



City of Mesquite, Texas

Minutes - Final City Council

Monday, March 2, 2020

4:30 PM

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

Present: Mayor Bruce Archer and Councilmembers Tandy Boroughs, Robert Miklos, Dan Aleman, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding Polo Ridge Ranch development financing and zoning.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:00 P.M.

- 2 Receive Neighborhood Services quarterly report for the period of October 1, 2019, through December 31, 2019.

Maria Martinez, Director of Neighborhood Services, reviewed the first quarter statistics for Fiscal Year (FY) 2019-2020 and stated there has been a decrease in violations and citations issued with a decline in complaints submitted by residents and properties contracted. The code districts were reorganized with the code enforcement officers shifting geographic areas. Ms. Martinez stated that staff anticipates an increase of complaints submitted in the next quarter due to the launch of the myMesquite app. The code case average, which is the time from when the code violation is opened until the time the violation is corrected by voluntary compliance, issuance of a citation or contractor abatement, is 23 days. Voluntary compliance was maintained at 91 percent for this quarter. Ms. Martinez reviewed the top four code violations – overhanging limbs; high grass; trash, junk and debris; and nuisance premises. Overhanging limbs are limbs encroaching into the right of way, which includes alleys, streets and sidewalks and blocking street signs. Ms. Martinez reviewed the Code Ambassador program statistics and the Vacant Property Maintenance program.

The work session ended at 6:18 p.m.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:21 P.M.

Mayor Archer 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 (Item No. 16 – Discuss purchase of real property located at 2077 Berry Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:34 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:34 P.M.

Mayor Archer 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. 18 – Discuss potential economic development incentives for Heartland Retail Center, a retail development proposed for 6622 FM 741 in Kaufman County); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:54 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.**INVOCATION**

Dr. E. Jones Doughton, Pastor, First Presbyterian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Daughters of the Republic of Texas, Hiram Bennett Chapter.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom invited citizens to participate in one or more of the four public meetings to be held on March 10, 17, 23 and 27, 2020, to discuss a new Community Development Grant Consolidated Plan.
2. Ms. Wisdom stated that the Grand Opening of Sprouts Farmers Market, 1220 North Town East Boulevard, will be held on Wednesday, March 4, 2020, at 6:45 a.m., and encouraged citizens to visit the new store.
3. Mr. Green reminded citizens that next week is Spring Break for Mesquite Independent School District (MISD) students. The City offers many free activities that students and their families can enjoy. The Mesquite Public Library System offers special events with crafts, movies and more. The Mesquite Arts Center offers “Just for Kids” series which includes the Fundamentals of Hip Hop, Do It Yourself Silkscreen Workshop and more.
4. Mr. Miklos encouraged citizens to attend the Mesquite Symphony Orchestra’s performance, “Music of the Cinema,” on March 21, 2020, at 7:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue, which will feature music from Star Wars, Mission Impossible and other popular films.

5. Mr. Boroughs invited citizens to attend the Annual Breakfast with the Bunny, hosted by the Mesquite Parks and Recreation Department, on Saturday, March 28, 2020, from 8:30 a.m. to Noon, at Evans Recreation Center, 1116 Hillcrest Street. Breakfast will be prepared by the Mesquite AMBUCS at a cost of \$5.00 per person. There is no charge for children under the age of two. A free egg hunt will begin at 11:00 a.m. for children age 9 years and under. He encouraged citizens to take advantage of this family friendly event.
6. Mr. Boroughs stated that last weekend's trash pickup, along the I-635 Service Road between New Market Road and Scyene Road, was not completed due to rain but will continue on Sunday, March 8, 2020, at 1:00 p.m. Volunteers will meet at the corner of Military Parkway and the I-635 Service Road across from QuikTrip.
7. Mr. Smith stated that MISD students will be out of school on Spring Break next week. More children will be playing outside and riding their bikes so remember to "Drive Like Your Family Lives Here."
8. Mr. Smith encouraged citizens to participate in a trash pickup on Saturday, March 7, 2020, at 10:00 a.m., at B. J. Smith Elementary School, 2300 Mesquite Valley Road.
9. Mayor Archer stated that he is proud of the City Councilmembers for being proactive and working as a team in the various City Council districts.
10. Mr. Aleman stated that "Project Porch Light" is an ongoing campaign to discourage criminal activity by urging residents to turn on porch lights at night and encourage relationships between neighbors. This project also reminds residents to say something, if they see something by calling the Mesquite Police Department to report unusual activity in their neighborhood. Through "Project Porch Light," we are connecting our neighbors, one light at a time. He encouraged citizens to get involved by contacting the Neighborhood Vitality Department to make arrangements to pick up door hangars and light bulbs to distribute to residents.
11. Mr. Aleman commended the Mesquite ISD Council of PTAs on the recent Founders Day Banquet held at Dr. John Horn High School themed "Random Acts of Kindness."
13. Mayor Archer reminded residents that the United States Census Bureau will begin mailing requests to every household soon. He encouraged all residents to complete a questionnaire. A one percent undercount could cost our community more than \$3 million dollars in federal funds each year for roads, health care, education and more.
14. Mayor Archer stated that this past Saturday, February 29, 2020, he attended a community event near Frasier Stadium. Mesquite resident Andrea Perez, who owns a bounce house business, provided bounce houses for this event. Afterwards, a conversation with citizens took place regarding addiction. Mayor Archer encouraged citizens to talk to each other about addiction recovery and/or addiction prevention.

CITIZENS FORUM

1. Brownly Cooksey, 1017 Rupard Street, expressed concerns regarding parking along Mariposa Drive.
2. George Rice, 1004 Craig Drive, stated that he is seeing more illuminated porch lights at night and thanked the City Council for implementing "Project Porch Light."

CONSENT AGENDA

Approval of the Consent Agenda

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

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Minutes of the regular City Council meeting held February 17, 2020.

Approved on the Consent Agenda.

- 4 An ordinance amending Appendix D of the City Code entitled "Comprehensive Fee Schedule," to establish fees for single-family residential permits and plats for infill residential development.

Approved on the Consent Agenda.

Ordinance No. 4764, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX D OF THE MESQUITE CITY CODE, COMPREHENSIVE FEE SCHEDULE, AS AMENDED, TO ESTABLISH FEES IN ARTICLE XII, SECTION 12-100 "BUILDING PERMITS," BY ADDING A FEE FOR SINGLE-FAMILY RESIDENTIAL PERMITS FOR INFILL DEVELOPMENT; AND IN SECTION 12-117 "PLANNING AND ZONING FEES," ADDING A FEE FOR PLATS FOR SINGLE-FAMILY RESIDENTIAL INFILL DEVELOPMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4764 recorded in Ordinance Book No. 119.)

- 5 A resolution extending the date to execute an Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite, Texas, and George Boyce for a Downtown Mesquite Façade Improvement Grant for the installation of an awning and chemical wash of the exterior of 202 West Davis Street, extending the dates to commence and complete the work to be performed pursuant to the grant agreement and authorizing the City Manager to finalize, execute and administer the grant agreement.

Approved on the Consent Agenda.

Resolution No. 11-2020, 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 GEORGE BOYCE FOR A DOWNTOWN MESQUITE FAÇADE IMPROVEMENT GRANT FOR THE INSTALLATION OF AN AWNING AND CHEMICAL WASH OF THE EXTERIOR OF 202 WEST DAVIS STREET, MESQUITE, TEXAS (THE "GRANT AGREEMENT"); EXTENDING THE DATES TO COMMENCE AND COMPLETE THE WORK TO BE PERFORMED PURSUANT TO THE GRANT AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE AND ADMINISTER THE GRANT AGREEMENT. (Resolution No. 11-2020 recorded in Resolution Book No. 59.)

- 6 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on April 4, 2020, for the City of Mesquite Rodeo Parade, commemorating the 63rd anniversary of the Mesquite Championship Rodeo.

Approved on the Consent Agenda.

Resolution No. 12-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE HIGHWAY 352 ON APRIL 4, 2020, FOR THE CITY OF MESQUITE RODEO PARADE, COMMEMORATING THE 63RD ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO. (Resolution No. 12-2020 recorded in Resolution Book No. 59.)

- 7 A resolution relating to notice of intention to issue City of Mesquite, Texas

Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2020, to provide funds for public improvements, facilities and equipment including, without limitation, information technology infrastructure and equipment, streets, thoroughfares and bridge improvements, streetscapes, storm drainage improvements, traffic signalization and controls, sidewalks, street lights, right-of-way acquisition, vehicles, municipal facilities, and related issuance costs and providing an effective date.

Approved on the Consent Agenda.

Resolution No. 13-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; APPROVING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND A NOTICE OF SALE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF. (Resolution No. 13-2020 recorded in Resolution Book No. 59.)

- 8 A resolution ratifying the total expenditure of \$71,935.49 without competitive bidding for the emergency repair to the fountain at City Hall located at 757 North Galloway Avenue and authorizing payment to Irrigators Supply, Inc., for such repairs.

Approved on the Consent Agenda.

Resolution No. 14-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE TOTAL EXPENDITURE OF \$71,935.49 WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIR TO THE FOUNTAIN AT CITY HALL LOCATED AT 757 NORTH GALLOWAY AVENUE; AND AUTHORIZING PAYMENT TO IRRIGATORS SUPPLY, INC., FOR SUCH REPAIRS. (Resolution No. 14-2020 recorded in Resolution Book No. 59.)

- 9 RFP No. 2019-012 - Annual Medical Plan Reinsurance (Stop Loss).
(Authorize the City Manager to execute a renewal contract with W. R. Berkley Corporation to continue stop loss benefits for calendar year 2020 in an amount not to exceed \$546,000.00.)

Approved on the Consent Agenda.

- 10 Bid No. 2020-045 - Annual Supply of Asphalt.
(Staff recommends award to low bidder Texas Materials Group Inc., dba TexasBit, a CRH company, in an amount not to exceed \$343,000.00. The term of this contract is for one year, with four additional one-year renewal options, subject to annual appropriation of sufficient funds. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 11 Authorize the City Manager to finalize and execute the necessary documents for the Data Exchange Request and Safeguard Plan with the Texas Workforce Commission.

Approved on the Consent Agenda.

- 12 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid

No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - U.S. Highway 80 to Town East Boulevard, with Tiseo Paving Company for payment of additional work in the amount of \$31,123.34.

Approved on the Consent Agenda.

- 13 Authorize the City Manager to execute Supplemental Agreement No. 3 with the Mesquite Chamber of Commerce for the purpose of providing economic development services.

Approved on the Consent Agenda.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 14 Conduct a public hearing and consider an ordinance for Application No. Z1219-0124, submitted by John Cooksey of Cooksey Demolition Services, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2511 Edinburgh Street.

(Three responses in favor and two 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. This item was postponed at the February 17, 2020, City Council meeting.)

A public hearing was held for Application No. Z1219-0124.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant owns and operates a demolition business at 2511 Edinburgh Street. The outdoor storage yard is used to store commercial equipment for the applicant's business and contains no permanent structures. The Mesquite Comprehensive Plan identifies this property within the U. S. 80 Special Planning Area, which holds potential for new development and redevelopment to benefit the community. Mr. Armstrong reviewed the proposed stipulations.

Applicant John Cooksey stated that he purchased the property in 1998. He expressed concern regarding the stipulation to plant two trees along the street because the property has no water service. The lot is currently used to store three trailers and two mobile mini storage containers.

Mr. Boroughs suggested that Stipulation No. 3, requiring two trees to be planted along Edinburgh Street, be removed from the proposed ordinance.

Brownly Cooksey, 1017 Rupard Street, spoke in favor of the application.

No others appeared regarding the proposed amendment.

Mr. Miklos moved to approve Application No. Z1219-0124, as recommended by the Planning and Zoning Commission, and to remove Stipulation No. 3 in Section 1, as follows:

1. The outdoor storage area shall be screened with a six-foot, board on board,

stained cedar privacy fence. The fence shall be constructed and maintained in good working condition, including the replacement of any missing boards and/or damaged portions immediately, with re-staining occurring at least every three years and as needed. The fence shall be constructed along the entirety of the north property line, along Edinburgh Street, and south property line to provide screening from public view, except in visibility triangle areas and the entry gate.

2. The outdoor storage area shall have an approved asphalt or concrete surface where the storage of vehicles, trailers and equipment occurs.

3. The CUP shall apply to Cooksey Demolition Services and cannot be reassigned or transferred.

4. If approved, this CUP will expire after five years from the issuance of the certificate of occupancy. If Cooksey Demolition Services wishes to continue the use, a new application shall be submitted requesting to continue the conditional use permit. Such application shall require the same procedures outlined in the Mesquite Zoning Ordinance for initial approval of a conditional use permit.

And to approve Ordinance No. 4765, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW PRIMARY OUTDOOR STORAGE YARD ON PROPERTY LOCATED AT 2511 EDINBURGH STREET SUBJECT TO CERTAIN STIPULATIONS; 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. Boroughs and approved unanimously. (Ordinance No. 4765 recorded in Ordinance Book No. 119.)

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Conduct a public hearing and consider an ordinance for Application No. Z0120-0126, submitted by the City of Mesquite, for a change of zoning from Agricultural to Planned Development - Single-Family Residential to allow a residential subdivision, located southeast of IH-20 and FM 740 near the East Fork of the Trinity River and at the western corner of FM 2757 and Kelly Road.

(No responses in favor and two 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. This item was postponed at the February 17, 2020, City Council meeting.)

Mr. Miklos left the meeting.

A public hearing was held for Application No. Z0120-0126.

Jeff Armstrong, Director of Planning and Development Services, stated that the developer is proposing 1,007 homes on the 806-acre tract, to be known as Polo Ridge Ranch. Mr. Armstrong reviewed the concept plan and the proposed stipulations.

No one appeared regarding the zoning change.

Mr. Green moved to approve Application No. Z0120-0126, as recommended by the Planning and Zoning Commission, as follows:

1. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan and PD Development Standards

attached to the ordinance respectively as Exhibits "B" and "C."

- 2. All amenities including open space, lakes, etc., and all nonresidential uses are subject to site plan approval as required by the Mesquite Zoning Ordinance.
- 3. The underlying zoning district for nonresidential developments shall be ETJ-1a.
- 4. A homeowner's association ("HOA") is required.

And to approve Ordinance No. 4766, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED SOUTHEAST OF IH-20 AND FM 740 NEAR THE EAST FORK OF THE TRINITY RIVER AND AT THE WESTERN CORNER OF FM 2757 AND KELLY ROAD TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION SUBJECT TO CERTAIN STIPULATIONS; 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. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Aleman, Archer, Boroughs, Smith, Wisdom
 Nays: None
 Abstentions: Miklos

Motion carried. (Ordinance No. 4766 recorded in Ordinance Book No. 119.)

Mr. Miklos entered the meeting.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 7:49 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.076 of the Texas Government Code to consider the deployment, or specific occasions for implementation, of security personnel or devices; or a security audit (Item No. 17 – Discuss City Council security); whereupon the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 8:12 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:12 p.m.

Attest:

Approved:

 Sonja Land, City Secretary

 Bruce Archer, Mayor