



City of Mesquite, Texas

Minutes - Final City Council

Monday, October 19, 2020

5:00 PM

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

Present: Mayor Bruce Archer and Councilmembers Robert Miklos, Dan Aleman, Tandy Boroughs, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding Trinity Valley Electric Cooperative operations and proposed franchise agreement.
- 2 Receive briefing regarding ordinance amendments to the Mesquite Zoning Ordinance and Chapters 9 and 10 of the City Code, thereby updating certain regulations and offenses regarding the parking and storage of commercial motor vehicles, oversized vehicles, recreational vehicles (RVs) and trailers in residential areas and the associated required off-street parking spaces.

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

INVOCATION

Tony Rorie, The Men and Ladies of Honor.

PLEDGE OF ALLEGIANCE

City Manager Cliff Keheley.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom stated that as part of formalizing an Americans with Disabilities (ADA) Act Transition Plan, the City is requesting the community's participation by completing an online survey to address specific concerns regarding accessibility or a need for reasonable accommodations at public meetings, in public facilities or other ADA related issues. The survey is available on the City's website beginning today through November 6, 2020.
2. Mr. Green thanked the Mesquite Police Department (MPD) for launching four new social media platforms including a Facebook page. These social media platforms are not monitored 24 hours a day, 7 days a week and should not be utilized by the public for 911 service. These platforms will allow citizens to engage with the MPD.

3. Mr. Miklos announced that STAR Transit is offering free, round-trip rides to local polling places for Early Voting through Friday, October 30, 2020, and on Election Day, Tuesday, November 3, 2020. Also, the Mesquite Convention Center & Exhibit Hall, 1700 Rodeo Drive, will host walk-in and curbside voting for Dallas County registered voters on Election Day from 7:00 a.m. to 7:00 p.m.
4. Mr. Boroughs announced that last week, the City of Mesquite earned the 2020 Achievement of Excellence in Procurement Award, making Mesquite one of only 46 agencies in Texas and one of only 69 cities in the United States to receive this honor. The City was also awarded the Certificate of Distinction from the Government Treasurers' Organization of Texas for maintaining a comprehensive written investment policy that fully complies with the Texas Public Funds Investment Act. This is the fourth consecutive year that the City has received this award. He thanked City staff for helping the City achieve these honors.
5. Mr. Smith stated that Dallas County has issued guidelines regarding Halloween activities and does not recommend that citizens participate in parties, trick or treating and trunk or treat events. They offered ideas for safe activities such as family scavenger hunts at the home, Halloween-themed movie nights and Halloween-themed family meals. He encouraged everyone to enjoy Halloween while protecting everyone's health.
6. Mr. Aleman stated that due to COVID-19, the Hispanic Forum of Mesquite (HFM) is unable to host their annual fundraiser, Noche de Suenos Scholarship Gala, which helps deserving Hispanic students in the Mesquite Independent School District and Dallas College – Eastfield Campus apply for scholarships. HFM has awarded more than \$55,000.00 to students in the past few years. He encouraged citizens to support HFM with a tax-deductible donation.
7. Mr. Aleman announced that the City's Curbside Recycling Program will resume today. The program had been suspended since late March 2020 due to the impacts of the COVID-19 pandemic.
8. City Manager Cliff Keheley announced that Public Works Director Matt Holzapfel will be retiring as of October 30, 2020, after 37 dedicated years of service to the City. Mayor Archer stated that as our City grows in Kaufman County, a new water pump station will be built and operational in 2022. Because Matt has kept the City of Mesquite flowing and moving forward towards better public infrastructure for 37 years, it was only fitting to name the new water pump station in his honor – Matthew Holzapfel Pump Station. Mayor Archer thanked Matt for his many years of service to the City and to his family for supporting Matt as he devoted many long hours to the citizens of Mesquite.

OTHER BUSINESS

17

Consider appointment of the Municipal Court Judge for the City of Mesquite, Texas, effective November 13, 2020, and authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and Municipal Court Judge.

This item was taken out of order.

Cliff Keheley, City Manager, stated that it was the City Council's overwhelming consensus to appoint Prosecutor and Assistant City Attorney Detra Hill to the position of Municipal Court Judge.

Ms. Wisdom moved to appoint Detra Hill as Municipal Court Judge for the City of Mesquite, Texas, effective November 13, 2020, and authorized the Mayor to execute an employment agreement between the City of Mesquite, Texas, and Detra Hill. Motion was seconded by Mr. Aleman and approved unanimously.

CITIZENS COMMENTS

Henry Brown, 211 Athel Drive, expressed support for the appointment of Detra Hill as the new Municipal Court Judge.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Miklos requested that Item Nos. 7 and 10 be removed from the Consent Agenda to be considered separately. Mr. Miklos moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Green and approved unanimously.

- 4** Minutes of the regular City Council meetings held September 28, 2020, and October 5, 2020.

Approved on the Consent Agenda.

- 5** An ordinance amending Chapter 9 of the City Code thereby providing a new school zone for Trinity Basin Preparatory School and a revised school zone for Vanston Middle School.

Approved on the Consent Agenda.

Ordinance No. 4819, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 9-147(1)(c) AND 9-147(1)(e) THEREBY PROVIDING A NEW SCHOOL ZONE FOR TRINITY BASIN PREPARATORY AND A REVISED SCHOOL ZONE FOR VANSTON MIDDLE SCHOOL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4819 recorded in Ordinance Book No. 122.)

- 6** An ordinance, on first reading, granting to Trinity Valley 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, finding that the meetings at which this ordinance is passed are open to the public, and providing for severability.

Approved on the Consent Agenda.

- 8** A resolution adopting the Public Housing Authority 5-Year and Annual Plan for the Housing Choice Voucher Program.

Approved on the Consent Agenda.

Resolution No. 51-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE PUBLIC HOUSING AUTHORITY ("PHA") 5-YEAR AND ANNUAL PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM.

(Resolution No. 51-2020 recorded in Resolution Book No. 61.)

- 9 A resolution supporting the reconstruction of US Highway 80 in Mesquite and authorizing the City Manager to execute an Agreement to Contribute Right-of-Way Funds estimated at \$651,000.00 with the Texas Department of Transportation for highway improvements on US Highway 80 from IH 30 to east of Belt Line Road (Sunnyvale Town Limits).

Approved on the Consent Agenda.

Resolution No. 52-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE RECONSTRUCTION OF US HIGHWAY 80 IN MESQUITE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO CONTRIBUTE RIGHT-OF-WAY FUNDS ESTIMATED AT \$651,000.00 WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR HIGHWAY IMPROVEMENTS ON US HIGHWAY 80 FROM IH-30 TO EAST OF BELT LINE ROAD (SUNNYVALE TOWN LIMITS). (Resolution No. 52-2020 recorded in Resolution Book No. 61.)

- 11 RFP No. 2020-077 - Parks Master Plan.
(Authorize the City Manager to finalize and execute a contract with Dunaway Associates, L.P., in the amount of \$155,415.00.)

Approved on the Consent Agenda.

- 12 Bid No. 2020-112 - Annual Contract for Paint and Body Services.
(Authorize the City Manager to finalize and execute a contract with Town East Ford in the amount of \$324,500.00. The term of this contract is for one-year, with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 13 Bid No. 2021-005 - Annual Contract for Internet Auctioning Services.
(Staff recommends award to Rene' Bates Auctioneers, Inc., through BuyBoard Contract No. 620-20, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales. The term of this contract is for one year, with two 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.

- 14 Authorize the City Manager to finalize and execute a Water Disconnection Agreement with Talty Special Utility District.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 7 A resolution authorizing the City Manager to finalize and execute a development agreement between the City of Mesquite, Texas, and HC Solterra, LLC, regarding the development of approximately 1,424.398 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard within the corporate limits of the City of

Mesquite, Texas, in Dallas County, Texas, as a master-planned development consisting of residential and commercial mixed uses; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City.

Cliff Keheley, City Manager, read comments submitted by Terri White, 505 Riggs Circle, regarding Solterra Development's sustainability and native plant usage.

Mr. Aleman moved to approve the resolution as presented to the City Council at tonight's meeting, authorizing the City Manager to finalize and execute the development agreement as most recently presented to the City Council and to include the revisions discussed in tonight's Pre-Meeting, Resolution No. 53-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS, AND HC SOLTERRA, LLC, REGARDING THE DEVELOPMENT OF APPROXIMATELY 1,424.398 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF EAST CARTWRIGHT ROAD AND BOTH NORTHWEST AND SOUTHEAST OF FAITHON P. LUCAS SR. BOULEVARD WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, IN DALLAS COUNTY, TEXAS, AS A MASTER- PLANNED DEVELOPMENT CONSISTING OF RESIDENTIAL AND COMMERCIAL MIXED USES (THE "AGREEMENT"); AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTIONS AND EXECUTE SUCH DOCUMENTS AS ARE NECESSARY OR ADVISABLE TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Ms. Wisdom and approved unanimously. (Resolution No. 53-2020 recorded in Resolution Book No. 61.)

10

Bid No. 2020-012 - Kaufman County Large Diameter Transmission Water Main Project.

(Authorize the City Manager to finalize and execute a contract with lowest responsible bidder S.J. Louis Construction of Texas, LTD, in the amount of \$10,192,834.35.)

John Rowan, representing low bidder Excel Trenching, requested the City Council consider awarding the bid to Excel Trenching.

Mr. Aleman moved to award Bid No. 2020-012, Kaufman County Large Diameter Transmission Water Main Project, to the lowest responsible bidder S.J. Louis Construction of Texas, LTD, and authorize the City Manager to finalize and execute a contract in the amount of \$10,192,834.35. Motion was seconded by Ms. Wisdom and approved unanimously.

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS AND COMMISSIONS

15

Consider appointment of four regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2022.

Mr. Green moved to appoint L.C. Williams, Kenneth Burris and Keith Briggs as regular members to the Parks and Recreation Advisory Board and Tree Board, change the appointment of Quinton Middleton from an alternate member to a regular member and appoint Steve Bragg as an alternate member, all for terms to expire October 21, 2022. Motion was seconded by Mr. Aleman and approved unanimously.

16

Consider appointment of one regular member and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2020.

Mr. Miklos moved to change the appointment of Millie Arnold from an alternate member (Alternate No. 2) to a regular member (Position No. 2) to the Planning and Zoning Commission/Capital Improvements Advisory Committee and to appoint Brandon Murden as an alternate member (Alternate No. 2) for terms to expire December 31, 2020. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

18

Conduct a public hearing and consider a resolution approving the terms and conditions of a 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 an economic development program agreement (Chapter 380 Agreement) for such purposes with Skyline Commerce Center Owner, LP, (Conor Commercial Real Estate) for the development of two industrial buildings consisting of approximately 197,600 cumulative square feet on approximately 12.38 acres of real property located at the southeast corner of Buckner Boulevard and Interstate Highway 30 in Mesquite, Texas; and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a Chapter 380 agreement with Skyline Commerce Center Owner, LP, (Conor Commercial Real Estate) for the development of two industrial buildings consisting of approximately 197,600 cumulative square feet on approximately 12.38 acres of real property located at the southeast corner of Buckner Boulevard and Interstate Highway 30.

David Witcher, Director of Economic Development, stated that Conor Commercial Real Estate is part of The McShane Companies and focuses on industrial, office and multi-family projects. This project consists of two industrial buildings totaling 197,600 square feet on a 12.38-acre site located at the southeast corner of Buckner Boulevard and Interstate Highway 30. The developer's obligation is to complete construction by December 31, 2023 and obtain a Certificate of Occupancy for one or more tenants for 98,000 square feet of lease space by December 31, 2023. The City's obligation is to reimburse water and sewer impact fees up to \$100,000.00 upon issuance of the first Certificate of Occupancy.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Green moved to approve Resolution No. 54-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A 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 AN

ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) FOR SUCH PURPOSES WITH SKYLINE COMMERCE CENTER OWNER, LP, FOR THE DEVELOPMENT OF TWO INDUSTRIAL BUILDINGS CONSISTING OF A TOTAL OF APPROXIMATELY 197,600 CUMULATIVE SQUARE FEET ON APPROXIMATELY 12.38 ACRES OF REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF BUCKNER BOULEVARD AND INTERSTATE HIGHWAY 30 IN MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Miklos and approved unanimously. (Resolution No. 54-2020 recorded in Resolution Book No. 61.)

19

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-05 by amending Mesquite Zoning Ordinance Section 3-203, Schedule of Permitted Uses; Section 3-507, Coin-Operated Amusement Devices; pertaining to new and revised regulations for amusement devices, game machines, video games and similar devices.

(This item was postponed at the August 17, 2020, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2020-05.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed text amendment will establish separation requirements for amusement devices, game machines, video games and similar devices from churches, schools or hospitals. The amendment will also identify which principle uses a game machine may be associated with as an accessory use. Establishments with coin-operated amusement devices in use will have until January 1, 2021, to modify or retrofit their premises to comply with the new regulations. The State authorizes game machines be prohibited within 300 feet of a church, school or hospital and staff recommends adding this prohibition to the amendment.

Mr. Armstrong stated that the City Tax Office currently mails letters annually to all establishments with game machines. A license, in the form of a sticker, is issued each year at the cost of \$7.50 per game machine and enforcement is conducted by the Building Inspection Division. Mr. Armstrong reviewed the implementation process and proposed moving the responsibility of the issuance of stickers and mailing of annual letters to the Building Inspection Division. With this year's letter, the City will notify all establishments with game machines of the changes and that compliance must be achieved by January 1, 2021. Businesses requesting new game machine licenses will be required to follow the new guidelines. City inspectors will follow-up at all locations in January 2021 to ensure compliance.

No one appeared regarding the proposed amendment.

Ms. Wisdom moved to approve Zoning Text Amendment No. 2020-05, as recommended by the Planning and Zoning Commission, and to change the maximum number of machines allowed to qualify as an accessory use from four to two, and to approve Ordinance No. 4820, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING SECTION 3-203 FOR COIN-OPERATED AMUSEMENT DEVICES OPERATING AS AN ACCESSORY USE AND AS A MAIN USE BY CROSS-REFERENCING APPLICABLE REGULATIONS; AMENDING SECTION 3-507, "COIN-OPERATED AMUSEMENT DEVICES," TO LIMIT MAIN USES TO WHICH COIN-OPERATED AMUSEMENT DEVICES MAY BE AN ACCESSORY USE, ADD

APPLICABLE SPACING REQUIREMENTS, MEASUREMENT CALCULATIONS, A COMPLIANCE DATE, DEFINITION, AND A PENALTY AND ENFORCEMENT PROVISION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4820 recorded in Ordinance Book No. 122.)

20

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-07 to the Mesquite Zoning Ordinance, by making certain deletions and additions to various sections all pertaining to the applicable approval criteria for Special Exceptions.

(The Planning and Zoning Commission recommended approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2020-07.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Zoning Ordinance allows the Board of Adjustment to grant special exceptions to certain requirements within the zoning ordinance. Various sections of the Zoning Ordinance have criteria for specific special exceptions and the proposed amendment clarifies that Section 5-206 and the specific criteria are applicable.

No one appeared regarding the proposed text amendment.

Mr. Green moved to approve Zoning Text Amendment No. 2020-07, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4821, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS TO VARIOUS SECTIONS ALL PERTAINING TO THE APPLICABLE APPROVAL CRITERIA FOR SPECIAL EXCEPTIONS; SAID SECTIONS INCLUDE SECTION 1-302, NONCONFORMING USES; SECTION 1-303, NONCONFORMING STRUCTURES AND PREMISES; SECTION 1-603, SPECIAL EXCEPTIONS; SECTION 1-702, ACCESSORY TELECOMMUNICATIONS FACILITIES; SECTION 1A-403, APPLICATION TO REMOVE PROTECTED TREE; SECTION 2-201, GENERAL USE REGULATIONS; SECTION 2-305, SPECIAL EXCEPTIONS; SECTION 2-603, PERMITTED MODIFICATIONS – SPECIFIC STRUCTURES; SECTION 2-604, SPECIAL EXCEPTIONS; SECTION 3-201, GENERAL USE REGULATIONS; SECTION 3-403, SPECIAL EXCEPTIONS; SECTION 3-702, PERMITTED MODIFICATIONS – SPECIFIC STRUCTURES; SECTION 3-703, SPECIAL EXCEPTION; AND SECTION 5-206 SPECIAL EXCEPTION; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4821 recorded in Ordinance Book No. 122.)

21

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2020-09 to the Mesquite Zoning Ordinance, by making certain additions and deletions to sections in Part 2 “Residential Districts” pertaining to requirements for off-street parking in residential districts; and amending Chapter 9 and Chapter 10 of the City Code thereby updating certain regulations and offenses regarding the parking and storing of commercial motor vehicles,

oversized vehicles, recreational vehicles (RVs) and trailers in residential districts.

(The Planning and Zoning Commission recommended approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2020-09.

No one appeared regarding the proposed amendment.

Mr. Miklos moved to postpone consideration of Zoning Text Amendment No 2020-09, with the public hearing remaining open, until the November 2, 2020, City Council meeting. Motion was seconded by Mr. Green and approved unanimously.

A brief recess was taken at 8:39 p.m. The meeting resumed at 8:48 p.m.

STAFF PRESENTATIONS

3

Discuss campaign finance and contribution limitations.

It was Council consensus to direct the City Attorney to prepare an ordinance for future Council consideration.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 9:45 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor