



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, December 19, 2016

5:30 PM

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

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Present: Mayor Stan Pickett and Councilmembers Bruce Archer, Jeff Casper, Bill Porter, Dan Aleman, Greg Noschese and Dennis Tarpley, City Manager Cliff Keheley and City Secretary Sonja Land.

### **PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.**

#### **AGENDA REVIEW**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:08 P.M.**

The City Council met in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney (Discuss legal issues regarding the North Texas Municipal Water District Regional Water Supply Facilities Amendatory Contract between the City of Mesquite, other regional cities and the North Texas Municipal Water District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:28 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

#### **INVOCATION**

Brad Brandt, Associate Pastor, The Gathering, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Elks Lodge No. 2404.

#### **SPECIAL ANNOUNCEMENTS**

(1) Mr. Pickett stated that on December 14, 2016, the Mayors of Garland, Mesquite, Plano and Richardson announced that their cities are asking the Public Utility Commission (PUC) to conduct a review of their water rates with the North Texas Municipal Water District (NTMWD). This action was taken because the rates set by the NTMWD under the six-decade old water supply contract are discriminatory, are inconsistent with water conservation and are not in the public interest. As a result, the four cities have paid a total of \$178 million for water they did not use. Mayor Pickett stated that this is a lengthy process and may take six-to-nine months for the review to be granted.

(2) Mr. Aleman recognized the Mesquite Police Department for their diligent work on the Santa Cop program which provided gifts for 866 children this year.

- (3) Mr. Aleman congratulated the Poteet High School football team and Head Coach Kody Groves for advancing to the State semi-finals game.
- (4) Mr. Porter stated that he is pleased with the attendance tonight and thanked everyone for coming out on this cold evening.
- (5) Mr. Archer announced that area pastors will gather in Heritage Square on January 1, 2017, at 1:30 p.m. to pray for our community.
- (6) Mr. Archer encouraged citizens to serve their City by volunteering in the community.
- (7) All Councilmembers wished citizens a Merry Christmas and Happy New Year and look forward to serving them in 2017.

### **CITIZENS FORUM**

- (1) Bill Carter, 903 Binbrook Drive, and Robert Sanders, 1628 Binbrook Drive, expressed concerns regarding neighborhood deterioration and offered to volunteer in the community.
- (2) Rhonda Steward, 1426 Sandalwood Drive, expressed support for the commuter bus service that the City provides from Hanby Station to the Lawnview Station in Dallas.
- (3) Debbie David, Horseshoe Bend, thanked the City for addressing the water rate issue.
- (4) Bryan Odom, 1331 Buena Vista, thanked the City for providing a cook-out for the Northridge Estates neighborhood on December 10, 2016, in appreciation for their patience during the various phases of the recent neighborhood street improvements.

### **PRESENTATIONS**

- 1 Presentation of a plaque to Thomas Brown in recognition of his service as a member of the Municipal Library Advisory Board.
- Mayor Pickett presented a plaque to Thomas Brown in recognition of his service as a member of the Municipal Library Advisory Board from December 2010 through December 2016.**
- 2 Recognition of Real. Texas. Service. Employee Champions.
- Mayor Pickett, City Councilmembers and City Manager Cliff Keheley presented certificates of appreciation to the following employees in honor of their service to the City of Mesquite: Keith Chilton, Public Works Department; Sgt. Cameron MacKay, Police Department; Ronnie Prentice, Public Works Department; and William Nichols, Police Department.**

### **CONSENT AGENDA**

#### **Approval of the Consent Agenda**

**Mr. Noschese moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.**

- 3 Minutes of the regular City Council meeting held December 5, 2016.
- Approved on the Consent Agenda.**
- 4 A resolution authorizing the Mayor to execute the 2016 Homeland Security Grant Sub-Recipient Agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$154,711.29

and designating the Fire Chief as the responsible officer for the purpose of signing all subordinate documents associated with these grants.

**Approved on the Consent Agenda.**

**Resolution No. 53-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE THE 2016 HOMELAND SECURITY GRANT SUBRECIPIENT AGREEMENTS WITH THE OFFICE OF THE GOVERNOR, TEXAS HOMELAND SECURITY STATE ADMINISTRATIVE AGENCY IN THE AMOUNT OF \$154,711.29; AND DESIGNATING THE FIRE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL SUBORDINATE DOCUMENTS ASSOCIATED WITH THESE GRANTS. (Resolution No. 53-2016 recorded on page of Resolution Book No. 50.)**

- 5** A resolution approving and ratifying an amendment to the existing Meet and Confer Agreement between the City and the Mesquite Police Association, adding a lateral entry program for the Mesquite Police Department, authorizing the City Manager to execute an amendment to the Second Amended and Restated Memorandum of Understanding and authorizing the City Manager, or the City Manager's designee, to take all actions necessary or requested to carry out the terms and provisions of the amendment to Second Amended and Restated Memorandum of Understanding.

**Approved on the Consent Agenda.**

**Resolution No. 54-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AND RATIFYING AN AMENDMENT TO THE EXISTING MEET AND CONFER AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS ("CITY"), AND THE MESQUITE POLICE ASSOCIATION ("ASSOCIATION") ADDING A LATERAL ENTRY PROGRAM FOR THE MESQUITE POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE ASSOCIATION; AUTHORIZING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE, TO TAKE ALL ACTIONS NECESSARY OR REQUESTED TO CARRY OUT THE TERMS AND PROVISIONS OF THE AMENDMENT TO THE SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE ASSOCIATION. (Resolution No. 54-2016 recorded on page of Resolution Book No. 50.)**

- 6** A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective January 1, 2017.

**Approved on the Consent Agenda.**

**Resolution No. 55-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE REVISIONS TO THE CITY OF MESQUITE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 55-2016 recorded on page of Resolution Book No. 50.)**

- 7** A resolution authorizing the sale of tax-foreclosed property located at 124 and 128 Woodbridge Way for a combined purchase price of \$32,000.00, plus prorated taxes for the year of closing, accepting the offers of Alicia Marie Charles to purchase the properties, ratifying and approving the offer and

purchase agreements dated June 17, 2016, executed by the purchaser setting forth the terms and conditions of the sale of the properties and authorizing the City Manager to execute the Quitclaim Deed and all other documents necessary or requested to complete the closing and sale of the properties.

**Approved on the Consent Agenda.**

**RESOLUTION NO. 56-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTIES LOCATED AT 124 AND 128 WOODBRIDGE WAY, MESQUITE, TEXAS (THE "PROPERTIES"), FOR A COMBINED PURCHASE PRICE OF \$32,000.00, PLUS PRORATED TAXES FOR THE YEAR OF CLOSING; ACCEPTING THE OFFERS OF ALICIA MARIE CHARLES (THE "PURCHASER") TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS DATED JUNE 17, 2016, EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES. (Resolution No. 56-2016 recorded on page \_\_\_\_\_ of Resolution Book No. 50.)**

- 8** Bid No. 2016-098 - Annual Supply of Chevrolet Automotive and Light Truck OEM Parts.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Approved on the Consent Agenda.**

- 9** Bid No. 2017-006 - Annual Supply of Janitorial Supplies.  
(Staff recommends award to low bidders meeting specifications - Master Cleaning Service, Group I, Items 1-4 and Items 6-7 in the amount of \$39,932.40; Pollock Paper Distributors, Group I, Item 5 in the amount of \$21,339.00 and Eagle Brush & Chemical, Inc., Groups II and III, in the amount of \$121,243.08, for a total amount of \$182,514.48.)

**Approved on the Consent Agenda.**

- 10** Bid No. 2017-009 - Annual Contract for Motor Vehicle Hydraulic Parts.  
(Staff recommends award to Herco Equipment, Inc., through an Interlocal Cooperative Purchasing Agreement with the City of Irving, Bid No. 188V-16F, in the amount of \$70,000.00.)

**Approved on the Consent Agenda.**

- 11** Bid No. 2017-014 - Concrete Leveling of Four Tennis Courts at Westlake Tennis Center.  
(Authorize the City Manager to execute a contract with Nortex Concrete Lift & Stabilization, through the TxSmartBuy Contract No. TXMAS-15-03FAC09, in the amount of \$112,520.00.)

**Approved on the Consent Agenda.**

- 12** Authorize the City Manager to execute a Professional Engineering Services Contract with Criado and Associates, Inc., to prepare construction plans and specifications for the reconstruction of Town East Boulevard from US Highway 80 to Skyline Drive in the amount of \$1,348,437.00.

**Approved on the Consent Agenda.**

- 13 Authorize the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services.

**Approved on the Consent Agenda.**

- 14 Authorize the City Attorney to execute a Legal Services Agreement with Vinson & Elkins for legal services in conjunction with the water rate appeal to the Public Utility Commission of Texas.

**Approved on the Consent Agenda.**

- 15 Appoint Dan Aleman, Dennis Tarpley, Stan Pickett, Bill Porter, Jeff Casper, Bruce Archer and Greg Noschese as members to the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors for terms to expire on December 31, 2018, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 16 Appoint Dan Aleman, Dennis Tarpley, Bill Porter, Jeff Casper, Bruce Archer, Greg Noschese and Jerry Dittman as members to the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors for terms to expire on December 31, 2018, and appoint Greg Noschese as Chairperson to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 17 Appoint Stan Pickett, Bruce Archer, Dan Aleman and Greg Noschese as members to the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors for terms to expire on December 31, 2018, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 18 Appoint Stan Pickett, Dan Aleman, Jeff Casper and Jerry Dittman as members to the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for terms to expire on December 31, 2018, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 19 Appoint Dennis Tarpley as Chairperson for the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 20 Appoint Stan Pickett as Chairperson for the Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight Board of Directors to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.**

- 21 Appoint Stan Pickett as Chairperson for the Skyline (Formerly Westside) Tax Increment Finance Reinvestment Zone No. Seven Board of Directors to serve a one-year term beginning January 1, 2017.

**Approved on the Consent Agenda.****PUBLIC HEARINGS**

- 22 Conduct a public hearing and consider an ordinance for Application No. 1636-13-2016, submitted by Maria Morales for Legacy Tire Service, for a zoning change from Commercial with Skyline Logistics Hub Overlay to Commercial with Skyline Logistics Hub Overlay and Conditional Use Permit for the sale of used merchandise on the 0.44-acre developed tract located at 4616 Samuell Boulevard.

(The Planning and Zoning Commission recommends approval. No responses were received from property owners within the statutory notification area.)

Richard Gertson, Director of Planning and Development Services, stated that the property has a valid Certificate of Occupancy for minor auto repair and is surrounded by heavy commercial and industrial use. The applicant's request is for a Conditional Use Permit for the sale of used tires. Mr. Gertson reviewed the stipulations as approved by the Planning and Zoning Commission. He stated that "incidental outdoor display" is defined in the Zoning Ordinance as "goods must be displayed no more than five feet from the façade of the building." This is a new business and no current code violations are recorded for this property.

A public hearing was held for Application No. 1636-13-2016.

Joel Escobedo Fernandez, Manager of Legacy Tire Service, stated that at their Dallas location, approximately 10 percent of total sales is derived from used tires and he anticipates the same for the Mesquite location, which is proposed to open after the first of the year. Mr. Fernandez stated that tires will be stored on racks within the fenced area and moved indoors at the end of each business day. He agreed with Council's recommendations that the use of decorative lighting on any façade or visible to public view within the windows or doors shall be prohibited and stored vehicles shall only be parked on striped parking spaces on the premises.

No one appeared regarding the proposed amendment.

Mr. Noschese moved to approve Application No. 1636-13-2016, as recommended by the Planning and Zoning Commission, and adding Stipulation Nos. 6 and 7 as follows:

1. The used merchandise shall be limited to tires. It shall not include the sale of any other used merchandise.
2. All used merchandise must be placed directly onto an operational vehicle.
3. Merchandise display shall be orderly and similar in style and organization to typical displays at auto shops.
4. If labeled, previously-owned merchandise shall be marked as "pre-owned" or "used."
5. The only outdoor storage or display permitted is Incidental Outdoor Display.

6. The use of decorative lighting on any façade or visible to public view within windows or doors consisting of neon, LED or incandescent light ribbon, strip lights, light rope or light strings shall be prohibited.

7. Vehicles stored onsite overnight or incidental to repair shall only be parked in striped parking places located on the premises.

And to approve Ordinance No. 4463, 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 COMMERCIAL WITHIN THE SKYLINE LOGISTICS HUB OVERLAY DISTRICT ON PROPERTY LOCATED AT 4616 SAMUELL BOULEVARD THEREBY ALLOWING FOR THE SALE OF USED MERCHANDISE SUBJECT TO CERTAIN STIPULATIONS; 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. On call for a vote on the motion, the following votes were cast:

**Ayes:** Noschese, Archer, Pickett, Porter, Casper, Aleman

**Nays:** Tarpley

**Motion carried.** (Ordinance No. 4463 recorded on page \_\_\_\_\_ of Ordinance Book No. 107.)

23

A. Conduct a public hearing to receive comments on amendments to the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas, (Skyline TIF) to reduce the boundaries and geographic area of the Skyline TIF to an area consisting of approximately 60.31 acres and consider an ordinance amending Ordinance No. 4401, which created the Skyline TIF and was approved by the City Council on November 2, 2015, to reduce the boundaries and geographic area of the Skyline TIF to an area consisting of approximately 60.31 acres.

B. An ordinance approving and adopting a Project Plan and Reinvestment Zone Financing Plan for Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas.

Tom Palmer, Manager of Economic Development, stated that the proposed ordinance would modify the boundaries of the Skyline Tax Increment Finance Reinvestment Zone (TIF) No. Seven and would encompass the Verde Center / Peachtree Project. Notice of the public hearing was mailed to the property owners of record and published in the newspaper.

A public hearing was held regarding amendments to the Skyline TIF No. Seven.

No one appeared regarding amendments to the Skyline TIF No. Seven.

Mr. Noschese moved to approve Ordinance No. 4464, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 4401, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON NOVEMBER 2, 2015, TO REDUCE THE BOUNDARIES AND GEOGRAPHIC AREA OF THE SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SEVEN, CITY OF MESQUITE, TEXAS, TO AN AREA CONSISTING OF APPROXIMATELY 60.31 ACRES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING

AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4464 recorded on page of Ordinance Book No. 107.)

Mr. Porter moved to approve Ordinance No. 4465, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SEVEN, CITY OF MESQUITE, TEXAS; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4465 recorded on page of Ordinance Book No. 108.)

24

Conduct a public hearing and consider an ordinance designating a certain area located in the southwestern area of the City of Mesquite, Texas, and being generally described as a portion of the non-residential area south of Skyline Drive/Gross Road, east of North Sam Houston Road, north of Military Parkway and west of the eastern property line of 1305 Military Parkway/IH 635, as a Tax Increment Finance Reinvestment Zone to be known as the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine, City of Mesquite, Texas, and establishing the boundaries and establishing a board of directors.

Tom Palmer, Manager of Economic Development, stated that staff recommends the establishment of the Town East/Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Nine. The TIF will capture the value of new improvements constructed within the TIF with 75 percent of the taxes paid by the new development in the designated geographic area dedicated for public projects located in the TIF while the remaining 25 percent would be available to the City's general fund. Notice of the public hearing was mailed to the property owners of record and published in the newspaper. State statute requires a finding that there is significant reasoning for creating the TIF zone.

A public hearing was held regarding designating a certain area as a Tax Increment Finance Reinvestment Zone.

No one appeared regarding designating a certain area as a Tax Increment Finance Reinvestment Zone.

Mr. Archer moved to approve Ordinance No. 4466, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA AS A TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE TOWN EAST/SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. NINE, CITY OF MESQUITE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE AND OTHER MATTERS RELATING THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4466 recorded on page of Ordinance Book No. 108.)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

25

Consider appointment of three regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2019.

Mr. Casper moved to reappoint Patrick Reyes, James T. Wofford and Richard

Walker, Jr., as regular members of the Building Standards Board for terms to expire January 1, 2019. Motion was seconded by Mr. Aleman and approved unanimously.

26

Consider appointment of three regular members and one alternate member to the Board of Adjustment for terms to expire January 1, 2019, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and two reserve alternate members to the Board of Adjustment for terms to expire January 1, 2018, and January 1, 2019.

Mr. Casper moved to reappoint Chris Jasper, Michael Hooker and John Robinson as regular members and Wes McClure as an alternate member of the Board of Adjustment for terms to expire January 1, 2019, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and appoint Donna Adams as a reserve alternate member of the Board of Adjustment for a term to expire January 1, 2019. Motion was seconded by Mr. Porter and approved unanimously.

**ADJOURNMENT**

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 7:57 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor