



City of Mesquite, Texas

Minutes - Final City Council

Monday, September 16, 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 the Real. Texas. Roads. Program.

 Council directed staff to include the Rollingwood Hills Addition in the next Real. Texas. Roads. Program.
- 2 Receive briefing regarding STAR Transit's proposed service model.
- 3 Receive briefing regarding proposed fee changes for Fiscal Year 2020.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.

- 4 Receive quarterly activity report from the Economic Development Department.

 This item was not discussed.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:05 P.M.

INVOCATION

Gregg Wren, Pastor, The Saints Chapel, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Marlins Swim Team.

PRESENTATIONS

- 5 Recognize Harper Holland of the Mesquite Marlins Swim Team.

 Mayor Pickett presented Harper Holland with a Certificate of Achievement for her accomplishments on the 2019 Mesquite Marlins Swim Team.

SPECIAL ANNOUNCEMENTS

(1) Mr. Miklos invited citizens to attend a free concert by the Mesquite Community Band on October 12, 2019, at 4:00 p.m., at the Mesquite Arts Center, Concert Hall, 1527 North Galloway Avenue, featuring "Music of the Decades: 1920's - 1990's."

(2) Mr. Boroughs stated that construction of the new KidsQuest 2.0 playground at DeBusk Park is currently underway. Citizens have an opportunity to purchase personalized fence pickets for \$25 each, through the "Buy a Picket" program. Fence pickets purchased by September 30, 2019, will be installed for the grand re-opening of the park in November 2019.

(3) Mr. Aleman encouraged citizens to participate in the Haunted Camp Out, hosted by the Parks and Recreation Department, on October 5-6, 2019, at Camp Rorie Galloway. Family fun activities include zip lining, costume contest, tent decorating contest and s'mores. The camp out begins on Saturday, October 5, 2019, at 10:00 a.m. and ends at Noon on Sunday, October 6, 2019.

(4) Mr. Noschese stated that the Parks and Recreation Department is hosting the "Guts and Gory Zombie Run Challenge" on September 28, 2019, at Camp Rorie Galloway. Obstacles and missions will test strength, speed, problem solving and teamwork, along with survival skills. All participants will receive an official race t-shirt, bag and exclusive ticket to the Survivor's Toxic Glow Dance Party after the race. He encouraged everyone to participate in this fun run.

(5) Mr. Noschese reminded citizens that the Mesquite Arts Center has a lot to offer the community and showed the audience a photograph that he purchased at the Mesquite Arts Center (MAC), as an example of the hidden gems that can be found at the MAC.

(6) Mr. Archer stated that the Mesquite Public Library System has 47 events and programs planned during October 2019. Events and programs includes Pre-School Storytime for ages 3 to 5; Wednesday Funday for ages 12 and under; Page Turners Book Club; Cookies and Crafts for Teens; Young at Art program for ages 6 to 12; Crazy 8's Math Club for students in grades first to fifth; and a Job Seeker Assistance Program for adults. He stated that he has been a proud Mesquite Public Library cardholder since 1976.

(7) Mr. Archer announced that Mesquite BBQ, 145 East Davis Street, will hosting a 60th Year Celebration on Saturday, September 21, 2019. He encouraged everyone to stop by and celebrate with the oldest restaurant in Mesquite.

(8) Mr. Casper stated that September is Dallas County Elections "Voter Registration Awareness Month." The Council encourages citizens to register to vote by the October 7, 2019, deadline in order to be eligible to vote in the November 5, 2019, election. Residents can register to vote at the Mesquite Libraries and the Parks and Recreation Department.

(9) Mayor Pickett stated that October 1, 2019, is "National Night Out in Texas," which is a great opportunity to get to know your neighbors and helps build a stronger community.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Miklos requested that Item No. 17 be removed from the Consent Agenda to be considered separately. Mr. Aleman moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

6 Minutes of the regular City Council meeting held September 3, 2019.

Approved on the Consent Agenda.

7 An ordinance amending Chapter 1 of the City Code thereby adopting a hardship

assistance policy regarding ambulance fees and charges.

Approved on the Consent Agenda.

Ordinance No. 4709, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 1 OF THE MESQUITE CITY CODE, AS AMENDED, BY DELETING SECTION 1-16(3) IN ITS ENTIRETY AND ADDING A NEW SECTION 1-16(3) AND BY ADDING A NEW SECTION 1-16(4) THEREBY ADOPTING A HARDSHIP ASSISTANCE POLICY REGARDING AMBULANCE FEES AND CHARGES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4709 recorded in Ordinance Book No. 117.)

8

An ordinance amending Chapters 2 and 8 of the City Code approving the continued receipt of the City's share of bingo prize fee funds from licensed authorized organizations within the City of Mesquite, as required by House Bill (HB) 914, enacted by the 86th Texas Legislature.

Approved on the Consent Agenda.

Ordinance No. 4710, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING THE CONTINUED RECEIPT OF THE CITY'S SHARE OF BINGO PRIZE FEE FUNDS; AMENDING CHAPTERS 2 AND 8 OF THE MESQUITE CITY CODE, AS AMENDED, BY DELETING SECTION 2-61, IN ITS ENTIRETY, IN CHAPTER 2 FOR THE PURPOSE OF REMOVING THE ONE PERCENT GROSS RECEIPTS TAX NO LONGER RECOGNIZED BY THE TEXAS BINGO ENABLING ACT; AND BY ADDING A NEW ARTICLE XIV ENTITLED "GAMING" TO CHAPTER 8 AND ADDING A NEW SECTION 8-881 ENTITLED "BINGO" FOR THE PURPOSE OF PROVIDING FOR THE CONTINUED RECEIPT OF THE CITY'S SHARE OF BINGO PRIZE FEE FUNDS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4710 recorded in Ordinance Book No. 117.)

9

An ordinance amending Chapter 9 of the City Code thereby providing a school zone for McKenzie Elementary School along Gus Thomasson Road, Driftwood Drive, Emerald Drive and Edgebrook Drive and providing a school zone for Terry Middle School along Faithon P. Lucas, Sr., Boulevard and Creek Valley Road.

Approved on the Consent Agenda.

Ordinance No. 4711, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN ADDITIONS UNDER SECTIONS 9-147(1)(a) AND 9-147(1)(e) THEREBY PROVIDING A SCHOOL ZONE FOR MCKENZIE ELEMENTARY SCHOOL ALONG GUS THOMASSON ROAD, DRIFTWOOD DRIVE, EMERALD DRIVE AND EDGEBROOK DRIVE; AND PROVIDING A SCHOOL ZONE FOR TERRY MIDDLE SCHOOL ALONG FAITHON P. LUCAS SR. BOULEVARD AND CREEK VALLEY ROAD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4711 recorded in Ordinance Book No. 117.)

10

An ordinance, on second and final 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.

Ordinance No. 4712, AN ORDINANCE 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. (Ordinance No. 4712 recorded in Ordinance Book No. 117.)

11

A resolution adopting an Investment Policy for the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 62-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; DECLARING THAT THE CITY COUNCIL COMPLETED ITS REVIEW OF THE INVESTMENT POLICIES AND INVESTMENT STRATEGIES; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 62-2019 recorded in Resolution Book No. 58.)

12

A resolution authorizing the Mayor to execute an Election Services Contract with the Kaufman County Election Officer in connection with the General Election to be held November 5, 2019.

Approved on the Consent Agenda.

Resolution No. 63-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ELECTION SERVICES CONTRACT WITH THE KAUFMAN COUNTY ELECTION OFFICER IN CONNECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 5, 2019. (Resolution No. 63-2019 recorded in Resolution Book No. 58.)

- 13 A resolution authorizing the Mayor to execute an Election Services Contract and Joint Election Services Agreement with Dallas County Elections Administrator in connection with the General Election to be held November 5, 2019.
- Approved on the Consent Agenda.
- Resolution No. 64-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE AN ELECTION SERVICES CONTRACT AND JOINT ELECTION SERVICES AGREEMENT WITH THE DALLAS COUNTY ELECTIONS ADMINISTRATOR IN CONNECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 5, 2019. (Resolution No. 64-2019 recorded in Resolution Book No. 58.)**
- 14 A resolution adopting Dallas County Elections Department's voting system for use in City of Mesquite elections.
- Approved on the Consent Agenda.
- Resolution No. 65-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING DALLAS COUNTY ELECTIONS DEPARTMENT'S VOTING SYSTEM FOR USE IN THE CITY OF MESQUITE ELECTIONS. (Resolution No. 65-2019 recorded in Resolution Book No. 58.)**
- 15 A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 1, 2019.
- Approved on the Consent Agenda.
- Resolution No. 66-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE REVISIONS TO THE CITY OF MESQUITE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 66-2019 recorded in Resolution Book No. 58.)**
- 16 A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of the residential street reconstruction program, street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, municipal building improvements, acquisition of vehicles and equipment, and computer equipment and software for municipal departments.
- Approved on the Consent Agenda.
- Resolution No. 67-2019, A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE, FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY, THE COSTS OF THE RESIDENTIAL STREET RECONSTRUCTION PROOGRAM, STREET, ROAD, ALLEY, SIDEWALK AND SCREENING WALL PROJECTS, WATER AND SEWER SYSTEM IMPROVEMENTS, MUNICIPAL BUILDING IMPROVEMENTS AND ACQUISITION OF VEHICLES AND EQUIPMENT AND COMPUTER EQUIPMENT AND SOFTWARE FOR MUNICIPAL DEPARTMENTS. (Resolution No. 67-2019 recorded in Resolution Book No. 58.)**
- 18 Bid No. 2018-056 - Annual Landscape Maintenance of the Municipal Center, City Hall, Mesquite Police Building, Mesquite Arts Center, Mesquite Employee Health Clinic and Willowbrook Parking Lot - contract renewal option.

(Staff recommends exercising the first of four contract renewal options with SLM Landscaping and Maintenance in the amount of \$78,500.00, and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 19** Bid No. 2019-007 - Annual Supply of Bridgestone/Firestone Auto, Truck, and Industrial Tires

(Staff recommends award with Southern Tire Mart, through BuyBoard Contract No. 553-18, sponsored by the Texas Association of School Boards, in an amount not to exceed \$312,832.62. The term of this requirements contract will be for 18 months, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 20** Bid No. 2019-113 - Gross Road Sanitary Sewer Rehabilitation by Pipe Bursting.
(Authorize the City Manager to finalize and execute a contract with Insituform Technologies, LLC, through BuyBoard Contract No. 555-18, sponsored by the Texas Association of School Boards, in the amount of \$155,546.75.)

Approved on the Consent Agenda.

- 21** Bid No. 2020-003 - Annual Avaya Telephone System Maintenance.
(Staff recommends award to Lantana Communications Corporation, through the Texas Department of Information Resources Contract No. DIR-TSO-3991, in the amount of \$73,226.28. This contract is for a one-year period with two additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 22** Authorize the City Manager to finalize and execute a professional engineering services contract with Halff Associates, Inc., for the preparation of a Letter of Map Revision (LOMR) for North Mesquite Creek at the Tripp Road and Belt Line Road Intersection and to model drainage improvements to North Mesquite Creek that would lower flood elevations and remove properties from the floodplain, in the amount of \$91,700.00.

Approved on the Consent Agenda.

- 23** Authorize the City Manager to finalize and execute a contract amendment with Garver LLC, for the design of a 12-foot-wide hike and bike trail along Military Parkway from Sam Houston Road to Rodeo Center Boulevard in the amount of \$68,393.00.

Approved on the Consent Agenda.

- 24** Authorize the City Manager to negotiate and execute a change order to Bid No. 2019-022, Hoops, Haddock, Cascade, Oriole, Ervin, and Valley View Heights Paving, with Texas Materials Group Inc., dba TexasBit, in the amount of \$267,042.59.

Approved on the Consent Agenda.

- 25 Authorize the City Manager to finalize and execute Supplemental Agreement No. 1 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$500,510.00 for Fiscal Year 2020.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 17 A resolution consenting to and evidencing support for creation of the Spradley Farms Improvement District of Kaufman County through the Texas Commission on Environmental Quality to include approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite.

David Paschall, City Attorney, stated that a Section 5 has been added to the resolution as follows: "This resolution shall be repealed and rescinded in its entirety if the City does not approve a master development agreement pertaining to the operation of the District and the financing of public improvements on or before 90 days from the date of this resolution."

John Jordan, representing Spradley Farms, stated that the developer and City cannot move forward with the project until there is an executed development agreement. Mr. Jordan stated that 90 days is an unreasonable request to be placed upon City staff as well as the legal teams to facilitate the additional studies that need to be completed. Mr. Jordan prefers to tie the support to the approval from the Texas Commission on Environmental Quality (TCEQ). After compromising with the Council, Mr. Jordan agreed to Mr. Paschall's addition of Section 5 to the resolution changing 90 days to 150 days.

Clay Crawford, representing Spradley Farms, stated that the City can remove their support of the project at any time prior to the TCEQ hearing.

Mr. Miklos moved to approve Resolution No. 68-2019, and adding Section 5, "This resolution shall be repealed and rescinded in its entirety if the City does not approve a master development agreement pertaining to the operation of the District and the financing of public improvements on or before 150 days from the date of this resolution," A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO AND EVIDENCING SUPPORT FOR CREATION OF THE SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY THROUGH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, TO INCLUDE APPROXIMATELY 621.998 ACRES OF LAND, CONSISTING OF APPROXIMATELY 613.573 ACRES GENERALLY LOCATED SOUTH OF INTERSTATE 20, NORTH AND EAST OF FM 2757, AND NORTH AND WEST OF UNION HILL ROAD, AND APPROXIMATELY 8.425 ACRES GENERALLY LOCATED NORTH OF INTERSTATE 20 AND SOUTHWEST OF CIMARRON TRAIL, ALL OF SUCH PROPERTY BEING LOCATED IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Motion carried. (Resolution No. 68-2019 recorded in Resolution Book No. 58.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

26

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 corporate limits 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.

(This item was postponed at the September 3, 2019, City Council meeting.)

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 the proposed ordinance creates Reinvestment Zone Number 13 (Spradley Farms TIRZ).

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

Mr. Miklos stated that the preliminary Project and Finance Plan specifies the financing and sets a 65 percent participation rate by the City (65 percent of the increased taxes), which will be garnered on each parcel in the Spradley Farms TIRZ by the City for 35 years, and he will not support any participation rate higher than 65 percent when the final Project and Finance Plan designates the City's TIRZ increment participation rate.

Mr. Aleman moved to approve Ordinance No. 4713, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, 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 CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, 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; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4713 recorded in Ordinance Book No. 117.)

27

Conduct a public hearing and consider an ordinance for Application No. Z0619-0099, submitted by Marvin Cooksey, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard and a substitution to allow an r-panel fence instead of the required solid wood fence or masonry screening wall, located at 2533 Westwood Avenue.

(Eight 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 of the application with certain stipulations.)

A public hearing was held for Application No. Z0619-0099.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to use the property for outdoor storage to store vehicles and equipment and requested to keep the existing r-panel screening fence, facing Westwood Avenue, after this item was presented to the Planning and Zoning Commission. The applicant proposes to install the required pavement in two phases with a t-post barrier to separate the unpaved area from the paved area. Mr. Armstrong reviewed the proposed stipulations.

Applicant Brownny Cooksey stated that he has been in business in the subject area for 45 years and agrees to paving the lot.

No one appeared regarding the proposed amendment.

Mr. Boroughs moved to approve Application No. Z0619-0099, as recommended by the Planning and Zoning Commission, with the following stipulations, adding Stipulation No. 4, and changing the reference of Section 3-603.A.1 in Section 1 of the ordinance to Section 3-603.A.2, as follows:

1. Install T-post and wire fencing spanning the southwestern edge of pavement.
2. Two approved trees from Section 1A-500 shall be planted within the front setback along Westwood Avenue.
3. A wrought-iron gate with mesh privacy screening at a height no shorter than six feet and no greater than eight feet shall be installed at the point of access on Westwood Avenue.
4. All outdoor storage shall be screened by a permanently maintained solid masonry wall at least six feet in height along the front property line, the construction of which is deferred for a period of nine months from the date of this ordinance.

And to approve Ordinance No. 4714, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW SUBJECT PROPERTIES TO BE USED AS A PRIMARY OUTDOOR STORAGE YARD PER

SECTION 3-603.A.2 OF THE MESQUITE ZONING ORDINANCE ON PROPERTY LOCATED AT 2533 WESTWOOD AVENUE 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. Archer. On call for a vote on the motion, the following votes were cast:

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

Motion carried. (Ordinance No. 4714 recorded in Ordinance Book No. 117.)

28

Conduct a public hearing and consider an ordinance for Application No. Z0719-0101, submitted by Christopher Salazar, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used appliances, located at 1830 Range Drive, Suite 115.

(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. Z0719-0101.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the operation of a business that repairs and sells used appliances. Several of the proposed stipulations would limit how inventory is received and where repairs are made. Mr. Armstrong reviewed the proposed stipulations.

Applicant Chris Salazar stated that he proposes to operate a store to repair and sell used appliances such as refrigerators, washers, dryers and dishwashers. Stoves would only be sold as new items. A majority of the showroom will be used for approximately 12 appliances with a separate space for minor repairs in the back of the showroom. The used appliances will be purchased from a network of clientele from sources such as Craig's List and OfferUp. Employees will pick up the used merchandise and drop off at the rear of the business.

No one appeared regarding the proposed amendment.

Mr. Archer moved to approve Application No. Z0719-0101, as recommended by the Planning and Zoning Commission, with the following stipulations, adding Stipulation Nos. 7 and 8, as follows:

1. There shall be no outdoor display or storage permitted on the premises.
2. Deliveries of merchandise, inventory or appliances shall not be delivered or dropped off to the store outside of regular business hours.
3. Deliveries or drop off of merchandise, inventory or appliances must be located in the rear of the business.
4. Delivery or drop off merchandise, inventory or appliances shall be prohibited unless an employee is present to receive delivery.
5. Disposal of merchandise at the rear of the property or in the Range Plaza refuse containers is prohibited.
6. This CUP will expire three years from the date of issuance of the certificate of

occupancy. The user may apply for a new CUP upon expiration, subject to the procedural requirements of a zoning change.

7. The area where merchandise, inventory or appliances are repaired shall be separated by a wall from the area where merchandise, inventory or appliances are sold.

8. This CUP is approved solely for the used appliance business to be operated by Christopher Salazar at the property and the CUP shall not be transferable to a different person or business. A different business applicant desiring to continue this non-transferable CUP shall submit a new application requesting to continue the CUP. Such application shall require the same procedures outlined in the Mesquite Zoning Ordinance for initial approval of a CUP.

And to approve Ordinance No. 4715, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF USED APPLIANCES ON PROPERTY LOCATED AT 1830 RANGE DRIVE, SUITE 115, 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. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: Pickett

Motion carried. (Ordinance No. 4715 recorded in Ordinance Book No. 117.)

29

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 and authorizing the City Manager to finalize and execute an Economic Development Program Agreement with HMM Lifestyles, L.P., for the development of a townhome project on property located at 2920 Gus Thomasson Road.

A public hearing was held to consider a Chapter 380 agreement with HMM Lifestyles, L.P., for the development of a townhome project located at 2920 Gus Thomasson Road.

Cliff Keheley, City Manager, stated that History Maker Homes is proposing a townhome development, known as Cloverleaf, consisting of 227 townhome units on 36 acres with open space and amenities. A portion of the development includes a property donation for drainage improvements for the townhome development, relocation of athletic fields at North Mesquite High School to remove them from the floodplain and development of retail lots. The terms of the Chapter 380 agreement provide City participation in a reimbursement not to exceed \$366,868.00, which is a rebate of the development fees paid by the developer during the course of the project.

Darrel Amen, representing History Maker Homes, stated that a mandatory homeowners association will be responsible for the maintenance of all front yard landscaping and the exterior of each townhome unit, in addition to all public landscaped areas.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Noschese moved to approve Resolution No. 69-2019, 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 HMH LIFESTYLES, L.P., FOR THE DEVELOPMENT OF A TOWNHOME PROJECT ON PROPERTY LOCATED AT 2920 GUS THOMASSON ROAD, IN THE CITY OF MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 69-2019 recorded in Resolution Book No. 58.)

CONSIDERATION OF ORDINANCES

Mr. Boroughs left the meeting.

Kenny Green, 4530 Gus Thomasson #3119, expressed appreciation to the City Council for amending the Pay Plan for dispatchers.

Consider passage of the following ordinances related to the Fiscal Year 2019-20 Budget:

30

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 market adjustments, merit increases and training pay for certain public safety dispatchers, 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.

Debbie Mol, Director of Finance, stated that the Cost of Living Adjustment (COLA) for retirees is 50 percent of the United States COLA increase.

Mr. Archer moved to approve Ordinance No. 4716, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ("CITY"), ADOPTING 2019-20 PAY PLANS FOR FULL-TIME AND PART-TIME GENERAL GOVERNMENT PERSONNEL WITH AN EFFECTIVE DATE OF OCTOBER 1, 2019 PROVIDING MARKET ADJUSTMENTS TO THE MINIMUM, MIDPOINT AND MAXIMUM SALARY RANGE PAY STRUCTURE OF CERTAIN GENERAL GOVERNMENT POSITIONS; 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 FOR CERTAIN QUALIFYING GENERAL GOVERNMENT PERSONNEL EFFECTIVE ON THE EMPLOYEE'S ANNIVERSARY DATE; PROVIDING A FOUR-PERCENT MARKET ADJUSTMENT FOR PUBLIC SAFETY DISPATCHERS AND PUBLIC SAFETY DISPATCHER SUPERVISORS EFFECTIVE JANUARY 1, 2020; PROVIDING TRAINING PAY FOR CERTAIN PUBLIC SAFETY DISPATCHERS EFFECTIVE OCTOBER 1, 2019; ADOPTING REVISED PAY PLANS FOR COMMISSIONED POLICE AND FIRE PERSONNEL WITH AN EFFECTIVE DATE OF JANUARY 1, 2020 PROVIDING A TWO-PERCENT MARKET ADJUSTMENT

FOR COMMISSIONED POLICE AND FIRE PERSONNEL EFFECTIVE JANUARY 1, 2020 AND PROVIDING STEP INCREASES FOR ELIGIBLE COMMISSIONED POLICE AND FIRE PERSONNEL EFFECTIVE ON THE EMPLOYEE'S ANNIVERSARY DATE; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Boroughs

Motion carried. (Ordinance No. 4716 recorded in Ordinance Book No. 117.)

31

An ordinance establishing a bilingual assignment pay program for the Mesquite Fire Department and authorizing assignment pay for commissioned Fire Fighters and General Government employees of the Mesquite Fire Department who have satisfied certain criteria and who have been assigned to perform the specialized function of translating certain languages as part of their duties for the Mesquite Fire Department.

Mr. Boroughs entered the meeting.

Mr. Aleman moved to approve Ordinance No. 4717, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING A BILINGUAL ASSIGNMENT PAY PROGRAM FOR THE MESQUITE FIRE DEPARTMENT AND AUTHORIZING ASSIGNMENT PAY FOR COMMISSIONED FIRE FIGHTERS AND GENERAL GOVERNMENT EMPLOYEES OF THE MESQUITE FIRE DEPARTMENT WHO HAVE SATISFIED CERTAIN CRITERIA AND WHO HAVE BEEN ASSIGNED TO PERFORM THE SPECIALIZED FUNCTION OF TRANSLATING CERTAIN LANGUAGES AS PART OF THEIR DUTIES FOR THE MESQUITE FIRE DEPARTMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4717 recorded in Ordinance Book No. 117.)

32

An ordinance amending Section 2 of Ordinance No. 4361 increasing the assignment pay for members of the Mesquite Fire Department who satisfy certain conditions and criteria and who are assigned to perform the specialized function of a paramedic actually assigned to designated front-line ambulances during working hours ("front-line/ride-out ambulance services").

Mr. Archer moved to approve Ordinance No. 4718, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 2 OF ORDINANCE NO. 4361 INCREASING THE ASSIGNMENT PAY FOR MEMBERS OF THE MESQUITE FIRE DEPARTMENT WHO SATISFY CERTAIN CONDITIONS AND CRITERIA AND WHO ARE ASSIGNED TO PERFORM THE SPECIALIZED FUNCTION OF A PARAMEDIC ACTUALLY ASSIGNED TO DESIGNATED FRONT-LINE AMBULANCES DURING WORKING HOURS ("FRONT-LINE/RIDE-OUT AMBULANCE SERVICES"); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

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

Nayes: Casper

Motion carried. (Ordinance No. 4718 recorded in Ordinance Book No. 117.)

33

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. Archer moved to approve Ordinance No. 4719, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE 2019-20 FISCAL YEAR 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; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4718 recorded in Ordinance Book No. 117.)

34

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

Mr. Aleman moved to approve Ordinance No. 4720, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE 2019-20 FISCAL YEAR BUDGET FOR SAID PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4720 recorded in Ordinance Book No. 117.)

35

An ordinance levying the ad valorem taxes for tax year 2019 (Fiscal Year 2019-20).

Mr. Casper stated that the last time the City Council raised the property taxes was 2008. The tax increases since that time have been due to the voter-approved Real. Texas. Roads. Street Bond Program and home value increases.

Mr. Casper stated, "I move that the property tax rate be increased by the adoption of a tax rate of \$0.734 per \$100 of valuation, which is effectively a 5.64 percent increase in the tax rate."

And to approve Ordinance No. 4721, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2019 AT A RATE OF \$0.734 PER \$100.00 ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, ON JANUARY 1, 2019, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR PLACE OF PAYMENT; APPROVING THE 2019 TAX ROLLS AND ANY SUPPLEMENT THERETO; PROVIDING CERTAIN EXEMPTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN

EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4721 recorded in Ordinance Book No. 117.)

- 36 An ordinance determining the population of the City of Mesquite to be 145,030 as of October 1, 2019.

Mr. Casper moved to approve Ordinance No. 4722, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 145,030 AS OF OCTOBER 1, 2019; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4722 recorded in Ordinance Book No. 117.)

- 37 An ordinance amending Appendix D of the City Code entitled "Comprehensive Fee Schedule," for fees collected by the City of Mesquite.

Mr. Boroughs moved to approve Ordinance No. 4723 with the following change: That the line item for Commercial and industrial stationary compaction service; Front load; Rates one time per week for Three yards, contained in Section 14-112 of Exhibit "A" titled Cost plus commercial disposal, be corrected to show a cost of \$68.47, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX D – THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE, AS AMENDED, BY DELETING APPENDIX D IN ITS ENTIRETY AND ADDING A NEW APPENDIX D FOR FEES COLLECTED BY THE CITY OF MESQUITE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4723 recorded in Ordinance Book No. 117.)

OTHER BUSINESS

- 38 Consider cancelling the regular City Council meeting scheduled for Monday, September 23, 2019.

Mr. Casper moved to cancel the regular City Council meeting scheduled for Monday, September 23, 2019. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Nayes: Noschese

Motion carried.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 39 Consider appointment of one regular member to the Board of Adjustment for a term to expire January 1, 2021, one alternate member for a term to expire January 1, 2020, and two reserve alternate members for terms to expire January 1, 2020, and January 1, 2021.

Mr. Archer moved to change the appointment of Aeneas Ford from an alternate member to a regular member of the Board of Adjustment for a term to expire January 1, 2021, and to appoint Jack Akin as an alternate member for a term to expire January 1, 2020. Motion was seconded by Mr. Aleman and approved unanimously.

- 40** Consider appointment of four regular members to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire September 30, 2021.

Mr. Casper moved to reappoint Ronald Abraham, Yolanda Shepard and Debbie Anderson as regular members of the Planning and Zoning Commission/Capital Improvements Advisory Committee and to change the appointment of Claude McBride, Sr., from an alternate member to a regular member, all for terms to expire September 30, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

- 41** Consider appointment of Patricia DeLaGarza to the Personnel/Trial Board for a term to expire November 7, 2022, and confirmation of appointment by the City Manager of Patricia DeLaGarza to serve as a member of the City of Mesquite Fire Firefighters' and Police Officers' Civil Service Commission for a term to expire November 7, 2022.

Mr. Casper moved to appoint Patricia DeLaGarza as a member of the Personnel/Trial Board for a term to expire November 7, 2022, who will also serve on the Civil Service Commission. Motion was seconded by Mr. Aleman and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:09 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property and Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 42 – Discuss selection of a respondent to a Request for Qualification (RFQ) for the potential lease and redevelopment of 117 West Main Street, within Downtown Mesquite); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:30 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:30 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 Secretary); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:20 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 10:34 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor