



City of Mesquite, Texas

Minutes - Final City Council

Monday, January 3, 2022

6:00 PM

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

Present: Mayor Pro Tem Kenny Green and Councilmembers Tandy Boroughs, Jeff Casper, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Mayor Daniel Alemán, Jr. and Councilmember B.W. Smith.

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

AGENDA REVIEW

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:15 P.M.

INVOCATION

Jones Doughton, Pastor, First Presbyterian Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson announced that two new galleries will open on January 10, 2022, at the Mesquite Arts Center, 1527 North Galloway Avenue. The "Clear as Mud" exhibit by Jay Hendricks will be displayed in the Main Gallery and the "Color and Pattern" exhibit by Leah Lawless-Smith in the Chamber Gallery. Both exhibits will run through March 19, 2022, and can be viewed weekdays from 8:00 a.m. to 5:00 p.m. Admission is free.
2. Mr. Boroughs reminded residents to be mindful of children starting back to school after the Winter Break and to "Drive Like Your Family Lives Here."
3. Ms. Vidler expressed appreciation to District 3 residents for the many Christmas displays in the neighborhoods.
4. Ms. Vidler stated that the Mesquite Business Retention and Expansion Task Force presented five awards at the Mesquite Chamber of Commerce Annual Business Awards event. Fritz Industries received the Business Legacy Award. Lisa Haar was named the Downtowner of the Year Award. Urban Air received the Tourism Award. Benjamin Moore received the Manufacturer of the Year Award and Revolution received the Employer of the Year Award. She congratulated all of the winners.

5. Mr. Casper encouraged residents to attend the Martin Luther King, Jr., Parade and Community Celebration on Saturday, January 15, 2022, hosted by the Mesquite NAACP and the City of Mesquite. The parade will begin at 10:00 a.m. and will proceed through Downtown Mesquite. Afterwards, the Community Celebration will begin at 1:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue, with various speeches and performances by local choirs and student groups.

6. Mr. Green reminded residents that, per the recently approved solid waste ordinance, all trash must be placed in a bag then placed into approved trash cans. This month, solid waste will focus on bulk trash, which does not include yard waste or brush. Bulk trash must be under eight cubic yards, which is the approximate size of two couches. Bulk trash items should be placed at the curb no earlier than 24 hours before the collection date.

CITIZENS FORUM

Henry Brown, 211 Athel Drive, welcomed new Councilmembers Jeff Casper, Jennifer Vidler and Debbie Anderson and invited citizens to attend the Martin Luther King, Jr., Parade in Downtown Mesquite on Saturday, January 15, 2022.

CONSENT AGENDA

Approval of the Consent Agenda

Ms. Vidler requested that Item No. 5 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. Boroughs and approved unanimously.

- 1 Minutes of the regular City Council meeting held December 20, 2021.

Approved on the Consent Agenda.

- 2 An ordinance amending the Mesquite City Code, making certain additions and deletions in "Chapter 1 - General Provisions," Section 1-2 "Rules of Construction;" and "Chapter 2 - Administration" by adding Section 2-7 "Signatures & Seals: Electronic, Digital, and Facsimile," and approving the adoption of City Rules for same.

Approved on the Consent Agenda.

Ordinance No. 4927, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, MAKING CERTAIN ADDITIONS AND DELETIONS IN "CHAPTER 1 - GENERAL PROVISIONS," SECTION 1-2 "RULES OF CONSTRUCTION;" AND "CHAPTER 2 - ADMINISTRATION" BY ADDING SECTION 2-7 "SIGNATURES & SEALS: ELECTRONIC, DIGITAL, AND FACSIMILE," AND APPROVING THE ADOPTION OF CITY RULES FOR SAME; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4927 recorded in Ordinance Book No. 126.)

- 3 A resolution authorizing the City Manager to execute an interlocal agreement with the City of Dallas to allow the co-location of certain City of Dallas P-25 radio communication system equipment at two existing City of Mesquite radio

towers.

Approved on the Consent Agenda.

Resolution No. 01-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE CITY OF DALLAS TO ALLOW THE CO-LOCATION OF CERTAIN CITY OF DALLAS P25 RADIO COMMUNICATION SYSTEM EQUIPMENT AT TWO EXISTING CITY OF MESQUITE RADIO TOWERS. (Resolution No. 01-2022 recorded in Resolution Book No. 64.)

- 4** A resolution authorizing an early additional penalty for collection costs of delinquent personal property taxes collected pursuant to Section 33.11, Texas Property Tax Code.

Approved on the Consent Agenda.

Resolution No. 02-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AN EARLY ADDITIONAL PENALTY FOR COLLECTION COSTS OF DELINQUENT PERSONAL PROPERTY TAXES COLLECTED PURSUANT TO SECTION 33.11, TEXAS PROPERTY TAX CODE. (Resolution No. 02-2022 recorded in Resolution Book No. 64.)

- 6** Authorize the City Manager to execute Change Order No. 2 to Bid No. 2020-012, Kaufman County Large Diameter Transmission Water Main Project, with S.J. Louis Construction of Texas, LTD, for additional services, decreasing the contract amount by \$54,839.94.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM TO BE CONSIDERED SEPARATELY

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

Ms. Vidler moved to appoint Michael Hurtt as the fourth member of the Board of Directors of the Dallas Central Appraisal District, and to approve Resolution No. 03-2022, 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. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 03-2022 recorded in Resolution Book No. 64.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 7** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0207, submitted by Maxwell Fisher of Masterplan, for a change of zoning from R-2 Single-Family Residential, Planned Development - Single-Family Residential (Ordinance No. 2741) and Planned Development - General Retail (Ordinance No. 2521) to Planned Development - Single-Family Residential with an underlying zoning district of R-3 on approximately 23.949 acres of land to allow an 85-lot single-family subdivision, located at 22200 IH-635 and 1401 and

1341 New Market 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 with certain stipulations.)

A public hearing was held for Zoning Application No. Z0721-0207.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes construction of an 85-lot subdivision comprised of detached single-family residential homes, located at 22200 IH 635 and 1401 and 1341 New Market Road. The development will contain lot sizes : 4,400-square-foot rear entry lots with minimum 1,600-square-foot homes and 6,600-square-foot front entry lots with minimum 1,800-square-foot homes. The applicant is proposing an eight-foot concrete screening wall along the IH 635 boundary to New Market Road and along New Market Road to the entrance of the development. The remainder of the development along New Market Road will be fenced by a six-foot concrete screening wall. Proposed amenities include enhanced paving at entrances, a dog park, playground, picnic tables, open space, benches, cooking grill and residential lot landscaping.

Mr. Armstrong stated that the applicant is proposing a pedestrian trail to Paschall Park through the amenity area, in the northeast corner of the development, and through the property to the east, which is privately owned. The applicant proposes to communicate with the property owner and request an easement across the property.

Mr. Armstrong stated that the Planning and Zoning Commission requested that staff convey to the City Council and City Manager's Office that they recommend a pedestrian connection from the proposed development to Paschall Park along New Market Road.

No one appeared regarding Zoning Application No. Z0721-0207.

Mr. Boroughs moved to keep the public hearing open and to postpone consideration of an ordinance for Zoning Application No. Z0721-0207 to the February 7, 2022, City Council meeting. Motion was seconded by Ms. Vidler and approved unanimously.

8

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0229, submitted by Jerry Brown, for a change of zoning to amend Planned Development - Light Commercial (Ordinance No. 2088) to allow a crematory as a permitted use within the Mesquite Arena/Rodeo Entertainment Overlay (MARE), located at 1720 Neal Gay Drive.

(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 with certain stipulations.)

A public hearing was held for Zoning Application No. Z1121-0229.

Mr. Green stated that the applicant has requested postponement of this item.

Mr. Boroughs moved to postpone consideration of an ordinance for Zoning Application No. Z1121-0229 to the February 7, 2022, City Council meeting. Motion was seconded by Mr. Casper and approved unanimously.

- 9 Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0230, submitted by the City of Mesquite, for a change of zoning from Light Commercial to Planned Development - Light Commercial to allow an animal shelter with outdoor facilities, located at 1650 Gross Road.
(No 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. Z1121-0230.

Jeff Armstrong, Director of Planning and Development Services, stated that the City has requested a change of zoning from Light Commercial to Planned Development – Light Commercial to allow the expansion of the Mesquite Animal Shelter and Adoption Center at 1650 Gross Road to provide additional space for outdoor kennels which will allow dogs the opportunity for exercise, fresh air and meet and greet opportunities. Outdoor kennels are not permitted in the Light Commercial zoning district, thus the proposed rezoning request. Animals will not be kept outside overnight. The outdoor kennels will be used during the day and will not house more than one dog at a time. A 6-foot-tall perimeter fence around the outdoor dog runs/pens, located in the front yard setback, would also be constructed.

No one appeared regarding Zoning Application No. Z1121-0230.

Ms. Vidler moved to approve Zoning Application No. Z1121-0230, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. PERMITTED USES. The permitted uses on the Property include the permitted uses in the Light Commercial District classification as set out in the Mesquite Zoning Ordinance (MZO), and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Additional uses permitted on the Property are identified in the subsection below:

a. The permitted uses requiring a conditional use permit (CUP) as set out in the MZO also require a CUP for the use to be permitted on the property.

b. Animal Shelter and Pet Adoption with outdoor kennels or activities are permitted on the Property.

2. A six-foot tall fence may be permitted in the front yard setback.

And to approve Ordinance No. 4928, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL TO ALLOW AN ANIMAL SHELTER WITH OUTDOOR FACILITIES ON PROPERTY LOCATED AT 1650 GROSS ROAD 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 Ms. Anderson and approved unanimously. (Ordinance No. 4928 recorded in Ordinance Book No. 126.)

10

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0228, submitted by the City as the applicant, for a change of zoning making a map amendment to the official Zoning Map of the City of Mesquite by adding the designation "ML" for an individually designated local Mesquite Landmark, located at 1424 Barnes Bridge Road, the Florence Ranch Homestead, and making a Zoning Text Amendment No. 2021-11, to the Mesquite Zoning Ordinance, amending Part 8, Section 8-200 "Mesquite Landmarks" by adding the property located at 1424 Barnes Bridge Road, the Florence Ranch Homestead, as a designated local Mesquite Landmark ("ML") to the City of Mesquite, Texas, Landmark Register of Historic Places.

(Four responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Landmark Commission recommends approval.)

A public hearing was held for Zoning Application No. Z1121-0228.

Jeff Armstrong, Director of Planning and Development Services, stated that in 2019, the City Council approved the creation of a Landmark Commission and new overlays for historic landmarks and historic districts. The first proposed designation of a Mesquite Landmark is the Florence Ranch Homestead. This designation will add to ongoing preservation of the property. Florence Ranch Homestead was constructed in 1871 and celebrated its 150th year in December 2021. The Homestead is an excellent example of Texas architecture, is a Recorded Texas Landmark (1978), is a recognized Centennial Family Ranch by the Texas Department of Agriculture (1975), was donated to the City of Mesquite in 1987 by the Florence family and became the City's first historical park. The Homestead is the oldest structure in Mesquite still on its original site.

No one appeared regarding Zoning Application No. Z1121-0228.

Ms. Anderson moved to approve Zoning Application No. Z1121-0228, as recommended by the Landmark Commission, and to approve Ordinance No. 4929, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING APPLICATION NO. Z1121-0228, SUBMITTED BY THE CITY AS THE APPLICANT, FOR A CHANGE OF ZONING, MAKING A MAP AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF MESQUITE, BY ADDING THE DESIGNATION "ML" FOR AN INDIVIDUALLY DESIGNATED LOCAL MESQUITE LANDMARK, LOCATED AT 1424 BARNES BRIDGE ROAD, THE FLORENCE RANCH HOMESTEAD; AND MAKING A ZONING TEXT AMENDMENT NO. 2021-11 TO THE MESQUITE ZONING ORDINANCE, AMENDING PART 8, SECTION 8-200 "MESQUITE LANDMARKS" BY ADDING THE PROPERTY LOCATED AT 1424 BARNES BRIDGE ROAD, THE FLORENCE RANCH HOMESTEAD, AS A DESIGNATED LOCAL MESQUITE LANDMARK ("ML"), TO THE CITY OF MESQUITE, TEXAS, LANDMARK REGISTER OF HISTORIC PLACES; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4929 recorded in Ordinance Book No. 126.)

11

Conduct a public hearing and consider an ordinance making a MESQUITE ZONING ORDINANCE TEXT AMENDMENT No. 2021-10 amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 5, 5-100 "Review and Enforcement Procedures"

pertaining to updating the general penalty provisions and increasing the maximum fine amount for dumping refuse to align with the maximum amount authorized under State law at four thousand dollars (\$4,000.00); revising Part 6, 6-100, Section 6-102 "Definitions;" and making a MESQUITE CITY CODE TEXT AMENDMENT making certain additions and deletions to Chapter 1, Section 1-2 "Rules of Construction," thereby revising definitions, and repealing and replacing Section 1-6 to be titled "General Penalties;" updating the general penalty clause, and increasing the maximum fine amount for the offense of dumping refuse to align with the maximum amount authorized under State law at \$4,000.00.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2021-10.

Jeff Armstrong, Director of Planning and Development Services, stated that this text amendment provides updates to the existing general penalty clause, in both the Mesquite City Code and the Mesquite Zoning Ordinance, updating the following:

- Sets maximum fine for illegal dumping at \$4,000.00;
- Maximum fine for zoning violations remains at \$2,000.00;
- Maximum file for certain other violations remains at \$500.00;
- States that a penalty does not bar the City from other civil remedies;
- Circumstances where City employees/officers do not commit an offense for failure to perform certain duties;
- Revision of definitions; and
- Formatting.

No one appeared regarding Zoning Text Amendment No. 2021-10.

Mr. Boroughs moved to approve Zoning Text Amendment No. 2021-10, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4930, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT NO. 2021-10 AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PART 5, 5-100 "REVIEW AND ENFORCEMENT PROCEDURES" PERTAINING TO UPDATING THE GENERAL PENALTY PROVISIONS AND INCREASING THE MAXIMUM FINE AMOUNT FOR DUMPING REFUSE TO ALIGN WITH THE MAXIMUM AMOUNT AUTHORIZED UNDER STATE LAW AT FOUR THOUSAND DOLLARS (\$4,000.00); REVISING PART 6, 6-100, SECTION 6-102 "DEFINITIONS;" AND MAKING A MESQUITE CITY CODE TEXT AMENDMENT MAKING CERTAIN ADDITIONS AND DELETIONS TO CHAPTER 1, SECTION 1-2 "RULES OF CONSTRUCTION," THEREBY REVISING DEFINITIONS, AND REPEALING AND REPLACING SECTION 1-6 TO BE TITLED "GENERAL PENALTIES;" UPDATING THE GENERAL PENALTY CLAUSE, AND INCREASING THE MAXIMUM FINE AMOUNT FOR THE OFFENSE OF DUMPING REFUSE TO ALIGN WITH THE MAXIMUM AMOUNT AUTHORIZED UNDER STATE LAW AT FOUR THOUSAND DOLLARS (\$4,000.00); PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4930 recorded in Ordinance Book No. 126.)

to the Downtown Mesquite Façade Improvement Program to promote local economic development and stimulate business and commercial activity in the City of Mesquite, authorizing the City Manager to finalize and execute a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) for such purposes with downtown property owner Rita Jean Crump for rehabilitation of properties located at 201, 203 and 205 West Main Street, Mesquite, Texas, 75149 and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held for a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) with Rita Jean Crump for façade improvements at 201, 203 and 205 West Main Street.

Beverly Abell, Downtown Development Manager, stated that on May 20, 2019, the City Council approved the Downtown Mesquite Façade Improvement Program in order to encourage the improvement of properties within the downtown area. The Program provides for 50 percent reimbursement grants for approved exterior improvements. Property owner Rita Jean Crump has applied for replacement of awnings on the Front Street-facing side of 201, 203 and 205 West Main Street. Each application has been reviewed by the Mesquite Downtown Development Advisory Board and the board voted unanimously to recommend the applications for approval by Council.

No one appeared regarding a Downtown Mesquite Façade Improvement Program Grant Agreement (Chapter 380 Agreement) with Rita Jean Crump for façade improvements at 201, 203 and 205 West Main Street.

Mr. Casper moved to approve Resolution No. 04-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A GRANT PURSUANT TO THE DOWNTOWN MESQUITE FAÇADE IMPROVEMENT PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY OF MESQUITE; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A DOWNTOWN MESQUITE FAÇADE IMPROVEMENT PROGRAM GRANT AGREEMENT (CHAPTER 380 AGREEMENT) FOR SUCH PURPOSES WITH DOWNTOWN PROPERTY OWNER RITA JEAN CRUMP FOR REHABILITATION OF PROPERTIES LOCATED AT 201, 203, AND 205 WEST MAIN STREET, MESQUITE, TEXAS 75149; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 04-2022 recorded in Resolution Book No. 64.)

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:11 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Kenny Green, Mayor Pro Tem