



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, July 17, 2017

4:00 PM

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

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

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

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:18 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 (A resolution authorizing the Police Chief to execute all documents in connection with the 2016 Office of the Governor - Body-Worn Camera Program grant award in the amount of \$69,673.21, approving the contribution of City funds in the amount of \$17,886.79 for this program and agreeing to return the 2016 Office of the Governor - Body-Worn Camera grant funds in the event of loss or misuse of such funds); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 4:37 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 9 for executive action taken.

### **AGENDA REVIEW**

### **STAFF PRESENTATIONS**

- 1 Receive strategy presentations, as determined by City Management, related to City Council policy issues and strategic goals.
- 2 Receive briefing regarding public transportation service plan.
- 3 Discuss downtown redevelopment vision process and budget offers.  
  
**It was Council consensus to proceed.**
- 4 Discuss the establishment of a Charter Review Committee and the issues to be included in the charge to the committee.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:54 P.M.**

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to 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 business prospect considering to construct a new commercial building in the Central Business District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 7:03 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.****INVOCATION**

Gregg Wren, Pastor, The Saints Chapel, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Friends of the Mesquite Public Library.

**SPECIAL ANNOUNCEMENTS**

(1) Mr. Casper announced that the Parks and Recreation Department is hosting "Movies in the Park" this Friday night at dusk at Paschall Park, 1001 New Market Road, featuring "The Lego Batman Movie" along with "Touch-a-Truck" at 7:00 p.m., which is an opportunity for children to explore various City vehicles. Everyone is invited to attend this free family-friendly event.

(2) Mr. Archer thanked everyone that participated in the prayer vigil this past Saturday morning at Shands Elementary School Park for victims of a recent shooting incident.

(3) Mr. Boroughs assured citizens that even though he does not utilize social media, he can always be contacted via the e-mail address and telephone number that is posted on the City's website.

(4) Mr. Aleman invited Hispanic residents to a neighborhood crime watch meeting at 7:00 p.m. on August 1, 2017, at Iglesia Adventista de Mesquite, 1101 Gross Road.

(5) Mr. Noschese commended Police Chief Charles Cato and the Mesquite Police Department for the arrest of persons involved in a recent shooting incident.

(6) Mr. Noschese announced that tonight is Deputy City Manager Jerry Dittman's last City Council meeting. He and Mayor Pickett expressed appreciation to Mr. Dittman for his dedication and service to the City.

**CITIZENS FORUM**

(1) Elizabeth Walley, 1112 Siebold Court, expressed concerns regarding bobcat sightings around the City.

(2) Kim Edwards, 2500 Comfort Drive, expressed opposition to the rezoning of 2736 and 2780 Pioneer Road and concerns regarding the design of handicapped ramps and Star Transit rate changes.

**PRESENTATIONS**

- 5 Recognition of donations from Orora Visual and Walmart to the Spread the Love campaign.

Wayne Larson, Director of Communications and Marketing, stated that the "Spread the Love" (STL) campaign helps to secure donations of peanut butter and jelly, as well as monetary donations, for food insecure children in the Mesquite community during the summer months through the Sharing Life Community Outreach (SLCO) and Mesquite Social Services (MSS) food pantries. The 2017 STL campaign began with monetary donations from El Rio Grande Latin Market, Dallas Mavericks Wesley Matthews' Driven 2 GreatnEss Foundation, along with its partners - Albertson's and Tom Thumb grocery stores, and Mesquite AMBUCS. Food donations have been received from Parks and Recreation events, Chamber events, Biker Rally, City employees, local college students and senior citizens.

Mr. Larson introduced Orora Visual Engagement Specialist Maggie Luce and stated that Orora Visual donated the design and production of new collection bins located in City facilities and at various events for the STL campaign.

Mr. Larson introduced Walmart General Manager Daniel St. Ama and stated that Walmart is donating towards the STL campaign through the Community Grant program of the Walmart Foundation. Mr. St. Ama presented a \$2,500 donation to Teresa Jackson, SLCO, and Amanda Langford, MSS, for the STL campaign.

Mayor Pickett expressed appreciation to Orora Visual and Walmart for their generous donations to the STL campaign.

**CONSENT AGENDA****Approval of the Consent Agenda**

Mr. Noschese requested that Item No. 9 be removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Miklos and approved unanimously.

- 6 Minutes of the Special City Council meeting held June 29, 2017, and the regular City Council meeting held July 3, 2017.

**Approved on the Consent Agenda.**

- 7 An ordinance increasing the number of positions in the Mesquite Police Department in the classification of Police Officer from 188 to 191 and establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department.

**Approved on the Consent Agenda.**

**Ordinance No. 4497, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, INCREASING THE NUMBER OF POSITIONS IN THE MESQUITE POLICE DEPARTMENT IN THE CLASSIFICATION OF POLICE OFFICER FROM 188 TO 191; ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED**

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**POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE POLICE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4497 recorded in Ordinance Book No. 109.)**

- 8 A resolution adopting the Annual Plan for the Housing Choice Voucher Program.

**Approved on the Consent Agenda.**

**Resolution No. 25-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE ANNUAL PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM. (Resolution No. 25-2017 recorded in Resolution Book No. 51.)**

- 10 Bid No. 2017-077 - Annual Supply of Fire Hydrants.  
(Staff recommends award to low bidder Fortiline, Inc., in an amount not to exceed \$95,650.00.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2017-085 - Annual Supply of Brakes, Pads and Accessories.  
(Staff recommends a split award to Town East Ford in the amount of \$39,109.25, Dallas Dodge Chrysler Jeep in the amount of \$87,582.90, Midway Auto Supply in the amount of \$69,258.84, Ogburn's Truck Parts in the amount of \$32,961.72, Advanced Auto Parts Group in the amount of \$4,224.30 and O'Reilly Auto Parts in the amount of \$4,380.24, for a total amount not to exceed \$237,517.25.)

**Approved on the Consent Agenda.**

- 12 RFP No. 2017-087 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets Divisions.  
(Authorize the City Manager to finalize and execute a contract with All Temps 1 Personnel in an amount not to exceed \$180,000.00.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2017-089 - Purchase of Pedestal Poles and Traffic Signal Poles with Mast Arm Assemblies.  
(Staff recommends award to low bidder Union Metal Corporation in the amount of \$60,155.00.)

**Approved on the Consent Agenda.**

- 14 Bid No. 2017-091 - Annual Contract for Sidewalk, Handicapped Ramps, Drive Approaches and Curb & Gutter Replacement.  
(Authorize the City Manager to execute a contract with low bidder Donny P. Brown, Inc., dba B & B Concrete & Sawing, Inc., in the amount of \$191,980.00.)

**Approved on the Consent Agenda.**

- 15 Bid No. 2017-105 - 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 \$150,000.00.)

**Approved on the Consent Agenda.**

- 16 Bid No. 2017-106 - Annual Local and Long Distance Services.  
(Staff recommends award to AT&T Corporation through DIR Contract No. DIR-TEX-AN-CTSA 005 in an amount not to exceed \$375,000.00.)

**Approved on the Consent Agenda.**

- 17 Authorize the City Manager to execute a land purchase contract and closing documents for land acquisition for future expansion of the Southeast Pump Station.

**Approved on the Consent Agenda.**

- 18 Authorize the City Manager to finalize and execute a Memorandum of Agreement between the Dallas-Fort Worth Metropolitan Planning Organization, the Texas Department of Transportation and the Public Transportation Operators.

**Approved on the Consent Agenda.**

- 19 Authorize the Mayor to execute a Fourth Amendment to Communications Facilities License with Dallas MTA, L.P., d/b/a Verizon Wireless, to add additional equipment to the City's Service Center property.

**Approved on the Consent Agenda.**

#### **CONSENT AGENDA ITEM CONSIDERED SEPARATELY**

- 9 A resolution authorizing the Police Chief to execute all documents in connection with the 2016 Office of the Governor - Body-Worn Camera Program grant award in the amount of \$69,673.21, approving the contribution of City funds in the amount of \$17,886.79 for this program and agreeing to return the 2016 Office of the Governor - Body-Worn Camera grant funds in the event of loss or misuse of such funds.

(This item was tabled at the April 17, 2017, City Council meeting.)

**Mr. Noschese moved to take the resolution authorizing the Police Chief to execute all documents in connection with the 2016 Office of the Governor - Body-Worn Camera Program grant award in the amount of \$69,673.21, approving the contribution of City funds in the amount of \$17,886.79 for this program and agreeing to return the 2016 Office of the Governor - Body-Worn Camera grant funds in the event of loss or misuse of such funds off of the table. Motion was seconded by Mr. Miklos and approved unanimously.**

**Mr. Noschese moved to approve Resolution No. 26-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE POLICE CHIEF TO EXECUTE ALL DOCUMENTS IN CONNECTION WITH THE 2016 OFFICE OF THE GOVERNOR - BODY-WORN CAMERA PROGRAM GRANT AWARD IN THE AMOUNT OF \$69,673.21; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$17,886.79 FOR THIS PROGRAM AND AGREEING TO RETURN THE 2016 OFFICE OF THE GOVERNOR - BODY-WORN CAMERA GRANT**

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**FUNDS IN THE EVENT OF LOSS OR MISUSE OF SUCH FUNDS.** On call for a vote on the motion, the following votes were cast:

**Ayes:** Noschese, Miklos, Pickett, Archer, Boroughs

**Nays:** Casper, Aleman

Motion carried. (Resolution No. 26-2017 recorded in Resolution Book No. 51.)

## END OF CONSENT AGENDA

## CONSIDERATION OF RESOLUTION

**20** Consider a resolution creating a Charter Review Committee to consider and advise the City Council regarding amendment of the City Charter.

**Mr. Miklos moved to postpone consideration of a resolution creating a Charter Review Committee to consider and advise the City Council regarding amendment of the City Charter until the August, 7, 2017, City Council meeting. Motion was seconded by Mr. Noschese and approved unanimously.**

## PUBLIC HEARING

**21** Conduct a public hearing and consider approval for Application No. 167-4-2017, submitted by Kevin Mattson, for a change of zoning from Agricultural to General Retail on property located at 2736 and 2780 Pioneer Road.

(Three responses in opposition were received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial.)

**Mr. Archer left the meeting.**

**A public hearing was held for Application No. 167-4-2017. This item was postponed at the June 5, 2017, City Council meeting.**

**Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the applicant has proposed a zoning change to Planned Development – General Retail to accommodate future development of a dollar store on Lot 1 with Lot 2 remaining remain vacant at this time. Mr. Armstrong reviewed the proposed possible stipulations and permitted uses. The applicant held a neighborhood meeting on June 27, 2017, to address the neighborhood’s concerns.**

**Maxwell Fisher, with Masterplan, representing the applicant, stated that the site is surrounded by single-family homes on two sides. Approximately 20 residents attended the neighborhood meeting on June 27, 2017, and expressed concerns regarding the number of dollar stores in the area. Mr. Maxwell stated that the original zoning application requested General Retail zoning; however, after further review, the applicant chose to pursue Planned Development – General Retail to further limit the types of uses allowed at this location. The applicant has self imposed additional setback regulations above the City’s minimum standards, enhanced the perimeter screening, provided for additional landscaping and trees and prohibited parking in the rear yard.**

The following persons spoke in opposition of the proposed application: (1) Wanda Adams, Mayor Pro Tem, City of Balch Springs, 2721 Cumberland Trail, Balch Springs; (2) Meg Comstock, 2604 Pioneer Bluffs Road, Balch Springs; (3) James Fliege, 2612 Pioneer Bluffs Road, Balch Springs; (4) Marvin Haar, 1317 Mulberry Lane; (5) Kathy Schwartz, 2500 Comfort Drive; (6) Art Meyer, 1461 Eastern Heights Drive; (7) Clarissa Nuckels, 2812 Crockett Place; (8) John LaBarge, 720 Elm Falls Place; (9) Nancy Riley, 800 Waterwood Lane; (10) Sandra Lyons, 2525 Cumberland Trail, Balch Springs; (11) Paul Lecorchick, 716 Waterwood Lane; (12) Janice Dollgener, 2727 Pioneer Road and (14) Rachel Lopez, 2717 Windswept Lane.

The following person spoke in favor of the proposed application: (1) Johnny Archer, Premier Legacy Real Estate, 1016 Utopia Lane, Forney. No others appeared regarding the application.

Councilmembers expressed appreciation to Mr. Fisher, representing the applicant, and his due diligence in reaching out to the neighborhood and proposing creative ways to address their concerns.

Mr. Miklos moved to deny Application No. 167-4-2017, submitted by Kevin Mattson, for a change of zoning from Agricultural to Planned Development - General Retail on property located at 2736 and 2780 Pioneer Road. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

**Ayes:** Miklos, Boroughs, Pickett, Casper, Aleman, Noschese

**Nays:** None

**Abstentions:** Archer

**Motion carried.**

## **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:42 P.M.**

Mr. Archer returned to the meeting.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers (Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:54 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:54 P.M.**

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to 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 business prospect considering locating in the Skyline Logistics Hub Overlay District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:08 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**ADJOURNMENT**

**Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Miklos and approved unanimously. The meeting adjourned at 9:08 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor