



City of Mesquite, Texas

Minutes - Final City Council

Monday, September 21, 2020

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 - 5:08 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss the proposed budget for Fiscal Year 2020-21.
- 2 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.

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

INVOCATION

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom stated that Front Street Station dumpsters will be camouflaged with large panels, mounted with artwork, throughout the new Downtown area. Artists are encouraged to submit artwork for consideration no later than October 24, 2020.
2. Mr. Green stated that this past Saturday, September 19, 2020, Keep Mesquite Beautiful, Inc. (KMB), hosted a Trash Bash event which was a success despite the pandemic and limitations to public events. Thirteen volunteer groups cleaned up nine areas across the City, including park areas, neighborhoods and retail locations. He thanked KMB and volunteers for partnering with the City to help keep our City clean.

3. Mr. Miklos stated that on Saturday, September 12, 2020, an incident occurred at the AMC 30 involving a large group of juveniles gathering outside and causing a disturbance. Last week, he along with Mayor Archer, City Manager Cliff Keheley and Police Chief Charles Cato quickly addressed the causes of this incident and set forth new policies to prevent the reoccurrence of this type of incident. He thanked AMC management for being a great partner. The City will continue to be vigilant to restore a sense of safety in our community.
4. Mr. Boroughs stated that 2020 is the 10th year for the Historic Mesquite, Inc., Mesquite Meander. This event consists of a historical stroll through the Mesquite Cemetery featuring Mesquite pioneers portrayed by Mesquite Community Theater actors. This event will take place on Friday, October 9, 2020, from 6:00 p.m. to 7:30 p.m., and Saturday, October 10, 2020, from 5:30 p.m. to 7:00 p.m. Tours are limited to no more than ten people in order to observe social distancing protocols and create a safe event.
5. Mr. Smith stated that the Mesquite Police Department is participating in a new program, "Operation Big Chill," sponsored by 7-Eleven Stores. This program allows Police Officers to make a positive connection with our community's youth by rewarding good deeds, positive activities and random acts of kindness with a free Slurpee drink. As Police Chief Charles Cato said, "We will put a Slurpee in their hand and a smile on their face."
6. Mr. Aleman encouraged residents to participate in National Good Neighbor Day on Monday, September 28. This event creates an opportunity to remind our neighbors of the "Project Porch Light" campaign. The use of exterior lighting, such as front porch lights and landscape lights, help discourage criminal activity in neighborhoods.
7. Mr. Aleman commended City Manager Cliff Keheley and City staff for diligently working to help evacuees of Hurricane Laura.
8. Mr. Aleman recognized a resident who observed and joined he and others picking up trash along her street.
9. Mr. Aleman stated that a local small business, Senõr Jalapeño Mexican Restaurant, 3304 North Town East Boulevard, was recently vandalized. He, Mayor Archer and Mr. Miklos visited with the owner of the restaurant regarding the incident. He encouraged citizens to support the City's small businesses.
10. Mayor Archer reminded citizens to support and encourage each other during these difficult times.

CITIZENS FORUM

Brett Yniguez, 1023 South Bryan Street, expressed concerns regarding herbicides being sprayed at Hodges Park and Paschall Park.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Aleman requested that Item No. 17 be removed from the Consent Agenda to be considered separately. Mr. Miklos requested that Item No. 33 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 Ms. Wisdom and approved unanimously.

- 3 Minutes of the regular City Council meetings held August 17, 2020, and September 8, 2020.

Approved on the Consent Agenda.

- 4 An ordinance amending Chapter 5 of the City Code, by reorganizing portions of

the Table of Contents for Chapter 5 “Buildings and Construction” and by revising, repealing, and replacing certain Articles, Divisions, and Sections; adopting the 2018 Editions of certain International Codes published by the International Code Council (I.C.C.) and providing local amendments thereto; adopting the 2017 National Electrical Code, a publication of the National Fire Protection Association; said Codes are adopted or revised as follows: Article II-A “Building Code” (I.B.C.); Article II-B “Existing Building Code” (I.E.B.C.); Article VI “Plumbing Code” (I.P.C.); Article VII “Mechanical Code” (I.M.C.); Article VIII “Electrical Code” (N.E.C.); Article IX “Swimming Pool and Spa Code” (I.S.P.S.C.); Article X “Fuel Gas Code” (I.F.G.C.); Article XI “Residential Code” (I.R.C.); and Article XII “Energy Conservation Code” (I.E.C.C.).

Approved on the Consent Agenda.

Ordinance No. 4801, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE, BY REORGANIZING PORTIONS OF THE TABLE OF CONTENTS FOR CHAPTER 5 “BUILDINGS AND CONSTRUCTION” AND BY REVISING, REPEALING, AND REPLACING CERTAIN ARTICLES, DIVISIONS, AND SECTIONS; ADOPTING THE 2018 EDITIONS OF CERTAIN INTERNATIONAL CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (I.C.C.) AND PROVIDING LOCAL AMENDMENTS THERETO; ADOPTING THE 2017 NATIONAL ELECTRICAL CODE, A PUBLICATION OF THE NATIONAL FIRE PROTECTION ASSOCIATION; SAID CODES ARE ADOPTED OR REVISED AS FOLLOWS: ARTICLE II-A “BUILDING CODE” (I.B.C.); ARTICLE II-B “EXISTING BUILDING CODE” (I.E.B.C.); ARTICLE VI “PLUMBING CODE” (I.P.C.); ARTICLE VII “MECHANICAL CODE” (I.M.C.); ARTICLE VIII “ELECTRICAL CODE” (N.E.C.); ARTICLE IX “SWIMMING POOL AND SPA CODE” (I.S.P.S.C.); ARTICLE X “FUEL GAS CODE” (I.F.G.C.); ARTICLE XI “RESIDENTIAL CODE” (I.R.C.); ARTICLE XII “ENERGY CONSERVATION CODE” (I.E.C.C.); 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. 4801 recorded in Ordinance Book No. 121.)

5

An ordinance amending Chapter 6 of the City Code, by repealing Chapter 6 in its entirety and replacing with a new Chapter 6 including new Article I to be titled “In General” and new Article II to be titled “Fire Code,” adopting the 2018 Edition of the International Fire Code (I.F.C.) and providing certain local amendments thereto.

Approved on the Consent Agenda.

Ordinance No. 4802, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE MESQUITE CITY CODE, BY REPEALING CHAPTER 6 IN ITS ENTIRETY AND REPLACING WITH A NEW CHAPTER 6 INCLUDING NEW ARTICLE I TO BE TITLED “IN GENERAL” AND NEW ARTICLE II TO BE TITLED “FIRE CODE;” ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE (I.F.C.) AND PROVIDING CERTAIN LOCAL AMENDMENTS THERETO; 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. 4802 recorded in Ordinance Book No. 121.)

- 6 An ordinance amending Chapter 9 of the City Code thereby adding a new school zone for Agnew Middle School on Paza Drive from Carver Street to Wilkinson Drive.

Approved on the Consent Agenda.

Ordinance No. 4803, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING AND REPLACING IN ITS ENTIRETY SECTION 9-147(1)(a) AND ADDING A NEW SCHOOL ZONE FOR AGNEW MIDDLE SCHOOL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4803 recorded in Ordinance Book No. 121.)

- 7 An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by Ordinance No. 4773, Ordinance No. 4781, Ordinance No. 4784, and Ordinance No. 4793; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

Approved on the Consent Agenda.

Ordinance No. 4804, AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 ISSUED ON MARCH 23, 2020, AND AS FURTHER CONTINUED AND AUTHORIZED BY ORDINANCE NO. 4773, ORDINANCE NO. 4781, ORDINANCE NO. 4784, AND ORDINANCE NO. 4793; CONFIRMING THE CONTINUED ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A

PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. (Ordinance No. 4804 recorded in Ordinance Book No. 121.)

- 8 An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division ("Company") regarding the Company's 2020 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.

- 9 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policies and investment strategies.

Approved on the Consent Agenda.

Resolution No. 36-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; DECLARING THAT THE CITY COUNCIL COMPLETED ITS REVIEW OF THE INVESTMENT POLICIES AND INVESTMENT STRATEGIES; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 36-2020 recorded in Resolution Book No. 60.)

- 10 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, municipal building improvements and acquisition of vehicles and equipment and computer equipment and software for municipal departments.

Approved on the Consent Agenda.

Resolution No. 37-2020, 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, MUNICIPAL BUILDING IMPROVEMENTS AND ACQUISITION OF VEHICLES AND EQUIPMENT AND COMPUTER EQUIPMENT AND SOFTWARE FOR MUNICIPAL DEPARTMENTS. (Resolution No. 37-2020 recorded in Resolution Book No. 60.)

- 11 A resolution endorsing and accepting the 2020-2021 Comprehensive Safety Grant (the "Grant") for the Selective Traffic Enforcement Program (the "STEP Program"); authorizing the filing of the application for the Grant; approving the contribution of City funds in the amount of \$10,251.84; designating the City Manager as the official representative of the City in connection with the Grant;

and authorizing the City Manager to take all actions and execute all documents with the Texas Department of Transportation in connection with such Grant and STEP Program.

Approved on the Consent Agenda.

Resolution No. 38-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING AND ACCEPTING THE 2020-2021 COMPREHENSIVE SAFETY GRANT (THE "GRANT") FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (THE "STEP PROGRAM"); AUTHORIZING THE FILING OF THE APPLICATION FOR THE GRANT; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$10,251.84; DESIGNATING THE CITY MANAGER AS THE OFFICIAL REPRESENTATIVE OF THE CITY IN CONNECTION WITH THE GRANT; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS AND EXECUTE ALL DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH SUCH GRANT AND STEP PROGRAM. (Resolution No. 38-2020 recorded in Resolution Book No. 60.)

12

A resolution authorizing the City Manager to execute the 2019 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 re-distribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$26,631.76; 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. 39-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2019 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 RE-DISTRIBUTION OF GRANT FUNDS THEREBY REDUCING MESQUITE'S FORMULA ALLOCATION TO THE REVISED AMOUNT OF \$26,631.76; 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. 39-2020 recorded in Resolution Book No. 60.)

13

A resolution authorizing the sale of tax-foreclosed property located at 515 Old London Lane in Mesquite, Texas (the "Property"); accepting the offer from Jose Serrato (the "Purchaser") to purchase the Property; ratifying and approving the Offer and Purchase Agreement executed by the Purchaser setting forth the terms and conditions of the sale of the Property; and authorizing the City Manager to execute a quitclaim deed and all other documents necessary or requested to complete the closing and sale of the Property.

Approved on the Consent Agenda.

Resolution No. 40-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTY LOCATED AT 515 OLD LONDON LANE IN MESQUITE, TEXAS (THE "PROPERTY"); ACCEPTING THE OFFER FROM JOSE SERRATO (THE "PURCHASER") TO PURCHASE THE PROPERTY; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENT EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS AND CONDITIONS OF THE SALE OF THE PROPERTY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTY. (Resolution No. 40-2020 recorded in Resolution Book No. 60.)

14

A resolution authorizing the Mayor to finalize and execute all documents necessary to designate the positions of Director of Finance, Manager of Accounting, and Manager of Budget and Treasury to act as the City of Mesquite's authorized representatives for Texas Local Government Investment Pool ("TexPool/TexPool Prime").

Approved on the Consent Agenda.

Resolution No. 41-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO FINALIZE AND EXECUTE ALL DOCUMENTS NECESSARY TO DESIGNATE THE POSITIONS OF DIRECTOR OF FINANCE, MANAGER OF ACCOUNTING, AND MANAGER OF BUDGET AND TREASURY TO ACT AS THE CITY OF MESQUITE'S AUTHORIZED REPRESENTATIVES FOR TEXAS LOCAL GOVERNMENT INVESTMENT POOL ("TEXPOOL/TEXPOOL PRIME"). (Resolution No. 41-2020 recorded in Resolution Book No. 60.)

15

A resolution approving an amendment to an economic development program agreement (Chapter 380 Agreement) between the City of Mesquite, Texas, (the "City"), Elements International Group, LLC (the "Company"), and IDIL Skyline D, LLC, (the "Landlord"), dated effective May 1, 2019, relating to economic development incentives to the Company to relocate its world headquarters to 2250 Skyline Drive, Mesquite, Texas (the "Original Agreement"), amending the minimum taxable value of the land, building and business personal property to \$22,000,000.00, collectively, and amending certain dates, provisions relating to the lease, and provisions relating to the initial term, the extended term and the incentive period (the "Amendment"); authorizing the City Manager to finalize and execute the Amendment for such purposes and to take all actions necessary or advisable to complete the transactions contemplated by the Amendment.

Approved on the Consent Agenda.

Resolution No. 42-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDMENT TO AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) BETWEEN THE CITY OF MESQUITE, TEXAS, (THE "CITY"), ELEMENTS INTERNATIONAL GROUP, LLC (THE "COMPANY"), AND IDIL SKYLINE D, LLC, (THE "LANDLORD"), DATED EFFECTIVE MAY 1, 2019, RELATING TO ECONOMIC DEVELOPMENT INCENTIVES TO THE COMPANY TO RELOCATE ITS WORLD HEADQUARTERS TO 2250 SKYLINE DRIVE, MESQUITE, TEXAS (THE "ORIGINAL AGREEMENT") AMENDING THE MINIMUM TAXABLE VALUE OF THE LAND, BUILDING AND BUSINESS PERSONAL PROPERTY TO \$22,000,000.00, COLLECTIVELY, AND

AMENDING CERTAIN DATES, PROVISIONS RELATING TO THE LEASE, AND PROVISIONS RELATING TO THE INITIAL TERM, THE EXTENDED TERM AND THE INCENTIVE PERIOD (THE "AMENDMENT"); AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AMENDMENT FOR SUCH PURPOSES AND TO TAKE ALL ACTIONS NECESSARY OR ADVISABLE TO COMPLETE THE TRANSACTIONS CONTEMPLATED BY THE AMENDMENT. (Resolution No. 42-2020 recorded in Resolution Book No. 60.)

- 16 A resolution approving an agreement with Kaufman County, Texas, to participate in Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) ("Agreement") and authorizing the Mayor to execute the Agreement.

Approved on the Consent Agenda.

Resolution No. 43-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AGREEMENT WITH KAUFMAN COUNTY, TEXAS, TO PARTICIPATE IN REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF MESQUITE, TEXAS (SPRADLEY FARMS) ("AGREEMENT"); AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 43-2020 recorded in Resolution Book No. 60.)

- 18 Bid No. 2020-020 - 2019 Large Diameter Reinforced Concrete Pipe (RCP) Sanitary Sewer Rehabilitation by Cured-in-Place-Pipe (CIPP).
(Authorize the City Manager to finalize and execute a contract with low bidder Insituform Technologies, LLC, in the amount of \$1,781,940.80.)

Approved on the Consent Agenda.

- 19 Bid No. 2020-075 - South Mesquite Creek Gabion Stabilization by Sheet Piling.
(Authorize the City Manager to finalize and execute a contract with low bidder JB & Co., LLC, in the amount of \$573,700.00)

Approved on the Consent Agenda.

- 20 RFP No. 2020-079 - Group Vision Insurance.
(Authorize the City Manager to finalize and execute the necessary documents with Eye Med to provide vision benefits to full-time employees, retirees, and eligible dependents effective January 1, 2021. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 21 RFP No. 2020-080 - Retiree Medicare Supplement Plan.
(Authorize the City Manager to finalize and execute the necessary documents with selected vendor for Post-65 Retiree Medical and Prescription Drug Plan, effective January 1, 2021. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 22** Bid No. 2020-096 - Purchase of Pickups and Sedans.
(Staff recommends award of the purchase of six vehicles to Sam Pack's Five Star Ford in Carrollton, Texas, through BuyBoard Contract No. 601-19, Tarrant County Contract No. 2019-041 and the Sheriff's Association of Texas Bid No. 2001-1017, in the amount of \$189,467.05 and five vehicles to Silsbee Ford in Silsbee, Texas, through TIPS USA 200206 Transportation Vehicles and BuyBoard Contract No. 601-19, in the amount of \$121,521.50, for a total amount of \$310,988.55.)
Approved on the Consent Agenda.
- 23** RFP No. 2020-102 - Professional Auditing Services and Comprehensive Annual Financial Report (CAFR) Preparation Services.
(Authorize the City Manager to finalize and execute a contract with BKD, L.L.P., in the amount of \$132,500.00 for 2020 with up to a three percent increase annually through 2024. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 24** Bid No. 2020-108 - ExecuTime Advanced Scheduling Software.
(Staff recommends award to sole source provider Tyler Technologies for time, attendance and scheduling of staff in the amount of \$63,634.00.)
Approved on the Consent Agenda.
- 25** Bid No. 2021-007 - Real Time Crime System.
(Authorize the City Manager to finalize and execute a three-year agreement with sole source provider LeadsOnline LLC in an amount not to exceed \$63,276.91 in total for the three-year term.)
Approved on the Consent Agenda.
- 26** Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.
Approved on the Consent Agenda.
- 27** Authorize the City Manager to finalize and execute a Local Agreement with the Dallas County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure.
Approved on the Consent Agenda.
- 28** Authorize the City Manager to finalize and execute a Local Agreement with Tarrant County Criminal District Attorney's Office for the disposition of forfeited contraband, pursuant to Chapter 59 of the Texas Code of Criminal Procedure.
Approved on the Consent Agenda.
- 29** Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to the Interlocal Agreement with STAR Transit to provide public transportation

services in the estimated amount of \$1,266,469.00 for Fiscal Year 2021.

Approved on the Consent Agenda.

- 30 Authorize the City Manager to finalize and execute Amendment No. 5 with Kimley-Horn and Associates, Inc., for additional construction support services for the Front Street Station project in the amount of \$45,000.00.

Approved on the Consent Agenda.

- 31 Approve the purchase of an 8,000-square-foot facility located at 1290 Airport Boulevard, Mesquite, Texas (the "Property"), from LBL - Birdhouse 3, LLC, (the "Seller") for the purchase price of \$470,000.00, plus closing costs and authorize the City Manager to finalize and execute a Termination of Ground Lease agreement between the Seller and the City for the purchase of the property, and all other documents and take all other actions necessary or requested to finalize the closing and purchase of the property.

Approved on the Consent Agenda.

- 32 A. Approve the 2020 Community Development Block Grant (CDBG) Analysis of Impediments to Fair Housing, composed by J-Quad Planning Group.
- B. Approve the proposed Budget for Round 3 project allocations of the 2020-2021 CDBG-CV fiscal year.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 17 A resolution authorizing the acquisition and transfer of the Markout Water Supply Corporation ("Markout") water system and customers to the City of Mesquite, Texas ("Mesquite"); authorizing the City Manager to execute such documents and to take such actions as necessary or requested to complete the acquisition and transfer of the Markout water system and customers to Mesquite; authorizing the City Manager to finalize, execute and administer a Memorandum of Understanding between Mesquite and the City of Forney, Texas ("Forney") defining the expectations and responsibilities of both Cities related to the acquisition by Mesquite of the Markout water system and customers and division of the Markout water system including, without limitation, the transfer to Forney of the rights to provide water service to the Grayhawk subdivision located in Forney.

Mr. Aleman moved to approve Resolution No. 44-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ACQUISITION AND TRANSFER OF THE MARKOUT WATER SUPPLY CORPORATION ("MARKOUT") WATER SYSTEM AND CUSTOMERS TO THE CITY OF MESQUITE, TEXAS ("MESQUITE"); AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DOCUMENTS AND TO TAKE SUCH ACTIONS AS NECESSARY OR REQUESTED TO COMPLETE THE ACQUISITION AND TRANSFER OF THE MARKOUT WATER SYSTEM AND CUSTOMERS TO MESQUITE; AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE AND ADMINISTER A MEMORANDUM OF UNDERSTANDING BETWEEN MESQUITE AND THE CITY OF FORNEY, TEXAS ("FORNEY") DEFINING THE EXPECTATIONS AND RESPONSIBILITIES OF BOTH CITIES RELATED TO THE

ACQUISITION BY MESQUITE OF THE MARKOUT WATER SYSTEM AND CUSTOMERS AND THE DIVISION OF THE MARKOUT WATER SYSTEM INCLUDING, WITHOUT LIMITATION, THE TRANSFER TO FORNEY OF THE RIGHTS TO PROVIDE WATER SERVICE TO THE GRAYHAWK SUBDIVISION LOCATED IN FORNEY, and approving the Memorandum of Understanding provided to the City Council on September 18, 2020, with the expanded transfer area. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 44-2020 recorded in Resolution Book No. 60.)

33

Authorize the City Manager to execute an Acknowledgment and Consent between the City, Vanston Park Investments, LP (the "Developer") and COMMUNITYBANK of Texas, N.A. (the "Bank"): (i) consenting to a \$1,900,000.00 increase (the "Additional Advance") in the loan dated September 12, 2014 by the Bank to the Developer in the current unpaid principal balance of approximately \$6,610,874.00 (the "Bank Loan") in connection with the development of the 155 unit housing project with related commercial space (Villas at Vanston Park) located at 4520 Gus Thomasson Road, Mesquite, Texas (the "Project"); and (ii) acknowledging that the economic development loan dated September 12, 2014 by the City of Mesquite to the Developer in the current unpaid principal balance of approximately \$804,559.59 in connection with the Project is subordinate to the Bank Loan as increased by the Additional Advance.

Mr. Green left the meeting.

Councilmembers expressed concerns regarding excessive trash at the Villas at Vanston Park and the cleanliness of the complex.

Joseph Agumadu, Manager of Vanston Villas Development, LLC, stated that the lender has provided the owner an opportunity to refinance at a lower interest rate. This will allow the owner the opportunity to upgrade the property which includes a trash compactor to address the trash situation at the apartment complex. Mr. Agumadu stated that a lease manager and two maintenance workers are employed at the complex.

Councilmembers requested the owner's commitment to resolving the trash situation in writing before approval is given.

Mr. Miklos moved to postpone consideration of authorizing the City Manager to execute an Acknowledgment and Consent between the City, Vanston Park Investments, LP (the "Developer") and COMMUNITYBANK of Texas, N.A. (the "Bank"): (i) consenting to a \$1,900,000.00 increase (the "Additional Advance") in the loan dated September 12, 2014, by the Bank to the Developer in the current unpaid principal balance of approximately \$6,610,874.00 (the "Bank Loan") in connection with the development of the 155 unit housing project with related commercial space (Villas at Vanston Park) located at 4520 Gus Thomasson Road, Mesquite, Texas (the "Project"); and (ii) acknowledging that the economic development loan dated September 12, 2014, by the City of Mesquite to the Developer in the current unpaid principal balance of approximately \$804,559.59 in connection with the Project is subordinate to the Bank Loan as increased by the Additional Advance. Motion was seconded by Ms. Wisdom. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Wisdom, Archer, Aleman, Boroughs, Smith

Nayes: None
Abstentions: Green

Motion carried.

END OF CONSENT AGENDA

CONSIDERATION OF A RESOLUTION

- 34 Consider a resolution celebrating National Senior Center Month and committing to the continued support of services and programs at the City's senior centers.

Mr. Green entered the meeting.

Mayor Archer stated that he requested the proposed resolution be placed on the agenda in support of the City's senior citizens and their contributions to the City of Mesquite.

Mr. Smith read the resolution.

Mr. Smith moved to approve Resolution No. 45-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CELEBRATING NATIONAL SENIOR CENTER MONTH AND COMMITTING TO THE CONTINUED SUPPORT OF SERVICES AND PROGRAMS AT THE CITY'S SENIOR CENTERS. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 45-2020 recorded in Resolution Book No. 60.)

RECEIPT OF RESIGNATION

- 35 Receive resignation from David Gustof as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Mr. Green moved to accept the resignation of David Gustof as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. Motion was seconded by Ms. Wisdom and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 36 Consider appointment of nine members to the Animal Services Advisory Board for terms to expire September 8, 2022.

Mr. Smith moved to appoint Edward Suarez, Maria Martinez, Karen McLeod-Ellis, Dr. Mark Pirrung, Mary Anne Chiarelli, Patti Dawson, Tracey DeChant, Karen (Chris) Swain and Brad Craft as members of the Animal Services Advisory Board for terms to expire September 8, 2022. Motion was seconded by Mr. Aleman and approved unanimously.

- 37 Consider appointment of one regular member and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2021, and one alternate member for a term to expire October 21, 2020.

Mr. Boroughs moved to change the appointment of Debbie Coolidge from an alternate member to a regular member of the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2021, and to appoint

Quinton Middleton as a Senior Alternate member for a term to expire October 21, 2020, and to appoint Kendrick Blanton as a Junior Alternate member for a term to expire October 21, 2021. Motion was seconded by Mr. Aleman and approved unanimously.

38

Consider electing members to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees, Places 1 - 4.

Mr. Green moved to appoint Robert T. Herrera, Place 1; John W. Fullen, Place 2; Jeffrey Snyder, Place 3; and Robert S. Hauck, Place 4 to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Motion was seconded by Ms. Wisdom and approved unanimously.

**PUBLIC HEARINGS AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES
RELATING TO THE FISCAL YEAR 2020-21 BUDGET:**

39

Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget.

A public hearing was held to receive input from citizens regarding the proposed Fiscal Year 2020-21 budget.

Myra Rogers, Manager of Budget and Financial Analysis, stated that this is the fourth and final public hearing and also serves as the State-law mandated public hearing to receive citizen input on the proposed Fiscal Year 2020-21 budget. Ms. Rogers stated that the City budgets for 34 different funds – five operating funds, five debt service funds, two internal service funds, 10 special revenue funds and 12 capital project funds. The proposed expenditure budget for all funds is \$259 million and the proposed budget for the general fund is \$132.5 million. Ms. Rogers stated that the detailed schedules for the proposed budget are available on the City's website.

Mike Gibson, representing the Mesquite Chamber of Commerce, spoke in opposition to the omission of the Chamber of Commerce funding from the City budget.

No others appeared regarding the proposed Fiscal Year 2020-21 budget.

40

An ordinance providing funds for the 2020-21 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.

Mr. Miklos moved to approve Ordinance No. 4805, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FUNDS FOR THE 2020-21 FISCAL YEAR BY ADOPTING AND APPROVING THE BUDGET FOR SAID PERIOD AND APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY FOR SAID FISCAL YEAR FOR THE MAINTENANCE AND OPERATION OF VARIOUS DEPARTMENTS AND ACTIVITIES OF THE CITY, FOR CAPITAL AND OTHER IMPROVEMENTS OF THE CITY AND FOR ALL OTHER EXPENDITURES INCLUDED IN SAID BUDGET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4805 recorded in Ordinance Book No. 121.)

- 41** An ordinance adopting 2020-21 Pay Plans for full-time and part-time General Government personnel with an effective date of October 1, 2020; adopting pay plans for commissioned Police and Fire personnel with an effective date of October 1, 2020, providing step increases for eligible commissioned Police and Fire personnel effective on the employee's anniversary date and providing for increased prior and current service annuities under the Act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City.

Mr. Boroughs left the meeting.

Mr. Smith moved to approve Ordinance No. 4806, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ("CITY"), ADOPTING 2020-21 PAY PLANS FOR FULL-TIME AND PART-TIME GENERAL GOVERNMENT PERSONNEL WITH AN EFFECTIVE DATE OF OCTOBER 1, 2020; ADOPTING PAY PLANS FOR COMMISSIONED POLICE AND FIRE PERSONNEL WITH AN EFFECTIVE DATE OF OCTOBER 1, 2020, PROVIDING STEP INCREASES FOR ELIGIBLE COMMISSIONED POLICE AND FIRE PERSONNEL EFFECTIVE ON THE EMPLOYEE'S ANNIVERSARY DATE; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Smith, Miklos, Archer, Aleman, Green, Wisdom

Nays: None

Abstentions: Boroughs

Motion carried. (Ordinance No. 4806 recorded in Ordinance Book No. 121.)

- 42** An ordinance ratifying the property tax revenue increase reflected in the 2020-21 Fiscal Year budget for said period.

Mr. Boroughs entered the meeting.

Mr. Green moved to approve Ordinance No. 4807, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE 2020-21 FISCAL YEAR BUDGET FOR SAID PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4807 recorded in Ordinance Book No. 121.)

- 43** An ordinance determining the population of the City of Mesquite, Texas, to be 145,410 as of October 1, 2020.

Mr. Boroughs moved to approve Ordinance No. 4808, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 145,410 AS OF OCTOBER 1, 2020; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4808 recorded in Ordinance Book No. 121.)

- 44** An ordinance amending Appendix D - the Comprehensive Fee Schedule of the

Mesquite City Code, as amended, by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite.

Mr. Boroughs moved to approve Ordinance No. 4809, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX D – THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE, AS AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS IN APPENDIX D FOR FEES COLLECTED BY THE CITY OF MESQUITE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4809 recorded in Ordinance Book No. 121.)

- 45 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Fire Department as of October 1, 2020.

Mr. Aleman moved to approve Ordinance No. 4810, 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, 2020; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4810 recorded in Ordinance Book No. 121.)

- 46 An ordinance establishing the classifications and total number of authorized positions in each classification of the Mesquite Police Department effective as of October 1, 2020.

Mr. Green moved to approve Ordinance No. 4811, 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 EFFECTIVE AS OF OCTOBER 1, 2020; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Smith and approved unanimously. (Ordinance No. 4811 recorded in Ordinance Book No. 121.)

- 47 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2020-2021 and call a public hearing for September 28, 2020, on the proposed Fiscal Year 2020-21 ad valorem tax rate.

Mr. Miklos stated, "I move that, upon proper notice and final adoption after the public hearing is held, property taxes be increased by the adoption of a tax rate for Fiscal Year 2020-2021 of \$0.70862 per \$100 of valuation. The public hearing to consider this rate will be held on September 28, 2020, at 6:00 p.m. The public hearing will be held in Council Chambers at City Hall, 757 North Galloway, Mesquite, Texas." Motion was seconded by Mr. Green and approved unanimously.

A brief recess was taken at 8:31 p.m. The meeting resumed at 8:36 p.m.

PUBLIC HEARINGS

48

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 321 Firehouse GP LLC (the owner of the restaurant) and Frank A. Greenhaw (the Landlord of the premises where the restaurant is to be located) for the development of a restaurant in downtown Mesquite at 105 South Broad Street, 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 321 Firehouse GP LLC and Frank A. Greenhaw for the development of a restaurant in downtown Mesquite at 105 South Broad Street, Mesquite, Texas.

Beverly Abell, Downtown Development Manager, stated that the demographic and market gap analysis demonstrates the need for unique and authentic businesses and venues in the Downtown area. The proposed concept provides essential ingredients for a successful Downtown venue. Smith's of Mesquite is a proposed dining and entertainment establishment that will feature a full-service restaurant with indoor and outdoor dining, a bar, patio space, coffee bar, and performance space for live entertainment in the McWhorter-Greenhaw building at 105 South Broad Street. Proposed business owners Jason and Carlee Smith currently own a successful business in Grand Prairie, Fire House Gastro Park. Ms. Abell reviewed the concept plan of the proposed venue. She stated that the ceramic and neon storefront will be preserved. The targeted opening date is February 2021.

Chris Burrow, representing Range Realty Advisors, expressed appreciation to the City Council and City staff for their assistance with the project. Mr. Burrow stated that owners Jason and Carlee Smith want to preserve the building's iconic downtown and music history. The building's landlord, Art Greenhaw, has offered to donate a collection of musical instruments and artifacts as part of the restaurant's décor.

Belinda Allen, 2171 McKenzie Road, spoke in favor of the proposed agreement.

No others appeared regarding the proposed Chapter 380 Agreement.

Mr. Boroughs moved to approve Resolution No. 46-2020, 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 321 FIREHOUSE GP LLC (THE OWNER OF THE RESTAURANT) AND FRANK A. GREENHAW (THE LANDLORD OF THE PREMISES WHERE THE RESTAURANT IS TO BE LOCATED) FOR THE DEVELOPMENT OF A RESTAURANT IN DOWNTOWN MESQUITE AT 105 SOUTH BROAD STREET, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Smith and approved unanimously. (Resolution No. 46-2020 recorded in Resolution Book No. 60.)

49

Conduct a public hearing for Application No. Z0220-0129, submitted by Huffines Land Holding Partners, LP, for a change of zoning from Agricultural and Planned Development District Ordinance No. 3538 to Planned Development District to allow a master-planned community that would provide development standards and allow mixed uses, residential and commercial uses, located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas Sr., Boulevard.

(Four responses in favor and 16 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. Z0220-0129.

Garrett Langford, Manager of Planning and Zoning, stated that the Solterra Development (Solterra) encompasses just under 1,500 acres and is generally located southwest of East Cartwright Road and northwest and southeast of Faithon P. Lucas, Sr., Boulevard. Solterra will contain up to 3,900 single-family homes and allow for a range of residential lots sizes and home types, open spaces and trails plan, tree preservation plan and design standards. Architectural standards will not be included in the zoning but will be addressed in the development agreement. Mr. Langford reviewed the concept plan for Solterra which includes 755 acres for residential development, 603 acres of open space, 56 acres for street right-of-way and 9.4 acres for the amenity center. Mesquite Valley Road will be connected to Cartwright Road. No connection is proposed from the development to Milam Road.

Mr. Langford stated that Solterra includes improvements to Faithon P. Lucas, Sr., Boulevard with a roundabout design element. The amenity center, referred to as "The Center," will be zoned General Retail with uses such as retail, restaurant and recreational uses. Solterra would allow for accessory dwelling units on the larger lots (D3 and D4) with a maximum size of 750 square feet, not rented as a separate unit, and would require an additional off-street parking space. Mr. Langford stated that the developer has removed the single-family rental units from the development. Forty percent of the existing tree canopy will be preserved, one canopy tree will be required every 50 linear feet along arterial and collector streets, one canopy tree for each lot and two canopy trees for each lot larger than 60 feet in width. Solterra will consist of 40 percent open space – 110 acres outside of the floodplain and 485 acres inside of the floodplain. Each dwelling in Solterra will be located within 0.25-mile walking distance of a park or useable open space.

Phillip Huffines, representing Huffines Communities, stated that a master-planned community is a large tract of land that encompasses 1,000-3,000 homes with central amenities such as a golf course or swimming complex. Mr. Huffines reviewed several master-planned communities throughout the Dallas-Fort Worth area that Huffines Communities have constructed.

Thomas Meurer, representing LJA Engineering, stated that Solterra is located near IH-635 and IH-20, with anticipated access points being Cartwright Road and IH-20 to Belt Line Road through Faithon P. Lucas, Sr., Boulevard and is the site of the original Lucas Farm. The Lucas family started Lucas B&B Café in 1911. Mr. Lucas purchased 1,500 acres in Mesquite in 1929 and utilized the property as one of the most successful farms in the area to supply the restaurant. The engineers

studied the land and reviewed how the Lucas family utilized the farm. Some of these same elements will be incorporated into Solterra such as the pecan orchard, cattle pastures, Lucas Lake and heritage oak trees.

Mr. Meurer reviewed the responses received from neighbors and how the developer addressed these concerns as follows: (1) increased rear-yard setback to 20 feet on new homes backing up to existing homes; (2) there will be no vehicular connection to Milam Road from the development; (3) a connection to the Valley Creek neighborhood is required as a secondary access point for fire protection; (4) a flood study has been completed and reviewed by City staff; (5) Traffic Impact Analysis has been completed and reviewed by City staff; (6) Single-Family rental units were removed from the development; (7) there will be no development behind the Hills at Tealwood subdivision; and (8) a variety of lot sizes will be included in the development.

Mr. Meurer reviewed the site concept plan which contains over 560 acres of open space, over 14 miles of trails with connectivity to the regional trail system and crop and cattle operations in open space. Mr. Meurer played a short video of "The Center."

Councilmembers expressed concerns regarding continued maintenance of the amenity center, types of trees, planting trees in the parkway, square footage of homes, parking and traffic issues and sustainability of the crop and cattle operations.

The following persons expressed the following concerns regarding the proposed development: (1) Tom Briscoe, 1977 McKenzie Road, relating to the density of the development; (2) Norma Hennig, 4171 Lawson Road, relating to wildlife being displaced by property development; (3) Belinda Allen, 2171 McKenzie Road, relating to mowing issues and dumping on surrounding properties and the density of homes in the development; (4) Warren Lynch, 4100 Lawson Road, relating to traffic concerns on Lawson Road and wildlife being displaced by property development and (5) Melinda Blair, 3800 Faithon P. Lucas, Sr., Boulevard, relating to traffic concerns on Faithon P. Lucas, Sr., Boulevard, flooding issues, density of the development, setbacks from existing properties, preservation of the existing tree canopy, daycare being allowed in the accessory structures on properties, deviations from the Mesquite Comprehensive Plan and maintenance required by the Homeowners' Association.

Mr. Miklos moved to postpone consideration of Application No. Z0220-0129, with the public hearing remaining open, until the October 5, 2020, City Council meeting to allow time for City staff to work with the developer to address citizen's concerns. Motion was seconded by Mr. Green and approved unanimously.

50

Conduct a public hearing and consider an ordinance for Application No. Z0820-0144, submitted by Rosalinda Guzman on behalf of UTR Homes, LLC, for a change of zoning from Planned Development - General Retail to R-1 Single-Family Residential District to allow a single family home located at 1836 Wilkinson 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.)

A public hearing was held for Application No. Z0820-0144.

Jeff Armstrong, Director of Planning and Development Services, stated that in 2017 the City Council approved a zoning change for a proposed development of a grocery store on two tracts of land including the proposed site. The grocery store did not develop. The applicant proposes to demolish the existing home and construct a new home to the standards of the R-1 zoning district. The proposed zoning change conforms to the Mesquite Comprehensive Plan.

No one appeared regarding the proposed application.

Mr. Green moved to approve Application No. 0820-0144, as recommended by the Planning and Zoning Commission, ORDINANCE NO. 4812, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – GENERAL RETAIL TO R-1 SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 1836 WILKINSON ROAD TO ALLOW A SINGLE FAMILY HOME; 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. 4812 recorded in Ordinance Book No. 121.)

51

Conduct a public hearing and consider an ordinance adopting revisions to the City of Mesquite Engineering Design Manual.

A public hearing was held to consider adopting revisions to the City of Mesquite Engineering Design Manual.

Curt Cassidy, Assistant Director of Public Works, stated that there are 10 revisions to the Engineering Design Manual which was originally adopted in May 2019.

No one appeared regarding the revisions to the Engineering Design Manual.

Mr. Green moved to approve Ordinance No. 4813, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISIONS TO THE CITY OF MESQUITE ENGINEERING DESIGN MANUAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000.00 FOR A PERSON VIOLATING A PROVISION OF THIS ORDINANCE GOVERNING FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION AND A PENALTY NOT TO EXCEED \$500.00 FOR ALL OTHER PROVISIONS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4813 recorded in Ordinance Book No. 121.)

52

Conduct a public hearing and consider a resolution approving the Amended and Restated Chapter 380 Economic Development Program Agreement ("Agreement Three") by and between the City of Mesquite, Texas ("City"), and MMAH Rodeo Land Holdings, LLC ("Company"), authorized by Article III, Section 52-a of the Texas Constitution and Section 380.001 of Chapter 380 of the Texas Local Government Code regarding a new electronic Freeway-Oriented Marquee Sign and authorizing the City Manager to execute said "Agreement Three" for such purposes identified herein.

Mr. Miklos left the meeting.

A public hearing was held to consider approving an amended and restated Chapter 380 Economic Development Program Agreement with MMAH Rodeo Land Holdings regarding a new electronic Freeway-Oriented Marquee Sign.

Ted Chinn, Assistant City Manager, stated that this item is an amendment to an existing Chapter 380 Agreement with the prior owner of the Mesquite Rodeo, Camelot Sports and Entertainment. The Rodeo purchased and installed an electronic marquee sign in 2012 and the City reimbursed the Rodeo \$883,920.67 for the sign. In exchange for implementing the sign project, the City would receive a share of the gross revenues from advertising on the sign at a rate of 10 percent for the first \$100,000.00 in gross revenues and then 25 percent of gross revenues above \$100,000.00. Advertising opportunities are limited to businesses within the Rodeo City Tax Increment Reinvestment Zone; therefore, the City has only received \$10,639.00 of its share of revenue under the existing Chapter 380 Agreement. Sponsorships are currently not defined as gross revenues in the contract.

Mr. Chinn stated that on October 20, 2017, the Rodeo was acquired by the current owner and developer of Iron Horse and the Chapter 380 Agreement was assigned to their affiliate MMAH Rodeo Land Holdings, LLC. The proposed agreement would allow the replacement of the existing electronic marquee sign that fronts IH-635 with a new Freeway-Oriented Marquee Sign (Sign) utilizing electronic video screens and will allow MMAH Rodeo Land Holdings to transfer ownership of the Sign to OUTFRONT Media, Inc., while enhancing the City's potential share of sign advertising and lease revenues. The Sign will allow for better programming of content and greater opportunities of advertising for both on-premise and off-premise events, items, products, services and uses through a professional sign company. The Sign would have a unique Mesquite design and would be aesthetically more attractive than typical freeway signage.

Mr. Chinn stated that sponsorships would be included in the definition of gross revenues and the City would continue to share in OUTFRONT's revenues at a rate of 17.5 percent of gross advertising revenues, including any lease revenue that the Rodeo may receive from OUTFRONT. The expanded advertising opportunities would allow the city to recover the remaining balance of \$873,281.25 much quicker, and the City would also receive 75 percent of any other OUTFRONT revenues associated with the sign or the land where the sign is located.

Mr. Chinn stated that the proposed Agreement will not terminate until the City receives the remaining balance of \$873,281.25, and should there be any remaining balance due on March 1, 2041, that balance would be immediately paid in a lump sum to the City. The City and Mesquite Convention Center would continue to receive free advertising of events on the ninth advertising spot in a nine-slot advertising cycle (a typical ad lasts approximately eight seconds before the next ad rotates).

No one appeared regarding the amended Chapter 380 agreement.

Mr. Green moved to approve Resolution No. 47-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT ("AGREEMENT THREE") BY AND BETWEEN THE CITY OF MESQUITE, TEXAS ("CITY"), AND MMAH RODEO LAND HOLDINGS, LLC ("COMPANY"),

AUTHORIZED BY ARTICLE III, SECTION 52-A OF THE TEXAS CONSTITUTION AND SECTION 380.001 OF CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE REGARDING A NEW ELECTRONIC FREEWAY-ORIENTED MARQUEE SIGN; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID "AGREEMENT THREE" FOR SUCH PURPOSES IDENTIFIED HEREIN. Motion was seconded by Ms. Wisdom. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Wisdom, Archer, Boroughs, Smith, Aleman

Nays: None

Abstentions: Miklos

Motion carried. (Resolution No. 47-2020 recorded in Resolution Book No. 60.)

53

An ordinance amending Chapter 13 of the City Code, as previously amended, by making certain additions and deletions under Sections 13-1, 13-5, 13-72, and 13-73 thereby updating certain regulations on signs and adding regulations for "Freeway-Oriented Marquee Signs."

Mr. Miklos entered the meeting.

Jeff Armstrong, Director of Planning and Development Services, reviewed the proposed amendments to the freeway-oriented marquee sign ordinance.

Mr. Green moved to approve Ordinance No. 4814, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 13-1, 13-5, 13-72, AND 13-73 THEREBY UPDATING CERTAIN REGULATIONS ON SIGNS AND ADDING REGULATIONS FOR "FREEWAY-ORIENTED MARQUEE SIGNS"; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4814 recorded in Ordinance Book No. 121.)

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 11:37 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. 54 – Discuss the purchase of property on SH 352 at Carver Street); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 11:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 11:40 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 (Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16; Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 [Appealing Wholesale Water Rates for 2018] Filed 12-15-17); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 11:46 p.m., the City Council reconvened in Open Session.

Executive action resulting from the closed session was taken later in the meeting.

EXECUTIVE ACTION RESULTING FROM EXECUTIVE SESSION AT 11:40 P.M.

Mr. Miklos moved to authorize the City Manager to finalize and execute a settlement agreement, other ancillary agreements, and any matters related thereto regarding North Texas Municipal Water District Appeal, PUC Docket No. 46662, SOAH Docket No. 473-17-4964, and related appeals. Motion was seconded by Mr. Green and approved unanimously.

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 11:49 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor