



City of Mesquite, Texas

Meeting Agenda

City Council

Tuesday, September 8, 2020

5:00 PM

City Hall | Training Rooms A&B
757 N. Galloway Ave. | Mesquite, Texas

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office:

1. *A quorum of the City Council will participate in the meeting by videoconference, telephone conference or by being physically present in Training Rooms A & B located at 757 North Galloway Avenue, Mesquite, Texas (meeting location). The meeting location will not be open to the public.*
2. *Members of the public may participate by telephone conference as follows:*
 - a. *Dial the following toll-free number: 888-475-4499. The Participation Code (Meeting ID) for this telephone conference is: 894 4246 2602 # #. Press *9 to raise your virtual hand and you will be recognized by the last four digits of your telephone number.*
3. *Members of the public desiring to comment during Citizens Forum must pre-register as follows:*
 - a. *Send an email to the City Secretary at sland@cityofmesquite.com before 3:00 p.m., on Tuesday, September 8, 2020.*
 - b. *Provide the City Secretary with your name, address and telephone number from which you will call.*
4. *The meeting will be audible to all participants and allow for their two-way communication. Comments on agenda items may be made during the meeting via telephone conferencing or by email submission to the City Secretary at sland@cityofmesquite.com before 3:00 p.m., on Tuesday, September 8, 2020.*
5. *An electronic copy of the agenda packet is posted online with this agenda.*
6. *The meeting will be recorded and the recording made available to the public.*

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [20-4974](#) Discuss the proposed budget for Fiscal Year 2020-21.
- 2 [20-4975](#) Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.

Attachments: [Investment Policy - Redlined](#)

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 - TRAINING ROOMS A&B - 6:30 P.M.

3 [20-4987](#) Receive Neighborhood Services quarterly report for the period of April 1, 2020, through June 30, 2020.

Attachments: [Environmental Code FY 2019-2020 3rd Quarter Summary](#)

REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:00 P.M.**INVOCATION**

Rev. Geoffrey Moore, Lead Pastor, St. Stephen United Methodist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite 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 to exceed 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 to exceed 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 [20-4959](#) Minutes of the regular City Council meeting held August 17, 2020.
- Attachments:* [08.17.2020m](#)
- 5 [20-4969](#) An ordinance amending Chapter 5 of the City Code, by reorganizing portions of the Table of Contents for Chapter 5 “Buildings and Construction” and by revising, repealing, and replacing certain Articles, Divisions, and Sections; adopting the 2018 Editions of certain International Codes published by the International Code Council (I.C.C.) and providing local amendments thereto; adopting the 2017 National Electrical Code, a publication of the National Fire Protection Association; said Codes are adopted or revised as follows: Article II-A “Building Code” (I.B.C.); Article II-B “Existing Building Code” (I.E.B.C.); Article VI “Plumbing Code” (I.P.C.); Article VII “Mechanical Code” (I.M.C.); Article VIII “Electrical Code” (N.E.C.); Article IX “Swimming Pool and Spa Code” (I.S.P.S.C.); Article X “Fuel Gas Code” (I.F.G.C.); Article XI “Residential Code” (I.R.C.); and Article XII “Energy Conservation Code” (I.E.C.C.).
- Attachments:* [Ordinance](#)
 [BSB 07-28-20 Minutes](#)
 [BSB 07-30-20 Minutes](#)
- 6 [20-4968](#) An ordinance amending Chapter 6 of the City Code, by repealing Chapter 6 in its entirety and replacing with a new Chapter 6 including new Article I to be titled “In General” and new Article II to be titled “Fire Code;” adopting the 2018 Edition of the International Fire Code (I.F.C.) and providing certain local amendments thereto.
- Attachments:* [Ordinance](#)
 [BSB Minutes](#)
- 7 [20-4977](#) An ordinance amending Chapter 9 of the City Code thereby adding a new school zone for Agnew Middle School on Paza Drive from Carver Street to Wilkinson Drive.
- Attachments:* [Ordinance](#)
 [Paza Drive Location Map](#)
- 8 [20-4985](#) An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division (“Company”) regarding the Company’s 2020 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.

Attachments: [Ordinance](#)

[Rate Review Mechanism Background](#)

- 9 [20-4937](#) A resolution endorsing and accepting the 2020-2021 Comprehensive Safety Grant (the "Grant") for the Selective Traffic Enforcement Program (the "STEP Program"); authorizing the filing of the application for the Grant; approving the contribution of City funds in the amount of \$10,251.84; designating the City Manager as the official representative of the City in connection with the Grant; and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such Grant and STEP Program.

Attachments: [Resolution](#)

- 10 [20-4979](#) A resolution authorizing the City Manager to execute the 2019 Edward Byrne Memorial Justice Assistance Grant ("JAG") Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson, authorizing an equitable re-distribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$26,631.76; designating the City of Dallas as the applicant and fiscal agent; and designating the Police Chief of the City of Mesquite as the responsible officer for the purpose of signing all documents associated with the grant.

Attachments: [Resolution](#)

[2019 JAG Program Funds Sharing and Fiscal Agency Agreement.pdf](#)

- 11 [20-4955](#) A resolution authorizing the sale of tax-foreclosed property located at 515 Old London Lane in Mesquite, Texas (the "Property"); accepting the offer from Jose Serrato (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.

Attachments: [Resolution](#)

- 12 [20-4963](#) A resolution approving an amendment to an economic development program agreement (Chapter 380 Agreement) between the City of

Mesquite, Texas, (the “City”), Elements International Group, LLC (the “Company”), and IDIL Skyline D, LLC, (the “Landlord”), dated effective May 1, 2019, relating to economic development incentives to the company to relocate its world headquarters to 2250 Skyline Drive, Mesquite, Texas (the “Original Agreement”), amending the minimum taxable value of the land, building and business personal property to \$22,000,000.00, collectively, and amending certain dates, provisions relating to the lease, and provisions relating to the initial term, the extended term and the incentive period (the “Amendment”); authorizing the City Manager to finalize and execute the amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the Amendment.

Attachments: [Resolution](#)
[Comparison of Original Agreement to Amendment](#)

- 13 [20-4989](#) A resolution authorizing the City Manager to finalize and execute a Memorandum of Understanding between the City of Mesquite and the City of Forney, Texas, defining the expectations and responsibilities of both Cities related to the acquisition of the Markout Water Supply Corporation water system, customers of the system, and division of that system.

Attachments: [Resolution](#)

- 14 [20-4990](#) A resolution approving a Water Transportation Agreement between the City of Mesquite (“Mesquite”) and the City of Forney (“Forney”) providing that Forney will transport Mesquite treated water through the Forney water system to the Markout water system in Kaufman County, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City of Mesquite.

Attachments: [Water Transportation Agmt w-City of Forney 09-08-2020](#)

- 15 [20-4995](#) A resolution approving an agreement with Kaufman County, Texas, to participate in Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) (“Agreement”) and authorizing the Mayor to execute the Agreement.

Attachments: [Resolution](#)

- 16 [20-4960](#) Bid No. 2020-020 - 2019 Large Diameter Reinforced Concrete Pipe (RCP) Sanitary Sewer Rehabilitation by Cured-in-Place-Pipe (CIPP). (Authorize the City Manager to finalize and execute a contract with low bidder Insituform Technologies, LLC, in the amount of \$1,781,940.80.)

Attachments: [Consultant's Recommendation Letter](#)
[Bid Tabulation](#)
[Location Map \(1\)](#)
[Location Map \(2\)](#)

- 17 [20-4934](#) RFP No. 2020-102 - Professional Auditing Services and Comprehensive Annual Financial Report (CAFR) Preparation Services.
(Authorize the City Manager to finalize and execute a contract with BKD, L.L.P., in the amount of \$132,500.00 for 2020 with up to a three percent increase annually through 2024. 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.)

Attachments: [Audit RFP Proposer Evaluation Summary](#)
 [BKD L.L.P. Audit Team Profiles](#)

- 18 [20-4978](#) Bid No. 2020-108 - ExecuTime Advanced Scheduling Software.
(Staff recommends award to sole source provider Tyler Technologies for time, attendance and scheduling of staff in the amount of \$63,634.00.)

- 19 [20-4976](#) Approve the purchase of an 8,000-square-foot facility located at 1290 Airport Boulevard, Mesquite, Texas (the "Property"), from LBL - Birdhouse 3, LLC, (the "Seller") for the purchase price of \$470,000.00, plus closing costs and authorize the City Manager to finalize and execute a Termination of Ground Lease agreement between the Seller and the City for the purchase of the property, and all other documents and take all other actions necessary or requested to finalize the closing and purchase of the property.

- 20 [20-4982](#) Authorize the City Manager to execute an Acknowledgment and Consent between the City, Vanston Park Investments, LP (the "Developer") and COMMUNITYBANK of Texas, N.A. (the "Bank"): (i) consenting to a \$1,900,000.00 increase (the "Additional Advance") in the loan dated September 12, 2014 by the Bank to the Developer in the current unpaid principal balance of approximately \$6,610,874.00 (the "Bank Loan") in connection with the development of the 155 unit housing project with related commercial space (Villas at Vanston Park) located at 4520 Gus Thomasson Road, Mesquite, Texas (the "Project"); and (ii) acknowledging that the economic development loan dated September 12, 2014 by the City of Mesquite to the Developer in the current unpaid principal balance of approximately \$804,559.59 in connection with the Project is subordinate to the Bank Loan as increased by the Additional Advance.

Attachments: [Acknowledgment and Consent](#)
 [Question and Answers from Applicant](#)
 [Original Subordination Agreement](#)

CONSIDERATION OF RESOLUTION

- 21 [20-5000](#) Consider a resolution celebrating National Senior Center Month and committing to the continued support of services and programs at the City's senior centers and in the Mesquite community.

Attachments: [Resolution](#)

RECEIPT OF RESIGNATION

- 22 [20-4961](#) Receive resignation from David Gustof as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Attachments: [Resignation Email](#)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 23 [20-4981](#) Consider appointment of nine members to the Animal Services Advisory Board for terms to expire September 8, 2022.
- 24 [20-4983](#) Consider appointment of one regular member and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2021, and one alternate member for a term to expire October 21, 2020.

Attachments: [Personal Data Form - Quinton Middleton](#)
[Personal Data Form - Kendrick Blanton](#)
[Personal Data Form - Steve Bragg](#)

PUBLIC HEARINGS AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2020-21 BUDGET:

- 25 [20-4966](#) Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget.
- 26 [20-4902](#) An ordinance providing funds for Fiscal Year 2020-21 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.

Attachments: [Ordinance](#)

- 27 [20-4903](#) An ordinance ratifying the property tax revenue increase reflected in the Fiscal Year 2020-21 budget for said period.

Attachments: [Ordinance](#)

- 28 [20-4895](#) Consider and act on a proposed ad valorem tax rate for Fiscal Year 2020-2021 and call a public hearing for September 21, 2020, on the proposed Fiscal Year 2020-21 ad valorem tax rate.

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.)

- 29 [20-4965](#) Conduct a public hearing and consider an ordinance adopting revisions to the City of Mesquite Engineering Design Manual.

Attachments: [Ordinance](#)

- 30 [20-4967](#) 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) for such purposes with 321 Firehouse GP LLC (the owner of the restaurant) and Frank A. Greenhaw (the Landlord of the premises where the restaurant is to be located) for the development of a restaurant in downtown Mesquite at 105 South Broad Street, Mesquite, Texas; and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments: [Resolution](#)

- 31 [20-4986](#) Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-05 by amending Mesquite Zoning Ordinance Section 3-203, Schedule of Permitted Uses; Section 3-507, Coin-Operated Amusement Devices; pertaining to new and revised regulations for amusement devices, game machines, video games and similar devices. (This item was postponed at the August 17, 2020, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

Attachments: [Staff Memo](#)

[P&Z Minutes](#)

[Ordinance](#)

- 32 [20-4971](#) Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-07 to the Mesquite Zoning Ordinance, pertaining to the applicable approval criteria for Special Exceptions for various uses, structures, premises, facilities, applications and modifications. (The Planning and Zoning Commission recommended approval of the zoning text amendment.)

Attachments: [Staff Memo](#)

[P&Z Minutes](#)

[Ordinance](#)

- 33 [20-4997](#) Conduct a public hearing and consider a resolution approving the Amended and Restated Chapter 380 Economic Development Program Agreement (“Agreement Three”) by and between the City of Mesquite, Texas (“City”), and MMAH Rodeo Land Holdings, LLC (“Company”),

authorized by Article III, Section 52-a of the Texas Constitution and Section 380.001 of Chapter 380 of the Texas Local Government Code regarding a new electronic Freeway-Oriented Marquee Sign and authorizing the City Manager to execute said "Agreement Three" for such purposes identified herein.

Attachments: [Resolution](#)

- 34 [20-4998](#) An ordinance amending Chapter 13 of the City Code, as previously amended, by making certain additions and deletions under Sections 13-1, 13-5, 13-72, and 13-73 thereby updating certain regulations on signs and adding regulations for "Freeway-Oriented Marquee Signs."

Attachments: [Ordinance](#)

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; Jack Fyall; Richard Houston; Alan Gafford; Zachary Scott; William Heidelberg; Paul Polish; Joe Baker; Bill Hedgpeth – Filed 8-12-15; Cause No. 3:15-CV-02638-B; on appeal to the U.S. Court of Appeals for the Fifth Circuit, Case No. 19-10280, Filed 6-3-19
2. Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale water rates implemented by North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16
3. Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 (Appealing Wholesale Water Rates for 2018) – Filed 12-15-17
4. City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem, Cause No. DC-18-02903 – Filed 3-1-18
5. Haley Gregory v. City of Mesquite, EEOC #450-2018-06081 – Filed 7-25-18
6. City of Allen, City of Arlington, City of Bedford, City of Belton, City of Carrollton, City of Cedar Hill, City of Colleyville, City of Coppell, City of Dalworthington Gardens, City of Euless, City of Fort Worth, City of Garland, City of Grand Prairie, City of Harker Heights, City of Hutto, City of Irving, City of Killeen, City of Lewisville, City of Mesquite, City of Rockwall, City of Rowlett, City of Waco and City of Wichita Falls, Texas v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Cause No. 2018-3835-4 – Filed 10-19-18
7. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the U.S. Court of Appeals at Dallas, Case No. 05-19-00667-CV
8. Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19
9. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, Texas; Victor Palascios; Kyle Stone; Layton Winters; Peter Velasquez; Michael Kelly; Sherry Green; Marcelet Martin, Cause No. 3:10-CV-01263-L – Filed 5-24-19
10. 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
11. Corey Reynolds and Molly Reynolds v. The City of Mesquite, Mesquite Police Department, Officer Shedd and Progressive County Mutual Insurance Company, Cause No. DC-20-07209 – Filed 5-22-20
12. 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

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:

- 35 20-4993 Discuss the purchase of property on SH 352 at Carver Street.**

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.

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 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.