



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, March 5, 2018

5:00 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 - 5:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1                      Receive briefing regarding Oncor Electric Delivery Company's new LED Streetlight Maintenance and Replacement program.  
  
                            Council directed staff to proceed with the option of replacing only cobra heads, as needed, at this time. Council requested staff to look at a program to allow residents to pay for proactive replacement of cobra head lights in their neighborhoods.
- 2                      Receive briefing regarding the proposed Polo Ridge and Heartland Town Center Development Agreements.
- 3                      Receive briefing regarding public transportation options for FY 2018-2019.  
  
                            Council directed staff to proceed with reducing the Compass service and begin the public hearing process. Council also provided direction on development of options for additional fixed route transportation services in the community.
- 4                      Receive briefing regarding the Sign Code.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:08 P.M.**

#### **INVOCATION**

Morris Jackson, Pastor, Word of Life Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Daughters of the Republic of Texas, Hiram Bennett Chapter.

**SPECIAL ANNOUNCEMENTS**

- (1) Mr. Miklos invited residents to a Town East neighborhood meeting at 6:30 p.m. on Tuesday, March 6, 2018, at Town East Baptist Church.
- (2) Mr. Archer announced that a Town Hall meeting will be held at 7:00 p.m. on Tuesday, March 6, 2018, at City Hall to discuss Neighborhood Vitality and invited everyone to attend.
- (3) Mr. Archer thanked the volunteers who participated in the recent Edgemont Park neighborhood clean-up.
- (4) Mr. Archer encouraged citizens to support the Mesquite Independent School District's initiative, ReadPlayTalk, by volunteering to read to students at McWhorter Elementary School.
- (5) Mr. Aleman thanked City staff for the information provided to residents at the public meeting last week regarding the Town East Boulevard and Skyline Drive reconstruction projects. He encouraged residents to complete the online citizen survey on the City's website regarding this project.
- (6) Mr. Aleman and Mr. Noschese expressed appreciation to the Mesquite Elks Lodge for their generous donations and awards presented at the Annual Dignitary Banquet last week.
- (7) Mr. Pickett stated that the City recently received the 2017 Community Impact Award from Sharing Life Community Outreach for the Spread the Love campaign. He expressed thanks to everyone for their generous donations which provided 41,000 meals last summer to children.

**CITIZENS FORUM**

- (1) Jimmy Smith, 520 Debra Drive, expressed appreciation to David Hodges, Manager of Streets, for his response to a paving concern on Kearney Street.
- (2) Jerry Dittman, 7131 Shannon Road, expressed opposition to Agenda Item No. 14, on tonight's agenda, regarding the Polo Ridge Development Agreement.

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

Mr. Noschese requested that Item Nos. 12-13 be removed from the Consent Agenda to be considered separately. Mr. Casper requested that Item Nos. 14, 20 and 21 be removed from the Consent Agenda to be considered separately. Mr. Aleman requested that Item No. 19 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. Archer and approved unanimously.

- 5 Minutes of the regular City Council meeting held February 19, 2018.

**Approved on the Consent Agenda.**

- 6 An ordinance, on first reading, approving a tariff authorizing an annual Rate Review Mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities Served by Atmos; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the

Company and legal counsel for the Steering Committee.

**Approved on the Consent Agenda.**

AN ORDINANCE, ON FIRST READING, OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

- 7 An ordinance amending Chapter 9 of the City Code by deleting provisions that allow commercial vehicle parking at a motel or hotel upon approval of the City Council.

**Approved on the Consent Agenda.**

Ordinance No. 4542, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 9-169(b)(1)(f) IN ITS ENTIRETY THEREBY DELETING PROVISIONS THAT ALLOW COMMERCIAL VEHICLE PARKING AT A MOTEL OR HOTEL UPON APPROVAL OF THE CITY COUNCIL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4542 recorded in Ordinance Book No. 111.)

- 8 A resolution establishing precincts and the location of polling places for the May 5, 2018, General Election and Special Charter Amendment Election.

**Approved on the Consent Agenda.**

Resolution No. 09-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE MAY 5, 2018, GENERAL ELECTION AND SPECIAL CHARTER AMENDMENT ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 09-2018 recorded in Resolution Book No. 53.)

- 9 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 April 7, 2018, for the City of Mesquite Rodeo Parade, commemorating the 61st Anniversary of the Mesquite Championship Rodeo.

**Approved on the Consent Agenda.**

Resolution No. 10-2018, 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 A PORTION OF STATE HIGHWAY 352 ON APRIL 7, 2018, FOR THE CITY OF MESQUITE RODEO PARADE, COMMEMORATING THE 61ST

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**ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO. (Resolution No. 10-2018 recorded in Resolution Book No. 53.)**

- 10 A resolution authorizing the sale of five tax-foreclosed properties located at 3545 Antilles Drive, 4700 Harper Drive, 2717 Oates Drive, 4601 San Marcos Avenue and 4528 Sherwood Drive in Mesquite, Texas, ratifying and approving offer and purchase agreements and authorizing the City Manager to execute quitclaim deeds and all other documents necessary to complete the closing and sale of the properties.

**Approved on the Consent Agenda.**

**Resolution No. 11-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF FIVE TAX-FORECLOSED PROPERTIES LOCATED AT 3545 ANTILLES DRIVE, 4700 HARPER DRIVE, 2717 OATES DRIVE, 4601 SAN MARCOS AVENUE AND 4528 SHERWOOD DRIVE IN MESQUITE, TEXAS (THE "PROPERTIES"), ACCEPTING THE OFFERS FROM THE PURCHASERS TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS EXECUTED BY THE PURCHASERS SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES. (Resolution No. 11-2018 recorded in Resolution Book No. 53.)**

- 11 A resolution approving the terms and conditions of the Fifth Amendment to the Communications Facilities License with Dallas MTA, L.P., d/b/a Verizon Wireless, to replace equipment to the City's Service Center property and authorizing the City Manager to administer the agreement on behalf of the City.

**Approved on the Consent Agenda.**

**Resolution No. 12-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE FIFTH AMENDMENT TO THE COMMUNICATIONS FACILITIES LICENSE WITH DALLAS MTA, L.P. D/B/A VERIZON WIRELESS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. (Resolution No. 12-2018 recorded in Resolution Book No. 53.)**

- 15 Bid No. 2018-005 - Screening Wall Replacement Project.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Approved on the Consent Agenda.**

- 16 Bid No. 2018-044 - Annual Supply of Water Parts.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Approved on the Consent Agenda.**

- 17 Bid No. 2018-057 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.  
(Staff recommends award to Software House International, through the Texas Department of Information Resources Contract No. DIR-SDD-2503, in the total amount of \$191,575.90.)

**Approved on the Consent Agenda.**

- 18 Authorize the City Manager to finalize and execute an agreement with the Texas Department of Transportation for landscaping improvements to medians of SH 352 contained in a Green Ribbon Landscaping Project.

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

- 12 A resolution calling for a public hearing on the dissolution of the Polo Ridge Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite.

Mr. Archer moved to approve Resolution No. 13-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING FOR A PUBLIC HEARING ON THE DISSOLUTION OF THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT CONSISTING OF APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

**Nays:** None

**Abstentions:** Miklos

**Motion carried. (Resolution No. 13-2018 recorded in Resolution Book No. 53.)**

- 13 A resolution calling for a public hearing on the creation of a Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite.

Mr. Archer moved to approved Resolution No. 14-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING FOR A PUBLIC HEARING ON THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT CONSISTING OF APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

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

**Nays:** None

**Abstentions:** Miklos

**Motion carried. (Resolution No. 14-2018 recorded in Resolution Book No. 53.)**

- 14 A resolution authorizing the City Manager to execute a development agreement with BDMR Development, LLC, and Polo Ridge Fresh Water Supply District of

Kaufman County regarding approximately 822.1 acres of land generally located south of FM 740, west of FM 2757, and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite and being commonly referred to as "Polo Ridge" and authorizing the City Manager to administer the agreement on behalf of the City and specifically repealing Resolution No. 17-2017.

Cliff Keheley, City Manager, stated that the design of the drainage system as well as the development have not been completed. Staff has worked on the agreement for three years and the developer's engineer has been directed to follow the drainage ordinance as closely as possible. The rural design requires some deviation of the City's drainage ordinance due to the topography of the land as well as the large lots which allows for different types of drainage structures. City staff approves drainage variances; however, Mr. Keheley stated that if the project variances affect velocities or capacity within the infrastructure, staff will submit those variances to the City Council for approval.

Mr. Noschese moved to approve Resolution No. 15-2018, and correct the agenda item language to repeal Resolution No. 71-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT WITH BDMR DEVELOPMENT, LLC, AND POLO RIDGE FRESH WATER SUPPLY DISTRICT OF KAUFMAN COUNTY REGARDING APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE AND BEING COMMONLY REFERRED TO AS "POLO RIDGE" AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING RESOLUTION NO. 71-2017. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

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

**Nays:** None

**Abstentions:** Miklos

**Motion carried. (Resolution No. 15-2018 recorded in Resolution Book No. 53.)**

**19**

Authorize the City Manager to execute a revised Economic Development Program Agreement (Chapter 380 agreement) with White Property Company No. 2, Ltd. (formerly, W. A. Ridge Ranch, LLC), extending the date of delivery of lots to the builders from the third quarter of 2015 to the third quarter of 2020, extending the construction date of homes from 2016 to 2019, the completion of home construction by December 31, 2036, and extending the term of the agreement from December 31, 2031, to a term of 22 years from date of execution, and authorizing the City Manager to administer the agreement on behalf of the City.

**Mr. Noschese expressed support for the agreement.**

Mr. Aleman moved to authorize the City Manager to execute a revised Economic Development Program Agreement (Chapter 380 agreement) with White Property Company No. 2, Ltd. (formerly, W. A. Ridge Ranch, LLC), extending the date of delivery of lots to the builders from the third quarter of 2015 to the third quarter of 2020, extending the construction date of homes from 2016 to 2019, the completion of home construction by December 31, 2036, and extending the term of the

agreement from December 31, 2031, to a term of 22 years from date of execution, and authorizing the City Manager to administer the agreement on behalf of the City. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

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

**Nays:** None

**Abstentions:** Pickett

**Motion carried.**

**20**

Approve the purchase of property located at 425 S. Galloway Ave., Mesquite, Texas (Property) from Frank Arthur Greenhaw (Seller) for the purchase price of \$185,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a residential contract between the Seller and the City, and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to consummate the closing and purchase of the Property.

**Mr. Casper expressed opposition to the proposed purchase of property.**

**Mr. Archer moved to approve the purchase of property located at 425 S. Galloway Ave., Mesquite, Texas, from Frank Arthur Greenhaw for the purchase price of \$185,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a residential contract between the Seller and the City, and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to consummate the closing and purchase of the Property. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:**

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

**Nays:** Casper

**Motion carried.**

**21**

Approve the purchase of property located at 117 W. Main St., Mesquite, Texas (Property) from Frank Arthur Greenhaw (Seller) for the purchase price of \$230,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a commercial contract between the Seller and the City, and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to consummate the closing and purchase of the Property.

**Mr. Casper moved to approve the purchase of property located at 117 W. Main St., Mesquite, Texas, from Frank Arthur Greenhaw for the purchase price of \$230,000.00 and related closing costs, and ratifying and approving all actions taken by or on behalf of the City in connection with the purchase of the Property including, without limitation, the execution by the City Manager of a commercial contract between the Seller and the City, and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to**

consummate the closing and purchase of the Property. Motion was seconded by Mr. Archer and approved unanimously.

## END OF CONSENT AGENDA

## PUBLIC HEARING

- 22 Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-03 amending Section 3-200, Use Regulations; Section 3-500, Supplementary Use Regulations; and Section 6-102, Definitions; all pertaining to revised regulations for Limited Fuel Sales and Heavy Load Vehicle Refueling.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2018-03.

Jeff Armstrong, Interim Director of Planning and Development Services, stated that the proposed ordinance provides clarification that truck refueling and limited fuel sales are not permitted on the same lot unless a Conditional Use Permit is approved by the City Council.

No one appeared regarding the proposed amendment.

Mr. Noschese moved to approve Zoning Text Amendment No. 2018-03 and to approve Ordinance No. 4543, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY MAKING CERTAIN DELETIONS AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS 3-200 AND 3-500 THEREBY REVISING REGULATIONS FOR LIMITED FUEL SALES AND HEAVY LOAD VEHICLE REFUELING; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. THEREOF. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4543 recorded in Ordinance Book No. 111.)

## RECEIPT OF RESIGNATION

- 23 Receive resignation from Jimmy Stephens as a member of the Animal Services Advisory Board.

Mr. Casper moved to accept the resignation of Jimmy Stephens as a member of the Animal Services Advisory Board. Motion was seconded by Mr. Archer and approved unanimously.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

- 24 Consider appointment of one regular member to the Building Standards Board for a term to expire January 1, 2020.

Mr. Archer moved to appoint Cary Pritchett as a regular member to the Building Standards Board for a term to expire January 1, 2020. Motion was seconded by Mr. Aleman and approved unanimously.



- 25** Consider appointment of six members to the Animal Services Advisory Board for terms to expire September 8, 2018.

**Mr. Casper moved to appoint Holly Rodriguez, Jeanne Saadi and Raymond Rivas to the Animal Services Advisory Board for terms to expire September 8, 2018. Motion was seconded by Mr. Archer and approved unanimously.**

#### **OTHER BUSINESS**

- 26** Consider scheduling a special City Council meeting to canvass the returns for the May 5, 2018, General Election and Special Charter Amendment Election.

**Mr. Miklos moved to schedule a special meeting to be held at 7:00 p.m., on Tuesday, May 15, 2018, to canvass the results of the May 5, 2018, General Election and Special Charter Amendment Election. Motion was seconded by Mr. Noschese and approved unanimously.**

#### **ADJOURNMENT**

**Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 7:48 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor