



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, September 7, 2021

5:00 PM

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

Present: Mayor Bruce Archer and Councilmembers Robert Miklos, Dan Aleman, Tandy Boroughs, Kenny Green, B. W. Smith and Sherry Wisdom, 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 a possible text amendment to the Zoning Ordinance pertaining to the creation of a Trinity Pointe Mesquite Overlay District.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:31 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 (Agenda Item No. 10); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:42 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 10 for executive action taken.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:45 P.M.

- 3 Receive Neighborhood Services Environmental Code quarterly report for the period of April 1, 2021, through June 30, 2021.

Maria Martinez, Director of Neighborhood Services, reviewed the third quarter statistics for Fiscal Year 2020-2021 and stated that proactive identified violations trended higher in April, primarily due to the beginning of the growing season and then remained steady through May and June. Complaints remained steady in the 400's throughout the quarter. A total of 788 code complaints were received through the myMesquite app. Ms. Martinez stated that the code case average, which is the number of days from when the code violation is opened until closed, is trending at 19 days. She stated that 325 surface parking violations were identified along with 48 violations for parking or storing of oversized vehicles and

40 violations for storing of recreational vehicles or trailers totaling 413 violations. Voluntary compliance was 73 percent prior to citation issuance. She stated that new Code Ambassadors has not been recruited this year due to the pandemic.

The work session ended at 6:56 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.

INVOCATION

Pablo Ferrera, Pastor, Castillo Del Rey, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Fire Department.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman stated that the City will begin implementing a water meter replacement project. All water meters at homes and businesses will be replaced with upgraded meters that allow better accuracy and transparency. Installation is expected to take two years.
2. Mr. Smith stated that last month, the Mesquite Police Department debuted the new Soft Interview Room for victims of sexual assault and other violent crimes. The room features living room style chairs, decorative lighting and artwork that provides investigators a warm and inviting space to speak to victims. He commended the Mesquite Police Department and Project Beloved – The Molly Jane Mission for sponsoring the room makeover.
3. Mr. Boroughs encouraged citizens to participate in the Parks and Recreation Department's "Guts and Gory Zombie Run and Challenge" on Saturday, September 18, 2021, from 1:00 p.m. to 4:00 p.m., at Camp Rorie Galloway. Racers will work in teams and compete in challenges. Racers will collect survival essentials along the way to ensure your team's safe passage to the finish.
4. Mr. Boroughs that as a 30-year veteran Mesquite firefighter, he had the privilege of traveling to the site of the fallen twin towers in New York City with other firefighters after the 9/11 terrorist attacks. He spent a week witnessing the recovery process and attending funerals. He stated that it was an honor that he will never forget.
5. Mr. Boroughs invited the community to a sunrise 9/11 Memorial Service to commemorate Patriot Day. It will mark the 20th anniversary of the September 11, 2001, terrorist attacks. This public event will begin at 8:30 a.m., on Saturday, September 11, 2021, at Mesquite Freedom Park, located at the Mesquite Arts Center, 1527 North Galloway Avenue.
6. Mr. Miklos reminded residents that new requirements for solid waste customers go into effect in October 2021. This includes placing household trash in a bag and placing the bag into a trash can. Residents can view frequently asked questions regarding the new requirements at www.cityofmesquite.com/SolidWaste.

7. Mr. Green announced that September is National Library Card Sign-Up Month. Residents can visit one of the Mesquite Public Libraries and receive a free library card that will allow access to books and so much more including movies, audiobooks, eBooks and downloadable audiobooks.

8. Ms. Wisdom reminded residents that the Mesquite Animal Shelter is participating in the nationwide "Clear the Shelter" event until Sunday, September 19, 2021. This is a great opportunity to adopt a pet and take advantage of some of the special services that will be included in the adoption process.

CITIZENS FORUM

Adolphus Gaspie, 2209 Stonebrook Lane, expressed support for installation of speed bumps on his street.

CONSIDERATION OF RESOLUTION

- 17 Consider a resolution naming the future park on North Bryan Avenue as Officer Jon Latimore Park.

This item was removed from the Consent Agenda and taken out of order.

Mayor Archer read the resolution into the record. Officer Jon Latimore was officially sworn in as a Mesquite Police Officer on June 10, 1985, and was the first African American Police Officer to serve in the Mesquite Police Department. He retired from duty with the City on July 31, 2013, and passed away in 2018. Officer Latimore was highly respected by his fellow officers and received numerous commendations from citizens and coworkers.

Mayor Archer stated that the future park on North Bryan Avenue will be named Officer Jon Latimore Park in honor of his commitment to the Mesquite Police Department, the City and the entire Mesquite community.

Mayor Archer unveiled a rendering of the future Officer Jon Latimore Park and thanked his family for Officer Latimore's service to the City of Mesquite.

Mr. Smith moved to approve a Resolution No. 51-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, NAMING THE FUTURE PARK ON NORTH BRYAN AVENUE AS OFFICER JON LATIMORE PARK. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 51-2021 recorded in Resolution Book No. 63.)

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item No. 12 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Wisdom and approved unanimously.

- 4 Minutes of the regular City Council meeting held August 16, 2021.

Approved on the Consent Agenda.

- 5 An ordinance determining the population of the City of Mesquite, Texas, to be 150,108 as of October 1, 2021.

Approved on the Consent Agenda.

Ordinance No. 4893, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 150,108 AS OF OCTOBER 1, 2021; AND DECLARING AN EFFECTIVE DATE.

Approved on the Consent Agenda. (Ordinance No. 4893 recorded in Ordinance Book No. 125.)

- 6 An ordinance amending the Mesquite City Code, as previously amended, by creating new Chapter 20 titled "Boards, Commissions, and Committees" thereby codifying the City's general regulations and other associated provisions regarding said title; making certain deletions and additions to Chapters 2, 3, 4, 5, 6, 7, and 15.5, including repealing and replacing certain ordinances, both uncodified and codified, to revise and relocate most of the City's boards, commissions, and committees into new CHAPTER 20, revising portions of Chapter 2, Article IV, Division 2 "Code of Ethics" associated with provisions relating to board, commission, and committee regular members and alternates and revising Appendix D - Comprehensive Fee Schedule to include a fee for appeals to the Building Standards Board.

Approved on the Consent Agenda.

Ordinance No. 4894, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY CREATING NEW CHAPTER 20 TITLED "BOARDS, COMMISSIONS, AND COMMITTEES" THEREBY CODIFYING THE CITY'S GENERAL REGULATIONS AND OTHER ASSOCIATED PROVISIONS REGARDING SAID TITLE; MAKING CERTAIN DELETIONS AND ADDITIONS TO CHAPTERS 2, 3, 4, 5, 6, 7, AND 15.5, INCLUDING REPEALING AND REPLACING CERTAIN ORDINANCES, BOTH UNCODIFIED AND CODIFIED, TO REVISE AND RELOCATE MOST OF THE CITY'S BOARDS, COMMISSIONS, AND COMMITTEES INTO NEW CHAPTER 20; REVISING PORTIONS OF CHAPTER 2, ARTICLE IV, DIVISION 2 "CODE OF ETHICS" ASSOCIATED WITH PROVISIONS RELATING TO BOARD, COMMISSION, AND COMMITTEE REGULAR MEMBERS AND ALTERNATES; REVISING APPENDIX D - COMPREHENSIVE FEE SCHEDULE TO INCLUDE A FEE FOR APPEALS TO THE BUILDING STANDARDS BOARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4894 recorded in Ordinance Book No. 125.)

- 7 An ordinance amending Chapter 5 of the City Code, as amended, by adding a new Article XIV, "Substandard, Dilapidated and Dangerous Buildings and Other Structures," and Division 1 thereto, "Municipal Court Proceedings Regarding Urban Nuisances."

Approved on the Consent Agenda.

Ordinance No. 4895, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW ARTICLE XIV, "SUBSTANDARD, DILAPIDATED, AND DANGEROUS BUILDINGS AND OTHER STRUCTURES," AND DIVISION 1 THERETO, "MUNICIPAL COURT PROCEEDINGS REGARDING URBAN NUISANCES"; PROVIDING REPEALER,

CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY NOT TO EXCEED \$1,000.00 FOR EACH VIOLATION; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4895 recorded in Ordinance Book No. 125.)

- 8 A resolution repealing Resolutions No. 15-[19]90; No. 03-[19]96; and No. 09-2003 related to the Capital Improvements Advisory Committee whereby it is the intent of the City Council to repeal said resolutions because provisions related to the Capital Improvements Advisory Committee will instead, by ordinance, be codified into the Mesquite City Code.

Approved on the Consent Agenda.

Resolution No. 48-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTIONS NO. 15-[19]90; NO. 03-[19]96; AND NO. 09-2003 RELATED TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE WHEREBY IT IS THE INTENT OF THE CITY COUNCIL TO REPEAL SAID RESOLUTIONS BECAUSE PROVISIONS RELATED TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE WILL INSTEAD, BY ORDINANCE, BE CODIFIED INTO THE MESQUITE CITY CODE. (Resolution No. 48-2021 recorded in Resolution Book No. 63.)

- 9 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 2021 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. 4896, AN ORDINANCE 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 2021 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. 4896 recorded in Ordinance Book No. 125.)

- 10** A resolution authorizing the City Attorney to execute a contingent fee professional services contract for legal services with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Texas Government Code § 2254.

Approved on the Consent Agenda.

Resolution No. 49-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY ATTORNEY TO EXECUTE A CONTINGENT FEE PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES WITH MCKOOL SMITH, P.C., ASHCROFT SUTTON REYES LLC, AND KOREIN TILLERY LLC, EFFECTIVE ONLY UPON APPROVAL BY THE OFFICE OF THE ATTORNEY GENERAL OF TEXAS OR AS OTHERWISE ALLOWED UNDER TEXAS GOVERNMENT CODE § 2254. (Resolution No. 49-2021 recorded in Resolution Book No. 63.)

- 11** A resolution adopting STAR Transit Policy #119, Title VI Program, as updated on May 18, 2021, applicable to all City of Mesquite public transit services.

Approved on the Consent Agenda.

Resolution No. 50-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING STAR TRANSIT POLICY #119, TITLE VI PROGRAM, AS UPDATED ON MAY 18, 2021, APPLICABLE TO ALL CITY OF MESQUITE PUBLIC TRANSIT SERVICES. (Resolution No. 50-2021 recorded in Resolution Book No. 63.)

- 13** Authorize the City Manager to finalize and execute Supplemental Agreement No. 3 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$1,319,954.00 for Fiscal Year 2022.

Approved on the Consent Agenda.

- 14** Authorize the City Manager to finalize and execute a Fifth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$73,023.27 for Fiscal Year 2021-22, effective October 1, 2021, through September 30, 2022.

Approved on the Consent Agenda.

- 15** Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation (TxDOT), Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

Approved on the Consent Agenda.

- 16** Receive the July 2021 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM TO BE CONSIDERED SEPARATELY

- 12 A resolution repealing existing City Council Policies and Procedures and Rules of Procedure and adopting new City Council Policies and Procedures and Rules of Procedure for the conduct of City Council business and meetings.

Mr. Miklos moved to postpone consideration of a resolution repealing City Council Policies and Procedures and Rules of Procedure and adopting new city Council Polices and Procedures and Rules of Procedure for the conduct of City Council business and meetings to the September 20, 2021, City Council meeting. Motion was seconded by Ms. Wisdom and approved unanimously.

End of Consent Agenda

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS

- 18 Receive resignation from Tom Palmer as a member of the Board of Adjustment.

Ms. Wisdom moved to accept the resignation of Tom Palmer as a member of the Board of Adjustment. Motion was seconded by Mr. Green and approved unanimously.

- 19 Consider appointment of one alternate member (Position No. 1) to the Landmark Commission for a term to expire December 31, 2021.

Ms. Wisdom moved to appoint Peggy Akins as an alternate member (Alternate No. 1) of the Landmark Commission for a term to expire December 31, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

OTHER BUSINESS

- 20 Consider an application to allow fee in lieu of parkland dedication for the subdivision of a parcel into two lots, located at 502 Fleet Circle.

Jeff Armstrong, Director of Planning and Development Services, stated that there is an existing home on the north portion of the lot and the owner would like to build another home on the south portion of the lot, located at 502 Fleet Circle. Mr. Armstrong stated the applicant has requested to pay fee in lieu of parkland dedication in the amount of \$2,485.00.

No one appeared regarding the proposed application.

Mr. Miklos moved to approve the application to allow fee in lieu of parkland dedication for the subdivision of a parcel into two lots, located at 502 Fleet Circle. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

21 A. Conduct a public hearing to receive citizen input regarding the juvenile curfew ordinance.

B. Consider an ordinance repealing and replacing Article VII, "Curfew Hours for Minors," of Chapter 10, "Offenses - Miscellaneous," of the City Code, creating offenses for minors, parents and guardians of minors, and business establishments violating curfew regulations, providing defenses, providing for enforcement, and providing for waiver by the Municipal Court of jurisdiction over a minor when required under the Texas Family Code.

A public hearing was held regarding the juvenile curfew ordinance.

Interim Police Chief David Faaborg stated that State law requires the juvenile curfew ordinance to be reviewed by the City Council every three years. He stated that the curfew, for minors under 17 years of age, is 11:00 p.m. to 6:00 a.m. on weeknights and from Midnight to 6:00 a.m. on Friday and Saturday nights. Chief Faaborg stated the Mesquite Police Department has determined the ordinance a success and recommends continuing the juvenile curfew ordinance, which was established in 1994.

Jonathan Shields, 2907 Beau Dr., asked if a work waiver is available for juveniles who work late shifts at their jobs.

Chief Faaborg stated that there are several exceptions to the juvenile curfew ordinance including minors engaged in employment activity or going to or from work, minors involved in an emergency, minors accompanied by a parent or guardian, etc.

No others appeared regarding the juvenile curfew ordinance.

Mr. Green moved to approve Ordinance No. 4897, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING AND REPLACING ARTICLE VII, "CURFEW HOURS FOR MINORS," OF CHAPTER 10, "OFFENSES - MISCELLANEOUS," OF THE MESQUITE CITY CODE, CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS, PROVIDING DEFENSES, PROVIDING FOR ENFORCEMENT, AND PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Smith and approved unanimously. (Ordinance No. 4897 recorded in Ordinance Book No. 125.)

22 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0205, submitted by George Morris, for a change of zoning from Commercial and Town East Retail and Restaurant Area Overlay to Commercial and Town East Retail and Restaurant Area Overlay with a Conditional Use Permit to allow a major reception facility with modifications to the 500-foot separation requirement from a residential zoning district and to the permitted hours of operation, located at 2021 North Town East Boulevard, Suite 1100.

(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 conditions.)

A public hearing was held for Zoning Application No. Z0721-0205.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit (CUP) for a major reception facility with modifications to reduce the 500-foot separation from residential districts and to extend the permitted hours of operation on Friday - Sunday to 2:00 a.m. This site is located in the Town East Crossing Shopping Center at 2021 North Town East Boulevard, Suite 1100, and contains 8,656 square feet. The suite entrance is 410 feet from the nearest residential building.

Mr. Armstrong stated that the suite is already fire-sprinkled and the applicant plans on remodeling to expand restrooms and meet all City codes.

If the CUP is approved, special conditions will apply including required security, premises cleaning after every event, owner or owner's agent being present during events, compliance with applicable laws for alcohol and surveillance cameras.

Applicant George Morris, stated that he works in the decorating industry and his clients are in need of this type of venue in Mesquite.

Peggy Angie, real estate agent for the applicant, stated that they are requesting that the reception facility be allowed to remain open until 2:00 a.m., Friday - Sunday. She stated that no alcohol will be sold on the property. However, venue patrons will be allowed to bring in their own alcohol.

No others appeared regarding Zoning Application No. Z0721-0205.

Mr. Miklos moved to approve Zoning Application No. Z0721-0205, as recommended by the Planning and Zoning Commission, with the following stipulations, modifying Stipulation No. 5, as follows:

- 1. The CUP is approved solely for the business owned by the applicant. It shall not be transferable to a different owner or business.**
- 2. The tenant space shall be properly sealed and insulated to prevent sound from impacting adjacent businesses and residences. The tenant space is properly sealed and insulated only if an engineered design bearing the seal of a registered professional engineer or architect is (a)is submitted to the Building Official, (b) approved by the Building Official, and (c) constructed.**
- 3. In relation to the surveillance camera requirements in Mesquite Zoning Ordinance, Section 3-508, the "parking areas" required to be surveilled shall consist of the parking areas in Lots 1 and 2 of the Town East Crossing Addition as depicted in the ordinance hereto.**
- 4. For all events, the facility owner or owner's agent shall be present at the facility for the duration of the event and while attendees remain on the Property and related parking areas. This does not apply to attendees patronizing other businesses after an event.**
- 5. The CUP is approved for a period of two years from September 7, 2021, provided, however, that at the City Council meeting following March 7, 2022, the Director of Planning and Development Services shall present the City Council with a report on the conduct of the business operating under the CUP to include**

all reported incidents and the City Council may, at its discretion, direct that at its next regular meeting in compliance with the Texas Open Meetings Act consideration of termination of the CUP be placed on the City Council's agenda and at such meeting the City Council may terminate the CUP or allow it to continue for the remaining two year period under such conditions as the City Council may impose. The CUP shall thereafter be subject to renewal upon review by the City Council for compliance with these stipulations and ordinances of the City.

6. Permitted operating hours on Friday through Sunday are allowed to extend to 2:00 a.m.

And to approve Ordinance No. 4898, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN TOWN EAST RETAIL AND RESTAURANT AREA ("TERRA") OVERLAY TO COMMERCIAL WITHIN TERRA OVERLAY WITH A CONDITIONAL USE PERMIT ("CUP") ON PROPERTY LOCATED AT 2021 NORTH TOWN EAST BOULEVARD, SUITE 1100 TO ALLOW A MAJOR RECEPTION FACILITY WITH MODIFICATIONS TO THE 500-FOOT SEPARATION REQUIREMENT FROM A RESIDENTIAL DISTRICT AND TO THE PERMITTED HOURS OF OPERATION 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 Ms. Wisdom and approved unanimously. (Ordinance No. 4898 recorded in Ordinance Book No. 125.)

23

Conduct a public hearing and consider an ordinance for a Comprehensive Plan Amendment from Neighborhood Retail to Medium Density Residential and Zoning Application No. Z0421-0190, submitted by Chris Blevins of HP Civil Engineering, for a change of zoning from Planned Development - Light Commercial Ordinance No. 3580 to Planned Development - Townhomes, to allow a townhome development including 43 homes, located at 1535 North Belt Line Road.

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

A public hearing was held for Zoning Application No. Z0421-0190.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes construction of a 43-lot townhome development and is also requesting fee in lieu of parkland dedication in the amount of \$176,750.00.

Mr. Armstrong presented the concept plan and stated that the townhomes will have front-entry garages on private streets. A Homeowners Association is required and is responsible for improvements and maintenance of common areas and private streets. All perimeter fencing will be a wrought iron fence with living screen. Proposed amenities include an entry monument, enhanced landscaping, a minimum of 15,000 square feet of open space for community gathering area, pavilion, fenced dog park, picnic tables, barbecue grills, sidewalks, benches and a playground structure.

Applicant Chris Blevins, representing HP Civil Engineering, stated that typically the developer serves as the main board member of the Homeowners Association

until more residents move into the development.

Dorothy Patterson, 2431 Beverly Hills Lane, expressed support for the proposed development.

No others appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0421-0190, as recommended by the Planning and Zoning Commission, approving fee in lieu of parkland dedication and to approve Ordinance No. 4899, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM NEIGHBORHOOD RETAIL TO MEDIUM DENSITY RESIDENTIAL AND BY AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NO. 3580 TO PLANNED DEVELOPMENT – TOWNHOMES ON PROPERTY LOCATED AT 1535 NORTH BELT LINE ROAD TO ALLOW A TOWNHOME DEVELOPMENT; 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. Miklos and approved unanimously. (Ordinance No. 4899 recorded in Ordinance Book No. 125.)

24

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 of Mesquite, authorizing the City Manager to finalize and execute an amendment to an Economic Development Program Agreement (Chapter 380 Agreement) with Skyline Trade Center B, LLC, and H&K International, Inc., for the expansion of new jobs and the extension of lease terms at a property located at 2200 Skyline Drive, Mesquite, Texas, and authorizing the City Manager to administer the amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the amendment on behalf of the City.

A public hearing was held to consider an amendment to an Economic Development Program Agreement (Chapter 380 Agreement) with Skyline Trade Center B, LLC and H&K International, Inc.

Kim Buttram, Director of Economic Development, stated that in 2012, H&K International, Inc., relocated the company to 2200 Skyline Drive, to a 262,440-square-foot facility in the Skyline Trade Center, through a Chapter 380 Agreement. The agreement required that the company commit to a 10-year lease through 2021, create and maintain 120 full-time jobs and increase and maintain the value of the Real and Personal Property at \$7.2 million. The 2021 value of the Real and Personal Property is \$16.4 million and jobs have been maintained. As part of the original agreement, H&K International, Inc., is entitled to an ad-valorem tax incentive for 10 years. The agreement also includes the continuation of ad valorem tax incentives to retain H&K International, Inc., at 2200 Skyline Drive, for continuation of one to two - five-year lease option periods and retention of 120 jobs.

Ms. Buttram stated that H&K International, Inc., requests an amendment to the original Chapter 380 Agreement to allow for additional tax incentives in exchange for committing to one 10-year lease extension of 2200 Skyline Drive, as

well as increase the number of jobs from 120 full-time employees to 200 full-time employees within five years and maintain them through the 10-year period, ending 2031.

Applicant Michael Curley, North America Financial Controller with H&K International, Inc., stated that the company is a kitchen equipment supplier with manufacturing and distribution to the fast food industry and have been in the Dallas area for over 40 years.

Applicant John Morgan, President Europe and Americas with H&K International, Inc., stated that Mesquite is a great location for the company as it is close to the highways and airport and they look forward to another 10 years in Mesquite.

No one appeared regarding the proposed amendment to the Economic Development Program Agreement (Chapter 380 Agreement) with Skyline Trade Center B, LLC, and H&K International, Inc.

Mr. Miklos moved to approve Resolution No. 52-2021, 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 OF MESQUITE (THE "CITY"); AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AMENDMENT TO AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) BETWEEN THE CITY, SKYLINE TRADE CENTER B, LLC, AND H&K INTERNATIONAL, INC., FOR THE EXPANSION OF NEW JOBS AND THE EXTENSION OF LEASE TERMS AT A PROPERTY LOCATED AT 2200 SKYLINE DRIVE, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AMENDMENT FOR SUCH PURPOSES AND TO TAKE ALL ACTIONS NECESSARY OR ADVISABLE TO COMPLETE THE TRANSACTIONS CONTEMPLATED BY THE AMENDMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 52-2021 recorded in Resolution Book No. 63.)

NOTICE OF EXECUTIVE SESSION - CONFERENCE ROOM - 9:02 P.M.

Mayor Archer 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 (Item No. 25 – Discuss the purchase of property at Oates Drive and Sarazen Drive); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 9:06 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

NOTICE OF EXECUTIVE SESSION - CONFERENCE ROOM - 9:07 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 26 – Discuss economic development incentives for a prospective development south of IH-20 near Lawson Road; and Item No. 27 - Discuss economic development incentives for a prospective development at Gus Thomasson Road and Moon Drive); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:26 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. Smith and approved unanimously. The meeting adjourned at 9:26 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor