



# City of Mesquite, Texas

## Action Agenda

### City Council

Monday, March 6, 2023

5:30 PM

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

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

#### AGENDA REVIEW

#### STAFF PRESENTATIONS

- 1 Discuss fees for City Services. **Discussed.**

#### CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 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. **Received.**

#### REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 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 and 12:30 p.m. to 2:00 p.m. for youth ages 8 to 14 years old. The cost is \$25.00 per child. On Thursday, March 16, 2023, the Mesquite Arts Center, 1527 North Galloway Avenue, will host Mesquite Rocks! St. Patty’s Concert at 7:00 p.m. on the front lawn.**

2. Mr. Smith stated that the North Texas Municipal Water District will be conducting their annual system maintenance from Monday, March 6, 2023, through Monday, April 3, 2023. This maintenance ensures Mesquite's drinking water is safe and provides positive water flows. This process may cause a temporary slight odor change but the water is completely safe to drink. For more information, customers can visit [www.ntmwd.com/SafeWater](http://www.ntmwd.com/SafeWater).
3. Mr. Smith thanked City Manager Cliff Keheley, Mayor Dan Alemán and citizens who attended the District 5 Neighborhood Meeting last Saturday, March 4, 2023.
4. Mr. Boroughs encouraged citizens to send their children to Spring Break Camp next week. Children can attend for one day or one week of fun at Dunford Recreation Center, 1015 Green Canyon, or Camp Rorie Galloway, 3100 Lawson Road. Camps are for Kindergarten through Sixth Grade students and operates from 7:00 a.m. to 6:00 p.m., on Monday, March 13, 2023, through Friday, March 17, 2023. The Dunford daily fee is \$20.00 per resident or \$30.00 per non-resident. Camp Rorie Galloway daily fee is \$25.00 per resident or \$35.00 per non-resident. Registration ends Friday, March 11, 2023.
5. Mr. Boroughs invited citizens to attend a District 4 Neighborhood Meeting on Thursday, March 30, 2023, at Tisinger Elementary School, 1701 Hillcrest Street, from 7:30 p.m. to 8:30 p.m.
6. Ms. Vidler stated that the City of Mesquite has three active Adult 50+ programs at Evans, Goodbar and Rutherford Recreation Centers. Highlights in March include a St. Patrick's Day celebration on Tuesday, March 14, 2023, at 10:30 a.m., at Goodbar Recreation Center, 3000 Concord Drive, and on Friday, March 24, 2023, Gary Freeman will entertain with a variety of music styles at Rutherford Recreation Center, 900 Rutherford Drive, beginning at 10:30 a.m.
7. Ms. Vidler invited citizens to attend a District 3 Neighborhood Meeting on Thursday, March 9, 2023, at Cannaday Elementary School, 2701 Chisholm Trail, at 7:00 p.m. and a Skyline/Rugel Neighborhood Meeting on Tuesday, March 28, 2023, at Rugel Elementary School, 2701 Sybil Drive, at 6:30 p.m.
8. Mr. Green stated that the Utility Billing Office will be closed this Friday, March 10, 2023, for maintenance. Customers will still be able to make payments online at [www.cityofmesquite.com/MesquitePay](http://www.cityofmesquite.com/MesquitePay), which is a new more secure, convenient and user-friendly online payment system. Customers can also place their payment in the dropbox in front of City Hall, 757 North Galloway Avenue.
9. Mr. Casper thanked the City Council, past City Council and City staff for the major advancement over the past few years of City meetings.
10. Mr. Casper announced that the 65<sup>th</sup> Annual Rodeo Parade will be held on Saturday, April 1, 2023, beginning at 10:00 a.m. Businesses and local organizations are invited to take a part in this long-standing tradition. The parade entry fee is \$40.00 with registration deadline being Thursday, March 30, 2023. For a map of the parade route, online registration and more information, visit [www.cityofmesquite.com/RodeoParade](http://www.cityofmesquite.com/RodeoParade).
11. Mayor Alemán stated that the Mesquite Fire Department has rolled out an innovative new unit to make the City's highways safer while emergency personnel are responding to incidents. The truck-mounted crash barrier was put in service on March 1, 2023, and is built to protect first responders from distracted drivers. The new unit, called Blocker 4, provides a two-sectioned bumper between the vehicle and oncoming traffic when fully unfolded. It is also designed to withstand crashes from passing motorists and absorb most of the impact if struck.
12. Mayor Alemán commended the Keep Mesquite Beautiful, Inc., Board of Directors for hosting a regional training session last Thursday, March 2, 2023, for Keep Texas Beautiful at the Mesquite Arts Center.
13. Mayor Alemán recognized City Manager Cliff Keheley who gave an update on last week's storms that passed through Mesquite.
14. Mayor Alemán recognized City Manager Cliff Keheley, whose birthday was this past weekend, and Special Project Director Mark Kerby and Director of Public Works Curt Cassidy, whose birthdays are this week, and everyone sang Happy Birthday to them.

## CITIZENS FORUM

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

## CITIZENS COMMENTS

No one spoke.

## APPOINTMENTS FOR PERSONAL APPEARANCE

- 3 Receive presentation regarding the Fiscal Year 2021-2022 Annual Report from the Mesquite Quality of Life Corporation Board of Directors. **Received.**

## CONSENT AGENDA

- 4 Minutes of the regular City Council meeting held February 20, 2023. **Approved.**
- 5 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. **Approved by Ordinance No. 5008.**
- 6 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. **Approved by Ordinance No. 5009.**
- 7 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. **Approved by Ordinance No. 5010.**
- 8 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. **Approved by Ordinance No. 5011.**
- 9 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. **Approved by Resolution No. 07-2023.**

- 10** 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.  
**Approved by Resolution No. 08-2023.**
- 11** 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.) **Approved as recommended.**
- 12** 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.)  
**Approved as recommended.**
- 13** 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.)  
**Approved as recommended.**
- 14** 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.) **Approved as recommended.**
- 15** 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.)  
**Approved as recommended.**
- 16** 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.)  
**Approved as recommended.**
- 17** 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. **Approved.**
- 18** Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley. **Approved.**

- 19 Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and Municipal Court Judge Detra Hill. **Approved.**
- 20 Authorize the Mayor to execute an Amendment to An Employment Agreement between the City of Mesquite, Texas, and City Attorney David Paschall. **Approved.**
- 21 Authorize the Mayor to execute an Amendment to an Employment Agreement between the City of Mesquite, Texas, and City Secretary Sonja Land. **Approved.**

**PUBLIC HEARINGS**

- 22 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. **Public hearing held. Approved by Resolution No. 09-2023**
- 23 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.) **Public hearing held. Denied.**

**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. 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**

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:

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

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.