



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, September 3, 2019

4:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Tandy Boroughs, Robert Miklos, Greg Noschese, Bruce Archer, Jeff Casper, and Dan Aleman, 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 annual investment activity and proposed changes to the City's Investment Policy.
- 2 Discuss proposed Spradley Farms Development.
- 3 Receive Mesquite Animal Services Strategic Plan Presentation.
- 4 Discuss the proposed budget for Fiscal Year 2019-20.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:05 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 the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Derick Wiley v. City of Mesquite – AAA Case No. 01-17-0007-6614 – Filed 12-5-17; Lyndo Jones v. City of Mesquite, Texas, and Derrick Wiley – Filed 1-18-18); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 4:58 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:48 P.M.

- 5 Receive Neighborhood Services quarterly report covering April 1, 2019, through June 30, 2019.

Raymond Rivas, Assistant City Manager, reviewed the third quarter statistics for Fiscal Year (FY) 2018-19 and stated there has been an increase in complaints submitted by residents and citations issued with a decline in the number of violations and properties contracted. Staff has seen a substantial increase in the number of citations issued for parking on unimproved surfaces in the past year.

Mr. Rivas stated that the code case average, which is the time from when the code violation is opened until the time the violation is corrected by voluntary compliance, issuance of a citation or contractor abatement, is 23 days. Mr. Rivas reviewed the top four code violations – high grass; overhanging limbs; trash, junk and debris; and landscaping and vegetation maintenance – as well as the Code Ambassador program statistics and the Vacant Property Maintenance program. A neighborhood comprehensive sweep was conducted in Code District 1 with 603 violations identified and eight citations issued.

The work session ended at 7:04 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 P.M.

INVOCATION

Jerry Minx, Lake Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Stallions Flag & E Football team.

PRESENTATIONS

- 6 Presentation of a plaque to Jennifer Vidler in recognition of her service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Mayor Pickett presented a plaque to Jennifer Vidler in recognition of her service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee from January 2014 through July 2019.

SPECIAL ANNOUNCEMENTS

(1) Mr. Aleman congratulated the Mesquite Convention and Visitor's Bureau (CVB) staff for receiving numerous awards at the recent Texas Association of Convention and Visitor's Bureau Annual Conference. The Mesquite CVB was honored with a First Place Award for its advertising, website, mobile site and videos and was presented a special Judge's Choice Award for the best overall website regardless of budget size.

(2) Mr. Aleman asked citizens to keep the City of Odessa in their prayers after the recent tragedy there.

(3) Mr. Miklos invited the community to Movies In The Park on Friday, September 13, 2019, at Paschall Park, 1010 New Market Road, featuring the movie "The Incredibles 2." Before the movie, children will have the opportunity to explore various City vehicles at the "Touch A Truck" event.

(4) Mr. Miklos stated that plans are being made to review City ordinances regarding business uses in neighborhoods.

(5) Mr. Noschese invited citizens to pick up a copy of the Mesquite Arts Center's 2019 Fall Guide, which includes concerts, performing arts, classes and free programs.

(6) Mr. Boroughs expressed appreciation to the owners of Mesquite BBQ, Dustin and Melanie Palmer, for donating five percent of all food sales, catering orders and merchandise purchases over Labor Day Weekend to the Mesquite Veterans Memorial campaign.

(7) Mr. Archer invited residents to visit the Marketplace in Downtown Mesquite on Saturday, September 14, 2019, from 9:00 a.m. to 2:00 p.m. Produce, crafts and culinary items will be available from local vendors and merchants. The Marketplace takes place every second and fourth Saturday through November in the downtown square.

(8) Mr. Archer recognized City of Mesquite dispatchers, who were present at tonight's meeting.

(9) Mr. Archer invited residents to meet at Tisinger Elementary School, 1701 Hillcrest Street, on Saturday, September 7, 2019, at 9:00 a.m., to participate in a trash pickup in the Northridge Estates neighborhood.

(10) Mr. Casper announced that the City of Mesquite is offering voter registration assistance at City facilities (Libraries and Parks & Recreation Department) until October 4, 2019. City employees are certified as Dallas County Volunteer Deputy Registrars to assist applicants in completing a Texas Voter Registration Application. City Marshals will deliver all completed applications to the Dallas County Elections Department.

(11) Mr. Pickett invited the community to the Annual 9/11 Memorial Program on September 11, 2019, at 9:00 a.m. at Freedom Park, adjacent to the Mesquite Arts Center.

CITIZENS FORUM

(1) Chad Boyette, 1309 Nimitz Way, expressed support for City of Mesquite dispatchers.

(2) John Huth, 1817 Island View Drive, suggested information regarding fines for speeding and/or use of cell phones in school zones be included in resident's water bills.

(3) A resident on Viva Drive expressed opposition to a gas station being constructed at Baker Drive and Town East Boulevard.

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.

7 Minutes of the regular City Council meeting held August 19, 2019.

Approved on the Consent Agenda.

8 An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corporation, Mid-Tex Division ("Company") regarding the Company's 2019 Rate Review Mechanism filing; 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 attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; 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 counsel.

Approved on the Consent Agenda.

AN ORDINANCE, ON FIRST READING, OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; 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 ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; 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 COUNSEL.

- 9 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"), making and adopting findings, accepting and approving the Annual Service Plan Update and updated Assessment Roll for the District, requiring compliance with Chapter 372, Texas Local Government Code, as amended, providing a cumulative repealer clause, providing for severability and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 4706, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS AND PHASE #2 MAJOR IMPROVEMENTS FOR THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4706 recorded in Ordinance Book No. 117.)

- 10 A resolution authorizing the City Manager to finalize and execute Letters of Authorization with the North Central Texas Council of Governments for the period from October 1, 2019, to September 30, 2020, thereby authorizing the City's participation in the Regional Storm Water Management Program.

Approved on the Consent Agenda.

Resolution No. 60-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE LETTERS OF AUTHORIZATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PERIOD FROM OCTOBER 1, 2019, TO SEPTEMBER 30, 2020, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL STORM WATER MANAGEMENT PROGRAM. (Resolution No. 60-2019 recorded in Resolution Book No. 58.)

- 11 Bid No. 2019-084 - Annual Supply of Petroleum Products.
(Staff recommends award to low bidder Southwest Distributing Company in the amount of \$85,544.80.)
Approved on the Consent Agenda.
- 12 Bid No. 2019-114 - Isilon Storage for Police Video.
(Staff recommends award to Unique Digital, through Texas Department of Information Resources Contract No. DIR-TSO-4299, in the amount of \$184,429.20.)
Approved on the Consent Agenda.
- 13 Authorize the City Manager to approve the City of Rowlett as a participant in the Project 25 (P25) Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement, and authorize the City Manager to execute the Participant and Usage Agreements between the City of Garland, the City of Mesquite and the City of Rowlett setting forth the terms of the City of Rowlett's participation in the System.
Approved on the Consent Agenda.
- 14 Authorize the City Manager to finalize and execute a State and Local Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration, Dallas Field Division for Task Force 1 activities.
Approved on the Consent Agenda.
- 15 Authorize the City Manager to finalize and execute a Memorandum of Understanding (MOU) with the Dallas Field Division of the Drug Enforcement Agency (DEA) regarding equitable sharing through the United States Department of Justice Equitable Sharing Program.
Approved on the Consent Agenda.
- 16 Authorize an expenditure in the amount of \$186,762.72 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.
Approved on the Consent Agenda.

OTHER BUSINESS

- 17 An ordinance determining the public necessity of acquiring real property interests for construction of roadway and infrastructure improvements on the northwest corner of Forney Road and Town East Boulevard, authorizing the City Manager to acquire the real property and authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary, said property being owned by Dallas Gasket and Packing Company, (approximately 1.4979 acres), and being generally located at 1717 South Town

East Boulevard.

Mr. Boroughs stated, "I move that Agenda Item No. 17 be approved, which includes the City of Mesquite authorizing the use of the power of eminent domain to acquire right-of-way and temporary construction easements from the property located at 1717 S. Town East Boulevard in Mesquite owned by Dallas Gasket & Packing Co., Inc., for the public use of roadway and infrastructure improvements to be constructed at Town East Boulevard from U.S. Highway 80 south to Skyline Drive." And to approve Ordinance No. 4707, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF ROADWAY AND INFRASTRUCTURE IMPROVEMENTS AT PROPERTY LOCATED AT 1717 SOUTH TOWN EAST BOULEVARD; AUTHORIZING APPROPRIATION OF THE REAL PROPERTY AND/OR THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE REAL PROPERTY FOR PUBLIC USE; AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE CITY MANAGER. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4707 recorded in Ordinance Book No. 117.)

PUBLIC HEARINGS AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2019-20 BUDGET:

- 18 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2019-20 budget.

A public hearing was held to receive input from citizens regarding the proposed Fiscal Year 2019-20 budget.

No one appeared regarding the proposed Fiscal Year 2019-20 budget.

- 19 Conduct a public hearing regarding the proposed Fiscal Year 2019-20 ad valorem tax rate of \$0.734 per \$100 valuation.

A public hearing was held regarding the proposed Fiscal Year 2019-20 ad valorem tax rate of \$0.734 per \$100 valuation.

No one appeared regarding the proposed 2019-20 ad valorem tax rate of \$0.734 per \$100 valuation.

Mayor Pickett announced "The City Council will vote on the proposed ad valorem tax rate for Fiscal Year 2019-20 on September 16, 2019, at 7:00 p.m., in the City Council Chamber at Mesquite City Hall, 757 North Galloway, Mesquite, Texas."

- 20 An ordinance adopting 2019-20 Pay Plans for General Government employees effective October 1, 2019, providing flat, fixed pay adjustments for certain employees in hard-to-fill positions and providing merit increases, adopting revised pay plans with market adjustments for commissioned Police and Fire personnel effective January 1, 2020, providing step increases for eligible commissioned Police and Fire personnel effective on their respective anniversary date and providing increased prior and current service annuities under the Texas Municipal Retirement System for qualifying retirees and beneficiaries, which includes a cost of living adjustment (COLA) at the 50 percent level.

Mr. Noschese moved to postpone consideration of an ordinance adopting 2019-20 Pay Plans for General Government employees effective October 1, 2019, providing flat, fixed pay adjustments for certain employees in hard-to-fill positions and providing merit increases, adopting revised pay plans with market adjustments for commissioned Police and Fire personnel effective January 1, 2020, providing step increases for commissioned Police and Fire personnel effective on their respective anniversary date and providing increased prior and current service annuities under the Texas Municipal Retirement System for qualifying retirees and beneficiaries to the September 16, 2019, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

21

An ordinance providing funds for Fiscal Year 2019-20 by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.

Mr. Noschese moved to postpone consideration of an ordinance providing funds for Fiscal Year 2019-20 by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget to the September 16, 2019, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

22

An ordinance ratifying the property tax revenue increase reflected in the Fiscal Year 2019-20 budget.

Mr. Noschese moved to postpone consideration of an ordinance ratifying the property tax revenue increase reflected in the Fiscal Year 2019-20 budget to the September 16, 2019, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

PUBLIC HEARINGS

23

Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 652 acres of undeveloped property generally located between FM 2757 and IH-20 and North of IH-20 East of FM 740 in Kaufman County, Texas, and being commonly referred to as Spradley Farms located within the boundaries of the City of Mesquite as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date for the termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance.

A public hearing was held designating a contiguous geographic area consisting of approximately 652 acres of undeveloped property generally located between FM 2757 and IH-20 and North of IH-20 East of FM 740 in Kaufman County, Texas, and being commonly referred to as Spradley Farms located within the

boundaries of the City of Mesquite as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms).

Ted Chinn, Assistant City Manager, stated that in order to facilitate new development in Kaufman County a proposal has been received to create Tax Increment Reinvestment Zone (TIRZ) No. 13, for a proposed residential development of approximately 2,500 homes. There have been 12 other TIRZs created in the City; however, nine are currently active. The proposed TIRZ is for a 35-year term with an expiration date of December 31, 2054. Staff is requesting a continuance of the public hearing to the September 16, 2019, City Council meeting.

No one appeared regarding the creation of the Spradley Farms TIRZ.

Mr. Miklos moved to continue the public hearing and postpone consideration of an ordinance designating a contiguous geographic area consisting of approximately 652 acres of undeveloped property generally located between FM 2757 and IH-20 and North of IH-20 East of FM 740 in Kaufman County, Texas, and being commonly referred to as Spradley Farms located within the boundaries of the City of Mesquite as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) to the September 16, 2019, City Council meeting. Motion was seconded by Mr. Noschese and approved unanimously.

24

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, authorizing the City Manager to finalize and execute an agreement for such purposes with Prologis for the construction of a new industrial building in the Skyline Industrial District located at 5181 Samuell Boulevard, Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a Chapter 380 agreement with Prologis for the construction of a new industrial building in the Skyline Industrial District located at 5181 Samuell Boulevard.

David Witcher, Director of Economic Development, stated that Prologis is a multinational logistics real estate investment company, which operates 3,771 logistics and distribution centers in 19 countries. Prologis is constructing a 237,473-square-foot building on a 14-acre site with an estimated valuation of \$16 million. There will be one to three suites available for lease with 150-200 jobs created. Prologis will obtain a Certificate of Occupancy by December 31, 2020, for one-third of the building space. The City will reimburse 50 percent of water, sewer and roadway impact fees up to \$100,000 upon issuance of the first Certificate of Occupancy in a form of a grant.

Jon Sorg, Senior Vice President of Prologis, stated that Prologis has over 17 years of continuous presence in Mesquite with three buildings for a total of over 1.2 million square feet. The project is adjacent to the IH-30/Highway 80 frontage road with visibility from both highways. Mr. Sorg reviewed the site plan and stated that Prologis' investment includes a minimum of \$16.5 million in land and development costs.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Casper moved to approve Resolution No. 61-2019, 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; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH PROLOGIS FOR THE CONSTRUCTION OF A NEW INDUSTRIAL BUILDING IN THE SKYLINE INDUSTRIAL DISTRICT LOCATED AT 5181 SAMUELL BOULEVARD, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 61-2019 recorded in Resolution Book No. 58.)

25

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-03 amending Chapter 8 of the City Code by adding Article XIV entitled "Special Events and Parades" thereby establishing regulations pertaining to special events and parades; amending Chapters 3, 8, 9, 10 and 10.5 of the City Code pertaining to special events and amending Chapter 1 of the Mesquite Zoning Ordinance pertaining to special events. (The Planning and Zoning Commission recommends approval of the zoning text amendment. This item was postponed at the August 19, 2019, City Council meeting.)

A public hearing was held for Zoning Text Amendment No. 2019-03.

Chris Sanchez, Assistant to the City Manager, stated that special events are currently separated into three different permits – commercial amusement, special promotions and parades. Commercial amusement permits may be issued for temporary events such as carnivals, circuses, fairs, pony rides, mechanical rides and petting zoos and are administered by the Building Inspection Division with a permit fee of \$100.00. Special promotion permits may be issued for business advertising and promotional events and are administered by the Building Inspection Division with a permit fee of \$50.00. Parade permits may be issued for parades on public property and are administered by the Police Department with no permit fee. Mr. Sanchez stated that staff identified a new process and proposes to establish a single special event permit and application review that incorporates all relevant departments. Mr. Sanchez reviewed the criteria of the proposed special events and parades ordinance and the proposed fee structure. The ordinance provides enforcement tools to ensure that applicants comply with the rules and regulations.

No one appeared regarding the proposed amendment.

Mr. Noschese moved to approve Zoning Text Amendment No. 2019-03, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4708, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW ARTICLE XIV TO CHAPTER 8 ENTITLED "SPECIAL EVENTS AND PARADES" THEREBY ESTABLISHING REGULATIONS PERTAINING TO SPECIAL EVENTS AND PARADES; AMENDING CHAPTERS 3, 8, 9, 10 AND 10.5 OF THE MESQUITE CITY CODE, AS AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS PERTAINING TO SPECIAL EVENTS IN THOSE CHAPTERS; AMENDING

THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN DELETIONS AND ADDITIONS IN CHAPTER 1 PERTAINING TO SPECIAL EVENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4708 recorded in Ordinance Book No. 117.)

26

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2019-04 amending Section 4-1023 of the Mesquite Zoning Ordinance pertaining to the application of the North Gus Thomasson Corridor Revitalization Code, Section 3.7, Building Functions and Density, regarding outdoor storage.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2019-04.

Jeff Armstrong, Director of Planning and Development Services, stated that the North Gus Thomasson Corridor Revitalization District (NGTC) was established in 2008 to revitalize a neighborhood commercial district providing walkability and enhanced design features. The NGTC currently prohibits outdoor storage and display with the exception of incidental outdoor display. If approved, this amendment, requested by the owner of Oates Park Shopping Center, would make six properties within the NGTC eligible for outdoor storage and display. The applicant is proposing to locate a Locke Supply business in the former Minyard grocery store space. Locke Supply relies on some outdoor storage for its business operation and is requesting two outdoor storage areas.

Applicant Coy Quine stated that other uses have been considered for this location but the building size and height is a hinderance, along with the reconstruction of Gus Thomasson Road. Mr. Quine stated that Locke Supply is requesting an outdoor sales yard due to the size of some of their products that are too large for indoor storage. Mr. Quine stated that there is a timing issue regarding approval of the lease.

Mike Muzny, Chief Operating Officer of Locke Supply, stated that Locke Supply is a wholesale distributor of plumbing, heating/air and electrical products to subcontractors that is located in 70 cities across six states with the corporate office in Oklahoma City. Locke Supply has seven locations in the Dallas-Fort Worth area, with the eighth location opening soon in Garland. Locke Supply generally locates near residential neighborhoods to provide convenient access for contractors and they adhere to all Department of Transportation vehicular regulations. Mr. Muzny stated that they plan to work with the owners of the shopping center to revitalize the building.

The following persons spoke in opposition of the proposed application: (1) David Burris, 4229 Coryell Way, (2) Kenny Green, 4530 Gus Thomasson, #3119, (3) Dorothy Patterson, 2431 Beverly Hills Lane, (4) Sherry Wisdom, 4231 Karnes Drive and (5) Millie Arnold, 2206 Luau. No others appeared regarding the proposed application.

Mr. Noschese moved to postpone consideration of Zoning Text Amendment No. 2019-04 to the September 16, 2019, City Council meeting. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

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

Motion failed.

Mr. Miklos moved to deny Zoning Text Amendment No. 2019-04. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS

27 Consider appointment of seven members to the Mesquite Quality of Life Board of Directors for terms to expire August 19, 2021.

Mr. Archer moved to appoint Larry Allen, Nadine Ward, Bennye Rice, Shirley Roberts, Ron Ward and Kevin Grubbs as members of the Mesquite Quality of Life Corporation Board of Directors for terms to expire August 19, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:24 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 the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (City of Mesquite v. NPRodeo Holdings, LLC – Filed 10-31-18); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:45 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. Noschese and approved unanimously. The meeting adjourned at 9:45 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor