



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, September 21, 2020

5:00 PM

City Hall | Council Chamber  
757 N. Galloway Avenue | Mesquite, Texas

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

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 Discuss the proposed budget for Fiscal Year 2020-21. **Discussed.**
- 2 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy. **Received.**

(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 - EXECUTIVE 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

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

#### INVOCATION

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

## PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

## SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom stated that Front Street Station dumpsters will be camouflaged with large panels, mounted with artwork, throughout the new Downtown area. Artists are encouraged to submit artwork for consideration no later than October 24, 2020.
2. Mr. Green stated that this past Saturday, September 19, 2020, Keep Mesquite Beautiful, Inc. (KMB), hosted a Trash Bash event which was a success despite the pandemic and limitations to public events. Thirteen volunteer groups cleaned up nine areas across the City, including park areas, neighborhoods and retail locations. He thanked KMB and volunteers for partnering with the City to help keep our City clean.
3. Mr. Miklos stated that on Saturday, September 12, 2020, an incident occurred at the AMC 30 involving a large group of juveniles gathering outside and causing a disturbance. Last week, he along with Mayor Archer, City Manager Cliff Keheley and Police Chief Charles Cato quickly addressed the causes of this incident and set forth new policies to prevent this from happening again. He thanked AMC management for being a great partner. The City will continue to be vigilant to restore a sense of safety in our community.
4. Mr. Boroughs stated that 2020 is the 10<sup>th</sup> year for the Historic Mesquite, Inc., Mesquite Meander. This event consists of a historical stroll through the Mesquite Cemetery featuring Mesquite pioneers portrayed by Mesquite Community Theater actors. This event will take place on Friday, October 9, 2020, from 6:00 p.m. to 7:30 p.m., and Saturday, October 10, 2020, from 5:30 p.m. to 7:00 p.m. Tours are limited to no more than ten people in order to observe social distancing protocols and create a safe event.
5. Mr. Smith stated that the Mesquite Police Department is participating in a new program, "Operation Big Chill," sponsored by 7-Eleven Stores. This program allows Police Officers to make a positive connection with our community's youth by rewarding good deeds, positive activities and random acts of kindness with a free Slurpee drink. As Police Chief Charles Cato said, "We will put a Slurpee in their hand and a smile on their face."
6. Mr. Aleman encouraged residents to participate in National Good Neighbor Day on Monday, September 28. The event creates an opportunity to remind our neighbors of the "Project Porch Light" campaign. The use of exterior lighting, such as front porch lights and landscape lights, help discourage criminal activity in neighborhoods.
7. Mr. Aleman commended City Manager Cliff Keheley and City staff for diligently working, during Hurricane Laura, to help evacuees.
8. Mr. Aleman recognized a resident who observed and joined he and others picking up trash along her street.
9. Mr. Aleman stated that a local small business, Senõr Jalapeño Mexican Restaurant, 3304 North Town East Boulevard, was recently vandalized. He, Mayor Archer and Mr. Miklos visited with the owner of the restaurant regarding the incident. He encouraged citizens to support the City's small businesses.
10. Mayor Archer reminded citizens that we need to support and encourage each other during these difficult times.

## CITIZENS FORUM

1. Brett Yniguez, 1023 South Bryan Street, expressed concerns regarding herbicides being sprayed at Hodges Park and Paschall Park.

## CITIZENS COMMENTS

No one spoke.

## 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 meetings held August 17, 2020, and September 8, 2020. **Approved.**
- 4 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.). **Approved by Ordinance No. 4801.**
- 5 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. **Approved by Ordinance No. 4802.**
- 6 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. **Approved by Ordinance No. 4803.**
- 7 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 further continued and authorized by Ordinance No. 4773, Ordinance No. 4781, Ordinance No. 4784, and Ordinance No. 4793; 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. **Approved by Ordinance No. 4804.**
- 8 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. **Approved.**

- 9 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policies and investment strategies. **Approved by Resolution No. 36-2020.**
- 10 A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, municipal building improvements and acquisition of vehicles and equipment and computer equipment and software for municipal departments. **Approved by Resolution No. 37-2020.**
- 11 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. **Approved by Resolution No. 38-2020.**
- 12 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. **Approved by Resolution No. 39-2020.**
- 13 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. **Approved by Resolution No. 40-2020.**
- 14 A resolution authorizing the Mayor to finalize and execute all documents necessary to designate the positions of Director of Finance, Manager of Accounting, and Manager of Budget and Treasury to act as the City of Mesquite's authorized representatives for Texas Local Government Investment Pool ("TexPool/TexPool Prime"). **Approved by Resolution No. 41-2020.**
- 15 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. **Approved by Resolution No. 42-2020.**

- 16** 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. **Approved by Resolution No. 43-2020.**
- 17** A resolution authorizing the acquisition and transfer of the Markout Water Supply Corporation (“Markout”) water system and customers to the City of Mesquite, Texas (“Mesquite”); authorizing the City Manager to execute such documents and to take such actions as necessary or requested to complete the acquisition and transfer of the Markout water system and customers to Mesquite; authorizing the City Manager to finalize, execute and administer a Memorandum of Understanding between Mesquite and the City of Forney, Texas (“Forney”) defining the expectations and responsibilities of both Cities related to the acquisition by Mesquite of the Markout water system and customers and division of the Markout water system including, without limitation, the transfer to Forney of the rights to provide water service to the Grayhawk subdivision located in Forney. **Approved by Resolution No. 44-2020.**
- 18** 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.) **Approved as recommended.**
- 19** Bid No. 2020-075 - South Mesquite Creek Gabion Stabilization by Sheet Piling.  
(Authorize the City Manager to finalize and execute a contract with low bidder JB & Co., LLC, in the amount of \$573,700.00.) **Approved as recommended.**
- 20** RFP No. 2020-079 - Group Vision Insurance.  
(Authorize the City Manager to finalize and execute the necessary documents with Eye Med to provide vision benefits to full-time employees, retirees, and eligible dependents effective January 1, 2021. 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.) **Approved as recommended.**
- 21** RFP No. 2020-080 - Retiree Medicare Supplement Plan.  
(Authorize the City Manager to finalize and execute the necessary documents with selected vendor for Post-65 Retiree Medical and Prescription Drug Plan, effective January 1, 2021. 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.) **Approved as recommended.**
- 22** Bid No. 2020-096 - Purchase of Pickups and Sedans.  
(Staff recommends award of the purchase of six vehicles to Sam Pack’s Five Star Ford in Carrollton, Texas, through BuyBoard Contract No. 601-19, Tarrant County Contract No. 2019-041 and the Sheriff’s Association of Texas Bid No. 2001-1017, in the amount of \$189,467.05 and five vehicles to Silsbee Ford in Silsbee, Texas, through TIPS USA 200206 Transportation Vehicles and BuyBoard Contract No. 601-19, in the amount of \$121,521.50, for a total amount of \$310,988.55.) **Approved as recommended.**

- 23** 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.) **Approved as recommended.**
- 24** 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.) **Approved as recommended.**
- 25** Bid No. 2021-007 - Real Time Crime System.  
(Authorize the City Manager to finalize and execute a three-year agreement with sole source provider LeadsOnline LLC in an amount not to exceed \$63,276.91 in total for the three-year term.) **Approved as recommended.**
- 26** Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00. **Approved.**
- 27** Authorize the City Manager to finalize and execute a Local Agreement with the Dallas County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure. **Approved.**
- 28** Authorize the City Manager to finalize and execute a Local Agreement with Tarrant County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure. **Approved.**
- 29** Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$1,266,469.00 for Fiscal Year 2021. **Approved.**
- 30** Authorize the City Manager to finalize and execute Amendment No. 5 with Kimley-Horn and Associates, Inc., for additional construction support services for the Front Street Station project in the amount of \$45,000.00. **Approved.**
- 31** 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. **Approved.**
- 32** A. Approve the 2020 Community Development Block Grant (CDBG) Analysis of Impediments to Fair Housing, composed by J-Quad Planning Group. **Approved.**  
B. Approve the proposed Budget for Round 3 project allocations of the 2020-2021 CDBG-CV fiscal year. **Approved.**
- 33** 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. **Postponed until the September 28, 2020, City Council meeting.**

## **CONSIDERATION OF A RESOLUTION**

- 34 Consider a resolution celebrating National Senior Center Month and committing to the continued support of services and programs at the City's senior centers. **Approved by Resolution No. 45-2020.**

## **RECEIPT OF RESIGNATION**

- 35 Receive resignation from David Gustof as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. **Received.**

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 36 Consider appointment of nine members to the Animal Services Advisory Board for terms to expire September 8, 2022. **Edward Suarez, Maria Martinez, Karen McLeod-Ellis, Dr. Mark Pirrung, MaryAnne Chiarelli, Patti Dawson, Tracey DeChant, Karen (Chris) Swain and Brad Craft were appointed as members of the Animal Services Advisory Board for terms to expire September 8, 2022.**
- 37 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. **Quinton Middleton was appointed as a Senior Alternate Member of the Parks and Recreation Advisory Board/Tree Board for a term to expire October 21, 2020. Debbie Coolidge was moved from an alternate member to a regular member and Kendrick Blanton was appointed as a Junior Alternate Member for terms to expire October 21, 2021.**
- 38 Consider electing members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, Places 1 - 4. **Robert T. Herrera, Place 1; John W. Fullen, Place 2; Jeffrey Snyder, Place 3; and Robert S. Hauck, Place 4, were elected to the Texas Municipal League Intergovernmental Risk Pool Board of Directors.**

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

- 39 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget. **Public hearing held.**
- 40 An ordinance providing funds for the 2020-21 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. **Approved by Ordinance No. 4805.**
- 41 An ordinance adopting 2020-21 Pay Plans for full-time and part-time General Government personnel with an effective date of October 1, 2020; adopting pay plans for commissioned

- Police and Fire personnel with an effective date of October 1, 2020, providing step increases for eligible commissioned Police and Fire personnel effective on the employee's anniversary date and providing for increased prior and current service annuities under the Act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City. **Approved by Ordinance No. 4806.**
- 42** An ordinance ratifying the property tax revenue increase reflected in the 2020-21 Fiscal Year budget for said period. **Approved by Ordinance No. 4807.**
- 43** An ordinance determining the population of the City of Mesquite, Texas, to be 145,410 as of October 1, 2020. **Approved by Ordinance No. 4808.**
- 44** An ordinance amending Appendix D - the Comprehensive Fee Schedule of the Mesquite City Code, as amended, by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite. **Approved by Ordinance No. 4809.**
- 45** An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department as of October 1, 2020. **Approved by Ordinance No. 4810.**
- 46** An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department effective as of October 1, 2020. **Approved by Ordinance No. 4811.**
- 47** Consider and act on a proposed ad valorem tax rate for Fiscal Year 2020-2021 and call a public hearing for September 28, 2020, on the proposed Fiscal Year 2020-21 ad valorem tax rate. **Approved.**

## **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.)

- 48** 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. **Public hearing held. Approved by Resolution No. 46-2020.**
- 49** Conduct a public hearing for Application No. Z0220-0129, submitted by Huffines Land Holding Partners, LP, for a change of zoning from Agricultural and Planned Development District Ordinance No. 3538 to Planned Development District to allow a master-planned community that would provide development standards and allow mixed uses, residential and commercial uses, located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas Sr., Boulevard.  
(Four responses in favor and 15 in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.) **Public hearing held and left open. Postponed until the October 5, 2020, City Council meeting.**

- 50** Conduct a public hearing and consider an ordinance for Application No. Z0820-0144, submitted by Rosalinda Guzman on behalf of UTR Homes, LLC, for a change of zoning from Planned Development - General Retail to R-1 Single-Family Residential District to allow a single family home located at 1836 Wilkinson 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.) **Public hearing held. Approved by Ordinance No. 4812.**
- 51** Conduct a public hearing and consider an ordinance adopting revisions to the City of Mesquite Engineering Design Manual. **Public hearing held. Approved by Ordinance No. 4813.**
- 52** 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. **Public hearing held. Approved by Resolution No. 47-2020.**
- 53** 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.” **Approved by Ordinance No. 4814.**

## **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; affirmed by Dallas Court of Appeals, Case No. 05-19-00667-CV; petition for review filed with Texas Supreme Court, Case No. 20-0553

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

13. City of Mesquite v. Ulises Rivera, Jessica Rivera and 3509 Byrd Drive, Mesquite, Texas 75150 in rem, Cause No. DC-20-12465 – Filed 9-3-2020

**Discussed. The City Manager was authorized to finalize and execute a settlement agreement, other ancillary agreements, and any matters related thereto regarding North Texas Municipal Water District Appeal, PUC Docket No. 46662, SOAH Docket No. 473-17-4964, and related appeals.**

### **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:

- 54** Discuss the purchase of property on SH 352 at Carver Street. **Discussed.**

### **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.