



City of Mesquite, Texas

Minutes - Final City Council

Monday, May 21, 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 Discuss results from the second citizen survey regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and for Skyline Drive from Town East Boulevard to Peachtree Road.
It was Council consensus to proceed with Option C.
- 2 Receive presentation of the Interstate Highway 30 and U.S. Highway 80 Targeted Economic Development Study.
- 3 Receive briefing regarding amortization of nonconforming uses.
It was Council consensus to proceed with amortizing one property along US Highway 80.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:10 P.M.

- 4 Receive financial statement for period covering October 1, 2017, through March 31, 2018.
Debbie Mol, Director of Finance, presented the financial statement for period covering October 1, 2017, through March 31, 2018.
- 5 Receive quarterly report from Police Department.
Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD). He stated that due to the hiring of a full-time civil service recruiter, the MPD has received 26 percent more applicants compared to the past two years. A police academy is currently in session with two classes and a new class begins on July 11, 2018. There are currently seven vacant police officer positions in the MPD.
Chief Cato stated that the MPD was notified by the Sam Houston State Criminal Justice Agency, which tracks DWI arrests across the state, that the MPD is the number one agency in the region and number four in North Texas in DWI arrests.

Chief Cato reviewed the crime statistics for residential and commercial burglaries, vehicle thefts, burglary of a vehicle, aggravated assaults and robberies. He reviewed the beat districts, crime quadrants and tools the MPD are using to combat crime.

Councilmembers expressed appreciation to Chief Cato and the MPD for their hard work and dedication to the Mesquite community.

The work session ended at 6:56 p.m.

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

INVOCATION

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

PLEDGE OF ALLEGIANCE

Friends of the Mesquite Public Library.

PRESENTATIONS

- 6 Presentation of a plaque to Donna Adams in recognition of her service as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.

Mayor Pickett presented a plaque to Donna Adams in recognition of her service as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee from December 2016 to March 2018.

- 7 Presentation of Certificates of Election to City Councilmembers Bruce Archer, Place 3, Dan Aleman, Place 4, and Greg Noschese, Place 5.

Mayor Pickett presented Certificates of Election to City Councilmembers Bruce Archer, Place 3, Dan Aleman, Place 4, and Greg Noschese, Place 5.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Archer invited citizens to attend the Edgemont Park Neighborhood Meeting on Thursday, May 31, 2018, at 7:00 p.m., at McWhorter Elementary School.
- (2) Mr. Archer encouraged citizens to volunteer on Saturday, May 26, 2018, at 10:00 a.m., to distribute flyers inviting residents to attend the May 31, 2018, Edgemont Park Neighborhood Meeting. He requested volunteers meet in the McWhorter Elementary School parking lot.
- (3) Mr. Casper and Mr. Aleman congratulated the high school seniors and their families on upcoming graduations.
- (4) Mr. Miklos encouraged citizens to participate in a trash pickup along Skyline Drive on Saturday, June 2, 2018, at 10:30 a.m.
- (5) Mr. Aleman invited citizens to attend the Creek Crossing Neighborhood Meeting on Tuesday, May 29, 2018, at 7:00 p.m., at Calvary First Baptist Church, 2850 East Glen Boulevard.

CITIZENS FORUM

- (1) Sean Slater, 202 Green Canyon Drive, expressed concerns regarding pollution and loose trash.
(2) Jeff Slater, 202 Green Canyon Drive, expressed support for allowing residents to keep backyard poultry.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Miklos requested that Item Nos. 10-14 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. Noschese and approved unanimously.

- 8 Minutes of the regular City Council meeting held May 7, 2018.

Approved on the Consent Agenda.

- 9 An ordinance ratifying and incorporating the adoption of amendments to the Home Rule Charter approved by qualified voters of the City of Mesquite, Texas, at a Special Charter Amendment Election held on May 5, 2018.

Approved on the Consent Agenda.

Ordinance No. 4563, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING AND INCORPORATING THE ADOPTION OF AMENDMENTS TO THE HOME RULE CHARTER APPROVED BY THE QUALIFIED VOTERS OF THE CITY OF MESQUITE, TEXAS, AT A SPECIAL CHARTER AMENDMENT ELECTION HELD ON MAY 5, 2018; AND PROVIDING FOR AN EFFECTIVE DATE. (Ordinance No. 4563 recorded in Ordinance Book No. 111.)

- 15 Bid No. 2018-066 - Annual Mowing of City Medians, Orphan Right-of-Ways and Right-of-Ways.
(Authorize the City Manager to finalize and execute a contract with Greener Pastures Landscape Management in the amount of \$270,488.65.)

Approved on the Consent Agenda.

- 16 Bid No. 2018-068 - Vanston Park Playground Equipment.
(Authorize the City Manager to finalize and execute a contract with Whirlix Design, LLC, in the amount of \$60,000.00.)

Approved on the Consent Agenda.

- 17 Bid No. 2018-073 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends award to Martin Eagle Oil Company, as the primary vendor, and Douglass Distributing Co., as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery.)

Approved on the Consent Agenda.

- 18 Bid No. 2018-078 - Mobile Data and Voice Service.
(Staff recommends award to AT&T Corporation for voice and data plans, through the Department of Information Resources Contract No. DIR-TSO-3420, in an amount not to exceed \$182,000.00.)
Approved on the Consent Agenda.
- 19 Bid No. 2018-079 - Annual Telephone Services (Local and Long Distance).
(Staff recommends award to AT&T Corporation, through Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
Approved on the Consent Agenda.
- 20 Bid No. 2018-083 - Purchase of a FARO Laser Scanner FocusS 350 and Accessories.
(Staff recommends award to sole source provider FARO Technologies in an amount not to exceed \$96,814.64.)
Approved on the Consent Agenda.
- 21 Authorize the Mayor to execute an agreement between the City of Mesquite, Texas, and Municipal Court Judge Steve Crane.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 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.
Mr. Miklos moved to postpone consideration of 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 to the June 4, 2018, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.
- 11 An ordinance providing for the abandonment of right-of-way of Ripplewood Drive and Autumn Wood Drive and 15-foot-wide utility easements located on a vacant tract of land to the west of Lawson Road and south of McKenzie Road; otherwise known as Woodland Park Addition.
Mr. Noschese moved to deny an ordinance providing for the abandonment of right-of-way of Ripplewood Drive and Autumn Wood Drive and 15-foot-wide utility easements located on a vacant tract of land to the west of Lawson Road and south of McKenzie Road; otherwise known as Woodland Park Addition. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

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

Motion failed.

Brian Lingle, Lingle Engineers, stated that the property is zoned Planned Development – General Retail. There are potential developers looking at the property but no one will commit to the project until the easements on the property are abandoned.

Mr. Miklos moved to approve Ordinance No. 4564, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF RIGHT-OF-WAY OF RIPPLEWOOD DRIVE AND AUTUMN WOOD DRIVE AND 15-FOOT-WIDE UTILITY EASEMENTS LOCATED ON A VACANT TRACT OF LAND TO THE WEST OF LAWSON ROAD AND SOUTH OF MCKENZIE ROAD, OTHERWISE KNOWN AS WOODLAND PARK ADDITION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Aleman, Archer, Boroughs

Nays: Pickett, Noschese, Casper

Motion carried. (Ordinance No. 4564 recorded in Ordinance Book No. 111.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

22

Conduct a public input hearing to receive citizen input regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and Skyline Drive from Peachtree Road to Town East Boulevard.

A public hearing was held to receive citizen input regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and Skyline Drive from Peachtree Road to Town East Boulevard.

Corey Nesbit, City Engineer, reviewed the public notification process which included two surveys mailed to adjacent homes, two public meetings and two presentations to the Council. Mr. Nesbit reviewed the three options presented to citizens and indicated that the majority of citizens voted for Option C.

Yolanda Shepard, 1420 Hermitage Drive, expressed support for Option C. No others appeared regarding the preliminary design schematic.

It was Council consensus to proceed with Option C.

23

Conduct a public hearing and consider an ordinance for Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352.

(One response in opposition to the application has been received from a property owner within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the April 16, 2018, and May 7, 2018, City Council meetings.)

A public hearing was held for Application No. Z0218-0022.

Jeff Armstrong, Director of Planning and Development Services, stated that staff has drafted an ordinance, based on the direction provided by Council, regarding uses to be prohibited on the property. Mr. Armstrong reviewed the proposed stipulations.

No one appeared regarding the proposed application.

Mr. Miklos moved to deny Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352. Motion was seconded by Mr. Archer and approved unanimously.

Mr. Miklos requested the City Manager take the necessary steps to initiate the process for a moratorium on variety stores and present to Council for future consideration.

24

Conduct a public hearing and consider an ordinance for Application No. Z0318-0027, submitted by John J. Gatz of Eco-Site, for a change of zoning from Agriculture to Agriculture with a Conditional Use Permit to allow a 100-foot tall telecommunications tower, located at 4401 East Cartwright Road.

(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.)

A public hearing was held for Application No. Z0318-0027.

Jeff Armstrong, Director of Planning and Development Services, stated that Eco-Site proposes to construct a tri-pole, 100-foot-tall stealth bell telecommunications tower in the rear yard at 4401 East Cartwright Road with up to three carriers. Mr. Armstrong stated that staff recommends approval of the application.

Applicant John Gatz, Senior Project Manager of Eco-Site, stated that the proposed communications tower will fill in a needed gap in cell service.

No one appeared regarding the application.

Mr. Noschese moved to approve Application No. Z0318-0027, as recommended by the Planning and Zoning Commission and to approve Ordinance No. 4566, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT ON PROPERTY ZONED AS AN AGRICULTURAL DISTRICT LOCATED AT 4401 EAST CARTWRIGHT ROAD THEREBY ALLOWING A TELECOMMUNICATION TOWER; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4566 recorded in Ordinance Book No. 111.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 25 Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2020.

Mr. Casper moved to appoint Terry Anderson as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2020. Motion was seconded by Mr. Aleman and approved unanimously.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 12 An ordinance approving an amended Project and Financing Plan for the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas.

Mr. Casper moved to approve Ordinance No. 4565, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDED PROJECT AND FINANCING PLAN FOR THE SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SEVEN, CITY OF MESQUITE, TEXAS; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4565 recorded in Ordinance Book 111.)

- 13 A resolution approving the termination of the Economic Development Program Agreement (Chapter 380 Agreement) between the City of Mesquite and Lang and Company, LLC., dated February 27, 2008, relating to a proposed development of a tract of land generally located south of Gross Road, East of North Peachtree Road, north of the Union Pacific Railroad and west of Interstate Highway 635.

Mr. Aleman moved to approve Resolution No. 29-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMINATION OF THAT CERTAIN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT DATED EFFECTIVE FEBRUARY 27, 2008, BETWEEN THE CITY OF MESQUITE, TEXAS, AND LANG AND COMPANY, LLC, RELATING TO A PROPOSED DEVELOPMENT OF A TRACT OF LAND GENERALLY LOCATED SOUTH OF GROSS ROAD, EAST OF NORTH PEACHTREE ROAD, NORTH OF THE UNION PACIFIC RAILROAD AND WEST OF INTERSTATE HIGHWAY 635 IN THE CITY OF MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A TERMINATION AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 29-2018 recorded in Resolution Book No. 54.)

- 14 A resolution authorizing the City Manager to finalize and execute a Master Developer Agreement regarding the development of approximately 60.31 acres of land generally located south of Gross Road, east of North Peachtree Road, north of the Union Pacific Railroad and west of Interstate Highway 635 in the City of Mesquite, Texas, and being commonly referred to the "Verde Center" or the "Verde Center at Peachtree" and authorizing the City Manager to administer the agreement on behalf of the City and specifically repealing Ordinance No. 79-2017.

Mr. Archer moved to approve Resolution No. 30-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A MASTER DEVELOPER AGREEMENT

REGARDING THE DEVELOPMENT OF APPROXIMATELY 60.31 ACRES OF LAND GENERALLY LOCATED SOUTH OF GROSS ROAD, EAST OF NORTH PEACHTREE ROAD, NORTH OF THE UNION PACIFIC RAILROAD AND WEST OF INTERSTATE HIGHWAY 635 IN THE CITY OF MESQUITE, TEXAS, AND BEING COMMONLY REFERRED TO AS THE "VERDE CENTER" OR THE "VERDE CENTER AT PEACHTREE" AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY AND SPECIFICALLY REPEALING RESOLUTION NO. 79-2017. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

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

Nays: Noschese

Motion carried. (Resolution No. 30-2018 recorded in Resolution Book No. 54.)

Mayor Pickett addressed Jim Lang, representing the developer, and stated that the City Council wants this project to move forward. He added that the City has been a good partner and now expects to see some progress in the near future. Mr. Lang expressed his appreciation to the Council for their support of the project.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:10 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 (Agenda Item No. 3); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:20 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:20 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 (Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:47 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:47 P.M.

Mayor Pickett 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 (Personnel issues involving the selection of the City Attorney); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:52 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 9:58 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor