



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, June 19, 2017

4:00 PM

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

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Present: Mayor Pro Tem Jeff Casper and Councilmembers Dan Aleman, Robert Miklos, Bruce Archer, Greg Noschese and Tandy Boroughs, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Mayor Stan Pickett.

### **PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding Program Year 2017 Community Development Block Grant (CDBG).
- 2 Discuss amendments to the City Charter.
- 3 Receive briefing regarding increased enforcement measures for illicit firework and celebratory gunfire incidents for the upcoming July 4th holiday period.
- 4 Receive briefing regarding the status of the Thomasson Square Project.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:06 P.M.**

Mayor Pro Tem Casper 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 (Authorize the City Manager to finalize and execute Amendment No. 4 to a contract with Brown & Gay Engineers, Inc., for additional engineering and surveying services in conjunction with the Thomasson Square Road Project - Paving, Utility & Drainage Improvements in an amount not to exceed \$300,000.00); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 4:35 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 14 for executive action taken.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:05 P.M.**

#### **INVOCATION**

Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

## PLEDGE OF ALLEGIANCE

Members of the Mesquite Historical and Genealogical Society.

## SPECIAL ANNOUNCEMENTS

(1) Mr. Archer stated that the Police and Fire Departments will be implementing special deployment teams to strengthen enforcement of illegal fireworks and celebratory gunfire during the July 4th holiday weekend and encouraged everyone to celebrate safely.

(2) Mr. Aleman invited residents in the Mesquite Park neighborhood to meet Saturday, June 24, 2017, at 8:30 a.m. at the Seventh Day Adventist Church, 300 Paza Drive, for a trash pickup.

(3) Mr. Aleman expressed appreciation to Mesquite Firefighters who recently volunteered to resolve several code enforcement issues for a resident.

(4) Mr. Aleman announced that the 13th Annual Addressing Mesquite Day will take place on Saturday, October 7, 2017. He stated that the last day to turn in a volunteer form to the City is Friday, July 14, 2017, and encouraged residents to participate in this worthwhile event.

(5) Mr. Noschese complimented the Parks and Recreation Department on a successful Summer Sizzle held Saturday, June 10, 2017.

(6) Mr. Noschese commended Councilmember Tandy Boroughs for his commitment to volunteering at Camp John Marc during this week's MDA Camp Week and returning to Mesquite for tonight's City Council meeting. Camp John Marc provides high-quality camping opportunities to children and teens with chronic illnesses and physical challenges.

## CITIZENS FORUM

(1) David Burris, 4229 Coryell Way, stated that he has heard no negative comments regarding the proposed roundabouts on Gus Thomasson Road.

(2) Brad Quine, 18906 Mahogany Trail, Dallas, expressed opposition to the proposed roundabouts on Gus Thomasson Road.

## CONSENT AGENDA

### Approval of the Consent Agenda

Mr. Archer requested that Item No. 8 be removed from the Consent Agenda to be considered separately. Mr. Miklos requested that Item Nos. 14 and 15 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. Aleman and approved unanimously.

5 Minutes of the regular City Council meeting held June 5, 2017.

### Approved on the Consent Agenda.

6 An ordinance amending Chapter 9 of the City Code regarding the location of school zones by adding a school zone for Florence Elementary School along Ashwood Drive between Oates Drive and Whitson Way.

**Approved on the Consent Agenda.**

**Ordinance No. 4488, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-147(1)(a) OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, CONCERNING THE LOCATION OF SCHOOL ZONES BY ADDING A SCHOOL ZONE FOR FLORENCE ELEMENTARY SCHOOL ALONG ASHWOOD DRIVE; 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. 4488 recorded in Ordinance Book No. 108.)**

- 7 An ordinance providing for the partial abandonments of a 10-foot-wide utility easement and a 30-foot fire lane and utility easement located at the Market East Shopping Center, 1645 and 1649 Town East Boulevard.

**Approved on the Consent Agenda.**

**Ordinance No. 4489, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENTS OF A 10-FOOT-WIDE UTILITY EASEMENT AND A 30-FOOT FIRE LANE AND UTILITY EASEMENT LOCATED AT THE MARKET EAST SHOPPING CENTER AT 1645 AND 1649 TOWN EAST BOULEVARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4489 recorded in Ordinance Book No. 108.)**

- 9 Bid No. 2017-072 - Annual Supply of Sand and Loam.  
(Staff recommends award to low bidder Liberty Sand & Gravel, Inc., in an amount not to exceed \$176,048.75.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2017-074 - Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts.  
(Staff recommends award to low bidder Autonation Chevrolet with an 11 percent markup from dealer cost, in the amount of \$60,000.00.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2017-094 - Annual Supply of Fire Department Uniforms and Clothing.  
(Staff recommends award to Galls, LLC, in Lexington, Kentucky, through BuyBoard Contract No. 507-16, in an amount not to exceed \$76,340.00.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2017-097 - Integrated Security System for Police and City Hall.  
(Authorize the City Manager to finalize and execute contracts with Convergent Technologies, through the Texas Cooperative Purchasing Network Contract No. R5167, for video management and access control systems in the amount of \$294,880.98; Dell, Inc., through Texas Department of Information Resources Contract No. DIR-SDD-1951, for purchase of computers in the amount of \$10,500.00; and Watch Guard through BuyBoard Contract No. 524-17, sponsored by the Texas Association of School Boards, for purchase and installation of Watch Guard cameras in the amount of \$92,235.00, for a total amount of \$397,615.98.)

**Approved on the Consent Agenda.**

- 13 Authorize the Mayor to execute the First Renewal Option ("Contract Amendment") to the Interlocal Agreement with the Texas Department of Public Safety for hangar rental space at the Mesquite Metro Airport.

**Approved on the Consent Agenda.**

- 16 Authorize the City Manager to execute an extension to the Maintenance and Support Agreement for Premier Computer Aided Dispatch (PremierCAD), Premier Mobile Data Computer (PremierMDC) and Infotrak (LRMS) with Motorola Solutions, Inc., in the amount of \$187,747.00.

**Approved on the Consent Agenda.**

- 17 Approve a petition requesting installation of speed bumps in the alley behind Chappell Drive from Gross Road to Embassy Drive.

**Approved on the Consent Agenda.**

- 18 Approve request to receive donated public art for the Mesquite Main Library located at 300 West Grubb Drive.

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

- 8 An ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division (Company) regarding the Company's 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process or 2018 pending renegotiation of RRM terms and conditions; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsels.

(This item was postponed at the June 5, 2017, City Council meeting.)

**Mr. Archer moved to approve Ordinance No. 4490, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MIDTEX DIVISION REGARDING THE COMPANY'S 2017 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS OR 2018 PENDING RENEGOTIATION OF RRM TERMS AND**

CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4490 recorded in Ordinance Book No. 108.)

- 14 Authorize the City Manager to finalize and execute Amendment No. 4 to a contract with Brown & Gay Engineers, Inc., for additional engineering and surveying services in conjunction with the Thomasson Square Road Project - Paving, Utility & Drainage Improvements in an amount not to exceed \$300,000.00.

Councilmembers expressed support for the removal of the roundabouts in the Thomasson Square Road Project.

The following persons submitted a registration card in support of removing the roundabouts and maintaining six lanes on Gus Thomasson but did not wish to speak: (1) Lillian Cross, 4760 Stallcup; (2) Eric Hanley, 4738 Bedford; and (3) Adrenia Hanley, 2312 Fulton.

Mr. Miklos moved to authorize the City Manager to execute an amendment to the contract with Brown & Gay Engineers, Inc., in conjunction with the Thomasson Square Road Project, to delete roundabouts and add intersection improvements in an amount not to exceed \$300,000.00. Motion was seconded by Mr. Archer and approved unanimously.

- 15 Authorize the City Manager to negotiate and execute a change order to the contract with Rebcon, Inc., for proposed changes in the design of the water, sanitary sewer, paving, and drainage reconstruction improvements for the Gus Thomasson Road Project in an amount not to exceed \$2,465,258.99.

Not discussed.

## PUBLIC HEARING

- 19 Conduct a citizen input hearing regarding amendments to the City Charter.

A public hearing was conducted regarding amendments to the City Charter.

The following persons spoke regarding amendments to the City Charter: (1) Ron Ward, 430 Running Brook Lane; (2) Brad Underwood, 921 Via Coronado; (3) David Fitzgerald, 1837 Palo Alto Drive; (4) Lonnie Craine, 1007 Rodeo Center Boulevard; (5) Sergio Garcia, 1724 Longview Street; (6) Angela Singletary, 3216 Balch Springs Road, #203, Balch Springs; (7) Russell Johnson, 6108 Yellowstone Drive; (8) Benny Gordon, 1918 Del Oak Drive; and (9) Jeff Dillon, 1141 Lakeview Drive. Suggestions included term limits, single member districts, unstagged terms with elections held every two years and appointment of a citizen charter review committee. Mr. Dillon expressed opposition to term limits.

No others appeared regarding amendments to the City Charter.

Councilmembers expressed support for the need of various City Charter

amendments.

## OTHER BUSINESS

20 A. Consider scheduling a special City Council meeting to be held on Thursday, June 29, 2017, at 7:00 p.m., to conduct a public hearing regarding a moratorium on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for truck stops and the parking of heavy load vehicles as a principle use or as an accessory use within the corporate City limits of Mesquite and consider an ordinance, on first reading, establishing the moratorium.

B. A resolution authorizing a temporary moratorium to take effect on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for truck stops and other development that includes the parking of heavy load vehicles as a principle use or as an accessory use within the corporate City limits of Mesquite.

Jerry Dittman, Deputy City Manager, stated that staff has identified that the City's current regulations may be inadequate for the regulation of new or expanded businesses which attract or accommodate a large volume of interstate-class trucks. Such businesses have a significant impact on local streets, the ability of the city to attract more diverse employment centers and the quality of life of nearby residential neighborhoods. Under Texas Local Government Code, Chapter 212, cities have the ability to place temporary moratoriums, via ordinances, on accepting applications and permits on such businesses pending development of appropriate regulations for 90 days initially, up to 180 days accumulatively, with an extension. Chapter 212 also permits cities to cease accepting permits and applications after five business days from the publication for the notice of the first public hearing. The City gave notice of the first public hearing on June 15 and the proposed resolution establishes the first date for the immediate moratorium as June 22, 2017. The City has 12 days to pass a temporary moratorium ordinance after two public hearings. The first public hearing will be held at the Planning and Zoning Commission meeting on June 26, 2017, and the second public hearing will be held at the Special City Council meeting on June 29, 2017. The adoption of the moratorium ordinance is scheduled for the July 3, 2017, City Council meeting.

Mr. Noschese moved to approve Resolution No. 22-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING A TEMPORARY MORATORIUM TO TAKE EFFECT ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR TRUCK STOPS AND OTHER DEVELOPMENT THAT INCLUDES THE PARKING OF HEAVY LOAD VEHICLES AS A PRINCIPLE USE OR AS AN ACCESSORY USE WITHIN THE CORPORATE CITY LIMITS OF MESQUITE. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 22-2017 recorded in Resolution Book No. 51.)

## APPOINTMENTS TO BOARDS AND COMMISSIONS

21 Consider appointment of one alternate member to the Parks and Recreation Advisory Board/Tree Board for a term to expire October 21, 2017.

Mr. Archer moved to appoint L.C. Williams as an alternate member to the Parks and Recreation Advisory Board/Tree Board for a term to expire October 21, 2017. Motion was seconded by Mr. Noschese and approved unanimously.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:49 P.M.**

Mayor Pro Tem Casper announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Discuss proposed land acquisition near the Southeast Pump Station) and Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Discuss economic development incentives for a prospective business expansion in the Skyline Trade Center and Discuss economic development incentives for a prospective business expansion in the Skyline Logistics Hub); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:18 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 9:18 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Jeff Casper, Mayor Pro Tem