



City of Mesquite, Texas

Minutes - Final City Council

Monday, November 4, 2024

5:45 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers B. W. Smith, Jeff Casper, Tandy Boroughs, Kenny Green, Elizabeth Rodriguez-Ross and Brandon Murden, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 5:45 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation regarding the City of Mesquite's legislative priorities.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:42 P.M.

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 19 - Discuss an economic development project on Gus Thomasson Road near Oates Drive); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 6:57 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:01 P.M.

INVOCATION

Deacon Bruno Perez, Vida Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Royal Rangers Youth Group, Vida Life Church, Mesquite, Texas.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper announced two upcoming opportunities in November to enjoy the sounds of the Mesquite Symphony Orchestra, at the Mesquite Arts Center, 1527 North Galloway Avenue. On Saturday, November 9, 2024, music lovers of all ages will delight in "Peter and the Wolf" – a symphony geared toward children.

Then on Saturday, November 23, 2024, the Orchestra will present "Come Sunday," which will include selections by multiple composers. For showtime and tickets, visit MesquiteSymphony.org.

2. Mr. Green encouraged citizens to get into the holiday spirit with two Holiday Wreath Making Workshops in November, hosted by Historic Mesquite, Inc., at Opal Lawrence Historical Park, 711 East Kearney Street. One session will be held on Saturday, November 16, 2024, from 1:00 p.m. to 3:00 p.m., and the other session will be held on Thursday, November 21, 2024, from 6:00 p.m. to 8:00 p.m. Tickets are \$35.00 and admission includes a 14-inch grapevine wreath with an assortment of embellishments and fresh greenery to decorate the wreaths in your personal style. Pizza and light refreshments will be provided.

3. Ms. Rodriguez-Ross invited citizens to a Bilingual Q & A Town Hall Meeting on Tuesday, November 12, 2024, at 6:30 p.m., at City Hall, Training Rooms A & B, 757 North Galloway Avenue. The session will include information from Neighborhood Services, Police Department and Fire Department. The Town Hall Tuesday program was developed in 2016 to educate and engage citizens. Sessions are held every other month on various topics. Learn more and submit your questions in advance for the November 12th gathering at www.cityofmesquite.com/TownHallTuesdays.

4. Ms. Rodriguez-Ross stated that the City is looking for engaged citizens to volunteer their time, knowledge and expertise to serve on City boards or commissions. By serving on a board or commission, you can have an active voice, be involved in your community and advise the City Council and staff on a wide range of service areas. Annual appointments are selected in December, so apply soon. Visit www.cityofmesquite.com/Boards to learn more.

5. Mr. Boroughs stated that a Veterans Day event, hosted by the City of Mesquite, to celebrate the bravery and service of our military heroes will be held on Saturday, November 9, 2024, at 11:00 a.m., at the Mesquite Veterans Memorial, 425 South Galloway Avenue. The City partners with American Legion Post 504 and VFW Post 8785 to present this annual event. This year's program will include remarks by various community leaders and military veterans, ceremonial activities, musical performances and more. All veterans and their families are invited to attend and be honored by the community.

6. Mr. Boroughs reminded citizens that tomorrow is Election Day and encouraged everyone to vote.

7. Mr. Smith announced that the Mesquite Police Department's 2024 Santa Cop campaign is underway. Don't miss the chance to make the upcoming holiday season a little brighter for Mesquite kids by donating new, unwrapped toys to this annual collection drive. Citizens and businesses can also help by making financial donations to the Santa Cop program. Santa Cop wraps up on Saturday, December 7, 2024, with a Toy Parade. Every year, hundreds of motorcycle riders join this parade. Pre-registration for riders ends on Saturday, November 30, 2024. All proceeds from parade entry fees benefit the Santa Cop program. He encouraged citizens to participate in some way with the Santa Cop program this year. It does a lot of good for our youngest residents who could use some Christmas cheer.

8. Mr. Murden stated that over the Thanksgiving break, kids in Kindergarten through 6th Grade can spend a day or all week at Turkey Camp. The fee is \$20.00 per day for residents and \$30.00 per day for non-residents. Highlights include playing games, creating holiday crafts and participating in fun activities. Turkey Camp will be held at Dunford Recreation Center, 1015 Green Canyon Drive, and Rutherford Recreation Center, 900 Rutherford Drive, from Monday, November 25, 2024, through Friday, November 29, 2024, except for Thanksgiving Day, Thursday, November 28, 2024. For kids who are looking for a little more adventure, try the one-day Turkey Camp at Rorie-Galloway Day Camp on Monday, November 25, 2024. The cost is \$25.00 for residents and \$35.00 for non-residents. Register online at www.cityofmesquite.com/HolidayCamps.

9. Mayor Alemán announced that the City of Mesquite's first Skatepark will officially open this coming weekend. The public is invited to attend the grand opening of Mesquite Skatepark at Westlake Sports Center, 601 Gross Road, on Saturday, November 9, 2024, from 2:00 p.m. to 4:00 p.m. The Skatepark is designed to welcome skateboarders of all skill levels. The grand opening event will feature

demonstrations by skateboard professionals associated with the Skatepark's designer, American Ramp Company. Guests are encouraged to bring their skateboards to try out the new facility. Free hot dogs will be provided.

10. Mayor Alemán stated that congratulations are in order for our amazing Economic Development team, led by Kim Buttram. The team won the Texas Economic Development Council's Community Economic Development Award. This award is related to the "secondary" benefits of the Canadian Solar project, which is a \$280 million development that will ultimately add more than 1.5 million square feet and 1,500 new employees in the heart of Mesquite's industrial district. Six years was spent pursuing Canadian Solar. The company is already having an incredible impact on our community and is a valued partner. Well done, Kim and the whole team!

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Murden requested that Item No. 13 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Green and approved unanimously.

- 2** Minutes of the regular City Council meeting held October 21, 2024.

Approved on the Consent Agenda.

- 3** A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation (TxDOT) for the temporary closure of State Highway 352 on Saturday, January 18, 2025, for the City of Mesquite Martin Luther King, Jr., Parade.

Approved on the Consent Agenda.

Resolution No. 49-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE HIGHWAY 352 ON JANUARY 18, 2025, FOR THE CITY OF MESQUITE MARTIN LUTHER KING, JR. PARADE. (Resolution No. 49-2024 recorded in Resolution Book No. 69.)

- 4** A resolution authorizing the City Manager to finalize and execute an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) for the period from October 1, 2024, to September 30, 2029, thereby authorizing the City of Mesquite's participation in the Regional Storm Water Management Program and approving the City's Fiscal Year 2025 cost share amount in the program not to exceed \$7,100.00.

Approved on the Consent Agenda.

Resolution No. 50-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PERIOD FROM OCTOBER 1, 2024, TO SEPTEMBER 30, 2029, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL STORM WATER MANAGEMENT PROGRAM; AND APPROVING THE CITY'S FISCAL YEAR 2025 COST SHARE AMOUNT IN THE

PROGRAM NOT TO EXCEED \$7,100.00. (Resolution No. 50-2024 recorded in Resolution Book No. 69.)

- 5 A resolution adopting the 2025 Legislative Program for the City of Mesquite, Texas, and directing the City Manager or his designee to act with regard to the City's Legislative Program.

Approved on the Consent Agenda.

Resolution No. 51-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE 2025 LEGISLATIVE PROGRAM FOR THE CITY OF MESQUITE, TEXAS; AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 51-2024 recorded in Resolution Book No. 69.)

- 6 RFP No. 2024-124 - Annual Group Dental Insurance.
(Authorize the City Manager to finalize and execute a master application with CIGNA effective January 1, 2025. The term of the 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.)

Approved on the Consent Agenda.

- 7 Bid No. 2024-163 - Barnes Bridge Ground Storage Tanks Rehabilitation.
(Authorize the City Manager to finalize and execute a contract with DN Tanks, LLC, in the amount of \$838,800.00.)

Approved on the Consent Agenda.

- 8 Bid No. 2025-007 - Annual Supply of Body Armor.
(Staff recommends purchase from Nardis, Inc., through BuyBoard Contract No. 698-23, in an amount not to exceed \$150,000.00. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 9 Bid No. 2025-011 - Purchase of One 1500 GPM Pumper Truck.
(Staff recommends purchase from Siddons-Martin Emergency Group, LLC., through BuyBoard Contract No. 746-24, in the amount of \$893,457.00.)

Approved on the Consent Agenda.

- 10 Bid No. 2025-012 - Purchase of One 107-Foot, Rear Mount Aerial Ladder Truck.
(Staff recommends purchase from Siddons-Martin Emergency Group, LLC., through BuyBoard Contract No. 746-24, in the amount of \$1,669,590.00.)

Approved on the Consent Agenda.

- 11 Authorize the City Manager to finalize and execute Amendment No. 1 to RFP No. 2023-136, Annual Emergency Generator Preventative Maintenance and

Repair, with Clifford Power Systems, Inc., through The International Purchasing System (TIPS) Contract No. 221004, in a not-to-exceed amount of \$219,162.30, and terminating on May 31, 2026, subject to the annual appropriation of sufficient funds.

Approved on the Consent Agenda.

- 12 Authorize the City Manager to finalize and execute an Interlocal Cooperative Agreement with Kaufman County for the construction of signals at FM 741 and Heartland Parkway with Kaufman County being responsible for all construction costs in an amount not to exceed \$377,316.00.

Approved on the Consent Agenda.

- 14 Approve Amendment No. 1 to the 2024-25 Police State Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$170,000.00.

Approved on the Consent Agenda.

- 15 Receive the July 2024 Semiannual Report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM(S) CONSIDERED SEPARATELY

- 13 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Halff Associates, Inc. for the preliminary design of the Lawson Road Reconstruction Project, in the amount of \$1,679,600.00.

City Manager Cliff Keheley stated that Lawson Road is one of the highest priorities that our community has when it comes to roadways. This two-lane rural asphalt road was not designed to handle the amount of traffic that travels on it today. This Professional Engineering Services Contract is for the preliminary design of the Lawson Road Reconstruction Project, spanning approximately 2.2 miles from Milan Road to Berry Road. The scope of services primarily includes road design, drainage study, existing underground utility study, permitting assessment and alignment study of water and sanitary sewer. Additionally, geotechnical investigations, surveying, preliminary plans and opinions of probable construction costs will be provided. The project is anticipated to be ready for bid in the Summer of 2026, and construction is anticipated to begin in the Fall of 2026. In the meantime, the City's Streets Department will continue to perform periodic asphalt maintenance patches and some overlays to ensure the roadway is drivable until construction begins.

Mr. Murden moved to authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Halff Associates, Inc. for the preliminary design of the Lawson Road Reconstruction Project, in the amount of \$1,679,600.00. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 16 Conduct a public hearing and consider an ordinance for Zoning Application No. Z1024-0370 submitted by Brent Bordovsky on behalf of Marc Miller, Super Star Car Wash, for a change of zoning to amend Planned Development (PD) - General Retail (GR) Ordinance No. 4984, to modify the development standards to allow a concrete masonry unit (CMU) block screening wall in lieu of a precast screening wall located at 1415 South Belt Line Road. (One response in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held for Zoning Application No. Z1024-0370.

Garrett Langford, Manager of Planning and Zoning, stated that the applicant requests a Planned Development (PD) amendment to allow Super Star Carwash to keep a concrete masonry unit block screening wall that they constructed that does not comply with the Planned Development - General Retail Ordinance No. 4984 screening wall requirements. In September 2022, City Council approved Ordinance No. 4984 to allow a tunnel car wash facility subject to complying with the Development Standards and Concept Plan within the ordinance. The initial developer of the car wash was Wave Wash, which Super Star Car Wash acquired in late 2022. Super Star Car Wash obtained site plan approval in July 2022 and a building permit in August 2023.

Mr. Langford stated that the ordinance required a precast screening wall, which must align with the existing screening wall along the rear of the adjacent property at 215 West Cartwright Road. The contractor constructed the screening wall with concrete masonry unit (CMU). Additionally, it does not align with the existing wall on the adjacent property, leaving a gap between the two walls. The CMU screening wall is over eight feet tall, includes a split-face finish on the side facing the carwash, and the color of the wall matches the car wash. If the request is denied, the applicant will be required to remove the CMU screening wall and replace it with a precast screening wall constructed per the ordinance.

Applicant Wes Hoblit, representing Super Star Car Wash, presented an overview of the project showing the constructed screening wall. A 6-foot tall wrought-iron fence with a locked gate will be constructed between the existing screening wall and the neighboring property's fence to prohibit pedestrian access. The neighboring property owners will have access to the area behind the screening wall, if needed, but the property will be maintained by Super Star Car Wash.

The following persons submitted a registration card in support of the proposed application but chose not to speak: (1) Patrick Sweetser, 960 W. Behrend Avenue, Phoenix, Arizona; (2) Geoff Sylvester, 16641 N. 91st Street, Scottsdale, Arizona; and (3) Marc Miller, 23246 N. 20th Street, Phoenix, Arizona.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z1024-0370, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulation:

The masonry wall must be extended to the existing screening wall located along the rear of the adjacent property located at 215 West Cartwright Road and a 6-foot tall wrought-iron fence with a gate must be extended north from the east end of the masonry wall to 1329 South Belt Line Road.

And to approve Ordinance No. 5146, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 4984 TO MODIFY THE DEVELOPMENT STANDARDS TO ALLOW A CONCRETE MASONRY UNIT (CMU) BLOCK SCREENING WALL IN LIEU OF A PRECAST SCREENING WALL FOR THE PROPERTY LOCATED AT 1415 SOUTH BELT LINE ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5146 recorded in Ordinance Book No. 133.)

17

Conduct a public hearing and consider a resolution consenting to the assignment by Beltline Beltway Investments, LTD., a Texas limited partnership (“Assignor”), to CH Realty X-LI I DFW Interchange 80, L.P., a Delaware limited partnership (“Assignee”), of Assignor’s interest in that certain Economic Development Program Agreement (Chapter 380 Agreement) dated effective April 24, 2023, relating to the development of an industrial building located at the northeast corner of IH-635 and U.S. Hwy. 80 in Mesquite, and authorizing the City Manager to execute all documents necessary in connection therewith.

A public hearing was held to consider a resolution consenting to the assignment by Beltline Beltway Investments, LTD., a Texas limited partnership (“Assignor”), to CH Realty X-LI I DFW Interchange 80, L.P., a Delaware limited partnership (“Assignee”), of Assignor’s interest in that certain Economic Development Program Agreement (Chapter 380 Agreement) dated effective April 24, 2023, relating to the development of an industrial building located at the northeast corner of IH-635 and U.S. Highway 80 in Mesquite.

Kim Buttram, Director of Economic Development, stated that Masterplan, a development consulting company, submitted a proposal in August 2022, on behalf of the Estate of Betty C. Bowie, along with William C. Christensen III, Independent Executor for the Estate of Betty C. Bowie (the Estate), in response to RFP No. 2022-124, released by the City for the sale and development of Orlando Avenue, a City-owned right-of-way, located within a prime commercial corner at IH-635 and US Highway 80. Masterplan was awarded RFP No. 2022-124 for the purchase of Orlando Avenue by the City Council on December 5, 2022, under Chapter 272 of the Local Government Code. With the award of the Orlando Avenue right-of-way, the Estate assembled other properties owned by the Estate at IH-635 and US Highway 80 into an approximately 12.78-acre tract for commercial development.

Ms. Buttram stated that the Chapter 380 Agreement, effective April 24, 2023, contains terms and conditions precedent for the transfer of the City’s Orlando Avenue right-of-way land as part of a project for commercial development of the assembled 12.78-acre tracts. Terms and conditions include the development of a minimum 200,000-square-foot Class A industrial building with a capital investment of at least \$15 million, shell commencement by December 31, 2024, and completion by December 31, 2025. Other development requirements include

the improvement and dedication to the City of the public access portion of Orlando Avenue, enhanced landscaping, and design standards outlined in the Planned Development zoning ordinance.

Ms. Buttram stated that the estate secured a developer, Lovett Industrial, for the purchase of land and development of the project, listed as an assignee within the proposed Chapter 380 Agreement. The City Council approved the agreement on April 17, 2023. William C. Christensen III, on behalf of the Estate of Betty C. Bowie, assigned the Agreement to Beltline Beltway Investments, LTD. Beltline Beltway Investments, LTD. requests assignment to a new entity, CH Realty X-LI I DFW Interchange 80, L.P., which includes representation from Crow Holdings, the investment firm backing the project.

No one appeared regarding the proposed resolution.

Ms. Rodriguez-Ross moved to approve Resolution No. 52-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE ASSIGNMENT BY BELTLINE BELTWAY INVESTMENTS, LTD., A TEXAS LIMITED PARTNERSHIP (“ASSIGNOR”), TO CH REALTY X-LI I DFW INTERCHANGE 80, L.P., A DELAWARE LIMITED PARTNERSHIP (“ASSIGNEE”), OF ASSIGNOR’S INTEREST IN THAT CERTAIN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) DATED EFFECTIVE APRIL 24, 2023, RELATING TO THE DEVELOPMENT OF AN INDUSTRIAL BUILDING LOCATED AT THE NORTHEAST CORNER OF IH-635 AND U.S. HIGHWAY 80 IN MESQUITE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY IN CONNECTION THEREWITH. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 52-2024 recorded in Resolution Book No. 69.)

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Green and approved unanimously. The meeting adjourned at 7:36 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor