



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, March 19, 2018

5:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Jeff Casper, Dan Aleman, Robert Miklos, Bruce Archer, Greg Noschese and Tandy Boroughs, City Manager Cliff Keheley and City Secretary Sonja Land.

### **PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 4 Receive briefing regarding the Sign Code.

Council provided input to staff who will present options at a future City Council meeting.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:52 P.M.**

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item Nos. 17 and 20); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:59 p.m., the City Council reconvened in Open Session.

See Agenda Item Nos. 17 and 20 for executive action taken.

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

#### **INVOCATION**

Chris Walker, Associate Pastor, Peace Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Representatives from Dick's Sporting Goods.

**PRESENTATIONS**

- 5 Presentation of a plaque to Jimmy Stephens in recognition of his service as a member of the Animal Services Advisory Board.

**Mayor Pickett presented a plaque to Jimmy Stephens in recognition of his service as a member of the Animal Services Advisory Board from October 1998 through February 2018.**

**SPECIAL ANNOUNCEMENTS**

(1) Mr. Miklos stated that Urban Legends Comic Shop, 3501 Gus Thomasson Road, was recently damaged when a car drove into the storefront. He encouraged citizens to visit the store to show their support.

(2) Mr. Archer invited citizens to support a local charity, Mesquite Animal Pawtners (MAP), by attending a fundraiser at BJ's Restaurant and Brewhouse, 1106 Town East Mall, on Thursday, March 22, 2018, from 11:00 a.m. until 11:00 p.m. and present the event flyer which will be available after this meeting, at Mesquite Animal Services or on the MAP Facebook page.

(3) Mr. Archer thanked volunteers who visited residents in the Edgemont Park neighborhood this past Saturday, March 17, 2018, and encouraged volunteers to read to students at McWhorter Elementary School in support of the Mesquite Independent School District's ReadPlayTalk initiative.

(4) Mr. Archer recognized former Mesquite City Councilmember Jim Culver who was in attendance tonight.

(5) Mr. Boroughs invited residents to bring friends and family to Breakfast with the Bunny, presented by the Parks and Recreation Department and sponsored by Panera Bread and Mesquite AMBUCS, this Saturday, March 24, 2018, at Evans Recreation Center, 1116 Hillcrest Street. Breakfast will be served from 8:30 a.m. to 10:30 a.m. for \$5.00 per person, children two years of age and under are free. A free egg hunt will begin at 11:00 a.m. for children nine years of age and under. Additional events include pictures with the bunny, a petting zoo, balloon animals, face painting, train rides bounce houses, crafts and more.

(6) Mr. Aleman stated that Mesquite Animal Services achieved a 93 percent "save rate" in 2017 which is the highest ever accomplished by the Animal Shelter.

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

**Mr. Aleman moved to approve Item Nos. 6-8 and 10-19 on the Consent Agenda, as follows. Motion was seconded by Mr. Noschese and approved unanimously.**

- 6 Minutes of the regular City Council meeting held March 5, 2018.

**Approved on the Consent Agenda.**

- 7 An ordinance, on second and final reading, approving a tariff authorizing an annual Rate Review Mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities Served by Atmos; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting a savings clause; determining that this ordinance was

passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and legal counsel for the Steering Committee.

**Approved on the Consent Agenda.**

**Ordinance No. 4544, ON SECOND AND FINAL READING, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE. (Ordinance No. 4544 recorded in Ordinance Book No. 111.)**

- 8** An ordinance providing for the partial abandonment of Stadium Drive right-of-way located along Frasier Middle School, otherwise known as West Mesquite High School Block A, Lot 1R.

**Approved on the Consent Agenda.**

**Ordinance No. 4545, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF STADIUM DRIVE RIGHT-OF-WAY LOCATED ALONG FRASIER MIDDLE SCHOOL, OTHERWISE KNOWN AS WEST MESQUITE HIGH SCHOOL, BLOCK A, LOT 1R; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4545 recorded in Ordinance Book No. 111.)**

- 10** A resolution relating to the giving of notice of intention to issue City of Mesquite, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018, to provide funds for public improvements, facilities and equipment including, without limitation, information technology infrastructure and equipment, streets, thoroughfares and bridge improvements, streetscaping, storm drainage improvements, signalization, traffic controls, sidewalks, street lights, right of way acquisitions, vehicles, municipal buildings and facilities, and related issuance costs and providing an effective date.

**Approved on the Consent Agenda.**

**Resolution No. 16-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE CITY OF MESQUITE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2018, TO PROVIDE FUNDS FOR PUBLIC IMPROVEMENTS, FACILITIES AND EQUIPMENT INCLUDING, WITHOUT LIMITATION, INFORMATION TECHNOLOGY INFRASTRUCTURE AND EQUIPMENT, STREETS, THOROUGHFARES AND BRIDGE IMPROVEMENTS, STREETSCAPING, STORM DRAINAGE IMPROVEMENTS, SIGNALIZATION, TRAFFIC CONTROLS, SIDEWALKS, STREET LIGHTS, RIGHT OF WAY ACQUISITIONS,**

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**VEHICLES, MUNICIPAL BUILDINGS AND FACILITIES, AND RELATED ISSUANCE COSTS; AND PROVIDING AN EFFECTIVE DATE.. (Resolution No. 16-2018 recorded in Resolution Book No. 53.)**

- 11 A resolution authorizing the sale of tax-foreclosed property located at 2038 Rhonda Drive in Mesquite, Texas (the "Property"), accepting the offer from the purchaser to purchase the property; ratifying and approving the Offer and Purchase Agreement executed by the purchaser setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the Property.

**Approved on the Consent Agenda.**

**Resolution No. 17-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAXFORECLOSED PROPERTY LOCATED AT 2038 RHONDA DRIVE IN MESQUITE, TEXAS (THE "PROPERTY"), ACCEPTING THE OFFER FROM THE PURCHASER TO PURCHASE THE PROPERTY; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENT EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTY. (Resolution No. 17-2018 recorded in Resolution Book No. 53.)**

- 12 Bid No. 2018-037 - Annual Facility Maintenance, Time and Material, Repair and Remodeling Contract.  
(Authorize the City Manager to approve expenditures and finalize and execute all necessary documents in conjunction with services provided by Concord Commercial Services, Inc., JM Construction Solutions, Berger Engineering Company, Boyd Electric, Artex Overhead Door Company, Country Glass and Mirror, Control Systems Consultants, Phillips Lawn Sprinkler Company and MyElyn Contractors in an amount not to exceed \$698,000.00.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2018-060 - Purchase of Mesquite Police Crime Scene Vehicle. (DIR-TSO-3915)  
(Staff recommends award to Comprehensive Communication Services, LLC, in Terrell, Texas, through the Texas Department of Information Resources Contract No. DIR-TSO-3915, in the amount of \$144,531.08.)

**Approved on the Consent Agenda.**

- 14 Bid No. 2018-061 - Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires.  
(Staff recommends award to Wingfoot Tire d/b/a Goodyear Tire and Rubber Company, through Buyboard Contract No. 553-18, in an amount not to exceed \$256,287.84.)

**Approved on the Consent Agenda.**

- 15 Bid No. 2018-062 - Annual Supply of Bridgestone/Firestone Auto, Truck, and Industrial Tires.

(Staff recommends award to American Tire Distributors, through Buyboard Contract No. 553-18, in an amount not to exceed \$208,555.08.)

**Approved on the Consent Agenda.**

- 16 Authorize the City Manager to finalize and execute an affiliation agreement with the Mesquite Independent School District (MISD) allowing MISD Emergency Medical Technician (EMT) students education and training opportunities with the Mesquite Fire Department.

**Approved on the Consent Agenda.**

- 17 Authorize the City Manager to finalize and execute a contract with Metallic Land Company, LLC, to purchase approximately 2.2664 acres of land (the Property) for the replacement of Fire Station No. 4, the Property being generally located south of Sandy Lane, east of Rodeo Center Boulevard and north of New Market Road in Mesquite, Texas, and being adjacent to existing Fire Station No. 4, for the purchase price of \$123,000.00 and related closing costs and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to complete the closing and purchase of the property.

**Approved on the Consent Agenda.**

- 18 Authorize the City Manager to finalize and execute an architectural services design contract with Brown Reynolds Watford Architects, Inc., for the design of the new Fire Station No. 4 in an amount not to exceed \$558,000.00.

**Approved on the Consent Agenda.**

- 19 Receive the Fiscal Year 2016-2017 annual report from the Mesquite Quality of Life Corporation Board of Directors.

**Approved on the Consent Agenda.**

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

- 9 A resolution authorizing the City Manager to execute a development agreement with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.746 acres of land generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City and being commonly referred to as "Heartland Town Center" and authorizing the City Manager to administer the agreement on behalf of the City and repealing Resolution No. 72-2017.

**Mr. Casper moved to postpone consideration of a resolution authorizing the City Manager to execute a development agreement with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.746 acres of land generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City and being commonly referred to as "Heartland Town Center" and authorizing the City Manager to administer the agreement on behalf of the City and repealing Resolution No. 72-2017 indefinitely. Motion was seconded by Mr. Archer. On call for a vote on the**

motion, the following votes were cast:

**Ayes:** Casper, Archer, Pickett, Aleman, Noschese, Boroughs

**Nays:** None

**Abstentions:** Miklos

Motion carried.

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

**20** Conduct a public hearing regarding proposed changes in public transportation.

Valerie Bradley, Managing Director of Community Services, stated that the current public transportation offerings in Mesquite include the City of Mesquite Passenger Shuttle Service (COMPASS) from Hanby Station to Lawnview Station and the demand response service provided by STAR Transit. The public hearing today is for the COMPASS services. COMPASS operates weekdays from 5:00 a.m. to 7:00 p.m. Buses operate every half hour from 5:00 a.m. to 9:00 a.m., as well as 4:00 p.m. to 7:00 p.m., and hourly from 9:00 a.m. to 4:00 p.m.

Ms. Bradley reviewed the COMPASS annual expenditures and stated that the City subsidizes approximately half of the annual cost with the remaining funds received in federal and state grants. The COMPASS ridership total trips has decreased from 29,464 in Fiscal Year (FY) 2016 to 20,186 in FY17. The proposed changes to the COMPASS Service include eliminating the midday service and adding stops at the Neighborhood Walmart and Rodeo Center. Additional public hearings are scheduled for Thursday, March 29, 2018, at 6:30 p.m. and Monday, April 2 at 7:00 p.m.

Rhonda Steward, 1426 Sandalwood Drive, suggested better advertisement of the COMPASS service and expressed support for continuing public transportation services and adding locations.

Susie Hess, 2905 Clearwater Drive, expressed support for a bus loop system in Mesquite.

No others spoke regarding the proposed changes in public transportation.

**21** A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.

B. Consider an ordinance repealing Ordinance No. 4473 in its entirety and adopting a revised Parks and Recreation Department Youth Programs Standards of Care.

A public hearing was held to consider the Parks and Recreation Department Youth Programs Standards of Care.

Nikki Sassenus, Manager of Recreation Services, stated that the Youth Programs Standards of Care (SOC) is reviewed annually and adopted by ordinance, after holding a public hearing. State law allows municipalities to adopt a SOC providing for self-regulation of after school and summer youth programs and

exempts the City from State child-care licensing requirements. Staff is recommending additional changes to the SOC such as adding a non-discrimination statement, reporting suspected child abuse or neglect, and personal electronic device and cell phone use by participants. Additionally, staff is recommending the addition of child tax credit policy, discipline policy, and pickup and payment policy to the SOC.

No one appeared regarding the Parks and Recreation Department Youth Programs SOC.

Mr. Archer moved to approve Ordinance No. 4546, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 4473 IN ITS ENTIRETY; ADOPTING REVISED YOUTH PROGRAMS STANDARDS OF CARE; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Noschese and approved unanimously. (Ordinance No. 4546 recorded on page of Ordinance Book No. 111.)

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

22 Consider appointment of one regular member of the Municipal Library Advisory Board for a term to expire December 4, 2018.

Mr. Noschese moved to appoint Debra Morgan as a regular member to the Municipal Library Advisory Board for a term to expire December 4, 2018. Motion was seconded by Mr. Archer and approved unanimously.

**PRE-MEETING - TRAINING ROOMS A&B - 7:44 P.M.**

1 Receive briefing regarding voter education plans for Charter Amendment election.

Council directed staff to proceed with voter education plans.

2 Receive briefing regarding public transportation options for FY 2018-2019.

3 Receive briefing regarding the tethering of animals within the City of Mesquite.

Council directed staff to consider Option B and other additional options.

**ADJOURNMENT**

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Miklos and approved unanimously. The meeting adjourned at 9:20 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor