



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, July 7, 2014

12:30 PM

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

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

### **PRE-MEETING - COUNCIL CONFERENCE ROOM - 12:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding Drought Contingency Plan relating to charity/fundraising carwashes.  
  
Council directed staff to develop an amendment to the Drought Contingency Plan prohibiting charity carwashes in Stage 3 of drought restrictions to be considered at a future City Council meeting and develop an information/implementation/notification plan.
- 2 Review the Mesquite Quality of Life Corporation budget for fiscal year 2014-15.
- 3 Receive proposed fiscal year 2014-15 budget presentations for the Police, Fire and Human Resources Departments.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:40 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 1:04 p.m., the City Council reconvened in Open Session.

Executive action resulting from the closed session was taken later in the meeting.

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

#### **INVOCATION**

Dr. Tom Wilbanks, Pastor, First Presbyterian Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Nicole Chaney, Isabel Mack, Jessica Munoz, Teen Reading Club participants/summer volunteers and Erika Munoz, Teen Reading Club participant.

**SPECIAL ANNOUNCEMENTS**

(1) Mr. Noschese stated that he recently observed Mesquite Municipal Court sessions and expressed appreciation to the City Attorney's Office, Municipal Court Judge and Municipal Court for a job well done.

(2) Ms. Roberts noted that July is Recreation Month in the City of Mesquite and stated that the Parks and Recreation Department has activities occurring all month long. She invited everyone to the open house tonight from 6:00 p.m. – 7:00 p.m. at the Westlake House located at 421 Gross Road. The Westlake House may be rented for weddings, baby showers, parties and more.

**CITIZENS FORUM**

Grady Beam, 6203 Shannon Road, stated that his family business, Beam & Sons, owns property on both sides of I-20 at FM 740. He suggested the City bring the properties in this area up to City Code in order to encourage development.

**ACTION RESULTING FROM EXECUTIVE SESSION AT 12:40 P.M.**

Mr. Noschese moved to authorize the City Manager to take all actions and execute all documents necessary to settle the lawsuit pending between the City and the Mesquite Fire Fighters Association, Billy Massey, Phillip Cunningham and Matt Haisten including the execution of the Compromise Settlement and Release Agreement signed by the plaintiffs in such lawsuit on June 6, 2014, and June 13, 2014. Motion was seconded by Mr. Archer and approved unanimously.

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

**Mr. Tarpley moved to approve the items on the Consent Agenda. Motion was seconded by Ms. Roberts. Mr. Tarpley withdrew his motion. Ms. Roberts withdrew her second.**

**Item No. 5 was removed from the Consent Agenda to be considered separately. Mr. Tarpley moved to approve Item Nos. 4 and 6-14 on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.**

**4** Minutes of the regular City Council meeting held June 16, 2014.

**Approved on the Consent Agenda.**

**6** An ordinance increasing the number of positions in the Mesquite Fire Department in the classification of Captain from 28 to 29 and establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department, effective August 1, 2014.

**Approved on the Consent Agenda.**

**Ordinance No. 4317, AN ORDINANCE INCREASING THE NUMBER OF POSITIONS IN THE MESQUITE FIRE DEPARTMENT IN THE CLASSIFICATION OF CAPTAIN FROM 28 TO 29 AND ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE**

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**MESQUITE FIRE DEPARTMENT, EFFECTIVE AUGUST 1, 2014. (Ordinance No. 4317 recorded on page \_\_\_\_\_ of Ordinance Book No. 104.)**

- 7 An ordinance providing for the abandonment of a sanitary sewer easement located at the northwest corner of Franklin Drive and Mariposa Drive.

**Approved on the Consent Agenda.**

**Ordinance No. 4318, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A SANITARY SEWER EASEMENT LOCATED AT THE NORTHWEST CORNER OF FRANKLIN DRIVE AND MARIPOSA LANE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4318 recorded on page \_\_\_\_\_ of Ordinance Book No. 104.)**

- 8 An ordinance providing for the abandonment of two turnaround easements at the west end of Forney Road east of the Union Pacific Intermodal Facility.

**Approved on the Consent Agenda.**

**Ordinance No. 4319, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF TWO TURNAROUND EASEMENTS AT THE WEST END OF FORNEY ROAD EAST OF THE UNION PACIFIC INTERMODAL FACILITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4319 recorded on page \_\_\_\_\_ of Ordinance Book No. 104.)**

- 9 A resolution adopting the Annual Plan for the Housing Choice Voucher Program.

**Approved on the Consent Agenda.**

**Resolution No. 24-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE ANNUAL PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM. (Resolution No. 24-2014 recorded on page \_\_\_\_\_ of Resolution Book No. 46.)**

- 10 Bid No. 2014-081 - Purchase of Two Utility Trucks.  
(Staff recommends award to Rush Truck Centers of Texas in New Braunfels, Texas, through BuyBoard Contract No. 430-13, sponsored by the Texas Association of School Boards, in the amount of \$67,601.00.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2014-083 - Lease Agreement for Golf Carts and Golf Maintenance Equipment.  
(Authorize the City Manager to execute a 48-month lease agreement with C & M Air Cooled Engine, Inc., an authorized dealer for EZGO Corporation in Augusta, Georgia, through Buy Board Contract No. 447-14, sponsored by the Texas Association of School Boards, in the total lease agreement amount of \$272,423.52.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2014-084 - Rutherford Recreation and Senior Center Roof Replacement.  
(Authorize the City Manager to execute the required documents with Progressive Roofing, through the Texas Cooperative Purchasing Network Contract No. R132202, in the amount of \$224,745.40.)  
**Approved on the Consent Agenda.**
- 13 Authorize the City Manager to execute a Professional Services Agreement for the Polo Ridge Public Improvement District.  
**Approved on the Consent Agenda.**
- 14 Authorize an expenditure in the amount of \$51,916.00 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.**

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

- 5 An ordinance approving a change of zoning from Planned Development - R-3 Residential to Planned Development - Commercial with a Conditional Use Permit on property located at 1350 North Beltline Road thereby allowing miniwarehouses.  
(This item was postponed at the June 16, 2014, City Council meeting.)  
**Richard Gertson, Director of Community Development, stated that Section 5 of the proposed ordinance has been revised to indicate a landscaping requirement of 12.5 percent on the site.**
- Mr. Porter moved to approve Ordinance No. 4320, 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 PLANNED DEVELOPMENT - R-3 RESIDENTIAL TO PLANNED DEVELOPMENT - COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1350 NORTH BELTLINE ROAD THEREBY ALLOWING MINIWAREHOUSES 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, with the following stipulations:**
- 1. As part of this planned development, a Conditional Use Permit is hereby granted for miniwarehousing.**
  - 2. All storage shall be contained within an enclosed building.**
  - 3. Overhead doors shall be prohibited facing Belt Line Road in Buildings A and B.**
  - 4. All buildings and walls shall comply with the Community Appearance Manual and shall be built to match Exhibit "A," of the ordinance to include 360 degree**

full unitized masonry, full unitized stone base and massing elements, with EFIS cap. In addition:

- a. There shall be no faux windows.
- b. All ground level windows shall provide unobstructed views to the building's interior or to a lit display area extending a minimum of three feet behind the window. Any items being stored within the buildings or individual storage units shall not be visible to the general public.
- c. The eve or cap of the front façade shall be a minimum of 13 feet in height.
5. Landscaping shall be equal to 12.5 percent of the site with 50 percent being between the front façade of Buildings A and B and the right of way line.
6. If located outside the entry gate, dumpsters shall be screened with a façade that is consistent with the aesthetics of the main buildings.
7. The liner building requirement of Section 13-502(C)(3) shall not be required for Buildings A and B. Buildings A and B may be converted to liners at a future date to be occupied by uses permitted-by-right in the General Retail district; provided that no minimum ceiling height shall be required for those portions of Buildings A or B used as miniwarehouse space.
8. Minimum of nine parking spaces required behind the front facades of Buildings A and B.
9. A sidewalk shall be required along the Belt Line Road frontage.
10. Development shall comply with all other provisions of the Zoning Ordinance and other ordinances of the City.

Motion was seconded by Mr. Forsythe and approved unanimously. (Ordinance No. 4320 recorded on page \_\_\_\_\_ of Ordinance Book No. 104.)

#### END OF CONSENT AGENDA

#### PUBLIC HEARING

- 15 Conduct a public hearing to receive citizen input on the proposed 2014-15 budget.

Mayor Monaco stated that although not required by law, the City Council holds input hearings to allow citizens additional opportunities to comment on the proposed budget.

No one appeared regarding the 2014-15 City budget. Mayor Monaco declared the public hearing closed.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 16 Consider appointment of a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms.

Mr. Archer moved to appoint Al Forsythe as Mayor Pro Tem and Greg Noschese as Deputy Mayor Pro Tem for one-year terms. Motion was seconded by Ms. Roberts and approved unanimously.

#### ADJOURNMENT

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 3:13 p.m.

Approved:

Attest:

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John Monaco, Mayor

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Sonja Land, City Secretary