



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, September 17, 2018

4:30 PM

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

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Present: Mayor Stan Pickett and Councilmembers Dan Aleman, Tandy Boroughs, Robert Miklos, Jeff Casper, Bruce Archer and Greg Noschese, City Manager Cliff Keheley and City Secretary Sonja Land.

### **PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Discuss the process and criteria for transitioning the system for electing the City's six Councilmembers to a single member district system, discuss a proposed illustrative plan developed at the City Council Work Session conducted on August 27, 2018, and conduct a plan drawing session to potentially develop additional illustrative districting plan(s).
- 2 Receive briefing on proposed fee changes for Fiscal Year 2019.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:33 P.M.**

Mayor Pickett 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. 20); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:41 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 20 for executive action taken.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:41 P.M.**

Mayor Pickett 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 (City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem - Filed 3-1-18 and City of Mesquite v. Govind Group Corp. - Filed 8-31-18); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:51 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:51 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 (Discuss the proposed terms of an employment contract between the City of Mesquite and David Paschall for the position of City Attorney); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:10 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:13 P.M.**

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

**Kim Buttram, Assistant Director of Economic Development, stated that Mesquite has received positive media coverage with the relocation of Elements International, the Peachtree Verde development and the business development plans for downtown Mesquite. Ms. Buttram reviewed the Council's Economic Development priorities – Job Creation, Retail Vitality, Small Business Development, Shopping Center Revitalization, IH-20 Corridor and Downtown Development – with the following updates:**

- **Job Creation – current Mesquite unemployment rate is 3.6 percent, compared to 4 percent in Texas.**
- **Retail Vitality – rental rates have remained unchanged from \$10 to \$35 per square foot and sales tax is flat as projected. Town East Mall reports a 93 percent occupancy rate.**
- **Small Business Development – the next Business Retention and Expansion Task Force event has been scheduled for November 13, 2018, in downtown Mesquite. The key-note speaker will be developer Monte Anderson, Options Real Estate, and sessions will include planning, starting, managing and growing your business. The third year of Small Business Week was recently celebrated highlighting Reggae Wings & Tings, Dos Panchas, J&R Manufacturing, Aim High Indoor Bounce and Mesquite BBQ.**
- **Shopping Center Revitalization – an inventory has been completed of 26 shopping centers with preliminary ranking and staff is in active discussion with developers for redevelopment of eight of those centers. Staff is preparing a policy formation for redevelopment incentives for future Council consideration.**
- **IH-20 Corridor – the Trinity Pointe Mesquite logo was announced and trademarked. Tax Increment Reinvestment Zones and Public Improvement Districts for Heartland Town Center and Polo Ridge were recently approved by the City Council. Staff is preparing to market over 1,500 new home lots as well as commercial development in the area.**
- **Downtown Development – the Main Street program application has been submitted and an announcement will be made at the Texas Downtown Association conference in November 2018. The Downtown Infrastructure Plan is underway and all four-point volunteer committees have been appointed under the Main Street program. Staff is in discussions with nine downtown prospects and the façade process will be announced in the coming months.**

Ms. Buttram reviewed population trends, number of households, median income, home values, residential permits and valuation, major employers, unemployment rate, higher education attainment, population distribution, top industries by job type, home ownership and rentals, commercial remodel permits and valuation, commercial new permits and valuation, local sales tax collected, estimated new jobs, estimated new square footage and certificates of occupancy issued. Ms. Buttram stated that the Economic Development Department has been aggressively strategizing for full implementation of a new marketing website planned to go live in the Spring of 2019. A trade show booth is being designed to help market the City, a business recruitment video is in the process of being produced and more ads are being run in various publications and through social media.

Ms. Buttram stated that TownPlace Suites by Marriott recently celebrated their grand opening and Iron Horse Village concepts have been announced. A new restaurant, The Porch Swing, is scheduled to open on October 1, 2018.

The work session ended at 6:24 p.m.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:24 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 6:52 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:06 P.M.**

#### **INVOCATION**

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

#### **PLEDGE OF ALLEGIANCE**

Members of the Hispanic Forum of Mesquite.

#### **SPECIAL ANNOUNCEMENTS**

(1) Mr. Miklos invited citizens to a Rollingwood Hills/Galloway neighborhood meeting on Tuesday, September 25, 2018, at 7:00 p.m., at Galloway Elementary School, 200 Clary Drive.

(2) Mr. Casper invited citizens to a neighborhood meeting on Saturday, September 22, 2018, at 10:00 a.m., at Florence Recreation Center, 2501 Whitson Way, to discuss the Council redistricting process and neighborhood issues.

(3) Mr. Archer stated that he attended a performance, featuring the T-Byrd Gordon Band and Art Greenhaw, at the Corner Theatre on the downtown square last Saturday, September 15, 2018. The T-Byrd Gordon Band and Art Greenhaw will perform again on October 20, 2018, at 7:30 p.m., at the Corner Theatre. He encouraged citizens to attend the performance, which will support the revitalization of the downtown square.

(4) Mr. Boroughs announced that the Mayor's Fall Prayer Breakfast will be held on Thursday, September 20, 2018, from 7:30 a.m. to 8:30 a.m. at the Mesquite Arts Center Rehearsal Hall, 1527 North Galloway Ave. The public is invited for a free breakfast with featured speaker Stacey Peterson, published author and ovarian cancer survivor.

(5) Mr. Aleman encouraged citizens to attend an I-20 neighborhood meeting on Tuesday, September 18, 2018, at 7:00 p.m., at the Texas A&M Engineering Extension Service (TEEX) building, 15515 I-20, to discuss Trinity Pointe and future development along the I-20 corridor.

(6) Mr. Noschese announced that the 7th Annual Treasurers Barn Sale, hosted by Historic Mesquite, Inc., will be held at Opal Lawrence Historical Park, 711 East Kearney St., on Friday, October 12, 2018, and Saturday, October 13, 2018, from 8:00 a.m. to 4:00 p.m. After the Barn Sale on Saturday, October 13, 2018, Historic Mesquite, Inc., and Mesquite Parks and Recreation will host "Saturday Movie Date Night at the Barn." He invited everyone to bring their picnic baskets and watch a classic Alfred Hitchcock movie.

(7) Mayor Pickett stated that there were a lot of events happening this past weekend in Mesquite. He was honored to participate as Ringmaster in the Hella Shrine Circus at the Mesquite Arena. Other events included the semi-annual Don't Mess with Texas Trash Bash, Boys and Girls Club event at Celebration Station and Mesquite Symphony Orchestra performance at the Mesquite Arts Center. He encouraged citizens to participate in the many events happening in Mesquite.

## **CONSENT AGENDA**

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

**Mr. Miklos requested that Item No. 10 be removed from the Consent Agenda to be considered separately. Mr. Casper requested that Item Nos. 16 and 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. Miklos and approved unanimously.**

- 4** Minutes of the special City Council meeting held August 27, 2018, and the regular City Council meeting held September 4, 2018.

**Approved on the Consent Agenda.**

- 5** An ordinance amending Chapter 16 of the City Code amending the cost associated with fire hydrant meter deposits, water service connections and sanitary sewer service connections.

**Approved on the Consent Agenda.**

**Ordinance No. 4599, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 16-2(8), 16-44 AND 16-45 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 16-2(8), 16-44 AND 16-45 THEREBY AMENDING THE COSTS ASSOCIATED WITH FIRE HYDRANT METER DEPOSITS, WATER SERVICE CONNECTIONS AND SANITARY SEWER SERVICE CONNECTIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND**

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**DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4599 recorded in Ordinance Book No. 113.)**

- 6 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 2018 Rate Review Mechanism filings; 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. 4600, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORPORATION, MID-TEX DIVISION (“COMPANY”) REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS; 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. 4600 recorded in Ordinance Book No. 113.)**

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

**Approved on the Consent Agenda.**

**Resolution No. 50-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 50-2018 recorded in Resolution Book No. 55.)**

- 8 A resolution authorizing the City Manager to execute Amendment No. 1 to the Dallas Area Household Hazardous Waste Network Interlocal Agreement with Dallas County for Fiscal Year 2018-19 in an amount not to exceed \$97,200.00.

**Approved on the Consent Agenda.**

**Resolution No. 51-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR FISCAL YEAR 2018-19 FOR AN AMOUNT NOT TO EXCEED \$97,200.00. (Resolution No. 51-2018 recorded in Resolution Book No. 55.)

- 9 A resolution expressing official intent to reimburse, from the proceeds of obligations to be issued by the City, the costs of street, road, alley, sidewalk and screening wall projects, water and sewer system improvements, drainage 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. 52-2018, A RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE, FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY, THE COSTS OF THE STREET, ROAD, ALLEY, SIDEWALK AND SCREENING WALL PROJECTS, WATER AND SEWER SYSTEM IMPROVEMENTS, DRAINAGE SYSTEM IMPROVEMENTS, MUNICIPAL BUILDING IMPROVEMENTS AND ACQUISITION OF VEHICLES AND EQUIPMENT AND COMPUTER EQUIPMENT AND SOFTWARE FOR MUNICIPAL DEPARTMENTS. (Resolution No. 52-2018 recorded in Resolution Book No. 55.)

- 11 Bid No. 2018-021 - Summit Drive Waterline Replacement.  
(Authorize the City Manager to finalize and execute a contract with low bidder Murphy Pipeline Contractors, Inc., in the amount of \$475,350.00.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2019-007 - Annual Supply of Bridgestone/Firestone Auto, Truck, and Industrial Tires.  
(Staff recommends award to Southern Tire Mart, through BuyBoard Contract No. 553-18, sponsored by the Texas Association of School Boards, in an amount not to exceed \$208,555.08.)

**Approved on the Consent Agenda.**

- 13 Authorize the City Manager to execute Change Order No. 3 to Bid No. 2016-050, 2016 Annual Pavement Milling and Rehabilitation (Section A), with Austin Bridge & Road, Inc., in the amount of \$165,760.00.

**Approved on the Consent Agenda.**

- 14 Authorize the City Manager to execute Change Order No. 3 to Bid No. 2016-051, 2016 Annual Pavement Milling and Overlay Project (Section B), with Austin Bridge & Road, Inc., in the amount of \$181,300.00.

**Approved on the Consent Agenda.**

- 15 Authorize the City Manager to finalize and execute the third amendment to the Interlocal Public Transit Service Agreement with Dallas Area Rapid Transit Bus Service (DART), LGC, and STAR Transit to extend the term of the agreement and outlining costs.

Approved on the Consent Agenda.

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

**10** A resolution creating a Citizens Committee to review and report to the City Council regarding the City's Development Review Process and providing an effective date.

Mr. Miklos stated that the purpose of the proposed Citizens Committee is to provide an outside review of the City's Development Review Process and provide recommendations to the City Council.

Mr. Miklos moved to amend Sections 1(c) and 2(a) to read as follows:

1(c) The Committee shall be composed of 14 members.

2(a) Each member of the City Council shall appoint two members to serve on the Committee.

And to approve Resolution No. 53-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CREATING A CITIZENS COMMITTEE TO REVIEW AND REPORT TO THE CITY COUNCIL REGARDING THE CITY'S DEVELOPMENT REVIEW PROCESS AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 53-2018 recorded in Resolution Book No. 55.)

**16** An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Ten, City of Mesquite, Texas, (Polo Ridge) (the "Zone"), establishing a tax increment for the Zone and making a finding regarding feasibility.

Mr. Miklos left the meeting.

Mr. Archer moved to approve Ordinance No. 4601, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER TEN, CITY OF MESQUITE, TEXAS (POLO RIDGE); ESTABLISHING A TAX INCREMENT FOR THE ZONE; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

**Ayes:** Archer, Boroughs, Pickett, Casper, Aleman, Noschese

**Nays:** None

**Abstentions:** Miklos

Motion carried. (Ordinance No. 4601 recorded in Ordinance Book No. 113.)

**17** A resolution authorizing the Mayor to execute an agreement with Reinvestment Zone Number Ten, City of Mesquite, Texas (Polo Ridge) regarding the construction of public improvements within the Polo Ridge Public Improvement District No. 2.

Mr. Aleman moved to approve Resolution No. 54-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AGREEMENT WITH REINVESTMENT ZONE NUMBER TEN, CITY OF MESQUITE, TEXAS (POLO

RIDGE), REGARDING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS WITHIN THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT NO. 2 ("AGREEMENT"); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY 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:** Aleman, Noschese, Pickett, Casper, Archer, Boroughs

**Nays:** None

**Abstentions:** Miklos

Motion carried. (Resolution No. 54-2018 recorded in Resolution Book No. 55.)

## END OF CONSENT AGENDA

## CONSIDERATION OF ORDINANCE

18

Consider an ordinance for Application No. Z0718-0057, submitted by Manuel Rosales on behalf of Iglesia Cristiana Canaan, for a change of zoning to remove two tracts of land from the Skyline Logistics Hub Overlay District, located at 4600 and 4636 Samuell Blvd.

(No responses in favor or opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommended denial of the application on August 13, 2018. The City Council held a public hearing on this request on September 4, 2018, and voted to approve the application.)

**Mr. Miklos entered the meeting.**

**Mr. Casper moved to approve Ordinance No. 4602, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING BY REMOVING TWO TRACTS OF LAND LOCATED AT 4600 AND 4636 SAMUELL BOULEVARD FROM THE SKYLINE LOGISTICS HUB OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4602 recorded in Ordinance Book No. 113.)**

## CONSIDERATION OF RESOLUTION

19

Consider a resolution designating one or more draft redistricting plans as Illustrative Plan(s) to be proposed for public consideration and comment, scheduling public hearings at which to receive comments on designated redistricting Illustrative Plan(s) from members of the public and adopting guidelines for alternative plans submitted by citizens.

**Gunnar Seaquist, representing Bickerstaff Heath Delgado Acosta, LLP, stated that the process of transitioning the City from the at-large election system to single-member districts included creating an illustrative plan to serve as a basis to invoke public comment. The Council may then make any changes so that the final single-member district map can be adopted in November 2018. The**



proposed resolution designates the draft redistricting plan as an illustrative plan to be proposed for public consideration, schedules two public hearings and adopts commons guidelines for alternative plans submitted by residents. The public hearings are scheduled at 7:00 p.m. on October 16, 2018, at Florence Recreation Center and on October 18, 2018, at Rutherford Senior Center.

Wayne Larson, Director of Communications and Marketing, stated that the Illustrative Plan is currently available on the City's website at [www.cityofmesquite.com/redistricting](http://www.cityofmesquite.com/redistricting) and the City's Communications Department will send information through various media and communications platforms in the coming weeks.

Councilmembers expressed appreciation to Mr. Seaquist and staff for their work on this project.

Mr. Casper moved to approve Resolution No. 55-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DESIGNATING ILLUSTRATIVE REDISTRICTING PLAN(S) FOR PUBLIC HEARINGS; ESTABLISHING PUBLIC HEARING DATES; ADOPTING GUIDELINES FOR ALTERNATIVE PLANS SUBMITTED BY CITIZENS; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 55-2018 recorded in Resolution Book No. 55.)

## PUBLIC HEARINGS

20

Conduct a public hearing for Application No. Z0618-0049, submitted by Maxwell Fisher of MasterPlan, for a change of zoning from Commercial to Planned Development-Commercial to allow pawnshops as a permitted use, located at 3711 Gus Thomasson Road.

(No responses in favor or opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application. This item was postponed at the August 20, 2018, City Council Meeting.)

A public hearing was held for Application No. Z0618-0049.

Jeff Armstrong, Director of Planning and Development Services, stated that Uncle Dan's Pawnshop is proposing an expansion to the adjacent suite, which will double the size of the current location. The pawnshop is a nonconforming use and the Zoning Ordinance prohibits expansion of nonconforming uses. Mr. Armstrong reviewed the proposed concept plan and stipulations and stated that the applicant has agreed with the proposed stipulations.

Applicant Maxwell Fisher stated that Uncle Dan's Pawnshop is a 30-year family-owned business with seven locations in the Dallas-Fort Worth area. Uncle Dan's serves a diverse customer base with 70 percent revenue in retail and 30 percent revenue in collateral loan services. He stated that pawnshops are heavily regulated by Federal, State and Local laws. The current lease at this location, including renewals, is for another 12 years.

Mr. Fisher presented the proposed exterior façade improvements which includes adding tile or stone to various areas of the building, painting, matching signage for each business and parking lot improvements.

Dan Foster, Owner of Uncle Dan's Pawnshop, stated that his mother works full-time for him and calls each customer to discuss the customer service they received.

The following persons spoke in favor of the application: (1) Sherri Rooker, 2924 Westminster, Dallas and (2) Thomas Hubacek, 1324 Fernwood. No others appeared regarding the proposed zoning change.

Councilmembers expressed appreciation to the applicant for making an investment in the property as well as in the community.

Mr. Miklos moved to approve Application No. Z0618-0049 with the eleven stipulations presented by Mr. Armstrong, amend Stipulation Nos. 1 and 6 and add Stipulation Nos. 12-14, as follows:

1. Uses permitted shall include those uses permitted by right in the Commercial Zoning District and the following pawn shop use: Uncle Dan's Pawn Shop with a maximum of 5,500-square feet. Uncle Dan's Pawn Shop must comply with the submitted elevations and conceptual plan.
6. The front façade shall be improved consistent with the façade as presented. Ledge stone shall be used.
12. No outdoor displays.
13. No portion of any window shall be outlined with lighting.
14. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall not flash or change more frequently than once every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.

And, to direct staff to prepare an ordinance for consideration at a future City Council meeting. Motion was seconded by Mr. Casper and approved unanimously.

21

Conduct a public hearing and consider an ordinance for Application No. Z0718-0054, submitted by Jose Martinez, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow used tire sales, located at 1616 Range Drive, Suite 100.

(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the September 4, 2018, City Council meeting.)

**A public hearing was held for Application No. Z0718-0054.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant operates a State automotive inspection business and would like to add the sale of used tires to his operation. There will be no outdoor storage or display of tires. Mr. Armstrong reviewed the proposed stipulations.

No one appeared regarding the proposed application.

Mr. Noschese moved to approve Application No. Z0718-0054, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. No tires shall be stored or displayed outdoors.
2. Window signs shall be limited to 25 percent of the area of any window or door.
3. The business shall have no more than one temporary sign at any time, except that two swoosher or teardrop signs may be on the property as long as there are no other temporary signs. Any temporary sign must comply with the Sign Code for the specific sign type.
4. No portion of any window shall be outlined with lighting.
5. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall not flash or change more frequently than once every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.

And to approve Ordinance No. 4603, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1616 RANGE DRIVE, SUITE 100 THEREBY ALLOWING THE SALE OF USED TIRES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4603 recorded in Ordinance Book No. 113.)

22

Conduct a public hearing for the purpose of considering annexation of 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741, in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, in connection with a voluntary petition submitted by D.R. Horton - Texas, LTD., Diecieseis, LLC, and CADG Kaufman 146, LLC.

Mr. Milos left the meeting.

A public hearing was held for the purpose of considering annexation of approximately 121.282 acres in the City's extraterritorial jurisdiction and generally located south of IH 20 and east of FM 741.

Jeff Armstrong, Director of Planning and Development Services, stated that the annexation process requires two public hearings. This is the first of two public hearings, with the second public hearing scheduled for October 1, 2018.

No one appeared regarding the proposed annexation.

## OTHER BUSINESS

23

Consider cancelling the Regular City Council meeting scheduled for Monday, September 24, 2018.

Mr. Miklos entered the meeting.

Mr. Aleman moved to cancel the Regular City Council meeting scheduled for Monday, September 24, 2018. Motion was seconded by Mr. Noschese and

approved unanimously.

**Consider passage of the following ordinances related to the Fiscal Year 2018-19 Budget:**

- 24** Consider an ordinance levying the ad valorem taxes for tax year 2018 (Fiscal Year 2018-19).

Mr. Boroughs 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 14.4478 percent increase in the tax rate."

And to approve Ordinance No. 4604, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2018 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, 2018, 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 2018 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. Casper and approved unanimously. (Ordinance No. 4604 recorded in Ordinance Book No. 113.)

- 25** Consider an ordinance determining the population of the City of Mesquite to be 143,350 as of October 1, 2018.

Mr. Casper moved to approve Ordinance No. 4605, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 143,350 AS OF OCTOBER 1, 2018; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4605 recorded in Ordinance Book No. 113.)

- 26** A. Consider an ordinance amending Chapter 16 of the City Code regarding water rates, effective October 1, 2018.

B. Consider an ordinance amending Chapter 16 of the City Code regarding sewer rates, effective October 1, 2018.

Mr. Noschese moved to approve Ordinance No. 4606, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 16-1 IN ITS ENTIRETY AND ADDING A NEW SECTION 16-1 THEREBY AMENDING THE RATES CHARGED FOR SERVICES PROVIDED BY THE WATER DEPARTMENT OF THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING OCTOBER 1, 2018, AS THE DATE SUCH RATES BECOME EFFECTIVE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4606 recorded in Ordinance Book No. 113.)

Mr. Noschese moved to approve Ordinance No. 4607, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTION 16-59(a) IN ITS ENTIRETY AND ADDING A NEW SECTION 16-59(a) THEREBY AMENDING THE RATES CHARGED FOR SERVICES FURNISHED BY THE SANITARY SEWER SYSTEM OF THE CITY OF MESQUITE; PROVIDING A REPEALER CLAUSE; PROVIDING A

**SEVERABILITY CLAUSE; AND ESTABLISHING OCTOBER 1, 2018, AS THE DATE SUCH RATES BECOME EFFECTIVE.** Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4607 recorded in Ordinance Book No. 113.)

**APPOINTMENT TO BOARDS AND COMMISSIONS**

27 Consider appointment of nine members to the Animal Services Advisory Board for terms to expire September 8, 2020.

Mr. Casper moved to reappoint Jeanne Saadi, Raymond Rivas, Karen McLeod-Ellis, Dr. Mark Pirrung, Patti Dawson, Tracey DeChant and Karen "Chris" Swain and to appoint MaryAnne Chiarelli (Representative of Animal Welfare Organization) as members of the Animal Services Advisory Board for terms to expire September 8, 2020. Motion was seconded by Mr. Aleman and approved unanimously.

**ADJOURNMENT**

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 8:12 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor