



City of Mesquite, Texas

Minutes - Final City Council

Monday, October 1, 2018

5:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Dan Aleman, Tandy Boroughs, Robert Miklos, Jeff Casper, Bruce Archer and Greg Noschese, City Manager Cliff Keheley and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive update regarding foreclosed property program.

It was Council consensus to continue to identify a program for the sale of foreclosed properties and resume the sale of properties outside of the targeted neighborhoods identified.

- 2 Receive briefing regarding the Mesquite Metro Airport.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:30 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.074 of the Texas Government Code to 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 City employees (Annual review of City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 7:05 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:15 P.M.

INVOCATION

Beto Meza, Pastor, New Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Neighborhood Crime Watch Captains.

PRESENTATIONS

- 3 Recognize Mesquite resident, Don Douglas, for his generous donation to students at Florence Elementary School.

Mayor Pickett stated that one of the City Council's strategic goals is to Share Our Story by telling extraordinary things occurring in the Mesquite community. Mr. Don Douglas was made aware of Florence Elementary School students who did not have funds to purchase a hot meal. Mr. Douglas has since donated \$100 each month to Florence Elementary School to ensure each student is provided a hot meal every day which has prompted other residents to donate as well.

A brief video of a WFAA news story was played featuring Mr. Douglas giving back to his local school. Mayor Pickett presented a proclamation to Mr. Douglas proclaiming October 1, 2018, as "Don Douglas Day" in the City of Mesquite in honor of his generosity to the Florence Elementary School students. Mr. Douglas expressed his appreciation for the recognition and encouraged citizens to help the students at their neighborhood schools.

- 4 Recognize Addressing Mesquite Day Platinum Level Sponsors.

Mayor Pickett stated that Saturday, October 6, 2018, is the 14th Annual Addressing Mesquite Day (AMD) which involves over 1,000 volunteers from the business, faith-based and civic communities along with many individuals who provide the elderly and disabled with yard work and minor exterior home repairs. Platinum, Gold, Silver and Bronze Level Sponsors have provided a cumulative total of \$44,500.00 in monetary and in-kind donations to this year's AMD.

Yolanda Wilson, Manager of Neighborhood Vitality, introduced AMD Platinum Level Sponsors, who donated \$5,000.00 or more on behalf of their organization – Mary Bradford representing The Home Depot Foundation, Ron McCarty representing Elliott's Hardware and Susan Harris representing Atmos Energy – and Mayor Pickett presented each with a plaque of appreciation.

SPECIAL ANNOUNCEMENTS

(1) Mr. Miklos announced the following National Night Out events taking place on Tuesday, October 2, 2018: (1) Rugel/Skyline neighborhood, at 6:00 p.m., on Hermitage Drive, (2) Town East/Range/Astronaut streets neighborhood, at 6:30 p.m., at Range Elementary School and (3) Willow Glen neighborhood, at 6:30 p.m., at Cannaday Park.

(2) Mr. Casper stated that voter registration cards will be available at all National Night Out events on Tuesday, October 2, 2018. Dallas County Elections Department staff will be onsite registering citizens to vote at the Skyline and Creek Crossing neighborhood events.

(3) Mr. Archer announced that informational sessions for anyone interested in becoming a Public Safety Dispatcher will be held on Wednesday, October 3, 2018, and Saturday, October 6, 2018, from Noon to 2:00 p.m., at City Hall, Training Room B. City of Mesquite's Public Safety Communications team will provide information and answer questions about the application process, job duties and requirements. Sessions are open to the public and no registration is required. For more information, call the Mesquite Police Department at 972-216-6259.

(4) Mr. Boroughs announced that the 14th Annual Addressing Mesquite Day will be held Saturday, October 6, 2018. Many volunteers from various civic groups, churches and individuals will be performing yard work and minor exterior home repairs for elderly and disabled residents. Mr. Boroughs stated that he will be volunteering with the Mesquite AMBUCS to work on two homes and expressed appreciation to all of the groups and individuals that will be volunteering their time this Saturday.

(5) Mr. Aleman stated he attended a block party last Saturday, September 29, 2018, on Woodthorpe Drive and thanked Mayor Pickett, Police Chief Charles Cato and Mesquite firefighters for participating.

(6) Mr. Aleman congratulated Blue Bell Creameries for their 40th anniversary in Mesquite.

(7) Mr. Aleman stated that a Rutherford/Creek Crossing neighborhood National Night Out event will be held on Tuesday, October 2, 2018, at The Crossing Baptist Church, 1060 Clay Mathis Road, from 6:30 p.m. to 8:30 p.m., and invited residents to attend.

(8) Mr. Aleman invited everyone to Mesquite Police Department's "Coffee with Cops" on Wednesday, October 3, 2018, from 7:00 a.m. to 9:00 a.m., at McDonald's located at 1817 North Belt Line Road, 1531 Town East Boulevard, 18751 LBJ Freeway, 200 U. S. Highway 80, 2012 Scylene Road and 1444 South Belt Line Road.

(9) Mr. Aleman invited residents to attend a Mesquite Garden Club fundraiser at BJ's Restaurant at Town East Mall on Thursday, October 25, 2018. Present a Mesquite Garden Club flyer and receive a 20 percent discount on food.

(10) Mr. Aleman stated that he is honored to be the Master of Ceremonies at the 7th Annual Treasures Barn Sale on Thursday, October 11, 2018, at 6:00 p.m., at Opal Lawrence Historical Park, 711 East Kearney Street, and invited everyone to attend. The barn sale will continue on Friday, October 12, 2018, and Saturday, October 13, 2018, from 8:00 a.m. to 4:00 p.m.

(11) Mr. Aleman stated that he will be participating in "Walk the Kids to School Day" at Pirrung Elementary School on Wednesday, October 3, 2018.

(12) Mr. Noschese commended the Mesquite Police Association and the Mesquite Fire Association for giving back to our community. The Mesquite Police Association is encouraging everyone to become a Hallie's Hero and join them on Friday, October 12, 2018, from 12:30 p.m. – 3:30 p.m., at City Hall, Training Rooms A & B, to donate to this great cause. Hallie Bea Barnard, of Denton, Texas, is a 10 year old looking for a bone marrow match. At 13 months old, Hallie was diagnosed with a rare bone marrow disorder called Diamond Blackfan Anemia (DBA). The only cure for DBA is a bone marrow transplant. Hallie's bone marrow doesn't produce red blood cells. She is currently taking steroids to survive but once she becomes steroid resistant, she will need blood transfusions every three weeks. Less than 2 percent of Americans are on a bone marrow registry, and those who are, have a one percent chance of being a match to anyone worldwide. Hallie's Heroes was born in July 2015 and now has 7,000 registered in the National Bone Marrow Registry. Sixty-nine matches have been found and 10 lives have been saved so far. If you are that one percent chance to be someone's hero, the following are ways to donate: Peripheral Blood Stem Cell – six to eight hour non-surgical procedure or bone marrow – one to two hour surgical procedure. Mr. Noschese encouraged everyone to participate in this very important event.

(13) Mr. Aleman wished his wife a Happy 41st Anniversary.

(14) Mr. Pickett announced that public input meetings will be held on Tuesday, October 16, 2018, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way, and Thursday, October 18, 2018, at 7:00 p.m., at Rutherford Senior Center, 900 Rutherford Drive, to discuss the City Council redistricting process for transitioning to six single-member districts.

RECEIPT OF RESIGNATION

25

Receive resignation from David Paschall as a member of the North Texas Municipal Water District Board of Directors.

This item was taken out of order.

Mr. Archer moved to accept the resignation of David Paschall as a member of the North Texas Municipal Water District Board of Directors. Motion was seconded by Mr. Noschese and approved unanimously.

OTHER BUSINESS

26

Consider appointment of David Paschall as the City Attorney for the City of Mesquite, Texas, effective October 22, 2018, and authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and David Paschall for the position of City Attorney.

This item was taken out of order.

Mr. Noschese moved to appoint David Paschall as the City Attorney for the City of Mesquite, Texas, effective October 22, 2018, and authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and David Paschall for the position of City Attorney. Motion was seconded by Mr. Archer and approved unanimously.

Mr. Paschall expressed appreciation to the Mayor, City Council and City staff as well as his family for their support in his career.

CITIZENS FORUM

(1) Bob Bishop, 2312 Warm Springs Road, expressed appreciation to the City Council for various road repairs and aggressive code enforcement.

(2) Charlie Baker, 1713 Huntington Drive, expressed concerns regarding road issues on South Parkway and maintenance issues in Westover Park.

(3) Millie Arnold, 2206 Luau Street, stated that voter registration cards will be available at the Range neighborhood National Night Out event on Tuesday, October 2, 2018.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item Nos. 8 and 12 be removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Miklos and approved unanimously.

5

Minutes of the regular City Council meeting held September 17, 2018.

Approved on the Consent Agenda.

6

An ordinance amending Chapter 3 of the City Code establishing airport rates and fees, effective October 2, 2018.

Approved on the Consent Agenda.

Ordinance No. 4608, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 3 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING NEW SECTIONS 3-52 THROUGH 3-56 THEREBY ESTABLISHING AIRPORT RATES AND FEES; PROVIDING A REPEALER CLAUSE;

PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 2, 2018. (Ordinance No. 4608 recorded in Ordinance Book No. 113.)

7

An ordinance amending the City Code for fees collected by the City of Mesquite for Fiscal Year 2018-19.

Approved on the Consent Agenda.

Ordinance No. 4609, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN CHAPTER 1, "GENERAL PROVISIONS," THEREBY AMENDING THE SERVICE CHARGE FOR RETURNED CHECKS AND AMENDING THE SCHEDULE OF AMBULANCE USER FEES; BY MAKING CERTAIN ADDITIONS AND DELETIONS IN CHAPTER 5, "BUILDINGS AND CONSTRUCTION," THEREBY AMENDING VARIOUS PERMIT AND ADMINISTRATIVE FEES; BY MAKING CERTAIN ADDITIONS AND DELETIONS IN CHAPTER 8, "LICENSES, PERMITS AND BUSINESS REGULATIONS," THEREBY AMENDING THE FEES FOR HOME SOLICITATION PERMITS AND BURGLARY AND ROBBERY ALARM PERMITS, AND DELETING THE PERMIT REQUIREMENT AND FEES FOR DANCE HALLS AND STUDIOS, DOMINO HALLS AND THE PERMIT FEE FOR FOOD HANDLER'S CARDS; BY MAKING CERTAIN ADDITIONS AND DELETIONS IN CHAPTER 14, "SOLID WASTE," THEREBY AMENDING VARIOUS SOLID WASTE FEES; BY MAKING CERTAIN ADDITIONS AND DELETIONS IN CHAPTER 16, "WATER AND LIQUID WASTE," THEREBY AMENDING VARIOUS FEES AND DEPOSITS REQUIRED; BY REPEALING ORDINANCE NO. 4347, WHICH ESTABLISHED SCHEDULE OF CHARGES FOR PARKS AND RECREATION SERVICES, IN ITS ENTIRETY AND PROVIDING A CURRENT SCHEDULE OF CHARGES FOR PARKS AND RECREATION SERVICES; BY MAKING CERTAIN ADDITIONS AND DELETIONS IN ORDINANCE NO. 4516, WHICH REVISED THE SCHEDULE OF FEES AND OTHER CHARGES COLLECTED BY THE MESQUITE PUBLIC LIBRARY SYSTEM; BY REPEALING ORDINANCE NO. 4568, WHICH ESTABLISHED A SCHEDULE OF VARIOUS ADMINISTRATIVE FEES, IN ITS ENTIRETY AND PROVIDING A CURRENT SCHEDULE OF VARIOUS ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR A PERSON VIOLATING A PROVISION OF THIS ORDINANCE GOVERNING FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION AND A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR ALL OTHER PROVISIONS; AND PROVIDING EFFECTIVE DATES THEREOF. (Ordinance No. 4609 recorded in Ordinance Book No. 113.)

9

An ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who, at the effective date of the allowance, are members of the City of Mesquite, effective January 1, 2019.

Approved on the Consent Agenda.

Ordinance No. 4611, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE

ALLOWANCE ARE MEMBERS OF THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE. (Ordinance No. 4611 recorded in Ordinance Book No. 113.)

10

An ordinance for Application No. Z0618-0049, submitted by Maxwell Fisher of MasterPlan, for a change of zoning from Commercial to Planned Development-Commercial to allow pawnshops as a permitted use, located at 3711 Gus Thomasson Road.

(The City Council held a public hearing on this request at the September 17, 2018, City Council meeting and voted to approve the application with certain stipulations.)

Approved on the Consent Agenda.

Ordinance No. 4612, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT – COMMERCIAL ON PROPERTY LOCATED AT 3711 GUS THOMASSON ROAD THEREBY MAKING AN EXISTING PAWNSHOP A CONFORMING USE AND ALLOWING IT TO EXPAND; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4612 recorded in Ordinance Book No. 113.)

11

A resolution authorizing the City Manager to execute the 2018 Byrne Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson, in the revised amount of \$24,892.94; designating the City of Dallas as the applicant and fiscal agent and designating the Police Chief as the responsible officer for the purpose of signing all documents associated with the grant.

Approved on the Consent Agenda.

Resolution No. 56-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (“JAG”) PROGRAM FUNDS SHARING AND FISCAL AGENCY AGREEMENT BETWEEN DALLAS COUNTY AND THE CITIES OF BALCH SPRINGS, CARROLLTON, DALLAS, DESOTO, DUNCANVILLE, GARLAND, GRAND PRAIRIE, IRVING, LANCASTER, MESQUITE AND RICHARDSON; AUTHORIZING AN EQUITABLE RE-DISTRIBUTION OF GRANT FUNDS THEREBY REDUCING MESQUITE’S FORMULA ALLOCATION TO THE REVISED AMOUNT OF \$24,892.94; DESIGNATING THE CITY OF DALLAS AS THE APPLICANT AND FISCAL AGENT; AND DESIGNATING THE POLICE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL DOCUMENTS ASSOCIATED WITH THE GRANT. (Resolution No. 56-2018 recorded in Resolution Book No. 55.)

13

Bid No. 2019-008 - Annual Avaya Telephone System Maintenance.

(Staff recommends award to Lantana Communications Corporation, through the Texas Department of Information Resources Contract No. DIR-TSO-2654,

in the amount of \$50,769.18.)

Approved on the Consent Agenda.

- 14** Bid No. 2019-014 - Purchase of Seven Dodge Charger Police Vehicles.
(Staff recommends award to Cowboy Chrysler Dodge Jeep Ram in Silsbee, Texas, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. VE11-15, in the amount of \$175,876.50.)

Approved on the Consent Agenda.

- 15** Bid No. 2019-015 - Purchase of Ten Ford Interceptor SUV Police Vehicles.
(Staff recommends award to Silsbee Ford in Silsbee, Texas, through a Joint Venture/Cooperative Purchasing Agreement with Tarrant County Contract No. 2016-006, in the amount of \$321,305.00.)

Approved on the Consent Agenda.

- 16** Bid No. 2019-020 - Annual Supply of Fire Department Uniforms and Clothing.
(Staff recommends award to Galls, LLC, in Lexington, Kentucky, through BuyBoard Contract No. 507-16, sponsored by the Texas Association of School Boards, in an amount not to exceed \$95,740.00.)

Approved on the Consent Agenda.

- 17** Authorize the City Manager to finalize and execute an agreement with the County of Dallas to permit the City of Mesquite to issue State of Texas motor vehicle registration renewals for City owned vehicles.

Approved on the Consent Agenda.

- 18** Authorize the Mayor to execute an employment agreement between the City of Mesquite, Texas, and City Secretary Sonja Land.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 8** An ordinance adopting 2018-2019 Pay Plans for General Government employees effective October 1, 2018, providing flat, fixed pay adjustments for certain employees in hard-to-fill positions and providing merit increases or payments in lieu thereof, adopting revised pay plans with market adjustments for commissioned Police and Fire personnel effective January 1, 2019, and providing step increases for commissioned Police and Fire personnel effective January 1, 2019, and April 1, 2019.

Mr. Noschese moved to approve Ordinance No. 4610, substituting Exhibit "C", which includes Table A, as presented in the Pre-Meeting, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ("CITY"), ADOPTING 2018-19 PAY PLANS FOR FULL-TIME AND PART-TIME GENERAL GOVERNMENT PERSONNEL WITH AN EFFECTIVE DATE OF OCTOBER 1, 2018; PROVIDING FLAT, FIXED PAY ADJUSTMENTS FOR CERTAIN QUALIFYING FULL-TIME GENERAL GOVERNMENT PERSONNEL THAT ARE EMPLOYED IN THE CITY'S PUBLIC WORKS, PARKS AND RECREATION, AND ANIMAL SERVICES DEPARTMENTS; PROVIDING

TWO-PERCENT MERIT INCREASES AND ONE-TIME LUMP SUM PAYMENTS FOR CERTAIN QUALIFYING GENERAL GOVERNMENT PERSONNEL; ADOPTING REVISED PAY PLANS FOR COMMISSIONED POLICE AND FIRE PERSONNEL WITH AN EFFECTIVE DATE OF JANUARY 1, 2019, PROVIDING A THREE PERCENT MARKET ADJUSTMENT FOR COMMISSIONED POLICE AND FIRE EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2019, PROVIDING AN ADDITIONAL STEP INCREASE EFFECTIVE APRIL 1, 2019, FOR QUALIFYING COMMISSIONED POLICE AND FIRE PERSONNEL SERVING IN THE POSITION/RANK OF POLICE OFFICER AND FIREFIGHTER, WHICH WILL INCREASE THE NUMBER OF STEPS FROM FIVE TO SIX, AND PROVIDING A STEP INCREASE EFFECTIVE APRIL 1, 2019, FOR QUALIFYING COMMISSIONED POLICE AND FIRE PERSONNEL SERVING IN THE POSITIONS/RANKS OF POLICE SERGEANT, POLICE LIEUTENANT, POLICE CAPTAIN, POLICE ASSISTANT CHIEF, FIRE DRIVER-ENGINEER, FIRE LIEUTENANT, FIRE CAPTAIN, FIRE DEPUTY CHIEF, AND FIRE ASSISTANT CHIEF; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4610 recorded in Ordinance Book No. 113.)

12

A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 1, 2018.

Mr. Noschese moved to postpone consideration of a resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 1, 2018, to the October 15, 2018, City Council meeting. Motion was seconded by Mr. Miklos and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

19

Conduct a public hearing and consider an ordinance for Application No. Z0818-0059, submitted by James Novey of J-N Fence, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow outdoor display of sheds, located at 305 U.S. Highway 80 East.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

A public hearing was held for Application No. Z0818-0059.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing the outdoor display of five storage sheds, located in the front portion of the applicant's property. The outdoor display will serve as a visual example of the storage shed options available for customers to purchase. Mr. Armstrong reviewed the proposed stipulations, which have been accepted by the applicant.

No one appeared regarding the proposed zoning change.

Mr. Noschese moved to approve Application No. Z0818-0059, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. There shall be no more than five sheds displayed on the property at any time.

2. The sheds must be replaced every two years to keep the structures in good condition.
3. The CUP shall apply to J-N Fence Company, Inc., and cannot be assigned or transferred.

And, to approve Ordinance No. 4613, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 305 U. S. HIGHWAY 80 EAST THEREBY ALLOWING THE OUTDOOR DISPLAY OF NO MORE THAN FIVE CONSTRUCTED STORAGE SHEDS FOR SALE ONSITE AT ANY GIVEN TIME; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4613 recorded in Ordinance Book No. 113.)

20

Conduct a public hearing and consider an ordinance for Application No. Z0818-0058, submitted by Chris Frerich of Eikon Consulting, on behalf of Golden Chick, for a change of zoning from Single-Family Residential to General Retail to allow any use permitted in the General Retail zoning district, located at 120 W. Cartwright Road.

(One response in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. Z0818-0058.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to rezone the subject property to construct a Golden Chick fast-food restaurant on a vacant tract of land that is part of a larger undeveloped tract of land.

Applicant Chris Frerich stated that the vacant tract is located between a State Farm Insurance agency and a Taco Bell. Matthew Parmerlee, representing Golden Chick, stated there are no obstacles to financing the project and that Golden Chick is acceptable to the proposed masonry screening wall.

Dr. C. M. Schade, 220 Riggs Circle, requested a masonry screening wall be installed at the rear of the property due to lights, noise and potential vagrants.

No others appeared regarding the proposed application.

Mr. Miklos moved to approve Application No. Z0818-0058, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4614, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM R-1 SINGLE-FAMILY RESIDENTIAL TO GENERAL RETAIL ON PROPERTY LOCATED AT 120 WEST CARTWRIGHT ROAD THEREBY ALLOWING A DRIVE-THROUGH RESTAURANT AND OTHER USES THAT ARE PERMITTED IN THE GENERAL RETAIL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE

PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4614 recorded in Ordinance Book No. 113.)

21

Conduct a public hearing and consider action regarding a request from Chris Frerich on behalf of Golden Chick, to substitute a living screen for a required eight-foot-tall long-span precast masonry screening wall on the north 130 feet of the east property line of property located at 120 West Cartwright Road.

A public hearing was held to consider a request to substitute a living screen for a required eight-foot-tall long-span precast masonry screening wall on the north 130 feet of the east property line of property located at 120 West Cartwright Road.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to construct a Golden Chick fast food restaurant on the property and has requested a living screen in place of a masonry wall along the east property line. A masonry screening wall will be installed at the rear of the property where it abuts existing single-family homes.

No one appeared regarding the substitution request.

Mr. Miklos moved to approve a request to substitute a living screen for a required eight-foot-tall long-span precast masonry screening wall on the north 130 feet of the east property line of property located at 120 West Cartwright Road. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nayes: Noschese

Motion carried.

22

Conduct a public hearing for the purpose of considering annexation of 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by D.R. Horton - Texas, LTD., Diecieseis, LLC, and CADG Kaufman 146, LLC.

Mr. Milos left the meeting.

A public hearing was held for considering annexation of approximately 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741.

Mayor Pickett stated that this is the second of two required public hearings for the proposed annexation. The first public hearing was held at the September 17, 2018, City Council meeting.

No one appeared regarding the proposed annexation.

23

Consider an ordinance annexing approximately 121.282 acres of territory within the City's extraterritorial jurisdiction, generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas,

granting to all the inhabitants of said territory all the rights and privileges of all other citizens and making applicable to said land and its inhabitants all of the acts, ordinances, resolutions and regulations of said City, adopting a service plan for the provision of municipal services in the area so annexed, designating annexed territory to be zoned Agricultural, directing the City Secretary to give notice as required to all affected jurisdictions, revising the official boundary limits of the City and setting an effective date of annexation.

Mr. Casper moved to approve Ordinance No. 4615, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ANNEXING 121.282 ACRES OF LAND LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF IH-20 AND FM-741, IN THE MARTHA MUSIC SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, IN CONNECTION WITH A VOLUNTARY PETITION SUBMITTED BY D. R. HORTON – TEXAS, LTD, DIECIESEIS, LLC, AND CADG KAUFMAN 146, LLC, THUS EXTENDING THE BOUNDARY LIMITS OF SAID CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, TO INCLUDE SAID LAND WITHIN THE CITY LIMITS PURSUANT TO A VOLUNTARY ANNEXATION PETITION SUBMITTED BY THE OWNER; GRANTING FUTURE INHABITANTS OF THE AREA ALL RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY AND MAKING APPLICABLE TO SAID TERRITORY ALL OF THE ORDINANCES AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; DESIGNATING ALL TERRITORY THUS ANNEXED TO BE ZONED AGRICULTURAL; PROVIDING FOR THE FILING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4615 recorded in Ordinance Book No. 113.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

24

Consider appointment of three regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2020, and one alternate member for a term to expire October 1, 2020.

Mr. Miklos entered the meeting.

Mr. Archer moved to reappoint Sherry Williams and to appoint David Gustof as regular members of the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2020. Motion was seconded by Mr. Aleman and approved unanimously.

ADJOURNMENT

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 8:39 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor