



City of Mesquite, Texas

Minutes - Final City Council

Monday, November 6, 2023

6:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Tandy Boroughs, Kenny Green, 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 departmental strategy and budget presentation, from the Mesquite Arts Center, related to City Council strategic goals and objectives.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:53 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. 15 - Discuss economic development incentives for a development at the corner of Cartwright Road and Faithon P. Lucas, Sr., Boulevard); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 7:05 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:08 P.M.

INVOCATION

Councilmember Jennifer Vidler.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson announced that STAR Transit will offering free rides to the polls on Election Day, November 7, 2023, including Demand Response, Fixed Routes and STARNow. Rides must be in the STAR Transit service area or STARNow zone and are subject to availability. Voters must tell bus operators and reservationist that they are riding to and from the polls. To schedule a free ride to vote, call STAR Transit no less than 30 minutes in advance of the desired trip. Scheduling agents are available from 8:00 a.m. to 4:00 p.m., Monday – Friday at 877.631.5278. Or use the STARNow app, which is available in the Apple App Store or Google Play Store, to book an “on demand” trip and ride for free by using the code “Vote2023.”
2. Mr. Boroughs stated that over Thanksgiving break, kids in Kindergarten through 5th grade can spend a day or all week playing games, creating holiday crafts and participating in fun activities at Turkey Camp. The fee is \$20.00 per day for residents and \$30.00 per day for non-residents. The registration deadline is November 16, 2023. Turkey Camp will be held at Dunford Recreation Center from 7:00 a.m. to 6:00 p.m., November 20 – 24, 2023. Camp will not be held on Thanksgiving Day, November 23, 2023. A Teen Turkey Camp for students in 6th through 8th grades also will be held. Pricing, dates and location are same. A one-day Turkey Camp for kids in Kindergarten through 6th grade will be held on November 20, 2023, at Rorie-Galloway Day Camp. Pricing is \$25.00 per day for residents and \$35.00 per day for non-residents.
3. Mr. Boroughs stated that the City of Mesquite offers several communication tools to help you “Connect With Us” so you can stay engaged and take action in our community. One of these tools is myMesquite. You can submit service requests for street repair, code issues, crime concerns and more by visiting www.cityofmesquite.com/myMesquite or using the app. No registration is required. However, when users create an account, they will be kept up to date on the status of their request. Another resource is the MyMesquite Call Center. It’s open 24 hours a day, 7 days a week. Callers get easy access to City information, services, service requests, updates and reports, in English or Spanish at 972-288-7711.
4. Mr. Boroughs congratulated the Mesquite Citizens’ Fire Academy participants who graduated this past Saturday, November 4, 2023. He encouraged citizens to enroll in a future Fire Academy.
5. Ms. Vidler invited citizens to attend a Veterans Day event to celebrate the bravery and service of our military heroes. The celebration will begin at 11:00 a.m., on Saturday, November 11, 2023, at the Mesquite Veterans Memorial, 425 South Galloway Avenue. The City partners with American Legion Post 504 and VFW Post 8785 to present the Veterans Day 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. The City is proud to host this annual event to honor and support those who have selflessly served our nation.
6. Ms. Vidler stated that the City of Mesquite offers “Real. Texas. Holidays” which consists of several festive, family-friendly events. The Annual Tree Lighting in the Downtown Mesquite Square will be held on Tuesday, November 28, 2023. Christmas in the Park will take place on Saturday, December 2, 2023, through Sunday, December 3, 2023, with free pictures with Santa and a fireworks to complete the night. Savor the sights and sounds of the season at the Mesquite Arts Center with holiday plays and music from our local symphony and community band. Visit www.cityofmesquite.com/RealTexasHolidays for dates and times for all holiday events.

7. Mr. Green reminded citizens of the WARM program. WARM stands for “Weather Activated Relief for Mesquite.” This is an initiative sponsored by Sharing Life Community Outreach, the Mesquite Ministerial 7. Alliance and the City of Mesquite and it provides temporary shelter for individuals who are unsheltered during extreme weather conditions. The City posts notifications on its social media channels when WARM is activated, or citizens can check Sharing Life/WARM. The program has sponsors but still needs donations. Sharing Life accepts warm clothing and toiletry items as well as financial donations for the WARM program.

8. Mr. Green stated that he recently attended the Educators Award Ceremony presented by The Prayer Lady Ministries International, LLC. During this event, civic leaders and educators were honored for the impacts that they make in the lives of our youth. Mesquite Independent School District Superintendent Angel Rivera and several Mesquite educators were honored, as well as Mayor Alemán. Mr. Green presented The Della Award for community engagement to Mayor Alemán for his involvement with youth in our community.

9. Mayor Alemán congratulated Downtown Mesquite for the recent Resiliency Award from the Texas Downtown President’s Award Program. This award was given in recognition of the rehabilitations of Alejandro’s at Front Street Station and Heritage Plaza. Both of these projects revived historic buildings and provided new destination spots in the downtown area. He congratulated Kim Buttram, Beverly Abel and their entire team.

10. Mayor Alemán reminded citizens that tomorrow, November 7, 2023, is Election Day. He reminded registered voters that if you didn’t cast your ballot during early voting, you have another chance to vote tomorrow. Visit www.cityofmesquite.com/2023TaxElection for information and voter resources.

CITIZENS FORUM

1. Mitchell Taylor, 1129 Covington Drive, expressed concerns regarding water billing.
2. Vivian Johnson, 4538 Live Oak Drive, expressed concerns regarding accessing the new water meter cutoff valve.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that Item No. 12 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Vidler and approved unanimously.

- 2 Minutes of the regular City Council meeting held October 16, 2023.

Approved on the Consent Agenda.

- 3 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.

Approved on the Consent Agenda.

Ordinance No. 5077, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,

AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE BY DELETING SECTIONS 2-5 AND 2-6 IN THEIR ENTIRETY AND REPLACING THEM WITH NEW SECTIONS 2-5 AND 2-6 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 LAWSUITS SETTLEMENTS, CLAIMS, FINES, PENALTIES, SANCTIONS, AND SEVERANCE NOT TO EXCEED \$100,000.00; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5077 recorded in Ordinance Book No. 130.)

- 4 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.)

Approved on the Consent Agenda.

- 5 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.)

Approved on the Consent Agenda.

- 6 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.)

Approved on the Consent Agenda.

- 7 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.)

Approved on the Consent Agenda.

- 8 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.)

Approved on the Consent Agenda.

- 9 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).

Approved on the Consent Agenda.

- 10 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.

Approved on the Consent Agenda.

- 11** 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.

Approved on the Consent Agenda.

- 13** 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.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 12** 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.

Mr. Boroughs moved to postpone consideration of authorizing 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 from Classic Flight Corporation to a future City Council meeting to allow further review by staff. Motion was seconded by Mr. Green and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 14** 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.)

A public hearing was held to consider an ordinance regarding a variance for 1433 South Belt Line Road, Suite 110.

Jeff Armstrong, Director of Planning and Development Services, stated that the

City of Mesquite requires businesses selling beer and wine for off-premise consumption to be located a minimum of 300 feet from a public or private school. The distance is measured in a direct line from the school's property line to the property line of the place of business. Based on the survey submitted by the applicant, the subject property is approximately 157 feet from PTAA/Mesquite Elementary School's property line. However, the entrance to the convenience store is approximately 450 feet from PTAA/Mesquite Elementary School's property.

Mr. Armstrong stated that the City Council approved Ordinance No. 4635 on December 17, 2018, establishing a variance process that could allow businesses that sell beer and wine for off-premise consumption to be less than 300 feet from churches and schools. The ordinance gives Council the authority to approve such variances on a case-by-case basis when a request is found to be "...not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or for any other reason the City Council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community."

Mr. Armstrong stated that the applicant, D and M Partners Texas, LLC., is purchasing the convenience store (One Stop Food Store) located at 1433 South Belt Line Road, Suite 110, and will rename the store Belt Line Mart. The City Council approved Resolution No. 06-2020 on February 3, 2020, for a variance with conditions for the current owner of One Stop Food Store to allow beer and wine sales at the property. One of the conditions is that the wine and beer retailer's off-premise permit cannot be transferred to another permit holder. As a result, the new owner, D and M Partners Texas LLC, is requesting a new variance.

Gena Cannon, All-Tex Permits, representing the owner of the business, stated that a variance is being requested to allow the store to continue selling beer and wine for off-premise consumption.

Prasenjit Sen, husband of one of the owners, stated that they are leasing the premises and there will be no expansion or changes to the store.

No one appeared regarding the proposed ordinance.

Mr. Boroughs moved to approve a variance for 1433 South Belt Line Road, Suite 110, with the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to the Texas Alcoholic Beverage Code in the location shown on the location map attached as Exhibit A to the ordinance.
- (2) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (3) The variance shall apply only to the suite housing the existing convenience store and its existing square footage on the date the variance was approved; any relocation or expansion automatically voids the variance.

And to approve Ordinance No. 5078, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A VARIANCE REDUCING THE SEPARATION REQUIREMENTS FROM 300 FEET TO 157 FEET BETWEEN A CONVENIENCE STORE LOCATED AT

1433 SOUTH BELTLINE ROAD, SUITE 110, AND PTAA/MESQUITE ELEMENTARY, A CHARTER SCHOOL SERVING CHILDREN GRADES PRE-K THROUGH 4TH GRADE LOCATED AT 1412 SOUTH BELTLINE ROAD, TO ALLOW THE CONVENIENCE STORE TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 5078 recorded in Ordinance Book No. 130.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 7:45 P.M.

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Receive update on pending and contemplated litigation cases); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 8:10 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:10 p.m.

Attest:

Approved:

DocuSigned by:
Sonja Land
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Sonja Land, City Secretary

DocuSigned by:
Daniel Aleman Jr.
D990585317D142B...

Daniel Alemán, Jr., Mayor