



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 2, 2023

6:00 PM

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

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

Absent: City Manager Cliff Keheley.

### **PRE-MEETING - CITY COUNCIL CHAMBERS - 6:00 P.M.**

#### **AGENDA REVIEW**

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:17 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/or a matter 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 that conflicts with Texas Government Code Chapter 551 ([1] Agenda Item No. 14 and [2] Agenda Item No. 15 - Discuss the legality of a proposed land use seeking to locate within the City of Mesquite); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 6:38 p.m., the City Council reconvened in Open Session.

[1] See Agenda Item No. 14 for executive action taken.

[2] No executive action was necessary.

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:38 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. 16 - 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 6:43 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

#### **INVOCATION**

Rick Nichols, Pastor, Wildwood Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Staff from the Mesquite Fire Department, Mesquite Police Department and Dispatch.

**SPECIAL ANNOUNCEMENTS**

1. Mr. Casper congratulated Keep Mesquite Beautiful, Inc., for a successful Trash Bash this past Saturday, September 30, 2023. Vanguard High School students collected trash along Heritage Trail from Palos Verdes Drive to Town East Boulevard. He thanked all of the volunteers that donated their time to clean up our community.
2. Mr. Casper announced that a Town Hall meeting will be held on Tuesday, October 10, 2023, at 6:30 p.m., at Rutherford Recreation Center, 900 Rutherford Drive, to discuss the 2023 Tax Rate Election. The City's 2023-24 budget includes funding for roadway and alley reconstruction, additional police officers, a new fire station, staffing and equipment to operate the fire station and a new Behavioral Health Division. An increase in the tax rate will be required to fund these services. The last day to register to vote is Tuesday, October 10, 2023, and Early Voting begins on Monday, October 23, 2023. To learn more about the tax rate election and for voting resources, visit [www.cityofmesquite.com/2023TaxElection](http://www.cityofmesquite.com/2023TaxElection).
3. Mr. Green announced that the Parks and Recreation Department will be hosting two family-friendly events in October 2023. On Saturday, October 7, 2023, the final Movies in the Park event of the year will be a screening of "The Addams Family 2." Pre-show entertainment begins at 7:00 p.m. and the movie begins at dusk at Rorie-Galloway Day Camp, 3100 Lawson Road. On Saturday, October 21, 2023, the City will host the Annual PumpkinFest event from Noon to 5:00 p.m., at Paschall Park, 1001 New Market Road. This free event will feature a new hay maze and hayride along with a pumpkin patch, contests, games and lots of food.
4. Ms. Vidler stated that the Mesquite Economic Development team anticipates that over the next decade, four million manufacturing jobs will need to be filled in the United States. To prepare the future workforce in our area, the Mesquite Regional Business Retention and Expansion (BRE) Task Force will host its 4th Annual Manufacturing Day for manufacturing and career and technical education students on Wednesday, October 4, 2023, at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard. Mesquite's Manufacturing Day connects approximately 400 Mesquite Independent School District students with local companies that focus on engineering, robotics, welding and design, and manufacturing job opportunities. The students will attend a job fair and take tours of local manufacturing plants.
5. Mr. Boroughs stated that October 2 – 6, 2023, is Public Safety Appreciation Week in Mesquite. The City has many events planned to celebrate Police, Fire and Dispatch personnel. Thank you to Chick-fil-A on Town East Boulevard and to all who attended one of the first celebration events this morning – Fries with a Firefighter. As part of Public Safety Appreciation Week, several gatherings are planned across Mesquite for National Night Out tomorrow. For locations and more information, visit [www.cityofmesquite.com/NationalNightOut](http://www.cityofmesquite.com/NationalNightOut).
6. Mr. Boroughs thanked Ms. Vidler and her team for joining him in cleaning up the area at Gross Road and IH-635 and Ridgeview Street and Gross Road during Trash Bash last Saturday. He encouraged citizens to get together with neighbors and take time to pick up trash in our community.
7. Mr. Smith stated that the Public Safety Appreciation Week celebration continues on Wednesday, October 4, 2023, with Burgers with a Badge. Come out and enjoy a delicious meal with our Police Officers, Firefighters and Dispatchers, from 5:30 p.m. to 7:30 p.m., at Braum's, 3506 North Galloway Avenue. Safety equipment will also be on location for kids and the young at heart to explore.
8. Mr. Smith invited citizens to attend a District 5 Neighborhood Meeting on Saturday, October 14, 2023, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.

9. Ms. Anderson stated that another Public Safety event this week is Coffee with a Cop on Thursday, October 5, 2023, from 7:00 a.m. to 9:00 a.m. at two McDonald's locations – 2012 West Scyene Road and 1444 South Beltline Road. Mesquite Police Officers will be on site. Free Back the Blue coffee sleeves will be provided to the public while supplies last.

10. Ms. Anderson invited citizens to attend a District 6 Neighborhood Meeting on Thursday, October 5, 2023, at 7:30 p.m., at Don Achziger Elementary School, 3300 Ridge Road.

11. Mayor Alemán thanked Mr. Boroughs for sitting in for him at the September 18, 2023, City Council meeting. He had a medical emergency with his mother and she is now doing well.

12. Mayor Alemán stated that 300 to 400 people registered for last Saturday's Trash Bash. He thanked Keep Mesquite Beautiful, Inc., Program Administrator Jonathan Chitty and all volunteers for a very successful event.

13. Mayor Alemán stated that Public Safety Appreciation Week will end with the Annual First Responder's Games on Friday, October 6, 2023, at 7:00 p.m., at Mesquite Memorial Stadium, 2500 Memorial Boulevard. Mesquite Police Chief David Gill and Mesquite Fire Chief Russell Wilson will be in attendance along with other community leaders. This year's game will be between Mesquite High School and Horn High School. For a full list of Public Safety Appreciation Week activities, visit [www.cityofmesquite.com/PublicSafety](http://www.cityofmesquite.com/PublicSafety).

14. Mayor Alemán thanked Assistant City Manager Raymond Rivas for sitting in for City Manager Cliff Keheley at tonight's meeting.

## CONSENT AGENDA

### Approval of the Consent Agenda

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

- 1** Minutes of the regular City Council meeting held September 18, 2023.

**Approved on the Consent Agenda.**

- 2** An ordinance amending Chapter 8 of the City Code, by reserving current Article XIII and adding new Article XVIII "Hotel Premise Regulations" to provide for additional provisions regarding hotel license requirements and associated fees and providing transitional provisions regarding issuance of a license and enforcement prior to December 1, 2023.

**Approved on the Consent Agenda.**

**Ordinance No. 5070, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE MESQUITE CITY CODE, BY RESERVING CURRENT ARTICLE XIII, AND ADDING NEW ARTICLE XVIII "HOTEL PREMISE REGULATIONS" FOR THE PURPOSE OF MOVING THE CURRENT REGULATIONS FROM ART. XIII TO NEW ART. XVIII TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING HOTEL LICENSE REQUIREMENTS AND ASSOCIATED FEES; PROVIDING TRANSITIONAL PROVISIONS REGARDING ISSUANCE OF A LICENSE AND ENFORCEMENT PRIOR TO DECEMBER 1, 2023; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5070 recorded in Ordinance Book No. 130.)**

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

**Approved on the Consent Agenda.**

**Resolution No. 48-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF FUTURE OBLIGATIONS. (Resolution No. 48-2023 recorded in Resolution Book No. 68.)**

- 4 A resolution endorsing and accepting the 2023-2024 Comprehensive Safety Grant ("Grant") for the Selective Traffic Enforcement Program ("STEP"), authorizing the filing of the application for the Grant, approving the contribution of City funds in the amount of \$9,592.12, designating the City Manager as the official representative of the City in connection with the Grant, and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such Grant and STEP Program.

**Approved on the Consent Agenda.**

**Resolution No. 49-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING AND ACCEPTING THE 2023-2024 COMPREHENSIVE SAFETY GRANT (THE "GRANT") FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (THE "STEP PROGRAM"); AUTHORIZING THE FILING OF THE APPLICATION FOR THE GRANT; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$9,592.12; DESIGNATING THE CITY MANAGER AS THE OFFICIAL REPRESENTATIVE OF THE CITY IN CONNECTION WITH THE GRANT; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH SUCH GRANT AND STEP PROGRAM. (Resolution No. 49-2023 recorded in Resolution Book No. 68.)**

- 5 A resolution authorizing the City Manager to execute Amendment No. 1 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2023-24 for an amount not to exceed \$129,448.00.

**Approved on the Consent Agenda.**

**Resolution No. 50-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR FISCAL YEAR 2023-24 FOR AN AMOUNT NOT TO EXCEED \$129,448.00. (Resolution No. 50-2023 recorded in Resolution Book No. 68.)**

- 6 A resolution approving the purchase of 6.5 acres of land being part of the WM Peters Survey Tracts 35.02 and 35.04 in Kaufman, Texas by the Kaufman Central Appraisal District and the construction of and related financing of a building pursuant to a lease purchase agreement.

**Approved on the Consent Agenda.**

**Resolution No. 51-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

MESQUITE, TEXAS, APPROVING THE PURCHASE OF 6.5 ACRES OF LAND BEING PART OF WM PETERS SURVEY, TRACTS 35.02 AND 35.04, PROPERTY ID'S 187223 AND 51233, CITY OF KAUFMAN, TEXAS ("PROPERTY") BY THE KAUFMAN CENTRAL APPRAISAL DISTRICT PURSUANT TO THE PURCHASE AND SALE AGREEMENT BETWEEN KAUFMAN CENTRAL APPRAISAL DISTRICT AND THE KAUFMAN INDEPENDENT SCHOOL DISTRICT AND THE CONSTRUCTION OF AND RELATED FINANCING OF A BUILDING PURSUANT TO A LEASE PURCHASE AGREEMENT AS REQUIRED BY TEXAS TAX CODE §6.051(b); FINDING SUCH ACTION IS TAKEN WITHIN THE TIME REQUIRED BY TEXAS TAX CODE §6.051(b); ORDERING A COPY OF THIS RESOLUTION BE PROVIDED TO THE CHIEF APPRAISER; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 51-2023 recorded in Resolution Book No. 68.)

- 7 Bid No. 2023-082 - Utility Relocation for CSJ: 0095-10-033 U.S. 80 from Interstate Highway (IH) 30 to Gus Thomasson Road.  
(Staff recommends award to low bidder ANA Site Construction, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$3,081,232.00.)

**Approved on the Consent Agenda.**

- 8 Bid No. 2023-106 - Purchase of Isuzu Jet-Vac Truck for Utilities.  
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 601-19, in an amount not to exceed \$200,338.25.)

**Approved on the Consent Agenda.**

- 9 Bid No. 2023-105 - Purchase of Elgin Eagle Street Sweeper.  
(Staff recommends award to Kinloch Equipment and Supply, through Sourcewell Contract No. 093021-ELG, in an amount not to exceed \$378,380.00.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2024-007 - Annual Internet Auctioning Services.  
(Staff recommends award to René Bates Auctioneers, Inc., through BuyBoard Contract No. 708-23, for a commission of 7.5 percent of gross sales. The term is for a one-year period, with two 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. 2023-122 - Annual Contract for Crushed Concrete Aggregate.  
(Staff recommends award to low bidder Big City Crushed Concrete in the amount of \$198,800.00. The term 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 annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 12 Reappoint Carolyn Miller Stoddard (Position 4) and Troy Hutchison (Position 5) and appoint LaMonica Davison (Position 2) to the Spradley Farms Improvement District of Kaufman County Board of Directors for terms to expire August 19, 2027.

**Approved on the Consent Agenda.**

#### **END OF CONSENT AGENDA**

#### **PUBLIC HEARINGS**

- 13 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0313, submitted by Debra Cox of JDJR Engineers and Consultants, Inc., for a change of zoning from Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial to Planned Development - Light Commercial (Ordinance 4510), Commercial and Light Commercial with a Conditional Use Permit to allow a new and used vehicle dealership with an outdoor display lot, located at 16160, 16190 and 16200 Interstate Highway 635. (One response 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.)

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to locate a new and used car sales business on the subject property. Conditional Use Permits have been approved for multiple new and used car dealerships on the subject property over the years, most recently in 2017. The applicant proposes to demolish the existing structures on the site and construct two new buildings for a Cadillac dealership and a Genesis dealership.**

**Applicant Zack Amick stated that the two new buildings will house a Cadillac dealership and a Genesis dealership. Genesis is a luxury brand and a subsidiary of Hyundai.**

**No one appeared regarding the proposed application.**

**Mr. Casper moved to approve Zoning Application No. Z0723-0313, as recommended by the Planning and Zoning Commission, with the following stipulations:**

- 1. Each vehicle on display must be parked/displayed fully within a striped parking space or inside of a building.**
- 2. Vehicles for sale may be displayed on ramps.**
- 3. Before the issuance of a Certificate of Occupancy, the property shall be brought into full compliance with the City Code, including, but not limited to the Zoning Ordinance regarding landscaping, parking, fencing, screening, and all other requirements applicable to the uses on the property.**

**And to approve Ordinance No. 5071, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – LIGHT COMMERCIAL**

(ORDINANCE NO. 4510), COMMERCIAL, AND LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL (ORDINANCE NO. 4510), COMMERCIAL, AND LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 16160, 16190, AND 16200 INTERSTATE HIGHWAY 635 TO ALLOW NEW AND USED VEHICLE SALES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5071 recorded in Ordinance Book No. 130.)

14

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0823-0323, submitted by Shannon Vazquez of Broadmoor Plaza Retail, LLC, for a change of zoning from General Retail to General Retail zoning with a Conditional Use Permit to allow a variety store within 5,000 feet of another variety store with no sales floor dedicated to fresh produce, meats or dairy, located at 500 North Galloway Avenue, Suite 110.

(No responses in favor or 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.)

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to locate a Five Below variety store within the existing shopping center in a 9,806-square-foot lease space. The business sells items such as home furnishings, crafts, toys, and pre-packaged food items. He added that there is another variety store within the same center.

Applicant Steven Levin, Principal with Managing Group for Broadmoor Plaza, stated that the shopping center recently underwent a \$2 million renovation, and they continue to seek out quality tenants. He stated that the proposed tenant, Five Below, will be an asset to the shopping center and added that they have secured a 15-year lease with CVS, which resides in the same shopping center.

No one appeared regarding the proposed application.

Mr. Smith moved to approve Zoning Application No. Z0823-0323, as recommended by the Planning and Zoning Commission, with the following modifications under Section 3-510 of the Mesquite Zoning Ordinance:

1. Section 3-510.A.: Waiving the requirement that prohibits a variety store within 5,000 feet of another variety store.
2. Section 3-510.D.: Waiving the requirement that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.

And to approve Ordinance No. 5072, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 500 NORTH GALLOWAY AVENUE (UNIT 110) TO ALLOW A VARIETY STORE (SIC 533) WITH MODIFICATIONS UNDER SECTION 3-510 OF THE MESQUITE ZONING ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT

TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 5072 recorded in Ordinance Book No. 130.)

**ADJOURNMENT**

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Vidler and approved unanimously. The meeting adjourned at 7:50 p.m.

Attest:

Approved:

DocuSigned by:  
*Sonja Land*  
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Sonja Land, City Secretary

DocuSigned by:  
*Daniel Aleman Jr.*  
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Daniel Alemán, Jr., Mayor