



City of Mesquite, Texas

Minutes - Final City Council

Monday, May 2, 2022

5:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Kenny Green, Tandy Boroughs, B. W. Smith, Jeff Casper, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 p.m.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing from STAR Transit regarding public transportation ridership numbers and future transit service opportunities.
- 2 Receive a briefing regarding ordinance amendments to Chapter 7 of the City Code, thereby updating and adding certain regulations regarding single-family rental properties.

EXECUTIVE SESSION - TRAINING ROOMS A&B - 5:44 P.M.

Mayor Alemán 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 (Agenda Item Nos. 5, 6 and 7); whereupon, the City Council proceeded to meet in Training Rooms A & B. After the closed meeting ended at 6:05 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.

- 3 Receive financial statements for the period October 1, 2021, through March 31, 2022.

Cindy Smith, Director of Finance, presented the financial statements for the period covering October 1, 2021, through March 31, 2022.

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

Jerry Brown, Pastor, Landmark Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson encouraged citizens to attend the Mesquite Arts Council's free Courtyard Concert Series on Thursday, May 5, 2022, at 7:00 p.m., featuring Singer/Songwriter Sarah Carrino, at the Mesquite Arts Center, 1527 North Galloway Avenue.
2. Ms. Anderson invited residents to a District 6 Neighborhood Meeting on Thursday, May 26, 2022, at 6:00 p.m., at Brandy Station Pavilion for hot dogs and neighborhood discussion.
3. Mr. Smith thanked all who participated in the recent District 5 Neighborhood Meeting.
4. Mr. Smith stated that the Summer 2022 Edition of the Parks and Recreation Department's Fun Guide is now available. He encouraged citizens to take advantage of these summer activities.
5. Mr. Boroughs encouraged citizens to attend the Cinco de Mayo Celebration on Saturday, May 7, 2022, in Downtown Mesquite at Front Street Station, from 9:00 a.m. to 5:00 p.m. The Downtown Farmers Market will open at 9:00 a.m. and Cinco de Mayo activities will begin at Noon. Admission is free for this family-friendly event and will feature authentic Mexican food, live music, a jalapeno eating contest, children's activities and much more.
6. Ms. Vidler encouraged residents to attend a District 3 Neighborhood Meeting on Saturday, May 21, 2022, at 7:00 p.m., at Galloway Elementary School, 200 Clary Drive.
7. Ms. Vidler stated that the Mesquite Business Retention and Expansion (BRE) Task Force will host Entrepreneurs Day on Thursday, May 12, 2022, from 4:00 p.m. to 8:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. Keynote Speaker Luke Silver, President of Steve Silver Company, will provide information regarding business planning and management principles, marketing, real estate and much more. Tickets are available for \$20.00 each.
8. Mr. Green invited citizens to attend the City Council's Goal Setting Retreat, on Saturday, May 7, 2022, beginning at 7:30 a.m., at City Hall, 757 North Galloway Avenue, in Training Rooms A & B. The retreat is part of the City's annual budget process and will be broadcast via Facebook Live and on the City's website.
9. Mr. Casper encouraged residents to take advantage of Mesquite Recycles Day on Saturday, May 14, 2022, from 8:00 a.m. to Noon, at Poteet High School, 3300 Poteet Drive. This free event provides Mesquite residents the opportunity to drop off a variety of reusable items, electronic waste and professional document shredding services will be available.

10. Mayor Alemán invited citizens to attend the National Day of Prayer Community Prayer Breakfast on Thursday, May 5, 2022, at 6:45 a.m., at the Family Cathedral of Praise, 790 Windbell Circle.

11. Mayor Alemán stated that former Mesquite City Councilmember Jimmy Culver recently passed away and asked citizens to remember Mr. Culver and his family in their prayers.

12. The Mayor and Councilmembers thanked all of the volunteers who participated in last Saturday's Trash Bash event, hosted by Keep Mesquite Beautiful, Inc.

CITIZENS FORUM

1. Pastor Harry Sewell, 790 Windbell Circle, invited citizens to attend the National Day of Prayer Breakfast on Thursday, May 5, 2022, at 6:45 a.m., at the Family Cathedral of Praise and the Mesquite Ministerial Alliance lunch on Tuesday, May 17, 2022, from Noon to 1:00 p.m., at Cici's Pizza, 1200 East Davis Street. Mayor Alemán will be speaking at both events. Pastor Sewell thanked the City Council for their service to the community.

2. Beto Meza, 790 Windbell Circle, invited citizens to join the employees of Dallas Regional Medical Center, 1011 North Galloway Avenue, on Thursday, May 5, 2022, at Noon, to pray for our community.

3. Felecian George, 2520 Helen Lane, expressed appreciation and support for the Ladies of Honor serving Terry Middle School.

4. Ron Ward, 430 Runningbrook Lane, encouraged citizens to RSVP for the Mesquite Ministerial Alliance lunch at MMA@Outlook.com.

5. Andrew Hastings, 1606 Rosemont Street, stated that he is a student pastor at Family Cathedral of Praise and supports the Men and Ladies of Honor, which serves over 500 students at 8 school campuses.

6. Claudia Ryan, 4717 Monarch Drive, expressed support for an increased police presence on the streets.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that Item Nos. 5, 6 and 7 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 Ms. Vidler and approved unanimously.

4 Minutes of the regular City Council meeting held April 18, 2022.

Approved on the Consent Agenda.

8 A resolution authorizing the City Manager to execute a one-year extension to the Dallas County New Directions in Public Safety Grant for a term beginning May 01, 2022, to April 30, 2023.

Approved on the Consent Agenda.

Resolution No. 19-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION TO THE DALLAS COUNTY NEW DIRECTIONS IN PUBLIC SAFETY GRANT FOR A TERM BEGINNING MAY 1, 2022, TO APRIL 30, 2023. PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 19-2022 recorded in Resolution Book No. 64.)

- 9 Bid No. 2022-074 - Clay Mathis Park: Construction.
(Authorize the City Manager to finalize and execute a contract with PBS Construction LLC, in the amount of \$110,615.00.)

Approved on the Consent Agenda.

- 10 Bid No. 2022-088 - Annual Grinding of Brush.
(Authorize the City Manager to finalize and execute a contract with low bidder GWG Wood Group Inc., in the amount of \$375,000.00. 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.

- 11 Bid No. 2022-094 - Purchase of Seven Flatbed Trailers for Transport of Heavy Equipment.
(Staff recommends award to Interstate Trailers, Inc., through BuyBoard Contract No. 599-19, in the amount of \$173,801.95.)

Approved on the Consent Agenda.

- 12 Bid No. 2022-096 - Purchase of One Bobcat Skid Steer Loader with Attachments (Model S770).
(Staff recommends award to Clark Equipment Company dba Bobcat of North Texas, through BuyBoard Contract No. 597-19, in the amount of \$128,708.26.)

Approved on the Consent Agenda.

- 13 Bid No. 2022-100 - Purchase of MPD Service Pistol Replacement.
(Staff recommends award to GT Distributors, Inc., through BuyBoard Contract No. 603-20, in the amount of \$72,503.00.)

Approved on the Consent Agenda.

- 14 Bid No. 2022-101 - Purchase of One Utility Crew Truck for Utilities (Model F7D).
(Staff recommends award to Sam Pack's Five Star Ford, LTD., through BuyBoard Contract No. 601-19, in the amount of \$100,973.11)

Approved on the Consent Agenda.

- 15 Bid No. 2022-102 - Purchase of a New Ford Transit Passenger Van for the Southeast Alliance Community CARE Team.
(Staff recommends award to Sam Pack's Five Star Ford, LTD., through BuyBoard Contract 601-19, in the total amount of \$65,250.70.)

Approved on the Consent Agenda.

- 16 Bid No. 2022-107 - Annual Contract for Property Tax Cloud Subscription. (Authorize the City Manager to finalize and execute an agreement with Sole Source Provider Spindlemedia, Inc., for a Property Tax Cloud Subscription, in the amount of \$57,832.00. The term of this agreement is for a one-year period.)

Approved on the Consent Agenda.

- 17 Authorize the City Manager to finalize and execute Amendment No. 1 to Bid No. 2019-107, Annual Contract for Aviation Fuel - Mesquite Metro Airport, with Eastern Aviation Fuels, Inc., in the amount of \$40,400.00.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS TO BE CONSIDERED SEPARATELY

- 5 An ordinance amending Chapter 5 of the Mesquite City Code by revising Article XI - International Residential Code (I.R.C.) by making certain additions and deletions to the local amendments of the 2018 Edition of the International Code published by the International Code Council (I.C.C.) regarding removing the rental regulations from this article as they will be revised and placed in a new Chapter 7.

Maria Martinez briefed the City Council regarding regulations for short-term single-family rentals. She stated that the proposed ordinance contains the requirement for an annual license with an inspection, establishes property standards (minimum property standards, compliance with City codes), establishes use standards (overnight guest limits, parking regulations, no advertising on the premises, commercial events will be prohibited) and posting requirements for interior and exterior of the property.

Kyle and Dianna Davis, 923 Tiffany Lane, expressed support for the proposed ordinance.

Mr. Boroughs moved to approve Ordinance No. 4953, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING MESQUITE CITY CODE, CHAPTER 5, ARTICLE XI, DIVISION 2, SECTION 5-581, LOCAL AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, TO REMOVE THE RENTAL REGULATIONS FOR REVISION AND PLACEMENT IN CHAPTER 7; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4953 recorded in Ordinance Book No. 126.)

- 6 An ordinance amending the Mesquite City Code by repealing Chapter 7 titled "Housing" and replacing with new Chapter 7 titled "Housing and Minimum Property Standards," to provide regulations for (a) fair housing, (b) property maintenance, (c) substandard, dilapidated and dangerous buildings and other structures, (d) residential rental property - landlord and tenant regulations, (e) multi-family rental units, and (f) single-family rental units - long-term and short-term rentals.

Mr. Boroughs moved to approve, in substantially the form presented to Council at tonight's meeting, Ordinance No. 4954, AN ORDINANCE OF THE CITY OF

MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REPEALING CHAPTER 7 TITLED "HOUSING" AND REPLACING WITH NEW CHAPTER 7 TITLED "HOUSING AND MINIMUM PROPERTY STANDARDS;" INCLUDED IN THE NEW CHAPTER WILL BE NEW ARTICLE I TITLED "IN GENERAL;" AND NEW ARTICLE II TITLED "FAIR HOUSING" AND SAID ARTICLE WILL RETAIN THE EXISTING TEXT AND PROVISIONS FOR FAIR HOUSING; AND NEW ARTICLE III TITLED "PROPERTY MAINTENANCE CODE" ADOPTS THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE (I.P.M.C.), AND MAKING CERTAIN ADDITIONS AND DELETIONS REFERRED TO AS "LOCAL AMENDMENTS" TO THE 2018 EDITION OF THE INTERNATIONAL CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (I.C.C.); AND NEW ARTICLE IV RETAINS EXISTING PROVISIONS IN CHAPTER 5 FOR "SUBSTANDARD, DILAPIDATED, AND DANGEROUS BUILDINGS & OTHER STRUCTURES" BUT THOSE PROVISIONS WILL BE MOVED FROM CHAPTER 5 AND PLACED HERE INSTEAD IN CHAPTER 7; AND NEW ARTICLE V TITLED "RESIDENTIAL RENTAL PROPERTY – LANDLORD AND TENANT REGULATIONS" WILL REVISE THE RESIDENTIAL RENTAL PROPERTY LANDLORD AND TENANT REGULATIONS AND PROVIDE FOR GENERAL UPDATES, AND ADDING DIVISIONS FOR "MULTI-FAMILY RENTAL UNITS," "SINGLE-FAMILY RENTAL UNITS – LONG-TERM RENTALS," AND "SINGLE-FAMILY RENTAL UNITS – SHORT-TERM RENTALS;" AND PROVIDING FOR RESERVATIONS OF OTHER ARTICLES IN CHAPTER 7 FOR FUTURE CITY INITIATIVES AND PROGRAMS RELATED TO HOUSING AND MINIMUM PROPERTY STANDARDS; AND REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE REGARDING FEES FOR RENTAL PROPERTY LICENSES AND RELATED MATTERS; AND PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4954 recorded in Ordinance Book No. 126.)

- 7 An ordinance amending the Mesquite City Code by revising Chapter 2, Article III, Division 2 - Hotel Occupancy Tax, Sec. 2-76 - Definitions, regarding repealing and replacing the definition for "Hotel" to align with State law.

Mr. Green moved to approve, in substantially the form presented to Council at tonight's meeting, Ordinance No. 4955, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 2, ARTICLE III, DIVISION 2 – HOTEL OCCUPANCY TAX, SEC. 2-76 – DEFINITIONS, REGARDING REPEALING AND REPLACING THE DEFINITION FOR "HOTEL" TO ALIGN WITH STATE LAW; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4955 recorded in Ordinance Book No. 126.)

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 18 Consider appointment of two members (Places 5 and 9) to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, two members (Places 1 and 2) for terms to expire December 31, 2023, and two members (Places 7 and 8) for terms to expire December 31, 2024.

Mr. Casper moved to appoint Debbie Massey as a member of the Historic

Mesquite, Inc., Board of Directors (Place 7) for a term to expire December 31, 2024. Motion was seconded by Ms. Vidler and approved unanimously.

19

Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, June 1, 2022, at 1:30 p.m.

Mr. Casper moved to appoint Jennifer Vidler and B.W. Smith to serve as the City's representatives on the Annual City/School Joint Tax Office Advisory Board at the meeting to be held Wednesday, June 1, 2022, at 1:30 p.m. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

20

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0122-0233, submitted by Natasha Williams, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow child daycare services with modifications to the Special Conditions for loading/unloading, located at 1935 Faithon P. Lucas, Sr., Boulevard.

(One response in favor and three 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. Z0122-0233.

Garrett Langford, Manager of Planning and Zoning, stated that the applicant proposes to utilize an existing 3000-square-foot building for a child daycare facility, located at 1935 Faithon P. Lucas, Sr., Boulevard. The applicant currently operates a home daycare in the City of Balch Springs and is looking to expand the business. The daycare will operate 24 hours per day and will be closed from 6:00 p.m. on Saturday to 6:00 a.m. on Monday. If approved by the State, the applicant proposes an enrollment of 80 to 100 children from six weeks to 13 years of age. The outdoor play area would be located on the undeveloped land to the southwest of the building.

Mr. Langford stated that the applicant is requesting a modification from the requirement of a covered circular drive for drop-off and pick-up of children. Instead, parents would be required to park in the parking lot and accompany their children in and out of the facility.

Applicant Natasha Williams, 12928 Parker Court, Balch Springs, stated that she currently operates a 24-hour home daycare in the City of Balch Springs. She stated that there is an increasing need for this type of service. Improvements to the property include a fire sprinkler system, fenced outdoor play area and security cameras.

No one appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0122-0233, as recommended by the Planning and Zoning Committee, with the following stipulations, and adding Stipulation Nos. 2 and 3 as follows:

1. A modification to the Special Conditions that the loading/unloading drive,

covered at the building entrance, is not required.

2. The Conditional Use Permit (CUP) shall apply to Children of Light Christian Academy Child Care and cannot be reassigned or transferred.

3. The CUP is granted for a period of one year from the date of the issuance of a Certificate of Occupancy and shall be subject to renewal upon review by the City Council.

And to approve Ordinance No. 4956, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1935 FAITHON P. LUCAS, SR., BOULEVARD TO ALLOW CHILD DAY CARE SERVICES 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. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Green, Smith, Vidler, Anderson, Casper

Nays: Boroughs

Motion carried. (Ordinance No. 4956 recorded in Ordinance Book No. 126.)

21

A. Conduct a public hearing to receive and discuss public input and comments on redistricting and the proposed redistricting plan establishing new district boundary lines for Mesquite City Council elections based on 2020 Census data.

B. An ordinance approving the redistricting of the City's Single-Member Council Districts and establishing new district boundary lines for Mesquite City Councilmember elections based on 2020 Census data.

A public hearing was held to receive and discuss public input and comments on redistricting and the proposed redistricting plan.

A brief recess was taken at 8:41 p.m. The meeting resumed at 8:45 p.m.

Cliff Keheley, City Manager, reviewed differences between Illustrative Plan Nos. 1 and 2. He stated that in Illustrative Plan No. 2, the Indian Trails Addition was moved from District 5 to District 6 and the Windsor Manor Addition was moved from District 6 to District 5.

No one appeared regarding the redistricting plan.

Ms. Vidler moved to approve Ordinance No. 4957, including Illustrative Plan No. 2, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE REDISTRICTING OF THE CITY'S SINGLE MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES FOR MESQUITE CITY COUNCILMEMBER ELECTIONS BASED ON 2020 CENSUS DATA; AND PROVIDING FOR AN EFFECTIVE DATE. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Green, Boroughs, Smith, Vidler, Anderson,

Nays: Casper

Motion carried. (Ordinance No. 4957 recorded in Ordinance Book No. 126.)

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Vidler and approved unanimously. The meeting adjourned at 9:04 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor