



City of Mesquite, Texas

Minutes - Final City Council

Monday, December 4, 2017

5:00 PM

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

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding residential replats.

Council directed staff to pursue changes to the subdivision ordinance in order to address residents' concerns regarding redevelopment within subdivisions and to make changes to the zoning ordinance regarding the size of homes in context with a neighborhood. Staff will present to Council for consideration at a later date.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:05 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:21 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:21 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Discuss proposed annexation); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:40 P.M.

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Agenda Item No. 17); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:47 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 17 for executive action taken.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:10 P.M.

INVOCATION

Craig Christina, Senior Pastor, Shiloh Terrace Baptist Church, Dallas, Texas.

PLEDGE OF ALLEGIANCE

Police Chief Charles Cato, Sgt. Mark Bradford and Officer Torrey Rhone, Mesquite Police Department.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Miklos invited citizens to "Meet Your Councilmember" on Saturday, December 9, 2017, at 10:00 a.m. at Whataburger at Town East Boulevard and Motley Drive.
- (2) Councilmembers expressed their appreciation to City staff, Parks and Recreation, Fire Department, Police Department and the many volunteers who contributed to making Christmas in the Park a success this past weekend.
- (3) Mr. Archer invited citizens to meet across the street from McWhorter Park on Saturday, December 9, 2017, at 12:15 p.m., for a trash pickup in the Edgemont Park neighborhood.
- (4) Mr. Aleman stated that he rode with a Mesquite Police Officer recently and expressed appreciation to the Mesquite Police Department for their dedication to our community.
- (5) Mr. Aleman invited citizens to attend a Creek Crossing neighborhood meeting on Tuesday, December 5, 2017, at 7:00 p.m., at Calvary First Baptist Church, 2850 East Glen Boulevard.
- (6) Mr. Noschese expressed appreciation to the Mesquite AMBUCS for their contributions to our community.
- (7) Mr. Noschese encouraged citizens to contribute to the Mesquite Police Department's Santa Cop Toy Program which provides assistance during the holiday season to disadvantaged children and families in Mesquite as well as the surrounding communities served by the Mesquite Independent School District.

CITIZENS FORUM

Monica Kujawa, 721 Dranguet Circle, expressed concerns regarding third party cable company installation practices.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Noschese moved to approve Item Nos. 3-11 on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 3** Minutes of the special City Council meeting held November 13, 2017, and the regular City Council meetings held November 14, 2017, and November 20, 2017.

Approved on the Consent Agenda.

- 4** An ordinance, on third and final reading, granting to Atmos Energy Corporation, Mid-Tex Division, a Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply natural gas to the general public in the City of Mesquite, Dallas County, Texas, to construct, maintain and operate pipelines and equipment for the transportation, delivery, sale and distribution of natural gas in, out of and through said City for all purposes, and providing for the payment of a fee or charge for the use of the public rights-of-ways.

Approved on the Consent Agenda.

Ordinance No. 4522, ON THIRD AND FINAL READING, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH, TRANSPORT AND SUPPLY NATURAL GAS TO THE GENERAL PUBLIC IN THE CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, TO CONSTRUCT, MAINTAIN AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF NATURAL GAS IN, OUT OF AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; REPEALING ALL PREVIOUS ATMOS ENERGY GAS FRANCHISE ORDINANCES; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; A MOST FAVORED NATIONS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4522 recorded in Ordinance Book No. 110.)

- 5** A resolution setting a public hearing under Section 311.003 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Towne Centre Tax Increment Finance Reinvestment Zone No. Two, City of Mesquite, Texas ("the Zone"), enlarging the boundaries and increasing the geographic area of the Zone to include the following two tracts of land: (I) Tract 1: property generally located between East Gross Street, Norwood Street, City Lake Park and Cedar Drive on the south; Rodeo Center Boulevard and IH-635 on the west; Military Parkway, Gross Road, Kearney Street and Texas Street on the north; and Florence Street, E. H. Hanby Stadium and Bryan-Beltline Road on the east; and (II) Tract 2: property generally located between Poteet Drive, Towne Centre Drive and Town East Boulevard on the south; Towne Crossing Boulevard on the west; Brazoria Drive and Devonshire

Lane on the north; and North Galloway Avenue on the east; and increasing the total estimated project costs for the Zone; and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Approved on the Consent Agenda.

Resolution No. 66-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE TO CONSIDER APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR TOWNE CENTRE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS (THE "ZONE"), ENLARGING THE BOUNDARIES AND INCREASING THE GEOGRAPHIC AREA OF THE ZONE TO INCLUDE THE FOLLOWING TWO TRACTS OF LAND: (I) TRACT 1: PROPERTY GENERALLY LOCATED BETWEEN EAST GROSS STREET, NORWOOD STREET, CITY LAKE PARK AND CEDAR DRIVE ON THE SOUTH; RODEO CENTER BOULEVARD AND IH-635 ON THE WEST; MILITARY PARKWAY, GROSS ROAD, KEARNEY STREET AND TEXAS STREET ON THE NORTH; AND FLORENCE STREET, E. H. HANBY STADIUM AND BRYANBELTLINE ROAD ON THE EAST; AND (II) TRACT 2: PROPERTY GENERALLY LOCATED BETWEEN POTEET DRIVE, TOWN CENTRE DRIVE AND TOWN EAST BOULEVARD ON THE SOUTH; TOWNE CROSSING BOULEVARD ON THE WEST; BRAZORIA DRIVE AND DEVONSHIRE LANE ON THE NORTH; AND NORTH GALLOWAY AVENUE ON THE EAST; AND INCREASING THE TOTAL ESTIMATED PROJECT COSTS FOR THE ZONE; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING. (Resolution No. 66-2017 recorded in Resolution Book No. 52.)

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A. An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for the Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas, and making a finding regarding feasibility.

B. A resolution setting a public hearing to consider under Section 311.003 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas ("the Zone"), enlarging the boundaries and increasing the geographic area of the Zone to include property generally located on both sides of IH-30, north of Action Drive, Topaz Drive, Sorrento Drive and Lou Ann Drive, east of Big Town Boulevard and La Prada Drive, south of John West Road, the north line of IH-30, Susan Drive and Rockne Lane, and west of Morgan Drive and Edgebrook Drive, and property generally located on both sides of Motley Drive, south of Lou Ann Drive, north of Bellhaven Drive, west of Tedlow Trail, and east of Viva Drive, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Approved on the Consent Agenda.

Ordinance No. 4523, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE GUS THOMASSON TAX INCREMENT FINANCE REINVESTMENT ZONE NO. EIGHT, CITY OF MESQUITE, TEXAS; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4523 recorded in Ordinance Book No. 110.)

Resolution No. 67-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE TO CONSIDER APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR GUS THOMASSON TAX INCREMENT FINANCE REINVESTMENT ZONE NO. EIGHT, CITY OF MESQUITE, TEXAS (THE "ZONE"), ENLARGING THE BOUNDARIES AND INCREASING THE GEOGRAPHIC AREA OF THE ZONE TO INCLUDE PROPERTY GENERALLY LOCATED ON BOTH SIDES OF IH-30, NORTH OF ACTION DRIVE, TOPAZ DRIVE, SORRENTO DRIVE AND LOU ANN DRIVE, EAST OF BIG TOWN BOULEVARD AND LA PRADA DRIVE, SOUTH OF JOHN WEST ROAD, THE NORTH LINE OF IH-30, SUSAN DRIVE AND ROCKNE LANE, AND WEST OF MORGAN DRIVE AND EDGEBROOK DRIVE, AND PROPERTY GENERALLY LOCATED ON BOTH SIDES OF MOTLEY DRIVE, SOUTH OF LOU ANN DRIVE, NORTH OF BELLHAVEN DRIVE, WEST OF TEDLOW TRAIL, AND EAST OF VIVA DRIVE; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING. (Resolution No. 67-2017 recorded in Resolution Book No. 52.)

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A. An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine, City of Mesquite, Texas, and making a finding regarding feasibility.

B. A resolution setting a public hearing under Section 311.003 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine, City of Mesquite, Texas ("the Zone"), enlarging the boundaries and increasing the geographic area of the Zone to include property generally located between Samuell Boulevard and Highway 80 on the south, Buckner Boulevard and IH 30 on the west, south of Action Drive on the north and Bamboo Street on the east, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Approved on the Consent Agenda.

Ordinance No. 4524, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR THE TOWN EAST/SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. NINE, CITY OF MESQUITE, TEXAS; MAKING A FINDING REGARDING FEASIBILITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4524 recorded in Ordinance Book No. 110.)

Resolution No. 68-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE TO CONSIDER APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR TOWN EAST/SKYLINE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. NINE, CITY OF MESQUITE, TEXAS (THE "ZONE"), ENLARGING THE BOUNDARIES AND INCREASING THE GEOGRAPHIC AREA OF THE ZONE TO INCLUDE PROPERTY GENERALLY LOCATED BETWEEN SAMUEL BOULEVARD AND HIGHWAY 80 ON THE SOUTH, BUCKNER BOULEVARD AND IH 30 ON THE WEST, SOUTH OF ACTION DRIVE ON THE NORTH AND BAMBOO STREET ON THE EAST; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING. (Resolution No. 68-2017 recorded in

Resolution Book No. 52.)

- 8 A resolution authorizing the City Manager to finalize and execute an Interlocal Agreement with North Central Texas Council of Governments for the period from October 1, 2017, to September 30, 2022, thereby authorizing the City's participation in the Regional Wet Weather Characterization Program.

Approved on the Consent Agenda.

Resolution No. 69-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PERIOD FROM OCTOBER 1, 2017, TO SEPTEMBER 30, 2022, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL WET WEATHER CHARACTERIZATION PROGRAM. (Resolution No. 69-2017 recorded in Resolution Book No. 52.)

- 9 A resolution adopting a Long-Range Plan for the Mesquite Public Library System.

Approved on the Consent Agenda.

Resolution No. 70-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A LONG-RANGE PLAN FOR THE MESQUITE PUBLIC LIBRARY SYSTEM. (Resolution No. 70-2017 recorded in Resolution Book No. 52.)

- 10 RFP No. 2017-113 - Annual Contract for Veterinary Services for Animals Impounded at Mesquite Animal Services.
(Authorize the City Manager to finalize and execute a contract with Hillside Veterinary Clinic, P.C., d/b/a Town East Animal Hospital.)

Approved on the Consent Agenda.

- 11 Bid No. 2018-029 - Purchase of Streets Rollers.
(Staff recommends award to Associated Supply Company, Inc., in Euless, Texas, through BuyBoard Contract No. 515-16, sponsored by the Texas Association of School Boards, in the amount of \$84,799.60.)

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 12 A resolution authorizing the City Manager to finalize and execute a development agreement with BDMR Development, LLC, and Polo Ridge Fresh Water Supply District of Kaufman County regarding approximately 822.1 acres of land generally located south of FM 740, west of FM 2757, and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite and being commonly referred to as "Polo Ridge" and authorizing the City Manager to administer the agreement on behalf of the City.
(This item was postponed at the November 6, 2017, and November 20, 2017, City Council meetings.)

Mr. Miklos left the meeting.

Mr. Noschese moved to approve with the following condition: that the development agreement signed by the City Manager include a reservation of the TIRZ proceeds to offset PID assessments in future years as was discussed and outlined in the presentation and recommendation of the City's financial advisors and to approve Resolution No. 71-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A DEVELOPMENT AGREEMENT WITH BDMR DEVELOPMENT, LLC, AND POLO RIDGE FRESH WATER SUPPLY DISTRICT OF KAUFMAN COUNTY REGARDING APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757, AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE AND BEING COMMONLY REFERRED TO AS "POLO RIDGE" AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstention: Miklos

Motion carried. (Resolution No. 71-2017 recorded in Resolution Book No. 52.)

13

A resolution authorizing the City Manager to finalize and execute a development agreement with CADG Kaufman 146, LLC, and Kaufman County Fresh Water Supply District No. 5 regarding approximately 146.746 acres of land generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City and being commonly referred to as "Heartland Town Center" and authorizing the City Manager to administer the agreement on behalf of the City.

Mr. Noschese moved to approve with the following condition: that the development agreement signed by the City Manager include a reservation of the TIRZ proceeds to offset PID assessments in future years as was discussed and outlined in the presentation and recommendation of the City's financial advisors and to approve Resolution No. 72-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A DEVELOPMENT AGREEMENT WITH CADG KAUFMAN 146, LLC, AND KAUFMAN COUNTY FRESH WATER SUPPLY DISTRICT NO. 5, REGARDING APPROXIMATELY 146.746 ACRES OF LAND GENERALLY LOCATED SOUTH OF INTERSTATE HIGHWAY 20, EAST OF FM 741 AND NORTH OF HEARTLAND PARKWAY IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND BEING COMMONLY REFERRED TO AS "HEARTLAND TOWN CENTER" AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstention: Miklos

Motion carried. (Resolution No. 72-2017 recorded in Resolution Book No. 52.)

END OF CONSENT AGENDA**PUBLIC HEARINGS**

- 14 Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with Industrial Developments International (Texas), L.P., (IDI), for a proposed industrial building in the Skyline Industrial District at 2250 Skyline Dr., Mesquite, Texas.

Mr. Miklos entered the meeting.

A public hearing was held to consider a Chapter 380 agreement with Industrial Developments International (Texas), L.P. (IDI) regarding a proposed industrial building in the Skyline Industrial District at 2250 Skyline Drive.

David Witcher, Director of Economic Development, stated that IDI proposes to develop a 487,000-square-foot commercial building on the remaining 30-acre site. The proposed development-reimbursement agreement would allow a \$340,000.00 reimbursement of water, sewer and roadway impact fees as an incentive for the project. Mr. Witcher reviewed the previous agreements with IDI executed in 2008 and 2009 for Buildings A, B and C in the development.

David Seaman, Vice President of Construction with IDI Gazeley, stated that the Skyline Trade Center is an 87-acre industrial park with one million square feet of existing improvements. The proposed Building D will increase the square footage to over 1.5 million and will include enhanced landscape requirements. The facility lies within the Skyline Logistics Hub Overlay District and accommodates regional and national tenants.

The following persons expressed concerns regarding the proposed agreement: (1) Kristella Longoria, 1325 Huntington Drive; (2) Teia Collier, 1420 Hermitage; (3) Nancy Felix, 2714 Monticello Drive; (4) Jerry Cooksey, 1323 Fernwood; (5) Chris Girvin, 1412 Hermitage; and (6) Charlie Baker, 1713 Huntington.

Councilmembers expressed appreciation to the applicant for their continued investment in Mesquite.

Mr. Noschese moved to approve Resolution No. 73-2017, 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 AGREEMENT FOR SUCH PURPOSES WITH INDUSTRIAL DEVELOPMENTS INTERNATIONAL (Texas), L.P., FOR A PROPOSED INDUSTRIAL BUILDING IN THE SKYLINE INDUSTRIAL DISTRICT IN MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 73-2017 recorded in Resolution Book No. 52.)

- 15 Conduct a public hearing and consider a resolution approving the terms and

conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such purposes with Latin Life, Inc., for a proposed new restaurant at 3855 West Emporium Circle, Mesquite, Texas.

A public hearing was held to consider a Chapter 380 agreement with Latin Life, Inc., regarding a proposed new restaurant at 3855 West Emporium Circle.

Kim Buttram, Assistant Director of Economic Development, stated that the proposed restaurant is the site of the former Spaghetti Warehouse. This property generates \$16,488.00 in City property taxes annually and \$67,289.00 for all taxing entities. The current value, including land, is \$2,400,000.00. With the proposed improvements, the estimated City property tax increase would be \$8,244.00 with an estimated sales tax impact increase of \$80,000.00-\$100,000.00. The applicant has requested a revenue sharing of one percent of the local two percent tax rate for five years.

Antonio Swad, founder of Wingstop and Pizza Patron, introduced the new Porch Swing restaurant brand and presented a rendering of the 300-seat restaurant. Improvements include a new outdoor porch with seating for 100, large masonry outdoor fireplace, brick sound wall, indoor performance stage and a full pie bakery. During weekend hours, live country music will be performed on the stage.

Mr. Swad stated that the estimated investment in the property is \$1.5 million. Structural improvements include a new roof, major foundation repair, a new heating/air conditioning system and new outside masonry work around the patio. There will be 15-20 full-time positions and 35-50 part-time positions available. The anticipated weekly sales are estimated at \$80,000-\$110,000.00 or \$4-5.2 million annually. Mr. Swad anticipates utilizing the tax incentive to market the restaurant to bring customers into Mesquite.

The following persons spoke in favor of the proposed agreement: (1) Sergio Garcia, 1724 Longview and (2) Dan Gaigalas, 1716 Choctaw.

Councilmembers expressed appreciation to the applicant for bringing new business to Mesquite.

Mr. Noschese moved to approve Resolution No. 74-2017, 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 AGREEMENT FOR SUCH PURPOSES WITH LATIN LIFE, INC., FOR A PROPOSED NEW RESTAURANT AT 3855 WEST EMPORIUM CIRCLE, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 74-2017 recorded in Resolution Book No. 52.)

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Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an agreement for such

purposes with Ocampo Brothers, LLC, for a proposed new restaurant at 717 N. Bryan-Belt Line Road, Mesquite, Texas.

A public hearing was held to consider a Chapter 380 agreement with Ocampo Brothers, LLC, regarding a proposed new restaurant at 717 North Bryan-Belt Line Road.

Kim Buttram, Assistant Director of Economic Development, stated that the proposed restaurant, Bull's Pen Café, is the site of the former Steak Angus which has been remodeled with \$150,000.00 worth of upgrades. The restaurant will bring 20 new jobs to Mesquite with an annual sales projection of \$1.4 million, which equates to \$28,000.00 in sales tax to the City. The applicant has requested a tax rebate of \$52,806.00 and a rebate of development fees of \$2,194.00 which is a "total incentive not to exceed \$55,000.00."

Applicant Edward Martinez stated that the Martinez family has operated the Martinez restaurant in Mesquite for 28 years. The proposed facility was in disrepair with major plumbing and interior repairs completed as well as installation of a fire sprinkler system. A new marquee sign has been installed as well as new furniture and kitchen equipment. The anticipated opening date is January 1, 2018.

Sergio Garcia, 1724 Longview, expressed support for the proposed agreement.

Councilmembers expressed appreciation to the applicant for their investment in Mesquite.

Mr. Archer moved to approve Resolution No. 75-2017, 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 AGREEMENT FOR SUCH PURPOSES WITH OCAMPO BROTHERS, LLC, FOR A PROPOSED NEW RESTAURANT AT 717 NORTH BRYAN-BELT LINE ROAD, MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 75-2017 recorded in Resolution Book No. 52.)

17

Conduct a public hearing and consider possible action on Zoning Text Amendment No. 2017-03 amending Chapter 1A-200, Landscape Requirements; Chapter 1A-300, Screening and Buffering Requirements; Section 3-203, Schedule of Permitted Uses; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; Chapter 3-600, Outdoor Sales, Display and Storage Regulations; Chapter 4-930, Skyline Logistics Hub Overlay District; and Section 6-102, Definitions; all pertaining to new and revised regulations for Truck Stops and other development that includes the parking of heavy load vehicles as a principal or accessory use.

(The Planning and Zoning Commission recommends approval. This item was postponed at the September 18, 2017, October 16, 2017, and November 20, 2017, City Council meetings.)

A public hearing was held for Zoning Text Amendment No. 2017-03.

Richard Gertson, Director of Planning and Development Services, stated that the

City Council imposed a moratorium on applications and plans for development for truck stops and other development that includes the parking of heavy load vehicles as a principle use or as an accessory use at its July 3, 2017, Council meeting, and renewed the moratorium for an additional 90 days, which will expire December 29, 2017. The Planning and Zoning Commission has held the required hearings.

Mr. Gertson explained that truck stops would continue to only be permitted in the Skyline Logistics Hub Overlay District and allowed only by Conditional Use Permit. The proposed changes include that truck stops must abut a federal highway or a designated truck route, separation from like uses, an electrification requirement for not less than 50 percent of truck parking spaces, maintain compliance with anti-idling standards, conformance with additional landscape requirements and cannot abut residential property or elementary or secondary educational purposes.

Mr. Gertson stated that the revised use table of the proposed ordinance creates a new classification for truck refueling stations that is separate from limited fuel sales. Limited fuel sales for passenger vehicles would continue to be permitted-by-right in every non-residential zoning district other than Office. However, a refueling station of any size for heavy load vehicles, other than truck stops, would be permitted only by Conditional Use Permit in the Commercial and Industrial zoning districts. Additional location restrictions would include: 1) frontage on a federal highway or a designated truck route; (2) separation of 1,000 feet from a truck stop of another refueling station for heavy load vehicles; (3) parcels not abutting property zoned or used for residential, elementary or secondary school purposes; and (4) separation of at least 2,000 feet from any residentially zoned or used property along the same street right-of-way; and (5) compliance with anti-idling regulations.

The following persons spoke in opposition to some of the amendments, specifically truck stops: (1) Thomas Hubacek, 1324 Fernwood Drive; (2) Charlotte Clouch, 3007 Portsmouth Drive; (3) Chris Girvin, 1412 Hermitage Drive; (4) Teia Collier, 1420 Hermitage Drive; (5) Dan Gaigalas, 1716 Choctaw Drive; (6) John McDaniels, 2602 Whitson Way; (7) Nancy Felix, 2714 Monticello Drive; (8) Charlie Baker, 1713 Huntington Drive; (9) Minh Huynh, 308 Keswick Lane; (10) Casey Beaman, 1517 Oxford Place; (11) Phillip Buford, 4209 Arbor Drive; and (12) Glenda Brown, 1405 Oxford Place.

Mayor Pickett stated that this agenda item is not for approval of an individual truck stop but for the Council to decide the regulations for any future truck stops in the City of Mesquite.

Councilmembers expressed concerns regarding allowing future truck stops and requested additional information for consideration at the December 18, 2017, City Council meeting.

Mr. Miklos moved to continue the public hearing and postpone consideration of possible action on Zoning Text Amendment No. 2017-03 amending Chapter 1A-200, Landscape Requirements; Chapter 1A-300, Screening and Buffering Requirements; Section 3-203, Schedule of Permitted Uses; Chapter 3-300, Development Standards; Chapter 3-400, Off-Street Parking and Loading; Chapter 3-500, Supplementary Use Regulations; Chapter 3-600, Outdoor Sales, Display and Storage Regulations; Chapter 4-930, Skyline Logistics Hub Overlay District;

and Section 6-102, Definitions; all pertaining to new and revised regulations for Truck Stops and other development that includes the parking of heavy load vehicles as a principal or accessory use to the December 18, 2017, City Council meeting. Staff was directed to prepare an ordinance, as recommended by the Planning and Zoning Commission, with the following additions: (1) prohibit truck stops within the City limits of the City of Mesquite, (2) increase the residential separation requirement for refueling stations for heavy load vehicles from 2,000 to 5,000 feet and (3) clarify the status of pre-existing uses that currently have heavy load vehicle refueling stations. Motion was seconded by Mr. Casper and approved unanimously.

18

Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Polo Ridge Tax Increment Reinvestment Zone (TIRZ) No. 10, City of Mesquite, Texas, describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date of termination of the Zone, providing that the Zone take effect immediately upon passage of the ordinance.

Mr. Miklos left the meeting.

A public hearing was held to consider an ordinance designating a contiguous geographic area within the extraterritorial jurisdiction of the City of Mesquite as a reinvestment zone, to be known as Polo Ridge Tax Increment Reinvestment Zone (TIRZ) No. 10, establishing the boundaries and establishing a Board of Directors.

No one appeared regarding the Polo Ridge TIRZ.

Mr. Archer moved to approve Ordinance No. 4525, with the following changes: (1) remove Robert Miklos as a board member from Section 4(f) and (2) change "forty-one percent (41%)" to "not to exceed fifty-one percent (51%)" in Section 6, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA CONSISTING OF APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER TEN, CITY OF MESQUITE, TEXAS (POLO RIDGE); DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4525 recorded in Ordinance Book No. 110.)

19

Conduct a public hearing and consider a resolution authorizing and creating the Polo Ridge Public Improvement District (PID) to include approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code.

A public hearing was held to consider a resolution and creating the Polo Ridge Public Improvement District (PID) to include approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code.

No one appeared regarding the Polo Ridge PID.

Mr. Archer moved to approve Resolution No. 76-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND CREATING THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT TO INCLUDE APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; 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: Archer, Aleman, Pickett, Casper, Noschese, Boroughs

Nays: None

Abstentions: Miklos

Motion carried. (Resolution No. 76-2017 recorded in Resolution Book No. 52.)

APPOINTMENTS TO BOARDS AND COMMISSIONS

20

Consider appointment of four regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2020.

Mr. Archer moved to appoint Glenn Dickerson, Sam Motley and Ron Hall as regular members to the Building Standards Board and Joe E. Smith as an alternate member, all for terms to expire January 1, 2020. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nays: None

Absent: Miklos

Motion carried.

21

Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2020, and one member for

a term to expire December 31, 2018.

Mr. Miklos entered the meeting.

Mr. Casper moved to approve Evelyn Williams and Jack Love to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2020, and Joy Vroonland for a term to expire December 31, 2018. Motion was seconded by Mr. Aleman and approved unanimously.

22

Consider appointment of three regular members to the Municipal Library Advisory Board for terms to expire December 4, 2019, and two alternate members for terms to expire December 4, 2018.

Mr. Aleman moved to appoint Beverly Hollingsworth, Barbara Dunn and Thomas Brown as regular members to the Municipal Library Advisory Board for terms to expire December 4, 2019. Motion was seconded by Mr. Noschese and approved unanimously.

PRE-MEETING - TRAINING ROOMS A&B - 10:00 P.M.

2

Review Final Report of Charter Review Committee.

Council directed staff to prepare ballot language on various areas to be considered in the May 5, 2018, election.

ADJOURNMENT

Mr. Miklos moved to adjourn the meeting. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 11:52 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor