to all properties located east of the Dallas County-Kaufman County line and west of FM 2932, generally along Interstate Highway 20.

(One response in favor and three in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the zoning text amendment and the rezoning.)

B. An ordinance approving Zoning Text Amendment No. ZTA 2021-09, amending the Mesquite Zoning Ordinance, as previously amended, by revising Section 4-102, “Overlay Zoning Districts” by adding a new Section 4-102(J), “TPM - Trinity Pointe Mesquite Overlay District”; revising Section 4-103, “Form-Based Districts” by deleting Subsection (B) “Kaufman-Interstate 20”; adding new Section 4-960, “Trinity Pointe Mesquite (TPM) Overlay District Regulations”; repealing Section 4-1100, “Kaufman-Interstate 20 Form-Based District”; and revising Section 6-102, “Definitions”, all pertaining to text amendments to the Mesquite Zoning Ordinance thereby allowing for a new overlay district called the Trinity Pointe Mesquite Overlay District.

C. An ordinance for Zoning Application No. Z0921-0219 approving a change of zoning by adding the Trinity Pointe Mesquite (TPM) Overlay District to all properties located east of the Dallas County-Kaufman County line and west of FM 2932, generally along Interstate Highway 20.

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

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:

- 17 Discuss the purchase of property along Berry Road adjacent to the Mesquite Metro Airport.

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 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.