



City of Mesquite, Texas

Minutes - Final City Council

Monday, November 16, 2020

5:15 PM

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

Present: Mayor Bruce Archer and Councilmembers Robert Miklos, Tandy Boroughs, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Deputy Mayor Pro Tem Dan Aleman.

PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:25 P.M.

Mayor Archer 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 (Receive update on pending litigation cases); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:49 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

INVOCATION

Jerry Minx, Lake Pointe Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom encouraged citizens who are looking for employment to consider applying with the City of Mesquite. The City offers many benefits to employees such as an "employee-only" option which includes free medical, dental and vision coverage as well as free life insurance. Visit the City's website for a list of current job opportunities.

2. Mr. Green stated that the new Mesquite Veterans Memorial is now open to the public. He thanked Randy Lawson and The Heroes of Mesquite group for their efforts over the past 13 years to bring the new memorial to fruition. He also thanked City Manager Cliff Keheley for teaming with Mr. Lawson to help complete this project. The Memorial is a great tribute to all past and present military veterans as well as military families. The deadline to purchase bricks to be placed at the Memorial has been extended to December 18, 2020.

3. Mr. Miklos reminded citizens that the City has free mental health services available to Mesquite residents. To access free mental health counseling and referral services through the City's partnership with the AZAR Foundation, residents can call 833-298-9111 to schedule a virtual or in-person session for individuals, couples and groups. This is one part of the City's comprehensive plan under development to work with community partners to respond to mental health needs in our community.

4. Mr. Miklos encouraged residents to "Shop Mesquite" this holiday season for gifts and dining out with friends and family. More than 25 percent of the City's general fund budget is funded from sales tax, which pays for Police and Fire services and 911 Dispatch as well as Parks and Recreation services.

5. Mr. Boroughs announced the following upcoming events: (1) Small Business Saturday will be held on Saturday, November 28, 2020, in Downtown Mesquite; (2) a drive-through version of Christmas in the Park will be held on Saturday, December 5, 2020, and Sunday, December 6, 2020, at Westlake Park; and (3) the Mesquite Community Band will host a free concert on Saturday, December 5, 2020, at the Mesquite Arts Center. Details for these events can be found on the City's website calendar. He invited citizens to participate in these events and be safe while practicing public health guidelines.

6. Mr. Smith stated that the Mesquite Police Department kicked off the Annual Santa Cop Toy Drive last week, which provides assistance during the Christmas season to children and families in need throughout Mesquite. He encouraged residents to consider donating a toy or making a monetary donation to this worthy cause.

7. Mr. Smith invited citizens to attend a Domestic Violence Seminar on Saturday, November 21, 2020, from 10:00 a.m. to Noon, at Trinity Christian Worship Center, 3300 Gus Thomasson Road. He, along with Jessica Minor, will be speaking regarding the impact of domestic violence on victims as well as children, mental health issues and suicide prevention.

8. Mayor Archer announced that the City of Mesquite was recently ranked among the "most livable" mid-sized cities by Smart Asset, a company that helps people with personal finance decisions regarding home buying, retirement and more. Mesquite was ranked at number 48 when compared to other cities throughout the country. This indicates that our community continues to gain national prominence for all of the great things that the City is doing. He stated that we will continue to improve the quality of life for our citizens, in order to be the Kindest City, the Cleanest City, the Safest City and the Most Employed City.

9. Mayor Archer stated that he ran for office on four major goals. Mesquite must become the Safest, Cleanest, Most Employed and Kindest City in America. He thanked Dr. James Terry and Audwin Prince for leading the "Cleanest City Initiative" and looks forward to seeing their recommendations presented to Council in the near future. He encouraged citizens to work towards the Cleanest and Kindest City goal by taking at least 30 minutes out of their day this Saturday, November 21, 2020, to pick up litter in their neighborhoods and smile and wave at every pedestrian or driver that you see.

CITIZENS FORUM

1. Yolanda Rice, 5050 Via Altos Drive, expressed concerns regarding obscene and profane music that can be heard from vehicles in our community and being played in local businesses.

2. Jay C. Miller, representing the American Legion Post at 130 East Main Street, expressed concerns regarding the number of persons gathered at the private dedication of the new Mesquite Veterans Memorial.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Green requested that Item No. 3 be removed from the Consent Agenda to be considered separately. Mr. Miklos moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Green and approved unanimously.

- 1 Minutes of the regular City Council meeting held November 2, 2020.

Approved on the Consent Agenda.

- 2 An ordinance amending Article IV of Chapter 2 of the City Code by adding a new Division 5 to establish regulations for political contributions and amending Appendix D of the City Code, Comprehensive Fee Schedule, to establish a fee in Article 1, Administration, by adding a fee for political contributions complaint.

Approved on the Consent Agenda.

Ordinance No. 4824, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ARTICLE IV OF CHAPTER 2 OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW DIVISION 5 TO ESTABLISH REGULATIONS FOR POLITICAL CONTRIBUTIONS, AND AMENDING APPENDIX D OF THE MESQUITE CITY CODE, COMPREHENSIVE FEE SCHEDULE, AS AMENDED, TO ESTABLISH A FEE IN ARTICLE I, ADMINISTRATION, BY ADDING A FEE FOR POLITICAL CONTRIBUTIONS COMPLAINT; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4824 recorded in Ordinance Book No. 122.)

- 4 An ordinance, on third and final reading, granting to Trinity Valley Electric Cooperative, Inc., its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, prescribing conditions governing the use of the public rights-of-way, providing for compensation therefore, providing for an effective date and a term of said franchise, providing for written acceptance of this franchise, finding that the meetings at which this ordinance is passed are open to the public and providing for severability.

Approved on the Consent Agenda.

Ordinance No. 4825, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, GRANTING TO TRINITY VALLEY ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MESQUITE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; FINDING THAT THE MEETINGS AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING

FOR SEVERABILITY. (Ordinance No. 4825 recorded in Ordinance Book No. 122.)

- 5 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, 2020, to September 30, 2021, thereby authorizing the City of Mesquite's participation in the Regional Storm Water Management Program for a total sum not to exceed \$59,745.00.

Approved on the Consent Agenda.

Resolution No. 58-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, 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, 2020, TO SEPTEMBER 30, 2021, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL STORM WATER MANAGEMENT PROGRAM FOR A TOTAL SUM NOT TO EXCEED \$59,745.00. (Resolution No. 58-2020 recorded in Resolution Book No. 61.)

- 6 A resolution endorsing and accepting the 2020-2021 Impaired Driving Mobilization Grant for the Selective Traffic Enforcement Project (STEP), approving the contribution of City funds in the amount of \$2,397.05 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation in connection with such grant and project.

Approved on the Consent Agenda.

Resolution No. 59-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING AND ACCEPTING THE 2020-2021 IMPAIRED DRIVING MOBILIZATION GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROJECT; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$2,397.05; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH SUCH GRANT AND PROJECT. (Resolution No. 59-2020 recorded in Resolution Book No. 61.)

- 7 A resolution adopting the 2021 Legislative Program for the City of Mesquite, Texas, and directing the City Manager or his designee to act with regard to the City's Legislative Program.

Approved on the Consent Agenda.

Resolution No. 60-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE 2021 LEGISLATIVE PROGRAM FOR THE CITY OF MESQUITE, TEXAS; DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO ACT WITH REGARD TO THE CITY'S LEGISLATIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 60-2020 recorded in Resolution Book No. 61.)

- 8 Bid No. 2020-064 - Annual Supply of Aftermarket Vehicle Replacement Parts.
(Staff recommends all bids be rejected.)

Approved on the Consent Agenda.

- 9 RFP No. 2020-100 - Annual Contract for Temporary Personnel Services.
(Authorize the City Manager to finalize and execute a contract with ALL TEMPS

1 Personnel dba Rushmore Corporation in an amount not to exceed \$60,000.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 10 RFP No. 2020-109 - Annual Contract for Spay/Neuter Services.
(Authorize the City Manager to finalize and execute a contract with Pathway Vet Alliance, LLC, dba Town East Animal Hospital and dba Hillside Veterinary Clinic in the amount of \$199,510.00. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 11 Bid No. I029-2020 - Annual Supply of PACA Body Armor for Police Department.
(Staff recommends award to Nardis Public Safety through BuyBoard Contract No. 603-20 in the amount of \$61,438.00.)

Approved on the Consent Agenda.

- 12 Bid No. 2021-028 - Annual Contract for Internet Auctioning Services of Precious Metals.
(Staff recommends award to Gaston & Sheehan Auctioneers, Inc., through BuyBoard Contract No. 620-20, sponsored by the Texas Association of School Boards, for a commission of 6.5 percent of gross sales. The term of this contract is for one year, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 13 Authorize the City Manager to execute the Service Agreement for the P25 Public Safety Radio system with Motorola Solutions for the term of October 1, 2020, through September 30, 2028, in the amount of \$207,323.71 each year, with each year being subject to annual appropriation of funds.

Approved on the Consent Agenda.

- 14 Authorize the City Manager to finalize and execute an Interlocal Agreement with the University Emergency Medical Response on behalf of University of Texas at Dallas to provide emergency medical services education and training in the classroom and through internship shifts to Mesquite Fire Department employees.

Approved on the Consent Agenda.

- 15 Authorize the City Manager to finalize and execute a Consent to Assignment of Ground Lease with WRE Hangar 1680, LLC.

Approved on the Consent Agenda.

- 16 Authorize the City Manager to finalize and execute Change Order No. 3 to Bid

No. 2019-003, Front Street Station from Ebrite Street to Galloway Avenue, with DDM Construction Corporation for additional services requested in the amount of \$154,726.54.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 3 An ordinance repealing and replacing Chapter 4 of the City Code, thereby adopting a new Chapter 4 "Animals"; revising and repealing certain other articles, divisions, and sections in the Mesquite City Code related to provisions that will now be addressed in the new Chapter 4; and revising Article I and revising, repealing, and replacing Article III in Appendix D "Comprehensive Fee Schedule" of the Mesquite City Code, as amended, to reorganize Article III to be titled "Animal Services Division" and revise and add new fees associated with the Animal Services Division.

Mr. Green moved to approve Ordinance No. 4826, to include the revised version of Exhibit "A" dated November 16, 2020, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, AS AMENDED, BY REPEALING AND REPLACING CHAPTER 4 "ANIMALS" THEREBY ADOPTING A NEW CHAPTER 4 "ANIMALS"; REVISING AND REPEALING CERTAIN OTHER ARTICLES, DIVISIONS, AND SECTIONS IN THE MESQUITE CITY CODE RELATED TO PROVISIONS THAT WILL NOW BE ADDRESSED IN THE NEW CHAPTER 4; AND REVISING ARTICLE I AND REVISING, REPEALING, AND REPLACING ARTICLE III IN APPENDIX D "COMPREHENSIVE FEE SCHEDULE" OF THE MESQUITE CITY CODE, AS AMENDED, TO REORGANIZE ARTICLE III TO BE TITLED "ANIMAL SERVICES DIVISION" AND REVISE AND ADD NEW FEES ASSOCIATED WITH THE ANIMAL SERVICES DIVISION; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4826 recorded in Ordinance Book No. 122.)

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 17 Consider appointment of four regular members and two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2022, and one regular member for a term to expire December 4, 2021.

Mr. Green moved to appoint Julie Shelton, Debra Morgan and Barbara Dunn as regular members to the Municipal Library Advisory Board for terms to expire December 4, 2022. Motion was seconded by Ms. Wisdom and approved unanimously.

- 18 Consider appointment of two regular members and one alternate member to the Mesquite Housing Board for terms to expire December 3, 2022, and one regular member and one alternate member for terms to expire December 3, 2021.

Ms. Wisdom moved to appoint James Elledge and Marian Square as regular members to the Mesquite Housing Board for terms to expire December 3, 2022, and Brian Perry as a regular member for a term to expire December 3, 2021. Motion was seconded by Mr. Green and approved unanimously.

19

Consider appointment of Rachel Lopez to the Personnel/Trial Board for a term to expire November 7, 2023, and confirmation of appointment by the City Manager of Rachel Lopez to continue 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, 2023.

Mr. Miklos moved to appoint Rachel Lopez as a member of the Personnel/Trial Board for a term to expire November 7, 2023, and confirm appointment by the City Manager of Rachel Lopez to continue 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, 2023. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

20

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0920-0154 submitted by Barbara Kilpatrick of Appleseed Academy for a Zoning Change from "GR" - General Retail to "GR" - General Retail with a Conditional Use Permit to allow a daycare center and private school, located at 4346 North Galloway Avenue.

(One response in favor and none 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 Zoning Application No. Z0920-0154.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to operate a day care center and private school at 4346 North Galloway Avenue. Previously, Appleseed Academy was located at 1019 Tripp Road. However, in 2017, the building was destroyed by fire. A temporary Certificate of Occupancy was obtained to relocate to 4346 North Galloway Avenue, which is the home of First Baptist Church of Meadowview. The applicant would like to remain at this location on a permanent basis, which requires a Conditional Use Permit and a Certificate of Occupancy. Mr. Armstrong stated that the City's Traffic Engineering Division has reviewed and approved the Traffic Management Plan.

Applicant Barbara Kilpatrick stated that Appleseed Academy has operated in Mesquite as a private Christian school since 2008 and offers educational programs for children ages 18 months through third grade as well as before and after school childcare. She stated that they plan to remain at their current location, which has ample room for their enrollment to grow. The children have access to a small outdoor play area.

No one appeared regarding the proposed application.

Ms. Wisdom moved to approve Application No. Z0920-0154, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4827, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A

CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 4346 NORTH GALLOWAY AVENUE TO ALLOW A DAY CARE CENTER AND PRIVATE SCHOOL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4827 recorded in Ordinance Book No. 122.)

21

Conduct a public hearing and consider an ordinance for Application No. Z0820-0146, submitted by Halff Associates on behalf of Huntington Industrial, for a change of zoning from Light Commercial and Commercial within the Military Parkway-Scyene Corridor Overlay to Planned Development-Commercial and to remove the property from the Military Parkway-Scyene Corridor Overlay to allow an industrial park on approximately 22.14 acres of land generally located at 1204, 1212 and 1420 Military Parkway.

(Three responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held for Application No. Z0820-0146.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of two industrial buildings generally located at 1204, 1212 and 1420 Military Parkway. The applicant is also requesting to remove the property from the Military Parkway-Scyene Corridor (MP-SC) Overlay district. Mr. Armstrong reviewed the Concept Plan with Building A containing 116,600 square feet and Building B containing 240,000 square feet for warehouse distribution and light assembly. The applicant will pursue a letter of map revision from the Federal Emergency Management Agency (FEMA) to potentially remove the floodplain areas from the property. Mr. Armstrong reviewed the stipulations for the application.

Steve Meyer, representing the applicant, stated that they propose to construct two industrial buildings totaling 356,600 square feet with 25,000 feet of green space along Military Parkway. The truck doors will not face Military Parkway and the site will contain a 60-foot truck screening wall.

Jennifer Vega, 642 Military Parkway, expressed concerns regarding the effect the zoning change will have on her property.

Mr. Armstrong stated that the zoning application does not affect the zoning or permitted uses on the other properties in the MP-SC.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Application No. Z0820-0146, as recommend by the Planning and Zoning Commission, and to approve Ordinance No. 4828, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL AND COMMERCIAL WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (MP-SC) OVERLAY TO PLANNED DEVELOPMENT – COMMERCIAL AND TO REMOVE THE PROPERTY FROM THE MP-SC OVERLAY TO ALLOW AN INDUSTRIAL PARK ON APPROXIMATELY 22.14

ACRES OF LAND GENERALLY LOCATED AT 1204, 1212 AND 1420 MILITARY PARKWAY SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Smith and approved unanimously. (Ordinance No. 4828 recorded in Ordinance Book No. 122.)

CONSIDERATION OF RESOLUTION

25

Consider a resolution approving an agreement for the sale and exchange of real property between the City of Mesquite, Texas, and DFW-Mesquite Distribution Center, LLC (the "Agreement"); approving the sale by the City to DFW-Mesquite Distribution Center, LLC ("DFW-Mesquite Distribution") of an approximately 0.3570-acre tract commonly known as 1212 Military Parkway, Mesquite, Texas ("Tract A"); approving the purchase by the City from DFW-Mesquite Distribution of an approximately 0.3856-acre tract ("Tract B") which is a portion of a larger tract commonly known as 1420 Military Parkway, Mesquite, Texas; authorizing the City Manager to finalize and execute the Agreement; authorizing the City Manager to take all actions and execute all documents necessary or advisable to complete the sale of Tract A and the purchase of Tract B and authorizing the City Manager to administer the Agreement on behalf of the City.

This item was taken out of order.

David Witcher, Director of Economic Development, stated that DFW-Mesquite Distribution plans to construct two new 356,600 cumulative square foot industrial buildings on approximately 22.14 acres located at the southeast corner of IH-635 and Military Parkway. The City owns an approximately 0.3570-acre tract (Tract A) commonly known as 1212 Military Parkway. The applicant is proposing the exchange of Tract A for an approximately 0.3856-acre tract (Tract B) located at 1420 Military Parkway, which will allow for one continuous 22.14 acres of land, on which to construct the two buildings. This property exchange is necessary for the development to move forward.

Mr. Boroughs moved to approve Resolution No. 61-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AGREEMENT FOR THE SALE AND EXCHANGE OF REAL PROPERTY BETWEEN THE CITY OF MESQUITE, TEXAS AND DFW-MESQUITE DISTRIBUTION CENTER LLC (THE "AGREEMENT"); APPROVING THE SALE BY THE CITY TO DFW-MESQUITE DISTRIBUTION CENTER LLC ("DFW-MESQUITE DISTRIBUTION") OF AN APPROXIMATELY 0.3570 ACRE TRACT COMMONLY KNOWN AS 1212 MILITARY PARKWAY, MESQUITE, TEXAS ("TRACT A"); APPROVING THE PURCHASE BY THE CITY FROM DFW-MESQUITE DISTRIBUTION OF AN APPROXIMATELY 0.3856 ACRE TRACT ("TRACT B") WHICH IS A PORTION OF A LARGER TRACT COMMONLY KNOWN AS 1420 MILITARY PARKWAY, MESQUITE, TEXAS; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AGREEMENT; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS NECESSARY OR ADVISABLE TO COMPLETE THE SALE OF TRACT A AND THE PURCHASE OF TRACT B; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 61-2020 recorded in Resolution Book No. 61.)

PUBLIC HEARINGS

22

Conduct a public hearing and consider an ordinance amending Appendix B of the City Code, the Mesquite Subdivision Ordinance, by repealing Article VI in its entirety and adding a new Article VI to establish a park land dedication ordinance.

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

A public hearing was held amending Appendix B of the City Code, the Mesquite Subdivision Ordinance, by repealing Article VI in its entirety and adding a new Article VI to establish a park land dedication ordinance.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed ordinance would establish requirements for the dedication of park land with new residential and hotel/motel developments within the City. At the time of development or at the time of issuance of a building permit, the developer will be required to convey land for park purposes or, if so approved by the City Council, may make a payment of fee in lieu of dedication, or a combination of both. The City Council may waive any requirements of this ordinance if deemed in the best interest of the City. The required conveyance of land for residential developments will be an amount equal to one acre per 55 residential dwellings or portion thereof and one acre per 70 hotel/motel guest rooms or portion thereof and would be dedicated by plat. If there is a circumstance where no plat is involved, such as hotel/motel development, the park land would be conveyed at the time of site plan approval. When private recreation facilities or amenities are included in the development, a credit may be granted not to exceed 50 percent unless approved by the City Council.

Mr. Armstrong stated that if the City Council determines that a payment of fee in lieu of land dedication shall be made, the amount required to be paid is to be based on the value of the land to be determined by the average value of land in each Park Service Area and would be determined by the certified tax role as of January 1 of each year by the applicable central appraisal district. For single-family and duplex residential developments, one-half of the required fee is to be made prior to the filing of the plat and the remaining half shall be evenly divided by the number of dwellings in the development and each proportional share will be paid with each permit. For multi-family residential and hotels/motels, payment is to be made prior to the issuance of building permits. All cash payments paid according to the park land dedication are to be deposited in a separate park land dedication fund for each Park Service Area. Funds must be used solely for the acquisition, development, expansion or upgrading of City parks within the same Park Service Area from which the funds were collected. If all or part of the funds are not expended within 10 years of completion of 95 percent of the dwellings, the person or entity who made such payments is entitled to a refund on all unexpended funds, if a request in writing has been made within one year of entitlement.

Mr. Armstrong stated that factors to consider include recommendations of the Park Master Plan, Mesquite Comprehensive Plan, whether the area has sufficient parks, whether the needs of the area would best be served by expansion of existing parks and whether the land is suitable for a park. Examples of unsuitable dedications include if more than 20 percent of the land is in a flood

plain, less than three acres unless combined with an existing park and no frontage on a public street or not readily accessible by the public. Mr. Armstrong reviewed the Park Service Area Map and stated that the Kaufman County portion of Mesquite will have its own Service Area. Mr. Armstrong explained that the City Council approved a contract to complete a Park Master Plan in October 2020 and following the adoption of the plan in late 2021, staff anticipates the park land dedication ordinance will require revisions.

Mr. Miklos moved to approve Ordinance No. 4829, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX B OF THE MESQUITE CITY CODE, THE MESQUITE SUBDIVISION ORDINANCE, AS AMENDED, BY REPEALING ARTICLE VI IN ITS ENTIRETY AND ADDING A NEW ARTICLE VI TO ESTABLISH A PARK LAND DEDICATION ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4829 recorded in Ordinance Book No. 122.)

23

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider terminating the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six, City of Mesquite, Texas (the "Zone"), and dissolving the Board of Directors and Tax Increment Fund for the Zone.

B. Consider an ordinance terminating the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six, City of Mesquite, Texas, (the "Zone") and dissolving the Board of Directors and Tax Increment Fund for the Zone.

A public hearing was held to consider terminating the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six, City of Mesquite, Texas.

Ted Chinn, Assistant City Manager, reviewed the boundaries of the Lucas Farms Tax Increment Finance Reinvestment Zone (TIRZ) No. Six, City of Mesquite, Texas. Mr. Chinn stated that no Project Plan or Financing Plan was ever approved for the Zone, that the TIRZ Board never met and that the TIRZ had no obligations or encumbrances.

No one appeared regarding the termination of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six, City of Mesquite, Texas.

Mr. Green moved to approve Ordinance No. 4830, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TERMINATING THE LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX, CITY OF MESQUITE, TEXAS (THE "ZONE"); DISSOLVING THE BOARD OF DIRECTORS AND TAX INCREMENT FUND FOR THE ZONE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4830 recorded in Ordinance Book No. 122.)

24

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amendment to the Project Plan and Reinvestment Zone Financing Plan for Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas ("the Zone").

B. An ordinance approving an amendment to the Project Plan and

Reinvestment Zone Financing Plan for Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas ("the Zone"), and making a finding of feasibility.

A public hearing was held to consider approving an amendment to the Project Plan and Reinvestment Zone Financing Plan for Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas.

Ted Chinn, Assistant City Manager, stated that State law requires a public hearing when a Tax Increment Reinvestment Zone (TIRZ) overall Project Plan increases. Over 200 notices were mailed to property owners located within the TIRZ. The TIRZ boundary was expanded three years ago to include the Downtown Mesquite area. Projected revenues have decreased by \$3.2 million due to the ad valorem tax decrease approved by the City Council for the Fiscal Year 2020-21. Proposed expenditures have increased \$2.1 million which leaves an ending fund balance of \$1.4 million over the life of the TIRZ, which expires December 31, 2039. Mr. Chinn highlighted new projects added to the Project Plan which includes two buildings scheduled for renovations, 117 Main Street and 111 Broad Street, an economic development incentive related to City-owned property at 1025 Military Parkway, and the annual operations budget for the Downtown Manager. For the benefit of residents in attendance, Mr. Chinn stressed that the proposed amendment is not a tax increase but a change in the budget and is based on the increase of incremental revenues which are placed in a separate fund for public infrastructure improvements within the TIRZ.

Todd Nichols, 13136 FM 269, Pickton, Texas, asked if the proposal was a property value increase and stated that he thought \$500,000.00 was too much for renovation of a small building.

Mr. Chinn stated that the values are set by the Dallas Central Appraisal District with the TIRZ capturing only the growth of the values. The proposed amendment is not a tax rate increase. The \$500,000.00 renovation budget is only an estimate of the proposed renovations to the building and added that the project includes an outside expansion of concrete for restaurant patio seating, shoring existing exterior brick work, and the entire electrical, plumbing and mechanical systems would need to be replaced; essentially an entire rebuild.

Ronnie McAda, 1218 Lakeshore Drive, Mesquite, asked when updates would be provided on the downtown projects.

Cliff Keheley, City Manager, stated that the Downtown Manager produces newsletters regarding downtown redevelopment projects. However, Mr. Keheley stated that the overlay and zoning efforts that were scheduled to be handled have been postponed due to the COVID-19 pandemic which prohibits gathering in a public forum to discuss the proposed changes. The proposed TIRZ amendment does not affect property use.

Melvin Shearer, 8285 Union Hill Road, Forney, property owner of 612 West Main Street and 611 West Davis Street, Mesquite, encouraged everyone to utilize local businesses.

Mr. Boroughs moved to approve Ordinance No. 4831, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDMENT TO THE PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR TOWNE CENTRE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS (THE "ZONE");

MAKING A FINDING OF FEASIBILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4831 recorded in Ordinance Book No. 122.)

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:32 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor