



City of Mesquite, Texas

Minutes - Final City Council

Monday, June 18, 2018

4:00 PM

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

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

Absent: Deputy Mayor Pro Tem Tandy Boroughs and Councilmember Jeff Casper.

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation by North Texas Municipal Water District and City of Mesquite Water Utilities.
- 2 Receive briefing regarding IH-20 branding.

 Council directed staff to proceed with the Trinity Pointe brand.
- 3 Discuss selling parcel on Faithon P. Lucas, Sr., Boulevard.

 Council directed staff to proceed with the sale of the property.
- 4 Discuss proposed shared facility at Vanston Park.

 Council directed staff to proceed with seeking a proposal from Mesquite Independent School District.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:18 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 (Consider proposed economic development incentives for a prospective homebuilder in southeast Mesquite; Consider economic development incentives for a proposed development in the Market East area; and Consider economic development incentives for a prospective business in the Skyline Industrial District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:45 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:45 P.M.

Mayor Pickett announced that the City Council would meet 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 acquisition of property along McKenzie Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:47 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:47 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 (Discussion of contemplated litigation regarding cable franchise fee payments and Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 [Appealing Wholesale Water Rates for 2018]); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:56 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:06 P.M.**INVOCATION**

Will Klinke, Pastor, Mesquite Seventh-Day Adventist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Mesquite Animal Pawtners.

SPECIAL ANNOUNCEMENTS

(1) Mr. Noschese invited citizens to attend Movies in the Park, sponsored by the Parks and Recreation Department, at Paschall Park on Friday, June 22, 2018. Pre-show entertainment including games and music will begin at 7:00 p.m. and the movie "Despicable Me 3" starts at dusk.

(2) Mr. Aleman encouraged parents to participate in Mesquite Independent School District's (MISD) ReadPlayTalk initiative and take their children to visit the North Branch Library and Mesquite Main Library this summer.

(3) Mr. Archer encouraged parents to take advantage of the free summer meal program for children, ages 1 to 18. Meals are served daily at certain MISD cafeterias throughout the summer.

(4) Mr. Archer expressed appreciation to all neighborhood leaders and volunteers for their involvement in the community and for keeping their neighborhoods informed.

(5) Mr. Miklos invited citizens to meet at Whataburger at Town East Boulevard and Motley Drive on Saturday, June 23, 2018, at 9:30 a.m., to "Meet your Councilmember." Various projects in the neighborhood will be discussed.

(6) Mr. Miklos stated that he will not be able to attend the next City Council meeting on July 2, 2018.

CITIZENS FORUM

Dr. David Vroonland, MISD Superintendent, expressed support for the ordinance on today's agenda regarding nuisance parties.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Noschese moved to approve Item Nos. 5-6, 8, and 10-12 on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 5 Minutes of the regular City Council meeting held June 4, 2018.

Approved on the Consent Agenda.

- 6 An ordinance amending Chapter 9 of the City Code denoting school zones for Frasier Middle School along Peachtree Road, Memorial Boulevard and Scyene Road (SH-352) which school zones will also include protection for West Mesquite High School and Seabourn Elementary School since all three schools are in the same area, effective August 19, 2018.

Approved on the Consent Agenda.

Ordinance No. 4572, 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 ADDITIONS AND DELETIONS UNDER SECTIONS 9-147(1)(d), 9-147(1)(e) AND 9-147(2) THEREBY PROVIDING A SCHOOL ZONE FOR FRASIER MIDDLE SCHOOL ALONG PEACHTREE ROAD, MEMORIAL BOULEVARD AND SCYENE ROAD (SH-352); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4572 recorded in Ordinance Book No. 111.)

- 8 RFP No. 2018-008 - Asset Management Software.
(Authorize the City Manager to finalize and execute a Cityworks License and Maintenance Agreement with Azteca Systems, LLC, in the amount of \$65,000.00 and a contract with NewEdge Services, LLC, to implement Cityworks Asset Management Software in the amount of \$107,200.00 for a total amount of \$172,200.00.)

Approved on the Consent Agenda.

- 10 Bid No. 2018-076 - Annual Contract for Paint and Body Services.
(Staff recommends award to Six Construct, Inc., dba Budget Auto Body Shop, in the amount of \$76,000.00.)
Approved on the Consent Agenda.
- 11 Bid No. 2018-085 - Purchase of Asphalt Paver.
(Staff recommends award to Kirby Smith Machinery, Inc., in Dallas, Texas, through BuyBoard Contract No. 515-16, sponsored by the Texas Association of School Boards, in the amount of \$359,756.00.)
Approved on the Consent Agenda.
- 12 Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to prepare construction documents for Front Street in the amount of \$267,000.00.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 7 An ordinance amending Chapter 10 of the City Code thereby providing regulations pertaining to nuisance parties.

Mr. Miklos moved to approve Ordinance No. 4573, with changes to Sections 10-194.1 and 10-194.2d, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING A NEW DIVISION 3, "NUISANCE PARTIES" WITH NEW SECTIONS 10-194.1 THROUGH 10-194.6 THEREBY PROVIDING REGULATIONS PERTAINING TO NUISANCE PARTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE AMOUNTS PROVIDED IN SECTION 2 OF THIS ORDINANCE AND DISPENSING WITH A CULPABLE MENTAL STATE FOR THE OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4573 recorded in Ordinance Book No. 111.)
- 9 Bid No. 2018-058 - South Peachtree Road Sidewalk Project.
(Authorize the City Manager to finalize and execute a contract with low bidder La Banda, LLC, in an amount not to exceed \$106,192.00.)

Matt Holzapfel, Director of Public Works, stated that the proposed project will refurbish and complete the sidewalk on South Peachtree Road and will benefit students who walk to nearby schools.

Mr. Archer moved to approve Bid No. 2018-058, South Peachtree Road Sidewalk Project, and authorize the City Manager to finalize and execute a contract with low bidder La Banda, LLC, in an amount not to exceed \$106,192.00. Motion was seconded by Mr. Aleman and approved unanimously.
- 13 An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number Eleven, City of Mesquite, Texas, (Heartland Town Center) and making a finding regarding feasibility.

Mr. Miklos left the meeting.

Mr. Noschese moved to approve Ordinance No. 4574, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ELEVEN, CITY OF MESQUITE, TEXAS (HEARTLAND TOWN CENTER); ESTABLISHING TAX INCREMENTS FOR THE ZONE; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Archer, Pickett, Aleman

Nayes: None

Absent: Boroughs, Casper

Abstentions: Miklos

Motion carried. (Ordinance No. 4574 recorded in Ordinance Book No. 111.)

14

A resolution authorizing the Mayor to execute an agreement with Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) regarding the construction of public improvements within the Heartland Town Center Public Improvement District.

Mr. Noschese moved to approve Resolution No. 33-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AGREEMENT WITH REINVESTMENT ZONE NUMBER ELEVEN, CITY OF MESQUITE, TEXAS (HEARTLAND TOWN CENTER), REGARDING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS WITHIN THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT ("AGREEMENT"); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Archer, Pickett, Aleman

Nayes: None

Absent: Boroughs, Casper

Abstentions: Miklos

Motion carried. (Resolution No. 33-2018 recorded in Resolution Book No. 54.)

15

A resolution establishing two public hearings on the proposed annexation of 25.464 acres in the City's extraterritorial jurisdiction and generally located at the southeast corner of IH 20 and FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by Mehrdad Moayedi of CADG Kaufman 146, LLC.

Mr. Noschese moved to approve Resolution No. 34-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING DATES, TIMES AND PLACES FOR PUBLIC HEARINGS ON THE VOLUNTARY PETITION SUBMITTED BY CADG KAUFMAN 146, LLC, FOR THE PROPOSED ANNEXATION BY THE CITY OF MESQUITE OF APPROXIMATELY 25.464 ACRES LOCATED IN THE MESQUITE EXTRATERRITORIAL JURISDICTION, MARTHA MUSIC SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, AT THE SOUTHEAST CORNER OF INTERSTATE HIGHWAY 20 AND FM 741; AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes

were cast:

Ayes: Noschese, Archer, Pickett, Aleman

Nays: None

Absent: Boroughs, Casper

Abstentions: Miklos

Motion carried. (Resolution No. 34-2018 recorded in Resolution Book No. 54.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 16** Conduct a public hearing to receive citizen input regarding the proposed 2018-2019 Community Development Block Grant (CDBG) budget.

Mr. Miklos entered the meeting.

A public hearing was held to receive citizen input regarding the proposed 2018-2019 Community Development Block Grant (CDBG) budget.

Cortney Nicolato, President and CEO of The Senior Source, stated that The Senior Source is a non-profit agency that assists seniors and their families with a range of age-related issues. Ms. Nicolato requested \$15,000 which would be utilized for the Ombudsman program, an advocacy program for elderly Mesquite residents in long-term care facilities with the goal of resolving various client concerns, and a staff member who will be focused on Mesquite facilities.

Jennifer Atwick, Director of Development of Visiting Nurses Association (VNA), stated that the VNA provides a Meals on Wheels program that provides home-delivered meals five days a week to homebound or disabled seniors in Mesquite. Ms. Atwick requested \$15,000 which would assist approximately 10 clients with five hot meals a week for one year.

No others appeared regarding the proposed 2018-2019 CDBG budget.

- 17** Conduct a public hearing and consider an ordinance for Application No. Z0518-0031, submitted by Md. Mozharul Islam, for a change of zoning from R-3, Single-Family Residential to Planned Development - Office, allowing a parking lot as a principal use, located at 100 West Mimosa Lane.
(Two responses in favor and one response 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.)

Mayor Pickett left the meeting.

A public hearing was held for Application No. Z0518-0031.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to construct a 26-space parking lot for the adjacent medical office building. The existing trees on the northern portion of the subject property will remain intact and will serve as a buffer to the adjacent residential neighborhood.

No one appeared regarding the proposed application.

Mr. Noschese moved to approve Application No. Z0518-0031, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. The uses permitted shall be a parking lot (SIC 752 a.) as a principal use and those uses permitted in the Office Zoning District, subject to the same conditions applicable in the Office Zoning District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Office District only by conditional use permit (CUP) is permitted in this district only by CUP.
2. Development of the parking lot shall conform to the concept plan, attached to the ordinance, and the City's environmental and site development regulations applicable to the Office Zoning District.
3. District screening shall not be required from the adjacent residential districts provided that the existing trees on the north side of the subject property are maintained and that a six-foot wrought-iron fence with masonry columns is located along the west property line with a parking screening as noted in the ordinance.

And to approve Ordinance No. 4575, 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 CHANGE OF ZONING FROM SINGLE FAMILY TO PLANNED DEVELOPMENT – OFFICE SUBJECT TO CERTAIN STIPULATIONS ON PROPERTY LOCATED AT 100 WEST MIMOSA LANE ALLOWING A PARKING LOT AS THE PRINCIPAL USE; 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. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Miklos, Archer, Aleman

Nays: None

Absent: Boroughs, Casper

Abstentions: Pickett

Motion carried. (Ordinance No. 4575 recorded in Ordinance Book No. 111.)

18

Conduct a public hearing and consider an ordinance for Application No. Z0518-0032, submitted by Denise Shontel of Dallas Slot Cars, 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 to allow an indoor recreation facility, located at 1210 West Scyene Road, Suite D.

(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.)

Mayor Pickett entered the meeting.

A public hearing was held for Application No. Z0518-0032.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to relocate their business from Garland to Mesquite to operate an indoor recreation facility, which will house slot car tracks for organized racing. No smoking or alcohol will be allowed.

Applicant Denise Shontel Howard stated that Dallas Slot Cars is a family-oriented business. They have been in operation for 13 years and are open Thursday through Sunday during limited hours. The slot cars range from 4-10 inches in length and are raced on a road course, drag strip and tri-oval racetrack.

No one appeared regarding the proposed application.

Mr. Archer moved to approve Application No. Z0618-0032, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4576, 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 CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1210 WEST SCYENE ROAD, SUITE D, THEREBY ALLOWING AN INDOOR RECREATIONAL FACILITY; 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. Miklos and approved unanimously. (Ordinance No. 4576 recorded in Ordinance Book No. 111.)

19

Conduct a public hearing and consider an ordinance designating a contiguous geographic area of approximately 248.1466 acres of land consisting of the following six tracts of land: (1) 4300 Lawson Road; (2) 3400 McKenzie Road; (3) 4800 Lasater Road; (4) 4900 Lasater Road; (5) 2700 McKenzie Road; and (6) 925 McKenzie Road, all six tracts of land being located within the corporate limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park TIRZ), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date of termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance.

A public hearing was held designating a contiguous geographic area of approximately 248.1466 acres of land consisting of the following six tracts of land: (1) 4300 Lawson Road; (2) 3400 McKenzie Road; (3) 4800 Lasater Road; (4) 4900 Lasater Road; (5) 2700 McKenzie Road; and (6) 925 McKenzie Road, all six tracts of land being located within the corporate limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park TIRZ).

David Witcher, Director of Economic Development, stated that creation of the IH-20 Business Park TIRZ would establish a business park containing approximately 248 acres. Staff is requesting continuance of the public hearing to the July 2, 2018, City Council meeting.

Andrew Morgan, 9316 Crestedge Drive, Dallas, spoke in favor of the creation of the IH-20 Business Park TIRZ. No others appeared regarding the creation of the IH-20 Business Park TIRZ.

Mr. Aleman moved to continue a public hearing designating a contiguous geographic area of approximately 248.1466 acres of land consisting of the following six tracts of land: (1) 4300 Lawson Road; (2) 3400 McKenzie Road; (3) 4800 Lasater Road; (4) 4900 Lasater Road; (5) 2700 McKenzie Road; and (6) 925 McKenzie Road, all six tracts of land being located within the corporate limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park TIRZ) to the July 2, 2018, City Council meeting. Motion was seconded by Mr. Noschese and approved unanimously.

OTHER BUSINESS

- 20 Consider scheduling a special City Council meeting for Monday, June 25, 2018, at 5:00 p.m., to discuss the selection of the City Attorney.

Mr. Miklos moved to schedule a special City Council meeting for Monday, June 25, 2018, at 5:00 p.m., to discuss the selection of the City Attorney. Motion was seconded by Mr. Aleman and approved unanimously.

RECEIPT OF RESIGNATION

- 21 Receive resignation from Wes McClure as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

Mr. Archer moved to accept the resignation of Wes McClure as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Mr. Aleman and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 22 Consider appointment of four members to the Animal Services Advisory Board for terms to expire September 8, 2018.

Mr. Aleman moved to appoint Tracey DeChant (Qualified Mesquite Voter), Karen Swain (Qualified Mesquite Voter) and Patti Dawson (Representative of Animal Welfare Organization) as members of the Animal Services Advisory Board for terms to expire September 8, 2018. Motion was seconded by Mr. Archer and approved unanimously.

ADJOURNMENT

Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 7:58 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor

