



City of Mesquite, Texas

Minutes - Final City Council

Monday, May 19, 2014

5:30 PM

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

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

Absent: Councilmembers Stan Pickett and Dennis Tarpley.

PRE-MEETING - COUNCIL CONFERENCE ROOM - 5:30 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:36 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 tax foreclosed properties located at 810 Leyenda Drive and 912 Glenn Circle); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:48 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:48 P.M.

The City Council met in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other City employees; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:59 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:35 P.M.

- 1 Receive financial statement for period covering October 1, 2013, through March 31, 2014.

Debbie Mol, Director of Finance, presented the financial statement for period covering October 1, 2013, through March 31, 2014.

- 2 Receive quarterly investment report for period covering January 1, 2014, through March 31, 2014.

Debbie Mol, Director of Finance, presented the Investment Report for the period covering January 1, 2014, through March 31, 2014.

INVOCATION

Terry Turner, Pastor, Mesquite Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Boy Scouts, Troop 67.

Mayor Monaco left the meeting at 6:53 p.m. Mayor Pro Tem Roberts presided over the meeting in Mayor Monaco's absence.

A brief recess was taken at 6:57 p.m. to allow Assistant City Manager Jerry Dittman and Executive Director of STAR Transit Omega Hawkins to assist citizens with questions and answers regarding public transportation.

Mayor Monaco entered the meeting at 7:35 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:35 P.M.

CITIZENS FORUM

(1) Sergio Garcia, 1318 Rancho Drive, spoke in favor of conducting the City Council meetings in the evening.

(2) Ron Ward, 430 Running Brook Lane, expressed appreciation to the City Council and staff for the second Saturday events in the downtown square. The Mayor referred Mr. Ward to Parks & Recreation Director Cliff Keheley regarding any questions.

(3) Dennis Dickerson, 1412 Meadowcrest, spoke in favor of renovations to the Westlake Tennis Center and presented a petition to City Secretary Sonja Land supporting his request.

(4) Robyn Readicker representing the United States Tennis Association, 4101 Beacon Hill Ct., Grapevine, express support of renovations to the Westlake Tennis Center.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 3 Appointment - Representatives of First Southwest Company.
(Representatives of First Southwest Company will review pricing for the issuance and sale of bonds.)

Jason Hughes, Senior Vice President, First Southwest Company, reviewed pricing for the issuance and sale of three bond issues: (1) \$9,715,000, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2014; (2) \$9,080,000, General Obligation Refunding Bonds, Series 2014 and (3) \$11,655,000 Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2014.

Mr. Hughes stated approximately \$9.1 million of General Obligation Refunding

Bonds were sold at an average interest rate of 2.4 percent to refund Series 2004 and Series 2006 bonds. By undertaking the refunding, the City will save approximately \$710,000 on a present value basis. He explained that refunding was done solely for savings and there is no extension of the debt. The Combination Tax and Limited Surplus Revenue Certificates of Obligation were sold at a fixed interest rate of 3.266 percent with a 20-year term.

- 4 Consider adoption of an ordinance authorizing the issuance of City of Mesquite, Texas, General Obligation Refunding Bonds, Series 2014, approving an official statement, authorizing the execution of a purchase agreement and an escrow agreement, making provisions for the security thereof, providing an effective date and ordaining other matters relating to the subject.

Mr. Noschese moved to approve Ordinance No. 4311, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT AND AN ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF, PROVIDING AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Mr. Porter and approved unanimously. (Ordinance No. 4311 recorded on page of Ordinance Book No. 103.)

- 5 Consider adoption of an ordinance authorizing the issuance of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2014, approving an official statement, authorizing the execution of a purchase agreement, making provisions for the security thereof, providing an effective date and ordaining other matters relating to the subject.

Ms. Roberts moved to approve Ordinance No. 4312, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF, PROVIDING AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Mr. Forsythe and approved unanimously. (Ordinance No. 4312 recorded on page of Ordinance Book No. 103.)

- 6 Consider adoption of an ordinance authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2014, approving an official statement, authorizing the execution of a purchase agreement and an escrow agreement, making provisions for the security thereof, providing an effective date and ordaining other matters relating to the subject.

Mr. Noschese moved to approve Ordinance No. 4313, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2014, APPROVING AN OFFICIAL STATEMENT, AUTHORIZING THE EXECUTION OF A PURCHASE AGREEMENT AND ESCROW AGREEMENT, MAKING PROVISIONS FOR THE SECURITY THEREOF, PROVIDING AN EFFECTIVE DATE AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT. Motion was seconded by Ms. Roberts and approved unanimously. (Ordinance No. 4313 recorded on page of Ordinance Book No. 103.)

- 7 Consider adoption of a resolution authorizing the execution and delivery of a project agreement and sales tax remittance agreement with Mesquite Quality of Life Corporation for the payment of costs related to reconstruction of Town East Boulevard from Skyline to Military Parkway and construction of an adjacent pedestrian trail, approving expenditure of funds by the Corporation in connection therewith and containing other provisions related thereto.

Mr. Porter moved to approve Resolution No. 15-2014, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT AND SALES TAX REMITTANCE AGREEMENT WITH MESQUITE QUALITY OF LIFE CORPORATION FOR THE PAYMENT OF COSTS RELATED TO RECONSTRUCTION OF TOWN EAST BOULEVARD FROM SKYLINE TO MILITARY PARKWAY AND CONSTRUCTION OF AN ADJACENT PEDESTRIAN TRAIL; APPROVING EXPENDITURE OF FUNDS BY THE CORPORATION IN CONNECTION THEREWITH; AND CONTAINING OTHER PROVISIONS RELATED THERETO. Motion was seconded by Mr. Noschese and approved unanimously. (Resolution No. 15-2014 recorded on page of Resolution Book No. 46.)

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Noschese moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

- 8 Minutes of the regular City Council meeting held May 5, 2014.

Approved on the Consent Agenda.

- 9 An ordinance amending Chapter 11 of the City Code thereby adopting the Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Maps (DFIRM) for Dallas County.

Approved on the Consent Agenda.

Ordinance No. 4314, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 11-129 IN ITS ENTIRETY AND ADDING A NEW SECTION 11-129 THEREBY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) DIGITAL FLOOD INSURANCE RATE MAPS (DFIRM) FOR DALLAS COUNTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4314 recorded on page of Ordinance Book No. 103.)

- 10 A resolution authorizing the filing of a project application in the amount of \$42,552.00 with the North Central Texas Council of Governments (NCTCOG) for a Regional Solid Waste Program Local Implementation Project, authorizing the City Manager to act on behalf of the City in all matters related to the application and pledging that if funding for this project is received, the City will comply with all project requirements of the NCTCOG, the Texas Commission on Environmental Quality and the State of Texas.

Approved on the Consent Agenda.

Resolution No. 16-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE FILING OF A PROJECT APPLICATION IN THE AMOUNT OF \$42,552.00 WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ("NCTCOG") FOR A REGIONAL SOLID WASTE PROGRAM LOCAL IMPLEMENTATION PROJECT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF MESQUITE, TEXAS, IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF FUNDING FOR THIS PROJECT IS RECEIVED, THE CITY OF MESQUITE, TEXAS, WILL COMPLY WITH ALL PROJECT REQUIREMENTS OF THE NCTCOG, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS. (Resolution No. 16-2014 recorded on page _____ of Resolution Book No. 46.)

- 11 A resolution supporting the Military Parkway Trail (Rodeo Center Boulevard to Sam Houston Road) Transportation Alternative Program project.

Approved on the Consent Agenda.

Resolution No. 17-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE MILITARY PARKWAY TRAIL (RODEO CENTER BOULEVARD TO SAM HOUSTON ROAD) TRANSPORTATION ALTERNATIVE PROGRAM PROJECT. (Resolution No. 17-2014 recorded on page _____ of Resolution Book No. 46.)

- 12 A resolution supporting the Town East Boulevard (Military Parkway to Skyline Drive) Transportation Alternative Program project.

Approved on the Consent Agenda.

Resolution No. 18-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE TOWN EAST BOULEVARD (MILITARY PARKWAY TO SKYLINE DRIVE) TRANSPORTATION ALTERNATIVE PROGRAM PROJECT. (Resolution No. 18-2014 recorded on page _____ of Resolution Book No. 46.)

- 13 A resolution supporting the Motley Drive (Gus Thomasson Road to Town East Boulevard) Transportation Alternative Program project.

Approved on the Consent Agenda.

Resolution No. 19-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING THE MOTLEY DRIVE (GUS THOMASSON ROAD TO TOWN EAST BOULEVARD) TRANSPORTATION ALTERNATIVE PROGRAM PROJECT. (Resolution No. 19-2014 recorded on page _____ of Resolution Book No. 46.)

- 14 RFP No. 2014-042 - Annual Contract for Temporary Personnel Services for Solid Waste.
(Staff recommends award to lowest proposer Results Staffing.)

Approved on the Consent Agenda.

- 15 Bid No. 2014-074 - Purchase of a Skid Steer Loader.
(Staff recommends award to Bobcat Company, West Fargo, North Dakota, through BuyBoard Contract No. 424-13, sponsored by the Texas Association of School Boards, in the amount of \$57,287.00.)

Approved on the Consent Agenda.

END OF CONSENT AGENDA

PUBLIC HEARINGS

16 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 service in 1994 and receives 63 percent of its operating budget from grant funds. MTED must now compete with other public and private entities for a shrinking pool of operational funding. The recent Eastside Transit Study, completed by the North Central Texas Council of Governments (NCTCOG), indicates the need for expanded public transportation opportunities in Mesquite. Also, the Area Agency on Aging has indicated that Mesquite is number two behind Dallas for the number of seniors in need of basic transportation service as demonstrated by the number of calls for assistance received by reporting members.

Mr. Dittman stated that there is an opportunity for substantial grant funding through NCTCOG for public transportation, with a submission deadline of July 1, 2014. Due to policy changes, the City of Mesquite cannot continue contracting with Dallas Area Rapid Transit (DART) as the new policy requires a city receiving service to hold an election to join DART and join DART within four years. If the DART election is defeated, then the contracted service is terminated.

Mr. Dittman stated that the City of Mesquite has an opportunity to partner with STAR Transit (STAR) which began operating in 1988 and is governed by a four-member board of directors. 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 which operates in Kaufman, Rockwall, Dallas, Ellis and Navarro Counties. Star operates with a \$5 million budget with 53 buses and 73 employees and provides identical service as MTED except STAR services everyone. Information on all current MTED riders will be transferred to STAR and 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. STAR's buses will be parked at the Mesquite Service Center while off duty and permitted to refuel and perform minor repairs such as fixing a flat tire. 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 stay in Dallas County, the fare will be \$3.00 per trip. If Mesquite contracts with STAR, then STAR intends to revisit its overall fare structure for all of its served cities and expand free service for seniors to travel to all three Mesquite senior centers for recreational activities and lunch.

Mr. Dittman explained that MTED service can continue but there will continue to be a waiting list without additional personnel and buses and the City will be required to provide additional funding to offset the rising cost of operations and diminishing pool of grant funding.

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 Eastside Transit Study 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 by 10 percent. 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 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, 2014, and COMPASS service on January 2, 2015. Staff will develop a public outreach campaign to include current MTED riders, MTED employees, COMPASS riders and general information to citizens by using all forms of media.

Donna King, 2914 Berkshire, expressed opposition to the change in public transportation.

Kim Edwards, 2500 Comfort Drive, expressed concern regarding the safety of the elderly and disabled patrons who will be riding with the general public.

Kathy Schwartz, 2500 Comfort Drive, expressed support for the continuance of MTED.

Rhonda Steward, 1426 Sandalwood Drive, suggested STAR transport passengers from Hanby Stadium to the Lake Ray Hubbard Station, which is the same distance as Hanby Stadium to the Lawnview Station, in order to ride the Express bus to downtown rather than the green line.

Tim Mickelson, 2621 Austin, stated that he has not seen advertising for COMPASS and requested the City advertise COMPASS as it does other events.

Gloria Anderson, 2516 Comfort Drive, stated that she and Rhonda Steward created COMPASS flyers and distributed them around town to encourage ridership.

Dianne Mendoza, 2408 Shiloh, and Regina Farris, 1423 Springwood, asked if property taxes would be raised if the COMPASS were to continue.

Geri Bailey, 1623 Summit, expressed support for the continuance of MTED. She requested that the elderly and disabled patrons be kept segregated from the general public for safety and security reasons. Ms. Bailey stated that Mesquite needs quality day centers for the special needs population.

Billy Hamilton, 1149 Lindo Drive, stated that he has been riding COMPASS since 2010 and expressed support for the continued service to the Lawnview Station.

The Mayor and City Council expressed appreciation to everyone for attending and participating in the public hearing.

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

17

Conduct a public hearing and consider an ordinance for Application No. 1095-55-2014, submitted by Tony Rivera for Academy Sports & Outdoors, for a zoning change from Commercial and Town East Retail and Restaurant Overlay District to Commercial and Town East Retail and Restaurant Overlay District with a Conditional Use Permit for an indoor archery range located at 3677 Emporium Circle.

(Two letters in favor and one letter in opposition to the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. 1095-55-2014.

Gary Nixon, Store Director of Academy Sports & Outdoors, stated that a Conditional Use Permit is being requested for an indoor archery range. They have reviewed the staff report and agree with the comments.

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

Mr. Noschese moved to approve Application No. 1095-55-2014, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4315, 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 CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT ON PROPERTY LOCATED AT 3677 EMPORIUM CIRCLE THEREBY ALLOWING AN INDOOR ARCHERY RANGE; 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 and approved unanimously. (Ordinance No. 4315 recorded on page of Ordinance Book No. 103.)

18

Conduct a public hearing and consider an ordinance for Application No. 342-19-2013, submitted by Mark Hickman for Hickman Consulting Engineers, Inc., for a zoning change from R-3 Single Family Residential to Planned Development - Light Commercial for a banquet hall on a 12.702-acre

undeveloped tract located at 1126 Military Parkway.

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

A public hearing was held for Application No. 342-19-2013.

Mark Hickman, Hickman Consulting Engineers, appeared on behalf of the project developer and stated that the applicant has attended a banquet hall training program; however, the developer does not have a history in operating banquet halls. There will be one building with a maximum occupancy of 500 people and the operating hours are contingent upon the indoor-only scheduled reservations.

Christie Wagner, representing the property owner at 1110 Military Parkway, expressed opposition to the proposed zoning change.

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

Mr. Noschese moved to deny Application No. 342-19-2013. Motion was seconded by Mr. Forsythe. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Forsythe

Nayes: Monaco, Roberts, Porter

Absent: Pickett, Tarpley

Motion failed.

Mr. Noschese moved to reconsider Application No. 342-19-2013. Motion was seconded by Mr. Forsythe and approved unanimously.

Mr. Noschese moved to deny Application No. 342-19-2013. Motion was seconded by Mr. Forsythe and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 19** Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Tuesday, June 3, 2014, at 10:30 a.m.

It was Council consensus to appoint Shirley Roberts and Al Forsythe as representatives to attend the City/School Joint Tax Office Advisory Board meeting on Tuesday, June 3, 2014, at 10:30 a.m.

- 20** Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2016.

Ms. Roberts moved to reappoint Terry Anderson as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2016. Motion was seconded by Mr. Porter and approved unanimously.

- 21** Consider appointment of one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire May 19, 2016.

Ms. Roberts moved to appoint Rad Ferguson as an alternate member of the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire May 19, 2016. Motion was seconded by Mr. Noschese and approved unanimously.

ADJOURNMENT

Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Porter and approved unanimously. The meeting adjourned at 8:52 p.m.

Approved:

Attest:

John Monaco, Mayor

Sonja Land, City Secretary