



City of Mesquite, Texas

Minutes - Final City Council

Monday, February 19, 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 amortization of nonconforming uses.

Council directed staff to proceed.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:54 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 consider pending and contemplated litigation subjects or settlement offers; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:35 P.M.

- 2 Receive financial statement for period covering October 1, 2017, through December 31, 2017.

Debbie Mol, Director of Finance, presented the financial statement for period covering October 1, 2017, through December 31, 2017.

The work session ended at 6:50 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.

INVOCATION

Jimmy Smith, former Mesquite Police Officer.

PLEDGE OF ALLEGIANCE

Members of the Shriners.

PRESENTATIONS

4 Presentation for Brickyard Cemetery Monument.

City Manager Cliff Keheley stated that efforts to raise funds for a permanent marker at the Brickyard Cemetery (Cemetery) began nearly 20 years ago. Schuyler Marshall, Sr., opened the Dallas Pressed Brick Company (DPBC) in 1904 and donated several acres of his land to the African American workers in his company for a church, school, homes and cemetery. The DPBC was sold in the 1920s to the Ferris Brick Company, which was eventually closed in the 1950s with the last burial believed to be in 1945. The land and houses were abandoned and all structures were cleared for other development. The Cemetery was not registered with the State of Texas or Dallas County and the headstones were removed due to deterioration.

Mr. Keheley stated that in the late 1990s Les Callison, real estate representative, worked with the property owners to sell the property to the City of Mesquite for a reduced price. After the City acquired the property, an archeological study was performed and gravesites were located and surveyed for permanent record. A historical designation was obtained from the State of Texas and efforts began to memorialize those buried in the Cemetery. Johnny Booth and William Richardson donated their architectural services to design a memorial for this project. Last year, Teia Collier expressed renewed interest to help finalize the project.

Mr. Keheley stated that Charlene Orr, Historic Preservation Officer, guided the City through the necessary steps to preserve the site. She helped secure the funds for the purchase of the property, guided the archeological study and obtained the state historic designation. Mr. Keheley explained that Denise Upchurch was the heart and soul of this project. She had the passion to ensure this was not a forgotten piece of Mesquite's history and worked tirelessly by attending meetings and working to raise funds for this project.

Mr. Keheley expressed appreciation to Les Callison, Johnny Booth, William Richardson, Debbie Anderson, Janice Bell, Ron Abraham, Sherry Williams, Henry Brown, Donna Woodard, Jordan Gortmaker, Judge Bill Holloman, Charlene Orr and Denise Upchurch for their efforts in securing an appropriate memorial for the Brickyard Cemetery. The total funds raised to date are over \$15,000.00 including a donation tonight of \$7,000.00 from Historic Mesquite, Inc. Dedication of the marker is scheduled for the summer of 2018.

3 Recognize City Engineers in conjunction with National Engineers Week.

Matt Holzapfel, Director of Public Works, stated that the Public Works Department has eight divisions with over 250 staff members. Supporting the department is seven licensed civil engineers and two graduate civil engineers. Civil engineers hold to a code of ethics to use their knowledge and skill for the enhancement of human welfare and to hold paramount the safety, health and welfare of the

public. Civil engineers strive to impact and improve the quality of citizen's lives with well-designed roadways and transportation systems, drainage and flood control systems, and water and wastewater systems. A brief video was shown describing the various responsibilities of the nine engineers.

Mayor Pickett presented Mr. Holzapfel with a proclamation declaring February 18-24, 2018, as "National Engineers Week." The Mayor, City Council and City Manager presented certificates to the following engineers: Yang Jin, Traffic Engineer; Srinu Mandayam, Manager of Traffic Engineering and Street Lighting; John Stanley, Project Engineer; Jonathan Browning, Graduate Engineer; Christina Hickey, Infrastructure Manager; Curtis Cassidy, Assistant City Engineer; Corey Nesbit, City Engineer; and Matt Holzapfel, Director of Public Works. Michael Zdansky, Graduate Engineer, was not present.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Casper and Mr. Archer expressed appreciation to City staff for their work on the inaugural Neighborhood Summit that was held last Saturday, February 17, 2018, and thanked citizens for attending.
- (2) Mr. Archer announced that in the next few months, he will begin neighborhood improvement surges in the Edgemont Park and Northridge Estates neighborhoods. Sixty days will be spent in each neighborhood with volunteers participating in beautification projects, trash pickup events, severe housing rehab events, reading to students at neighborhood schools as part of the Mesquite Independent School District's (MISD) ReadPlayTalk initiative, working to rejuvenate crime watch groups and engaging with residents. He encouraged community involvement to improve our neighborhoods.
- (3) Mr. Boroughs stated that he was honored to attend the Men and Ladies of Honor awards banquet last Friday, February 16, 2018, in Garland. Mr. Aleman was recognized with the Heroes Award for his work with MISD's middle school students.
- (4) Mr. Aleman announced that a Rutherford neighborhood crime watch meeting will be held on Thursday, February 22, 2018, at 7:00 p.m., at Rutherford Recreation Center and invited citizens to attend.
- (5) Mr. Aleman invited Creek Crossing residents to attend a meeting on Tuesday, February 20, 2018, at Landmark Family Fellowship, 2523 Clay Mathis Road, to discuss neighborhood concerns.
- (6) Mr. Noschese stated that the 12th Annual Lone Star Legacy Gala, a fundraising event for the MISD Education Foundation, will be held Saturday, February 24, 2018, at Mesquite Arena, 1818 Rodeo Drive, featuring The Beach Boys. He encouraged citizens to support the MISD Education Foundation by attending this event.
- (7) Mr. Pickett commended Mr. Aleman for his work with middle school students.

CITIZENS FORUM

- (1) Shirley Weddle, 4222 Seedling Lane, invited veterans, active duty military service members, military spouses and veteran caregivers to participate in a free program, Warrior Brain Training, at St. Marks United Methodist Church, 3117 Motley Drive, from 9:00 a.m. to 12:00 p.m. on March 6, 2018, March 16, 2018, and April 20, 2018.
- (2) Texas State Representative Victoria Neave thanked the Mayor and Councilmembers for considering the resolution on tonight's agenda regarding the LBJ East Project.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item No. 7 be removed from the Consent Agenda to be considered separately. Mr. Noschese requested that Item No. 25 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approve the remaining 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 February 5, 2018.

Approved on the Consent Agenda.

- 6 An ordinance providing for the partial abandonment of water line easements located at Dr. John D. Horn High School, otherwise known as Dr. John D. Horn High School Addition, Block A, Lot 1-A.

Approved on the Consent Agenda.

Ordinance No. 4540, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF WATER LINE EASEMENTS LOCATED AT DR. JOHN D. HORN HIGH SCHOOL, OTHERWISE KNOWN AS DR. JOHN D. HORN HIGH SCHOOL ADDITION, BLOCK A, LOT 1-A; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4540 recorded in Ordinance Book No. 111.)

- 8 A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Department in connection with the Annual City Election and Special Charter Amendment Election to be held May 5, 2018.

Approved on the Consent Agenda.

Resolution No. 05-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ELECTION SERVICES CONTRACT AND JOINT ELECTION SERVICES AGREEMENT WITH DALLAS COUNTY ELECTIONS DEPARTMENT IN CONNECTION WITH THE ANNUAL CITY ELECTION AND SPECIAL CHARTER AMENDMENT ELECTION TO BE HELD MAY 5, 2018. (Resolution No. 05-2018 recorded in Resolution Book No. 53.)

- 9 Bid No. 2017-107 - Westlake Tennis Center Phase 2, Pro Shop and Bridge.
(Staff recommends all bids be rejected.)

Approved on the Consent Agenda.

- 10 Bid No. 2018-049 - Westlake, Pro-Shop Infrastructure.
(Authorize the City Manager to finalize and execute a contract with Nouveau Construction and Technology Services of Carrollton, Texas, through BuyBoard Contract No. 463-14, sponsored by the Texas Association of School Boards, in the amount of \$255,427.13.)

Approved on the Consent Agenda.

- 11 Bid No. 2018-050 - Westlake, Pro-Shop Modular Building.
(Authorize the City Manager to finalize and execute a contract with Palomar Modular Buildings of DeSoto, Texas, through BuyBoard Contract No. 463-14, sponsored by the Texas Association of School Boards, in the amount of

\$109,729.00.)

Approved on the Consent Agenda.

- 12 Bid No. 2018-022 - Camp Rorie Galloway, Pavilion and Office.
(Staff recommends all bids be rejected.)

Approved on the Consent Agenda.

- 13 Bid No. 2018-047 - Camp Rorie Pavilion.
(Authorize the City Manager to finalize and execute a contract with InSite Amenities of Fort Worth, Texas, through BuyBoard Contract No. 512-16, sponsored by the Texas Association of School Boards, in the amount of \$91,030.00.)

Approved on the Consent Agenda.

- 14 Bid No. 2018-053 - Camp Rorie Pavilion Infrastructure.
(Authorize the City Manager to finalize and execute a contract with Nouveau Construction and Technology Services of Carrollton, Texas, through BuyBoard Contract No. 520-16, sponsored by the Texas Association of School Boards, in the amount of \$204,989.40.)

Approved on the Consent Agenda.

- 15 Bid No. 2017-076 - Sanitary Sewer Replacement Project - Phase 1.
(Authorize the City Manager to finalize and execute a contract with Excel 4 Construction, LLC, in the amount of \$1,411,644.00).

Approved on the Consent Agenda.

- 16 Bid No. 2017-114 - Fleet Management Software System.
(Authorize the City Manager to finalize and execute a contract with Faster Asset Solutions, through GSA Contract No. GS-35F-0251U, in the amount of \$137,003.00.)

Approved on the Consent Agenda.

- 17 RFP No. 2018-035 - Public Improvement District (PID) Administration Services.
(Authorize the City Manager to execute a contract with David Taussig & Associates, Inc., for PID administration services in an amount not to exceed \$50,000.00 on an annual basis per each PID.)

Approved on the Consent Agenda.

- 18 Bid No. 2018-046 - Annual Contract for Internet Auctioning Services.
(Authorize the City Manager to finalize and execute a contract with Rene' Bates Auctioneers, Inc., through BuyBoard Contract No. 541-17, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales.)

Approved on the Consent Agenda.

- 19 Bid No. 2018-051 - Purchase of 2018 Ford F-350 Diesel Chassis Ambulance Remount.
(Staff recommends award to low bidder Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$124,000.00.)
Approved on the Consent Agenda.
- 20 Authorize the City Manager to finalize and execute a Developer Participation Agreement with LBL - The Birdhouse, LLC, and LBL - Birdhouse Too, LLC, for site development reimbursement at the Mesquite Metro Airport.
Approved on the Consent Agenda.
- 21 Authorize the City Manager to finalize and execute a Ground Lease with LBL - The Birdhouse, LLC, for a corporate aircraft hangar at Mesquite Metro Airport.
Approved on the Consent Agenda.
- 22 Authorize the City Manager to finalize and execute a Ground Lease with LBL - Birdhouse Too, LLC, for a corporate aircraft hangar at Mesquite Metro Airport.
Approved on the Consent Agenda.
- 23 Authorize the City Manager to finalize and execute Amendment No. 1 to a Hangar Lease Agreement with LBL 861 LLC, d/b/a Mesquite Aircraft Sales and Services.
Approved on the Consent Agenda.
- 24 Receive the January 2018 semi-annual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 7 A resolution expressing support of the LBJ East Project and encouraging State elected officials and the Texas Transportation Commission to provide immediate full funding for this critical transportation project and to allow the Regional Transportation Council and the Texas Department of Transportation the freedom to utilize all tools at their disposal to close the funding gap for this project, including managed toll lanes and design/build procurement process.
Each Councilmember expressed their support or opposition to the proposed resolution.
- Mr. Noschese moved to approve Resolution No. 06-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXPRESSING SUPPORT FOR THE TEXAS DEPARTMENT OF TRANSPORTATION LBJ EAST PROJECT; ENCOURAGING STATE ELECTED OFFICIALS AND THE TEXAS TRANSPORTATION COMMISSION TO PROVIDE IMMEDIATE FULL FUNDING FOR THIS CRITICAL TRANSPORTATION PROJECT AND TO ALLOW THE REGIONAL TRANSPORTATION**

COUNCIL AND THE TEXAS DEPARTMENT OF TRANSPORTATION THE FREEDOM TO USE ALL TOOLS AT THEIR DISPOSAL TO CLOSE THE FUNDING GAP FOR THIS PROJECT, INCLUDING MANAGED TOLL LANES AND THE DESIGN/BUILD PROCUREMENT PROCESS; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Casper, Pickett, Aleman, Boroughs

Nays: Miklos, Archer

Motion carried. (Resolution No. 06-2018 recorded in Resolution Book No. 53.)

25

Approve Amendment No. 3 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 \$320,000.00.

Mr. Noschese stated that seizure funds are awarded to the City as a result of court forfeitures and contraband from police seizures. Expenditures from these proceeds can only be used for law enforcement purposes.

Mr. Noschese moved to approve Amendment No. 3 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 \$320,000.00. Motion was seconded by Mr. Archer and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

26

Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with 2202 E Scyene Rd, LLC, for a proposed business facility expansion at 2202 Scyene Road, Mesquite, Texas.

A public hearing was held to consider a Chapter 380 agreement with GPS Inventory Solutions regarding a proposed business facility expansion at 2202 Scyene Road.

Kim Buttram, Assistant Director of Economic Development, stated that GPS Inventory Solutions (GPS) purchased and invested \$1 million in building renovations in 2011. GPS manages slow moving inventory for other companies and has two additional warehouse locations in Forney, Texas, and Knoxville, Tennessee. The proposed Chapter 380 agreement allows for the reimbursement of Roadway Impact Fees for each of the two proposed expansions. Phase 1 would include construction of an additional 50,000 square feet of warehouse space with an estimated completion by the end of 2018 and Phase 2 would include an additional 40,000 square feet with estimated completion by the end of 2022. The total incentive reimbursement of both phases is approximately \$62,000.00. GPS will lease at least 50 percent of the new square footage.

Loretta Wallace, President of GPS Inventory Solutions, stated that GPS Inventory Solutions (GPS) is a family-owned business, which purchased the building

located at 2202 Scyene Road as a bank foreclosure in 2011. The proposed expansion includes increasing the building height to 25 feet in the new additions. Ms. Wallace displayed renderings of the proposed expansions.

Sergio Garcia, 1724 Longview, spoke in favor of the proposed agreement. No others appeared regarding the Chapter 380 agreement.

Councilmembers expressed appreciation to the applicant for their investment in Mesquite.

Mr. Casper moved to approve Resolution No. 07-2018, 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, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH 2202 E SCYENE RD, LLC, FOR A PROPOSED BUSINESS FACILITY EXPANSION AT 2202 EAST SCYENE ROAD IN MESQUITE, TEXAS, AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 07-2018 recorded in Resolution Book No. 53.)

27

Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an agreement for such purposes with QuikTrip Corporation for a convenience store and fueling station located at 5500 S. Buckner Boulevard 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 QuikTrip Corporation regarding a convenience store and fueling station located at 5500 S. Buckner Boulevard.

Mike Potter, representing QuikTrip Corporation, expressed appreciation to Mr. Noschese and City staff for their efforts in assisting QuikTrip with the details of this project.

No one appeared regarding the Chapter 380 agreement.

Mr. Noschese moved to approve Resolution No. 08-2018, 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, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH QUIKTRIP CORPORATION FOR A CONVENIENCE STORE AND FUELING STATION LOCATED AT 5500 SOUTH BUCKNER BOULEVARD IN MESQUITE, TEXAS, AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nayes: None

Abstentions: Miklos

Motion carried. (Resolution No. 08-2018 recorded in Resolution Book No. 53.)

28

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-01 amending Section 3-200, Use Regulations; Section 3-300, Development Standards; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to new and revised regulations for Amusement and Recreation Services including ballrooms and event centers.

(The Planning and Zoning Commission recommends denial of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2018-01.

Jeff Armstrong, Interim Director of Planning and Development Services, stated that the proposed zoning ordinance clearly defines amusement and recreation services including ballrooms and event centers for businesses with a primary purpose to lease space for private gatherings such as family reunions, weddings, birthday parties, and retirements. The existing permitted use requires buildings to be located at least 500 feet from any residential district. Mr. Armstrong reviewed the reception facilities regulations – hours of operations, security, outside activities, premises condition, owner representative and compliance with applicable laws and additional provisions. Staff clearly defined reception facility by distinguishing a minor reception facility – one that does not exceed 6,000 square feet of enclosed space and a major reception facility – one that has more than 6,000 square feet of enclosed space.

Sergio Garcia, 1724 Longview, spoke in favor of the proposed amendment.

No others appeared regarding the proposed amendment.

Mr. Casper stated that he would not be supporting the proposed amendment.

Mr. Miklos moved to approve Zoning Text Amendment No. 2018-01 and to approve Ordinance No. 4541, 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 MAKING CERTAIN DELETIONS AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS 3-200, 3-500 AND 6-100 THEREBY PROVIDING NEW AND REVISED REGULATIONS FOR AMUSEMENT AND RECREATION SERVICES INCLUDING BALLROOMS AND EVENT CENTERS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: Casper

Abstentions: None

Motion carried. (Ordinance No. 4541 recorded in Ordinance Book No. 111.)

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:56 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 (Discuss economic development incentives for a business prospect considering to construct a new commercial building in the Central Business District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:59 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Miklos and approved unanimously. The meeting adjourned at 8:59 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor