



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, March 4, 2019

4:30 PM

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

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

Absent: Mayor Stan Pickett.

### **PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1                      Receive briefing regarding proposed financial policies for City Council approval.
- 2                      Discuss proposed legislation creating the Spradley Farms Improvement District of Kaufman County, Texas in the City of Mesquite.
- 3                      Discuss commercial solid waste contract.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:39 P.M.**

Mayor Pro Tem Aleman 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. 24); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 4:53 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

- 4                      Receive financial statement for period covering October 1, 2018, through December 31, 2018.  
  
Debbie Mol, Director of Finance, presented the financial statement for period covering October 1, 2018, through December 31, 2018.
- 5                      Receive Neighborhood Services quarterly report covering October 1, 2018, through December 31, 2018.  
  
Raymond Rivas, Director of Neighborhood Services, reviewed the first quarter

statistics for Fiscal Year (FY) 2018-19 and stated there has been an increase in violations, complaints submitted by residents and citations issued with a decline in the number of properties contracted due to increased voluntary compliance from residents. Mr. Rivas reviewed the top four code violations – trash, junk and debris; high grass; overhanging limbs; and nuisance premises, the Code Ambassador program statistics as well as mandatory training for the code ambassadors, and the Vacant Property Maintenance program. Mr. Rivas stated that two code enforcement officers have adjusted hours to work later in the evening and on Saturdays. When a neighborhood comprehensive sweep is conducted, Code Inspection, Building Inspection, Animal Services, Solid Waste and the Police Department collaborate to address issues in the neighborhood.

The work session ended at 6:53 p.m.

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

### **INVOCATION**

Danny Mack, Chaplain, Christian Care Center, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Fire Corps.

### **PRESENTATIONS**

- 6 Presentation of a plaque to Jack Love in recognition of his service as a member of the Keep Mesquite Beautiful, Inc., Board of Directors.

Jack Love was not present to receive his plaque. The presentation will be rescheduled for a later date.

### **SPECIAL ANNOUNCEMENTS**

- (1) Mr. Miklos stated that free tax assistance is available to citizens at the Mesquite Main Library, 300 West Grubb Drive, during March and April 2019.
- (2) Mr. Miklos stated that his son, Emory Miklos, who is a Junior at Poteet High School, was honored tonight at the Mesquite Independent School District Board of Trustees meeting. He is a member of the Poteet High School Academic Decathlon team, which is advancing to state this weekend. He encouraged everyone to support the team during this exciting event.
- (3) Mr. Casper reminded residents that students will be released from school this Friday for Spring Break and to remember to "Drive Like Your Family Lives Here."
- (4) Mr. Boroughs stated that the North Texas Municipal Water District has started their annual maintenance of the water systems that provide water to the City of Mesquite residents. For the next month, water customers may notice a slight change in the taste or odor of the water. It is important to note that the water is safe and this slight change will only last a few weeks.
- (5) Mr. Noschese stated that KidFish, hosted by the Mesquite Parks and Recreation Department, will take place on Saturday, March 23, 2019, at 8:00 a.m., at City Lake Park for children, 16 years of age and younger. He encouraged everyone to bring their children to participate in this free event.
- (6) Mr. Archer expressed appreciation to the citizens present at tonight's meeting.

(7) Mr. Archer invited citizens to enjoy live music, free dance lessons and much more at the Spring Barn Dance on Saturday, March 23, 2019, at 6:00 p.m., at Opal Lawrence Historical Park, 701-711 East Kearney Street.

(8) Mr. Archer will host a fundraiser, along with JC's Burger Bar, 1051 East Davis Street, on Tuesday, March 19, 2019, from 6:00 p.m. to 9:00 p.m., in support of the homeless teen challenge and invited everyone to attend. He stated that the goal is to raise \$5,000.00. The Mesquite Police Association and Mesquite Fire Association have donated \$500 each to this worthy cause.

(9) Mr. Aleman stated that the International House of Pancakes (IHOP) fundraiser for the Shriners Hospitals for Children will be held on Tuesday, March 12, 2019. Celebrate National Pancake Day with a free short stack of pancakes and donate to help children battling critical illnesses.

## **CITIZENS FORUM**

Deborah Dickens, 1216 Warwick Drive, expressed concerns regarding dogs running at large in her neighborhood.

## **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. Archer and approved unanimously.**

- 7** Minutes of the regular City Council meeting held February 18, 2019.

**Approved on the Consent Agenda.**

- 9** A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Department in connection with the Special Election to be held May 4, 2019.

**Approved on the Consent Agenda.**

**Resolution No. 18-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ELECTIONS ADMINISTRATOR FOR THE SPECIAL ELECTION TO BE HELD MAY 4, 2019. (Resolution No. 18-2019 recorded in Resolution Book No. 56.)**

- 10** A resolution adopting a Capital Expenditures and Improvements Policy for the City of Mesquite.

**Approved on the Consent Agenda.**

**Resolution No. 19-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A CAPITAL EXPENDITURES AND IMPROVEMENTS POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 19-2019 recorded in Resolution Book No. 56.)**

- 11** A resolution adopting a Disaster Finance Policy and Procedures for the City of Mesquite.

**Approved on the Consent Agenda.**

**Resolution No. 20-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A DISASTER FINANCE POLICY AND PROCEDURES; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 20-2019 recorded in Resolution Book No. 56.)**

- 12                   A resolution adopting a Procurement Policy for the City of Mesquite.

**Approved on the Consent Agenda.**

**Resolution No. 21-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A PROCUREMENT POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 21-2019 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 April 6, 2019, for the City of Mesquite Rodeo Parade, commemorating the 62nd Anniversary of the Mesquite Championship Rodeo.

**Approved on the Consent Agenda.**

**Resolution No. 22-2019, 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 APRIL 6, 2019, FOR THE CITY OF MESQUITE RODEO PARADE, COMMEMORATING THE 62nd ANNIVERSARY OF THE MESQUITE CHAMPIONSHIP RODEO. (Resolution No. 22-2019 recorded in Resolution Book No. 56.)**

- 14                   A resolution authorizing acceptance of the 2018 Homeland Security Grants and execution of the sub-recipient agreements with the Office of the Governor, Texas Homeland Security State Administrative Agency, in the amount of \$143,713.30; authorizing the Emergency Management Coordinator as the authorized official to apply for, accept, reject, alter or terminate these grants on behalf of the city; and repealing Resolution No. 65-2018, passed by the City Council on November 19, 2018.

**Approved on the Consent Agenda.**

**Resolution No. 23-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING ACCEPTANCE OF THE 2018 HOMELAND SECURITY GRANTS AND EXECUTION OF THE SUB-RECIPIENT AGREEMENTS WITH THE OFFICE OF THE GOVERNOR, TEXAS HOMELAND SECURITY STATE ADMINISTRATIVE AGENCY, IN THE AMOUNT OF \$143,713.30; AUTHORIZING THE EMERGENCY MANAGEMENT COORDINATOR AS THE AUTHORIZED OFFICIAL TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE THESE GRANTS ON BEHALF OF THE CITY; AND REPEALING RESOLUTION NO. 65-2018, PASSED BY THE CITY COUNCIL ON NOVEMBER 19, 2018. (Resolution No. 23-2019 recorded in Resolution Book No. 56.)**

- 15                   A resolution consenting to the publication and delivery of a notice of intent to introduce a bill relating to the creation and powers and duties of Spradley Farms Improvement District of Kaufman County, Texas.

**Approved on the Consent Agenda.**

**Resolution No. 24-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO PUBLICATION AND DELIVERY OF NOTICE OF INTENT TO INTRODUCE A BILL RELATING TO THE CREATION AND POWERS AND DUTIES OF "SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY, TEXAS"; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 24-2019 recorded in Resolution Book No. 56.)**

- 16** Bid No. 2019-025 - Water and Sewer Replacement for Oriole Street, Ervin Lane and Valley View Heights.  
(Authorize the City Manager to finalize and execute a contract with low bidder Douglas Dailey Construction, LLC, in the amount of \$719,130.00.)

**Approved on the Consent Agenda.**

- 17** Bid No. 2019-052 - Annual Contract for Utility Concrete Repairs (Area 1).  
(Authorize the City Manager to finalize and execute a contract with low bidder Arreguin Group, Inc., in the amount of \$538,475.00. The term of this contract is for a one-year period with two additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 18** Bid No. 2019-055 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.  
(Staff recommends award to Software House International, through the Texas Department of Information Resources Contract Nos. DIR-SDD-2503 and DIR-TSO-4092, in the total amount of \$209,076.10.)

**Approved on the Consent Agenda.**

- 19** Authorize the City Manager to finalize and execute a contract with the Federal Aviation Administration for the continued operation and funding of the air traffic control tower at Mesquite Metro Airport.

**Approved on the Consent Agenda.**

- 20** Authorize the City Manager to finalize and execute a contract with Garver, LLC, to conduct surveying and engineering studies for the Lawson Road Tributary Sanitary Sewer and Drainage improvements in the amount of \$204,944.50.

**Approved on the Consent Agenda.**

- 21** Authorize the City Manager to finalize and execute Amendment No. 3 with Kimley-Horn and Associates, Inc., for additional design and preparation of construction documents for the Front Street project in the amount of \$92,000.00.

**Approved on the Consent Agenda.**

- 22** Approve Amendment No. 4 to the 2018-19 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$180,000.00.

Approved on the Consent Agenda.

- 23 Receive the Fiscal Year 2017-2018 annual report from the Mesquite Quality of Life Corporation Board of Directors.

Approved on the Consent Agenda.

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

- 8 An ordinance authorizing acquisition, including consideration of the use of eminent domain to condemn the property if such becomes necessary, from Extra Property Holdings, of a tract of land containing approximately 0.468 acre and a temporary construction easement containing approximately 0.431 acre, located at 2500 Towne Centre Drive and being all of Lot 2R, Block 1 out of the Towne Centre Commercial Addition to the City of Mesquite, Dallas County, Texas, for construction of Mesquite Heritage Trail, Phase 2.

Mr. Noschese stated, "I move that the City of Mesquite authorize the use of the power of eminent domain to acquire a public trail easement and related temporary construction easement, the public trail easement being on a parcel of real property generally described as 0.468 acre (20,373 square feet) of property and more particularly described in Exhibits "A" and "A-1" to the Ordinance, and the temporary construction easement on a parcel of real property generally described as 0.431 acre (18,759 square feet) located in Dallas County and being more particularly described in Exhibits "B" and "B-1" to the Ordinance, and both being located in Dallas County and situated in Lot 2R, Block 1, out of the Towne Center Commercial, an addition to the City of Mesquite, Texas, and the Daniel Tanner Survey, Abstract No. 1462, in Dallas County, Texas, with a street address of 2500 Towne Centre Drive, for the purpose of constructing, using, maintaining and operating a municipal hike and bike trail and related public improvements as a part of the Mesquite Heritage Trails, Phase 2, which is also a part of the North Central Texas Council of Governments 2045 Regional Veloweb and the City of Mesquite Trails Master Plan, all for the use by the citizens of the City of Mesquite and the general public." And to approve Ordinance No. 4655, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Absent: Pickett

Motion carried. (Ordinance No. 4655 recorded in Ordinance Book No. 114.)

#### **END OF CONSENT AGENDA**

#### **CONSIDERATION OF RESOLUTION**

- 24 A resolution dedicating approximately 14 acres of land located to the east of Emporium Circle and south of Brazoria Drive as parkland and authorizing the execution of all necessary documents, including the filing of this resolution in the deed records of Dallas County, Texas, by the City Manager and Mayor.

The following persons spoke in support of the proposed resolution: (1) Thomas Brashear, 1417 Panola Drive; (2) Mark Beutnagel, 1509 Pecos Street; (3) Ray Cagle, 1425 Pecos Street; (4) Hiram Catledle, 1405 Pecos Street; (5) Samantha Lynch, 3919 Farrington Street; (6) Kyle Lynch, 3919 Farrington Street; (7) Faith Stoppelmoor, 3611 Longcourt Circle; (8) Carla LaPointe, 3615 Longcourt Circle; (9) Curtis Aanerud, 3912 Shackelford Drive; (10) Sean Day, 1316 Devonshire Lane; (11) Henrietta Beavers, 1803 Robert Jones Drive; (12) David Gould, 1412 Pecos Street; and (13) Lynda Beutnagel, 1509 Pecos Street.

The following persons provided neutral comments for the proposed resolution: (1) Minh Huynh, 308 Keswick Lane; (2) Jennifer Vidler, 300 Clear Springs Drive; (3) Bryan Odom, 1330 Buena Vista Street.

Jennifer Vidler read a letter which offered suggestions for the City Council to consider from Janet McDonald, who was unable to attend the meeting.

The following persons completed a card in support of the proposed resolution but chose not to speak: (1) Karen Cagle, 1425 Pecos Street; (2) Cindy Jarrell, 3607 Longcourt Circle; (3) Teri Palmer, 4305 Coryell Way; (4) Bert Palmer, 4305 Coryell Way; (5) David Nghi Do, 1716 Panola Drive; (6) Misty Weinstein, 1808 Panola Drive; (7) Maria Castro, 1801 Panola Drive; (8) Jose Hernandez, 1801 Panola Drive; (9) Grace Salas, 4000 Shackelford Drive; (10) Norma Breaux, 4000 Shackelford Drive; (11) Deb Gould, 1412 Pecos Street; (12) Christian Gutierrez, 1713 Brazoria Drive; (13) Debra Gilbert, 1405 Pecos Street; (14) Vanessa McBurnett, 1908 Panola Drive; (15) Kathy McBurnett, 1908 Panola Drive; (16) John Castillo, 1517 Panola Drive; (17) Magdalena Castillo, 1517 Panola Drive; (18) Charles Mitchell, 1828 Culberson Drive; (19) Wendy Aanerud, 3912 Shackelford Drive; (20) Colleen Day, 1316 Devonshire Lane; (21) Barbara O'Bannon, 1332 Devonshire Lane; (22) Cindy Hodges, 3916 Shackelford Drive; (23) Mark Grafig, 1815 Uvalde Street; (24) Donna Grafig, 1815 Uvalde Street; and (25) Joe Nelson, 1714 Uvalde Street.

The following persons completed a card in opposition of the proposed resolution but chose not to speak: (1) Sandra Holzapfel, 3501 Cranston Drive and (2) Angela Graham, 1612 Culberson Drive.

Councilmembers expressed their opinions regarding the proposed resolution.

David Paschall, City Attorney, stated that legal staff has not completed research to determine if it is possible for this property to be utilized as a park.

Mayor Pro Tem Aleman announced at 9:23 p.m. 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. 24); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:31 p.m., the City Council reconvened in Open Session. No executive action was necessary.

Mr. Miklos moved to postpone consideration of a resolution dedicating approximately 14 acres of land located to the east of Emporium Circle and south of Brazoria Drive as parkland and authorizing the execution of all necessary

documents, including the filing of this resolution in the deed records of Dallas County, Texas, by the City Manager and Mayor to the April 1, 2019, City Council meeting. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Archer, Aleman

Nays: Boroughs, Casper, Noschese

Absent: Pickett

Motion failed.

Mr. Noschese moved to deny a resolution dedicating approximately 14 acres of land located to the east of Emporium Circle and south of Brazoria Drive as parkland and authorizing the execution of all necessary documents, including the filing of this resolution in the deed records of Dallas County, Texas, by the City Manager and Mayor. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Casper, Boroughs

Nays: Aleman, Miklos, Archer

Absent: Pickett

Motion failed.

## **PUBLIC HEARING**

**25**

Conduct a public hearing and consider an ordinance for Application No. Z1018-0071, submitted by Daniel Boswell on behalf of 1st Choice Self Storage for a change of zoning from General Retail to Planned Development-Commercial to allow mini-warehouses and all other uses permitted in the Commercial zoning district, located at 23300 Interstate Highway 635.

(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Dallas Cothrum, Masterplan, representing the applicant, requested postponement of this item to the March 18, 2019, City Council meeting, to allow additional time to develop the specifications of the proposed screening wall.

Mr. Noschese moved to postpone consideration of Application No. Z1018-0071 to the March 18, 2018, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

## **ADJOURNMENT**

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 10:11 p.m.



Attest:

Approved:

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Sonja Land, City Secretary

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Dan Aleman, Mayor Pro Tem