



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, January 16, 2024

5:00 PM

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

Present: Mayor Dan Alemán and Councilmembers B. W. Smith, Jeff Casper, Kenny Green, Elizabeth Rodriguez-Ross and Brandon Murden, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmember Tandy Boroughs.

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

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 5:05 P.M.

Mayor Alemán 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 (Annual review of Municipal Court Judge); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:01 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss Police Communications.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:11 P.M.

INVOCATION

Archie Greer, Pastor, Trinity Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Leadership Mesquite.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper invited citizens to attend a District 1 neighborhood meeting on Tuesday, January 30, 2024, from 7:00 p.m. to 8:30 p.m., at Dunford Recreation Center, 1015 Green Canyon Drive.
2. Mr. Casper announced a new program called Teen Turnout. The City is hosting a series of nine free events for teens this year. The first event was this past Saturday, January 13, 2024, at Rutherford Recreation Center and it went very well with more than 80 students attending. The next Teen Turnout will be held on Saturday, February 10, 2023, at Dunford Recreation Center. These events are designed for youth ages 12 to 17, which will include music, games, open gym, food, crafts and more. Teen Turnout will be held on various Saturdays throughout the year at different locations across Mesquite. The program is part of the City's Real. Texas. Teens. initiative to help empower young people with opportunities for personal growth and community engagement.
3. Mr. Green reminded and encouraged everyone to attend the City's next Town Hall Tuesday on Tuesday, January 23, 2024. Citizens can attend in-person or online. This is the City's first hybrid Town Hall Meeting, so we encourage everyone to attend in-person or log in online. Every Town Hall Tuesday features a new topic and includes activities to interact with City staff. The topic for this meeting will be "City Hall 101." Representatives from City departments including Neighborhood Services, Animal Services, Public Works and Solid Waste will provide an overview of services and resources available to residents. The Town Hall Meeting will also include a question and answer session. The event will be held from 6:30 p.m. to 7:30 p.m., at Mesquite City Hall, Training Rooms A & B, 757 North Galloway Avenue. Visit www.cityofmesquite.com/townhall to submit questions.
4. Ms. Rodriguez-Ross stated that Weather Activated Relief for Mesquite, also known as WARM, is currently active. WARM is a temporary shelter for individuals who are unsheltered during times of extreme weather conditions based on the National Weather Service Forecast. By partnering with Sharing Life Community Outreach, we are able to provide shelter for those in need at hotels nearby until the weather is no longer at dangerous temperatures. WARM is sponsored by Sharing Life Community Outreach, the Mesquite Ministerial Alliance and the City of Mesquite. Help is needed to pay for hotel rooms. For information or to make a donation, visit sharing.life/WARM or call 972-285-5819.
5. City Manager Cliff Keheley stated that Sharing Life Community Outreach is requesting donations of sweats and socks as well as monetary donations.
6. Mr. Smith reminded citizens to sign up for Mesquite Alerts to receive emergency and informational notifications from the City of Mesquite. Notifications could be City-wide or just for your neighborhood. In order to receive real-time alerts regarding emergencies, weather and information that pertains to your particular neighborhood, you must opt in and choose your notification preference such as text messages, phone calls or emails. Visit www.cityofmesquite.com/MesquiteAlerts to sign up.
7. Mr. Smith invited citizens to attend a District 5 neighborhood meeting on Saturday, February 10, 2024, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.
8. Mr. Murden stated that the 7th Annual Neighborhood Summit, hosted by the City of Mesquite, will be held on Saturday, February 24, 2024, at the Mesquite Independent School District K. David Belt Professional Development Center, 3819 Towne Crossing Boulevard. This free event is open to all residents and will feature guest speakers and more to educate and provide helpful tips on how to get involved with the City and your neighborhood. Breakfast, registration and networking will begin at 8:15 a.m. and the program will be held from 9:00 a.m. to 1:00 p.m. Visit www.cityofmesquite.com/NeighborhoodSummit or call 972-216-6348 for more information.

9. Mayor Alemán invited and encouraged everyone to attend the 2024 State of the Community event on Thursday, January 25, 2024, at the Mesquite Arts Center, 1527 North Galloway Avenue. The event begins at 6:00 p.m. with a panel discussion that will include Mayor Alemán, Mesquite Independent School District Superintendent Dr. Ángel Rivera and the Mesquite Chamber of Commerce President Alexander Helgar. Doors open at 5:30 p.m. and the evening will end with a short reception. The evening will also include special recognition of members of City boards and commissions and others in the community.

10. Mayor Alemán congratulated Deputy Mayor Pro Tem Jeff Casper, who teaches 11th and 12th grade dual credit social studies at Dr. Vroonland Vanguard High School, for being inducted into the Mesquite Independent School District (MISD) Apple Corps last week. The Apple Corp program rewards excellence in teaching by honoring outstanding MISD teachers who are nominated by their peers.

11. Mayor Alemán congratulated City Attorney David Paschall on the birth of his first grandchild, Grandson Mason, weighing 6 pounds, 5 ounces.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Green moved to approve the items on the Consent Agenda as follows. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously.

- 2** Minutes of the regular City Council meeting held January 2, 2024.

Approved on the Consent Agenda.

- 3** An ordinance amending the City's Extraterritorial Jurisdiction (ETJ) boundaries pursuant to an Interlocal Agreement with the City of Forney, Texas, reducing the City's ETJ in the area of Highway 80 and County Road 225 and expanding its ETJ in the area of Interstate 20 and High Country Lane.

Approved on the Consent Agenda.

Ordinance No. 5088, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CITY'S EXTRATERRITORIAL JURISDICTIONAL BOUNDARIES PURSUANT TO AN INTERLOCAL AGREEMENT WITH THE CITY OF FORNEY, TEXAS, REDUCING THE CITY'S EXTRATERRITORIAL JURISDICTION ("ETJ") IN THE AREA OF HIGHWAY 80 AND COUNTY ROAD 225, AND EXPANDING ITS ETJ IN THE AREA OF INTERSTATE 20 AND HIGH COUNTRY LANE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5088 recorded in Ordinance Book No. 131.)

- 4** An ordinance amending the City Code by making certain additions and deletions under Chapter 10 (Miscellaneous), Article VI (Nuisances), Division 1 (Generally) for the purpose of adding a violation for "Solid Waste - Repeated Violations" and amend Chapter 14 (Solid Waste), Article II (Residential Collection) for the purpose of providing updated driveway service residential collection regulations, and other related general revisions.

Approved on the Consent Agenda.

Ordinance No. 5089, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS AND DELETIONS UNDER CHAPTER 10 (MISCELLANEOUS), ARTICLE VI (NUISANCES), DIVISION 1 (GENERALLY) FOR THE PURPOSE OF ADDING A VIOLATION FOR

“SOLID WASTE – REPEATED VIOLATIONS;” AND AMEND CHAPTER 14 (SOLID WASTE), ARTICLE II (RESIDENTIAL COLLECTION) FOR THE PURPOSE OF PROVIDING UPDATED DRIVEWAY SERVICE RESIDENTIAL COLLECTION REGULATIONS, AND OTHER RELATED GENERAL REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; A SEVERABILITY CLAUSE; A SAVINGS CLAUSE; A PENALTY NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5089 recorded in Ordinance Book No. 131.)

- 5 An ordinance amending Chapter 14 (Solid Waste), Article III (Commercial Collection), of the City Code by revising Section 14-45 (Charges for Collection) to add the authorization to charge a late fee for past due payments of Commercial and Industrial invoices and amending Appendix D (Comprehensive Fee Schedule), Article XIV (Public Works), by revising various sections for the purpose of adding Commercial and Industrial recycling rates and late fees for past due payments of Commercial and Industrial invoices.

Approved on the Consent Agenda.

Ordinance No. 5090, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, CHAPTER 14 (SOLID WASTE), ARTICLE III (COMMERCIAL COLLECTION) BY REVISING SEC. 14-45 (CHARGES FOR COLLECTION) TO ADD THE AUTHORIZATION TO CHARGE A LATE FEE FOR PAST DUE PAYMENTS OF COMMERCIAL AND INDUSTRIAL INVOICES; AND AMENDING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, ARTICLE XIV (PUBLIC WORKS), BY REVISING VARIOUS SECTIONS FOR THE PURPOSE OF ADDING COMMERCIAL AND INDUSTRIAL RECYCLE RATES, AND LATE FEES FOR PAST DUE PAYMENTS OF COMMERCIAL AND INDUSTRIAL INVOICES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$500; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5090 recorded in Ordinance Book No. 131.)

- 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 6, 2024, for the City of Mesquite Rodeo Parade, commemorating the 66th Anniversary of the Mesquite Championship Rodeo.

Approved on the Consent Agenda.

Resolution No. 02-2024, 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 6, 2024, FOR THE CITY OF MESQUITE RODEO PARADE, COMMEMORATING THE 66TH ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO. (Resolution No. 02-2024 recorded in Resolution Book No. 69.)

- 7 A resolution authorizing the City Manager to execute an Interlocal Agreement with the North Central Texas Council of Governments and other member government participants in a Trinity River Corridor Interlocal Agreement in pursuit of a common vision for the addition of East Fork Trinity Communities.

Approved on the Consent Agenda.

Resolution No. 03-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AND OTHER MEMBER GOVERNMENT PARTICIPANTS IN A TRINITY RIVER CORRIDOR INTERLOCAL AGREEMENT IN PURSUIT OF A COMMON VISION FOR THE ADDITION OF EAST FORK TRINITY COMMUNITIES; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 03-2024 recorded in Resolution Book No. 69.)

- 8 A resolution casting its vote in the runoff election for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

Approved on the Consent Agenda.

Resolution No. 04-2024, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, CASTING ITS VOTE IN THE RUNOFF ELECTION FOR THE FOURTH MEMBER OF THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT. (Resolution No. 04-2024 recorded in Resolution Book No. 69.)

- 9 Bid No. 2024-043 - Precast Fence at Service Center.
(Authorize the City Manager to finalize and execute a contract with Future Outdoors, LLC, through an Interlocal Agreement with the City of Grand Prairie Contract No. 20069, in an amount not to exceed \$253,760.50.)

Approved on the Consent Agenda.

- 10 Bid No. 2024-050 - Purchase of Four Rear Loaders and One Grapple Truck.
(Staff recommends award to Rush Truck Centers of Texas, LP, through the BuyBoard Contract No. 723-23, in an amount not to exceed \$1,515,280.60).

Approved on the Consent Agenda.

- 11 Bid No. 2024-062 - Purchase of Two Transfer Trucks for Solid Waste.
(Staff recommends award to Rush Truck Centers of Texas, LP, through the BuyBoard Contract No. 723-23, in an amount not to exceed \$424,033.04.)

Approved on the Consent Agenda.

- 12 Bid No. 2024-064 - Annual Supply of Police Department Uniforms and Clothing.
(Staff recommends award to G T Distributors, Inc., in Austin, Texas, in an amount not to exceed \$90,000.00 and award to Galls, LLC, in Lexington, Kentucky, in an amount not to exceed \$60,000.00, through an Interlocal Cooperative Purchasing Agreement with the North Central Texas Council of Governments (NCTCOG), through Contract No. 2021-073, for a total amount not to exceed \$150,000.00.)

Approved on the Consent Agenda.

- 13 Bid No. 2024-068 - APX 6500 Enhanced Series Mobile Radio Upgrade.
(Staff recommends award to sole source provider Motorola Solutions, Inc., in an amount not to exceed \$1,259,097.82.)

Approved on the Consent Agenda.

END OF CONSENT AGENDA**PUBLIC HEARINGS****14**

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0821-0215, submitted by Amerco Real Estate Company (U-Haul), for a change of zoning from Commercial to Planned Development - Commercial to allow self-storage, moving truck rental, and a warehouse facility, located at 2300 Gross Road.

(No responses in favor or 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.)

A public hearing was held for Zoning Application No. Z0821-0215.

Jeff Armstrong, Director of Planning and Development Services, stated that the Texas Department of Transportation (TxDOT) assumed ownership of the U-Haul facility located on the north side of U.S. Highway 80 at Gross Road for future widening of the highway. Subsequently, U-Haul purchased the land directly across Highway 80 from its previous location to build a new facility.

Mr. Armstrong stated that the applicant proposes to construct a five-story, climate controlled, self-storage building and a single-story warehouse building for storage of U-Haul's "U-Box" services. This facility will also provide U-Haul truck and trailer rental. U-Box is a service where pods can be loaded by customers at their homes, then U-Haul picks up the pods and stores them in the warehouse until the customers are ready for them to be delivered.

Mr. Armstrong stated that typically along the property line adjacent to residential properties, the applicant would be required to install an eight-foot-tall, long-span precast concrete screening wall. However, they are proposing a wrought-iron fence with vegetation. The typical parking requirement is one space for every 10,000 square feet for a self-storage facility. However, one space for every 200 storage units is being proposed. The requirement for the liner building, which is the first level of the building facing the street, is to allow leasable space along the frontage. However, this building will have minimum glazing for an office type appearance. The building will be a maximum of 70 feet tall with a rear setback of 55 feet. Typically, the setback is required to be two times the height of the building. However, this lot is not deep enough to provide the required setback.

Applicant Matt Merrill, representing Amerco Real Estate Company (U-Haul), stated that the development will include 1,000 conventional storage units and 1,000 U-Box storage units. He stated that the exterior lights will be downcast and face the interior of the property. He stated that the security system will be monitored and the building will have controlled access.

No one appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0821-0215, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 5091, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO

PLANNED DEVELOPMENT - COMMERCIAL ON APPROXIMATELY 4.709 ACRES LOCATED AT 2300 GROSS ROAD TO ALLOW A SELF-STORAGE, MOVING TRUCK RENTAL AND WAREHOUSE FACILITY SUBJECT TO THE PLANNED DEVELOPMENT STANDARDS AND THE CONCEPT PLAN; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 5091 recorded in Ordinance Book No. 131.)

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Conduct a public hearing and consider an ordinance for Zoning Application No. Z1023-0328, submitted by MM Mesquite 6, LLC, for a Comprehensive Plan amendment from Commercial to High Density Residential and a change of zoning from Planned Development - Commercial-Gateway within the Mesquite Arena/Rodeo Entertainment Overlay District (MARE) to Planned Development - Multifamily-Gateway within the MARE to allow a multifamily development with modifications, located at 410 Rodeo Center Boulevard.

(No responses in favor or 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.)

A public hearing was held for Zoning Application No. Z1023-0328.

Staff has requested that this item be postponed to the February 5, 2024, City Council meeting.

No one appeared regarding the proposed application.

Mr. Green moved to keep the public hearing open and to postpone consideration of Zoning Application No. Z1023-0328 to the February 5, 2024, City Council meeting. Motion was seconded by Mr. Casper and approved unanimously.

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Conduct a public hearing and consider an ordinance for Zoning Application No. Z1023-0329, submitted by Allan Ross of WaaL Architecture on behalf of Meadow Oaks Academy and Pioneer Technology and Arts Academy, for a change of zoning from Planned Development Ordinance No. 1434 to Planned Development - General Retail to allow a daycare and expansion of a private school, located at 1412 South Belt Line Road.

(One response 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 of the application.)

A public hearing was held for Zoning Application No. Z1023-0329.

Jeff Armstrong, Director of Planning and Development Services, stated that the existing Planned Development District (PD) was approved in 1978 for a daycare. A private school also became part of the site. The original PD did not assign a base zoning district. The proposed PD would continue to allow a daycare on the property and allow expansion of the school.

Mr. Armstrong stated that the current site contains one 11,861-square-foot building for Meadow Oaks Academy, three classroom buildings for Pioneer Technology and Arts Academy totaling 12,745-square-feet and a shared 11,904-square-foot Athletic Building Gymnasium. He explained that one of the

classroom buildings utilized by Pioneer Technology and Arts Academy, measuring 3,480 square feet, is proposed to be demolished in order to make room for a new three-story 19,037-square-foot building that will contain a total of 15 classrooms. The demolition and expansion would create 15,557 square feet of usable space and 11 total new classrooms. In total, the property will have 39,675-square feet of building area. He stated that the new configuration of the lot would improve the circulation of traffic on the site by rerouting vehicles from the east side of the lot to the west. This configuration will expand the stackable allotment of vehicles from 27 to 61 with eight pick-up spaces. He stated that this will all be done without plans to significantly increase the total number of students from the current number of 689.

Mr. Armstrong stated that plans are also slated to relocate a playground in order to make room for an expansion of parking spaces and a newly designated fire lane that would wrap around the building utilized by the Meadow Oaks Academy.

Applicant Shubham Pandey, Superintendent of Pioneer Technology and Arts Academy (PTAA), stated that the new design will improve on-site vehicle stacking during drop-off and pick-up of students.

Applicant Nicole Dabney, Principal at PTAA, stated that the new design will allow for more classrooms. Therefore, the portable building, which contains four classrooms, will be removed from the site.

Brandon Montgomery, 3328 Silver Creek Drive, spoke in support of the proposed application.

No others appeared regarding the proposed application.

Mr. Smith moved to approve Zoning Application No. Z1023-0329, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 5092, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 1434 IN ITS ENTIRETY AND AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT ORDINANCE NO. 1434 TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 1412 SOUTH BELT LINE ROAD TO ALLOW ELEMENTARY, SECONDARY SCHOOLS (SIC CODE 821) AND CHILD DAY CARE SERVICES (SIC CODE 825) SUBJECT TO THE DEVELOPMENT STANDARDS AND THE CONCEPT PLAN; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5092 recorded in Ordinance Book No. 131.)

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Conduct a public hearing and consider an ordinance for Zoning Application No. Z1023-0331, submitted by Coreen Robertson on behalf of James Kalakkattu, for a change of zoning from General Retail to Planned Development - General Retail to allow office warehouses, located at 1511 East Kearney Street.

(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 denial of the application.)

A public hearing was held for Zoning Application No. Z1023-0331.

The applicant and staff have requested that this item be postponed to the February 5, 2024, City Council meeting.

No one appeared regarding the proposed application.

Mr. Green moved to keep the public hearing open and to postpone consideration of Zoning Application No. Z1023-0331 to the February 5, 2024, City Council meeting. Motion was seconded by Mr. Murden and approved unanimously.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:21 P.M.

Mayor Alemán 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 economic development incentives for a project at IH-635 and Rodeo Center Boulevard); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 8:55 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. Casper and approved unanimously. The meeting adjourned at 8:55 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor