



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, July 15, 2019

4:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Tandy Boroughs, Greg Noschese, Jeff Casper and Dan Aleman, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Deputy Mayor Pro Tem Robert Miklos and Councilmember Bruce Archer.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

Received budget presentation from Information Technology, Communications and Marketing, Airport, City Secretary's Office, City Attorney's Office, Finance and Economic Development.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:01 P.M.**

#### **INVOCATION**

Chris Walker, Lead Pastor, Kingdom Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Volunteers in the Summer Reading Program at the Mesquite Public Library.

#### **PRESENTATIONS**

- 2 Presentation of donation to the Mesquite Veterans Memorial campaign by Elements International.

Mike Wurster, President of Elements International, presented a \$2,500.00 check to the Mesquite Veterans Memorial campaign. Mayor Pickett, along with Randy Lawson, Babette Bradshaw, Jackie Frazier and Lois Buford representing the Heroes of Mesquite, accepted the donation.

**SPECIAL ANNOUNCEMENTS**

- (1) Mayor Pickett announced that former Councilmember Mark Mims passed away today. He served on the Mesquite City Council from 1994 to 1998. Mayor Pickett asked for a moment of silence in honor of former Councilmember Mims and his family.
- (2) Mr. Aleman invited citizens to attend the City Council Budget Workshop on Friday, July 19, 2019, beginning at 8:00 a.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue.
- (3) Mr. Aleman stated that a Neighborhood Meeting will be held on Thursday, July 18, 2019, at 7:00 p.m., at Calvary Temple Community Church, 1401 Clay Mathis Road, to discuss neighborhood issues. Residents are encouraged to attend.
- (4) Mr. Aleman stated that he attended a ribbon cutting today at McDonald's on Town East Boulevard. McDonald's will be holding a job fair on Monday, July 29, 2019, at 7:00 p.m., and is offering an incentive of \$2,500 per semester for college tuition, to students who work at least 15 hours per week.
- (5) Mr. Casper announced that the Boys & Girls Club, 4869 Gus Thomasson Road, will host a Back-To-School Fair on Monday, August 5, 2019, from 5:00 p.m. to 8:00 p.m., including a bounce house, free food, giveaways and much more. He thanked Officer Steven Contreras for helping with this event and invited families to take advantage of this great opportunity.
- (6) Mr. Casper announced that from now until Saturday, August 3, 2019, if you bring a jar of peanut butter or jelly to the Mesquite Animal Shelter and Adoption Center, you will receive \$10 off dog adoption fees or bring 5 jars and receive \$50 off. This effort helps with dog adoptions as well as supports the City's Spread the Love campaign, which supports local food pantries in Mesquite.
- (7) Mr. Noschese announced that a citizen input meeting will be held on Tuesday, July 30, 2019, at 7:00 p.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue, to discuss the draft Comprehensive Plan. Citizens are encouraged to attend.
- (8) Mayor Pickett thanked Fire and Police Department staff for addressing illegal fireworks and gunfire during the July 4th holiday. Eight citations were issued for firework offenses, one arrest for discharge of a firearm and 45 pounds of fireworks were confiscated.
- (9) Mayor Pickett encouraged citizens to attend the Town Hall meeting on Tuesday, July 16, 2019, at 7:00 p.m., at City Hall, Training Rooms A&B, 757 North Galloway Avenue, to discuss the 2019-20 City Budget.
- (10) Mr. Boroughs stated that he is a big supporter of the Muscular Dystrophy Association (MDA) and recently participated in the MDA summer camp for the 16th year. The Mesquite Fire Department (MFD) has supported MDA for over 40 years with the Fill-the-Boot campaign. MDA helps provide wheelchairs for children as well as research and summer camps. This year, the MFD raised \$31,500.00 from citizens for this worthy cause.

**CITIZENS FORUM**

Tim Dalbey, 2719 Santa Cruz Drive, Dallas; Matt White, 882 SH24, Campbell; and Terri White, 505 Riggs Circle, Mesquite, spoke in support of preserving the Mesquite prairie.

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

Mr. Casper requested that Item No. 10 be removed from the Consent Agenda to be considered separately. Mr. Noschese requested that Item No. 7 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. Boroughs and approved unanimously.

- 3 Minutes of the regular City Council meeting held July 1, 2019.
- Approved on the Consent Agenda.**
- 4 An ordinance amending Chapter 9 of the City Code by reducing the school zone speed limit from 30 MPH to 20 MPH on East Cartwright Road between Waterloo Lane and Boardwalk Drive.
- Approved on the Consent Agenda.**
- Ordinance No. 4694, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE MESQUITE CITY CODE, AS AMENDED, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 9-147(1)(e), AND 9-147(2), THEREBY PROVIDING A SCHOOL ZONE FOR JOHN HORN HIGH SCHOOL ALONG EAST CARTWRIGHT ROAD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4694 recorded in Ordinance Book No. 117.)**
- 5 A resolution supporting the City of Mesquite application to the Texas Department of Transportation's 2019 Safe Routes To School infrastructure call-for-projects.
- Approved on the Consent Agenda.**
- Resolution No. 50-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE CITY OF MESQUITE'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2019 SAFE ROUTES TO SCHOOL-INFRASTRUCTURE CALL FOR PROJECTS. (Resolution No. 50-2019 recorded in Resolution Book No. 58.)**
- 6 A resolution authorizing the City Manager to execute and approve an Interlocal Agreement with Mesquite Independent School District for funding participation in 2019 Safe Routes To School Program.
- Approved on the Consent Agenda.**
- Resolution No. 51-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE AN INTERLOCAL AGREEMENT WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT FOR A SAFE ROUTES TO SCHOOL PROJECT. (Resolution No. 51-2019 recorded in Resolution Book No. 58.)**
- 8 A resolution adopting the Annual Plan for the Housing Choice Voucher Program.
- Approved on the Consent Agenda.**
- Resolution No. 52-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE ANNUAL PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM. (Resolution No. 52-2019 recorded in Resolution Book No. 58.)**
- 9 A resolution extending the date to execute an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite, Texas and

Sundance MC, LLC, for economic development incentives in connection with the development of two corporate hangars at Mesquite Metro Airport, establishing an effective date for the agreement and authorizing the City Manager to finalize and execute the agreement.

**Approved on the Consent Agenda.**

**Resolution No. 53-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, EXTENDING THE DATE TO EXECUTE AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) BETWEEN THE CITY OF MESQUITE, TEXAS, AND SUNDANCE MC, LLC, FOR ECONOMIC DEVELOPMENT INCENTIVES IN CONNECTION WITH THE DEVELOPMENT OF TWO CORPORATE HANGARS AT MESQUITE METRO AIRPORT; ESTABLISHING AN EFFECTIVE DATE FOR THE AGREEMENT AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AGREEMENT. (Resolution No. 53-2019 recorded in Resolution Book No. 58.)**

- 11 Bid No. 2019-079 - Annual TxDOT IH635/IH 30/Highway 80 Corridor Maintenance Contract and Litter Control Contract.  
(Authorize the City Manager to finalize and execute a contract with low bidder Good Earth Corporation in the amount of \$272,094.04. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2019-083 - Palos Verdes Dam Modifications & Park Improvements.  
(Authorize the City Manager to finalize and execute a contract with low bidder McMahon Contracting, LP, for the Base Bid and Additive/Alternate Bid, in the amount of \$1,438,565.33.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2019-088 - Annual Pavement Lifting Project.  
(Authorize the City Manager to finalize and execute a contract with low bidder PJM Construction LLC, dba Foamworks, in the amount of \$700,000.00. The term of this contract is for a one-year period with two additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 14 Authorize the City Manager to finalize and execute a professional engineering services contract with Garver, LLC, for the South Parkway Paving and Utility Improvements and West Fork of South Mesquite Creek (WFSMC) conceptual study in the amount of \$513,310.00.

**Approved on the Consent Agenda.**

#### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 7 A resolution authorizing the City Manager to execute and approve the Project Specific Agreement with Dallas County for the design and construction of the Military Parkway Trail connecting downtown Mesquite to the Mesquite Championship Rodeo.

Mr. Noschese expressed appreciation to the City Manager, City staff and citizens for their continued support of the trail. The trail will connect downtown Mesquite to the Mesquite Championship Rodeo and is a part of the larger trail system that is being developed in the Dallas-Fort Worth area. Dallas County will provide 50 percent of the project cost.

Mr. Noschese moved to approve Resolution No. 54-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE PROJECT SPECIFIC AGREEMENT WITH DALLAS COUNTY FOR THE DESIGN AND CONSTRUCTION OF THE MILITARY PARKWAY TRAIL CONNECTING DOWNTOWN MESQUITE TO THE MESQUITE CHAMPIONSHIP RODEO. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 54-2019 recorded in Resolution Book No. 58.)

10

Bid No. 2019-003 - Front Street Station from Ebrite Street to Galloway Avenue.

(Authorize the City Manager to finalize and execute a contract with low bidder DDM Construction Corporation for the Base Bid and all Alternates, in the amount of \$5,556,743.80.)

Cliff Keheley, City Manager, stated that in 2016, the City Council provided direction to revitalize the downtown area. Stakeholder and citizen groups have been formed to provide input regarding the development of downtown Mesquite for future generations. A Downtown Manager has been hired and progress has been made on business expansion. The stakeholder and citizen groups, along with staff, worked to identify infrastructure projects needed for the next 10-15 years. Mr. Keheley recognized the Kimley-Horn design team, City staff and stakeholder members who were in attendance. The groundbreaking ceremony will be announced in the coming weeks.

Mr. Casper stated that the downtown area is changing and encouraged the community to attend the City Lake Park Historical Marker ceremony on Wednesday, July 17, 2019, at 10:00 a.m.

Mr. Casper moved to award Bid No. 2019-003, Front Street Station from Ebrite Street to Galloway Avenue, to low bidder DDM Construction Corporation for the Base Bid and all Alternates in the amount of \$5,556,743.80 and authorize the City Manager to finalize and execute a contract. Motion was seconded by Mr. Noschese and approved unanimously.

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

15

Conduct a public hearing and consider an ordinance for Application No. Z0119-0083 submitted by City of Mesquite for a Zoning Change to amend Planned Development - Mixed Use Ordinance No. 3967 to allow changes to the uses permitted on property described as being 60.31 +/- acres of land located at 21100 IH 635.

(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.)

A public hearing was held for Application No. Z0119-0083.

Jeff Armstrong, Director of Planning and Development Services, stated that per the existing development agreement with HQZ Partners, LP, this zoning request is to remove multifamily uses from the list of permitted uses found in the existing Planned Development ordinance (Ordinance No. 3967).

Mr. Noschese requested a projected timeline for the development.

Developer Jim Lang introduced Chad Hennings and Kyle Jacobs from Rubicon Representation as new members of their development team and stated that they agree to the proposed change to the permitted uses. Jim Ray, representing the developer, stated that they recently settled outstanding litigation and have a goal to close loans in October or November 2019. Once permits are issued, they anticipate beginning site work at the end of 2019 or the beginning of 2020.

Fernando Rojas, 2423 Lagoon Drive, asked why the multifamily designation was removed from the project.

Cliff Keheley, City Manager, stated that during the meetings held last year, the surrounding neighborhood requested that multi-family uses be removed.

No others appeared regarding the proposed application.

Mr. Noschese moved to approve Application No. Z0119-0083, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4695, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY DELETING THE EXISTING STIPULATION NO. 2 APPROVED IN ORDINANCE NO. 3967 IN ITS ENTIRETY AND ADDING A NEW STIPULATION NO. 2 TO ORDINANCE NO. 3967 ON PROPERTY LOCATED AT 21100 IH-635 AND CURRENTLY ZONED PLANNED DEVELOPMENT – MIXED USE TO ALLOW CHANGES TO THE USES PERMITTED; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4695 recorded in Ordinance Book No. 117.)

16

Conduct a public hearing and consider an ordinance for Application No. Z0519-0094, submitted by Ahmad Khatib, on behalf of Ten Minute Oil Change, for a change of zoning from Planned Development - General Retail to Planned Development - General Retail with a Conditional Use Permit to allow used tire sales, located at 520 Clay Mathis Road.

(No responses in favor and one 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.)

A public hearing was held for Application No. Z0519-0094.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to add used tire sales to an existing minor auto repair business and reviewed the proposed stipulation.

The applicant was not present.

No one appeared regarding the proposed application.

**Mr. Noschese moved to deny Application No. Z0519-0094. Motion was seconded by Mr. Casper and approved unanimously.**

**17**

Conduct a public hearing and consider a resolution repealing Resolution No. 44-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), authorizing the City Manager to negotiate, finalize and execute all documents necessary or advisable to complete the sale of an approximately 5.315-acre tract of City-owned property located within the Mesquite Rodeo City Reinvestment Zone Number One, to the Developer, providing a grant to the Developer, the City tract to be developed as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City.

**Mr. Noschese moved to postpone consideration of a resolution repealing Resolution No. 44-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), authorizing the City Manager to negotiate, finalize and execute all documents necessary or advisable to complete the sale of an approximately 5.315-acre tract of City-owned property located within the Mesquite Rodeo City Reinvestment Zone Number One, to the Developer, providing a grant to the Developer, the City tract to be developed as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City. Motion was seconded by Mr. Aleman and approved unanimously.**

**18**

Conduct a public hearing and consider a resolution repealing Resolution No. 43-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), providing a grant to reimburse the Developer for certain costs and expenses incurred by the Developer in connection with the design and reconstruction of a portion of Peachtree Road, located within Mesquite Rodeo City Reinvestment Zone, Number One, as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City.

**Mr. Casper moved to postpone consideration of a resolution repealing Resolution No. 43-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), providing a grant to reimburse the Developer for certain costs and expenses incurred by the Developer in connection with the design and reconstruction of a portion of Peachtree Road, located within Mesquite Rodeo City Reinvestment Zone, Number One, as part of the Iron Horse Project, authorizing the City Manager to administer the agreement on behalf of the City. Motion was seconded by Mr. Aleman and approved unanimously.**

## **RECEIPT OF RESIGNATION**

**19**

Receive resignation from Jennifer Vidler as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

**Mr. Boroughs moved to accept the resignation of Jennifer Vidler as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. Motion was seconded by Mr. Noschese and approved unanimously.**

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:13 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. 20 – Discuss economic development incentives for a prospective industrial business park in west Mesquite within the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:22 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:23 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 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16; 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] Filed 12-15-17); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:32 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. Aleman and approved unanimously. The meeting adjourned at 8:32 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor