



City of Mesquite, Texas

Minutes - Final City Council

Monday, June 4, 2018

4:30 PM

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

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 - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding evaluation of concrete surface reconstruction method.
- 2 Receive briefing regarding the ongoing Downtown Infrastructure Plan process.

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

INVOCATION

Shaji Daniel, Pastor, Agape Church, Sunnyvale, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Historical and Genealogical Society.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos stated that on April 16, 2018, City Council approved additional uses for a lease space located next to Charley's restaurant at 3730 U. S. Highway 80 and is pleased to announce that the owner has recently acquired a tenant for the space.
- (2) Mr. Archer thanked City staff for their help at the wrap-up meeting of the Edgemont Park neighborhood improvement surge.
- (3) Mr. Archer announced that the Northridge Estates neighborhood improvement surge will kick-off on Saturday, June 9, 2018, with a trash pickup at 12:00 p.m. and requested that volunteers meet at Hanby Elementary School.
- (4) Mr. Boroughs invited citizens to attend the 3rd Annual Summer Sizzle on Saturday, June 9, 2018, from Noon to 10:00 p.m., at Paschall Park, 1001 New Market Road. This family-friendly event is free and includes a mud volleyball tournament, splash zone, Texas-size yard games, food trucks, kid's activities and live music. This year's headliner band, the popular disco cover band Le Freak, will perform at 8:00 p.m. and fireworks will begin at 9:30 p.m.

(5) Mr. Aleman stated that he was honored to serve as the Master of Ceremony at the dedication of Brickyard Cemetery on Thursday, May 31, 2018, and thanked everyone who made this event possible.

(6) Mr. Aleman reminded everyone that tomorrow is the last day of school and to watch out for children this summer.

(7) Mr. Aleman stated that he enjoyed participating in the Skyline Drive trash pickup on Saturday, June 2, 2018.

CITIZENS FORUM

(1) Minh Huynh, 308 Keswick, expressed opposition to a moratorium on apartment complexes.

(2) Skip Parsotam, owner of Budget Inn, 3911 U. S. Highway 80 East, expressed opposition to amortization of hotels/motels.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item Nos. 9-10 be removed from the Consent Agenda to be considered separately. Mr. Casper requested that Item No. 12 be removed from the Consent Agenda to be considered separately. Mr. Miklos moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

- 5** Minutes of the special City Council meeting held May 15, 2018, and the regular City Council meeting held May 21, 2018.

Approved on the Consent Agenda.

- 6** An ordinance approving an amended Project and Financing Plan for Towne Centre Reinvestment Zone No. Two, City of Mesquite, Texas.

Approved on the Consent Agenda.

Ordinance No. 4567, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDED PROJECT AND FINANCING PLAN FOR TOWNE CENTRE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS (THE "ZONE"), THEREBY REVISING THE PROJECT PLAN AND TIMELINE OF PROPOSED PUBLIC IMPROVEMENTS WITHIN THE ZONE; MAKING A FINDING OF FEASIBILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4567 recorded in Ordinance Book No. 111.)

- 7** An ordinance revising the schedule of administrative fees relating to engineering, planning, zoning and subdivision applications to establish a fee for "Application to Establish a Compliance Date for a Nonconforming Use" and specifically repealing Ordinance No. 4192.

Approved on the Consent Agenda.

Ordinance No. 4568, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE

NO. 4192; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4568 recorded in Ordinance Book No. 111.)

- 8 An ordinance amending Chapter 9 of the City Code by reducing the speed limit from 45 MPH to 40 MPH on Scyene Road (State Highway 352) from the west city limit to IH 635, effective June 18, 2018.

Approved on the Consent Agenda.

Ordinance No. 4569, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-150 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY REDUCING THE SPEED LIMIT FROM 45 MPH TO 40 MPH ON SCYENE ROAD (STATE HIGHWAY 352) FROM THE WEST CITY LIMIT TO INTERSTATE HIGHWAY 635; 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. 4569 recorded in Ordinance Book No. 111.)

- 11 A resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone (TIRZ) containing approximately 248.1466 acres of land consisting of the following six tracts of land: (1) 4300 Lawson Road, (2) 3400 McKenzie Road, (3) 4800 Lasater Road, (4) 4900 Lasater Road, (5) 2700 McKenzie Road and (6) 925 McKenzie Road, located within the corporate limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan.

Approved on the Consent Agenda.

Resolution No. 31-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE ("TIRZ") CONTAINING APPROXIMATELY 248.1466 ACRES OF LAND CONSISTING OF THE FOLLOWING SIX (6) TRACTS OF LAND: (1) 4300 LAWSON ROAD; (2) 3400 MCKENZIE ROAD; (3) 4800 LASATER ROAD; (4) 4900 LASATER ROAD; (5) 2700 MCKENZIE ROAD; AND (6) 925 MCKENZIE ROAD, ALL SIX (6) TRACTS OF LAND BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING; AND DIRECTING THE CITY TO PREPARE A PRELIMINARY REINVESTMENT ZONE FINANCING PLAN. (Resolution No. 31-2018 recorded in Resolution Book No. 54.)

- 13 RFP No. 2017-103 - City Hall A/V Operations Improvement Project.
(Authorize the City Manager to finalize and execute a contract with Data Projections, Inc., in the amount of \$289,146.32.)

Approved on the Consent Agenda.

- 14 Bid No. 2018-004 - Westover Greenbelt Pedestrian Bridge Replacement.
(Authorize the City Manager to finalize and execute a contract with low bidder Wall Enterprises, in the amount of \$119,918.10.)

Approved on the Consent Agenda.

- 15 Bid No. 2018-065 - Screening Wall Replacement Project.
(Authorize the City Manager to finalize and execute a contract with low bidder Joel Brown & Co., LLC, in an amount not to exceed \$616,862.00.)

Approved on the Consent Agenda.

- 16 Approve the sale of a drainage easement (Parcel 110E) on City-owned property to the Texas Department of Transportation in the amount of \$15,053.00 and execution of a Possession and Use Agreement for early possession of the property for an additional consideration of \$3,000.00 for the construction of frontage roads on IH 635 and authorize the City Manager to finalize and execute the necessary documents.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 9 An ordinance amending Chapter 10 of the City Code regarding smoking in tobacco shops.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed changes to the smoking ordinance would allow smoking in freestanding tobacco shops and in all or portions of tobacco shops that are not free standing if the smoking area is sealed and ventilated.

The following persons spoke in favor of the proposed ordinance: (1) Tim Davison, 1925 Towne Centre Drive, Suite 108, (2) Gerald Sarpy II, 2233 Cantura Drive, (3) Rick Follansbee, 1216 Parkwood Trail and (4) Dr. Karl Tingle, 2520 Wood Creek.

Mr. Aleman moved to approve Ordinance No. 4570, as substituted during the Pre-Meeting, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, AS AMENDED, BY DELETING SECTION 10-99(z) IN ITS ENTIRETY AND ADDING NEW DEFINITIONS UNDER SECTION 10-96 AND A NEW SECTION 10-99(z), THEREBY AMENDING SMOKING IN TOBACCO SHOPS AND CIGAR LOUNGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Archer, Pickett, Miklos, Noschese, Boroughs

Nays: Casper

Motion carried. (Ordinance No. 4570 recorded in Ordinance Book No. 111.)

- 10 An ordinance amending Chapter 13 of the City Code regarding pole signs, nonconforming signs, monument signs, number of signs, electronic message centers and certain administrative requirements.
(This item was postponed at the May 21, 2018, City Council meeting.)

Mr. Miklos moved to replace language in Subsection (19) (a), (b) and (c) with new language as follows:

(19) Pole Signs.

(a) One pole sign per lot shall be permitted on parcels with non-residential zoning.

(b) Pole signs shall have a maximum height of:

1. Thirty-five (35) feet or twenty-five (25) feet above grade at the nearest point of the nearest highway lane, for a sign placed in a lot that abuts the right of way of any of the following freeways: Interstate Highway 20, Interstate Highway 30, Interstate Highway 635 or U.S. Highway 80.
2. Twenty (20) feet at all other locations.

(c) Maximum area.

1. Maximum area shall be 200 square feet for a sign on a lot that abuts the right of way of any of the following freeways: Interstate Highway 20, Interstate Highway 30, Interstate Highway 635 or U.S. Highway 80.
2. Maximum area shall be 60 feet for all other pole signs.
3. If the pole sign is not located on a lot that abuts the right of way of any of the following freeways: Interstate Highway 20, Interstate Highway 30, Interstate Highway 635 or U.S. Highway 80, the pole shall be encased with a cover which cover shall consist of brick, stone or metal.

And to approve Ordinance No. 4571, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 13-1, 13-4, 13-5, 13-6, 13-26, 13-53 THROUGH 13-65, 13-72, 13-73 AND 13-75 THEREBY UPDATING THE REGULATIONS FOR THE SIGN ORDINANCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Aleman, Pickett, Archer, Noschese, Boroughs

Nays: Casper

Motion carried. (Ordinance No. 4571 recorded in Ordinance Book No. 111.)

12

A resolution requesting the Board of Adjustment consider establishing a compliance date for nonconforming hotel/motel uses located at 4405 East U.S. Highway 80, 3911 East U.S. Highway 80, 3601 East U.S. Highway 80, 3817 East U.S. Highway 80 and 3629 East U.S. Highway 80.

Mr. Casper moved to approve Resolution No. 32-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REQUESTING THAT THE BOARD OF ADJUSTMENT CONSIDER ESTABLISHING A COMPLIANCE DATE FOR NONCONFORMING HOTEL/MOTEL USES LOCATED AT 4405 EAST U.S. HIGHWAY 80, 3911 EAST U.S. HIGHWAY 80, 3601 EAST U.S. HIGHWAY 80, 3817 EAST U.S. HIGHWAY 80 AND 3629 EAST U.S. HIGHWAY 80. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 32-2018 recorded in Resolution Book No. 54.)

END OF CONSENT AGENDA

PUBLIC HEARING

- 17 Conduct a public hearing and consider an ordinance for Application No. Z0318-0025, submitted by Fenton Motors, for a change of zoning from Light Commercial to Planned Development-Light Commercial with a Conditional Use Permit to allow outdoor display of new and used vehicles, located at 16200 IH 635.
- (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. This item was postponed at the May 7, 2018, meeting.)

A public hearing was held for Application No. Z0318-0025.

Jeff Armstrong, Director of Planning and Development Services, stated that Fenton Motors has purchased the property that they previously leased and has since altered their business plans, which requires a zoning change. The applicant has indicated that they will maintain 16230 IH 635 as new car sales and is requesting a zoning change on 16200 IH 635 for used car sales. There is a contract for sale on the 16160, 16170 and 16190 IH 635 properties, which is currently zoned for used car sales.

Mr. Noschese moved to postpone consideration of Application No. Z0318-0025 for a change of zoning from Light Commercial to Planned Development-Light Commercial with a Conditional Use Permit to allow outdoor display of new and used vehicles, located at 16200 IH 635 to the August 6, 2018, City Council meeting. Motion was seconded by Mr. Miklos and approved unanimously.

RECEIPT OF RESIGNATION

- 18 Receive resignation from Wynelle Ivey as a member of the Mesquite Housing Board.
- Mr. Noschese moved to accept the resignation of Wynelle Ivey as a member of the Mesquite Housing Board. Motion was seconded by Mr. Aleman and approved unanimously.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 19 Consider appointment of one regular member to the Mesquite Housing Board for a term to expire December 3, 2018.
- Mr. Archer moved to change the appointment of Marian Square 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. Noschese and approved unanimously.**
- 20 Consider appointment of principal and alternate members to the Regional Transportation Council for a term to expire June 30, 2020.
- Mr. Aleman moved to appoint Mayor Stan Pickett and Councilmember Greg Noschese as primary and alternate members, respectively, to the Regional Transportation Council for terms to expire June 30, 2020. Motion was seconded by Mr. Boroughs and approved unanimously.**

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 8:34 P.M.

- 4 Receive Neighborhood Services quarterly statistics covering October 1, 2017, through March 31, 2018.

Raymond Rivas, Director of Neighborhood Services, stated that there has been a decline in total complaints received and properties contracted for abatement; however, there has been an increase in the number of citations issued. The impacts that affect quarterly data are precipitation and workload prioritization, which includes property maintenance violations, Code SWEEPs and a focus on voluntary compliance. Code SWEEPs involve multiple code enforcement officers working together in a targeted neighborhood. The average number of days for a code case to be resolved from start to finish is 23 days. Mr. Rivas reviewed the methods of compliance – voluntary, contractor abatements and citations – and noted that voluntary compliance was 86 percent for the second quarter. The top four violations are trash, junk and debris, high grass, nuisance premises and overhanging limbs. The Code Ambassador program had a 44 percent compliance rate with 153 volunteer hours in the second quarter.

PRE-MEETING - CITY COUNCIL CHAMBER - 8:57 P.M.

- 3 Receive briefing regarding Program Year 2018 Community Development Block Grant (CDBG) applications and proposed budget recommendations.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:16 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 (Discuss moratorium on variety stores); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 10:00 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor