



City of Mesquite, Texas

Minutes - Final City Council

Monday, January 7, 2019

5:00 PM

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

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding required actions and schedule for May 4, 2019, Special Election to authorize the City Council to convey City park land by sale.
- 2 Receive briefing regarding proposed financial policies for City Council approval.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:15 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 (Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:25 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 (Consider economic development incentives for a proposed residential development located at 2920 Gus Thomasson Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:30 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:38 P.M.

- 3 Receive preliminary financial statements for fiscal year ending September 30, 2018.

Debbie Mol, Director of Finance, presented the preliminary financial statements for fiscal year ending September 30, 2018.

The work session ended at 6:59 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:07 P.M.

INVOCATION

Mike Pettitt, Pastor, Connection Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Leadership Mesquite.

PRESENTATIONS

- 4 Presentation of a plaque to Donna Woodard in recognition of her service as a member of the Historic Mesquite, Inc., Board of Directors.

Mayor Pickett presented a plaque to Donna Woodard in recognition of her service as a member of the Historic Mesquite, Inc., Board of Directors from February 2012 to December 2018.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos announced that the 2nd Annual Neighborhood Summit will be held on Saturday, February 16, 2019, from 9:00 a.m. to 1:00 p.m., at the Mesquite Independent School District Professional Development Center, 2600 Motley Drive, and encouraged residents to take advantage of this unique opportunity to network with neighbors and improve neighborhood vitality and engagement.
- (2) Mr. Casper stated that the City of Mesquite and the Mesquite NAACP will present two events on Saturday, January 19, 2019, to honor the legacy of Dr. Martin Luther King, Jr. An inaugural parade will be held at 10:00 a.m., in downtown Mesquite, and a community celebration will take place at the Mesquite Arts Center, 1527 North Galloway Avenue, at 2:00 p.m.
- (3) Mr. Noschese announced that the Mesquite Police Department will host the Annual Polar Plunge, in support of Special Olympics Texas, on Saturday, February 2, 2019, at 10:00 a.m., at City Lake Aquatic Center. He encouraged residents to bring their family and friends and participate in this special event.
- (4) Mr. Boroughs stated that Mesquite Baseball, Inc., is raising funds to renovate Loncy Leake Baseball Field, located at City Lake Park, and encouraged residents to donate to this worthy cause.
- (5) Mr. Aleman reminded everyone that school will be back in session tomorrow and to "Drive Like Your Family Lives Here."
- (6) Mr. Aleman invited residents to attend a Creek Crossing and Falcon's Lair neighborhood meeting on Tuesday, January 8, 2019, at 7:00 p.m., at Landmark Church, 2523 Clay Mathis Road.
- (7) Mr. Aleman stated that Wednesday, January 9, 2019, is National Law Enforcement Appreciation Day and encouraged citizens to express their appreciation to our law enforcement officers for the daily sacrifices they make for our community.
- (8) Mr. Archer encouraged citizens to participate in two free programs offered by the Mesquite Public Library on Saturday, January 12, 2019, at 2:00 p.m. The North Branch Library, 2600 Oates Drive, will host an escape room where participants will solve clues to escape before time runs out and the Mesquite Main Library, 300 West Grubb Drive, will host family game day, which features a new board game to learn as well as familiar games.

(9) Mr. Archer expressed appreciation to citizens and organizations who stepped up to help residents who recently lost their homes due to fire.

(10) Mr. Pickett thanked Police Chief Charles Cato, Fire Chief Mark Kerby and members of the Mesquite Police and Fire Departments for their efforts in patrolling on New Year's Eve to reduce illegal fireworks and gunfire in order to keep our citizens safe.

CITIZENS FORUM

(1) Elizabeth Walley, 1112 Siebold Court, presented the City Council with a sample resolution in support of an independent redistricting commission and redistricting reform for Texas.

(2) Jack Love, 3400 Cedar Lane, Melissa, expressed support for the Mesquite Chamber of Commerce.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Noschese requested that Item No. 14 be removed from the Consent Agenda to be considered separately. Mr. Archer requested that Item No. 23 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. Aleman and approved unanimously.

- 5 Minutes of the special City Council meeting held December 11, 2018, and the regular City Council meeting held December 17, 2018.

Approved on the Consent Agenda.

- 6 An ordinance providing for the partial abandonments of utility and gas easements located at Larry G. Smith Elementary School, otherwise known as Larry Smith Elementary School Addition, Block 1, Lot 1.

Approved on the Consent Agenda.

Ordinance No. 4644, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENTS OF UTILITY AND GAS EASEMENTS LOCATED AT LARRY G. SMITH ELEMENTARY SCHOOL, OTHERWISE KNOWN AS LARRY SMITH ELEMENTARY SCHOOL ADDITION, BLOCK 1, LOT 1; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4644 recorded in Ordinance Book No. 114.)

- 7 An ordinance amending Chapter 15 of the City Code modifying the rules and regulations governing the use and occupancy of the City's rights-of-way by providers of utility, telecommunications, wireless and cable services, and modifying the design manual for the installation of network nodes and node support poles pursuant to the Declaratory Ruling by the Federal Communications Commission.

Approved on the Consent Agenda.

Ordinance No. 4645, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING DIVISION 3, "DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO TEXAS LOCAL

GOVERNMENT CODE, CHAPTER 284," OF THE MESQUITE CITY CODE, CHAPTER 15, ARTICLE III, "RIGHTS-OF-WAY RULES AND REGULATIONS; REGISTRATION, PERMIT AND LICENSE REQUIREMENTS," AS AMENDED, BY INCORPORATING THE REQUIREMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION DECLARATORY RULING AND THIRD REPORT AND ORDER FOR SMALL CELL FACILITY REGULATION, ADOPTED ON SEPTEMBER 26, 2018, AND MAKING CERTAIN ADDITIONAL AMENDMENTS TO THE CITY'S DESIGN MANUAL RELATED TO REGISTRATION, LICENSING IN RESIDENTIAL AREAS, MINIMUM HEIGHT ABOVE GRADE, POLE SPACING AND GROUND EQUIPMENT INSTALLATION BY DELETING SECTIONS 15-193(a)(1), 15-208(a)(1) THROUGH 15-208(a)(3), 15-209, 15-210(d), 15-212(b)(2), 15-213(a), THE FIRST PARAGRAPH IN 15-214(b), 15-214(c), 15-214(e)(1), 15-214(f)(2)(a), 15-214(h)(1) AND THE VERBIAGE UNDER THE SINGLE "*" UNDER 15-219(a) AND ADDING NEW SECTIONS 15-193(a)(1), 15-208(a)(1) THROUGH 15-208(a)(3), 15-209, 15-210(d), 15-212(b)(2), 15-213(a), THE FIRST PARAGRAPH IN 15-214(b), 15-214(c), 15-214(e)(1), 15-214(f)(2)(a), 15-214(f)(4), 15-214(h)(1) AND NEW VERBIAGE UNDER THE SINGLE "*" UNDER 15-219(a); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4645 recorded in Ordinance Book No. 114.)

- 8 An ordinance amending the budget for Fiscal Year 2018-19, as heretofore approved by Ordinance No. 4592 of the City of Mesquite, Texas, adopted on September 4, 2018, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2018-19, for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said amended budget.

Approved on the Consent Agenda.

Ordinance No. 4646, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR OF 2018-19 AS HERETOFORE APPROVED BY ORDINANCE NO. 4592 OF THE CITY OF MESQUITE, TEXAS, ADOPTED ON SEPTEMBER 4, 2018, APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR FISCAL YEAR 2018-19 FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND ACTIVITIES OF THE CITY, FOR CAPITAL AND OTHER IMPROVEMENTS OF THE CITY AND FOR ALL OTHER EXPENDITURES INCLUDED IN SAID AMENDED BUDGET; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4646 recorded in Ordinance Book No. 114.)

- 9 An ordinance revising the Debt Management Policy for the City of Mesquite.

Approved on the Consent Agenda.

Ordinance No. 4647, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE DEBT MANAGEMENT POLICY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4647 recorded in Ordinance Book No. 114.)

- 10 A resolution adopting a General Fund Reserve Policy for the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 01-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A GENERAL FUND RESERVE POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 01-2019 recorded in Resolution Book No. 56.)

- 11 A resolution adopting an Enterprise Funds Reserve Policy for the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 02-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN ENTERPRISE FUNDS RESERVE POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 02-2019 recorded in Resolution Book No. 56.)

- 12 A resolution adopting an Internal Service Insurance Funds Reserve and Funding Policy for the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 03-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INTERNAL SERVICE INSURANCE FUNDS RESERVE AND FUNDING POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 03-2019 recorded in Resolution Book No. 56.)

- 13 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of state right-of-way on January 19, 2019, for the City of Mesquite Inaugural MLK Parade, commemorating the birth anniversary of Martin Luther King, Jr.

Approved on the Consent Agenda.

Resolution No. 04-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE RIGHT-OF-WAY ON JANUARY 19, 2019, FOR THE CITY OF MESQUITE INAUGURAL MLK PARADE, COMMEMORATING THE BIRTH ANNIVERSARY OF MARTIN LUTHER KING JR. (Resolution No. 04-2019 recorded in Resolution Book No. 56.)

- 15 Bid No. 2018-095 - Annual Purchase of Traffic Signal Controllers and Cabinets.
(Staff recommends award to sole source provider Iteris in the amount of \$68,000.00.)

Approved on the Consent Agenda.

- 16 Bid No. 2019-019 - Annual Supply of Safety Items.
(Staff recommends award to low bidder Security Safety and Supply in the amount of \$69,672.40. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 17 Bid No. 2019-037 - Annual Miscellaneous Concrete Work (Section A).
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., in the amount of \$2,688,475.00.)
Approved on the Consent Agenda.
- 18 Bid No. 2019-038 - Stream Bank Stabilization and Bridge Replacement Project South Mesquite Creek.
(Authorize the City Manager to finalize and execute a contract with low bidder Coppell Construction Company in the amount of \$5,574,776.20.)
Approved on the Consent Agenda.
- 19 Bid No. 2019-045 - Annual Supply of Magnetic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP, for an amount not to exceed \$264,910.00.)
Approved on the Consent Agenda.
- 20 Bid No. 2019-050 - Purchase of Battery Operated Hydraulic Rescue Tools for the Fire Department.
(Staff recommends award to Metro Fire Apparatus Specialists, Inc., in Houston, Texas, through BuyBoard Contract No. 524-17, sponsored by the Texas Association of School Boards, in an amount not to exceed \$69,000.00.)
Approved on the Consent Agenda.
- 21 Authorize the City Manager to execute a Memorandum of Agreement with the Texas Commission on Environmental Quality for vehicle idling limitations extending the term through December 31, 2028.
Approved on the Consent Agenda.
- 22 Authorize the City Manager to finalize and execute a professional engineering services contract with Binkley & Barfield, Inc., for the North Mesquite Creek Sanitary Sewer Trunk Main Design in the amount of \$196,800.00.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 23 Authorize the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services.
(This item was postponed at the December 17, 2018, City Council meeting.)
Mr. Archer moved to authorize the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services. Motion was seconded by Mr. Miklos and approved unanimously.
- 14 A resolution setting a public hearing under Section 372.009 of the Texas Local Government Code for the creation of the Iron Horse Public Improvement District (PID) consisting of approximately 56.241 acres of land generally located north of

Rodeo Drive, south of Scyene Road (also known as Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Mr. Miklos left the meeting.

Mr. Noschese moved to approve Resolution No. 05-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE IRON HORSE PUBLIC IMPROVEMENT DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Resolution No. 05-2019 recorded in Resolution Book No. 56.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

24

Conduct a public hearing and consider possible action for Application No. Z1118-0078, submitted by Lance H. "Luke" Beshara on behalf of Tejas Motel, LLC, for a change of zoning from Commercial and Skyline Logistics Hub Overlay to Commercial and Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a limited service motel, located at 4405 U.S. Highway 80 East.

(Three responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.)

Mr. Miklos entered the meeting.

A public hearing was held for Application No. Z1118-0078.

Jeff Armstrong, Director of Planning and Development Services, stated that the 36-room Tejas Motel is located in the Big Town Gateway. The motel was constructed in 1958 and became a nonconforming use in 1997. The property owner agreed to amortization of the legal nonconforming use at the July 26, 2018, Board of Adjustment meeting with a compliance date set for May 1, 2019. The ownership of more than 20 percent of the property in the 200-foot notification area is opposed; therefore, a $\frac{3}{4}$ majority (six affirmative votes) vote of the City Council is required to approve the request. Mr. Armstrong stated that the potential new owner proposes to make several property improvements including stucco the building exterior, replace all windows, replace the doors and equip with electronic locks, pour a new asphalt parking lot with LED lighting and install new flooring, furniture, bedding and paint in the rooms.

Applicant Luke Beshara spoke in favor of the proposed application.

Millie Arnold, 2206 Luau Street, spoke in opposition to the proposed application.

No others appeared regarding the proposed application.

Mr. Miklos moved to deny Application No. Z1118-0078. Motion was seconded by Mr. Noschese and approved unanimously.

25

Conduct a public hearing and consider a resolution authorizing the exchange of property with the Mesquite Independent School District (MISD) for the construction of a gymnasium for Vanston Middle School on property commonly known as 2913 Oates Drive, Mesquite, Texas, in exchange for MISD land containing tennis courts on property commonly known as 3230 Karla Drive, Mesquite, Texas, finding that there is no feasible and prudent alternative to MISD's use of the land, and all reasonable planning has been done to minimize harm to the land as a park; and authorizing the City Manager to execute the exchange agreement with MISD and all documents necessary to consummate the transactions contemplated in the exchange agreement.

A public hearing was held to consider a property exchange between the City of Mesquite and the Mesquite Independent School District (MISD).

Sean Fox, Special Projects Director, stated that MISD is currently designing the addition of a second gymnasium for Vanston Middle School with construction scheduled to begin in mid-2019. A portion of the proposed gymnasium footprint is located on City-owned property within Vanston Park. MISD has proposed an equal land swap of 0.7297 acres, exchanging land with existing tennis courts for the land necessary for the gymnasium.

No one appeared regarding the property exchange.

Mr. Noschese moved to approve Resolution No. 06-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXCHANGE OF PROPERTY WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD") FOR THE CONSTRUCTION OF A GYMNASIUM FOR VANSTON MIDDLE SCHOOL ON PROPERTY COMMONLY KNOWN AS 2913 OATES DRIVE, MESQUITE, TEXAS, IN EXCHANGE FOR MISD LAND CONTAINING TENNIS COURTS ON PROPERTY COMMONLY KNOWN AS 3230 KARLA DRIVE, MESQUITE, TEXAS; FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO MISD'S USE OF THE LAND, AND ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO THE LAND AS A PARK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXCHANGE AGREEMENT WITH MISD AND ALL DOCUMENTS NECESSARY TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED IN THE EXCHANGE AGREEMENT. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 06-2019 recorded in Resolution Book No. 56.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

26

Consider appointment of 12 members to the Mesquite Downtown Development Advisory Board - four members for terms to expire December 31, 2019, four members for terms to expire December 31, 2020, and four members for terms to expire December 31, 2021.

Mr. Archer moved to appoint Julie Greer, Helen Ethridge, Bill Porter and Brooks Watts as members of the Mesquite Downtown Development Advisory Board for terms to expire December 31, 2019, Art Greenhaw, Jennifer Vidler, Carolyn Miller and Kyle Berry for terms to expire December 31, 2020, and Belinda Epps, Bradley Brandt, Lisa Haar and Mike Oswalt for terms to expire December 31, 2021. Motion was seconded by Mr. Casper and approved unanimously.

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 8:14 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor