



# City of Mesquite, Texas

## Minutes - Final City Council

Monday, May 16, 2016

5:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Greg Noschese, Bruce Archer, Bill Porter, Jeff Casper, Shirley Roberts and Dennis Tarpley, 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 proposed amendments to the Community Appearance Manual.  
**See Consent Agenda Item Nos. 8 and 9 for City Council action taken.**
  
- 2                    Receive briefing regarding a possible interlocal agreement with the Mesquite Independent School District for the operation of a photo enforcement system to enforce violations of illegal passing of vehicles while students are loading or unloading a bus.  
**Council directed staff to proceed with developing the agreement and place on a future City Council meeting agenda for consideration.**
  
- 3                    Receive briefing regarding requested change to the City's smoking ordinance.  
**Council concurred with the changes and directed staff to prepare an ordinance amendment and place on a future City Council meeting agenda for consideration.**
  
- 3A                   Receive briefing regarding the Mesquite Police Department analysis.  
**See Consent Agenda Item No. 17A for City Council action taken.**

### EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:53 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 prospect seeking to locate near the Mesquite Metro Airport and Consider economic development incentives for a business expansion located 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 6:30 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:30 P.M.**

The City Council met in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney (Discuss legal issues associated with Chapter 143 of the Texas Local Government Code); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:38 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:45 P.M.**

- 4 Receive financial statement for period covering October 1, 2015, through March 31, 2016.

**Debbie Mol, Director of Finance, presented the financial statement for period covering October 1, 2015, through March 31, 2016.**

**The work session ended at 7:04 p.m.**

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 P.M.****INVOCATION**

Tim Brown, Pastor, Calvary First Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of Cub Scout Pack 1115.

**SPECIAL ANNOUNCEMENTS**

(1) Mayor Pickett and fellow Councilmembers expressed appreciation to Councilmember Shirley Roberts for her dedicated and loyal service to the City of Mesquite for the past 14 years.

(2) City of Lancaster Mayor Marcus Knight presented Ms. Roberts with a Certificate of Appreciation on behalf of the Texas Municipal League, Region 13, for her commitment and service throughout the years.

(3) Glenda Lee, President of the Mesquite Mustangers, and Helen Ethridge of Windsor Florist presented Ms. Roberts with an award for her many years of service to the Mesquite Chamber of Commerce and the Mesquite Mustangers.

(4) Texas State Representative Cindy Burkett presented Ms. Roberts with a flag that was flown over the Texas State Capitol and a resolution in appreciation for her dedicated service to the City of Mesquite.

(5) Ms. Roberts expressed her appreciation for being a part of the City Council for many years and recognized her family members who were present.

(6) Mr. Tarpley stated that the Rodeo Road Rally produced by the Mesquite Rotary Club will take place on Saturday, June 4, 2016, beginning at 8:00 a.m. at the Mesquite Convention Center. The rally consists of three bike routes to choose from along with a catered breakfast and lunch for riders. The rally draws over 1,500 bike riders and approximately \$60,000 is raised which is given back to the community through charitable donations. He encouraged everyone to register online and support this worthwhile event.

(7) Mayor Pickett stated that the new Summer Sizzle event hosted by the Parks and Recreation Department will take place on Saturday, June 11, 2016, from Noon until 10:30 p.m. at Paschall Park. This free event includes fireworks, food trucks, mud volleyball, BBQ cookoff and many other activities and events. He invited everyone to enjoy this family friendly event.

(8) Mr. Archer stated that a family picnic and cookout was held last Saturday for the Edgemont Park neighborhood with a trash pickup on Sunday. He thanked everyone involved in making this happen including Mr. Noschese, First United Methodist Church and the Seventh Day Adventist Church.

(9) Mayor Pickett invited everyone to attend a reception for Ms. Roberts in the Training Rooms immediately following tonight's Council meeting.

## CONSENT AGENDA

### Approval of the Consent Agenda

Mr. Noschese requested that Item No. 16 be removed from the Consent Agenda to be considered separately. Mr. Archer moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Casper and approved unanimously.

5 Minutes of the regular City Council meeting held May 2, 2016.

**Approved on the Consent Agenda.**

6 An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corporation, Mid-Tex Division ("Company") regarding the Company's 2016 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsels.

**Approved on the Consent Agenda.**

**AN ORDINANCE, ON FIRST READING, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("COMPANY") REGARDING THE COMPANY'S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN**

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ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSELS.

- 7 An ordinance amending Chapter 9 of the City Code adding certain sections of Belt Line Road as a designated truck route.

**Approved on the Consent Agenda.**

Ordinance No. 4422, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY AMENDING SECTION 9-244(A) THEREBY ADDING CERTAIN SECTIONS OF BELT LINE ROAD AS A DESIGNATED TRUCK ROUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4422 recorded on page of Ordinance Book No. 106.)

- 8 An ordinance adopting amendments to the Community Appearance Manual pertaining to General Intent, Appeals and Industrial Standards.  
(This item was postponed at the May 2, 2016, City Council meeting.)

**Approved on the Consent Agenda.**

Ordinance No. 4423, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING AMENDMENTS TO THE COMMUNITY APPEARANCE MANUAL PERTAINING TO THE GENERAL INTENT, APPEALS AND INDUSTRIAL STANDARDS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4423 recorded on page of Ordinance Book No. 106.)

- 9 An ordinance amending Chapter 11 of the City Code thereby amending the Administration section of the Community Appearance Manual.  
(This item was postponed at the May 2, 2016, City Council meeting.)

**Approved on the Consent Agenda.**

Ordinance No. 4424, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 11-502 IN ITS ENTIRETY AND ADDING A NEW SECTION 11-502 THEREBY AMENDING THE ADMINISTRATION SECTION OF THE COMMUNITY APPEARANCE MANUAL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A REPEALER CLAUSE. (Ordinance No. 4424 recorded on page of Ordinance Book No. 106.)

- 10 A resolution authorizing the Manager of Equipment Services to sign all documents relating to the City of Mesquite's vehicle registrations, titles and license plates as a representative of the City of Mesquite and to request registration of Mesquite Police Department vehicles exempt under the Texas Transportation Code §721.005.

**Approved on the Consent Agenda.**

Resolution No. 24-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MANAGER OF EQUIPMENT SERVICES TO SIGN ALL DOCUMENTS RELATING TO THE CITY OF MESQUITE'S VEHICLE REGISTRATIONS, VEHICLE TITLES AND VEHICLE LICENSE PLATES AS THE REPRESENTATIVE FOR THE CITY OF MESQUITE AND TO REQUEST REGISTRATION OF MESQUITE POLICE DEPARTMENT VEHICLES EXEMPT UNDER THE TEXAS TRANSPORTATION CODE, §721.005. (Resolution No. 24-2016 recorded on page \_\_\_\_\_ of Resolution Book No. 50.)

- 11 Bid No. 2016-073 - Annual Supply of Petroleum Products.  
(Staff recommends award to low bidder Southwest Distributing Company in the amount of \$73,049.05.)  
**Approved on the Consent Agenda.**
- 12 Bid No. 2016-076 - Florence House Homestead Exterior Improvements.  
(Authorize the City Manager to finalize and execute the necessary documents with Nouveau Construction and Technology Services through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program, Contract No. CNRO1165 in the amount of \$150,763.00.)  
**Approved on the Consent Agenda.**
- 13 Bid No. 2016-080 - Rutherford Recreation Center Roof Air Conditioning Unit Replacement.  
(Authorize the City Manager to finalize and execute the necessary documents with Berger Engineering Company through Bid No. 2015-017, Time and Materials, in the amount of \$99,666.20.)  
**Approved on the Consent Agenda.**
- 14 Bid No. 2016-083 - Annual Contract for Parts and Labor to Repair Freightliner Trucks.  
(Staff recommends award to sole source provider ATC Freightliner in the amount of \$85,000.00.)  
**Approved on the Consent Agenda.**
- 15 Approve and ratify authorization of the City Manager to execute a Business Electricity Authorization Agreement with Gexa Energy for electric services for a three-year period beginning January 2019.  
**Approved on the Consent Agenda.**
- 17 Authorize an expenditure in the amount of \$90,014.12 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.  
**Approved on the Consent Agenda.**
- 17A An ordinance increasing the number of positions in the Mesquite Police Department in the classification of Sergeant from 25 to 27 and establishing the

classifications and total number of authorized positions in each classification of the Mesquite Police Department, effective May 16, 2016.

**Approved on the Consent Agenda.**

**Ordinance No. 4425, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, INCREASING THE NUMBER OF POSITIONS IN THE MESQUITE POLICE DEPARTMENT IN THE CLASSIFICATION OF SERGEANT FROM 25 TO 27; ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE POLICE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4425 recorded on page of Ordinance Book No. 106.)**

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

- 16** Approve Amendment No. 4 to the 2015-16 Police 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 \$92,000.

**Mr. Noschese stated that seizure funds are awarded to the City as a result of court forfeitures and contraband from police seizures. Expenditures from these proceeds can only be used for law enforcement purposes. The proposed expenditures include range staff vision/hearing protection, ballistic protective equipment for the tactical team, key control system for the police vehicles, pole camera system, night vision camera, edged weapon defense training equipment and Type 3 magazine.**

**Mr. Noschese moved to approve Amendment No. 4 to the 2015-16 Police 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 \$92,000.00. Motion was seconded by Ms. Roberts and approved unanimously.**

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

#### **PUBLIC HEARINGS**

- 18** Conduct a public hearing and consider an ordinance for Application No. 1397-30-2016, submitted by Civil Urban Associates for First Saiger Properties, for a zoning change from R-3 Single-Family Residential to Planned Development - Office on the 0.67-acre developed tract located at 1230 North Galloway Avenue.

**(Three written responses in favor of the application were received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)**

**A public hearing was held for Application No. 1397-30-2016.**

**Mozharul Islam stated that the existing house on the site would be converted to a medical facility as a doctor's personal office with the addition of a parking lot.**

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

**Richard Gertson, Director of Planning and Development Services, stated that the**

site has not been dedicated by the City as a historical landmark; however, Historic Mesquite, Inc., completed a historic resources survey in 2010 which confirms this site has historical value. Any proposed modifications to the structure's exterior must be approved by the Manager of Historic Preservation. Cross-access is available from the property located to the south which will allow access to parking on this site.

Mr. Casper moved to approve Application No. 1397-30-2016, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Development shall be as required by the Office Zoning District except as herein amended.
2. Permitted uses shall be limited to uses permitted in the Office Zoning District.
3. Seven existing trees identified on the concept plan, attached to the ordinance, that are along North Galloway Avenue and Mimosa Drive shall be preserved unless removal is approved by the Municipal Arborist. Any such approved removal shall require tree mitigation in conformance with Mesquite Zoning Ordinance, Section 1A-403.
4. The existing house shall remain. Any proposed modifications to the exterior of the home shall be subject to approval by the Manager of Historic Preservation consistent with the Secretary of the Interior's Standards for Rehabilitation, U. S. Department of the Interior, National Park Services.
5. Required screening along the east side of the property shall meet the screening standards of Mesquite Zoning Ordinance, Section 1A-303, except that a screen wall may be constructed that is consistent in design, color and materials with the screen wall located at 1210 North Galloway Avenue.

And to approve Ordinance No. 4426, 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 R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT – OFFICE ON PROPERTY LOCATED AT 1230 NORTH GALLOWAY AVENUE; THEREBY ALLOWING USES PERMITTED IN THE OFFICE ZONING DISTRICT SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Archer, Pickett, Porter, Roberts, Tarpley

Nays: Noschese

Motion carried. (Ordinance No. 4426 recorded on page \_\_\_\_\_ of Ordinance Book No. 106.)

19

Conduct a public hearing and consider an ordinance for Application No. 1462-283-2016, submitted by the City of Mesquite, for a zoning change from R-3 Single-Family Residential and Sherwood Forest Overlay to Planned Development - Commercial with removal of the Sherwood Forest Overlay on two developed parcels comprising 0.9658-acres located at 2429 West Scyene Road and 712 South Sam Houston Road.

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

A public hearing was held for Application No. 1462-283-2016.

Jeff Armstrong, Manager of Planning and Zoning, stated that the two parcels have been zoned Single Family Residential with commercial businesses on both sites since annexation in 1951. A vacant business is located on the north portion of the property and an auto body repair shop is located to the south which is currently operating as a legal nonconforming use. The auto body repair shop is interested in expanding the business to both parcels; however, the Sherwood Forest Overlay District (SFOD) specifically prohibits auto related businesses. By removing the SFOD, it will allow more uses for the property.

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

Mr. Noschese moved to approve Application No. 1462-283-2016, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. The following uses shall be permitted:

Retail Trade

- (a) SIC 525 Hardware Stores
- (b) SIC 53 General Merchandise Stores
- (c) SIC 54 Food Stores, except SIC 549 Miscellaneous Food Stores
- (d) SIC 56 Apparel, Accessory Stores
- (e) SIC 57 Furniture, Homes Furnishings
- (f) SIC 5812 Eating Places, including Drive-In Restaurants and accessory Drive-Through Facilities
- (g) SIC 591 Drug, Proprietary Stores
- (h) SIC 594 Miscellaneous Shopping Goods Stores
- (i) SIC 599 Retail Stores NEC, except SIC 5999 Miscellaneous Retail NEC Services
- (j) SIC 701a General Service Hotel/Motel
- (k) SIC 7011 Bed and Breakfast Inns
- (l) SIC 7219 Laundry, Garment Services NEC
- (m) SIC 723 Beauty Shops
- (n) SIC 724 Barber Shops
- (o) SIC 725 Shoe Shine and Repair
- (p) SIC 753 Automobile Repair Shops, except repair of any vehicle over two tons carrying capacity is prohibited
- (q) SIC 7991 Physical Fitness Facilities
- (r) SIC 801-804 Offices for Doctors, Dentists and other Practitioners
- (s) SIC 835 Child Day Care Services
- (t) SIC 866 Churches

2. Primary Outdoor Storage Yards and Outdoor Display Lots shall be prohibited.

3. No incidental storage or incidental outdoor display shall be permitted within 50 feet of the Scyene Road right-of-way.

And to approve Ordinance No. 4427, 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 R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT – COMMERCIAL AND REMOVE THE SHERWOOD FOREST OVERLAY ON PROPERTY LOCATED AT 2429 WEST SCYENE ROAD AND 712 SOUTH SAM HOUSTON ROAD; THEREBY ALLOWING THE EXPANSION OF A BODY SHOP 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 DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved unanimously. (Ordinance No. 4427 recorded on page of Ordinance Book No. 106.)

20

Conduct a public hearing and consider a request from McIntyre Wrecking Service to substitute a wood screening wall for the required masonry screening wall on property located at 4515 East U.S. Highway 80.

**A public hearing was held to consider a request from McIntyre Wrecking Service.**

Joseph McIntyre, McIntyre Wrecking Service, stated that he is requesting a variance from the required eight-foot engineered long-span precast concrete screening wall to an eight-foot board-on-board wooden fence with top caps. He acknowledged that the current fence at this property, located at the corner of Big Town Boulevard and US Highway 80, is in need of repair and it would be less costly to replace with a wooden fence which can be power washed if defaced. He stated that his company currently provides towing services for the Mesquite Police Department.

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

Mr. Tarpley stated that he supports the construction of a masonry screening wall rather than a wooden fence.

Mr. Noschese moved to postpone consideration of the request from McIntyre Wrecking Service to substitute a wood screening wall for the required masonry screening wall on property located at 4515 East U.S. Highway 80 to the June 6, 2016, City Council meeting. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

**Ayes: Noschese, Archer, Pickett, Porter, Roberts**

**Nays: Tarpley, Casper**

**Motion carried.**

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

21

Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2018.

**Ms. Roberts moved to appoint Terry Anderson as a member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2018. Motion was seconded by Mr. Archer and approved unanimously.**

22

Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Tuesday, June 7, 2016, at 9:30 a.m.

**Mr. Archer moved to appoint Bill Porter and Jeff Casper to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held Tuesday, June 7, 2016, at 9:30 a.m. Motion was seconded by Ms. Roberts and approved unanimously.**

**ADJOURNMENT**

**Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 8:02 p.m.**

Attest:

Approved:

\_\_\_\_\_  
Sonja Land, City Secretary

\_\_\_\_\_  
Stan Pickett, Mayor