



City of Mesquite, Texas

Minutes - Final City Council

Monday, October 17, 2016

6:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Bruce Archer, Jeff Casper, Bill Porter, Dan Aleman, Greg Noschese and Dennis Tarpley, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive update regarding the T25 Task Force program.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.

INVOCATION

Reverend Tom Palmer, Manager of Economic Development.

PLEDGE OF ALLEGIANCE

Mesquite Convention and Visitors Bureau volunteers.

SPECIAL ANNOUNCEMENTS

(1) Mayor Pickett thanked everyone who participated in the recent Addressing Mesquite Day event which provided 116 homeowners, including 23 military veterans, with needed yard work and exterior home repairs. Over 1,400 volunteers participated with teams consisting of 27 church groups, nine civic organizations, four private businesses, nine teams consisting of City employees and six teams from our partners at Mesquite Independent School District. Mayor Pickett expressed appreciation to all volunteers and sponsors for making this day a huge success for our community.

(2) Mr. Noschese and Mr. Casper wore t-shirts to encourage everyone to vote on Tuesday, November 8, 2016, not only for President but for other political offices.

(3) Mr. Aleman announced that a new crime watch group for the Mesquite Park neighborhood will hold its first meeting tomorrow night, October 18, 2016, at 7:00 p.m., at the Seventh Day Adventist Church, 300 Paza Drive. He invited residents in the area to attend.

(4) Mr. Archer stated that a "Meet Your Councilmember" event will take place next Tuesday, October 25, 2016, at 7:00 p.m. at Wildwood Baptist Church, 531 S. Walker, and invited citizens to stop by for a visit.

(5) Mr. Casper thanked everyone involved in Addressing Mesquite Day and was encouraged to see the City's youth volunteering their time for this special community event.

(6) Mr. Noschese encouraged everyone to participate in the 2016 BB&T Amazing Technicolor 5K Run, benefiting the Mesquite Independent School District (MISD) Education Foundation, Inc., and the Mesquite Education Association (MEA), which will take place this Saturday, October 22, 2016, at the Mesquite Convention Center.

CITIZENS FORUM

(1) Edgar Cunningham, 928 Via Balboa, stated that he is a military veteran and was very thankful for having his fence rebuilt during the Addressing Mesquite Day event.

(2) Terri White, 505 Riggs Circle, expressed concerns regarding a proposed concrete batch plant location in Mesquite.

(3) Billy Smith, 4224 Hyde Park Drive, expressed concerns regarding crime and speeding in his neighborhood.

(4) Ruth Hatfield, 3311 Riverway Court, expressed concerns regarding increased water bills.

PRESENTATIONS

2 Presentation to 2016 Paralympic athletes.

Wayne Larson, Director of Communications and Marketing, stated that two Mesquite natives, Deja Young and Josh Smith, recently competed in the 2016 U.S. Paralympic Games in Rio de Janeiro, Brazil. Mayor Pickett presented a proclamation to Ms. Young and Mr. Smith.

3 Presentation and public launch of the Open Government Mesquite transparency portal.

Cliff Keheley, City Manager, stated that tonight's presentation is a step towards fulfilling one of the City Council's priorities which is to increase transparency in the City. This has been a year-long process and he expressed appreciation to Debbie Mol, Director of Finance; Zak LaJoie, Director of Information Technology; and Ted Chinn, Managing Director of Financial Services, for their efforts in implementing this system.

Ms. Mol presented a brief video highlighting the City's new Open Government Mesquite transparency portal. Current transparency information has been relocated to the new portal and two new elements will now be available – Open Budget and Open Checkbook. The new transparency portal will be available to the public beginning October 17, 2016.

CONSENT AGENDA

Approval of the Consent Agenda

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

4 Minutes of the regular City Council meetings held September 26, 2016, and October 3, 2016.

Approved on the Consent Agenda.

5 An ordinance amending Chapter 10 of the City Code prohibiting smoking in all

hotel rooms rented to guests, effective January 1, 2017.

Approved on the Consent Agenda.

Ordinance No. 4452, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY ADDING THE DEFINITION OF "HOTEL" TO SECTION 10-96 AND BY DELETING SECTION 10-99(I) IN ITS ENTIRETY AND ADDING A NEW SECTION 10-99(I) THEREBY PROHIBITING SMOKING IN ALL HOTEL ROOMS RENTED TO GUESTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4452 recorded on page _____ of Ordinance Book No. 107.)

- 6** An ordinance amending Chapter 11 of the City Code regarding the municipal drainage utility system rates process and clarifying the billing process if no fees for utility services other than stormwater management apply to property.

Approved on the Consent Agenda.

Ordinance No. 4453, 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 11-42 IN ITS ENTIRETY AND ADDING A NEW SECTION 11-42 REGARDING THE MUNICIPAL DRAINAGE UTILITY SYSTEM RATES PROCESS; CLARIFYING THE BILLING PROCESS IF NO FEES FOR UTILITY SERVICES OTHER THAN STORMWATER MANAGEMENT APPLY TO PROPERTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4453 recorded on page _____ of Ordinance Book No. 107.)

- 7** An ordinance amending Chapter 15 of the City Code regarding the repair of sidewalks and street appurtenances and the City's cost share program.

Approved on the Consent Agenda.

Ordinance No. 4454, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 15-44 IN ITS ENTIRETY AND ADDING A NEW SECTION 15-44 REGARDING THE REPAIR OF SIDEWALKS AND STREET APPURTENANCES AND THE CITY'S COST SHARE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4454 recorded on page _____ of Ordinance Book No. 107.)

- 8** An ordinance annexing approximately 0.28 square miles of territory within the City's extraterritorial jurisdiction, generally located southwest of the intersection of Farm and Market Road 741 and High Country Lane, granting to all the inhabitants of said territory all the rights and privileges of all other citizens and making applicable to said land and its inhabitants all of the acts, ordinances, resolutions and regulations of said City, adopting a service plan for the provision of full municipal services in the area so annexed, designating annexed territory to be zoned Agricultural, directing the City Secretary to give notice as required to all affected jurisdictions, revising the official boundary limits of the City and setting an effective date of annexation.

Approved on the Consent Agenda.

Ordinance No. 4455, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING APPROXIMATELY 0.28 SQUARE MILES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FARM AND MARKET ROAD 741 AND HIGH COUNTRY LANE, THUS EXTENDING THE BOUNDARY LIMITS OF SAID CITY OF MESQUITE, DALLAS COUNTY, TEXAS, TO INCLUDE SAID LAND WITHIN THE CITY LIMITS AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF ALL OTHER CITIZENS AND MAKING APPLICABLE TO SAID LAND AND ITS INHABITANTS ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; DESIGNATING ALL TERRITORY THUS ANNEXED TO BE ZONED AGRICULTURAL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4455 recorded on page of Ordinance Book No. 107.)

- 9 An ordinance providing for the partial abandonment of a 15-foot-wide drainage easement located at the Judge Frank Berry Middle School at 2675 Bear Road.

Approved on the Consent Agenda.

Ordinance No. 4456, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF A 15-FOOT-WIDE DRAINAGE EASEMENT LOCATED AT JUDGE FRANK BERRY MIDDLE SCHOOL AT 2675 BEAR ROAD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4456 recorded on page of Ordinance Book No. 107.)

- 10 A resolution authorizing the City Manager to execute an Interlocal Cooperative Purchasing Agreement with the University of Texas at Austin, an institution for higher education and agency of the State of Texas, to allow the purchase of goods and services.

Approved on the Consent Agenda.

Resolution No. 45-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH THE UNIVERSITY OF TEXAS AT AUSTIN, AN INSTITUTION FOR HIGHER EDUCATION AND AGENCY OF THE STATE OF TEXAS, TO ALLOW THE PURCHASE OF GOODS AND SERVICES. (Resolution No. 45-2016 recorded on page of Resolution Book No. 50.)

- 11 Bid No. 2016-084 - Annual Supply of Ammunition.
(Staff recommends award to Precision Delta Corp - Group 1, Item Nos. 1, 2, 3, 4, and 5 in the amount of \$59,090.00; GT Distributors, Inc. - Group 1, Item Nos. 6, 7, 8, and 9 in the amount of \$13,333.60; Commonwealth Ammunition, LLC - Group 1, Item Nos. 10, 11, and 12 in the amount of \$1,288.00; and Gulf States Distributors, Inc. - Group 2, Item Nos. 1, 3, 4, 5, 6, 8, 9, and 10 in the amount of \$51,796.00, for a total amount of \$125,507.60.)

Approved on the Consent Agenda.

- 12 Bid No. 2016-088 - Annual Supply of Fire Protective Clothing.

(Staff recommends award to NAFECO for jacket and pants in the amount of \$67,146.45 and to NAFECO for boots in the amount of \$10,228.75 for a total amount of \$77,375.20.)

Approved on the Consent Agenda.

- 13** Bid No. 2017-010 - Annual Contract for the Purchase of UPS Battery Backup Units for Traffic Signals.
(Staff recommends award to Paradigm Traffic Systems Inc., in Arlington, Texas, through Buy Board Contract No. 432-13, in an amount not to exceed \$51,600.00.)

Approved on the Consent Agenda.

- 14** Bid No. 2017-011 - Purchase of One Toro Multi-Pro 5800G Sprayer.
(Staff recommends award to Professional Turf Products in Euless, Texas, through BuyBoard Contract No. 447-14, sponsored by the Texas Association of School Boards, in the amount of \$59,844.90.)

Approved on the Consent Agenda.

- 15** Bid No. 2017-012 - Annual Supply of Fire Department Uniforms and Clothing.
(Staff recommends award to Galls, LLC, in Lexington, Kentucky, through BuyBoard Contract No. 432-13 in an amount not to exceed \$76,340.00.)

Approved on the Consent Agenda.

- 16** Authorize the City Manager to finalize and execute a contract with Enterprise Leasing for the lease of six vehicles for the Police Department in an amount not to exceed \$226,995.22.

Approved on the Consent Agenda.

- 17** Accept offer of property donation located at 1726 Military Parkway (Lot 3-A) and authorize the City Manager to execute the necessary documents.

Approved on the Consent Agenda.

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 18** Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with United Parcel Service, Inc., and BT-OH, LLC, regarding the capture and reimbursement of local sales/use taxes in connection with the expansion and modernization of the company's business at 4200 Samuell Boulevard, Mesquite, Texas.

Tom Palmer, Manager of Economic Development, stated that United Parcel Service, Inc., (UPS) is considering a minimum \$87 million capital investment at its Mesquite location. On August 1, 2016, the City Council approved a Chapter 380

Economic Development Agreement. The proposed Chapter 380 agreement would obligate the City of Mesquite to pay a reimbursement to UPS of 50 percent of the local sales tax related to the construction of the project. Mr. Palmer stated that UPS recently submitted a site plan and the formal board approval for the project is forthcoming.

A public hearing was held to approve a Chapter 380 Agreement for an additional incentive for the capture and reimbursement of Local Sales/Use Taxes paid to the City in connection with the construction costs of the expansion and modernization of the company's business at 4200 Samuell Boulevard, Mesquite, Texas.

No one appeared regarding the proposed agreement.

Mr. Noschese moved to approve Resolution No. 46-2016, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH UNITED PARCEL SERVICE, INC., AND BT-OH, LLC (COLLECTIVELY THE COMPANY"), REGARDING THE CAPTURE AND REIMBURSEMENT OF LOCAL SALES/USE TAXES IN CONNECTION WITH THE EXPANSION AND MODERNIZATION OF THE COMPANY'S BUSINESS AT 4200 SAMUELL BOULEVARD, MESQUITE, TEXAS. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 46-2016 recorded on page of Resolution Book No. 50.)

19

Conduct a public hearing and consider an ordinance amending the Mesquite Comprehensive Plan by reassigning approximately 179 acres within the Kaufman-Interstate 20 Corridor from O-2, Reserved Open Space, to the G-1, Restricted Growth Sector, and modifying the regional sector plan to designate such area as appropriate for the development of clustered land developments in accordance with the Smartcode® standards of the K20 classification.

Richard Gertson, Director of Planning and Development Services, stated that amending the Mesquite Comprehensive Plan (Plan) will incorporate policies for the growth and development of territory lying within the city limits and the City's extraterritorial jurisdiction. The property encompassing High Country Estates is an area comprised of approximately 179 acres and is currently designated as O-2, Reserved Open Space. The proposed Plan amendment would reassign the area to the G-1, Restricted Growth Sector, thereby making the affected property suitable for Clustered Land Developments, which is a low density area. Mr. Gertson explained that low density housing in this area is two-to-three units per acre and that 179 acres equates to 0.28 square miles. The Plan was adopted in 2007. The area west of Mustang Creek was annexed in 2006; whereas, certain areas east of Mustang Creek were annexed in 2010.

A public hearing was held to amend the Mesquite Comprehensive Plan by reassigning approximately 179 acres within the Kaufman-Interstate 20 Corridor to the G-1, Restricted Growth Sector.

Brea Ratliff, 2013 Whispering Hills Drive, Heartland, expressed opposition to the proposed amendment.

No others appeared regarding the proposed amendment.

Mr. Noschese moved to approve Ordinance No. 4457, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY REASSIGNING APPROXIMATELY 179 ACRES WITHIN THE KAUFMAN-INTERSTATE 20 CORRIDOR FROM O-2, RESERVED OPEN SPACE, TO THE G-1, RESTRICTED GROWTH SECTOR, AND MODIFYING THE REGIONAL SECTOR PLAN TO DESIGNATE SUCH AREA AS APPROPRIATE FOR THE DEVELOPMENT OF CLUSTERED LAND DEVELOPMENTS IN ACCORDANCE WITH THE SMARTCODE® STANDARDS OF THE K20 CLASSIFICATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4457 recorded on page of Ordinance Book No. 107.)

20

Conduct a public hearing and consider an ordinance for Application No. 312-3-2016, submitted by Barney Van Huss of Ellis Equity, for approval of a New Community Plan consisting of two Clustered Land Developments with Regulating Plans, which upon approval shall attach the Kaufman-Interstate 20 District (K20) to and rezone from the Agricultural District to the K20 District three parcels comprising 179.407 acres out of the Martha Musick Survey, Abstract 312, located at 9101 High Country Lane. (Four responses in opposition to the application were received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval.)

Richard Gertson, Director of Planning and Development Services, stated that the High Country Estates, located in the K20 District, consists of 179 acres, 280 lots, 70 acres of open space, 7 acres of non-residential flex space, an amenity center and trails with connectivity. Mr. Gertson reviewed the proposed concept plan which consists of 280 lots with three density zones including most dense lots of 45- and 55-foot wide lots, middle density lots of 65- and 70-foot lots and the least dense lots of 80- and 90-foot lots. The master plan includes an approximate two-acre tract of land near the entrance of the development that will be dedicated to the City for a fire station.

A public hearing was held for Application No. 312-3-2016.

No one appeared regarding the proposed zoning change.

Mr. Noschese moved to approve Application No. 312-3-2016, as recommended by the Planning and Zoning Commission, and adding "with the stipulation that platting shall be phased to include a distribution of lots from all transects at approximately the same ratio of all lots in the development" and to approve Ordinance No. 4458, 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 NEW COMMUNITY PLAN CONSISTING OF TWO CLUSTERED LAND DEVELOPMENTS WITH REGULATING PLANS AND A CHANGE OF ZONING FROM AGRICULTURAL DISTRICT TO KAUFMAN-INTERSTATE 20 (K20) ON THREE PARCELS OF LAND COMPRISING 179.407 ACRES LOCATED AT 9101 HIGH COUNTRY LANE; 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. 4458 recorded on page

of Ordinance Book No. 50.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

21 Consider appointment of four regular members to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2018.

Mr. Archer moved to reappoint Faustino Leos and Keith Briggs as regular members to the Parks and Recreation Advisory Board and Tree Board and move Sheila Lynn and Brooks Watts from alternate members to regular members, all for terms to expire October 21, 2018. Motion was seconded by Mr. Porter and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:10 P.M.

The Mayor announced that the City Council would meet 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 annual review of City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting into Executive Session at 8:15 p.m. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 9:25 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor