



City of Mesquite, Texas

Minutes - Final City Council

Monday, October 21, 2019

5:00 PM

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

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

Absent: Councilmember Greg Noschese.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding a proposed Historic Preservation Ordinance and Downtown Overlay ordinance.
- 2 Receive presentation of new communication tools proposed for the City Council.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:44 P.M.

Mayor Pickett 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 prospective retail shopping center redevelopment project at the intersection of Town East Boulevard and Gus Thomasson Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 7:01 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:05 P.M.

INVOCATION

Rocky Pope, Pastor, Inspiration Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite AMBUCS.

PRESENTATIONS

- 3 Presentation of donation to the Mesquite Veterans Memorial campaign by Mesquite AMBUCS.

Mr. Dittman stated that the Mesquite AMBUCS is a service organization dedicated to providing mobility to disabled individuals. Therapeutic trykes are provided to children and veterans to help with mobility issues, ramps are constructed for immobile residents at owner-occupied homes and scholarships of over \$30,000.00 are presented each year to Mesquite Independent School District students, who are studying to become physical and occupational therapists. Mr. Dittman presented a check in the amount of \$10,000.00 to the Mesquite Veterans Memorial Campaign. He added that the donation consists of \$5,000.00 from the Mesquite AMBUCS organization and an equal match of \$5,000.00 from individual AMBUCS members. Mayor Pickett accepted the donation along with Randy Lawson, Babette Bradshaw and Lois Buford, representing the Heroes of Mesquite.

SPECIAL RECOGNITION

- 4 Recognize Addressing Mesquite Day Platinum Level Sponsors.

Yolanda Wilson, Manager of Neighborhood Vitality, stated that the 15th Annual Addressing Mesquite Day (AMD) was held Saturday, October 12, 2019. AMD involves volunteers who provide senior citizens, veterans, disabled homeowners and single parents with landscape maintenance and minor exterior home repairs. This year, over 100 property owners were assisted through this program. Ms. Wilson introduced AMD Platinum Level Sponsors, who donated \$5,000.00 or more on behalf of their organization – Jonathan Fredi representing Atmos Energy, Ron McCarty representing Elliott's Hardware and Mary Bradford representing Home Depot and Team Depot Foundation. Mr. McCarty and Ms. Bradford were unable to attend tonight's meeting. Mayor Pickett presented Mr. Fredi with a plaque of appreciation.

SPECIAL ANNOUNCEMENTS

- 1) Mayor Pickett recognized the members of Boy Scout Troop 746, who were in attendance tonight.
- 2) Mayor Pickett stated that over the past 15 years, the Annual Addressing Mesquite Day events has helped over 1,100 senior citizens, single parents, military veterans and disabled citizens. On Saturday, October 12, 2019, over 1,100 volunteers performed landscape maintenance and minor exterior home repairs on over 100 homes. This would not have been possible without dedicated volunteers and corporate sponsors.
- 3) Mr. Archer stated that the 2nd Annual Mesquite Entrepreneurs Day will be held on Tuesday, November 12, 2019, from 4:00 p.m. to 8:00 p.m., at the Mesquite Arts Center. Activities include a series of mini workshops, resource tables, collaboration sessions and networking for those who own or want to start a small business. Tickets are \$20.00 each and includes bilingual presentation materials and services, as well as dinner.
- 4) Mr. Aleman invited citizens to join Vision Mesquite for the next Mayor's Prayer Breakfast on Monday, October 28, 2019, at 7:30 a.m., at the Mesquite Arts Center. The free breakfast will feature a teacher from the Mesquite Independent School District who has started an inspirational program at Mesquite High School called "Reading Our Way Out: Liberation Through Literacy."

5) Mr. Boroughs stated that the Mesquite Metro Airport hosted the "Challenge Air" event this past Saturday, October 19, 2019. Over 100 special needs children and their families participated in various activities including co-piloting an airplane. Mr. Boroughs thanked community volunteers, sponsors and local pilots for their donations, time and resources to make this a very special event.

6) Mr. Casper announced that early voting for the November 5, 2019, election began today and concludes Friday, November 1, 2019, at Lakeside Activity Center, 101 Holley Park Drive, and Florence Recreation Center, 2501 Whitson Way. Dallas and Kaufman County Election Departments offer county-wide vote centers for Mesquite registered voters to vote at any polling location, during early voting or on election day, in the county where they reside. He encouraged citizens to take this opportunity to vote.

7) Mr. Miklos stated that several events are taking place on Saturday, October 26, 2019. In the morning, citizens can shop at the Marketplace in Downtown Mesquite. During the day, stop by the Mesquite Main Library and purchase books at the Friends of the Mesquite Public Library's Fall Book Sale. In the afternoon, visit the Mesquite Arts Center for the Day of the Dead Celebration and that night, enjoy the Mesquite Symphony Orchestra at the Mesquite Arts Center. He encouraged citizens to take advantage of these events.

8) Mayor Pickett invited citizens to attend the Veterans Day event on Saturday, November 9, 2019, at 11:00 a.m., at City Lake Park, which includes the groundbreaking for the new Mesquite Veterans Memorial, live music by the Dallas Heritage band and a free lunch provided by the Mesquite Fire Corps volunteers. An announcement will be made soon regarding the sale of bricks which will have a permanent place at the new memorial.

CITIZENS FORUM

1) O. Zabayar, 6533 Los Rios Drive, and I. B. E., 642 Elderwood Loop, expressed concerns regarding increased water bills.

2) Roger Melend, 2504 Cottonwood Drive, suggested that the Animal Services Division use the statistical measurement of live release rate rather than save rate.

CONSENT AGENDA

Approval of the Consent Agenda

**Mr. Archer moved to approve the items on the Consent Agenda, as follows.
Motion was seconded by Mr. Aleman and approved unanimously.**

5 Minutes of the regular City Council meeting held October 7, 2019.

Approved on the Consent Agenda.

6 An ordinance, on first reading, granting to Oncor Electric Delivery Company, LLC, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite, Dallas County, Texas, 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.

AN ORDINANCE, ON FIRST READING, OF THE CITY OF MESQUITE, TEXAS, GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE 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 MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING FOR SEVERABILITY.

- 7 An ordinance adopting the General Government Policies and Procedures Manual with amendments.

Approved on the Consent Agenda.

Ordinance No. 4729, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL WITH AMENDMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4729 recorded in Ordinance Book No. 118.)

- 8 A resolution authorizing the City Manager to execute Amendment No. 2 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2019-20 for an amount not to exceed \$111,200.00.

Approved on the Consent Agenda.

Resolution No. 70-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR FISCAL YEAR 2019-20 FOR AN AMOUNT NOT TO EXCEED \$111,200.00. (Resolution No. 70-2019 recorded in Resolution Book No. 58.)

- 9 Bid No. 2019-112 - Annual Grinding of Brush.
(Authorize the City Manager to finalize and execute a contract with GWG Wood Group, Inc. in the amount of \$247,786.56. The term of this contract 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.

- 10 Authorize the City Manager to finalize and execute an Agreement Designating Retail Water Service Territory and Transferring Facilities and Customers with Talty Special Utility District for a limited transfer of Certificate of Convenience and Necessity (CCN) area and associated infrastructure and easements to the City of Mesquite.

Approved on the Consent Agenda.

- 11 Authorize the City Manager to finalize and execute an amendment to a contract with Garver, LLC, for a Biological Assessment for the Town East Trail project in the amount of \$7,822.00.

Approved on the Consent Agenda.

PUBLIC HEARINGS

- 12 Conduct a public hearing and consider Application No. Z0819-0104, submitted by John Jordan of The Nehemiah Company, for a change of zoning from Agricultural to Planned Development district to allow a mixed use planned development, located at 17101 Interstate Highway 20.
(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 of the application with certain stipulations.)

Mr. Archer moved to postpone consideration of Application No. Z0819-0104, submitted by John Jordan of The Nehemiah Company, for a change of zoning from Agricultural to Planned Development district to allow a mixed use planned development, located at 17101 Interstate Highway 20 to the November 4, 2019, City Council meeting. Motion was seconded by Mr. Casper and approved unanimously.

- 13 Conduct a public hearing and consider an application for Zoning Text Amendment No. 2019-05 amending Section 4-100, Overlay Districts; Section 4-400, Historic Landmark Overlay District Regulations; Section 5-400, Board and Commission Established; Section 6-102, Definitions; and a new Part 8, Local Register of Mesquite Landmarks and Historic Designations, all pertaining to new and revised regulations for historic preservation.

Mr. Archer moved to postpone consideration of Zoning Text Amendment No. 2019-05 amending Section 4-100, Overlay Districts; Section 4-400, Historic Landmark Overlay District Regulations; Section 5-400, Board and Commission Established; Section 6-102, Definitions; and a new Part 8, Local Register of Mesquite Landmarks and Historic Designations, all pertaining to new and revised regulations for historic preservation to the November 4, 2019, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.

- 14 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 George Boyce for façade improvements to the building located at 202 West Davis Street, Mesquite, Texas 75149 and authorizing the City Manager to administer the agreement on behalf of the City.

Mr. Aleman left the meeting.

A public hearing was held to consider a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 agreement) with George Boyce for façade improvements to the building located at 202 West Davis Street.

Beverly Abell, Downtown Development Manager, stated that appearance or place is a number one factor in the development of downtown districts. In May 2019, the City Council approved a Façade Grant Improvement Program, which offers a 50 percent reimbursement for all approved enhancements up to a total reimbursement of \$20,000.00. Ms. Abell reviewed the grant process.

Ms. Abell stated that the 2,900-square-foot building, located at 202 West Davis Street, was constructed in 1939 and served as the frozen food locker building. The proposed project includes a soft wash of the bricks and the addition of two green awnings over the windows. The project's estimate is \$5,601.94, which allows for a grant reimbursement of \$2,800.97.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Miklos moved to approve Resolution No. 71-2019, with the following changes on Page 7 of the agreement: (1) "Work Commencement Date" shall be changed from January 19, 2020, to April 19, 2020; (2) Commence the Work within ninety (90) days to one hundred eighty (180) days; (3) expiration of such ninety (90) days to one hundred eighty (180) days; (4) "Work Completion Date" shall be changed from April 19, 2020, to July 19, 2020; (5) Complete the Work within one hundred eighty (180) days to two hundred seventy (270) days from the Grant Approval Date and (6) expiration of such one hundred eighty (180) days to two hundred seventy (270) days, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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 GEORGE BOYCE FOR FAÇADE IMPROVEMENTS TO THE BUILDING LOCATED AT 202 WEST DAVIS STREET, MESQUITE, TEXAS 75149; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Boroughs, Pickett, Archer, Casper

Nays: None

Abstentions: Aleman

Motion carried. (Resolution No. 71-2019 recorded in Resolution Book No. 58.)

15

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 Bill Metzger for façade improvements to the building located at 105 West Main Street, Mesquite, Texas 75149 and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 agreement) with Bill Metzger for façade improvements to the building located at 105 West Main

Street.

Beverly Abell, Downtown Development Manager, stated that this 1,775-square-foot building, located at 105 West Main Street and formally known as the NAPA store, is in a highly visible location near Main Street and Galloway Avenue. The applicant utilized the design assistance offered by the Texas Main Street Program. The proposed project includes a bronze metal canopy with custom brackets, installed signage, three overhead gooseneck-style lights, and façade paint and repairs. The project's estimate is \$13,133.10, which allows for a grant reimbursement of \$6,566.55.

Melvin Sheer, 612 West Main Street and 611 West Davis Street, expressed opposition to the proposed improvements to the downtown area.

Mayor Pickett explained to Mr. Sheer that the item he is referring to is the proposed downtown overlay district, which was postponed earlier in this meeting to the November 4, 2019, City Council meeting. He invited Mr. Sheer to attend the November 4, 2019, City Council meeting to discuss his concerns.

No others appeared regarding the proposed Chapter 380 agreement.

Mr. Casper moved to approve Resolution No. 72-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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 BILL METZGER FOR FAÇADE IMPROVEMENTS TO THE BUILDING LOCATED AT 105 WEST MAIN STREET, MESQUITE, TEXAS 75149; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Boroughs, Pickett, Archer, Miklos

Nays: None

Abstentions: Aleman

Motion carried. (Resolution No. 72-2019 recorded in Resolution Book No. 58.)

ADJOURNMENT

Mr. Aleman entered the meeting.

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 7:55 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor