



City of Mesquite, Texas

Minutes - Final City Council

Monday, April 2, 2018

4:30 PM

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

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

Absent: Greg Noschese.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding the Sign Code.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:45 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other City employees (Personnel issues involving the selection of the City Attorney); 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.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:00 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 potential economic development incentives for a business expansion on IH-635 and Gross Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:13 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**

Councilmember Bruce Archer.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Citizens Police Academy Alumni Association.

PRESENTATIONS

- 2 Presentation of donation from Mesquite AMBUCS to the 2018 Spread the Love campaign.

Brooks Watts, President of Mesquite AMBUCS, stated that the AMBUCS provide amtrykes to mobility challenged individuals, ramps for immobile residents and participate in various community activities. Mr. Watts presented a \$2,000.00 donation from the Mesquite AMBUCS to Teresa Jackson, representing Sharing Life Community Outreach and Amanda Langford, representing Mesquite Social Services, for their food pantries to support the Spread the Love campaign.

Mayor Pickett stated that the Spread the Love campaign began a few years ago, which provides peanut butter and jelly sandwiches to children in need of meals throughout the summer. Tonight's donation will provide funds to purchase enough peanut butter and jelly to make 15,000 sandwiches. He thanked the Mesquite AMBUCS for their donation to our community.

- 3 Presentation regarding Mesquite Independent School District's upcoming bond election.

Kevin Carbo, Mesquite Independent School District (MISD) Board Trustee, stated that the May 5, 2018, MISD bond election will address future student needs and innovative ideas. Mr. Carbo introduced Dr. David Vroonland, Superintendent of MISD.

Dr. Vroonland stated that voters approved a \$280 million bond package in 2015 which included the construction of five new facilities – Florence Elementary, Seabourn Elementary, Rutherford Elementary, Hanby Elementary and Frasier Middle School – upgrades and additions to Agnew Middle School, Mesquite High School, Berry Middle School, Kimbrough Middle School, Wilkinson Middle School, Vanston Middle School, Horn High School, Tisinger Elementary and West Mesquite High School. The facility projects approved with the 2015 bond package reduces portables throughout the district and provides upgrades to technology and tracks. Every project will be completed by Fall of 2019.

Dr. Vroonland reviewed the 2018 bond proposal and stated that many schools currently exceed capacity. The top priorities in the 2018 bond package include building a Choice Career High School, Middle School No. 10 and Elementary School No. 34. An allotment of students from each high school can chose to attend the Choice Career High School. It is estimated that 1,500 to 2,000 students will attend this high school which will relieve the capacity at the current high

schools. The Choice Career High School will not offer music, theater or athletics. Instead, this school will be strictly academic and career preparatory with the focus on STEM – science, technology, engineering and math careers and other specialized programs. Within this school will be five schools – School of Business and Entrepreneurship, School of Construction Science, School of Engineering, School of Health Sciences and School of Technology. This choice career campus will prepare students for college. However, if they chose not to attend college, they will have the skills necessary to obtain employment immediately out of high school. Middle School No. 10 will alleviate the overcrowding at Berry Middle School and Terry Middle School in the southern portion of the District. Elementary School No. 34 will be located in the Hagan Hill subdivision. There are currently 4,800 undeveloped new home sites in the southern portion of the District including Lucas Farms and Ridge Ranch which this school will serve. The 2018 bond package includes adding a second gymnasium/tornado shelter at each middle school, for an estimated cost of \$36 million; additions at Porter Elementary, Cannaday Elementary, Pirrung Elementary, A.C. New Middle School and Vanston Middle School, for an estimated cost of \$26 million; high school auditorium upgrades to include lighting, sound system and seating, for an estimated cost of \$4 million; artificial turf for three high school practice fields, for an estimated cost of \$4 million; recurring expenses – capital projects and equipment, technology infrastructure upgrades, and replacement of roofs, for an estimated cost of \$60 million; for a total bond package of \$325 million. Dr. Vroonland stated that if this bond package is approved, the property tax increase would be six cents per \$100 valuation, which equates to \$62.00 per year on a home valued at \$128,000.00. The projected economic and fiscal impact is \$440.9 million in economic activity, \$173.4 million in labor income and \$9.8 million in state/city/local taxes.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Aleman invited everyone to attend the 61st Annual Mesquite Rodeo Parade on Saturday, April 7, 2018, which begins at 10:00 a.m.
- (2) Mr. Aleman announced that Dick's Sporting Goods recently opened as a new anchor store at Town East Mall and wished them much success.
- (3) Mr. Aleman stated that it was recently announced that Peter Piper Pizza, which is located at Town East Mall, is #2 in the nation.
- (4) Mr. Boroughs stated that over 700 were served breakfast at last Saturday's Breakfast with the Bunny and many participated in the egg hunt. He thanked the Parks and Recreation Department staff for making this event a huge success.
- (5) Mr. Boroughs challenged citizens to reach out to their neighbors and encourage them to attend future City Council meetings.
- (6) Mr. Archer encouraged residents to participate in community events. He announced that two public meetings will be held regarding the upcoming charter amendment election – April 12, 2018, at Rutherford Senior Center and April 19, 2018, at Florence Recreation Center and invited citizens to attend.

CITIZENS FORUM

Ron Ward, 430 Running Brook Lane, expressed support for creation of a City-sponsored Youth Council Advisory Board.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Aleman moved to approve Item Nos. 4-5 and 7 on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

- 4 Minutes of the regular City Council meeting held March 19, 2018.

Approved on the Consent Agenda.

- 5 An ordinance amending Chapter 4 of the City Code amending regulations regarding animals subject to impoundment, adding provisions related to the tethering and containment of dogs and inclement weather requirements.

Approved on the Consent Agenda.

Ordinance No. 4547, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 4, "ANIMALS," OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN SECTIONS 4-1, 4-14, 4-51(a), 4-57, 4-58 AND 4-101 THEREBY AMENDING AND ADDING CERTAIN DEFINITIONS; AMENDING REGULATIONS REGARDING ANIMALS SUBJECT TO IMPOUNDMENT; ADDING PROVISIONS RELATED TO THE TETHERING AND CONTAINMENT OF DOGS; AND INCLEMENT WEATHER REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4547 recorded in Ordinance Book No. 111.)

- 7 A resolution authorizing the sale of tax-foreclosed property located at 4129 Sherwood Drive in Mesquite, Texas (the "Property"), accepting the offer from the purchaser to purchase the property; ratifying and approving the Offer and Purchase Agreement executed by the purchaser setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the Property.

Approved on the Consent Agenda.

Resolution No. 19-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAXFORECLOSED PROPERTY LOCATED AT 4129 SHERWOOD DRIVE IN MESQUITE, TEXAS (THE "PROPERTY"), ACCEPTING THE OFFER FROM THE PURCHASER TO PURCHASE THE PROPERTY; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENT EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTY. (Resolution No. 19-2018 recorded in Resolution Book No. 53.)

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 6 An ordinance amending Chapter 9 of the City Code regarding the location of school zones by extending an existing school zone for Pirrung Elementary School along Creek Crossing Road.

Mr. Aleman moved to approve Ordinance No. 4548, 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, CONCERNING THE LOCATION OF SCHOOL ZONES BY DELETING THE CURRENT SCHOOL ZONES FOR PIRRUNG ELEMENTARY SCHOOL IN THEIR ENTIRETY AND ADDING NEW SCHOOL ZONES FOR PIRRUNG ELEMENTARY SCHOOL ALONG CREEK CROSSING ROAD AND CREEK VALLEY ROAD THEREBY EXTENDING THE EXISTING SCHOOL ZONES; 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. 4548 recorded in Ordinance Book No. 111.) Motion was seconded by Mr. Boroughs and approved unanimously.

END OF CONSENT AGENDA**PUBLIC HEARINGS**

- 9 Conduct a public hearing regarding proposed changes in public transportation.

A public hearing was held regarding proposed changes in public transportation.

Mayor Pickett stated that this is the third of three public hearings regarding the proposed changes in the City of Mesquite Passenger Shuttle Service (COMPASS) from Hanby Station to Lawnview Station.

Teresa Jackson, 929 Long Beach Drive, Garland, requested additional information regarding the proposed changes.

Mayor Pickett stated that the proposed changes to the COMPASS program includes eliminating the midday service hours.

Ron Ward, 430 Running Brook Lane, spoke in favor of the COMPASS service and requested service be added for the northern portion of the City.

- 10 Conduct a public hearing and consider an ordinance for Application No. Z0118-0019, submitted by Chetan Patel of RK Patel Design & Planning, LLC, for a rezoning from Commercial to Commercial with a Conditional Use Permit to allow a limited service hotel, located at 100 Grand Junction Boulevard. (No responses in favor or 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.)

A public hearing was held for Application No. Z0118-0019.

Jeff Armstrong, Interim Director of Planning and Development Services, stated that the applicant proposes to construct a limited service four-story hotel, Home2 Suites by Hilton, with 91 guest rooms. Staff received one response in favor and

one response in opposition to the application. Motel 6 filed the response in opposition.

Teresa Jackson, 929 Long Beach, Garland, requested clarification regarding amenities in the guest rooms.

Matt Patel, representing the applicant, stated that the rooms do not include kitchenettes. The proposed hotel will be a limited extended stay hotel but will also serve transient guests. However, daily rates will apply.

Mr. Miklos moved to deny Application No. Z0118-0019, submitted by Chetan Patel of RK Patel Design & Planning, LLC, for a rezoning from Commercial to Commercial with a Conditional Use Permit to allow a limited service hotel, located at 100 Grand Junction Boulevard. Motion was seconded by Mr. Casper and approved unanimously.

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Conduct a public hearing and consider an ordinance for Application No. Z0218-0021, submitted by Jennifer Keithley on behalf of Donna Woodson, to rezone property from Planned Development - Industrial to Office to allow the property to be developed with non-residential uses, located at 2821 Newsom Road.

(One response in opposition to the application has been received from a property owner 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. Z0218-0021.

Jeff Armstrong, Interim Director of Planning and Development Services, stated that a single-family home as well as accessory structures are located on the site and have fallen into disrepair. The existing zoning on the property and surrounding properties is Planned Development-Industrial, which includes several stipulations. One stipulation states that any development must be setback from Newsom Road a minimum of 200 feet. The subject property's deepest point is 217 feet. Therefore, the property is undevelopable under the current zoning. Due to the zoning restrictions on this parcel, the property owners have been unable to sell the property and have requested the zoning change.

No one appeared regarding the application.

Mr. Aleman moved to approve Application No. Z0218-0021, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4549, 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 PLANNED DEVELOPMENT – INDUSTRIAL TO OFFICE ON PROPERTY LOCATED AT 2821 NEWSOM ROAD; 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. 4549 recorded in Ordinance Book No. 111.)

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Conduct a public hearing and consider an ordinance for Application No. Z0218-0023, submitted by Coy Johnson of Game X Change, for a rezoning from

General Retail to General Retail with a Conditional Use Permit to allow the sale of used merchandise, located at 1220 North Town East Boulevard, Suite 100. (No responses in favor or 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. Z0218-0023.

Jeff Armstrong, Interim Director of Planning and Development Services, reviewed the proposed location, which is largely commercial and retail in nature, and is not part of the Town East Retail and Restaurant Area (TERRA) Overlay District. The applicant proposes to buy, sell and trade video games, handheld electronics and movies.

Applicant Coy Johnson stated that Game X Change has 95 locations owned by three ownership groups. Mr. Johnson's ownership group manages 42 stores with seven stores in the Dallas-Fort Worth area. Game X Change buys, sells and trades video games, DVD and Blu-Ray movies, cell phones, handheld tablets and related accessories. As State law requires, the store records the sellers' name, address and driver's license number and communicates with the local police department, if needed.

No one appeared regarding the application.

Mr. Archer moved to approve Application No. Z0218-0023, as recommend by the Planning and Zoning Commission, with the following stipulations:

- 1. The used merchandise shall be limited to DVDs, CDs, MP3 players, mobile phones, video games, video game consoles and handheld electronics. It shall not include the sale of any other used merchandise.**
- 2. Merchandise display shall be orderly and similar in style and organization to typical displays at general merchandise and department stores.**
- 3. No display of used merchandise shall be permitted outside the establishment.**
- 4. All display merchandise shall be clean and operational. The display of severely damaged items is prohibited.**
- 5. No signage advertising the sale of used merchandise shall be visible from outside the establishment.**
- 6. Handwritten labels shall not be used or permitted.**
- 7. Previously owned merchandise shall be marked as "pre-owned" or "pre-played."**
- 8. The Conditional Use Permit is granted specifically to Hultquist Enterprises, Inc., doing business as Game X Change.**
- 9. The Conditional Use Permit cannot be subject to assigned, transferred or alienated.**

And to approve Ordinance No. 4550, 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 CONDITIONAL USE PERMIT ON PROPERTY ZONED GENERAL RETAIL AND LOCATED AT 1220 NORTH TOWN EAST BOULEVARD, SUITE 100, THEREBY ALLOWING THE SALE OF USED MERCHANDISE SUBJECT TO CERTAIN STIPULATIONS; 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. Aleman and approved unanimously. (Ordinance No. 4550 recorded in Ordinance Book No. 111.)

RECEIPT OF RESIGNATION

- 13 Receive resignation from Keshunia Johnson-Hood as a member of the Mesquite Housing Board.
- Mr. Archer moved to accept the resignation of Keshunia Johnson-Hood as a member of the Mesquite Housing Board. Motion was seconded by Mr. Aleman and approved unanimously.

APPOINTMENT TO BOARDS AND COMMISSIONS

- 14 Consider appointment of one regular member to the Mesquite Housing Board for a term to expire December 3, 2018.
- Mr. Aleman moved to change the appointment of James Elledge from an alternate member to a regular member of the Mesquite Housing Board for a term to expire December 3, 2018. Motion was seconded by Mr. Casper and approved unanimously.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 8 A resolution authorizing the City Manager to execute a development agreement with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.746 acres of land generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City and being commonly referred to as "Heartland Town Center" and authorizing the City Manager to administer the agreement on behalf of the City and repealing Resolution No. 72-2017.
- (This item was postponed at the March 19, 2018, City Council meeting.)

Mr. Miklos left the meeting.

Mr. Archer moved to approve Resolution No. 20-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT WITH CADG KAUFMAN 146, LLC, AND KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 5, REGARDING APPROXIMATELY 146.746 ACRES OF LAND GENERALLY LOCATED SOUTH OF INTERSTATE HIGHWAY 20, EAST OF FM 741 AND NORTH OF HEARTLAND PARKWAY IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND BEING COMMONLY REFERRED TO AS "HEARTLAND TOWN CENTER" AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING RESOLUTION NO. 72-2017. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Archer, Aleman, Pickett, Casper, Boroughs

Nays: None

Abstentions: Miklos

Absent: Noschese

Motion carried. (Resolution No. 20-2018 recorded in Resolution Book No. 53.)

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 9:26 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor