



City of Mesquite, Texas

Minutes - Final City Council

Monday, February 1, 2021

5:30 PM

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

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

Absent: Mayor Pro Tem Robert Miklos.

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - TRAINING ROOMS A&B - 5:30 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 Training Rooms A&B. After the closed meeting ended at 6:08 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:35 P.M.

- 1 Receive quarterly report from the Police Department.

Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD) for October – December 2020. He reviewed the number of vacant positions - 10 police officers, six public safety dispatchers and two detention officers. Chief Cato reviewed the performance metrics of total National Incident Based Reporting System (NIBRS) crimes, murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, calls for service, Priority 1 calls and calls answered within 10 seconds. Chief Cato stated that there has been a significant decline in the number of traffic stops with approximately 10,000 fewer traffic stops and 6,000 fewer citations issued. The main causes contributing to this decline are the decrease in traffic during the pandemic, lack of enforcement of expired vehicle registration and expired driver's licenses due to Governor Abbott's emergency declaration.

Chief Cato provided an update regarding recruiting police officer candidates with new initiatives including the hiring of a full-time recruiter, a recruiting incentive for current employees and enhanced social media marketing. The MPD now has a task force officer with the Texas Department of Public Safety Helicopter Unit which is based out of the Mesquite Metro Airport. Chief Cato stated that not all

helicopters seen flying over the City are Police helicopters. Mesquite is in the flight path for Baylor and Parkland Hospitals, local hospitals and the U. S. Army Reserve Aviation Base in Grand Prairie. Chief Cato stated that one of MPD's investigators have been sworn in as a federal agent for the U. S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which will facilitate the filing of gun crimes on the federal level and will assist the MPD with aggressively attacking the illegal use of guns within the City. MPD is working towards becoming a Gun Crime Intelligence Center to decrease the illegal use of guns within the City and the entire region.

Councilmembers expressed appreciation to Chief Cato and the MPD for their dedication to the community.

The work session ended at 6:58 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:01 P.M.

INVOCATION

John Lay, Pastor, Church on the Hill, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom encouraged residents to practice the Police Department's initiatives "Take. Lock. Hide." and "9 PM Routine." Lock your vehicle and remove or hide your valuables. Also, at 9 PM each night, check to see that the doors on your home are locked and exterior lights are turned on. These steps will help deter criminal activity in neighborhoods.
2. Mr. Green thanked the Parks and Recreation Department regarding the refurbished picnic shelter at Westover Greenbelt Park in District 3, at the intersection of North Parkway and Sybil Drive. This was completed at no cost to Mesquite taxpayers by utilizing the 4B budget, which is funded from sales tax. The efforts of the Parks and Recreation staff saved the City more than \$80,000.00.
3. Mr. Green reminded citizens to practice the 3 W's – Wash your hands frequently, wear a face covering when out in public and watch your distance from others.
4. Mr. Boroughs stated that as a part of "Recovery Mesquite" efforts to assist the community, our partners at Neighborhood Credit Union will offer a free "Financial Literacy Web Class" on Wednesday, February 10, 2021, at 11:30 a.m., to help citizens manage their debt. Participants will learn budgeting and create a personal financial plan.
5. Mr. Smith encouraged citizens to make an effort to get their COVID-19 vaccine. He received his vaccine and has not experienced any side effects.
6. Mr. Smith announced that the Parks and Recreation Department will be holding a free virtual "Let's Glow Crazy" Dance Party on the City's Facebook page on Saturday, March 6, 2021, from 7:00 p.m. to 8:00 p.m. This party is a safe alternative to the annual Daddy/Daughter and Mother/Son Dances. It will feature a DJ and lots of fun. Optional "Glowtastic Party Bags" will be available for purchase at \$10.00 per couple.

7. Mr. Aleman congratulated the City's Equipment Services Division of the Public Works Department for being recognized as a "2020 Silver Fleet Award Winner" for the second year in a row. This annual honor, awarded by the North Central Texas Council of Government's Clean City Commission, recognizes fleets for their commitment to a cleaner environment through their efforts to reduce emissions and improve the fuel efficiency of their fleets. Mesquite is one of only six cities in North Texas to receive the 2020 Silver Fleet Award with 989 vehicles in its fleet.

8. Mr. Aleman thanked volunteers who participated in the trash pick-up at Clay Mathis Park last Saturday, January 30, 2021. He expressed appreciation for their efforts to make Mesquite a cleaner place to live.

9. Mayor Archer stated that last week, the Mesquite Police Association and Mesquite Firefighters Association – Local 1518 jointly donated \$1,000.00 towards the Mesquite NAACP's Mental Health Scholarship Fund which offers funding to MISD students who are interested in pursuing a degree in a mental health profession. He thanked both associations for their donation and Henry Brown, President of the Mesquite NAACP, for his efforts on mental health.

10. Mayor Archer stated that last week, he challenged residents to spend 45 minutes to one hour this past Saturday or Sunday to pick up trash in their neighborhoods and was encouraged by the participation he observed.

11. Mayor Archer encouraged citizens to spread kindness to everyone they come in contact with everyday.

PRESENTATIONS

- 2 Receive presentation regarding the 2020 meritorious awards to Fire Department employees.

Mayor Archer stated that due to the COVID-19 pandemic, the 2020 Fire Department meritorious awards will be presented via video.

Fire Chief Russell Wilson stated that one of the ways that the Fire Department measures a firefighters' physical ability to perform is an evaluation called the Physical Ability Test (PAT), which is mandatory for every fire department member, up to and including the Fire Chief. The following members posting times designated as optimal for their age group have earned the PAT Fitness Bar:

- Tommy Green, Brett Phillips, Matthew Cummings, Sam Weisz, Keith Harrison, Rickey Robinson, Ron Buie, Robert Milby, Steve Jones, Michael Teamann, Tash Even, Ray Sewell, Jarrod Thurman, Joe Baker, Mike Park, Justin Bunting, Kelly Turner, Benton Austin, Keith Honey, Ken Holt, William Rosen, Shaun Jordan, Chad Tessem, Eric Haake, Parker Jackson, Bruce Kunz, Zach Phillips, Lane Powell, Phil Cunningham, Brian Hill, Michael Bartis, Jody McPherson, Keith Hopkins, Jason Sutcliffe, David England, Stephen Parks, Jack London, Connor Lowrance, Jeff Miller, Bobby Muse and Michael Crawford

The following persons were honored as follows:

- Attendance Award – Benton Austin, Casey Cachero, Aaron Inman, David Ivie, David Lester, Chad Rose, Brian Staples, Jack Wells, Jonathan Wright and Gene Zwillenberg;
- Lifesaving Award No. 1 – Firefighter/Paramedic (FF/P) Rod Levingston, FF/P Justin Bunting, Lieutenant Mike Kurtz, Driver-Engineer/Paramedic (DE/P) Jim Baldwin, FF/P Wayne Lasater, FF/P David Page and Officer Jack Fyall;
- Lifesaving Award No. 2 – FF/P Casey Peach, FF/P Miles Lacey,

Captain/Paramedic (C/P) Chad Rose, DE/P Michael Crawford, FF/P Wes Waugaman, FF/EMT Nicholas Vander Tuig and Officer Roye Long;

- Lifesaving Award No. 3 – FF/P Steven Jones, FF/P Billy Petty, C/P Shaun Jordan, FF/P Matthew Cummings, FF/P Jeff Grimland, FF/P Keith Harrison and Dispatcher Lacy Palmer;
- Lifesaving Award No. 4 – FF/P Brian Hill, FF/P Jesse Boone, C/P Tash Even, FF/P Patrick J. Wilson, FF/P Brody Hodge, FF/P Jonathan Wright and Dispatcher Delaney Vega;
- Fire Paramedic of the Year – FF/P Keith Harrison;
- Fire Officer of the Year – C/P Chad Rose and
- Firefighter of the Year – DE/P Vance Lay

CITIZENS FORUM

1. Ron Ward, 430 Running Brook Lane, expressed support for the creation of a skate park and a youth advisory board.
2. Melawn Dineen, 1044 Clifton Drive, stated that free COVID-19 testing is available through Dascena Labs at 2944 Motley Drive, Monday – Sunday, 8:00 a.m. – 4:00 p.m.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that Item No. 8 be removed from the Consent Agenda to be considered separately. Ms. Wisdom moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 3 Minutes of the regular City Council meeting held January 19, 2021.

Approved on the Consent Agenda.

- 4 An ordinance of the City of Mesquite, Texas, amending the Mesquite City Code, as amended, by revising Chapter 1, Section 1-15 to be titled “Records - Request for copies of City records” and Section 1-16 to be titled “Ambulance Services - Rules and policies for user fees” and revising Chapter 8, Sections 8-855 and Section 8-857 regarding updates to references to application processing fees and annual renewal fees for credit access businesses; and amending Appendix D “Comprehensive Fee Schedule” of the Mesquite City Code, as amended, repealing and replacing Article I “Administration” and revising Article VI “Fire,” Article VIII “Library,” and Article XIV “Public Works,” thereby updating certain provisions related to fees and revising the fee schedule.

Approved on the Consent Agenda.

Ordinance No. 4841, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, AS AMENDED, BY REVISING CHAPTER 1, SECTION 1-15 TO BE TITLED “RECORDS – REQUEST FOR COPIES OF CITY RECORDS” AND SECTION 1-16 TO BE TITLED “AMBULANCE SERVICES – RULES AND POLICIES FOR USER FEES” AND REVISING CHAPTER 8, SECTIONS 8-855 AND SECTION 8-857 REGARDING UPDATES TO REFERENCES TO APPLICATION PROCESSING FEES AND ANNUAL RENEWAL FEES FOR CREDIT ACCESS BUSINESSES; AND AMENDING APPENDIX D “COMPREHENSIVE FEE SCHEDULE”

OF THE MESQUITE CITY CODE, AS AMENDED, REPEALING AND REPLACING ARTICLE I "ADMINISTRATION" AND REVISING ARTICLE VI "FIRE," ARTICLE VIII "LIBRARY," AND ARTICLE XIV "PUBLIC WORKS," THEREBY UPDATING CERTAIN PROVISIONS RELATED TO FEES AND REVISING THE FEE SCHEDULE; 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. (Ordinance No. 4841 recorded in Ordinance Book No. 122.)

- 5 An ordinance changing the name of a street in the Cloverleaf Subdivision from Aster Drive to Percheron Drive.

Approved on the Consent Agenda.

Ordinance No. 4842, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CHANGING THE NAME OF A STREET IN THE CLOVERLEAF SUBDIVISION FROM ASTER DRIVE TO PERCHERON DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4842 recorded in Ordinance Book No. 122.)

- 6 A resolution authorizing the City Manager to execute the 2020 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 redistribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$25,761.37; designating the City of Dallas as the applicant and fiscal agent; and designating the Police Chief of the City of Mesquite as the responsible officer for the purpose of signing all documents associated with the grant.

Approved on the Consent Agenda.

Resolution No. 03-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2020 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 REDISTRIBUTION OF GRANT FUNDS THEREBY REDUCING MESQUITE'S FORMULA ALLOCATION TO THE REVISED AMOUNT OF \$25,761.37; DESIGNATING THE CITY OF DALLAS AS THE APPLICANT AND FISCAL AGENT; AND DESIGNATING THE POLICE CHIEF OF THE CITY OF MESQUITE AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL DOCUMENTS ASSOCIATED WITH THE GRANT. (Resolution No. 03-2021 recorded in Resolution Book No. 62.)

- 7 A resolution ratifying the approval and the execution of a settlement agreement and a first amendment to North Texas Municipal Water District Regional Water Supply Facilities Amendatory Contract.

Approved on the Consent Agenda.

Resolution No. 04-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

MESQUITE, TEXAS, RATIFYING THE APPROVAL AND THE EXECUTION OF A SETTLEMENT AGREEMENT AND A FIRST AMENDMENT TO NORTH TEXAS MUNICIPAL WATER DISTRICT REGIONAL WATER SUPPLY FACILITIES AMENDATORY CONTRACT. (Resolution No. 04-2021 recorded in Resolution Book No. 62.)

- 9 RFP No. 2021-002 - Transfer Station Compactor Replacement.
(Staff recommends all proposals be rejected and the request for proposals be reissued at a later date.)
Approved on the Consent Agenda.
- 10 Bid No. 2021-029 - Annual Supply of Fire Protective Clothing.
(Staff recommends award to Municipal Emergency Services, Inc., for jackets and pants in the amount of \$116,403.10 and award to Casco Industries, Inc., for boots in the amount of \$13,930.00 for a total amount of \$130,333.10. The term of this bid is for a one-year period with four additional one-year renewal options. The City Manager is authorized to finalize and execute each contract and to exercise the renewal options, subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 11 Bid No. 2021-055 - Purchase of Eight (8) Police Vehicles.
(Staff recommends award to Sam Pack's Five Star Ford and Chevrolet in Carrollton, Texas, through Tarrant County Contract Nos. 2019-041 and 2020-174, in the total amount of \$430,871.00.)
Approved on the Consent Agenda.
- 12 Bid No. 2021-056 - Purchase of Police Uniforms.
(Staff recommends award to GT Distributors, through BuyBoard Contract No. 603-20, in the amount of \$51,933.12.)
Approved on the Consent Agenda.
- 13 Authorize the City Manager to finalize and execute Contract Amendment No. 4 to the Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for survey and design of a new water main that will connect the Matthew Holzapfel Pump Station to the existing Markout Water Supply system within Kaufman County in the amount of \$128,100.00.
Approved on the Consent Agenda.
- 14 Authorize the City Manager to finalize and execute a Memorandum of Understanding between the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the Mesquite Police Department (MPD) for the purpose of assigning a Major Crimes Investigator to the ATF's National Integrated Ballistic Information Network (NIBIN) Task Force.
Approved on the Consent Agenda.
- 15 Authorize the City Manager to finalize and execute a professional engineering services contract with Hazen and Sawyer, DPC, for the engineering design to

rehabilitate 3,450 feet of large diameter, high-risk sanitary sewer mains in the amount of \$194,400.00.

Approved on the Consent Agenda.

- 16 Authorize the City Manager to finalize and execute an architectural design services contract with GSR Andrade Architects for the design of the Mesquite Animal Shelter and Adoption Center expansion and renovation project in an amount not to exceed \$227,735.00.

Approved on the Consent Agenda.

- 17 Authorize the City Manager to finalize and execute Amendment No. 3 to a contract with Binkley & Barfield, Inc., for additional design and preparation of construction documents for the 2017 Sanitary Sewer Replacement Project - Phase 2, in the amount of \$67,500.00.

Approved on the Consent Agenda.

- 18 Authorize the City Manager to finalize and execute a ground lease with LBL-Birdhouse 3, LLC, for the construction of a corporate aircraft hangar located at 1434 Airport Boulevard, Mesquite, Texas.

Approved on the Consent Agenda.

- 19 Authorize the City Manager to finalize and execute an Interlocal Agreement with the Mesquite Independent School District to provide one portable building for the purpose of firearms and active shooter training to Mesquite Police Department employees.

Approved on the Consent Agenda.

- 20 Approve Amendment No. 1 to the Fiscal Year 2020-21 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$348,337.00.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 8 Bid No. 2019-070 - Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive and Douglas Drive Paving and Utility Improvement.
(Authorize the City Manager to finalize and execute a contract with low bidder Reliable Paving, Inc., in the amount of \$4,293,081.70.)

Mr. Boroughs stated that this neighborhood is in his Council district and expressed support for this project.

Mr. Boroughs moved to award Bid No. 2019-070, Powell Road, Orchid Avenue, Melton Lane, Magnolia Drive and Douglas Drive Paving and Utility Improvement, to low bidder Reliable Paving, Inc., and authorize the City Manager to finalize and execute a contract in the amount of \$4,293,081.70. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA**SITE PLAN AND PUBLIC HEARINGS**

- 21 Consider a request from Olen Davis, Sr. and Nita Davis, to approve a site plan to allow commercial occupancy of a frame residential structure in the Central Business District, located at 320 West Davis Street.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Zoning Ordinance requires frame homes, being converted to commercial uses in the Central Business District, to have a site plan approved by the City Council. The applicant proposes to convert the frame home at 320 West Davis Street, at the corner of South Ebrite Street, into a beauty salon, which requires four parking spaces. Due to the small size of the property, there is insufficient space to accommodate a parking lot. Therefore, the applicant proposes to construct on-street parking by expanding the pavement on the east side of South Ebrite Street to provide four parallel parking spaces.

Applicant Nita Davis stated that her granddaughter proposes to operate an upscale beauty salon out of this building. Additional parking is available on the City square, if needed.

Mr. Boroughs moved to approve a site plan to allow commercial occupancy of a frame residential structure in the Central Business District, located at 320 West Davis Street. Motion was seconded by Mr. Aleman and approved unanimously.

- 22 Conduct a public hearing and consider a resolution 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 Economic Development Program Agreement ("Chapter 380 Agreement") for such purposes with Elements Sleep, LLC ("ES"), and Style-Line Furn., Inc. ("SLF"), to incentivize ES to manufacture boxed mattresses and to incentivize SLF to manufacture upholstered furniture at an industrial building located at 1475 Republic Parkway, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a Chapter 380 agreement with Elements Sleep, LLC, and Style-Line Furn., Inc., to incentivize Elements Sleep to manufacture boxed mattresses and to incentivize Style-Line Furniture to manufacture upholstered furniture at an industrial building located at 1475 Republic Parkway, Mesquite, Texas.

Cliff Keheley, City Manager, stated that Elements International relocated their headquarters to Mesquite several years ago and has developed additional business components that they desire to bring to Mesquite called Elements Sleep, LLC, and Style-Line Furniture, Inc. Elements Sleep will manufacture boxed mattresses and Style-Line will manufacture upholstered furniture for distribution throughout the country. Elements will lease an existing building in the Urban District 30 development with a required capital investment of \$2.34 million by October 2021 and \$370,000 by June 2022. Elements will create 25 jobs. Mr. Keheley stated that the proposed incentive is a reimbursement of business personal property tax over 10 years and is valued at approximately \$140,000.00.

Mike Wurster, President of Elements International Group, LLC, stated that Elements moved to Mesquite a few years ago and recently purchased two components. One component will manufacture mattresses in Mesquite and the other component, Style-Line Furniture, is currently based in Mississippi and manufactures upholstery furniture such as sofas, loveseats and chairs. Style-Line Furniture will be added to the Elements facility in Mesquite.

No others appeared regarding the proposed Chapter 380 agreement.

Ms. Wisdom moved to approve Resolution No. 05-2021, 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 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT ("CHAPTER 380 AGREEMENT") FOR SUCH PURPOSES WITH ELEMENTS SLEEP, LLC ("ES"), AND STYLE-LINE FURN., INC. ("SLF"), TO INCENTIVIZE ES TO MANUFACTURE BOXED MATTRESSES AND TO INCENTIVIZE SLF TO MANUFACTURE UPHOLSTERED FURNITURE AT AN INDUSTRIAL BUILDING LOCATED AT 1475 REPUBLIC PARKWAY, 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. Green and approved unanimously. (Resolution No. 05-2021 recorded in Resolution Book No. 62.)

23

Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City; authorizing the sale by the City of an approximately 1.8093-acre tract of land commonly known as 1025 Military Parkway, Mesquite, Texas, 75149 (the "Land") to Kodiak Capital Partners, LLC ("Kodiak"); authorizing the City Manager to finalize and execute an agreement between the City and Kodiak for the sale of the land (the "Sales Agreement") and all documents necessary or advisable to complete the sale of the land; authorizing the City Manager to finalize and execute an Economic Development Program Agreement ("Chapter 380 Agreement") with Security Brands, Inc., Snap Lock Tech, LLC, and Kodiak in connection with the purchase of land and the development of a commercial building consisting of at least 16,000 square feet on the land; and authorizing the City Manager to administer the Chapter 380 Agreement and Sales Agreement on behalf of the City.

A public hearing was held to consider a Chapter 380 agreement with Security Brands, Inc., Snap Lock Tech, LLC, and Kodiak in connection with the purchase of land and the development of a commercial building consisting of at least 16,000 square feet located at 1025 Military Parkway, Mesquite, Texas.

Cliff Keheley, City Manager, stated that Security Brands, Inc., and Snap Lock Tech, LLC, is currently located on East Glen Boulevard in Mesquite. The company plans to purchase City-owned property located at 1025 Military Parkway and construct a 16,000-square-foot facility to consolidate its operations into one facility. Upon completion of construction, the City will reimburse the company for the purchase amount over a five-year period. The company has requested a cap of \$35,000.00 on development fees. Mr. Keheley stated that the incentive is estimated to be valued at approximately \$300,000.00. The project will begin in 2021 and be completed by 2022.

Christopher Brown, representing Kodiak Capital Partners, LLC, stated that they have a need to expand their facility and hire additional employees to manufacture more access control products. Mr. Brown stated that Security Brands was formed in 2012 and he bought the assets of a company in Englewood, Colorado, and relocated to Mesquite in 2019. They manufacture products for perimeter access control for parking and a cloud-based access control system.

No others appeared regarding the proposed Chapter 380 agreement.

Mr. Boroughs moved to approve Resolution No. 06-2021, 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 SALE BY THE CITY OF AN APPROXIMATELY 1.8093 ACRE TRACT OF LAND COMMONLY KNOWN AS 1025 MILITARY PARKWAY, MESQUITE, TEXAS 75149 (THE "LAND") TO KODIAK CAPITAL PARTNERS, LLC ("KODIAK"); AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT BETWEEN THE CITY AND KODIAK FOR THE SALE OF THE LAND (THE "SALES AGREEMENT") AND ALL DOCUMENTS NECESSARY OR ADVISABLE TO COMPLETE THE SALE OF THE LAND; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT ("CHAPTER 380 AGREEMENT") WITH SECURITY BRANDS, INC., SNAP LOCK TECH, LLC, AND KODIAK IN CONNECTION WITH THE PURCHASE OF THE LAND AND THE DEVELOPMENT OF A COMMERCIAL BUILDING CONSISTING OF AT LEAST 16,000 SQUARE FEET ON THE LAND; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE CHAPTER 380 AGREEMENT AND SALES AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 06-2021 recorded in Resolution Book No. 62.)

24

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0175, submitted by the City of Mesquite for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow a water pump station as a community/regional facility (water pump station with above ground storage tanks) and other governmental facilities, located at 15675 Wisser Road.

(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 with certain stipulations.)

A public hearing was held for Zoning Application No. Z0121-0175.

Jeff Armstrong, Director of Planning and Development Services, stated that the City of Mesquite plans to construct a three-million-gallon ground storage tank on a new 24-inch water line that will serve citizens within portions of Mesquite located in Kaufman County. The site will also include a generator building and a pump station on the 10-acre tract. The 5,000-square-foot building will include other governmental facilities. A regional utility facility, such as the proposed facility, requires a Conditional Use Permit in Agricultural zoning.

No one appeared regarding the proposed application.

Mr. Aleman moved to approve Zoning Application No. Z0121-0175, as recommended by the Planning and Zoning Commission, and Ordinance No. 4843, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING

A CHANGE OF ZONING FROM AGRICULTURAL TO AGRICULTURAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 15675 WISER ROAD TO ALLOW A WATER PUMP STATION AS A COMMUNITY/ REGIONAL FACILITY AND OTHER GOVERNMENTAL FACILITIES; 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. 4843 recorded in Ordinance Book No. 122.)

25

Conduct a public hearing for Zoning Application No. Z1120-0164, submitted by Kevin Albanna, Nadian Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to allow a coin-operated amusement gameroom within 300 feet of a school, located at 1220 East Davis Street.

(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 denial.)

A public hearing was held for Application No. Z1120-0164.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to allow a coin-operated amusement gameroom, located at 1220 East Davis Street, with four coin-operated amusement machines. The applicant operates a One Stop Shoppe convenience store with limited fuel sales as a primary use at the same location. Coin-operated amusement machines are not permitted as an accessory use at a convenience store; however, they may be permitted as a primary use with the approval of a Conditional Use Permit. The applicant is also requesting a modification to allow a coin-operated amusement gameroom within 300 feet of a school with the actual distance being 175 feet.

Akram Mutawe, representing the applicant, stated that the applicant has operated the store at this location for over 20 years and has not had any issues with the machines. The machines produce a small profit margin for the convenience store and patrons receive store credit for their winnings.

No others appeared regarding the proposed application.

Mr. Green moved to postpone consideration of Zoning Application No. Z1120-0164, with the public hearing remaining open, until the February 15, 2020, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.

26

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0165, submitted by Gilbert Jordan, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for males and females, located at 1012 Pioneer Road.

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

A public hearing was held for Application No. Z1120-0165.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit to allow a coin-operated amusement gameroom, located at 1012 Pioneer Road, with four coin-operated amusement machines. The applicant operates the Jordan’s Cigarette Store. Coin-operated amusement machines are not permitted as an accessory use at a tobacco store; however, they may be permitted as a primary use with the approval of a Conditional Use Permit. The applicant is also requesting a modification to have one customer restroom instead of the required one customer restroom each for males and females. The applicant indicated at the Planning and Zoning Commission that there is a second restroom that is used for storage and is willing to open it for customer use.

Darrin Jordan, representing the applicant, stated that the Police Department service calls were primarily due to 18-wheelers parking in their parking lot. Applicant Gilbert Jordan stated that the second bathroom, formerly used for storage, is now open for customer use. The leased machines have been at this location for 21 years and patrons receive store credit for their winnings. The store sells beer, wine and cigarettes.

No others appeared regarding the proposed application.

Mr. Smith moved to postpone consideration of Zoning Application No. Z1120-0164, with the public hearing remaining open, until the February 15, 2020, City Council meeting. Motion was seconded by Mr. Green and approved unanimously.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Wisdom and approved unanimously. The meeting adjourned at 8:51 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor