



# City of Mesquite, Texas

## Minutes - Final City Council

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Tuesday, September 6, 2022

5:00 PM

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

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Present: Mayor Daniel Alemán, Jr., and Councilmembers Kenny Green, Tandy Boroughs, B. W. Smith, Jeff Casper, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.
- 2 Receive briefing regarding partnership structures with the Mesquite Housing Finance Corporation.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:43 P.M.**

- 3 Receive financial statements for the period October 1, 2021, through June 30, 2022.  
  
Cindy Smith, Director of Finance, presented the financial statements for the period covering October 1, 2021, through June 30, 2022.

The Work Session ended at 6:55 p.m.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:02 P.M.**

#### **INVOCATION**

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

#### **PLEDGE OF ALLEGIANCE**

City of Mesquite Payroll Team.

#### **SPECIAL ANNOUNCEMENTS**

1. Mayor Alemán introduced former Mayor Bruce Archer who was in attendance at tonight's meeting.

2. Mr. Casper stated that Trash Bash, hosted by Keep Mesquite Beautiful, Inc., will be held on Saturday, September 24, 2022. Citizens and community groups are encouraged to participate in this City-wide cleanup event.
3. Mr. Green invited citizens to attend a Town Hall Meeting on Tuesday, September 13, 2022, at City Hall, Training Rooms A & B, 757 North Galloway Avenue. Emergency Management Preparedness will be discussed and presentations will include tips, information, resources and ways to prepare in the event of an emergency.
4. Mr. Green stated that he visited a new restaurant, Taco City Y Mas, 3600 Gus Thomasson Road, Suite 122, this past Sunday. Their operating hours are: Monday – Thursday from 8:00 a.m. to 10:30 p.m.; Friday from 8:00 a.m. to Midnight; Saturday from 11:00 a.m. to Midnight; and Sunday from 11:00 a.m. to 7:00 p.m. He encouraged citizens to visit the restaurant or attend the Grand Opening this Saturday, September 10, 2022.
5. Ms. Vidler stated that the City of Mesquite and Dallas County officials celebrated the reopening of a reconstructed portion of Town East Boulevard last week. The new roadway includes a hike and bike trail with a screening wall along the adjacent neighborhood. The trail connects two major trail systems in Mesquite and provides access to the businesses and retail in the area.
6. Ms. Vidler invited residents to attend a District 3 Neighborhood Meeting on Thursday, September 22, 2022, from 7:00 p.m. to 8:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.
7. Mr. Boroughs encouraged residents to consider serving on a City board or commission. By becoming a board or commission member, you will have an active voice, be involved in the community and advise the City Council and staff on a wide range of opportunities.
8. Mr. Boroughs encouraged citizens to visit Alejandro's at Front Street Station, 117 West Main Street, which recently opened in Downtown Mesquite.
9. Mr. Boroughs stated that he attended the Men and Ladies of Honor last week and expressed appreciation to Mayor Alemán and Ms. Vidler for their contributions to this program.
10. Mr. Smith stated that September is Library Card sign-up month. With a photo ID and proof of residency, Mesquite residents will receive a free library card. Libraries are a valuable resource for the community, whether someone is searching for a job, studying or looking for a good book. Check out books, movies or explore the libraries digital collection.
11. Ms. Anderson encouraged citizens to experience a zombie apocalypse by participating as a runner or a zombie at the "Guts and Gory" Zombie Fun Run and Challenge on Saturday, September 17, 2022, at Camp Rorie Day Camp, 3100 Lawson Road.
12. Ms. Anderson announced that National Night Out will be held on Tuesday, October 4, 2022. She encouraged everyone to plan a National Night Out event in their neighborhoods to meet their neighbors, have fun and share crime prevention and safety information.
13. Ms. Anderson invited residents to attend a Creek Crossing Crime Watch Meeting on Tuesday, September 13, 2022, at 7:00 p.m., at Keystone Church, 1575 Clay Mathis Road.
14. Ms. Anderson advised residents that a District 6 Neighborhood Meeting is being scheduled for Saturday, September 24, 2022, with the location and time to be determined.

15. Mayor Alemán stated that the City of Mesquite will host a memorial event to commemorate Patriot Day, which is the anniversary of the September 11, 2001, terrorist attacks. The public event will begin at 2:00 p.m., on Sunday, September 11, 2022, at Mesquite Freedom Park located at the Mesquite Arts Center, 1527 North Galloway Avenue.

16. Mayor Alemán announced the opening of Cinnaholic, 1300 North Town East Boulevard, which specializes in custom gourmet cinnamon rolls and various other pastries. He encouraged citizens to stop by and welcome them to Mesquite.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

Ms. Vidler requested that Item No. 6 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approved the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Green and approved unanimously.

- 4 Minutes of the regular City Council meeting held August 15, 2022.

**Approved on the Consent Agenda.**

- 5 An ordinance, on second and final reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Company") regarding the Company's 2022 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 attachment establishing a benchmark for pensions and retiree medical benefits; 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. 4979, 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 2022 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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**

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**ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL. (Ordinance No. 4979 recorded in Ordinance Book No. 127.)**

- 7 Authorize the City Manager to finalize and execute an architectural services contract with WRA Architects for the design of the Mesquite Service Center Field Services Building addition and renovation project in an amount not to exceed \$924,240.00.

**Approved on the Consent Agenda.**

- 8 Authorize the City Manager to finalize and execute a Professional Services Agreement with Garfield Public/Private LLC, for the business planning, conceptual design, and financial structure of a public-private partnership for a full-service hotel and conference center in an amount not to exceed \$125,000.00.

**Approved on the Consent Agenda.**

- 9 Authorize the City Manager to finalize and execute an agreement with Dallas County Health and Human Services to accept bill payment assistance through the Texas Department of Housing and Community Affairs (TDHCA) Low Income Household Water Assistance Program (LIHWAP) for eligible LIHWAP Dallas County clients in the City of Mesquite.

**Approved on the Consent Agenda.**

- 10 Consider electing members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, Places 6 - 9, as follows: electing the incumbents - Allison Heyward, Place 6; Mary Dennis, Place 7; Mike Land, Place 8; and Opal Mauldin-Jones, Place 9.

**Approved on the Consent Agenda.**

**CONSENT AGENDA ITEM TO BE CONSIDERED SEPARATELY**

- 6 A resolution ordering a public hearing for October 17, 2022, to consider amendments to land use assumptions, a capital improvements plan and the imposition of an impact fee for water and wastewater facilities and authorizing publication of notice for said hearing.

**Jeff Armstrong, Director of Planning and Development Services, stated that the City charges impact fees for roadways, water and wastewater. State law requires the impact fee study to be updated every five years. Impact fees are charged when a new structure is built or expanded and helps to recoup some of the impact of that development on the City's roadway, water or sewer system.**

**Mr. Armstrong stated that the roadway impact fee study was updated in 2020. Therefore, only the water and wastewater will be updated at this time. He stated that the City set a record for collection of roadway impact fees for the first six months of 2022. Approximately \$5 million in impact fees were collected, which is more than double the amount of collections from any previous full year. The increase is largely due to the increase of industrial building developments. Impact fees cannot be used for repairs or maintenance but can be used for increased capacity such as additional roadway lanes, new roads and intersection**

improvements that increase capacity at the intersection.

Mr. Green moved to approve Resolution No. 31-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A PUBLIC HEARING FOR OCTOBER 17, 2022, TO CONSIDER AMENDMENTS TO LAND USE ASSUMPTIONS, A CAPITAL IMPROVEMENTS PLAN, AND THE IMPOSITION OF AN IMPACT FEE FOR WATER AND WASTEWATER FACILITIES; AND AUTHORIZING THE PUBLICATION OF NOTICE FOR SAID HEARING. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 31-2022 recorded in Resolution Book No. 65.)

#### END OF CONSENT AGENDA

#### CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES RELATING TO THE FISCAL YEAR 2022-23 BUDGET:

- 11 An ordinance determining the population of the City of Mesquite, Texas, to be 152,020 as of October 1, 2022.
- Mr. Green moved to approve Ordinance No. 4980, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 152,020 AS OF OCTOBER 1, 2022; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4980 recorded in Ordinance Book No. 127.)
- 12 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department as of October 1, 2022.
- Ms. Vidler moved to approve Ordinance No. 4981, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE POLICE DEPARTMENT AS OF OCTOBER 1, 2022; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Anderson and approved unanimously. (Ordinance No. 4981 recorded in Ordinance Book No. 127.)
- 13 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department as of October 1, 2022.
- Mr. Boroughs moved to approve Ordinance No. 4982, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING THE CLASSIFICATIONS AND TOTAL NUMBER OF AUTHORIZED POSITIONS IN EACH CLASSIFICATION OF THE MESQUITE FIRE DEPARTMENT AS OF OCTOBER 1, 2022; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4982 recorded in Ordinance Book No. 127.)
- 14 An ordinance adopting a 2022-23 Pay Plan for General Government Personnel and Commissioned Police and Fire Personnel with an effective date of October 1, 2022, adopting a revised 2022-23 Pay Plan for Commissioned Police and Fire Personnel with an effective date of January 1, 2023, authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying

members of such system who presently are members of the City of Mesquite and providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City of Mesquite.

**Ms. Vidler moved to approve Ordinance No. 4983, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING A 2022-23 PAY PLAN FOR GENERAL GOVERNMENT PERSONNEL AND COMMISSIONED POLICE AND FIRE PERSONNEL WITH AN EFFECTIVE DATE OF OCTOBER 1, 2022; ADOPTING A REVISED 2022-23 PAY PLAN FOR COMMISSIONED POLICE AND FIRE PERSONNEL WITH AN EFFECTIVE DATE OF JANUARY 1, 2023; AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF MESQUITE; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING EFFECTIVE DATES THEREOF. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4983 recorded in Ordinance Book No. 127.)**

#### **APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- 15** Consider appointment of a principal member to the STAR Transit Board of Directors for a term to expire on August 31, 2027.

**Mr. Green moved to appoint Debbie Anderson as a principal member to the STAR Transit Board of Directors for a term to expire on August 31, 2027. Motion was seconded by Mr. Boroughs and approved unanimously.**

#### **PUBLIC HEARINGS**

- 16** Conduct a public hearing and consider an ordinance for Zoning Application No. Z0422-0241, submitted by Lauren Montgomery, JGH Consultants, LLC on behalf of Bluewater R&D, LLC, for a change of zoning from R-1, Single-family Residential to Planned Development - General Retail, to allow a carwash, located at 1415 South Belt Line Road.

(No responses in favor and one in opposition to the application has 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. Z0422-0241.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing a tunnel carwash development near the northwest corner of South Belt Line Road and Cartwright Road. The proposed development includes a tunnel carwash building and car vacuum spaces. Landscape buffering and a masonry screening wall will be provided along the north property line adjacent to existing residential properties.**

**Mr. Armstrong stated that at the Planning and Zoning Commission meeting, the residential property owners to the north of the proposed development expressed concerns regarding disturbing the trees along the property line. They suggested that the screening wall be moved off of the property line and be aligned with the**

screening wall behind the Golden Chick restaurant.

Applicants Kyle Flemming and Franklin Meneghetti presented an overview of the proposed development. Mr. Flemming stated that the site plan has been revised to include moving the masonry screening wall off of the northern property line.

Mr. Meneghetti stated that the carwash will contain three lanes with eight cars in each lane, which will allow more stacking of cars so that cars will not back up onto Belt Line Road.

Dr. Schade, 220 Riggs Circle, expressed support for the proposed development.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z0422-0241, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 4984, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-1 SINGLE-FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT-GENERAL RETAIL TO ALLOW A CARWASH ON PROPERTY LOCATED AT 1415 SOUTH BELT LINE ROAD; REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY IN ACCORDANCE WITH MESQUITE ZONING ORDINANCE, PART 5, 5-100, SECTION 5-103 (GENERAL PENALTIES); AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4984 recorded in Ordinance Book No. 127.)

**ADJOURNMENT**

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 7:54 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Daniel Alemán, Jr., Mayor