



City of Mesquite, Texas

Meeting Agenda

City Council

Monday, March 6, 2023

5:30 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Tandy Boroughs, B. W. Smith, Kenny Green, Jeff Casper, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 [23-6476](#) Discuss fees for City Services.

(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 - 5:30 P.M.

In accordance with Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into executive session to discuss any of the following:

- Pending and/or Contemplated Litigation
- Purchase, Exchange, Lease or Value of Real Property
- Personnel Matters
- Economic Development

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:39 P.M.

- 2 [23-6419](#) Receive preliminary financial statements for fiscal year ending September 30, 2022, and financial statements for the first quarter of fiscal year 2022-2023 covering October 1, 2022, through December 31, 2022.

Attachments: [Fiscal Year 2021-2022 Preliminary Financial Report](#)
[Fiscal Year 2022-2023 1st Quarter Financial Report](#)

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:10 P.M.

INVOCATION

Retired Pastor, James Schoenrock.

PLEDGE OF ALLEGIANCE

Members of the Hiram Bennett Chapter of the Daughters of the Republic of Texas.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson stated that several events will be happening at the Mesquite Arts Center this month. From Monday, March 13, 2023, through Friday, March 17, 2023, Cara Mia Theater will present The School of Yes! Spring Break Camp. This is an eco-friendly workshop for children and teens to learn about movement, arts and crafts and theatre. Two sessions will be held – 10:00 a.m. to 11:30 a.m. for children ages 4 to 7 years old

CITIZENS FORUM

1. Tasha D. Martinez, 1515 Lawson Road, expressed concerns regarding the Animal Control response map.
2. Holly Fisk, 4200 Woodbluff Drive, expressed concerns regarding a damaged curb at her residence.

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.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 3 [23-6458](#) Receive presentation regarding the Fiscal Year 2021-2022 Annual Report from the Mesquite Quality of Life Corporation Board of Directors.

Attachments: [MQOL FY 2021-2022 Annual Report](#)

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 [23-6409](#) Minutes of the regular City Council meeting held February 20, 2023.

Attachments: [February 20, 2023, minutes](#)

- 5 [23-6457](#) An ordinance amending the City Code by revising Chapter 11, adding new Article XI titled "Public Improvement Districts (PIDs)" for the purpose of establishing PID notice and disclosure requirements for developers and homebuilders to provide information to persons seeking to purchase real property and/or homes within PIDs, adopting a "Public Improvement District (PID) Notice and Disclosure Manual For Developers & Homebuilders" or may also be cited as "PID MANUAL" for the purpose of

providing forms and additional details regarding the requirements adopted in the Code; and revising Chapter 13 - Signs, Article IV "Specifications; Standards; Use" regarding the permissibility of signs in the PID.

Attachments:

[Ordinance](#)

[Homebuilder Acknowledgement and Consent to Assessments](#)

6 [23-6448](#)

An ordinance, on first reading, granting to Farmers Electric Cooperative, Inc., its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation; therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise and finding that the meeting at which this ordinance is passed is open to the public.

Attachments:

[Ordinance](#)

[Farmers Distribution Line Location Map](#)

[Farmers Electric Cooperative Service Area Map](#)

7 [23-6467](#)

An ordinance determining the necessity of acquiring real property for construction, operation, and maintenance of public facilities on a portion of the property located at 8430 FM 2757, Forney, Texas, 75126, authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use, and delegating authority to initiate condemnation proceedings to the City Manager.

Attachments:

[Ordinance](#)

8 [23-6485](#)

An ordinance determining the necessity of acquiring real property for construction, operation, and maintenance of public facilities on a portion of the property located at the northwest intersection of FM 2757 and CR 257, Forney, Texas, 75126, authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use, and delegating authority to initiate condemnation proceedings to the City Manager.

Attachments:

[Ordinance](#)

9 [23-6468](#)

A resolution authorizing the City Manager to execute, on behalf of the City, a Memorandum of Understanding with the Mesquite Independent School District to outline the exchange of property related to the future expansion of Vanguard High School and the reconstruction of Faithon P. Lucas, Sr., Boulevard.

Attachments:

[Resolution](#)

- 10 [23-6475](#) A resolution authorizing the City Manager to finalize and execute a Second Amendment to the Master Development Agreement and Chapter 380 Agreement between Alcott Logistics Partners, L P, Alcott Logistics Station Tract D, LP, and the City of Mesquite, Texas, for the early release of a Performance Deed of Trust, and authorizing the City Manager to administer the Amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the Amendment on behalf of the City.
- Attachments:* [Resolution](#)
- 11 [23-6459](#) RFP No. 2022-148 - City of Mesquite Cooling Tower Replacement IFB Set.
(Staff recommends award to Infinity Contractors International, Ltd., and to authorize the City Manager to finalize and execute a contract in the amount of \$628,190.00 for replacement of three, individual modular Tower Tech cooling towers at the Convention Center Central Utility Plant located at 1818 Rodeo Drive.)
- Attachments:* [Proposal Evaluation Scoring](#)
- 12 [23-6444](#) Bid No. 2023-049 - Annual Supply of Full Circle Clamps.
(Staff recommends award to Core & Main LP, and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$104,675.80. The term of the contract is for a one-year period, with four additional one-year renewals. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
- Attachments:* [Bid Tabulation](#)
- 13 [23-6452](#) Bid No. 2023-067 - Purchase of One Side-Loader Truck for the Parks and Recreation Department.
(Staff recommends purchase from Rush Medium Duty Truck Centers of Texas, L.P., through the BuyBoard Contract No. 601-19, in an amount not to exceed \$137,648.70.)
- Attachments:* [Quote](#)
 [Photo](#)
- 14 [23-6451](#) Bid No. 2023-068 - Purchase of One Transfer Trailer for the Public Works Department.
(Staff recommends purchase from Wilkins Industries Inc., through BuyBoard Contract No. 686-22, in an amount not to exceed \$157,269.00.)
- Attachments:* [Quote](#)
 [Photo](#)
- 15 [23-6453](#) Bid No. 2023-071 - Purchase of Three Ford Utility Pickups for the Public Works Department.
(Staff recommends purchase from Sam Pack's Five Star Ford, Ltd., through BuyBoard Contract No. 601-19, in an amount not to exceed

\$181,720.57.)

Attachments:

[Quote](#)

[Photo](#)

- 16 [23-6454](#) Bid No. 2023-072 - Purchase of Four Ford Utility Pickups for Various Departments.
(Staff recommends purchase from Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$287,401.00.)
- Attachments:** [Quote](#)
 [Photo](#)
- 17 [23-6463](#) Authorize the City Manager to finalize and execute a Fiscal Year (FY) 2023 Agreement Amendment and Extension of the FY2022 Agreement with the Dallas Area Agency on Aging to receive funds that provide meals for senior citizens, in an amount not to exceed \$64,390.00.
- 18 [23-6398](#) Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.
- 19 [23-6396](#) Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and Municipal Court Judge Detra Hill.
- 20 [23-6397](#) Authorize the Mayor to execute an Amendment to An Employment Agreement between the City of Mesquite, Texas, and City Attorney David Paschall.
- 21 [23-6395](#) Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and City Secretary Sonja Land.

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.)

- 22 [23-6449](#) Conduct a public hearing and consider a resolution approving a grant pursuant to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with Marcia J.M. Watts, as Sole Trustee of the Watts Family Trust, for rehabilitation of property located at 200 West Davis Street, Mesquite, Texas, 75149, and authorizing the City Manager to administer the agreement on behalf of the City.

Attachments:[Resolution](#)[Description of Work](#)

- 23** [23-6461](#) Conduct a public hearing and consider an ordinance for Zoning Application No. Z1222-0280, submitted by Ana Cuevas-Niño and Gerardo Niño, for a change of zoning from General Retail to Commercial or Planned Development - General Retail for an auto body repair business, located at 1601 West Bruton Road.
- (Two responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Attachments:[Staff Report and Maps](#)[P&Z Minutes - February 13, 2023](#)[P&Z Minutes - February 27, 2023](#)[Ordinance](#)**ADJOURNMENT****EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:33 P.M.****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. Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; and Civil Action 3:20-cv-20-01982-X – Filed 7-27-20, and on appeal, Cause No. 22-10321 - Filed 3-24-22
2. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
3. Landon Harris v. City of Mesquite, Cause No. DC-21-08418 - Filed 6-30-21
4. Daniel Gonzales v. City of Mesquite, Cause No. CC-21-05087-D - Filed 11-22-21
5. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22
6. Clement Bernard v. City of Mesquite, Texas, Civil Action No. 3:22-cv-00928 - Filed 4-26-22
7. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22
8. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22

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.

Economic Development

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. 24 – Discuss economic development incentives for a development at East Glen Boulevard and Clay Mathis Road); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 8:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

24 23-6473 Discuss economic development incentives for a development at East Glen Boulevard and Clay Mathis Road.

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.

