



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, June 5, 2017

4:00 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 - 4:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1                    Receive briefing regarding the status of the Thomasson Square Project.  
  
                         **Mr. Miklos requested a change order be placed on the June 19, 2017, City Council agenda to redesign the project to eliminate both roundabouts and all on-street parking with an option to return Phase 2 to a six-lane configuration.**
  
- 2                    Receive strategy presentations, as determined by City Management, related to City Council policy issues and strategic goals.
  
- 3                    Receive briefing regarding the Sign Code.  
  
                         **Staff will provide subsequent Council briefings after the FY 2017-18 budget is approved and seek direction on specific sign-related topics, such as freeway signage, wall signage, and signage glare.**
  
- 4                    Discuss amendments to the City Charter.  
  
                         **It was Council consensus that an item be placed on the June 19, 2017, City Council agenda regarding a citizen input hearing for a charter amendment on Mayor and Council term limits.**

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:10 P.M.**

#### **INVOCATION**

Steve Swaim, Friendship Baptist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Pre-K and Kindergarten classes from Appleseed Academy.

**SPECIAL ANNOUNCEMENTS**

- (1) Mr. Miklos stated that Appleseed Academy was recently destroyed by a fire and in-kind donations are being accepted at First Baptist Church of Meadowview, 4346 North Galloway Avenue.
- (2) Mr. Miklos announced that Councilmembers Bruce Archer, Tandy Boroughs and himself will be meeting at Whataburger at Town East Boulevard and Motley Drive this Saturday, June 10, 2017, at 8:30 a.m. and invited everyone to attend and meet your Councilmember. Afterward at 10:30 a.m., everyone will meet at Range Elementary School for a trash pickup.
- (3) Mr. Casper invited everyone to attend the 2nd Annual Summer Sizzle this Saturday, June 10, 2017, beginning at Noon at Paschall Park. This family-friendly event is free and includes mud volleyball, fireworks, music, food trucks and much more. The headliner band is The Molly Ringwalds which will perform at 7:00 p.m.
- (4) Mr. Archer encouraged citizens to support the Mesquite Independent School District's (MISD) "Read Play Talk" initiative this summer by taking time to read to your children and/or enroll them in summer events such as the Mesquite Public Library's Summer Reading Club.
- (5) Mr. Boroughs expressed appreciation to City staff for their assistance with his transition to City Councilmember.
- (6) Mr. Aleman mentioned a recent car accident fatality and encouraged citizens to "Drive Like Your Family Lives Here."
- (7) Mr. Noschese congratulated the 2017 MISD high school and Mesquite Academy graduates on their achievement.
- (8) Mr. Noschese challenged interested citizens to a mud volleyball game at this Saturday's Summer Sizzle.
- (9) Mr. Pickett invited everyone to attend the Mayor's "Spread the Love" Motorcycle Rally this Saturday, June 10, 2017, at 8:30 a.m. at Paschall Park. Bring a jar of peanut butter and/or jelly to support hungry children in Mesquite and ride throughout the community to draw attention to this summer campaign. Breakfast will be served at 7:00 a.m. and registration is free.

**PRESENTATIONS**

- 5 Presentation of Certificates of Election to Mayor Stan Pickett and City Councilmembers Robert Miklos, Place 1, Jeff Casper, Place 2, and Tandy Boroughs, Place 6.

Certificates of Election were presented to Mayor Stan Pickett and Councilmembers Robert Miklos, Place 1, Jeff Casper, Place 2, and Tandy Boroughs, Place 6.

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

Mr. Archer requested that Item No. 7 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 6 Minutes of the regular City Council meeting held May 15, 2017, and the Special City Council meeting held May 17, 2017.

Approved on the Consent Agenda.

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- 8 An ordinance amending Chapter 5 of the City Code regarding permitted materials for fences.
- Approved on the Consent Agenda.**
- Ordinance No. 4487, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 5-144(a) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-144(a) THEREBY AMENDING THE PERMITTED MATERIALS FOR FENCES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4487 recorded in Ordinance Book No. 108.)**
- 9 Bid No. 2017-051 - 2017 Large Diameter RCP Sanitary Sewer Rehabilitation By Cured-In-Place-Pipe (CIPP).  
(Authorize the City Manager to execute a contract with low bidder Insituform Technologies, LLC, in the amount of \$2,132,414.77.)
- Approved on the Consent Agenda.**
- 10 Bid No. 2017-084 - Purchase of Two Chevrolet 2500 Pickups.  
(Staff recommends award to Caldwell Country in Caldwell, Texas, through BuyBoard Contract No. 521-16, for \$53,740.00.)
- Approved on the Consent Agenda.**
- 11 Authorize the Mayor to execute an amendment to the agreement dated July 22, 2016, between the City of Mesquite, Texas, and Municipal Court Judge Steve Crane.
- Approved on the Consent Agenda.**
- 12 Appoint Robert Miklos and Tandy Boroughs to the Mesquite Health Facilities Development Corporation for terms to expire December 31, 2017.
- Approved on the Consent Agenda.**
- 13 Appoint Robert Miklos and Tandy Boroughs to the Mesquite Housing Finance Corporation for terms to expire December 31, 2017.
- Approved on the Consent Agenda.**
- 14 Appoint Robert Miklos and Tandy Boroughs to the Ridge Ranch Tax Increment Finance (TIF) Reinvestment Zone No. Five Board of Directors for terms to expire December 31, 2018.
- Approved on the Consent Agenda.**
- 15 Appoint Robert Miklos and Tandy Boroughs to the Lucas Farms Tax Increment Finance (TIF) Reinvestment Zone No. Six Board of Directors for terms to expire December 31, 2018.
- Approved on the Consent Agenda.**

- 16 Appoint Robert Miklos and Tandy Boroughs to the Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Seven Board of Directors for a term to expire November 2, 2017.

**Approved on the Consent Agenda.**

- 17 Appoint Robert Miklos and Tandy Boroughs to the Gus Thomasson Tax Increment Finance (TIF) Reinvestment Zone No. Eight Board of Directors for terms to expire November 2, 2017.

**Approved on the Consent Agenda.**

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

- 7 An ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division (Company) regarding the Company's 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process or 2018 pending renegotiation of RRM terms and conditions; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsels.

**Mr. Archer moved to postpone consideration of an ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division (Company) regarding the Company's 2017 Rate Review Mechanism (RRM) filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process or 2018 pending renegotiation of RRM terms and conditions; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the ACSC's legal counsels until the June 19, 2017, City Council meeting. Motion was seconded by Mr. Miklos and approved unanimously.**

#### **END OF CONSENT AGENDA**

**PUBLIC HEARINGS**

- 18** Conduct a public hearing and consider an ordinance for Application No. 594-34-2017, submitted by Kevin Patel, representing KBC Kumar, LLC, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a limited service hotel on property located 1,000 feet east of North Galloway Avenue fronting the north side of U.S. Highway 80 service road.  
(The Planning and Zoning Commission recommends approval. Two responses in favor of the application were received from property owners within the statutory notification area.)
- Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the applicant is requesting to construct a four-story, 80-room limited service hotel which will consist of a 1,040-square-foot meeting room, recreational facility with an outdoor pool, fitness center and dining area. The proposed hotel will operate under the Springhill Suites by Marriott® brand and room access is provided through internal hallways. Mr. Armstrong reviewed the proposed conditions to the Conditional Use Permit.**
- Kevin Patel, stated that he currently owns and operates two Comfort Suites properties and presented concept plans of the common areas and rooms for the proposed hotel. Marriott has a loyalty customer program and caters to daily business travelers, corporate accounts as well as families. Mr. Patel explained that a limited service hotel has no full-service restaurant, smaller meeting facilities and less rooms than a full-service hotel.**
- Deepika Malik, Owner/Partner, spoke in favor of the application. No others appeared regarding the application.**
- Mr. Miklos moved to deny Application No. 594-34-2017, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a limited service hotel on property located 1,000 feet east of North Galloway Avenue fronting the north side of U.S. Highway 80 service road. Motion was seconded by Mr. Archer and approved unanimously.**
- 19** Conduct a public hearing and consider an ordinance for Application No. 167-4-2017, submitted by Kevin Mattson for a change of zoning from Agricultural to General Retail on property located at 2736 and 2780 Pioneer Road.  
(The Planning and Zoning Commission recommends denial of the application. The applicant filed a timely appeal on May 11, 2017.)
- Mr. Archer left the meeting.**
- Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the applicant has requested postponement of this item and staff is in agreement with the request.**
- Maxwell Fisher with Masterplan, representing the applicant, stated that some neighbors have expressed concerns regarding the proposed project and they would like additional time to reevaluate the proposal. Mr. Fisher requested Application No. 167-4-2017 be postponed until the July 17, 2017, City Council meeting.**

Mr. Casper moved to postpone consideration of Application No. 167-4-2017 to the July 17, 2017, City Council meeting. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

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

**Nays:** None

**Abstentions:** Archer

Motion carried.

## OTHER BUSINESS

- 20 Consider rescheduling the City/School Joint Tax Office Advisory Board meeting from Tuesday, June 6, 2017, at 2:00 p.m. to Wednesday, June 14, 2017, at 2:00p.m. and confirming the attendance of Jeff Casper and Dan Aleman as representatives from the City of Mesquite.

Mr. Archer returned to the meeting.

Mr. Casper moved to reschedule the City/School Joint Tax Office Advisory Board meeting from Tuesday, June 6, 2017, at 2:00 p.m. to Wednesday, June 14, 2017, at 2:00 p.m. and confirmed the attendance of Jeff Casper and Dan Aleman as representatives from the City of Mesquite. Motion was seconded by Mr. Aleman and approved unanimously.

## RECEIPT OF RESIGNATION

- 21 Receive resignation from David Paschall as a member of the Civil Service Commission and Personnel/Trial Board.

Mr. Archer moved to receive the resignation of David Paschall as a member of the Civil Service Commission and Personnel/Trial Board. Motion was seconded by Mr. Boroughs and approved unanimously.

- 22 Receive resignation from John Robinson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.

Mr. Noschese moved to receive the resignation of John Robinson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Mr. Aleman and approved unanimously.

## APPOINTMENTS TO BOARDS AND COMMISSIONS

- 23 Consider appointment of one member to the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2018.

Mr. Casper moved to appoint Bruce Archer as a member of the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2018. Motion was seconded by Mr. Aleman and approved unanimously.

- 24 Consider appointment of one member to the Town East/Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Nine Board of Directors for a term to expire December 31, 2018.

Mr. Noschese moved to appoint Robert Miklos as a member to the Town East/Skyline Tax Increment Finance (TIF) Reinvestment Zone No. Nine Board of Directors for a term to expire December 31, 2018. Motion was seconded by Mr. Aleman and approved unanimously.

- 25 Consider appointment of one regular member and one alternate member to the Board of Adjustment for terms to expire January 1, 2019, and January 1, 2018, respectively, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and one reserve alternate member to the Board of Adjustment for a term to expire January 1, 2019.

Mr. Archer moved to change the appointment of Marvin Haar from an alternate member to a regular member and Donna Adams from a reserve alternate member to an alternate member of the Board of Adjustment for terms to expire January 1, 2019, and January 1, 2018, respectively, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee by designation of City Councilmember, Place 2, and City Councilmember, Place 4, respectively, and appoint Bryan Odom as a reserve alternate member to the Board of Adjustment for a term to expire January 1, 2019. Motion was seconded by Mr. Aleman and approved unanimously.

- 26 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2017.

Mr. Aleman moved to appoint Ron Ward as a member of the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2017. Motion was seconded by Mr. Casper and approved unanimously.

- 27 Consider appointment of one member to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2019.

Mr. Casper moved to appoint David Paschall as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2019. Motion was seconded by Mr. Archer and approved unanimously.

#### **EXECUTIVE SESSION - REAL PROPERTY**

- 28 Discuss proposed land acquisition near the Southeast Pump Station.

Not discussed.

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:12 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 (Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662); 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; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:26 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**ADJOURNMENT**

**Mr. Miklos moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 9:26 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor