



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 16, 2017

5:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Jeff Casper, Dan Aleman, Robert Miklos, Bruce Archer, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmembers Greg Noschese and Tandy Boroughs.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1                    Discuss Tax Increment Reinvestment Zones.  
  
                         **Council provided direction to staff for future changes to various Tax Increment Reinvestment Zones.**
  
- 2                    Discuss proposed annexation.  
  
                         **Council provided direction to staff regarding areas to include in annexation and exhibits to resolutions on consent agenda.**
  
- 3                    Discuss proposed Polo Ridge Development.  
  
                         **Council provided direction to staff for development of agreement.**
  
- 4                    Discuss proposed Heartland Town Center Development.  
  
                         **Council provided direction to staff for development of agreement.**

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:13 P.M.**

#### **INVOCATION**

W.R. Willis, Pastor, Calvary Temple Community Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of Mesquite Education Foundation.

**SPECIAL ANNOUNCEMENTS**

- (1) Mr. Miklos expressed gratitude to Mike Potter, who recently passed away, for his service to our nation and community. Mr. Potter was a veteran and a member of the City's Planning and Zoning Commission and Capital Improvements Advisory Committee.
- (2) Mr. Archer and Mr. Aleman expressed appreciation to our first responders and thanked everyone who participated in the Real. Texas. Heroes. event yesterday.
- (3) Mr. Archer thanked volunteers who participated in the Casa View Heights neighborhood trash pickup on Saturday.
- (4) Mr. Aleman announced that the Rutherford Neighborhood Crime Watch will hold a meeting on Thursday, October 26, 2017, at Rutherford Recreation Center.

**CONSENT AGENDA****Approval of the Consent Agenda**

**Mr. Aleman requested that Item Nos. 8-12 be removed from the Consent Agenda. Mr. Casper moved to approve Item Nos. 5-7 and 13-20 on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.**

- 5** Minutes of the regular City Council meeting held October 2, 2017.

**Approved on the Consent Agenda.**

- 6** An ordinance amending Chapter 9 of the City Code thereby revising the definition of "Department" in Section 9-286(c) establishing the Finance Department as the department responsible for enforcing and administering automated photo enforcement violations.

**Approved on the Consent Agenda.**

**ORDINANCE NO. 4519, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING THE DEFINITION OF "DEPARTMENT" IN SECTION 9-286(c) IN ITS ENTIRETY AND ADDING A NEW DEFINITION FOR "DEPARTMENT" IN SECTION 9-286(c) THEREBY ESTABLISHING THE FINANCE DEPARTMENT AS THE DEPARTMENT RESPONSIBLE FOR ENFORCING AND ADMINISTERING AUTOMATED PHOTO ENFORCEMENT VIOLATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. (Ordinance No. 4519 recorded in Ordinance Book No. 109.)**

- 7** A resolution authorizing the City Manager to finalize and execute an Interlocal Agreement with North Central Texas Council of Governments for the period from October 1, 2017, to September 30, 2022, thereby authorizing the City's participation in the Regional Storm Water Management Program.

**Approved on the Consent Agenda.**

**RESOLUTION NO. 47-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PERIOD FROM OCTOBER 1, 2017, TO SEPTEMBER 30,**

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**2022, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL STORM WATER MANAGEMENT PROGRAM. (Resolution No. 47-2017 recorded in Resolution Book No. 51.)**

- 13** Bid No. 2017-098 - Annual Supply of Rebar.  
(Staff recommends award to the lowest bidder meeting specifications Barnsco, Inc., in the amount of \$88,570.00.)  
**Approved on the Consent Agenda.**
- 14** Bid No. 2017-108 - Annual Vacant Property Landscaping Maintenance for Environmental Code.  
(Authorize the City Manager to finalize and execute a contract with Christopher James Lofton d/b/a Edens Touch Landscape Management in the amount of \$54,272.66.)  
**Approved on the Consent Agenda.**
- 15** RFP No. 2017-109 - Annual Contract for Spay Neuter Services.  
(Authorize the City Manager to finalize and execute a contract with Town East Animal Hospital dba Hillside Veterinary Clinic.)  
**Approved on the Consent Agenda.**
- 16** Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for the survey, engineering design and preparation of bidding and construction documents for construction of a pump station, ground storage tank and 24-inch water transmission main to provide water service to tracts of land within Kaufman County in the amount of \$1,858,600.00.  
**Approved on the Consent Agenda.**
- 17** Approve Amendment No. 1 to the 2017-18 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$288,000.00.  
**Approved on the Consent Agenda.**
- 18** Approve Amendment No. 2 to the 2017-18 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$95,000.00.  
**Approved on the Consent Agenda.**
- 19** Reappoint Robert Miklos, Tandy Boroughs, Dan Aleman, Jeff Casper, Bruce Archer, Greg Noschese and Stan Pickett to the Gus Thomasson Tax Increment Finance (TIF) Reinvestment Zone No. Eight Board of Directors for a term to expire November 2, 2019, and reappoint Stan Pickett as the Chairperson of the Board for a term to expire December 31, 2018.  
**Approved on the Consent Agenda.**
- 20** Reappoint Robert Miklos, Tandy Boroughs, Dan Aleman, Jeff Casper, Bruce Archer, Greg Noschese and Stan Pickett to the Skyline Tax Increment Finance

(TIF) Reinvestment Zone No. Seven Board of Directors for terms to expire November 2, 2019, and reappoint Stan Pickett as the Chairperson of the Board for a term to expire on December 31, 2018.

Approved on the Consent Agenda.

#### CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 8 A resolution amending Resolution No. 34-2017, approved by the City Council on September 5, 2017, by revising the Exhibit "A" attached to the resolution and reducing the areas in the Mesquite extraterritorial jurisdiction proposed for annexation by the City.

Richard Gertson, Director of Planning and Development Services, stated that the proposed resolution reduces the four annexation areas. Mr. Gertson reviewed the changes and explained that once the proposed areas have been reduced, they cannot increase in size.

Mr. Miklos moved to approve Resolution No. 48-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 34-2017 BY REVISING THE EXHIBIT "A" ATTACHED TO THE RESOLUTION AND REDUCING THE AREAS IN ITS EXTRATERRITORIAL JURISDICTION PROPOSED FOR ANNEXATION BY THE CITY; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 48-2017 recorded in Resolution Book No. 51.)

- 9 A resolution amending Resolution No. 35-2017, approved by the City Council on September 5, 2017, by revising the Exhibit "A" attached to the resolution and reducing the area in the Mesquite extraterritorial jurisdiction proposed for annexation by the City.

Mr. Miklos left the meeting.

Richard Gertson, Director of Planning and Development Services, stated that the proposed resolution encompasses Annexation Area No. 1, which is along Lawson Road. Mr. Gertson reviewed the proposed changes.

Mr. Casper moved to approve Resolution No. 49-2017, RESOLUTION NO. 49-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 35-2017 BY REVISING THE EXHIBIT "A" ATTACHED TO THE RESOLUTION AND REDUCING THE AREA IN ITS EXTRATERRITORIAL JURISDICTION PROPOSED FOR ANNEXATION BY THE CITY; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Aleman, Pickett, Archer

Nays: None

Absent: Noschese, Boroughs

Abstentions: Miklos

Motion carried. (Resolution No. 49-2017 recorded in Resolution Book No. 51.)

- 10 A resolution amending Resolution No. 40-2017, approved by the City Council on September 18, 2017, by calling a special City Council meeting on Thursday, October 26, 2017, in the Mesquite extraterritorial jurisdiction on the proposed

annexation of territory and limiting the public hearings on annexation to only those properties shown on the attached Exhibit "A", as amended.

**Mr. Miklos entered the meeting.**

**Mr. Aleman moved to approve RESOLUTION NO. 50-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 40-2017, APPROVED ON SEPTEMBER 18, 2017, BY CALLING A SPECIAL CITY COUNCIL MEETING ON THURSDAY, OCTOBER 26, 2017, IN THE MESQUITE EXTRATERRITORIAL JURISDICTION ON THE PROPOSED ANNEXATION OF TERRITORY AND LIMITING THE PUBLIC HEARINGS ON ANNEXATION TO ONLY THOSE PROPERTIES SHOWN ON THE ATTACHED EXHIBIT "A," AS AMENDED. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 50-2017 recorded in Resolution Book No. 51.)**

11

A resolution authorizing the City Manager to negotiate a development agreement with BDMR Development, LLC, and Polo Ridge Fresh Water Supply District of Kaufman County regarding approximately 822.1 acres of real property located near F.M. Highway 740, F.M. Highway 2757 and Kelly Road in Kaufman County, Texas, commonly referred to as "Polo Ridge," said agreement to contain the terms set forth in attached Exhibit "A" and additional terms and provisions recommended by the City Manager.

**Mr. Miklos left the meeting.**

**Mr. Casper moved to approve RESOLUTION NO. 51-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH BDMR DEVELOPMENT, LLC, AND POLO RIDGE FRESH WATER SUPPLY DISTRICT OF KAUFMAN COUNTY REGARDING APPROXIMATELY 822.1 ACRES OF REAL PROPERTY LOCATED NEAR F.M. HIGHWAY 740, F.M. HIGHWAY 2757 AND KELLY ROAD IN KAUFMAN COUNTY, TEXAS, COMMONLY REFERRED TO AS "POLO RIDGE," SAID AGREEMENT TO CONTAIN THE TERMS SET FORTH IN ATTACHED EXHIBIT "A" AND ADDITIONAL TERMS AND PROVISIONS RECOMMENDED BY THE CITY MANAGER. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:**

**Ayes: Casper, Archer, Pickett, Aleman**

**Nays: None**

**Absent: Noschese, Boroughs**

**Abstentions: Miklos**

**Motion carried. (Resolution No. 51-2017 recorded in Resolution Book No. 51.)**

12

A resolution authorizing the City Manager to negotiate a new development agreement and/or an amendment to an existing development agreement with CADG Kaufman 146, LLC and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.73 acres of real property located near Farm to Market Road 741, Interstate Highway 20 and Heartland Parkway in Kaufman County, Texas, commonly referred to as "Heartland Town Center Development," said agreement and/or amendment to contain the terms set forth in attached Exhibit "A" and additional terms and provisions recommended by the City Manager.

**Mr. Archer moved to approve RESOLUTION NO. 52-2017, A RESOLUTION OF THE**

CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE A NEW DEVELOPMENT AGREEMENT AND/OR AN AMENDMENT TO AN EXISTING DEVELOPMENT AGREEMENT WITH CADG KAUFMAN 146, LLC, AND KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 5 REGARDING APPROXIMATELY 146.73 ACRES OF REAL PROPERTY LOCATED NEAR FARM TO MARKET ROAD 741, INTERSTATE HIGHWAY 20 AND HEARTLAND PARKWAY IN KAUFMAN COUNTY, TEXAS, COMMONLY REFERRED TO AS "HEARTLAND TOWN CENTER DEVELOPMENT," SAID AGREEMENT AND/OR AMENDMENT TO CONTAIN THE TERMS SET FORTH IN ATTACHED EXHIBIT "A" AND ADDITIONAL TERMS AND PROVISIONS RECOMMENDED BY THE CITY MANAGER. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

**Ayes:** Archer, Aleman, Pickett, Casper

**Nays:** None

**Absent:** Noschese, Boroughs

**Abstentions:** Miklos

Motion carried. (Resolution No. 52-2017 recorded in Resolution Book No. 51.)

## END OF CONSENT AGENDA

## APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 Consider appointment of three regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2019.

Mr. Miklos entered the meeting.

Mr. Archer moved to appoint Gary Caldwell, Susan Erickson and Kelly Wagoner as regular members of the Parks and Recreation Advisory Board and Tree Board and L. C. Williams as an alternate member, all for terms to expire October 21, 2019. Motion was seconded by Dan Aleman and approved unanimously.

## PUBLIC HEARINGS

- 22 Conduct a public hearing and consider a request from Garry Hawes of Metro Mechanical to substitute an existing six-foot tall concrete block wall for a required eight-foot-tall long-span precast masonry screening wall on the northern portion of property located at 430, 504 and 516 South Bryan Belt Line Road and to allow a long-span precast masonry screening wall along the southern portion of the property to be six feet tall instead of the required eight feet.

A public hearing was held to consider a request to substitute an existing six-foot tall concrete block wall for a required eight-foot-tall long-span precast masonry screening wall at 430, 504 and 516 South Bryan Belt Line Road.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that applicant Metro Mechanical has replatted two developed parcels and one vacant parcel into one lot. The developed parcels are screened by a six-foot-tall concrete block wall. The applicant intends to develop the vacant parcel and is requesting the substitution of a six-foot-tall wall in place of the required

eight-foot-tall wall to match the height of the existing wall and allow the existing wall to remain concrete block instead of meeting the current material requirement.

No one appeared regarding the substitution request.

Mr. Miklos moved to approve a request to substitute an existing six-foot tall concrete block wall for a required eight-foot-tall long-span precast masonry screening wall on the northern portion of property located at 430, 504 and 516 South Bryan Belt Line Road and to allow a long-span precast masonry screening wall along the southern portion of the property to be six feet tall instead of the required eight feet. Motion was seconded by Mr. Aleman and approved unanimously.

23

Conduct a public hearing and consider possible action on Zoning Text Amendment No. 2017-03 amending Chapter 1A-200, Landscape Requirements; Chapter 1A-300, Screening and Buffering Requirements; Section 3-203, Schedule of Permitted Uses; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; Chapter 3-600, Outdoor Sales, Display and Storage Regulations; Chapter 4-930, Skyline Logistics Hub Overlay District; and Section 6-102, Definitions; all pertaining to new and revised regulations for Truck Stops and other development that includes the parking of heavy load vehicles as a principal or accessory use.

(This item was postponed at the September 18, 2017, City Council meeting.)

Mr. Miklos moved to postpone consideration of possible action on Zoning Text Amendment No. 2017-03 amending Chapter 1A-200, Landscape Requirements; Chapter 1A-300, Screening and Buffering Requirements; Section 3-203, Schedule of Permitted Uses; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; Chapter 3-600, Outdoor Sales, Display and Storage Regulations; Chapter 4-930, Skyline Logistics Hub Overlay District; and Section 6-102, Definitions; all pertaining to new and revised regulations for Truck Stops and other development that includes the parking of heavy load vehicles as a principal or accessory use to the November 6, 2017, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

24

Conduct a public hearing for the purpose of considering annexation of approximately 8.625 square miles of territory within the City of Mesquite's extraterritorial jurisdiction.

(This is the first public hearing to be held to consider annexation of approximately 8.625 square miles of territory within the City's extraterritorial jurisdiction.)

A public hearing was held for considering annexation of approximately 8.625 square miles of territory within the City of Mesquite's extraterritorial jurisdiction.

The following persons spoke in opposition of the proposed annexation: (1) Senator Bob Hall, Thompson Air Park, Edgewood; (2) Kristina Bomer, 10052 Helms Trail, Forney; (3) Ken Hill, 15530 Wiser Road, Forney; (4) Marcus Moorehead, 9874 Helms Trail, Forney; (5) John Morrison, P.O. Box 124, Forney; (6) Nancy Shaw, 9925 FM 740, Forney; (7) James Jolly, 1317 Osage Trail, Mesquite; (8) Laura Travis, 12133 Legacy, Forney; (9) Edwin Dumas, 1541 Lawson

Road, Mesquite; (10) Robert Draughon, 14041 Kelly Road, Forney; (11) Elizabeth Beddow, 10128 Helms Trail, Forney; (12) Nathan Allen, Devils Bowl, 1711 Lawson Road, Mesquite; (13) Stan Singleton, 1517 Lawson Road, Mesquite; (14) Jim Andrews, 8430 FM 2757, Forney; (15) Dr. Randolph Gillum, 534 Lawson Road, Mesquite; (16) Amanda Baber, 14087 Sherwood Lane, Forney; (17) J.W. Crenshaw, P.O. Box 905, Forney; (18) Pat Crenshaw, P.O. Box 905, Forney; (19) Kevin Schneider, 12622 Shady Brook Lane, Forney; (20) David Gailley, 10462 Mustang Run, Forney; (21) George Venner, 612 Parkhaven Drive, Mesquite; (22) James Songer, 14779 Kelly Road, Forney; (23) Kelly Crawford, 14750 Kelly Road, Forney; (24) Ann Ellis Orr, 2627 FM 741, Crandall; (25) Daniel Plummer, 10036 Helms Trail, Forney; and (26) Leon Talent, 8338 Union Hill Road, Forney.

The following persons submitted registration cards expressing opposition to the proposed annexation but did not wish to speak: (1) Greg Bray, 3504 Bahamas Drive, Mesquite; (2) Ken Penner, 10221 Cimarron Trail, Forney; 3) Donna Andrews, 8430 FM 2757, Forney; 4) Clinton Johnson, 14050 Overlook Lane, Forney; 5) William Klein, 10044 Cimarron Trail, Forney; 6) David Davis, 13429 Venner Circle, Crandall; 7) Danny Shaw, 9925 FM 740, Forney; 8) Ed Mulder, 14136 Sherwood Lane, Forney; 9) Judy Mulder, 14136 Sherwood Lane, Forney; 10) Sean Maness, 9553 Helms Trail, Forney; 11) Charles Turner, 10655 Live Oak Drive, Forney; 12) Jennifer Turner, 10655 Live Oak, Forney; 13) Pat Vitovsky, 1253 Flamingo Road, Forney; 14) Amy Britt, 12311 Saint Patricks Drive, Forney; 15) Jeffrey Agulefo, 10707 Walnut Lane, Forney; 16) Patty Dumas, 1541 Lawson Road, Mesquite; 17) Robert Mosman, 11037 Windy Lane, Forney; 18) Mary Linda Keller, 11001 Windy Lane, Forney; 19) Daniel Brummett, 15558 Wiser Road, Forney; 20) Frank Morgan, 8372 Union Hill Road, Forney; 21) Mack Baber, 14087 Sherwood Lane, Forney; and 22) Victoria Johnson, 14050 Overlook Lane, Forney.

**ADJOURNMENT**

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 9:44 p.m.

Attest:

Approved:

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 Sonja Land, City Secretary

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 Stan Pickett, Mayor