



City of Mesquite, Texas

Minutes - Final City Council

Monday, August 17, 2015

4:00 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 Ted Barron and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A & B - 4:00 P.M.

STAFF PRESENTATIONS

- 1 Discuss the proposed The Verde Center at Peachtree project.

Council directed staff to review the developer's proposal in light of the developer's presentation and prepare a staff recommendation to present to Council.

PRE-MEETING - COUNCIL CONFERENCE ROOM - 4:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 2 Discuss the proposed fiscal year 2015-16 budget.

Council directed staff to incorporate Alternative No. 1 into the FY 2015-16 City budget.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:14 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 (discuss the appointment of a City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:02 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:29 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 (Agenda Item No. 11); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:43 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.**INVOCATION**

Bill Wright, Pastor, North Mesquite Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite athletes and teammates of Special Olympian Silver Medalist Matthew Hernandez.

SPECIAL ANNOUNCEMENTS

(1) Ms. Roberts invited everyone to enjoy a Dive-In Movie at the Back to School Bash this Friday, August 21, 2015, at City Lake Aquatic Center. Pre-movie activities begin at 7:00 p.m. with the movie "Alexander and The Terrible, Horrible, No Good, Very Bad Day" at dusk.

(2) Councilmembers recognized Special Olympian Silver Medalist Matthew Hernandez who is the first-ever athlete from Mesquite to compete in the Special Olympics World Games. Matt earned a Silver medal in kayaking at the 2015 Special Olympics World Games in Los Angeles recently. Councilmembers made several presentations to Matt and announced that a Mesquite city street will be named "Matt Hernandez Dr." in his honor for the next 30 days.

A brief recess was taken at 7:27 p.m. The meeting resumed at 7:33 p.m.

CITIZENS FORUM

John Wayne Tywater, 3826 O'Hare Drive, expressed concerns regarding street parking and an Oncor issue in his neighborhood.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Casper requested that Item No. 5 be removed from the Consent Agenda to be considered separately. Mr. Noschese requested that Item No. 6 be removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

Approved on the Consent Agenda.

- 4 An ordinance repealing Ordinance No. 3786 and supporting the Clean Fleet Vehicle Policy adopted by the Regional Transportation Council thereby setting achievable goals and providing workable solutions to improve air quality in the Dallas-Fort Worth Metropolitan area.

Approved on the Consent Agenda.

Ordinance No. 4373, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 3786 IN ITS ENTIRETY AND SUPPORTING THE CLEAN FLEET VEHICLE POLICY ADOPTED BY THE REGIONAL TRANSPORTATION COUNCIL THEREBY SETTING ACHIEVABLE GOALS AND PROVIDING WORKABLE SOLUTIONS TO IMPROVE AIR QUALITY IN THE DALLAS-FORT WORTH METROPOLITAN AREA; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4373 recorded on page of Ordinance Book No. 105.)

- 7 Authorize the City Manager to negotiate, finalize, approve and execute the necessary documents with Motorola Solutions, Inc., for the purchase of a Project 25 (P25) Radio System in the amount of \$7,704,464.00 and authorize reimbursement to the City of Garland in the amount of \$1,743,353.00 for the shared components of the joint system, pursuant to an Interlocal Agreement with the City of Garland as approved on June 15, 2015.

Approved on the Consent Agenda.**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 5 An ordinance amending Chapter 9 of the City Code to reflect parking restrictions along Via Del Norte, effective August 24, 2015.

Mr. Casper stated that the Parks and Recreation Department recently constructed a parking lot in Beasley Park to alleviate the on-street parking on Via Del Norte created by various sporting events and to eliminate visibility hazards for motorists. With the construction of the additional parking spaces, the parking restrictions along Via Del Norte will enhance the safety of residents utilizing park facilities.

Mr. Casper moved to approve Ordinance No. 4374, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, UNDER SECTION 9-195, "PARKING AT ANY TIME PROHIBITED ON CERTAIN DESIGNATED STREETS," TO REFLECT PARKING RESTRICTIONS ALONG VIA DEL NORTE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Porter and approved unanimously. (Ordinance No. 4374 recorded on page of Ordinance Book No. 105.)

- 6 A resolution calling a bond election to be held on November 3, 2015, for the purpose of presenting a proposition for the issuance of general obligation tax bonds for improving two-lane residential streets.

Mr. Noschese expressed appreciation to members of the Citizens' Street Bond Committee for their hard work and recommendation to the City Council. He encouraged citizens to review the facts and vote in the upcoming bond election.

Mr. Noschese moved to approve Resolution No. 37-2015, A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING A BOND ELECTION TO BE HELD ON NOVEMBER 3, 2015; PROVIDING FOR THE CONDUCT AND THE GIVING NOTICE OF THE ELECTION; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 37-2015 recorded on page of Resolution Book No. 48.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

8 A. Conduct a public hearing to receive input regarding the juvenile curfew ordinance.

B. Consider a resolution continuing the juvenile curfew ordinance.

David Faaborg, Assistant Police Chief, stated that in 1994 the curfew ordinance was approved by establishing a curfew for persons under 17 years of age. State law requires the ordinance to be reviewed every three years. The Mesquite Police Department has determined the ordinance a success and recommends continuing the juvenile curfew ordinance.

Ron Ward, 430 Running Brook Lane, spoke in favor of the juvenile curfew ordinance. Sherry Williams, 1448 East Park Drive, requested the hours of the juvenile curfew and what action residents should take if a juvenile is seen during these hours.

Mr. Faaborg stated that the curfew is between the hours of 11:00 p.m. and 6:00 a.m. on weeknights and between midnight and 6:00 a.m. on Friday and Saturday nights. Residents should call 911 if they see juveniles out during the curfew hours.

No others appeared regarding continuing the juvenile curfew ordinance. Mayor Pickett declared the public hearing closed.

Mr. Archer moved to approve Resolution No. 38-2015, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, FINDING THAT THE JUVENILE CURFEW ORDINANCE NO. 2996 HAS HAD A POSITIVE EFFECT ON THE COMMUNITY AND ON THE PROBLEMS THE ORDINANCE WAS INTENDED TO REMEDY; AND THE COUNCIL HAS FOUND THERE IS A NEED TO CONTINUE THE ORDINANCE FOR THE PERIOD AUTHORIZED BY LAW. Motion was seconded by Mr. Porter and approved unanimously. (Resolution No. 38-2015 recorded on page of Resolution Book No. 48.)

9 Conduct a public hearing to receive citizen input regarding the revised schedule of drainage charges for the municipal drainage utility system.

Tim James, Director of Public Works, stated that in 2013 the City Council approved a phased-in drainage rate increase over a three-year period in order to

minimize the financial impact to property owners. The drainage fees are utilized for drainage projects and the drainage portion of roadway Capital Improvement Plan projects which help to offset general government funds.

No one appeared regarding the revised schedule of drainage charges for the municipal drainage utility system. Mayor Pickett declared the public hearing closed.

- 10 Conduct a public hearing regarding the proposed 2015-16 ad valorem tax rate of \$.64 per \$100 valuation.

Mayor Pickett announced that the City of Mesquite tax rate is \$.64 per \$100 of assessed valuation. He explained that the tax rate has not been increased since 2007 and the City Council is not increasing the tax rate for the upcoming fiscal year.

No one appeared regarding the proposed 2015-16 ad valorem tax rate of \$.64 per \$100 valuation. Mayor Pickett declared the public hearing closed.

Mayor Pickett announced that the vote on the proposed ad valorem tax rate for Fiscal Year 2016 will take place on Monday, September 21, 2015, at 7:00 p.m. in the Council Chamber at City Hall.

- 11 Conduct a public hearing and consider an ordinance for Application No. TC-7A-2015, submitted by Ted Marek for Celebration Station, to amend Conditional Use Permit Ordinance No. 2787 to eliminate the prohibition on the sale and consumption of alcohol on the premises located at 4040 Towne Crossing Boulevard.

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

A public hearing was held for Application No. TC-7A-2015.

Applicant Ted Marek stated that Celebration Station is a family entertainment venue that has been in business for 23 years and during the last 10 years they have had difficulty competing with similar businesses in the North Texas area for corporate team building exercises. Local companies are traveling outside of Mesquite for these venues as Celebration Station does not hold a permit to serve alcoholic beverages. Some of the local competition includes Amazing Jake's, Adventure Landing, Dave & Buster's, Shenaniganz, Main Event and Putt Putt. Mr. Marek stated that they would sell beer only at the service counter and pour the beer in a special cup to distinguish that it is an alcoholic beverage. Staff would be trained in accordance with Texas Alcoholic Beverage Commission regulations.

The following persons spoke in opposition to the proposed amendment: (1) Michael Smith, 1008 Old Barn Lane; (2) Ron Ward, 430 Running Brook Lane; (3) Jimmy Smith, 520 Debra Drive; and (4) Jordan Kidd, 401 Adelaide Drive.

David Brooks, 329 E. Grubb Drive and Marvin Haar, 1317 Mulberry Lane, provided neutral comments for the application and suggested comparisons with similar facilities in neighboring suburbs.

Jeff Armstrong, Manager of Planning and Zoning, stated that the Planning and Zoning Commission recommended striking Stipulation No. 4 from Ordinance No.

2787 regarding the prohibition of alcoholic beverages.

No others appeared regarding the proposed application. Mayor Pickett declared the public hearing closed.

Mr. Noschese moved to approve Application No. TC-7A-2015, as recommended by the Planning and Zoning Commission, and Ordinance No. 4375, 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 DELETE STIPULATION NO. 4 IN ORDINANCE NO. 2787 IN ITS ENTIRETY TO PROPERTY CURRENTLY ZONED COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR INDOOR AND OUTDOOR RECREATION THEREBY ALLOWING THE SALE OF ALCOHOLIC BEVERAGES; 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: Noschese, Porter, Pickett, Casper, Roberts, Tarpley

Nayes: Archer

Motion carried. (Ordinance No. 4375 recorded on page _____ of Ordinance Book No. 105.)

12

Conduct a public hearing and consider an ordinance for Application No. 594-29A-2015, submitted by Roger Kerbow, to amend Planned Development - Single Family Ordinance No. 3255 to allow side-loaded garage doors to be located on the front half of the structure for lots located on the west side of the 2300 block of Amesbury Drive.

(One letter in opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. 594-29A-2015.

Bill Broman, representing the applicant, stated that the current Planned Development Ordinance No. 3255 requires the lots on the west side of Amesbury Drive to provide for side-loaded garage doors located on the rear half of the structure. Mr. Broman requested the removal of the alley requirement and the restriction that side-loaded garage doors must be located only on the rear half of the structure.

Kathy Koestner, 2337 Penrose Drive, spoke in favor of the application.

No others appeared regarding the proposed application. Mayor Pickett declared the public hearing closed.

Mr. Tarpley moved to approve Application No. 594-29A-2015, as recommended by the Planning and Zoning Commission, and amending Stipulation No. 2(a) as follows:

(a) Waiver of the alley requirement for the lots on the west side of Amesbury Drive extension provided that garage doors shall be side loaded.

And to approve Ordinance No. 4376, AN ORDINANCE OF THE CITY OF

MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING ORDINANCE NO. 3255 BY DELETING STIPULATION NO. 2(a) IN ITS ENTIRETY AND ADDING A NEW STIPULATION NO. 2(a) TO PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL THEREBY ALLOWING SIDE LOADED GARAGE DOORS TO BE LOCATED ON THE FRONT HALF OF THE STRUCTURE FOR THE LOTS ON THE WEST SIDE OF AMESBURY DRIVE; 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, Pickett, Casper, Archer, Roberts

Nays: Noschese

Motion carried. (Ordinance No. 4376 recorded on page _____ of Ordinance Book No. 105.)

13

Conduct a public hearing and consider an ordinance for Application No. 1353-38-2015, submitted by Pastor Lee Bruner for Living Waters Ministries, for a rezoning from General Retail to Planned Development - General Retail on an undeveloped 6.85-acre tract located at 1100 East Kearney Street.

(One letter in favor and six letters in opposition to 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. 1353-38-2015.

Brian Rogers, representing the applicant, stated that the project encompasses an 18,000 to 20,000-square-foot sanctuary with offices, classrooms and a gymnasium. The new facility will allow the church to enhance its ministry in the community and engage the surrounding neighborhood.

David Brooks, 239 East Grubb, spoke in favor of the proposed application.

Pastor Lee Bruner, Living Waters Ministries, stated that he moved the church to Mesquite from Biloxi, Mississippi, after the Hurricane Katrina event. The church continues to grow and is now in need of expansion.

No others appeared regarding the proposed application. Mayor Pickett declared the public hearing closed.

Mr. Porter moved to approve Application No. 1353-38-2015, as recommended by the Planning and Zoning Commission, with the following stipulations, as follows:

1. Uses permitted-by-right in the following SIC classifications only:

549a Convenience Store – without Fuel Sales

553 Auto Supply Stores

56 Apparel, Accessory Stores

57 Furniture, Home Furnishings

58 Eating, Drinking Places

5992 Florists

5995 Optical Good Stores

60-67 Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies EXCLUDING SIC 61, Nondepository Institutions

722 Photographic, Portrait Studios

7291 Tax Preparation Services

7299 Tanning Salon

7334 Photocopying, Duplicating Services

80 Health Services

81 Legal Services

82 Educational Services

83 Social Services

86 Membership Organizations

87 Engineering, Accounting, Research, Management Services

2. The front and exterior side setback requirement shall be 15 feet. This 15-foot area shall be landscaped except that driveways and sidewalks may cross it to access the public right-of-way.

3. Along the rear and interior side property lines, there shall be a minimum 15-foot-wide landscape buffer to include an earthen berm and landscape screening. No screening wall shall be required.

4. Vehicular access to the alley shall be prohibited.

And to approve Ordinance No. 4377, 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 1100 E. KEARNEY STREET THEREBY ALLOWING THE CONSTRUCTION OF A CHURCH 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. Tarpley and approved unanimously. (Ordinance No. 4377 recorded on page _____ of Ordinance Book No. 105.)

OTHER BUSINESS

14 Approve the sale of City-owned property located at 1100 East Kearney Street and authorize the City Manager to execute the necessary documents.

Jerome Dittman, Assistant City Manager, stated that the City acquired the 6.85-acre tract, located at 1100 E. Kearney Street, in 1994 from the Resolution Trust Corporation. There has been no prior development interest in the property as it lacks depth. Living Waters Ministries is offering to purchase the tract for the Dallas Central Appraisal District's appraised value of \$298,430.00 (\$43,566.00 per acre).

Mr. Archer moved to approve the sale of City-owned property located at 1100 East Kearney Street and authorize the City Manager to execute the necessary documents. Motion was seconded by Ms. Roberts and approved unanimously.

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS

15 Receive resignation from Dr. Josh Cope as a member of the Animal Control Advisory Committee.

Mr. Casper moved to accept the resignation from Dr. Josh Cope as a member of the Animal Control Advisory Committee. Motion was seconded by Mr. Tarpley and approved unanimously.

16 Consider appointment of five members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2017.

Mr. Tarpley moved to reappoint Nadine Ward, Diane Wright, David Burris, Brad Hanley and Shirley Roberts to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2017. Motion was seconded by Mr. Archer and approved unanimously.

EXECUTIVE SESSION - ECONOMIC DEVELOPMENT

17 Consider economic development incentives for The Verde Center at Peachtree.

Not discussed.

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 8:33 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor