



# City of Mesquite, Texas

## Minutes - Final 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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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 Discuss proposed changes to regulations allowing the deployment of wireless network nodes within public rights-of-way.
- 2 Receive briefing regarding a request from Huffines Communities to deannex approximately one acre of undeveloped area within the Mesquite corporate limits.  
  
**It was Council consensus to decline the offer.**
- 3 Discuss the proposed budget for Fiscal Year 2018.
- 4 Discuss the establishment of a Charter Review Committee and the issues to be included in the charge to the committee.  
  
**Council directed changes be made to the resolution and the charge. It was Council consensus to proceed with the amendment process.**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:40 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 a governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item Nos. 1, 18 & 19); 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.

No executive action was necessary on Agenda Item No. 1. See Agenda Item Nos. 18 and 19 for executive action taken.

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 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**

(1) Mr. Casper invited dog owners to bring their dogs to the 14th Annual Doggie Splash Day event this Saturday, August 12, 2017, from 9:00 a.m. to Noon at Vanston Pool, 2913 Oates Drive. Dogs can compete for prizes in the swimsuit contest, dog paddle race and diving contest. Admission is \$5.00 for one owner and one pet, \$2.00 for each additional pet and \$1.00 for all spectators. Receive \$2.00 off admission by donating a jar of peanut butter or jelly to the Spread the Love campaign to benefit Sharing Life and Mesquite Social Services.

(2) Mr. Noschese encouraged citizens to contact their legislators regarding proposed legislation affecting our community and advised citizens of the new legislation regarding wireless network nodes within public rights-of-way. He also commended Police Chief Charles Cato and Mr. Casper for testifying on behalf of the City in Austin recently.

(3) Mr. Aleman stated that the second Hispanic crime watch meeting was held last Tuesday night, August 1, 2017, with Police Chief Charles Cato as the guest speaker. He invited residents to the Creek Crossing neighborhood crime watch meeting on Monday, August 14, 2017, at 7:00 p.m., at Landmark Family Church, 2500 Clay Mathis Road and the Falcon's Lair neighborhood crime watch meeting on Tuesday, August 15, 2017, at 7:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive.

(4) Mr. Boroughs reminded citizens to check on their neighbors during these hot, summer months and to take advantage of resources in our community to help citizens in need.

**CITIZENS FORUM**

(1) Glyn Cohron, 1937 Parkdale Drive, expressed support for solar energy.

(2) Barbara Rojas, 2423 Lagoon Drive, invited residents to the Range Elementary and Town East I and II neighborhood crime watch meeting on Tuesday, August 15, 2017, at Town East Baptist Church, which will include discussions regarding the October 15, 2017, National Night Out event. She also expressed appreciation to the City for street repairs in her neighborhood.

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

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

**5**

Minutes of the regular City Council meeting held July 17, 2017.

**Approved on the Consent Agenda.**

- 6 An ordinance amending Chapters 1, 4 and 16 of the City Code creating a Citation Program.

**Approved on the Consent Agenda.**

**Ordinance No. 4498, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 1, 4 AND 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 1-7 IN CHAPTER 1 IN ITS ENTIRETY AND ADDING A NEW SECTION 1-7 THEREBY CREATING A CITATION PROGRAM; BY DELETING SECTION 4-3(b) IN CHAPTER 4 IN ITS ENTIRETY AND ADDING A NEW SECTION 4-3(b) THEREBY PROVIDING ANIMAL CONTROL OFFICERS WITH THE AUTHORITY TO ISSUE CITATIONS FOR ANY VIOLATION OF CHAPTER 4 AND PURSUANT TO SECTION 1-7; BY DELETING SECTION 16-203(d) IN CHAPTER 16 IN ITS ENTIRETY AND ADDING A NEW SECTION 16-203(d) THEREBY PROVIDING THE HEALTH OFFICIAL'S DESIGNATED REPRESENTATIVES WITH THE AUTHORITY TO ISSUE CITATIONS FOR ANY VIOLATIONS IN CHAPTER 16, ARTICLE VI; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4498 recorded in Ordinance Book No. 109.)**

- 7 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.

**Approved on the Consent Agenda.**

**Resolution No. 27-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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. (Resolution No. 27-2017 recorded in Resolution Book No. 51.)**

- 8 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.)

**Approved on the Consent Agenda.**

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

**Approved on the Consent Agenda.**

- 10 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.

**Approved on the Consent Agenda.**

**END OF CONSENT AGENDA****CONSIDERATION OF RESOLUTION**

- 11 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.)

Councilmembers expressed their views regarding a Charter Review Committee.

Mr. Miklos moved to approve Resolution No. 28-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CREATING A CHARTER REVIEW COMMITTEE TO CONSIDER AND REPORT TO THE CITY COUNCIL REGARDING AMENDMENT OF THE CITY CHARTER AND PROVIDING AN EFFECTIVE DATE, as presented and revised during the Pre-Meeting discussion, creating a Charter Review Committee to consist of seven members, two ex-officio members, conduct five public meetings and report their findings to the City Council by November 30, 2017, on the five charge items listed in the resolution. Motion was seconded by Mr. Casper.

Mr. Noschese moved to amend the motion as follows: Revise Section 1(c) to read "The Committee shall be composed of 21 members", revise Section 3(a) to read "Each member of the City Council shall appoint three members to serve on the Committee" and revise Exhibit "A" by eliminating subparagraphs 1-4 and subheading 5 to read "The Committee may discuss charter amendments such as adherence to State law, efficiencies with the operation of the City and including without limitation any electoral changes or any other measure the Committee deems necessary in the charter." Due to lack of a second, the motion failed.

On call for a vote, the following votes were cast:

Ayes: Miklos, Casper, Pickett, Archer, Aleman, Boroughs

Nayes: Noschese

Motion carried. (Resolution No. 28-2017 recorded in Resolution Book No. 51)

**PUBLIC HEARINGS**

- 12 Conduct a public hearing to receive citizen input on the proposed 2017-18 budget.

A public hearing was held to receive citizen input on the proposed 2017-18 budget.

Debbie Mol, Director of Finance, stated that the proposed 2017-18 budget is posted on the City website and additional public hearings will be held at the August 21, 2017, and September 5, 2017, City Council meetings.

No one appeared regarding the proposed 2017-18 budget.

- 13 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.

A public hearing was held to receive input from citizens regarding the proposed 2017-2018 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.

Raymond Rivas, Director of Neighborhood Services, stated that as an entitlement community, the City of Mesquite receives the Community Development Block Grant each year from the United States Department of Housing and Urban Development. As part of this grant, the City is required to prepare an annual action plan that outlines how the City proposes to use this funding and how the use of said funding will improve the Mesquite community. The City uses this funding for public services, planning and administrative activities, housing and rehabilitation, neighborhood development and enhancements. This is the second of two required public hearings as part of the planning process for this grant program.

No one appeared regarding the proposed 2017-18 Community Development Block Grant Program budget and Annual Action Plan.

Mr. Aleman moved to approve Resolution No. 29-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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. Motion was seconded by Mr. Noschese and approved unanimously. (Resolution No. 29-2017 recorded in Resolution Book No. 51.)

14

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.)

A public hearing was held for a Comprehensive Plan concurrency amendment associated with rezoning Application No. Z0517-0005.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that Garrett Langford, Manager of Planning and Zoning, spoke with the applicant prior to the meeting and the applicant desires to move forward with the project as a Planned Development district. Mr. Armstrong stated that the proposed Comprehensive Plan amendment would allow a 36,000-square-foot grocery store

at the southeast corner of East Cartwright Road and Wilkinson Road. Due to the opposition received from noticed properties, a super majority vote would be required for the amendment to be approved.

Craig Waters, 528 East Cartwright, spoke in opposition to the proposed amendment. No others appeared regarding the amendment.

Mayor Pickett stated that the City Council has determined that additional information is needed from the applicant prior to voting on this item.

Mr. Miklos stated that the City of Mesquite is pro-business and wants to provide each potential business the opportunity to be successful.

Mr. Noschese moved to postpone the consideration of 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 to the August 21, 2017, City Council meeting. Motion was seconded by Mr. Miklos and approved unanimously.

15

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.)

A public hearing was held for Application No. Z0517-0005.

Grey Reed, representing the applicant, stated that the company has opened 25 stores on the East Coast since June 2017 and is a zero waste company.

Councilmembers encouraged the applicant to meet with and consider addressing the concerns of the residents who have expressed opposition to the application and to work with staff to find a solution in regards to Planned Development zoning.

Applicant Matt Maly, stated that as the engineer on the project, a modified traffic study was completed and no negative impacts were found.

Mr. Casper left the meeting.

Mr. Noschese moved to postpone the consideration of 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 to the August 21, 2017, City Council meeting. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Miklos, Pickett, Archer, Aleman, Boroughs  
Nays: None

**Absent: Casper**

**Motion carried.**

**16**

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.

**Mr. Casper entered the meeting.**

A public hearing was held to consider a request to substitute a wood fence for a required masonry screening wall on property located at 4401 North Belt Line Road.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the applicant proposes to occupy the existing building and operate a commissary kitchen. Screening is required along the north property line and in lieu of constructing the required masonry wall, the applicant has proposed to repair the existing fence.

Applicant Karen Crownover stated that a commissary kitchen is a commercial kitchen not associated with a restaurant or a food production business and is available to members of the food service community, caterers and individuals desiring to produce food in a clean environment under the guidance of a food service manager. Facilities of this type are leased by the hour or day and users prepare food and take it with them. Ms. Crownover stated that classroom space will be provided for culinary classes available to the community by partnering with a chef to offer nutrition-based education. Students in the high schools' culinary arts programs will have a place to practice their talent. She is desiring to purchase the property and will be investing approximately \$400,000-\$500,000 in equipment, building modifications and expansion. She agreed to repair the fence at this time and replace the fence no later than five years from the date of issuance of a certificate of occupancy.

Mr. Aleman moved to approve a request to substitute the existing wood fence, with needed repairs to meet City Code, for the required masonry screening wall on property located at 4401 North Belt Line Road. Motion was seconded by Mr. Boroughs.

Mr. Noschese moved to amend the motion to include a requirement that the fence must be replaced no later than five years from the date of issuance of the certificate of occupancy. Motion was seconded by Mr. Miklos and approved unanimously.

## **OTHER BUSINESS**

**17**

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.

Debbie Mol, Director of Finance, stated that State law requires publishing special notices and conducting two public hearings before the adoption of a tax rate, if the tax rate exceeds the effective tax rate. The effective tax rate is defined as the tax rate that would produce the same amount of property tax revenue as last year based on the value of the same properties listed on the tax rolls.

Mr. Archer made the following motion, "I, Bruce Archer, move that property taxes be increased by the adoption of a tax rate of \$0.687 cents per \$100 of valuation. The public hearings to consider this rate will be held on August 21, 2017, at 7:00 p.m. and September 5, 2017, at 7:00 p.m." Motion was seconded by Mr. Boroughs and approved unanimously.

18

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.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that at the July 3, 2017, City Council meeting, the Council voted to enact an ordinance which imposed a commercial moratorium on applications pertaining to truck stops and development including the parking of heavy load vehicles as a principal or accessory use. The applicant is proposing a trailer storage facility for their tenant. The effects of granting the waiver include new or revised pavement standards may be proportionally applied to this project and new or revised regulations for screening, buffering and landscaping are subject to vesting.

Matt Dornak, Vice President, Stream Realty Partners – DFW, L.P., representing the applicant, stated that the proposed site would be a fully paved concrete pad with appropriate setbacks, landscape, screening and drainage. The third-party logistics tenant currently leases approximately 700,000 square feet of industrial space and has the capacity to park 60 trailers on their existing truck court. The tenant is in need of additional trailer parking for staging purposes and is requesting trailer parking for an additional 200 trailers.

Mr. Boroughs moved to approve a waiver from the commercial moratorium for trailer storage as an accessory use on property located at 1371 South Town East Boulevard and require the applicant to comply with the City's idling ordinance year round. Motion was seconded by Mr. Archer and approved unanimously.

19

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.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the Pep Boys Distribution Center is proposing a 90,000-square-foot expansion to the south end of their building and will relocate truck parking displaced by the expansion to the east side of the building. Mr. Armstrong stated that Pep Boys has not submitted a site plan at this time and the vacant parcel to the east is zoned Industrial.

Gary Pickens, President and General Manager of United Properties Southwest, LLC, representing the applicant, confirmed the expansion and reviewed the details of the site plan. Mr. Pickens agreed to accept the waiver with the conditions of the site plan, as presented.

Mr. Archer moved to approve a waiver from the commercial moratorium for the parking of heavy load vehicles as a principal and accessory use on properties located at 1130 and 1420 East Kearney Street and conditioned to the site plan as



presented. Motion was seconded by Mr. Boroughs and approved unanimously.

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 20 Consider appointment of seven members to the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2019.

**Mr. Casper moved to reappoint Larry Allen, Nadine Ward, Diane Wright, David Burris, Benny Rice, Ron Ward and Shirley Roberts as members of the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2019. Motion was seconded by Mr. Aleman and approved unanimously.**

- 21 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.

**Mr. Archer moved to appoint Rachel Lopez to the Personnel/Trial Board for a term to expire November 7, 2017, who will also serve on the Civil Service Commission. Motion was seconded by Mr. Casper and approved unanimously.**

#### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:18 P.M.**

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Discuss acquisition of property on Rodeo Center Boulevard) and Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Discuss economic development incentives for a business located along Samuell Boulevard and discuss economic development incentives for a proposed project within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:49 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

#### **ADJOURNMENT**

**Mr. Noschese moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 9:49 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor