



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Tuesday, September 6, 2022

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 6, 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 6, 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      [22-6110](#)      Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.  
  
         **Attachments:**      [Investment Policy Redlined](#)
- 2      [22-6194](#)      Receive briefing regarding partnership structures with the Mesquite Housing Finance Corporation.

(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      [22-6010](#)      Receive financial statements for the period October 1, 2021, through June 30, 2022.

***Attachments:***

[June 30, 2022, Financial Statement](#)

[June 30, 2022, Financial Statement Overview](#)

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

John Lay, Pastor, Church on the Hill, 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 upon request by a City Councilmember.)

- 4      [22-6197](#)      Minutes of the regular City Council meeting held August 15, 2022.

Attachments:      [August 15, 2022, minutes](#)

- 5      [22-6170](#)      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 2022 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 attachment establishing a benchmark for pensions and retiree medical benefits; 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 FAQ](#)

- 6     **22-6186**     A resolution ordering a public hearing for October 17, 2022, to consider amendments to land use assumptions, a capital improvements plan and the imposition of an impact fee for water and wastewater facilities and authorizing publication of notice for said hearing.

**Attachments:**     Resolution  
                          2022 Impact Fee Update Schedule

- 7     [22-6189](#)     Authorize the City Manager to finalize and execute an architectural services contract with WRA Architects for the design of the Mesquite Service Center Field Services Building addition and renovation project in an amount not to exceed \$924,240.00.

**Attachments:**     [Proposal](#)  
                          [Project Feasibility Report](#)

- 8     [22-6181](#)     Authorize the City Manager to finalize and execute a Professional Services Agreement with Garfield Public/Private LLC, for the business planning, conceptual design, and financial structure of a public-private partnership for a full-service hotel and conference center in an amount not to exceed \$125,000.00.

- 9     [22-6200](#)     Authorize the City Manager to finalize and execute an agreement with Dallas County Health and Human Services to accept bill payment assistance through the Texas Department of Housing and Community Affairs (TDHCA) Low Income Household Water Assistance Program (LIHWAP) for eligible LIHWAP Dallas County clients in the City of Mesquite.

**Attachments:**     [Agreement](#)

- 10    [22-6201](#)     Consider electing members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, Places 6 - 9, as follows: electing the incumbents - Allison Heyward, Place 6; Mary Dennis, Place 7; Mike Land, Place 8; and Opal Mauldin-Jones, Place 9.

**Attachments:**     [Official Ballot](#)

**CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2022-23 BUDGET:**

- 11     [22-6111](#)     An ordinance determining the population of the City of Mesquite, Texas, to be 152,020 as of October 1, 2022.
- Attachments:*     [Ordinance](#)
- 12     [22-6174](#)     An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department as of October 1, 2022.
- Attachments:*     [Ordinance](#)
- 13     [22-6175](#)     An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department as of October 1, 2022.
- Attachments:*     [Ordinance](#)
- 14     [22-6166](#)     An ordinance adopting a 2022-23 Pay Plan for General Government Personnel and Commissioned Police and Fire Personnel with an effective date of October 1, 2022, adopting a revised 2022-23 Pay Plan for Commissioned Police and Fire Personnel with an effective date of January 1, 2023, authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Mesquite and providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City of Mesquite.
- Attachments:*     [Ordinance](#)

#### APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 15     [22-6190](#)     Consider appointment of a principal member to the STAR Transit Board of Directors for a term to expire on August 31, 2027.
- Attachments:*     [STAR Board Nominee Application](#)  
[Questionnaire for Board Member](#)

#### 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.)

- 16     [22-6188](#)     Conduct a public hearing and consider an ordinance for Zoning Application No. Z0422-0241, submitted by Lauren Montgomery, JGH Consultants, LLC on behalf of Bluewater R&D, LLC, for a change of zoning from R-1, Single-family Residential to Planned Development - General Retail, to allow a carwash, located at 1415 South Belt Line Road.
- (No responses in favor and one in opposition to the application has been received from property owners within the statutory notification area. The

Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments: [Staff report and maps](#)  
[P&Z minutes](#)  
[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. 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. Patricia Brennan and Alyssa Sanders, Individually and as Heirs of Natalie Sanders v. City of Mesquite, et al, Cause No. 3:19-CV-01263-L – Filed 5-24-19
4. Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-01982-X – Filed 7-27-20
5. 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
6. Kasia Varsak v. Jeremy Thomas Meeks and the City of Mesquite, Texas, Cause No. CC-21-00813-B – Filed 3-4-21
7. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
8. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
9. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
10. City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764- Filed 2-14-22; and In re CC Hillcrest, LLC, Case No. 22-31362-swe11 – Filed 7-29-22
11. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
12. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
13. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22

#### **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 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.