



City of Mesquite, Texas

Minutes - Final City Council

Monday, May 17, 2021

5:00 PM

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

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

Absent: Councilmember Sherry Wisdom.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding possible text amendments to the Zoning Ordinance pertaining to regulations for commercial accessory buildings.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:44 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. 17 – Discuss economic development incentives for a prospective development at the corner of IH-20 and FM 2932 in Kaufman County; Item No. 18 - Discuss economic development incentives for a prospective development west of Gus Thomasson Road on IH-30 south-side frontage road; Item No. 19 - Discuss economic development incentives for a prospective development on East Meadows Boulevard between US Highway 80 and IH-30; and Item No. 20 - Discuss economic development incentives for a prospective development on East Scyene Road within Alcott Logistics Station); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 5:59 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 2 Receive quarterly report from the Police Department.

David Faaborg, Interim Police Chief, presented the quarterly report for the Mesquite Police Department (MPD) for January – March 2021. He reviewed the number of vacant positions with 22 police officers and three public safety dispatchers. Chief Faaborg reviewed the performance metrics of total National Incident Based Reporting System (NIBRS) crimes, murder, robbery, aggravated assault, burglary, theft, shoplifting and motor vehicle theft. Chief Faaborg reviewed the Community Oriented Policing Program.

Councilmembers expressed appreciation to Chief Faaborg and the MPD for their dedication to the community.

The work session ended at 7:01 p.m.

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

INVOCATION

Archie Greer, Sr., Senior Pastor, Trinity Worship Center, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Rodeo Cowboys.

PRESENTATIONS

- 3 Receive presentation regarding the 2021 Mesquite Elks Lodge Awards.

Mayor Archer stated that due to the COVID-19 pandemic, the Mesquite Elks Lodge was unable to present the annual awards program. The following persons were honored in a video presentation:

**Citizen of the Year Award to Debbie Anderson
Police Officer of the Year Award to Sgt. Brad Meyer
Firefighter of the Year Award to Driver-Engineer/Paramedic Vance Lay**

Norma Sorenson, President of the Auxiliary, presented donations to Historic Mesquite, Inc., Mesquite Animal Shelter, Mesquite Public Library and Mesquite Parks and Recreation. Donna Woodard, Past President of the Auxiliary, and Norma Sorenson, President of the Auxiliary, presented a check to Mayor Archer for the Mesquite Police Department and Mesquite Fire Department in the amount of \$300.00 each.

Susie Ward, Past Exalted Ruler, and James Wantland, Current Exalted Ruler, presented donations to the Mesquite Police Department and Mesquite Fire Department.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman stated that this is National Public Works Week and this year's theme is "Stronger Together." He thanked the Public Works employees for helping maintain our community's strength by providing infrastructure for transportation, water, wastewater, stormwater treatment, sanitation and so much more for our citizens.
2. Mr. Aleman expressed appreciation to Ridge Ranch resident Jai Manning for hosting the neighborhood meeting last Saturday, May 15, 2021, and to Assistant City Manager Ted Chinn, Mesquite Police Department Sergeant Smith and Mayor Archer who also attended.
3. Mr. Smith stated that the Farmers Market will return to Downtown Mesquite at Front Street Station beginning Saturday, June 12, 2021, from 9:00 a.m. to 2:00 p.m., and every Saturday through November 2021.

4. Mr. Boroughs announced that a ribbon cutting for the completion of Front Street Station in Downtown Mesquite will take place on Saturday, May 22, 2021, from 4:00 p.m. to 8:00 p.m. He encouraged residents to attend this historic event, which will include live entertainment, food trucks, art displays and more.
5. Mr. Miklos reminded residents to contact City staff if they encounter any loud music or loud noises in their neighborhood. For general noise disturbances, residents can call the Mesquite Police Department non-emergency at 972-285-6336 and for animal noise disturbances, contact Animal Services at 972-216-6283.
6. Mr. Green encouraged citizens to take advantage of many free music events at the Mesquite Arts Center in June 2021. On June 3, 2021, the free Courtyard Concert Series will begin at 7:00 p.m. The free Jazz Breaks series will take place on June 7, 2021, and June 21, 2021, at 7:30 p.m. The Mesquite Community Band will host "Music in the Park" on June 14, 2021, and June 28, 2021, at 7:00 p.m.
7. Mayor Archer stated that a brief Memorial Day Service will take place at Mesquite Veterans Park on Monday, May 31, 2021. The program will honor the men and women who lost their lives while serving in the United States military. The names of military veterans from Mesquite who lost their lives will be read. The public is invited to attend the service just before 3:00 p.m. to coincide with a national moment of remembrance that takes place at 3:00 p.m.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item Nos. 5, 8 and 14 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 4 Minutes of the regular City Council meeting held May 3, 2021.

Approved on the Consent Agenda.

- 6 A resolution endorsing and accepting the 2020-2021 Click It or Ticket Safety Grant for the Selective Traffic Enforcement Program (STEP), approving the contribution of City funds in the amount of \$1,000.76 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation in connection with such Grant and Program.

Approved on the Consent Agenda.

Resolution No. 30-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING AND ACCEPTING THE 2020-2021 CLICK IT OR TICKET SAFETY GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$1,000.76; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH SUCH GRANT AND PROGRAM. (Resolution No. 30-2021 recorded in Resolution Book No. 63.)

- 7 A resolution authorizing the sale of three tax-foreclosed properties located at 1004 Grande Drive, 907 Jardin Drive and 810 Leyenda Drive in Mesquite, Texas (the "Properties"); accepting the offers from Hossain Dezham (the "Purchaser") to purchase the Properties; ratifying and approving the Offer and Purchase

Agreements executed by the Purchaser setting forth the terms and conditions of the sale of the Properties; consenting to the termination, release and discharge of certain covenants, conditions and restrictions imposed on the Properties; authorizing the City Manager to execute a Release of Deed Restrictions and a Quitclaim Deed with respect to each of the Properties; and authorizing the City Manager to take all actions and execute all other documents necessary or requested to complete the closing and sale of the properties.

Approved on the Consent Agenda.

Resolution No. 31-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF THREE TAX-FORECLOSED PROPERTIES LOCATED AT 1004 GRANDE DRIVE, 907 JARDIN DRIVE, AND 810 LEYENDA DRIVE IN MESQUITE, TEXAS (THE "PROPERTIES"); ACCEPTING THE OFFERS FROM HOSSAIN DEZHAM (THE "PURCHASER") TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; CONSENTING TO THE TERMINATION, RELEASE, AND DISCHARGE OF CERTAIN COVENANTS, CONDITIONS, AND RESTRICTIONS IMPOSED ON THE PROPERTIES; AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF DEED RESTRICTIONS AND A QUITCLAIM DEED WITH RESPECT TO EACH OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS AND EXECUTE ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES. (Resolution No. 31-2021 recorded in Resolution Book No. 63.)

- 9 RFP No. 2021-071 - Dunford Renovation: Improvements.
(Authorize the City Manager to finalize and execute a contract with MBW Serv Corporation, in the amount of \$341,500.00.)

Approved on the Consent Agenda.

- 10 RFP No. 2021-091 - Dunford Recreation: Gym Floor.
(Authorize the City Manager to finalize and execute a contract with Ponder Company, Inc., through BuyBoard Contract No. 560-18, in the amount of \$58,155.00.)

Approved on the Consent Agenda.

- 11 Bid No. 2021-078 - Annual Supply of Full Circle Clamps.
(Staff recommends award to the lowest bidder meeting specifications, Fortiline, Inc., for an amount not to exceed \$62,411.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 12 Bid No. 2021-095 - Purchase of 2021 Ford F-350 Diesel Chassis Ambulance Remount.
(Staff recommends award to Frazer, Ltd., in Houston, Texas, from Sterling McCall Ford, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, in the amount of \$158,350.00.)

Approved on the Consent Agenda.

- 13 Bid No. 2021-096 - MPD Tactical Night Vision Devices.
(Staff recommends award to ROE Tactical LLC, through BuyBoard Contract No. 603-20, in the amount of \$59,921.71.)

Approved on the Consent Agenda.**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 5 An ordinance determining the necessity of acquiring real property for construction of a public park on property located at 1100 North Bryan-Beltline Road; authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use; and delegating authority to initiate condemnation proceedings to the City Manager.

Mr. Smith moved that Agenda Item No. 5 be approved, which includes the City of Mesquite authorizing the use of the power of eminent domain to acquire fee simple title from Sonny George and Jaisy George for approximately ½ acre of vacant land out of an approximately one-acre tract located at 1100 North Bryan-Beltline Road in Mesquite for the public use of a public park, and to approve Ordinance No. 4861, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY FOR CONSTRUCTION OF A PUBLIC PARK ON PROPERTY LOCATED AT 1100 NORTH BRYAN-BELTLINE ROAD; AUTHORIZING APPROPRIATION OF THE REAL PROPERTY AND/OR THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE REAL PROPERTY FOR PUBLIC USE; AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE CITY MANAGER. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4861 recorded in Ordinance Book No. 123.)

- 8 RFP No. 2021-065 - Heritage Plaza Renovations.
(Authorize the City Manager to finalize and execute the required documents with Nouveau Construction and Technology Services, L.P., in the amount of \$698,800.00.)

Mr. Aleman left the meeting.

Mr. Boroughs moved to approve RFP No. 2021-065, Heritage Plaza Renovations, and to authorize the City Manager to finalize and execute the required documents with Nouveau Construction and Technology Services, L.P., in the amount of \$698,800.00. Motion was seconded by Mr. Green. On call for a vote on the motion, the following votes were cast:

Ayes: Boroughs, Green, Archer, Miklos, Smith

Nays: None

Absent: Wisdom

Abstentions: Aleman

Motion carried.

- 14 Appoint Brenda Jean Patrick to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2023.

Mr. Aleman returned to the meeting.

Mr. Miklos moved to appoint Brenda Jean Patrick to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2023. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 15 Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, June 2, 2021, at 1:30 p.m.

Mr. Aleman moved to appoint Bruce Archer and Tandy Boroughs to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held Wednesday, June 2, 2021, at 1:30 p.m. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

- 16 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0321-0186, submitted by LGE Design Group, for a change of zoning from Commercial and Planned Development - Light Commercial Ordinance Nos. 2646 and 2647 to Planned Development - Commercial to allow an industrial business park, located at 1600 E. U.S. Highway 80, 2000 E. U.S. Highway 80, 997 Santa Maria Drive and 900009 Santa Maria Drive.

(Three 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 with certain stipulations.)

A public hearing was held for Zoning Application No. Z0321-0186.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to construct three industrial buildings totaling 542,846 square feet on a 38-acre undeveloped tract, located at the southeast corner of IH-635 and Highway 80, for office, warehousing and light assembly uses. A significant number of trees, as well as sound and light mitigating regulations, is proposed for the development. There will be no vehicular access to Diane Drive and the proposed interior setback will be a minimum of 60 feet. Parking of heavy load vehicles is limited to businesses that have a Certificate of Occupancy on the property. The development will be accessed from the IH-635 frontage road and Santa Maria Drive, which will require reconstruction. Mr. Armstrong stated that the proposed parking regulations will include one space per 1,500-square feet and wing walls will be required.

Mark Cone, representing LGE Design Group, stated that a Traffic Impact Analysis has been completed which concluded that the proposed development is not expected to significantly impact the surrounding intersections. The Texas Department of Transportation has given approval for the two ingress and egress points on the IH-635 frontage road. Mr. Cone stated that the drainage issues on the property have been addressed through the Engineering Division. The project

will provide a higher level of design with double height glass and metal panel entries with a landscape buffer and the truck courts facing inward. Mr. Cone displayed concept drawings.

Amanda Rogers, 2225 Diane Drive, expressed concerns regarding 2229 Diane Drive, which she owns, being included in the rezoning because the zoning maps attached to the agenda item indicate such. Mr. Armstrong assured Ms. Rogers that no residential property will be rezoned for this application.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z0321-0186, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4862, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE MILITARY PARKWAY – SCYENE CORRIDOR OVERLAY DISTRICT TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY LOCATED AT 1030 WEST SCYENE ROAD TO ALLOW FOR AN OFFICE AND WAREHOUSE / DISTRIBUTION DEVELOPMENT 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. Smith and approved unanimously. (Ordinance No. 4862 recorded in Ordinance Book No. 123.)

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 8:07 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor