



# City of Mesquite, Texas

## Meeting Agenda

### City Council

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Monday, August 7, 2017

4:00 PM

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

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

##### AGENDA REVIEW

##### STAFF PRESENTATIONS

- 1     [17-2874](#)     Discuss proposed changes to regulations allowing the deployment of wireless network nodes within public rights-of-way.  
  
      Attachments:     [Legislative File - 17-2874](#)  
                              [Senate Bill 1004](#)
  
- 2     [17-2882](#)     Receive briefing regarding a request from Huffines Communities to deannex approximately one acre of undeveloped area within the Mesquite corporate limits.  
  
      Attachments:     [Legislative File - 17-2882](#)  
                              [Letter](#)
  
- 3     [17-2870](#)     Discuss the proposed budget for Fiscal Year 2018.  
  
      Attachments:     [Legislative File - 17-2870](#)
  
- 4     [17-2856](#)     Discuss the establishment of a Charter Review Committee and the issues to be included in the charge to the committee.  
  
      Attachments:     [Legislative File - 17-2856](#)

#### EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:00 P.M.

In accordance with Chapter 551 of the Texas Government Code, the City Council reserves the right to adjourn into executive session to discuss any of the following:

- Pending and/or Contemplated Litigation
- Purchase, Exchange, Lease or Value of Real Property
- Personnel Matters
- Economic Development

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

##### INVOCATION

Scott Wooddell, Senior Pastor, Eastridge Park Christian Church, Mesquite, Texas.

### PLEDGE OF ALLEGIANCE

Members of the Stallions PeeWee Flag Football team.

### SPECIAL ANNOUNCEMENTS

This time is reserved for special announcements and recognition of individuals or groups.

### CITIZENS FORUM

At this time a number of citizens not to exceed 10 shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.

### CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

- 5      [17-2857](#)              Minutes of the regular City Council meeting held July 17, 2017.
- Attachments:*              [Legislative File - 17-2857](#)  
   [07.17.2017m](#)
- 6      [17-2880](#)              An ordinance amending Chapters 1, 4 and 16 of the City Code creating a Citation Program.
- Attachments:*              [Legislative File - 17-2880](#)  
   [Ordinance - Citation Program](#)
- 7      [17-2718](#)              A resolution authorizing the City Manager to execute and approve the Dallas County Capital Improvement Program Funding Agreement for the design and construction of the Military Parkway Trail connecting downtown Mesquite to the Mesquite Championship Rodeo.
- Attachments:*              [Legislative File - 17-2718](#)  
   [Resolution - Dallas County CIP](#)  
   [Location Map](#)
- 8      [17-2872](#)              Bid No. 2017-083 - Neighborhood Stabilization Program for Residential Repairs Located at 4404 Motley Drive, Mesquite, Texas, 75150.  
(Authorize the City Manager to execute a contract with Yoon's Trim and Construction in the amount of \$107,103.00.)

**Attachments:**      [Legislative File - 17-2872](#)  
[Bid Tabulation - 2017-083](#)

- 9      [17-2849](#)      Bid No. 2017-093 - Annual Uniform Rental Services.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Attachments:**      [Legislative File - 17-2849](#)  
[Bid Tabulation](#)

- 10     [17-2858](#)      Receive the July 2017 semi-annual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c) (4) of the Texas Local Government Code.

**Attachments:**      [Legislative File - 17-2858](#)  
[July 2017 CIAC Report](#)

#### CONSIDERATION OF ORDINANCE

- 11     [17-2855](#)      Consider a resolution creating a Charter Review Committee to consider and advise the City Council regarding amendment of the City Charter.  
(This item was postponed at the July 17, 2017, City Council meeting.)

**Attachments:**      [Legislative File - 17-2855](#)  
[Resolution - Charter Review Committee](#)

**PUBLIC HEARINGS**

- 12     [17-2867](#)     Conduct a public hearing to receive citizen input on the proposed 2017-18 budget.
- Attachments:*     [Legislative File - 17-2867](#)
- 13     [17-2871](#)     A. Conduct a public hearing to receive input from citizens regarding the proposed 2017-2018 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.
- B. Consider a resolution authorizing the filing of an application for an amount not to exceed \$1,001,920.00 for federal funds under the Housing and Community Development Act, approving and adopting the Program Year 2017-18 Community Development Block Grant Annual Action Plan and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.
- Attachments:*     [Legislative File - 17-2871](#)  
                          [Resolution - CDBG](#)  
                          [Annual Action Plan](#)
- 14     [17-2859](#)     Conduct a public hearing and consider possible action for a Comprehensive Plan concurrency amendment associated with rezoning Application No. Z0517-0005 to change the future land use designation from Low Density Neighborhood to General Business, located at the southeast corner of East Cartwright Road and Wilkinson Road.  
(The Planning and Zoning Commission recommends denial. This item was postponed at the July 3, 2017, City Council meeting.)
- Attachments:*     [Legislative File - 17-2859](#)  
                          [Staff Memo](#)  
                          [P & Z Minutes](#)
- 15     [17-2873](#)     Conduct a public hearing and consider possible action on Application No. Z0517-0005, submitted by Matthew Maly for Dunaway Associates, for a zoning change from R-1, Single-Family Residential, to GR, General Retail, on two undeveloped tracts comprising 11.556 acres, located on the southeast corner of Cartwright Road and Wilkinson Road.  
(Eight responses in opposition to the application were received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial. The applicant filed a timely appeal on June 22, 2017. This item was postponed at the July 3, 2017, City Council meeting.)

***Attachments:*** [Legislative File - 17-2873](#)  
[CS0517-0005](#)  
[Staff Report and maps](#)  
[Notification analysis and comments](#)  
[P&Z Minutes](#)

- 16 [17-2879](#) Conduct a public hearing and consider a request from Richard and Karen Crownover to substitute a wood fence for a required masonry screening wall on property located at 4401 North Belt Line Road.

***Attachments:*** [Legislative File - 17-2879](#)  
[4401 N Belt Line Screening Wall](#)

#### OTHER BUSINESS

- 17 [17-2863](#) Consider calling public hearings for August 21, 2017, and September 5, 2017, to set the ad valorem tax rate for the fiscal year 2017-18.

***Attachments:*** [Legislative File - 17-2863](#)

- 18 [17-2883](#) Consideration and possible action of a request from Stream Realty Partners, on behalf of Cabot Properties, for a waiver from the commercial moratorium to submit an application for the parking of heavy load vehicles as an accessory use on property located at 1371 South Town East Boulevard.

***Attachments:*** [Legislative File - 17-2883](#)  
[Case Summary](#)  
[Request for waiver from Stream Realty](#)  
[Location Map](#)

- 19 [17-2884](#) Consideration and possible action of a request from United Properties Southwest, LLC, on behalf of Pep Boys Texas Distribution Center, for a waiver from the commercial moratorium to submit an application for the parking of heavy load vehicles as a principal and accessory use on properties located at 1130 and 1420 East Kearney Street.

***Attachments:*** [Legislative File - 17-2884](#)  
[Case Summary](#)  
[Request for waiver from United Properties Southwest](#)  
[Location Map](#)

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 20 [17-2876](#) Consider appointment of seven members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2019.

***Attachments:*** [Legislative File - 17-2876](#)

- 21     [17-2885](#)     Consider appointment of Rachel Lopez to the Personnel/Trial Board for a term to expire November 7, 2017, and confirmation of appointment by the City Manager of Rachel Lopez to serve as a member of the City of Mesquite Fire Fighters' and Police Officers' Civil Service Commission for a term to expire November 7, 2017.

**Attachments:**     [Legislative File - 17-2885](#)

## ADJOURNMENT

## NOTICE OF EXECUTIVE SESSION

### Pending and Contemplated Litigation

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending or contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. James H. Watson and Others Similarly Situated v. City of Allen, City of Amarillo, City of Arlington, City of Austin, City of Balch Springs, City of Balcones Heights, City of Bastrop, City of Baytown, City of Bedford, City of Burleson, City of Cedar Hill, City of Cleveland, City of Conroe, City of Coppell, City of Corpus Christi, City of Dallas, City of Denton, City of Diboll, City of Duncanville, City of El Paso, City of Elgin, City of Farmers Branch, City of Fort Worth, City of Frisco, City of Garland, City of Grand Prairie, City of Haltom City, City of Humble, City of Hurst, City of Hutto, City of Irving, City of Jersey Village, City of Killeen, City of League City, City of Little Elm, City of Longview, City of Lufkin, City of Magnolia, City of Marshall, City of Mesquite, City of North Richland Hills, City of Plano, City of Port Lavaca, City of Richardson, City of Richland Hills, City of Roanoke, City of Round Rock, City of Southlake, City of Sugar Land, City of Tomball, City of University Park, City of Watauga, City of Willis, Redflex Traffic Systems, Inc., American Traffic Solutions, Inc., American Traffic Solutions, LLC, Xerox State & Local Solutions, Inc., f/k/a ACS State & Local Solutions, Inc., and the State of Texas – Filed 4-28-15
2. Kathy Dyer and Robert Dyer, Individually and as Representative of the Estate of Graham Dyer v. City of Mesquite, Texas; Jack Fyall; Richard Houston; Alan Gafford; Zachary Scott; William Heidelberg; Paul Polish; Joe Baker; Bill Hedgpeth – Filed 8-12-15
3. Kavin Rhodes v. Mesquite Police Department, Officers M. B. Winters, D. L. Boykin, J. P. Vassilakos, G. W. Hensley, E. A. Sparling, W. D. Mosley – Filed 1-27-16
4. 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 – Filed 12-14-16
5. Govind Group Corporation; Sorrent, LLC; Hannuman Holdings, LLC; OM SRI SAI Krishna Investment Properties, Inc.; Shiv Alpha Strip Corporation; Tejas Motel, LLC; and SAI JDV Hotels, LLC v. The City of Mesquite, Texas; and Cliff Keheley, City Manager of the City of Mesquite, Texas – Filed 1-5-17
6. Scott Damon Richardson v. Darren Marsack and County of Dallas a.k.a., d.b.a. Dallas County, Inc., Dallas, Texas 75042 and John Doe 1 – 5 As yet to be discovered and Jane Doe 1 – 5 As yet to be discovered – Filed 2-6-17
7. Texas Propane Gas Association v. Railroad Commission of Texas, et al – Filed 3-3-17
8. Jojoba Assets, LLC v. City of Mesquite – Filed 5-5-17
9. Luna Properties LLC & F & M Properties Inc. v. City of Mesquite – Filed 6-8-17

### Real Property

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider the purchase, exchange, lease or value of real property. The following subjects may be discussed:

- 22 17-2881** Discuss acquisition of property on Rodeo Center Boulevard.

### **Personnel Matters**

Pursuant to Section 551.074 of the Texas Government Code, the City Council may 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 employees. A complete list of the members of the City boards and commissions is on file in the City Secretary's office.

### **Economic Development**

Pursuant to Section 551.087 of the Texas Government Code, the City Council will meet in closed session to consider commercial or financial information regarding business prospects or projects. The following subject may be discussed:

- 23 17-2862** Consider economic development incentives for a business located along Samuell Boulevard.
- 24 17-2877** Consider economic development incentives for a proposed project within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations regarding Real Property), 551.073 (Deliberations regarding Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices or Security Audits) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).

The City Hall is wheelchair accessible. Any requests for sign interpretive services must be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at 972-216-6244 or TDD 1-800-735-2989.

**Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.**

**Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.**

**Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.**

**Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub-capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.**