



City of Mesquite, Texas

Minutes - Final City Council

Monday, August 3, 2020

4:30 PM

City Hall | Training Rooms A&B
757 N. Galloway | 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.

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Texas Attorney General's Office, a quorum of the City Council attended the meeting by videoconference or in person in Training Rooms A & B, located at 757 North Galloway Avenue, Mesquite, Texas, and practiced social distancing. The meeting location was not open to the public.

This meeting was streamed live at www.cityofmesquite.com/watchcouncilmeetings and on Facebook at www.facebook.com/cityofmesquitetx, as well as on Spectrum Digital Channel 16 and AT&T U-verse Channel 99.

Members of the public were allowed to participate by telephone conference.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss the proposed budget for Fiscal Year 2020-21.

- 2 Receive briefing regarding possible text amendments to the Zoning Ordinance regarding regulations for hotels.

Council provided direction for further consideration of regulations related to hotel development.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:07 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item No. 21); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:12 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - TRAINING ROOMS A&B - 6:45 P.M.

- 3 Receive quarterly report from the Police Department.

Charles, Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD). He reviewed the staffing and vacancies, traffic enforcement data, homicides, aggravated assaults, thefts, shoplifting and burglary of motor vehicle. Chief Cato reviewed the 2020 Year-to-Date Uniform Crime Report crime statistics for assault, burglary, vandalism, fraud, homicide, theft, vehicle theft, robbery and sex crimes. He stated that MPD has seen an increase in aggravated assaults involving families in March, April and May 2020, and a spike in road rage incidents. A significant number of the overall thefts is shoplifting. If someone is caught stealing, they will be arrested and charged. However, the Dallas County District Attorney's Office refuses to prosecute any theft of personal items under \$750.00 that are stolen out of necessity. In 2020, approximately 60 percent of motor vehicle burglaries were a result of unlocked vehicles. Chief Cato stated that arrests have been made for motor vehicle burglaries, which is a misdemeanor in Dallas County. The offenders are being processed but must be released because Dallas County will not prosecute misdemeanors due to COVID-19. They will only prosecute violent crime offenders. Councilmembers expressed appreciation to Chief Cato and the MPD.

A brief recess was taken at 7:27 p.m.

REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:32 P.M.**INVOCATION**

Dr. Terry Turner, Senior Pastor, Mesquite Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Mesquite Public Library staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Green reminded residents that census takers will be out in the community to help with completion of the 2020 Census. Residents are encouraged to ask census takers for a valid ID badge with a photograph, a U. S. Department of Commerce watermark and an expiration date.
2. Mr. Green stated that a Town East/Range/Astronaut Streets Neighborhood Meeting will be held via Zoom on Tuesday, August 11, 2020, at 6:30 p.m., and invited residents to participate.
3. Ms. Wisdom stated that as part of the "Recovery Mesquite" campaign, Mesquite residents, affected by the economic impacts of the COVID-19 pandemic, can now apply for funds to assist with mortgage, rental or utility payments. Residents can apply for funds through the Resident Assistance Program application process provided by Catholic Charities of Dallas at www.cityofmesquite.com/CARES.
4. Ms. Wisdom stated that August 2020 marks the 100th anniversary of the passage of the 19th Amendment guaranteeing women the right to vote. She encouraged residents to celebrate this time in our Nation's history by posting stories on social media about women in Mesquite who have made a difference.

5. Mr. Aleman stated that the City has extended the cancellation of residential recycling services. The quantity of household waste has increased by 22 percent during this pandemic. Citizens can drop off recyclable items, generated from home, at no charge at the Citizens Convenience and Recycling Center at 3550 Lawson Road, on Monday, Tuesday, Thursday, Friday and Saturday from 9:00 a.m. to 4:00 p.m. Proof of residency is required. Mr. Aleman expressed appreciation to the Solid Waste Division employees.
6. Mr. Aleman stated that a Creek Crossing Neighborhood Meeting will be held via Zoom on Tuesday, August 11, 2020, at 7:00 p.m., and encouraged residents to participate.
7. Mr. Smith expressed gratitude to the Mesquite Police Department for the arrest of two suspects in an internet exchange theft. He reminded citizens to “Remember the 4 B’s” when participating in internet sales. (1) Be Safe. Utilize the “Exchange Zone” at the Police Department, which is equipped with 24-hour surveillance cameras. (2) Be Comfortable. Bring a friend or family member if you choose to meet at a private location. (3) Be Smart. Call a friend before and after the sale, set your phone’s location tracking feature and use a transaction app for the sale. (4) Be Aware. Listen to your instincts, watch surroundings and leave any situation that feels unsafe.
8. Mr. Miklos announced that the Dallas County Health and Human Services has opened a new mobile COVID-19 testing site in Mesquite at Eastfield College, 3737 Motley Drive. Operating hours are Monday through Saturday, 7:00 a.m. to 1:00 p.m., or until the location has reached testing capacity for the day. This testing location is to be utilized by City of Dallas and Dallas County residents only, which includes the City of Mesquite. Proof of residency is required.
9. Mr. Boroughs stated that due to overwhelming public response, the deadline to purchase a \$50 brick for the Walk of Honor at the new Mesquite Veterans Memorial has been extended through Thursday, August 6, 2020. He encouraged citizens to honor their loved ones by purchasing a personalized brick.
10. Mr. Boroughs stated that Fire Chief Mark Kerby will be retiring on September 30, 2020, to begin a new role as the City’s Special Projects Director. Chief Kerby started his career at the City of Mesquite in 1985 and has served as Fire Chief since 2003. Mr. Boroughs expressed appreciation to Chief Kerby and for the accomplishments he has made. He stated that it was an honor to have worked alongside Chief Kerby in the Mesquite Fire Department.
11. Mayor Archer stated that 20-year U.S. Air Force veteran and Rockwall Police Officer Tracy Gaines lost his life this morning due to complications of COVID-19. Mayor Archer requested a moment of silence and Mr. Smith lead a prayer in honor of former Mesquite resident Tracy Gaines.
12. Mayor Archer reminded citizens to make smart, safe choices during this pandemic. Remember to avoid the “3 C’s” – crowded places, close contact settings and confined spaces, that are enclosed, where the health risk is higher. Continue to maintain safe distances, keep hands clean, cover coughs and sneezes and wear a face covering over the nose and mouth.
13. Mayor Archer thanked City employees for their hard work during these hot summer months.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Aleman requested that Item Nos. 14-16 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.

4 Minutes of the regular City Council meeting held July 20, 2020.

Approved on the Consent Agenda.

- 5 An ordinance amending Chapter 9 of the City Code thereby providing revised school zones for Horn High School, Shands Elementary School and Terry Middle School.

Approved on the Consent Agenda.

Ordinance No. 4792, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTION 9-147(1)(e) THEREBY PROVIDING REVISED SCHOOL ZONES FOR HORN HIGH SCHOOL, SHANDS ELEMENTARY SCHOOL AND TERRY 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. 4792 recorded in Ordinance Book No. 121.)

- 6 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, and Ordinance No. 4784; 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. 4793, 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, AND ORDINANCE NO. 4784; 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. 4793 recorded in Ordinance Book No. 121.)

- 7 A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective August 3, 2020.

Approved on the Consent Agenda.

Resolution No. 30-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISIONS TO THE CITY OF MESQUITE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 30-2020 recorded in Resolution Book No. 60.)

- 8 A resolution authorizing the sale of tax-foreclosed property located at 3631 Hogan Drive in Mesquite, Texas; accepting the offer from 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. 31-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF TAX-FORECLOSED PROPERTY LOCATED AT 3631 HOGAN DRIVE IN MESQUITE, TEXAS (THE "PROPERTY"); ACCEPTING THE OFFER FROM 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. 31-2020 recorded in Resolution Book No. 60.)

- 9 Bid No. 2020-099 - Annual Supply of Office Products.
(Staff recommends award to Staples Contract and Commercial, Inc., operating as Staples Advantage, through the cooperative purchasing agreement with Sourcewell (formerly National Joint Powers Alliance) Contract No. 012320-SCC, for an estimated annual amount of \$105,000.00. The term of this contract is for one year, with three 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.

- 10 Authorize the City Manager to finalize and execute Change Order No. 1 to Bid No. 2019-112, Annual Grinding of Brush, with GWG Wood Group, Inc., for an increase in the contract amount of \$60,000.00.

Approved on the Consent Agenda.

- 11 Authorize the City Manager to finalize and execute a Fourth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical Supervision in an amount not to exceed \$67,989.40 for Fiscal Year 2020-21, effective October 1, 2020, through September 30, 2021.

Approved on the Consent Agenda.

- 12 Authorize an expenditure in the amount of \$183,045.24 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

Approved on the Consent Agenda.

- 13 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phase #2 Major Improvements for the Heartland Town Center Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 4794, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS AND PHASE #2 MAJOR IMPROVEMENTS FOR THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE FISCAL YEAR 2020-2021 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4794 recorded in Ordinance Book No. 121.)

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 14 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase #1 Improvements and Phases #2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (the "District"); making and adopting findings, accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.

Mr. Miklos left the meeting.

Mr. Aleman moved to approve Ordinance No. 4795, AN ORDINANCE OF THE CITY

OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS AND PHASES #2-6 MAJOR IMPROVEMENTS FOR THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT NO. 2 (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS, ACCEPTING AND APPROVING THE FISCAL YEAR 2020-2021 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4795 recorded in Ordinance Book No. 121.)

15

An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Authorized Improvements for the Iron Horse Public Improvement District (the "District"); making and adopting findings; accepting and approving the Fiscal Year 2020-2021 Annual Service Plan Update and updated Assessment Roll for the District; requiring compliance with Chapter 372, Texas Local Government Code, as amended; providing a cumulative repealer clause; providing for severability and providing an effective date.

Mr. Aleman moved to approve Ordinance No. 4796, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS FOR THE IRON HORSE PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE FISCAL YEAR 2020-2021 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4796 recorded in Ordinance Book No. 121.)

16

A resolution approving a Water Transportation and Emergency Interconnection Agreement with Kaufman County Municipal Utility District No. 12 and BDMR Development, LLC, to provide temporary treated water to the Polo Ridge Ranch development situated on approximately 805.79 acres of land located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

Mr. Aleman moved to approve Resolution No. 32-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A WATER

TRANSPORTATION AND EMERGENCY INTERCONNECTION AGREEMENT WITH KAUFMAN COUNTY MUNICIPAL UTILITY DISTRICT NO. 12 AND BDMR DEVELOPMENT, LLC, TO PROVIDE TEMPORARY TREATED WATER TO THE POLO RIDGE RANCH DEVELOPMENT SITUATED ON APPROXIMATELY 805.79 ACRES OF LAND LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, AND WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AND AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Resolution No. 32-2020 recorded in Resolution Book No. 60.)

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 17 Consider appointment of one member to the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021.

Mr. Miklos entered the meeting.

Mr. Smith moved to appoint Henry Brown as a member of the Mesquite Quality of Life Corporation Board of Directors for a term to expire August 19, 2021. Motion was seconded by Mr. Miklos and approved unanimously.

- 18 Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2020.

Mr. Miklos moved to appoint Larry Good as an alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2020. Motion was seconded by Ms. Wisdom and approved unanimously.

- 19 Consider appointment of one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2021.

Mr. Green moved to appoint Dorothy Patterson as an alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

PUBLIC HEARINGS

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

A public hearing was held to receive citizen input on the proposed Fiscal Year 2020-21 budget.

Myra Rogers, Manager of Budget and Financial Analysis, stated that this is the third of four public hearings to receive citizen input on the proposed Fiscal Year 2020-21 budget. While the State of Texas requires one public hearing, the City typically offers multiple public hearings to provide citizens additional opportunities to share their thoughts, ideas and concerns regarding the City's annual budget. This year, City staff prepared a budget educational video along with a Citizen Budget Priorities Survey. The video along with the results of the survey are available on the City's website. A virtual budget Town Hall meeting was conducted on Tuesday, July 14, 2020, with the recording available on the City's website. Ms. Rogers reminded citizens that the transparency portal on the City's website also provides financial information.

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. Ms. Rogers stated that the detailed schedules for the proposed budget are available on the City's website. The fourth and final public hearing will be held on Tuesday, September 8, 2020.

No one spoke regarding the proposed Fiscal Year 2020-21 budget.

21

Conduct a public hearing and consider an ordinance amending the Mesquite Zoning Ordinance, as previously amended, by making certain deletions and additions to Section 3-203 "Schedule of permitted uses;" Section 3-508 "Reception facilities;" and Section 6-102 "Definitions;" all pertaining to new and revised regulations for Major Reception Facilities, Minor Reception Facilities, and eliminating the "accessory use" classification where an establishment (such as art galleries, civic, commercial amusement, country clubs, drinking places with private clubs, gardens, hotels, museums, restaurants, social or fraternal organizations, theaters, and zoos) makes available an area for private use; providing a repealing clause; providing a conflicts resolution clause; providing a severability clause; providing a penalty clause in an amount not to exceed two thousand dollars (\$2,000.00); providing for publication; and declaring an effective date.

(The original item was postponed at the July 20, 2020 City Council meeting. The Planning and Zoning Commission recommended approval of the original zoning text amendment on June 22nd. A request was made on July 20th, by the Council, for further revisions and the revised version ("Ordinance") is now attached. In addition, a redlined document has been provided to show the new proposed revisions to the original zoning text amendment first presented to the P&Z Commission on June 22nd.)

A public hearing was held for Zoning Text Amendment No. 2020-04.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed amendment requires minor reception facilities located within 500 feet of a residential district to obtain a conditional use permit, adds the requirement of security cameras and eliminates the "accessory use" classification where an establishment makes available an area for private use. If an event facility is located within another business, they will be treated as two separate uses and the event facility will be required to obtain a separate certificate of occupancy. It would then become either a minor or major reception facility based on the square footage.

Mr. Armstrong stated that the amendment expands the requirement for security

personnel at events where alcohol is provided or consumed and at any event where there is live music or a disc jockey for patrons age 13 to 21. The amendment proposes that one security personnel be required for the first 25 attendees and one for each additional 100 attendees.

No one spoke regarding Zoning Text Amendment No. 2020-04.

Mr. Miklos moved to approve Ordinance No. 4797, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS TO SECTION 3-203 "SCHEDULE OF PERMITTED USES;" SECTION 3-508 "RECEPTION FACILITIES;" AND SECTION 6-102 "DEFINITIONS;" ALL PERTAINING TO NEW AND REVISED REGULATIONS FOR MAJOR RECEPTION FACILITIES, MINOR RECEPTION FACILITIES, AND ELIMINATING THE "ACCESSORY USE" CLASSIFICATION WHERE AN ESTABLISHMENT (SUCH AS ART GALLERIES, CIVIC, COMMERCIAL AMUSEMENT, COUNTRY CLUBS, DRINKING PLACES WITH PRIVATE CLUBS, GARDENS, HOTELS, MUSEUMS, RESTAURANTS, SOCIAL OR FRATERNAL ORGANIZATIONS, THEATERS, AND ZOOS) MAKES AVAILABLE AN AREA FOR PRIVATE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Smith and approved unanimously. (Ordinance No. 4797 recorded in Ordinance Book No. 121.)

22

Conduct a public hearing and consider an ordinance for Application No. Z0520-0140, submitted by Daniel Santos on behalf of DBS Construction Support, LLC, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale and outdoor display of used farm equipment, located at 4340 Interstate Highway 30.

(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 with certain stipulations.)

A public hearing was held for Application No. Z0520-0140.

Jeff Armstrong, Director of Planning and Development Services, stated that in 2004, the City Council approved a Conditional Use Permit (CUP) for the applicant that allowed the outdoor sale and display of tractors and other farm related equipment. However, there was no approval for used merchandise. The applicant is requesting a CUP to all the sale and display of used merchandise in addition to new merchandise. Following the application for this CUP, staff discovered a number of code issues on the property. The applicant has worked to correct these code issues including repairing and staining the fence, restriping the fire lane and parking lot and updated the dumpster screening and iron fence at the entrance.

Applicant Tram Hoang stated that they have contracted to have the face of the existing pole sign replaced and agreed to have this completed within 60 days of approval of the CUP. No others spoke regarding Application No. Z052-0140.

No others spoke regarding Application No. Z0520-0140.

Mr. Green moved to approve Application No. Z052-0140, as recommended by the Planning and Zoning Commission, with the following stipulations, and changing the time frame in Stipulation No. 2 from 6 months to 60 days:

1. All customer parking spaces, as shown on the Concept Plan, attached to the ordinance as Exhibit "A" and incorporated herein by reference, shall be re-stripped prior to the issuance of a Certificate of Occupancy.
2. The existing pole sign face, located in the northeast corner of the property, must be replaced within 60 days of approval of this CUP.
3. All screening and security fencing on the property shall be maintained in a like-new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or creates a safety hazard, shall be replaced.
4. All code issues and violations must be resolved prior to the issuance of the Certificate of Occupancy, including the parking requirement.

And to approve Ordinance No. 4798, as recommended by the Planning and Zoning Commission, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ("CUP") ON PROPERTY LOCATED AT 4340 INTERSTATE HIGHWAY 30 TO ALLOW THE SALE AND OUTDOOR DISPLAY OF USED FARM EQUIPMENT SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Wisdom and approved unanimously. (Ordinance No. 4798 recorded in Ordinance Book No. 121.)

23

Conduct a public hearing and consider an ordinance for Application No. Z0620-0142, submitted by MM Mesquite 50, LLC, to amend Planned Development Ordinance No. 4595 to allow an amenity center, a convenience store with fuel sales and modify the screening wall requirements on property located at 1900 and 2000 West Scyene Road, 21713 and 21717 IH-635, 1703 and 1705 Rodeo Drive and 417 Rodeo Center Boulevard.

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

Mr. Miklos left the meeting.

A public hearing was held for Application No. Z0620-0142.

Jeff Armstrong, Director of Planning and Development Services, stated that this request is an amendment to the existing Iron Horse Village Planned Development ordinance that was approved in 2018. The amendment is to allow an amenity center as a permitted use in the Planned Development, to allow a convenience store with fuel sales (proposed 7-Eleven) on the tract located at the southeast corner of Scyene Road and Rodeo Drive and to modify the screening requirements at two locations within the Planned Development.

Shawn Terry, representing Centurion American, stated that the amenity center will be maintained by the Homeowner's Association (HOA), which is over the housing portion of the project and the entire site will be maintained by a Property Owners' Association (POA).

No others spoke regarding the Application No. Z0620-0142.

Mr. Boroughs moved to approve Application No. Z0620-0142, as recommended by the Planning and Zoning Commission, with the following stipulations, and deleting Concept Plan 1A:

1. For Tract 1D as identified on the Concept Plan attached as Exhibit "B" to Ordinance No. 4595, the Concept Plan is supplemented to add Exhibit "B-1", attached to the ordinance and incorporated herein by reference.
2. Exhibit "D" to Ordinance No. 4595 is hereby deleted and replaced with the Exhibit "D" - Revised Development Standards, attached to the ordinance and incorporated herein by reference, and which identifies permitted uses and development standards (the language removed from the Ordinance No. 4595 Exhibit "D" is marked by strikethrough and the language added to the Ordinance No. 4595 Exhibit "D" is marked with underlining.)
3. Exhibit "F" to Ordinance No. 4595 is hereby deleted and replaced with Exhibit "F" - Screening, attached to the ordinance and incorporated herein by reference.

And to approve Ordinance No. 4799, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4595 TO ALLOW AN AMENITY CENTER, A CONVENIENCE STORE WITH FUEL SALES AND MODIFY THE SCREENING WALL REQUIREMENTS ON PROPERTY LOCATED AT 1900 AND 2000 WEST SCYENE ROAD, 21713 AND 21717 IH-635, 1703 AND 1705 RODEO DRIVE, AND 417 RODEO CENTER BOULEVARD; 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. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4799 recorded in Ordinance Book No. 121.)

24

A resolution authorizing the City Manager to finalize and execute a Third Amendment to the Iron Horse Development Agreement to (i) amend certain definitions; (ii) amend Section 2.02(a) "Project Overview - Iron Horse Development"; (iii) amend Section 6.04(a) "Zoning of the Property"; and (iv) amend and replace Exhibit C, "Concept Plan", Exhibit I, "Development Standards", and Exhibit K, "Fencing Plan", to allow an amenity center and a convenience store with fuel sales, to modify the screening wall requirements, and to provide that the development of the property commonly referred to as "Iron Horse Village" and being generally located north of Rodeo Drive, south of Scyene Road (also known as State Highway 352), east of Stadium Drive and west of Rodeo Center Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas, shall be in compliance with the Concept Plan and Development Standards, as amended.

Mr. Boroughs moved to postpone consideration of a resolution authorizing the City Manager to finalize and execute a Third Amendment to the Iron Horse Development Agreement to the August 17, 2020, City Council meeting. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following

votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:50 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 (Claim for damages by Texas Sterling Construction Co. against and involving City of Mesquite, AT&T, Inc. and Hayden Consultants, Inc. regarding City Contract No. E2017-008, Town East Blvd. Reconstruction of Paving, Drainage and Sanitary Sewer Improvements (from Military Parkway to Skyline Drive); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:13 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:13 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 (Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the U.S. Court of Appeals at Dallas, Case No. 05-19-00667-CV and Tejas Motel, L.L.C. v. City of Mesquite, Acting by and through its Board of Adjustment, Civil Action No. 3:20-cv-20-1982 – Filed 7-27-20); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:15 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:15 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Item No. 25 – Consider purchase of real property located on Airport Boulevard); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 9:22 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:22 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 26 – Discuss economic development incentives for a prospective development located at 1025 Military Parkway); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:35 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Ms. Wisdom moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 9:35 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor