



City of Mesquite, Texas

Minutes - Final City Council

Monday, August 19, 2024

6:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Jeff Casper, Tandy Boroughs, Kenny Green, Elizabeth Rodriguez-Ross and Brandon Murden, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmembers B.W. Smith.

PRE-MEETING - TRAINING ROOMS A&B - 6:00 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:47 P.M.

Mayor Alemán 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. 24 – Discuss an update to economic development incentives for a project at IH-20 and Lawson Road; Item No. 25 – Discuss an update to economic development incentives for a project at Scyene Road and Faithon P. Lucas, Sr., Boulevard.); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 7:16 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:17 P.M.

Councilmember Jeff Casper left the meeting.

INVOCATION

Morris Jackson, Pastor, Word of Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Murden announced that Keep Mesquite Beautiful (KMB), Inc., will hold the 2nd Annual Butterfly Ball on Saturday, September 7, 2024, at the Mesquite Convention Center, 1750 Rodeo Drive. The VIP reception will be held at 6:00 p.m., followed by dinner at 7:00 p.m. The theme for this year's fundraising gala is "The Butterfly Effect" and will celebrate KMB's 36th Anniversary. Come enjoy dinner, drinks, live music, dancing, a silent auction and more. All proceeds from the gala will go toward the beautification and education of the Mesquite community.
2. Mr. Boroughs stated that Mesquite water customers can get the most value from every drop of water by using a service the City offers called WaterSmart. This free online program provides tools for residents to manage water use. You can access utility data on an hourly, monthly or daily basis to view water use compared to similar-sized homes. You can also get customized recommendations for how to save water and money. WaterSmart also has a "leak alert" feature that will notify you in real-time about potential leaks at your home. Find out more at www.cityofmesquite.com/WaterSmart.
3. Ms. Rodriguez-Ross stated that school is back in session and drivers are urged to pay extra attention in school zones and at crosswalks. That means no texting while driving, no cellphone usage in crosswalks, watch for children when driving near schools, stop for school buses, and please "Drive Like Your Family Lives Here." Visit www.DriveLikeYourFamilyLivesHere.com to learn more about the City's safe-driving campaign.
4. Mr. Green encouraged residents and businesses to continue donating jelly and nut butters or seed butters to the Spread the Love campaign through Labor Day. The City partners with Sharing Life to distribute food collected through this program to provide nutritious food that kids can make at home by themselves. See www.cityofmesquite.com/SpreadTheLove to see details and where to drop off items. Financial donations can be made online at sharing.life/donate.
5. Mr. Casper stated that the Mesquite Animal Shelter and Adoption Center is once again participating in the national Clear the Shelters campaign that promotes pet adoption and donations. On Saturday, September 7, 2024, from 1:00 p.m. to 5:30 p.m., the Animal Shelter will host a special one-day adoption event – waiving all fees. Animals available for adoption are sterilized, vaccinated and microchipped. Also, the Animal Shelter is reducing pet adoption fees to \$10.00 throughout August for all available animals. If you can't adopt a pet, you can still participate with financial contributions or donation of items. Visit www.cityofmesquite.com/AnimalServices to find out how to donate and to see available pets in the shelter.
6. Mayor Alemán announced that the Solid Waste crews have completed debris collection from the May 28, 2024, storm. During this process, more than 11,800 tons of brush was collected. It was a historic storm and the cleanup effort has been unprecedented. The support and patience of all residents is very appreciated. The regular trash collection schedule has resumed, which means bulk and brush pickups will take place on your normal collection days. Residents can find helpful tips about how to properly separate debris as well as bulk collection days at www.cityofmesquite.com/SolidWaste. He expressed appreciation to City staff in the Solid Waste Division, Parks and Recreation Department, Golf Course and Public Works Department for their dedication during this time.
7. Mayor Alemán stated that there has been some buzz about positive West Nile cases in Mesquite and Dallas County. There have been fewer than 10 human cases in Dallas County, with only one case in Mesquite. That's pretty low for a city with a population of 154,000, that means that the Health Department has been doing a great job of keeping residents safe during the very active mosquito season we have experienced this year by spraying affected areas when positive West Nile reports are received. You can find out more about the West Nile virus and mosquito prevention at www.cityofmesquite.com/MosquitoControl. You can also see an interactive map that tells you when and where the City has sprayed.

8. Mayor Alemán reminded residents to check on their elderly neighbors during this time of extreme heat in our area.

APPOINTMENTS FOR PERSONAL APPEARANCE

- 1 Appointment - Representatives of Hilltop Securities, Inc.
(Representatives of Hilltop Securities, Inc., will review the 2024 issuance and sale of bonds.)

Jason Hughes, Managing Director, Hilltop Securities, Inc., reviewed the process for the fiscal year 2024 bond sale. Mr. Hughes recommended that Council approve a list of parameters for City staff to approve pricing of the following bond sales: (1) \$15,445,000, General Obligation (GO) Bonds, Series 2024; (2) \$34,090,000, Combination Tax and Limited Surplus Revenue Certificates of Obligation (CO), Series 2024; and (3) \$17,810,000, Waterworks and Sewer System (WSS) Revenue Bonds, Series 2024.

Mr. Hughes stated that Standard and Poor's (S&P) affirmed the City's credit rating of "AA" and Moody's affirmed a rating of "Aa2".

- 2 An ordinance providing for the issuance of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2024, in the approximate aggregate principal amount of \$37,350,000; levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; authorizing the execution and delivery of a paying agent/registrar agreement; approving the official statement; and enacting provisions incident and relating to the subject and purposes of said ordinance.

Mr. Green moved to approve Ordinance No. 5122, AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF MESQUITE, TEXAS, COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$34,090,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES AND AWARDING THE SALE THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSES OF THIS ORDINANCE. Motion was seconded by Mr. Murden and approved unanimously. (Ordinance No. 5122 recorded in Ordinance Book No. 132.)

- 3 An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2024, in the approximate principal amount of \$17,750,000; approving an official statement; awarding the sale thereof; making provisions for the security thereof; authorizing the execution and delivery of a paying agent agreement; providing an effective date; approving and enacting other provisions relating thereto.

Mr. Green moved to approve Ordinance No. 5123, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2024, IN THE PRINCIPAL AMOUNT OF \$17,810,000; APPROVING AN OFFICIAL STATEMENT; AWARDING THE SALE THEREOF; MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT AGREEMENT, PROVIDING AN EFFECTIVE DATE; APPROVING AND ENACTING

OTHER PROVISIONS RELATING THERETO. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 5123 recorded in Ordinance Book No. 132.)

- 4** An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Bonds, Series 2024, in the approximate aggregate principal amount of \$16,500,000; levying a tax in payment thereof; prescribing the form of said bonds; awarding the sale thereof; authorizing a paying agent agreement; approving the official statement; and enacting other provisions relating thereto.

Mr. Green moved to approve Ordinance No. 5124, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2024, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$15,445,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; AWARDED THE SALE THEREOF; AUTHORIZING A PAYING AGENT AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 5124 recorded in Ordinance Book No. 132.)

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Murden requested that Item No. 7 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously.

- 5** Minutes of the regular City Council meeting held August 5, 2024.

- 6** An ordinance amending Chapter 2 of the City Code to update the political contribution limitations based on the changes to the Consumer Price Index.

Approved on the Consent Agenda.

Ordinance No. 5125, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE BY DELETING SECTIONS 2-159(a) AND 2-159(c) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 2-159(a) AND 2-159(c) TO UPDATE THE POLITICAL CONTRIBUTION LIMITATIONS; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING A PENALTY IN ACCORDANCE WITH MESQUITE CITY CODE, CHAPTER 1, SECTION 1-6 (GENERAL PENALTIES); AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5125 recorded in Ordinance Book No. 132.)

- 8** An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements, Phase No. 2 Major Improvements and Phase No. 2 Specific Improvements for the Heartland Town Center Public Improvement District (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2024-2025 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as

amended.

Approved on the Consent Agenda.

Ordinance No. 5126, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS, PHASE #2 IMPROVEMENTS, PHASE #2 MAJOR IMPROVEMENTS, AND PHASE #2 SPECIFIC IMPROVEMENTS FOR THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE FISCAL YEAR 2024-2025 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. 5126 recorded in Ordinance Book No. 132.)

9

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 2024 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Approved on the Consent Agenda.

Ordinance No. 5127, 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 2024 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. 5127 recorded in Ordinance Book No. 132.)

10

An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements and Phase Nos. 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 2024-2025 Annual Service Plan Update and updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Approved on the Consent Agenda.

Ordinance No. 5128, 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 2024-2025 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. 5128 recorded in Ordinance Book No. 132.)

- 11 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for authorized improvements in Improvement Area A-1, C-1, C-2, and C-3 in the Solterra Public Improvement District (the "District"); making and adopting findings, accepting, and approving the 2024 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Approved on the Consent Agenda.

Ordinance No. 5129, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS IN IMPROVEMENT AREAS A-1, C-1, C-2, AND C-3 IN THE SOLTERRA PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE 2024 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5129 recorded in Ordinance Book No. 132.)

- 12 Bid No. 2020-060 - Mesquite Independent School District Interlocal Cooperative Purchasing Agreement - Annual Fiber Optic Cabling Repair and Maintenance.
(Staff recommends ratification of a change order for payment of services rendered by Future Infrastructure, LLC, for fiber locates and repairs in the amount of \$172,286.20.)

Approved on the Consent Agenda.

- 13 Bid No. 2024-151 - Mesquite Independent School District Interlocal Cooperative Purchasing Agreement (Bid No. 2020-060) - Annual Fiber Optic Cabling Repair and Maintenance.
(Authorize the City Manager to finalize and execute a contract with Future Infrastructure, LLC, for fiber locates and repairs in an amount not to exceed \$250,000.00.)

Approved on the Consent Agenda.

- 14 Bid No. 2024-016 - Roadway Maintenance for Oates Drive.
(Authorize the City Manager to finalize and execute a contract with Texas Materials Group, Inc., in the amount of \$1,470,629.95.)

Approved on the Consent Agenda.

- 15 Bid No. 2024-134 - Annual Supply of Neptune Mach 10 V5 Electronic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP in an amount not to exceed \$546,817.98.)

Approved on the Consent Agenda.

- 16 Bid No. 2024-143 - Mesquite Golf Course: Parking Lot Lighting.
(Authorize the City Manager to finalize and execute a contract and any required documents with Voss Electric Company, dba Voss Lighting, for the purchase and installation of LED parking lot lights, through Omnia Purchasing Cooperative Contract No. 02-83, in an amount of \$132,390.00.)
Approved on the Consent Agenda.
- 17 Bid No. 2024-153 - Purchase of 8-Yard Rear Loader for Solid Waste.
(Staff recommends award to Rush Truck Centers of Texas, L.P., through BuyBoard Contract No. 723-23, in an amount not to exceed \$155,318.40.)
Approved on the Consent Agenda.
- 18 Bid No. 2024-155 - Repair of Jet Cleaning Vactor Truck.
(Staff recommends ratification of the total expenditure of \$151,327.04, without competitive bidding, for emergency repairs and authorizing payment to Kinloch Equipment & Supply, Inc.)
Approved on the Consent Agenda.
- 19 Authorize the City Manager to finalize and execute a Professional Services Contract with McCoy Collaborative Preservation Architecture, PLLC, for design and construction documents and construction administration in an amount not to exceed \$500,000.00 for restoration of the Opal Lawrence Historic House, located at 701 East Kearney Street.
Approved on the Consent Agenda.
- 20 Ratification of the total expenditure of \$289,553.00, without competitive bidding, for the emergency repair sewer line that serves East Cartwright Road and authorizing payment to North Texas Contracting, Inc. for such repairs.
Approved on the Consent Agenda.

CONSENT AGENDA ITEM(S) CONSIDERED SEPARATELY

- 7 An ordinance, on first reading, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2024 Rate Review Mechanism filing, declaring existing rates to be unreasonable, adopting tariff's 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 attachment establishing a benchmark for pensions and retiree medical benefits, 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.
- Suzy Cluse, Assistant City Manager, stated that over 180 cities are members of the Atmos Cities Steering Committee (ACSC). The ACSC negotiates natural gas rates on behalf of citizens. On April 1, 2024, Atmos Energy filed a rate request pursuant to Rate Review Mechanism (RRM) adopted by ACSC members. The**

company claimed that its cost-of-service in a test year ending December 31, 2023, entitled it to additional system-wide revenues of \$196.8 million. Applications of the standards set forth in ACSC's RRM Tariff reduces the company's request to \$182.5 million, \$132.6 million of which would be applicable to ACSC members. After reviewing the filing and conduction discovery, ACSC consultants concluded that the system-wide deficiency under the RRM regime should be \$149.6 million instead of the claimed \$182.5 million. After several meetings the parties agreed to settle the case for \$164.7 million, which is a reduction of \$32.1 million to the Company's initial request. This settlement includes payment of ACSC expenses.

Ms. Cluse stated that the impact of the settlement on average residential rates is an increase of \$5.52 monthly or 6.84 percent. The increase for average commercial usage will be \$13.39 or 3.44 percent. These new rates become effective on October 1, 2024. The City Charter requires ordinances regulating rates for public utilities to be read and passed at two regular meetings of the City Council. This is the first of two readings of the proposed ordinance.

Mr. Murden moved to approve AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON FIRST READING, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2024 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously.

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 21 Consider appointment of one Regular Member (Position No. 2) to the Building Standards Board for a term to expire December 31, 2024.

Mr. Boroughs moved to appoint Charles Blacklock as a Regular Member (Position No. 2) to the Building Standards Board for a term to expire December 31, 2024. Motion was seconded by Mr. Green and approved unanimously.

OTHER BUSINESS

- 22 Consider an application to allow fee in lieu of or waiver of park land dedication for the Town East Trails Mesquite senior living apartments, located at 3625 Poteet Drive.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant has received zoning approval for a 76-unit age-restricted multifamily development and has requested to pay a \$162,389.93 fee in lieu of or waiver of

dedicating 1.3 acres of land for park purposes. However, in lieu of paying the fee and because the proposed development is intended to provide affordable housing for seniors, the applicant is requesting that the Council waive the fee entirely. The applicant is willing to install a pickle ball court on the property in addition to other amenities already approved by the Council in the Planned Development concept plan.

Mr. Green moved to approve the applicant's request to pay a fee in lieu of making a park land dedication and reducing the fee to the amount of \$100,000.00 subject to the applicant completing the lighted pickleball court as depicted in the applicant's July 16, 2024, application prior to issuance of a certificate of occupancy for this project and if that does not occur, then the fee shall be in the full amount of \$162,389.93. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously.

PUBLIC HEARINGS

23

Conduct a public hearing and consider an ordinance revising the City Code by making a Zoning Ordinance Text Amendment, ZTA No. 2024-04, thereby revising Appendix C - Zoning Ordinance, Parts 3 and 6, for the purpose of updating the City's ordinances regarding revising and establishing regulations for drone delivery services.

(The Planning and Zoning Commission recommends approval of the zoning text amendment. This item was postponed at the August 5, 2024, City Council meeting.)

A public hearing was held regarding Zoning Ordinance Text Amendment No. 2024-04.

Jeff Armstrong, Director of Planning and Development Services, stated that the Zoning Ordinance does not currently include provisions for drone delivery services. Staff proposes regulations for drone delivery as a primary use of property and drone delivery accessory to established permitted uses. Proposed regulations include location standards, fencing and separation from residential and park uses. If Council were to approve the ordinance, staff recommends eliminating line 11 on Page 2 of the ordinance exhibit.

At the August 5, 2024, City Council meeting, a question arose about regulating hours of operation for drone delivery. Staff recommends not including hours of operation as none of the cities surveyed include this stipulation.

No one appeared regarding the proposed Zoning Ordinance Text Amendment No. 2024-04.

Mr. Murden moved to approve Ordinance No. 5130, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2024-04, THEREBY REVISING APPENDIX C - ZONING ORDINANCE, PART 3 (NONRESIDENTIAL DISTRICTS), 3-200 (USE REGULATIONS), SECTION 3-203 "NONRESIDENTIAL DISTRICTS: SCHEDULE OF PERMITTED USES;" 3-500 (SUPPLEMENTAL USE REGULATIONS); 3-700 (ACCESSORY STRUCTURE REGULATIONS); AND PART 6 (DEFINITIONS), 6-100 (DEFINITIONS AND INTERPRETATION OF TERMS), SECTION 6-102 "DEFINITIONS" FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR DRONE DELIVERY STATIONS; PROVIDING CONFLICTS RESOLUTION, SAVINGS,

AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Green. On call for a vote on the motion, the following votes were cast:

Ayes: Murden, Green, Rodriguez-Ross, Alemán

Nays: Boroughs

Absent: Smith, Casper

Motion carried. (Ordinance No. 5130 recorded in Ordinance Book No. 132.)

Mayor Alemán recognized Jeff Armstrong, Director of Planning and Development Services, and his wife Judy. Tonight is Jeff's last City Council meeting with the City of Mesquite. Jeff has been with the City for 17 years and is leaving his position for a new opportunity with another City.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously. The meeting adjourned at 8:02 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor