



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, November 6, 2023

6:00 PM

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

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Members of the public desiring to speak during Citizens Forum may complete a registration card, which is available at the entrance to the City Council Chamber, and present it to the City Secretary prior to the meeting or pre-register by sending an email, including name, address and subject to be discussed, to the City Secretary at [sland@cityofmesquite.com](mailto:sland@cityofmesquite.com) by 3:00 p.m., on November 6, 2023.

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

##### **AGENDA REVIEW**

##### **STAFF PRESENTATIONS**

- 1 [23-6877](tel:23-6877) Receive departmental strategy and budget presentation, from the Mesquite Arts Center, related to City Council strategic goals and objectives.

(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 - 6:00 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**

Beto Meza, Pastor, Family Cathedral, Forney, 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.)

- 2      [23-6879](#)      Minutes of the regular City Council meeting held October 16, 2023.

**Attachments:**      [October 16, 2023, minutes](#)

- 3      [23-6896](#)      An ordinance amending Chapter 2 of the City Code thereby authorizing the City Manager and other designated City Officials to execute and administer certain Contracts, Change Orders and Interlocal Agreements not to exceed \$100,000.00, execute and release liens and easements and manage ownership of City vehicles and authorizing the City Attorney to file and settle lawsuits, hire outside legal counsel and pay certain lawsuit settlements, claims, fines, penalties, sanctions and severance not to exceed \$100,000.00.

**Attachments:**      [Ordinance](#)

- 4      [23-6388](#)      Bid No. 2023-046 - Westlake Skate Park: Construction.  
(Authorize the City Manager to finalize and execute a contract with American Ramp Company, through Sourcewell Purchasing Cooperative, Contract No. 112420-ARC, in the amount of \$314,890.00.)

**Attachments:**      [Exhibit](#)

- 5      [23-6870](#)      Bid No. 2023-085 - Travis Williams Renovation: Pre-Fabricated Building.  
(Authorize the City Manager to finalize and execute a contract with

Restroom Facilities Ltd., dba CorWorth, through BuyBoard National Purchasing Cooperative, Contract No. 679-22, in the amount of \$652,387.00.)

**Attachments:** [Exhibit](#)

- 6 [23-6871](#) Bid No. 2023-116 - City Lake Aquatic Center Renovation: Construction. (Authorize the City Manager to finalize and execute a contract with Sunbelt Pools, Inc., through BuyBoard National Purchasing Cooperative Contract Nos. 679-22 and 701-23, in an amount not to exceed \$3,208,360.00.)

**Attachments:** [Exhibit](#)

- 7 [23-6868](#) Bid No. 2024-021 - Network Switch Replacement. (Staff recommends purchase from CDW-G, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4167, in an amount not to exceed \$126,552.52.)

**Attachments:** [Quote](#)

- 8 [23-6892](#) Bid No. 2024-027 - Purchase of Holt 963 Track Loader for Solid Waste Division. (Staff recommends purchase from Holt Cat, through Sourcewell Contract No. 032119, in an amount not to exceed \$426,548.00.)

**Attachments:** [Quote](#)

[Photo](#)

- 9 [23-6863](#) Authorize the City Manager to finalize and execute a Memorandum of Understanding between the City of Mesquite and Department of Public Safety of The State of Texas (DPS) for Mesquite Police to conduct Commercial Vehicle Enforcement and Federal Motor Carrier Safety Administration (FMCSA).

**Attachments:** [Memorandum of Understanding](#)

[MOUs- Tx DPS- Commercial Vehicle Enforcement](#)

- 10 [23-6872](#) Authorize the City Manager to finalize and execute a Work Order for the P25 Public Safety Radio System maintenance and support with the City of Garland for a term beginning October 1, 2023, through September 30, 2024, in an amount not to exceed \$125,307.00.

**Attachments:** [Work Order with City of Garland](#)

[Garland Memorandum to Invoice-On-Site Technical Support](#)

[Garland Memorandum to Invoice-Subscriber Technical Support](#)

- 11 [23-6886](#) Authorize the City Manager to finalize and execute a Grant Agreement with the Texas Department of Transportation (TxDOT), Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$100,000.00.

- 12     [23-6887](#)     Authorize the City Manager to negotiate and execute contracts and closing documents for the purchase of a 3,600-square-foot facility, Hangar D4, located at the Mesquite Metro Airport, 910 Airport Boulevard, Mesquite, Texas, (the "Property") from Classic Flight Corporation (the "Seller") for the purchase price of \$216,000.00, 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.
- 13     [23-6894](#)     Ratify an expenditure in the amount of \$53,358.00 for an emergency repair of a Caterpillar 950GC Heavy Construction Unit 1800546, used at the compost site, with Holt Texas, LTD.

Attachments:     [Photo - Caterpillar 950GC](#)

**PUBLIC HEARINGS**

- 14     [23-6869](#)     Conduct a public hearing and consider an ordinance approving a variance reducing the separation requirements from 300 feet to 157 feet between Belt Line Mart, a convenience store, and PTAA/Mesquite Elementary, a charter school serving children grades Pre-K through 4th grade, to allow Belt Line Mart to sell beer and wine for off-premise consumption, located at 1433 South Belt Line Road, Suite 110.  
(No responses in favor or in opposition to the application have been received from property owners within the required notification area.)

**Attachments:**     [Letter of Request](#)  
                              [Survey](#)  
                              [Notification Map](#)  
                              [Ordinance No. 4635](#)  
                              [Resolution No. 06-2020](#)  
                              [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. John Alexander v. City of Mesquite and Emilio F. Henry, Cause No. DC-21-06832 - Filed 5-28-21
2. Anthony Wagner v. City of Mesquite, Texas, Cause No. DC-22-02864 - Filed 3-14-22; appeal to 5th District Court of Appeals, Dallas, Cause No. 05-22-00826-CV - Filed 8-10-2022
3. City of Dallas, City of Mesquite, et al., v. Disney DTC, LLC, et al., Cause No. DC-22-09128 - Filed 8-3-22; appeal to 5th District Court of Appeals, Dallas, Cause no. 05-23-00485-CV - Filed 5-19-2023
4. Cesar Nunez-Solis v. The City of Mesquite, Texas, Cause No. DC-22-11631 - Filed 9-6-22
5. Ulises Rivera, Jessica Rivera, and 3509 Byrd Drive, Mesquite, Texas 75150, in rem v. The City of Mesquite, Cause No. DC-22-17289 - Filed 2-10-2023
6. J'Mei Walker, II v. City of Mesquite. Cause No. DC-23-04762 - Filed 4-11-23
7. State of Texas v. Villa, Cause No. 05-22-00220-CR, pending in the Court of Appeals, Fifth District of Texas at Dallas, filed in Court of Appeals on March 16, 2022
8. David Briones v. City of Mesquite and Steven Pierce, Cause No. CC-23-05044-E - Filed 8-4-23
9. Michael L. Fogarty, April M.C, Gomez and Victor Gomez v. City of Mesquite/Fire Dept, Mesquite EMTS, Kris Kyle; South Mesquite Regional Hospital, Cause No. DC-23-16587, filed September 28, 2023
10. April Patton v. City of Mesquite, Cause No. DC-23-14996, Filed September 13, 2023

**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**

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations or to deliberate the offer of a financial or other incentive to such a business prospect. The following subjects may be discussed:

- 15 23-6902** Discuss economic development incentives for a development at the corner of Cartwright Road and Faithon P. Lucas, Sr., Boulevard.

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.