



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 17, 2022

6:00 PM

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

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

Absent: Councilmembers B. W. Smith and Jeff Casper.

### **PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

1. Receive a presentation from Mesquite Independent School District regarding the Voter Approval Tax Rate Election.

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

#### **INVOCATION**

John Livaudus, Pastor, Macedonia Baptist, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

City Staff.

#### **SPECIAL ANNOUNCEMENTS**

1. Mr. Green invited citizens to attend a District 2 Neighborhood Meeting on Saturday, October 29, 2022, from 10:00 a.m. to 11:00 a.m., at Goodbar Recreation Center, 3000 Concord Drive.
2. Mr. Green stated that a ribbon cutting ceremony for the new Latimore Park will be held on Saturday, October 22, 2022, from 10:00 a.m. to 11:00 a.m. John Latimore Park is named in honor of the City's first African-American Police Officer and includes a lighted basketball park, playground, picnic table with shade and an open grassy area.
3. Ms. Vidler stated that Mesquite Code Ambassadors are volunteers that assist Code Enforcement Officers. The next Code Ambassador orientation will be held tomorrow, October 18, 2022, at 6:00 p.m., at Florence Recreation Center, 2502 Whitson Way.
4. Mr. Boroughs stated that Dallas County will be holding an election on Tuesday, November 8, 2022. The Mesquite Independent School District will be participating with a tax rate election. Citizens can vote at any Vote Center in Dallas County for Early Voting and Election Day Voting. Early Voting locations in Mesquite are Lakeside Activity Center, 101 Holley Park Drive next to City Lake Park and Florence Recreation Center, 2501 Whitson Way.

5. Ms. Anderson stated that The Friends of the Mesquite Public Library will hold a Member Preview Book Sale on Thursday, October 20, 2022, from 5:00 p.m. to 8:00 p.m., in the Mesquite Main Library meeting room, 300 West Grubb Drive. The Book Sale opens to the public on Friday, October 21, 2022, from 9:00 a.m. to 5:00 p.m., and Saturday, October 22, 2022, from 9:00 a.m. to 3:00 p.m. Friends of the Mesquite Public Library memberships will be available at the door.
6. Mayor Alemán encouraged citizens to attend the 6th Annual Dia de Los Muertos (Day of the Dead) Celebration hosted by the Mesquite Arts Council. This celebration will be held on Saturday, October 29, 2022, from 4:00 p.m. to 7:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. This event is free and open to the public and will include a variety of children's activities, cultural entertainment, free pan de Muertos from Panderia Romo and visual experiences to educate the public on this Mexican holiday.
7. Mayor Alemán stated that he attended eight National Night Out events, along with Mesquite Police Department and Mesquite Fire Department staff. He thanked everyone who participated.
8. Mayor Alemán commended Elizabeth Harrell, Director of Parks and Recreation, and the Parks and Recreation staff for a successful PumpkinFest at Paschall Park.
9. Mayor Alemán stated that the NAACP recently held the Freedom Fund Banquet featuring Keynote Speaker, Sarah Collins Rudolph, survivor of the 1963 KKK church bombing.

## **CITIZENS FORUM**

The following persons spoke regarding water billing: (1) Ana Flores, 1123 Powell Road; (2) Mark Murphy, 3128 Pecan Crossing; (3) Gloria Thomas, 5061 Harrier Drive; (4) John Rios, 1418 Sandalwood Drive; (5) Paula Rios, 1418 Sandalwood Drive; (6) Robert Plummer, 1422 Sandalwood Drive; (7) Karen Marsalko, 1216 Wildflower Lane; (8) Benedicte Rovelo, 6204 Yellowstone Drive; (9) Frank McGee, 726 Darnel Lane; and (10) William Grant, 1738 Chandler's Landing.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

**Mr. Green moved to approve the items on the Consent Agenda as follows. Motion was seconded by Mr. Boroughs and approved unanimously.**

- 2 Minutes of the regular City Council meeting held October 3, 2022.

**Approved on the Consent Agenda.**

- 3 An ordinance amending Ordinance No. 4983 by amending the 2022-23 Pay Plan for Fire Personnel to provide for and recognize a lateral entry program for the Mesquite Fire Department.

**Approved on the Consent Agenda.**

**Ordinance No. 4991, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 4983 BY AMENDING THE 2022-23 PAY PLAN FOR FIRE PERSONNEL TO PROVIDE FOR AND RECOGNIZE A LATERAL ENTRY PROGRAM FOR THE MESQUITE FIRE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING EFFECTIVE DATES THEREOF. (Ordinance No. 4991 recorded in Ordinance Book No. 128.)**

- 4 An ordinance amending the Chapter 2 of the City Code for the purpose of placing all provisions regarding Municipal Court Judges into a new Division 6,

creating and establishing two Divisions of the Municipal Court of the City of Mesquite, Texas and creating the office of the City of Mesquite, Texas, Municipal Court Associate Judge.

**Approved on the Consent Agenda.**

**Ordinance No. 4992, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 2 "ADMINISTRATION," ARTICLE IV "OFFICIALS AND EMPLOYEES GENERALLY," DIVISION 1 "GENERALLY;" AND CREATING NEW DIVISION 6 "MUNICIPAL COURT" FOR THE PURPOSE OF PLACING ALL PROVISIONS REGARDING MUNICIPAL COURT JUDGES INTO NEW DIVISION 6; CREATING AND ESTABLISHING TWO DIVISIONS OF THE MUNICIPAL COURT OF THE CITY OF MESQUITE, TEXAS; AND CREATING THE OFFICE OF THE CITY OF MESQUITE, TEXAS, MUNICIPAL COURT ASSOCIATE JUDGE, AND OTHER RELATED GENERAL REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4992 recorded in Ordinance Book No. 128.)**

- 5 A resolution expressing intent to reimburse expenditures from proceeds of future obligations.

**Approved on the Consent Agenda.**

**Resolution No. 41-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF FUTURE OBLIGATIONS. (Resolution No. 41-2022 recorded in Resolution Book No. 65.)**

- 6 A resolution authorizing the City Manager to finalize and execute agreements with Texas Department of Transportation for the sharing of Intelligent Transportation Systems Data and Traffic Video between the Department and the City for five years.

**Approved on the Consent Agenda.**

**Resolution No. 42-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE SHARING OF INTELLIGENT TRANSPORTATION SYSTEMS (ITS) DATA AND TRAFFIC VIDEO BETWEEN THE DEPARTMENT AND CITY FOR FIVE YEARS; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Resolution No. 42-2022 recorded in Resolution Book No. 65.)**

- 7 A resolution approving a Reimbursement Agreement relating to Improvement Area A-1 and C-1 of the Solterra Public Improvement District.

**Approved on the Consent Agenda.**

**Resolution No. 43-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS APPROVING A REIMBURSEMENT AGREEMENT RELATING TO IMPROVEMENT AREA A-1 AND C-1 OF THE SOLTERRA PUBLIC IMPROVEMENT DISTRICT. (Resolution No. 43-2022 recorded in Resolution Book No. 65.)**

- 8 RFP No. 2022-112 - Multi-Year Service Contract for Landfill Disposal of Municipal Solid Waste.

(Staff recommends award to Waste Management of Texas, Inc., and to authorize the City Manager to finalize and execute a contract for landfill disposal services of municipal solid waste. The term of this contract is for a ten-year period, with two additional five-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 9** Bid No. 2022-128 - Annual Supply of Traffic Control Square-Section Sign Posts and Accessories.

(Staff recommends award to Centerline Supply, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$50,213.00. 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 the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 10** Bid No. 2022-137 - Annual Supply of Fire Hydrants.  
(Staff recommends award to Ferguson Enterprises, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$157,652.63. 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 the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 11** Bid No. 2022-140 - Purchase of 2022 PPV Tahoe for Fire Department.  
(Staff recommends the ratification of the purchase of a 2022 Tahoe from Caldwell Automotive Partners, LLC, through BuyBoard National Purchasing Cooperative Contract No. 601-19, in the amount of \$79,810.00.)

**Approved on the Consent Agenda.**

- 12** Bid No. 2023-004 - Supply of Fire Protective Clothing for New Fire Department Employees.  
(Staff recommends the purchase of 22 sets of firefighter protective coats and pants from Casco Industries, Inc., through BuyBoard National Purchasing Cooperative Contract No. 603-20, in an amount not to exceed \$71,890.00.)

**Approved on the Consent Agenda.**

- 13** Bid No. 2023-010 - Purchase of One 2023 Ford F-750 Stellar Carrier.  
(Staff recommends purchase of one 2023 Ford F-750 Stellar Solid Waste Container Delivery Unit (CDU) from Rush Truck Centers of Texas, L.P., through BuyBoard National Purchasing Cooperative Contract No. 601-19, in an amount not to exceed \$120,426.28).

**Approved on the Consent Agenda.**

- 14** Bid No. 2023-014 - Purchase of One 2000 GPM 100-Foot Mid-Mount Platform Ladder Truck.  
(Staff recommends award to Pierce Manufacturing Inc., represented by

Siddons-Martin Emergency Group, LLC, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. FS12-19, in the amount of \$1,750,621.00.)

**Approved on the Consent Agenda.**

- 15** Authorize the City Manager to finalize and execute an Amended and Restated Wholesale Treated Water Agreement with Kaufman County Municipal Utility District No. 12.

**Approved on the Consent Agenda.**

- 16** Authorize the City Manager to finalize and execute an Interlocal Cooperative Agreement with the City of Garland for construction obligations and understandings to a segment of the Duck Creek multipurpose trail.

**Approved on the Consent Agenda.**

- 17** Approve Amendment No. 1 to the 2022-23 Police Federal 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 \$190,000.00.

**Approved on the Consent Agenda.**

- 18** Approve Amendment No. 1 to the 2022-23 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.**

- 19** Consent to the representation of Lennar Homes of Texas Land and Construction, Ltd., in connection with the Solterra Public Improvement District by Ms. J. Prabha Cinclair and Miklos Cinclair PLLC.

**Approved on the Consent Agenda.**

- 20** Authorize an expenditure in the amount of \$220,330.06 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

**Approved on the Consent Agenda.**

## **END OF CONSENT AGENDA**

## **PUBLIC HEARINGS**

- 21** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0247, submitted by Scott Harvel, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the outdoor display of used vehicles for sale, located at 2828 Interstate Highway 30, Suite 101.

(No responses in favor and two 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 regarding Zoning Application No. Z0722-0247.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to use a 3,450-square-foot lease space and up to 16 parking spaces within the newly constructed AllTrades development for the display and sale of used vehicles. The proposed concept plan identifies the spaces designated for display of 16 vehicles. Adequate parking exists on the site and will not reduce the remaining available spaces below the minimum number required for the entire development. Vehicles on display will be moved behind the front building into a secured area when the business is not in operation.

Mr. Armstrong stated that staff suggests adding "Display spaces shall be clearly marked" to Stipulation No.1 and to ensure there is no other writing on the vehicle windows, staff suggests that "and other writing" be added to Stipulation No. 8.

Applicant Scott Harvel, stated that they are proposing to operate a small used car dealership at the site specializing in later year model used vehicles of higher quality. The dealership will cater to clientele that may not be able to access credit with banks or cash buyers. Mr. Harvel stated that advertising will solely be communicated online through social media and the dealership's website. Hours of operation will be Monday through Saturday, from 9:00 a.m. to 5:00 p.m.

Councilmembers expressed concerns regarding the use of the property and whether the other tenants had been notified of the proposed use. The AllTrades development was presented to Council as suites to provide space for trades and services and was not intended to be used for used car dealerships. Council suggested that the applicant contact the City's Economic Development Department to locate a property permissible for a used car dealership.

No one appeared regarding the proposed application.

Ms. Vidler moved to deny Zoning Application No. Z0722-0247. Motion was seconded by Mr. Green and approved unanimously.

22

Conduct a public hearing and consider an ordinance amending Chapter 7.5 of the City Code providing for the establishment of procedures for assessing and collecting impact fees, establishing provisions for credits against impact fees, providing an appeals procedure, adopting revised land use assumptions, adopting Capital Improvements Plans and impact fees for roadway, water and wastewater facilities.

A public hearing was held regarding amending Chapter 7.5 of the City Code.

Jeff Armstrong, Director of Planning and Development Services, stated that updates to impact fee studies must be conducted every five years. In 2015, a study was completed for roadway, water and wastewater impact fees. In 2020, an update to the 2015 study was completed for roadway impact fees only. Now, the water and wastewater impact fee study is being updated. This update to the land use assumptions, Capital Improvements Program and fees will allow the City to continue to assess and collect impact fees. Although the proposed

ordinance also includes roadway impact fees, no changes to the roadway impact fee study or roadway impact fees are included.

April Rose Escamilla, representing Kimley Horn and Associates, Inc., stated that the services areas establish the boundary to which funds can be collected and specify areas to be serviced by the Impact Fee Capital Improvements Plan. The funds collected within a service area must be used on projects in that area within a ten-year period.

No one appeared regarding amending Chapter 7.5 of the City Code.

Mr. Green moved to approve Item No. 22 and the ordinance as presented with the Schedule 2 Collection Rates to the ordinance being set at 50 percent of the maximum assessable impact fee calculation such that the maximum fee per service unit for Water Facility Impact Fees is \$3,879.50 and the maximum fee per service unit for Wastewater Facility Impact Fees is \$2,904.50. And to approve Ordinance No. 4993, AMENDING THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 7.5 "IMPACT FEES" WHICH PROVIDES FOR THE ESTABLISHMENT OF PROCEDURES FOR ASSESSING AND COLLECTING IMPACT FEES; ESTABLISHING PROVISIONS FOR CREDITS AGAINST IMPACT FEES; PROVIDING AN APPEALS PROCEDURE; ADOPTING REVISED LAND USE ASSUMPTIONS; ADOPTING CAPITAL IMPROVEMENTS PLANS AND IMPACT FEES FOR ROADWAY, WATER, AND WASTEWATER FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance 4993 recorded in Ordinance Book No. 128.)

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:22 p.m.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Item No. 23 – Discuss the lease of real property located at 1200 Hillcrest Street); whereupon the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 8:29 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:29 p.m.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.074 of the Texas Government Code to 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 City employees (Annual review of City Manager); whereupon, the City Council proceeded to meet in the 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.

**ADJOURNMENT**

**Ms. Anderson moved to adjourn the meeting. Motion was seconded by Ms. Vidler and approved unanimously. The meeting adjourned at 8:40 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Daniel Alemán, Jr., Mayor