



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, January 2, 2018

5:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Jeff Casper, Dan Aleman, Robert Miklos, Bruce Archer, Greg Noschese and Tandy Boroughs, 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 the Texas Department of Transportation Ethics Requirements

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:12 P.M.

Mayor Pickett 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 (Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:04 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:05 P.M.

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Discuss sale or exchange of City-owned property near McKenzie Road and Faithon P. Lucas, Sr., Boulevard); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:14 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

Harry Sewell, Senior Pastor, Family Cathedral, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Police Officer Kevin Smiley.

SPECIAL ANNOUNCEMENTS

- (1) Police Officer Kevin Smiley challenged citizens to participate in the Polar Plunge on Saturday, January 27, 2018, at 10:00 a.m. at City Lake Aquatic Center, 200 Parkview Street. All funds raised will benefit Special Olympics Texas and local athletes who participate in competitions held each Memorial Day weekend in Arlington.
- (2) Mayor Pickett stated that if the City Manager can raise \$500 for the Polar Plunge, he will be the first one to participate.
- (3) Mr. Noschese introduced Yvette Almonte who is a Senior at John Horn High School and participating in a mentorship class. She has interests in pursuing a career as a lawyer and public servant and currently stands as the Salutatorian of her class. Yvette was admitted to the McCombs School of Business at the University of Texas and received a full scholarship to the Cox School of Business at SMU. Mr. Noschese stated that he looks forward to mentoring her this semester.
- (4) Mr. Aleman invited everyone to a Spanish-speaking neighborhood crime watch meeting at the Seventh Day Adventist Church, 1101 Gross Road, on Tuesday, January 9, 2018, at 7:00 p.m.
- (5) Mr. Boroughs stated that in exchange for a couple of Police Officers offering to volunteer in the Muscular Dystrophy Camp, he will participate in the Polar Plunge.
- (6) Mr. Boroughs thanked volunteers who participated with him in a trash pick up last Saturday. He encouraged citizens to contribute to our community by coordinating their own trash pick up events in various neighborhoods.
- (7) Mr. Archer expressed appreciation to City employees who are required to work outside this time of year.
- (8) Mr. Archer thanked Council and City staff for their time and efforts over the past few months in moving the City forward.
- (9) Mr. Archer announced that the City of Mesquite, in cooperation with local churches, has planned a celebratory event to honor and pay tribute to the legacy of Dr. Martin Luther King, Jr. "Unity in the Community" will be the theme and will be held on Monday, January 15, 2018, from 10:00 a.m. to Noon at the Mesquite Arts Center. He invited citizens to attend this community event.
- (10) Mr. Miklos encouraged citizens to participate in a trash pick up this Saturday, January 6, 2018, at 10:00 a.m., at the corner of Tripp Road and Franklin Drive.

CITIZENS FORUM

Bryan Odom, 1330 Buena Vista and Bruce Turner, 4724 Knollview Lane, contributed to Mayor Pickett's Polar Plunge competition.

CONSENT AGENDA**Approved of the Consent Agenda**

Mr. Noschese moved to approve item Nos. 3, 4 and 6-13 on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

- 3** Minutes of the regular City Council meeting held December 18, 2017.

Approved on the Consent Agenda.

- 4** An ordinance affirming the City Council district boundaries established in Chapter 2, Section 2-42, of the City Code for the purpose of electing Councilmembers for District Nos. 1, 2, 3 and 4.

Approved on the Consent Agenda.

Ordinance No. 4533, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AFFIRMING THE COUNCIL DISTRICTS ESTABLISHED IN CHAPTER 2 UNDER SECTION 2-42 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A REPEALER CLAUSE. (Ordinance No. 4533 recorded in Ordinance Book No. 111.)

- 6** Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$80,000.00.

Approved on the Consent Agenda.

- 7** Authorize the City Manager to finalize and execute an office lease agreement with Ultimate Transportation, LLC.

Approved on the Consent Agenda.

- 8** Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to prepare a Downtown Master Infrastructure Plan in the amount of \$145,100.00.

Approved on the Consent Agenda.

- 9** Reappoint Stan Pickett as Chairperson to the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors to serve a one-year term beginning January 1, 2018.

Approved on the Consent Agenda.

- 10** Reappoint Stan Pickett as Chairperson to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors to serve a one-year term beginning January 1, 2018.

Approved on the Consent Agenda.

- 11** Reappoint Greg Noschese as Chairperson to the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors to serve a one-year

term beginning January 1, 2018.

Approved on the Consent Agenda.

- 12 Reappoint Stan Pickett as Chairperson to the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors to serve a one-year term beginning January 1, 2018.

Approved on the Consent Agenda.

- 13 Reappoint Stan Pickett as Chairperson to the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine Board of Directors to serve a one-year term beginning January 1, 2018.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 5 A resolution amending Resolution No. 15-2002, adopted March 18, 2002, to allow Kaufman County Municipal Utility District No. 5 to issue bonds for roadway improvements on property consisting of approximately 145 acres commonly known as Travis Ranch in Kaufman County and located within the City's extraterritorial jurisdiction.

Mr. Miklos left the meeting.

Mr. Noschese moved to postpone consideration of a resolution amending Resolution No. 15-2002, adopted March 18, 2002, to allow Kaufman County Municipal Utility District No. 5 to issue bonds for roadway improvements on property consisting of approximately 145 acres commonly known as Travis Ranch in Kaufman County and located within the City's extraterritorial jurisdiction to the January 16, 2018, City Council meeting. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Casper, Pickett, Archer, Aleman, Boroughs

Nays: None

Abstention: Miklos

Motion carried.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 14 Conduct a public hearing and consider an ordinance for Application No. Z1117-0014, submitted by Ernest Warnock of EE Warnock & Associates, LLC, for a change of zoning from Commercial to Commercial with a conditional use permit on property located at 2960 Interstate Highway 30 to allow the sale and outdoor display of used vehicles.

(One response in favor and four responses 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.)

Mr. Miklos entered the meeting.

A public hearing was held for Application No. Z1117-0014.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that this is the site of the former Chaparral Dodge car dealership. The applicant proposes to sell late model high-end used cars, restore the cars at an existing facility in Irving and sell the cars at this location. The applicant proposes significant improvements to the existing building and property.

Applicant Mohommad Rashid stated that the used car dealership will consist of high-end sports cars and luxury cars. The showroom will contain 10-15 cars such as Audi, Jaguar, BMW, Porsche, Mazaratti, etc. Mr. Rashid stated that approximately \$2 million will be invested in renovations to the property.

Bryan Odom, 1330 Buena Vista, expressed support for the application. No others appeared regarding the application.

Mr. Miklos moved to approve Application No. Z1117-0014, as recommended by the Planning and Zoning Commission, with the following stipulations, replacing Stipulation No. 9 and adding Stipulation No. 10:

1. The use of loudspeakers and outdoor amplification devices is prohibited.
2. A photometric plan is required which minimizes overnight light nuisance to neighboring residential properties, but which provides adequate lighting for security. Lighting shall be measured in foot candles not to exceed 0.25 at the rear property line.
3. Any vehicle for sale shall be operable and maintained in good condition.
4. No vehicle for sale shall have body damage greater than four inches in diameter.
5. Painted repairs shall match the paint on the rest of the vehicle.
6. Any vehicle for sale shall not have broken or cracked windows.
7. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
8. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the rear of the property on a paved surface or inside of a structure.
9. At a minimum, 70 percent of the used car inventory displayed for sale shall be less than five years old and the remainder shall not be older than 10 years old.
10. A test drive plan is required to be submitted and approved prior to the issuance of a certificate of occupancy, which plan shall include a prohibition on vehicles for sale being test driven through adjacent residential streets.

And to approve Ordinance No. 4534, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 2960 INTERSTATE HIGHWAY 30 THEREBY ALLOWING THE SALE AND OUTDOOR DISPLAY OF USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4534 recorded in Ordinance Book No. 111.)

15

Conduct a public hearing and consider an ordinance for Application No. Z1117-0015, submitted by Celebration Station, to amend Conditional Use Permit Ordinance No. 2787 on property located at 4040 Towne Crossing Boulevard to add bowling and bumper cars as permitted activities.

(No responses in favor of 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.)

A public hearing was held for Application No. Z1117-0015.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that Celebration Station proposes expansion of their existing building to provide more space for arcade games and to include bumper cars and 10 bowling lanes. Additional dining space and an enhanced entryway will also be added.

Applicant Ted Marek stated that once the Conditional Use Permit is approved, they will begin the renovation process.

No one appeared regarding the application.

Mr. Noschese moved to approve Application No. Z1117-0015, as recommended by the Planning and Zoning Commission, with the following stipulation:

1. Recreation activities may include miniature golf, bumper boats, batting cages, kiddie rides, go-cart tracks, Grand Prix track, bowling and bumper cars.

And to approve Ordinance No. 4535, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING THE EXISTING CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NO. 2787 AND AMENDED IN ORDINANCE NO. 4375 ON PROPERTY CURRENTLY ZONED COMMERCIAL WITH AN AMENDED CONDITIONAL USE PERMIT LOCATED AT 4040 TOWNE CROSSING BOULEVARD THEREBY ADDING BOWLING AND BUMPER CARS AS PERMITTED ACTIVITIES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4535 recorded in Ordinance Book No. 111.)

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Conduct a public hearing and consider an ordinance for Application No. Z1117-0016, submitted by Andrea Simpson Perez, for a change of zoning from Commercial and Military Parkway-Scyene Corridor Overlay to Commercial and Military Parkway-Scyene Corridor Overlay with a conditional use permit on property located at 1210 W. Scyene Road, Suite B, to allow Indoor Recreation.

(No responses have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application. This item was postponed at the December 18, 2017, City Council meeting.)

A public hearing was held for Application No. Z1117-0016.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated

that the applicant is proposing to operate a business that offers bounce house and arcade games, intended for younger children. The use would be operating out of Suite B in an existing multi-tenant building.

No one appeared regarding the application.

Mr. Archer moved to approve Ordinance No. 4536, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (MPSC) OVERLAY DISTRICT ON PROPERTY LOCATED AT 1210 W. SCYENE ROAD, SUITE B, THEREBY ALLOWING INDOOR RECREATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4536 recorded in Ordinance Book No. 111.)

PRE-MEETING - TRAINING ROOMS A&B - 8:03 P.M.

2

Discuss proposed amendments to the City Charter.

Council directed staff to provide more detailed information on the notifications and ballot language along with information regarding fiscal impacts.

ADJOURNMENT

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Miklos and approved unanimously. The meeting adjourned at 8:53 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor