



# City of Mesquite, Texas

## Minutes - Final City Council

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Tuesday, January 22, 2019

6:00 PM

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

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

### **PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive annual ethics training.
- 2 Receive briefing regarding the public meeting held on January 16, 2019, regarding possible development of 3500 Emporium Square.

It was Council consensus to proceed with developing a committee of residents to work with the developer to develop a plan to take back to the residents in the neighborhood to gain further input. Mr. Miklos directed City Manager Cliff Keheley to place a resolution on the March 4, 2019, City Council agenda dedicating the property, located at 3500 Emporium Square, as park land.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:13 P.M.**

#### **INVOCATION**

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

#### **PLEDGE OF ALLEGIANCE**

Mesquite Police Sergeant Barrett Smith.

#### **PRESENTATIONS**

- 3 Recognize Real. Texas. Service. Champions.

City Manager Cliff Keheley stated that the Real. Texas. Service. Champions program was created as an opportunity for employees to be recognized for their service to the organization and Mesquite community. A brief video was shown describing each employee's contributions to the City of Mesquite.

Mayor Pickett, City Councilmembers and City Manager Cliff Keheley presented Certificates of Appreciation to the following employees in honor of their service

to the City of Mesquite: Trae Canfield, Solid Waste Crew Chief, Public Works Department; Monica Thompson, Printing Supervisor, Finance Department; Carla McKinnon, Human Resources Specialist, Human Resources Department; and Roye Long, School Resource Officer, Police Department.

## SPECIAL ANNOUNCEMENTS

- (1) Mr. Casper stated that the 13th Annual Lone Star Legacy Gala, a fundraising event for the Mesquite Independent School District (MISD) Education Foundation, will be held Saturday, February 23, 2019, at Mesquite Arena, 1818 Rodeo Drive, featuring Creedence Clearwater Revisited. He encouraged citizens to support our public schools and teachers by attending this annual event.
- (2) Mr. Archer encouraged citizens to celebrate Valentine's Day at Opal Lawrence Historical Park. Historic Mesquite, Inc., is hosting "Be Mine at the Park" on Saturday, February 9, 2019, at 10:00 a.m., featuring tours of the historic Lawrence House, photo booths and much more.
- (3) Mr. Archer invited residents to an El Rosa/Northridge Estates neighborhood meeting on Saturday, January 26, 2019, at 10:30 a.m., at Evans Recreation Center, 1116 Hillcrest Street.
- (4) Mr. Noschese announced that the annual Daddy/Daughter Dance, sponsored by the Mesquite Parks and Recreation Department, will be held on Saturday, February 9, 2019, at the Mesquite Convention Center, 1700 Rodeo Drive. This year, there are three dance sessions to choose from, beginning at 3:30 p.m. through 10:30 p.m. Tickets can be purchased at all Mesquite recreation centers, the Parks and Recreation Administration Office at 1515 North Galloway Ave. and on the City's website at [www.cityofmesquite.com](http://www.cityofmesquite.com). He encouraged citizens to take advantage of the unique opportunity.
- (5) Mr. Aleman invited residents to the 2nd Annual Neighborhood Summit on Saturday, February 16, 2019, at 8:15 a.m., at MISD's Professional Development Center, 2600 Motley Drive. This free public event will provide attendees with the tools and information to conduct neighborhood meetings, recruit volunteers and network with neighbors to improve neighborhood vitality and engagement.
- (6) Mr. Aleman congratulated the recruits who graduated from the Mesquite Police Academy's Basic Police Officer Course (BPOC) last Friday, January 18, 2019.
- (7) Mr. Aleman stated that he was honored to take part in the Inaugural Dr. Martin Luther King, Jr., parade on Saturday, January 19, 2019.
- (8) Mr. Miklos announced that the next Code Ambassadors orientation will take place on Thursday, January 31, 2019, at 6:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. He encouraged residents to participate in this volunteer-based program that assists City code enforcement officers by enlisting the help of resident volunteers to identify code violations.
- (9) Mr. Miklos invited residents to a Skyline/Rugel neighborhood meeting on Tuesday, January 29, 2019, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.
- (10) Mr. Miklos invited residents to a Galloway/Rollingwood Hills neighborhood meeting on Tuesday, January 29, 2019, at 7:00 p.m., at Galloway Elementary School, 200 Clary Drive.
- (11) Mr. Miklos stated that plans are being made for a Tuesday, February 5, 2019, neighborhood meeting for the Town East/Astronaut street residents and will provide more details at the February 4, 2019, City Council meeting.
- (12) Mr. Boroughs stated that the Mesquite Symphony Orchestra will present a concert, "Follow Us ... Into the Wild!" on Saturday, February 9, 2019, at 6:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue.
- (13) Mr. Casper invited residents to a Los Altos neighborhood meeting on Thursday, January 24, 2019, at 6:30 p.m., at Florence Recreation Center, 2501 Whitson Way.
- (14) Mayor Pickett expressed thanks to everyone who planned and participated in the Inaugural parade and 2nd Annual Celebration held this past Saturday, January 19, 2019, to honor the legacy of Dr. Martin Luther King, Jr.

(15) Mayor Pickett stated that we are currently experiencing the longest government shutdown in history. Therefore, the City is offering to defer water bill payments for residents who work for the federal government.

(16) Mayor Pickett stated that the City recognizes that homelessness is an issue in our community and is looking into a city-wide program.

(17) Mr. Boroughs congratulated two Mesquite firefighter recruits that graduated last Friday, January 18, 2019.

(18) Mesquite Police Sergeant Barrett Smith announced that the Mesquite Police Department will be hosting the Annual Polar Plunge event, in support of Special Olympics Texas, on Saturday, February 2, 2019, at City Lake Aquatic Center, 200 Parkview Street, and encouraged everyone to participate or donate to this worthy cause.

## **CITIZENS FORUM**

(1) Henry Brown, 211 Athel Drive, expressed concerns regarding the homeless population in Mesquite.

(2) Katina Whitfield, Mesquite, expressed concerns regarding the homeless population in Mesquite and the need for various means of communication in the City.

(3) Pablo Torres, 2728 Ash Creek, expressed concerns regarding red light cameras.

(4) Tom Brashear, 1417 Panola Drive, expressed support for development of the property at 3500 Emporium Circle.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

Mr. Aleman requested that Item No. 4 be removed from the Consent Agenda to be considered separately. Mr. Noschese requested that Item No. 9 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. Archer and approved unanimously.

- 5 An ordinance amending Chapter 9 of the City Code deleting certain school zones for Florence Elementary School, Hanby Elementary School and Seabourn Elementary School, effective on and after January 29, 2019.

**Approved on the Consent Agenda.**

**Ordinance No. 4648, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-147(1)(a) OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING CERTAIN SCHOOL ZONES FOR FLORENCE ELEMENTARY SCHOOL, HANBY ELEMENTARY SCHOOL AND SEABOURN ELEMENTARY SCHOOL; 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 THEREOF. (Ordinance No. 4648 recorded in Ordinance Book No. 114.)**

- 6 A resolution authorizing the sale of two tax-foreclosed properties located at 3821 East Cartwright Road and 2908 Independence Drive in Mesquite, Texas; accepting the offers from the purchasers to purchase the properties; ratifying and approving the Offer and Purchase Agreements executed by the purchasers setting forth the terms and conditions of the sale of the properties; and

authorizing the City Manager to execute quitclaim deeds and all other documents necessary or requested to complete the closings and sales of the properties.

**Approved on the Consent Agenda.**

**Resolution No. 07-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TWO TAX-FORECLOSED PROPERTIES LOCATED AT 3821 EAST CARTWRIGHT ROAD AND 2908 INDEPENDENCE DRIVE IN MESQUITE, TEXAS (THE "PROPERTIES"), ACCEPTING THE OFFERS FROM THE PURCHASERS TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS EXECUTED BY THE PURCHASERS SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES. (Resolution No. 07-2019 recorded in Resolution Book No. 56.)**

- 7 Bid No. 2019-011 - Annual Repair of Fire Apparatus.  
(Staff recommends award to Lone Star Emergency Group, in an amount not to exceed \$160,000.00. 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.**

- 8 Bid No. 2019-051 - Purchase of Enterprise Servers for Disaster Recovery Site.  
(Staff recommends award to Dell, Inc., through Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$60,397.19.)

**Approved on the Consent Agenda.**

- 10 Authorize the City Manager to negotiate, finalize and execute an agreement for the donation to the City of approximately 10.15 acres of land situated in the Daniel Tanner Survey, Abstract Number 1462, City of Mesquite, Dallas County, Texas, and being part of Lots 3 and 4, Block 2 of Triangle East Addition, Block 2, Lots 3, 4 and 5, an addition to the City of Mesquite, Dallas County, Texas, and being a portion of the property commonly known as 2920 Gus Thomasson Road, Mesquite, Texas, and, if the title and condition of such property is acceptable to the City Manager, the City Manager is further authorized to accept the donation of such property on behalf of the City and execute all closing documents necessary or advisable to finalize the donation of such property to the City.

**Approved on the Consent Agenda.**

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

- 4 Minutes of the regular City Council meeting held January 7, 2019.

**Mr. Aleman moved to correct Item No. 14 in the minutes by removing the second reference of Mr. Aleman in the motion and replacing it with Mr. Archer's name, and to approve the Minutes of the regular City Council meeting held January 7,**

2019. Motion was seconded by Mr. Archer and approved unanimously.

- 9 Authorize the City Manager to execute a Consent to Assignment of Ground Lease with LBL - Birdhouse 3, LLC.

Mr. Noschese moved to authorize the City Manager to execute a Consent to Assignment of Ground Lease with LBL - Birdhouse 3, LLC, with the condition to keep the original assignors of the original lease liable or secure a personal guarantee from LBL - Birdhouse 3, LLC, to have a natural person who is financially responsible for the lease. Motion was seconded by Mr. Miklos and approved unanimously.

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

- 11 Conduct a public hearing and consider a resolution approving a variance reducing the separation requirement from 300 feet to 295 feet between a proposed grocery store and Poteet High School to allow the grocery store to sell beer and wine for off-premise consumption. The proposed grocery store would be located at 1220 North Town East Boulevard.

(Two responses in favor and none in opposition to the application have been received from property owners within the required notification area.)

A public hearing was held regarding a variance for a grocery store locating at 1220 North Town East Boulevard.

Jeff Armstrong, Director of Planning and Development Services, stated that a business selling beer and wine for off-premise consumption must be located a minimum of 300 feet from any school property or church. For schools, the measurement is from the property line of the proposed beer and wine business to the property line of the school. In December 2018, the City Council approved an ordinance creating a variance process for the separation requirement and Mr. Armstrong reviewed the justification criteria the Council will use to determine whether the variance should be granted.

Gene Smith, representing the proposed grocer, spoke in favor of the application.

No others appeared regarding the proposed variance.

Mr. Miklos moved to approve a variance reducing the separation requirement from 300 feet to 295 feet between a proposed grocery store and Poteet High School to allow the grocery store to sell beer and wine for off-premise consumption and add a provision that the variance be limited to Suite 650, with the following conditions:

1. This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to the Texas Alcoholic Beverage Code in the location shown on the location map attached as Exhibit "A" to the resolution.
2. This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
3. The alcohol spacing variance may not be transferred to another location or to another permit holder.

And to approve Resolution No. 08-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AN ALCOHOL SPACING VARIANCE THEREBY REDUCING THE SEPARATION REQUIREMENT FROM 300 FEET TO 295 FEET BETWEEN A PROPOSED GROCERY STORE AND POTEET HIGH SCHOOL THEREBY ALLOWING THE GROCERY STORE TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 1220 NORTH TOWN EAST BOULEVARD, SUITE 650. Motion was seconded by Mr. Noschese and approved unanimously. (Resolution No. 08-2019 recorded in Resolution Book No. 56.)

- 12 Conduct a public hearing and consider an ordinance for Application No. Z0518-0038, submitted by Mesquite Joint Venture, for a change of zoning from Planned Development-Office to Planned Development-Townhome to allow a townhome residential subdivision, located at 2920 Gus Thomasson Road. (No responses in favor or in opposition to the application have been received from property owners within the statutory notification area.)

Mr. Miklos moved to postpone consideration of Application No. Z0518-0038, submitted by Mesquite Joint Venture, for a change of zoning from Planned Development-Office to Planned Development-Townhome to allow a townhome residential subdivision, located at 2920 Gus Thomasson Road. Motion was seconded by Mr. Archer and approved unanimously.

## OTHER BUSINESS

- 13 Consider approval of ballot language for a Proposition to sell approximately 171.393 acres of City park land described as 3811 South Belt Line Road, containing 87.727 acres, and 4600 Mercury Road, containing 83.666 acres, the entirety of which is located in the City of Balch Springs, Dallas County, Texas.

### CITY OF MESQUITE PROPOSITION A

Shall the City of Mesquite City Council be authorized to: (1) convey by sale up to approximately 171.393 acres of City park land, including adjacent parcels of approximately 87.727 acres of land located at 3811 South Belt Line Road and approximately 83.666 acres of land located at 4600 Mercury Road, the entirety of which is located in the City of Balch Springs, Dallas County, Texas, and (2) use the proceeds of the conveyance for the funding and enhancement of the City of Mesquite park and recreation system?

Cliff Keheley, City Manager, stated that this item will set ballot language for an election to sell a portion of property obtained by the City of Mesquite in the early 1990s. The vacant property is located in the City of Balch Springs and is not ideal for the development of a park or other city facility. A portion of the property will remain in the City of Mesquite and will be dedicated to city and park use. There is significant interest by developers and the City of Balch Springs to develop this property. This property was purchased with park bond funds and an election is required to sell the property. Tonight, the Council is considering the ballot language for an election. The decision to call an election will be held at the next City Council meeting on February 4, 2019. The City of Balch Springs has agreed to fund half of the election cost should the Council decide to proceed.

Mr. Casper moved to approve the ballot language, as stated in Agenda Item No. 13, for a proposition for the sale of park land, to be included in a Special Election

on May 4, 2019, and designating this proposition as "City of Mesquite Proposition A." Motion was seconded by Mr. Boroughs and approved unanimously.

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 14 Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2019.  
  
Mr. Archer moved to appoint Fred Poe as an alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2019. Motion was seconded by Mr. Aleman and approved unanimously.

**ADJOURNMENT**

Mr. Miklos moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 8:22 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor