



City of Mesquite, Texas

Meeting Agenda City Council

Monday, May 5, 2014

12:00 PM

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

PRE-MEETING - COUNCIL CONFERENCE ROOM - 12:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive information regarding rehabilitation of tax-lien foreclosed residential properties.
- 2 Receive briefing regarding Federal Emergency Management Agency (FEMA) Digital Flood Insurance Rate Map (DFIRM) Program Impacts.
- 3 Receive briefing regarding Program Year 2014-15 Community Development Block Grant (CDBG) applications and budget.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 12:00 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 - 3:00 P.M.

INVOCATION

Jim Packwood, Minister of Missions, Sunnyvale First Baptist Church, Sunnyvale, Texas.

PLEDGE OF ALLEGIANCE

Recreation After School Participants from Dunford Recreation Center.

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 (3) 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 .

PRESENTATIONS

- 4 Presentation of a plaque to Sushil Mathew in recognition of his service as a member of the Civil Service Commission and Personnel/Trial Board.

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 Minutes of the regular City Council meeting held April 21, 2014.
- 6 A resolution denying the rate increase requested by Atmos Energy Corporation, Mid-Tex Division under the Company's 2014 annual Rate Review Mechanism (RRM) filing in all cities exercising original jurisdiction, requiring the Company to reimburse cities' reasonable ratemaking expenses pertaining to review of the RRM, authorizing the City's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the Company, requiring the Company to reimburse cities' reasonable ratemaking expenses in any such appeal to the Railroad Commission, determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act, adopting a savings clause, and requiring delivery of this resolution to the company and the steering committee's legal counsel.
- 7 Bid No. 2014-051 - Annual Supply of Heavy-Duty Chevrolet Truck OEM Parts.
(Staff recommends award to low bidder Autonation Chevrolet with an 11 percent markup from dealer cost, in the amount of \$60,000.00.)
- 8 Bid No. 2014-058 - Annual Supply of Manual Transmissions, Differentials, Drivelines and Parts.
(Staff recommends a split award to low bidders National Fleet Solutions/Truck Parts Specialists in the amount of \$71,662.86 and to Drive Train of Mesquite in the amount of \$29,370.50, for a total bid award of \$101,033.36.)
- 9 Bid No. 2014-062 - Annual Mowing of City Medians and Orphan Rights-of-Ways.
(Authorize the City Manager to execute a contract with low bidder Earth Green Landscaping in the amount of \$80,505.79.)

- 10 Authorize the City Manager to execute a contract amendment to an engineering services contract with Binkley & Barfield - C&P, Inc., for additional engineering and surveying services in conjunction with the FY 2013-14 Alley Reconstruction and Sanitary Sewer Improvement Project in the amount of \$15,000.00.

PUBLIC HEARINGS

- 11 Conduct a public hearing regarding proposed changes in public transportation.
- 12 Conduct a public hearing for Application No. 170-29-2014, submitted by Maxwell Fisher of MasterPlan, for a zoning change from R-3 Single-Family Residential to Planned Development - Commercial with a Conditional Use Permit for a self-storage facility on a 3.78-acre undeveloped tract located at 1350 North Beltline Road.
(One letter in opposition to the proposed amendment has been received. One person appeared in favor of the proposed amendment before the Planning and Zoning Commission. The Commission recommends denial of the application.)
- 13 Conduct a public hearing for Application No. 312-1-2014, submitted by Steven Homeyer for Homeyer Engineering, for a zoning change from AG-Agricultural and K-20 Kaufman-Interstate 20 Floating Zone to Commercial with a Conditional Use Permit for mini-warehouses on a 10.46-acre parcel located in the 6500 block of FM 741.
(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends denial of the application.)
- 14 Conduct a public hearing and consider an ordinance for Application No. 1462-254A-2014, submitted by Dave Kirk for American Tower, to amend Planned Development Ordinance No. 3882 regarding a restriction on antenna type and increasing the height of a cell tower on property located at 2728 Motley Drive.
(Two letters in favor of the proposed amendment have been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)
- 15 Conduct a public hearing and consider an ordinance for Application No. 1462-275-2014, submitted by Mohammad Habib for Royal Bengal Construction, Inc., for a zoning change from General Retail to Planned Development - General Retail to allow six fuel pumps and 12 fueling positions on a 0.6-acre undeveloped tract located at the Southeast corner of Sam Houston Road and Military Parkway.
(One letter in favor of the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 16 Consider appointment of one member to the Personnel/Trial Board for a term to expire November 7, 2014, who will also serve on the Civil Service Commission.
- 17 Consider appointment of two alternate members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire May 5, 2016.

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. Cindy E. Schwarzkopf v. Kohl's Department Stores, Inc., Wanda (Cheryl) Cox, Mark McCoy and City of Mesquite – Filed 10-15-12
2. Ashley Hernandez, Amanda Hodges, Karen Hernandez and Matt Hernandez v. The City of Mesquite, Texas, Officer Daniel Hargrove, Officer Andrew Chance, Officer Shawn Hanley, Officer Prudencio Solis and Unknown Mesquite Police Officers – Filed 3-28-13
3. Demetris Mallard v. Mesquite Police Department – Filed 9-3-13
4. Susan Flander v. Department of Public Safety et al – Filed 11-15-13
5. The Mesquite Fire Fighters Association, Billy Massey, Phillip Cunningham and Matt Haisten v. the City of Mesquite – Filed 12-16-13
6. Xavier Davis v. Jeffrey Foster and the City of Mesquite – Filed 12-23-13

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:

- 18 Discuss sale of property located at 500 South Galloway.

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:

- 19 Consider an economic development incentive for a business seeking to locate on Gus Thomasson Road within the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.
- 20 Consider economic development incentives for a business seeking to locate in the Skyline Industrial District.

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.