



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, May 5, 2014

12:00 PM

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

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Present: Mayor John Monaco and Councilmembers Al Forsythe, Bill Porter, Greg Noschese and Dennis Tarpley, City Manager Ted Barron and City Secretary Sonja Land.

Absent: Councilmembers Shirley Roberts and Stan Pickett.

### **PRE-MEETING - COUNCIL CONFERENCE ROOM - 12:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive information regarding rehabilitation of tax-lien foreclosed residential properties.  
  
It was Council consensus to proceed with an acquisition/rehab/resell pilot program in the Mesquite Park area with housing partner, Green Extreme Homes.
- 2 Receive briefing regarding Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Map (DFIRM) Program Impacts.  
  
An ordinance adopting the new maps will be placed on the May 19, 2014, City Council agenda for consideration.
- 3 Receive briefing regarding Program Year 2014-15 Community Development Block Grant (CDBG) applications and budget.  
  
Council directed staff to adjust the staff recommendation and advertise the following funding allocation for the public hearing:
  - a. CDBG Administration - \$79,294.01
  - b. CDBG Planning - \$103,046.00
  - c. Mesquite Social Services - \$9,000.00
  - d. Mission East Dallas - \$9,000.00
  - e. New Beginning Center - \$12,000.00
  - f. Sharing Life Community Outreach - \$9,000.00
  - g. Problem Oriented Policing - \$96,719.20
  - h. CDBG Housing Rehabilitation - \$202,212.49
  - i. CDBG Environmental Code - \$195,094.00
  - j. CDBG Neighborhood Development - \$166,355.30
  - k. CDBG Neighborhood Economic Development - \$30,000.00

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:10 P.M.**

The City Council met in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (discuss sale of property located at 500 South Galloway); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 12:27 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:27 P.M.**

The City Council met 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 an economic development incentive for a business seeking to locate on Gus Thomasson Road within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 12:41 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:41 P.M.**

The City Council met 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 business seeking to locate in the Skyline Industrial District); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 12:54 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:54 P.M.**

The City Council met in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 1:08 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 3:00 P.M.****INVOCATION**

Jim Packwood, Minister of Missions, Sunnyvale First Baptist Church, Sunnyvale, Texas.

**PLEDGE OF ALLEGIANCE**

Recreation After School Participants from Dunford Recreation Center.

**SPECIAL ANNOUNCEMENTS**

Mr. Noschese wished everyone a Happy Mother's Day.

**PRESENTATIONS**

- 4 Presentation of a plaque to Sushil Mathew in recognition of his service as a member of the Civil Service Commission and Personnel/Trial Board.

**Mayor Monaco presented a plaque to Sushil Mathew in recognition of his service as a member of the Civil Service Commission and Personnel/Trial Board from July 1995 through April 2014.**

**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. Porter and approved unanimously.**

- 5 Minutes of the regular City Council meeting held April 21, 2014.

**Approved on the Consent Agenda**

- 6 A resolution denying the rate increase requested by Atmos Energy Corporation, Mid-Tex Division under the Company's 2014 annual Rate Review Mechanism (RRM) filing in all cities exercising original jurisdiction, requiring the Company to reimburse cities' reasonable ratemaking expenses pertaining to review of the RRM, authorizing the City's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the Company, requiring the Company to reimburse cities' reasonable ratemaking expenses in any such appeal to the Railroad Commission, determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act, adopting a savings clause, and requiring delivery of this resolution to the company and the steering committee's legal counsel.

**Approved on the Consent Agenda.**

**Resolution No. 14-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY'S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY'S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS**

BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL. (Resolution No. 14-2014 recorded on page \_\_\_\_\_ of Resolution Book No. 46.)

- 7 Bid No. 2014-051 - Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts.  
(Staff recommends award to low bidder Autonation Chevrolet with an 11 percent markup from dealer cost, in the amount of \$60,000.00.)  
**Approved on the Consent Agenda.**
- 8 Bid No. 2014-058 - Annual Supply of Manual Transmissions, Differentials, Drivelines and Parts.  
(Staff recommends a split award to low bidders National Fleet Solutions/Truck Parts Specialists in the amount of \$71,662.86 and to Drive Train of Mesquite in the amount of \$29,370.50, for a total bid award of \$101,033.36.)  
**Approved on the Consent Agenda.**
- 9 Bid No. 2014-062 - Annual Mowing of City Medians and Orphan Rights-of-Ways.  
(Authorize the City Manager to execute a contract with low bidder Earth Green Landscaping in the amount of \$80,505.79.)  
**Approved on the Consent Agenda.**
- 10 Authorize the City Manager to execute a contract amendment to an engineering services contract with Binkley & Barfield - C&P, Inc., for additional engineering and surveying services in conjunction with the FY 2013-14 Alley Reconstruction and Sanitary Sewer Improvement Project in the amount of \$15,000.00.  
**Approved on the Consent Agenda.**

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

- 11 Conduct a public hearing regarding proposed changes in public transportation.  
  
A public hearing was conducted regarding proposed changes in public transportation.  
  
Jerry Dittman, Assistant City Manager, stated that in 2011 Congress passed the federal transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21), which eliminated the \$250,000 of dedicated operational funding for paratransit services such as the Mesquite Transportation for the Elderly and Disabled (MTED). MTED began operating in 1994 and provides transportation services for the elderly and disabled residents of Mesquite as well as 1,500 annual free senior recreation center trips to Evans and Goodbar Recreation

Centers. There is a need for similar service to Rutherford Recreation Center but it has been prevented due to lack of resources. MTED must now compete with other public and private entities for a shrinking pool of operational funding. Grant funding comprises 63 percent of MTED's operating budget.

Mr. Dittman stated that the City of Mesquite has an opportunity to partner with STAR Transit (STAR) which began operating in 1988 and was established under Chapter 458 of the Texas Transportation Code. STAR is governed by a four-member board of directors and if Mesquite executes an agreement with STAR, Mesquite would be authorized a seat on the board. The Cities of Seagoville and Balch Springs have recently contracted with STAR for service. STAR operates in Kaufman, Rockwall, Dallas, Ellis and Navarro Counties with a \$5 million operating budget and operates 53 buses and employs 73 persons. STAR provides identical service as MTED except STAR services everyone. All current MTED subscription riders will continue to receive their transportation as currently provided.

STAR's proposal allows for a 42 percent increase in annual trips and reduces overall operating costs by \$68,000.00. The federal cost share for operating funds increases from 50/50 to 80/20 under MAP-21. All current MTED employees may apply to STAR for a job opportunity and all eligible employees will be offered full-time employment at the same hourly rate. MTED's current fleet of 14 buses will be transferred to STAR and parked at the Mesquite Service Center while off duty. MTED fares have not increased in the last 20 years from \$1.00 per trip; therefore, some fare increases are needed. STAR's tiered rate structure encourages early trip coordination and discourages cancellation. There is no fare change for current MTED patrons that do not leave Mesquite and for current MTED patrons that leave Mesquite but remain within Dallas County, the fare will be \$3.00 per trip.

Mr. Dittman explained that MTED service can continue but there will continue to be a waiting list without additional personnel and buses. The City will be required to provide additional funding to offset the rising cost of operations. Staff has verified that the City will retain all current grant eligibility if it contracts with STAR providing the City remains the direct recipient of federal and state grant funds.

Mr. Dittman stated that the City of Mesquite Passenger Shuttle (COMPASS) service receives 50 percent of its funding from federal grants. COMPASS has operated since March 2012 and carries over 30,000 passengers annually. Riders pay a \$2.00 surcharge to DART, which DART retains as an access fee; however, with STAR the \$2.00 surcharge will not be charged. The City's agreement with DART ends December 31, 2014, and cannot be extended under the current DART policy for contracted service with non-DART member cities; therefore, other options must be explored. Staff has determined in order to increase COMPASS ridership the City must offer midday hourly service. The recent Eastside Transit Study completed by the North Central Texas Council of Governments estimates that adding midday service would increase COMPASS ridership from 118 to 388 trips per day. STAR's proposal adds the midday hourly service while reducing the overall cost of the service by \$34,776.00. COMPASS can continue to receive grant funding for 50 percent of its operating costs past its current grant. STAR will offer a \$5 emergency pickup service for a patron needing a special return trip.

Mr. Dittman stated that a second public hearing will be held on Monday, May 19, 2014, at 7:00 p.m. in the City Council Chamber. Staff will seek Council approval on both STAR proposals at the June 2, 2014, City Council meeting when staff presents the draft interlocal agreement to Council. If approved, STAR would begin MTED-like service on October 1 and COMPASS service on January 2, 2015.

Ron Ward, 430 Running Brook Lane, spoke in support of public transportation.

Margie Smith, 1564 North Galloway Ave., had questions regarding the cost and timeliness of STAR rides.

Pat Belcher, 324 El Rio Drive, stated that she currently works for MTED and is concerned about the hours of operation for STAR, quality of care and cost for passengers.

Lou Elam, 1607 Valley View, stated that she needs assurance that her special needs child will have a regular service schedule.

Mr. Dittman stated that the purpose of this public hearing is to receive citizen input that will help in negotiations with STAR.

No others appeared regarding the proposed change to public transportation. Mayor Monaco declared the public hearing closed.

12

Conduct a public hearing for Application No. 170-29-2014, submitted by Maxwell Fisher of MasterPlan, for a zoning change from R-3 Single-Family Residential to Planned Development - Commercial with a Conditional Use Permit for a self-storage facility on a 3.78-acre undeveloped tract located at 1350 North Beltline Road.

(One letter in opposition to the proposed amendment has been received. One person appeared in favor of the proposed amendment before the Planning and Zoning Commission. The Commission recommends denial of the application.)

A public hearing was scheduled to be held for Application No. 170-29-2014. At the request of the applicant, Mr. Noschese moved to postpone consideration of Application No. 170-29-2014 until the June 2, 2014, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

13

Conduct a public hearing for Application No. 312-1-2014, submitted by Steven Homeyer for Homeyer Engineering, for a zoning change from AG-Agricultural and K-20 Kaufman-Interstate 20 Floating Zone to Commercial with a Conditional Use Permit for mini-warehouses on a 10.46-acre parcel located in the 6500 block of FM 741.

(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends denial of the application.)

A public hearing was held for Application No. 312-1-2014.

Steve Homeyer, Homeyer Engineering, stated that the 10.5-acre site is located near the intersection of FM 741 and IH 20. The property was annexed into the City limits in 2010. The applicant is proposing 10,653 square feet of retail and 187,250 square feet of self storage, which includes outdoor RV and boat storage. There is limited access to FM 741 and the preliminary site layout has been reviewed by the Texas Department of Transportation.

Mark Martin, Bass Martin Architects, stated that the building facing FM 741 will contain a masonry storefront in order to shield views of the storage units. The portion of the development fronting IH 20 will be fenced by a masonry and/or landscape wall with the storage unit walls being masonry rather than metal on this side.

Lee Ramsey, Martino Group, stated that they provided financing to a developer before the property was annexed. The developers could not secure tenants and the property was foreclosed. There are no utilities to the parcel and will be difficult to develop; however, the Talty Water Supply Corporation has agreed to provide domestic water and Hillwood will provide fire protection water. The developer believes the Heartland subdivision, due to its HOA restrictions, can support a self-storage facility as nearby facilities are 97 percent occupied.

David Davidson, Venture Commercial, stated that they have explored many opportunities for retailers including attending conventions and meeting with grocery stores and fast food chain representatives. The traffic does not support a national retailer due to the low population density in the area. The population must double within the three-mile area before a dense product will build in this location.

No one appeared regarding the proposed zoning change. Mayor Monaco declared the public hearing closed.

A brief recess was taken at 3:56 p.m. Mayor Monaco left the meeting. The meeting resumed at 4:00 p.m. Mr. Noschese presided over the remainder of the meeting.

Mr. Tarpley moved to deny the application without prejudice. Motion was seconded by Mr. Forsythe and approved unanimously. On call for a vote on the motion, the following votes were cast:

**Ayes:** Tarpley, Forsythe, Porter, Noschese

**Nays:** None

**Absent:** Monaco

**Motion carried.**

14

Conduct a public hearing and consider an ordinance for Application No. 1462-254A-2014, submitted by Dave Kirk for American Tower, to amend Planned Development Ordinance No. 3882 regarding a restriction on antenna type and increasing the height of a cell tower on property located at 2728 Motley Drive.

(Two letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

**A public hearing was held for Application No. 1462-254A-2014.**

Dave Kirk, representing the applicant, stated that the 12-foot tower expansion will allow the tower to host a larger number of antennas while better serving the community. He stated that by locating more antennas on one tower this will reduce the need for additional towers in the area.

No one appeared regarding the proposed zoning change. Mr. Noschese declared

the public hearing closed.

Mr. Porter moved to approve Application No. 1462-254A-2014, as recommended by the Planning and Zoning Commission, with the following amendment to stipulation #11 from Ordinance No. 3882, with all other stipulations to remain in full force and effect:

11. The telecommunication tower shall not exceed the height of 92 feet.

And to approve Ordinance No. 4309, 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 AN AMENDMENT TO THE STIPULATIONS IN ORDINANCE NO. 3882 TO PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT – GENERAL RETAIL AND LOCATED AT 2728 MOTLEY DRIVE BY DELETING STIPULATION NO. 11 IN ITS ENTIRETY AND ADDING A NEW STIPULATION NO. 11 THEREBY INCREASING THE MAXIMUM HEIGHT OF THE EXISTING CELLULAR TOWER AND ELIMINATING THE RESTRICTION ON THE ANTENNA TYPE; 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. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes: Porter, Forsythe, Tarpley, Noschese

Nays: None

Absent: Monaco

Motion carried. (Ordinance No. 4309 recorded on page \_\_\_\_\_ of Ordinance Book No. 103.)

15

Conduct a public hearing and consider an ordinance for Application No. 1462-275-2014, submitted by Mohammad Habib for Royal Bengal Construction, Inc., for a zoning change from General Retail to Planned Development - General Retail to allow six fuel pumps and 12 fueling positions on a 0.6-acre undeveloped tract located at the Southeast corner of Sam Houston Road and Military Parkway.

(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

A public hearing was held for Application No. 1462-275-2014.

Mr. Jooma stated that the applicant agrees to the proposed stipulations.

No one appeared regarding the proposed zoning change. Mr. Noschese declared the public hearing closed.

Mr. Tarpley moved to approve Application No. 1462-275-2014, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Uses permitted-by-right shall be limited to those in the following SIC classifications:

Retail:

549a Convenience Store with or without Fuel Sales and Incidental Check



**Cashing**

- 56 Apparel, Accessory Stores
- 57 Furniture, Home Furnishings
- 58 Eating, Drinking Places
- 594 Miscellaneous Shopping Goods Stores
- 5992 Florists
- 5995 Optical Goods Stores

**Finance, Insurance, Real Estate:**

60-67 Depository Institutions, Security and Commodity Services, Insurance Carriers, Agents and Brokers, Real Estate, Holding Companies Except 61, Non-depository Institutions

**Services:**

- 722 Photographic, Portrait Studios
  - 7291 Tax Preparation Services
  - 7299 Tanning Salon Only
  - 7334 Photocopying, Duplicating Services
  - 80 Health Services
  - 81 Legal Services
  - 82 Educational Services
  - 83 Social Services
  - 87 Engineering, Accounting, Research, Management Services
2. A maximum of six fuel pumps and 12 fueling positions is allowed.
  3. Outdoor storage shall be prohibited.
  4. Outdoor display shall be prohibited.
  5. A maximum of four coin-operated amusement devices shall be permitted on the premises as an accessory use.

And to approve Ordinance No. 4310, 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 CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 3228 MILITARY PARKWAY THEREBY ALLOWING A CONVENIENCE STORE WITH SIX FUEL PUMPS AND 12 FUELING POSITIONS 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. Porter. On call for a vote on the motion, the following votes were cast:

**Ayes:** Tarpley, Porter, Forsythe, Noschese

**Nays:** None

**Absent:** Monaco

Motion carried. (Ordinance No. 4310 recorded on page \_\_\_\_\_ of Ordinance Book No. 103.)

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

**16**

Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2014, who will also serve on the Civil Service Commission.

Mr. Tarpley moved to appoint David Paschall as a member of the Personnel/Trial

Board for a term to expire November 7, 2014, who will also serve on the Civil Service Commission. Motion was seconded by Mr. Forsythe and approved unanimously.

17

Consider appointment of two alternate members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire May 5, 2016.

Mr. Porter moved to appoint Elaine Whitlock as an alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire May 5, 2016. Motion was seconded by Mr. Tarpley and approved unanimously.

**ADJOURNMENT**

Mr. Forsythe moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 4:15 p.m.

Approved:

Attest:

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John Monaco, Mayor

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Sonja Land, City Secretary