



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 3, 2022

5:00 PM

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

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Present: Mayor Daniel Alemán, Jr. and Councilmembers Kenny Green, Tandy Boroughs, B. W. Smith, Jeff Casper, Jennifer Vidler and Debbie Anderson; 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 proposed Impact Fee Study Update for water and wastewater.

Council directed staff to propose an impact fee in a range of 40-50 percent and evaluate the impact of all fees on home building.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:50 P.M.**

- 2 Receive Economic Development Department Council update.

Beverly Abell, Downtown Development Manager, reviewed statistics including building permits issued and certificates of occupancy issued. Economic highlights include recent grand openings of Oak Street Health, Cinnaholic, The Pickle Juice Company, Culichi Town and Alejandro's at Front Street Station. Black Bear Diner will open next Tuesday, October 4, 2022. The City of Mesquite was named third of 29 top Economic Development Agencies by the Dallas Business Journal for 2021, with \$451 million in deals.

Ms. Abell stated that Heritage Plaza, 111 Broad Street, was recently rehabilitated and is now the home of the Convention and Visitors Bureau, Downtown Development Team, Chamber of Commerce and Visitors Center. The building also contains public restrooms for downtown visitors. Another recent development is the installation of public art on the Downtown Mesquite buildings.

Councilmembers expressed appreciation to Ms. Abell for the time and effort put into the Downtown Mesquite rehabilitation.

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

Michael Luster, Sr., Pastor, New Beginnings Fellowship, Mesquite.

**PLEDGE OF ALLEGIANCE**

Representatives from the Mesquite Fire and Police Departments and Dispatch.

**SPECIAL ANNOUNCEMENTS**

1. Mr. Casper stated that as of October 1, 2022, STAR Transit will no longer be operating the City of Mesquite Passenger Shuttle Service (COMPASS). Instead, STARNow will transport passengers to and from Hanby Stadium and the Dallas Area Rapid Transit (DART) Lawnview Station via shuttle service. Shuttles operate Monday through Friday and depart each location at designated times.
2. Mr. Green invited citizens to attend a District 2 Neighborhood Meeting on Saturday, October 29, 2022, at 10:00 a.m., at McKenzie Elementary School, 3535 Stephens Green Drive.
3. Ms. Vidler encouraged citizens to attend the 19th Annual PumpkinFest on Saturday, October 15, 2022, from Noon to 5:00 p.m., at Paschall Park, 1001 New Market Road. This free family-friendly event will feature carnival games, bounce houses, children's activities and much more.
4. Mr. Boroughs stated that the U.S. Small Business Association's Disaster Field Operations Center – West announced the extension of hours at the Balch Springs and Dallas Disaster Loan Outreach Centers. Both centers will now be open on Monday through Saturday. Disaster loans are available for businesses and individuals who were affected by the severe storms and flooding that occurred on August 22 – 25, 2022. For more information, visit [www.disasterloanassistance.sba.gov](http://www.disasterloanassistance.sba.gov).
5. Mr. Boroughs stated that he and Mark North, a volunteer on the Fire Corps Rehab vehicle, were called out to the fire at Tradewind Apartments, at 3:00 a.m., on Friday, September 30, 2022. He stated that Mark stayed at the fire for 16½ hours, after working all day, until the last Firefighter and Police Officer left the scene. Mr. Boroughs expressed appreciation to Mark North for his volunteer work and his dedication to the City.
6. Mr. Smith invited citizens to a District 5 Neighborhood Meeting on Saturday, October 8, 2022, at 10:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.
7. Ms. Anderson stated that Addressing Mesquite Day was held last Saturday, October 1, 2022. The partnership with the Mesquite Ministerial Alliance (MMA) and the City completed more than 70 projects with more than 600 volunteers. Addressing Mesquite Day focuses on home repairs for senior citizens, single parents, military veterans and disabled homeowners in the City. Area businesses provided \$40,000.00 in monetary and in-kind donations to assist with this event. Mesquite Independent School District (MISD) students hauled and bundled landscaping and fence debris projects. Of the 600 plus volunteers, nearly 282 were students. She thanked MISD, MMA and the City for this successful event.
8. Mayor Alemán reminded citizens that the City's HOME (Helping Others in Mesquite Everyday) Program is a year-round program that assists elderly and disabled residents with exterior home repairs and yard work.
9. Mayor Alemán stated that Hispanic Heritage Month continues through October 15, 2022, by celebrating contributions from Spain, Mexico, the Caribbean and Central and South America. The Mesquite Arts Center is holding many Hispanic Heritage events that are free and open to the public, both virtual and in-person. He stated that different Hispanic-owned businesses are highlighted every day on his Facebook page at [www.facebook.com/MesquiteTXMayor](http://www.facebook.com/MesquiteTXMayor).

**CITIZENS FORUM**

Barbara Nitis spoke regarding Small Business Administration Disaster Assistance for the flooding event that occurred August 22, 2022 – August 25, 2022. She stated that the last day to file an application is November 14, 2022.

**CONSENT AGENDA****Approval of the Consent Agenda**

Mr. Green requested that Item No. 11 be removed from the Consent Agenda to be considered separately. Mr. Casper requested that Item No. 17 be removed from the Consent Agenda to be considered separately. Ms. Vidler moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Casper and approved unanimously.

- 3 Minutes of the regular City Council meeting held September 19, 2022.

**Approved on the Consent Agenda.**

- 4 A resolution finding that Oncor Electric Delivery Company, LLC's application to change rates within the City should be denied, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, finding that the meeting at which this Resolution is passed is open to the public as required by law and requiring notice of this Resolution to the Company and legal counsel.

**Approved on the Consent Agenda.**

**Resolution No. 35-2022, A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No. 35-2022 recorded in Resolution Book No. 65.)**

- 5 A resolution authorizing the City Manager to execute a release and abandonment of Twin Oaks Drive Drainage Easement Tracts (Tract No. 1 through Tract No. 6) along Twin Oaks Drive southwest of Cartwright Road and dedication by the final plat of Twin Oaks Drive Right-of-Way as recorded in Volume 2003194, Page 160, Map Records, Dallas County, Texas.

**Approved on the Consent Agenda.**

**Resolution No. 36-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE AND ABANDONMENT OF TWIN OAKS DRIVE DRAINAGE EASEMENT TRACTS (TRACT #1 THROUGH TRACT #6) ALONG TWIN OAKS DRIVE SOUTHWEST OF CARTWRIGHT ROAD AND DEDICATED BY THE FINAL PLAT OF TWIN OAKS DRIVE RIGHT-OF-WAY AS RECORDED IN VOLUME 2003194, PAGE 160, MAP RECORDS, DALLAS COUNTY, TEXAS. (Resolution No. 36-2022 recorded in Resolution Book No. 65.)**

- 6 A resolution to resell tax-foreclosed properties located at 121 Woodbridge Way and 613 Willowbrook Drive by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.
- Approved on the Consent Agenda.**
- Resolution No. 37-2022, A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, OF THE COUNTY OF DALLAS, TEXAS, TO RESELL TAX FORECLOSED PROPERTIES LOCATED AT 121 WOODBRIDGE WAY AND 613 WILLOWBROOK DRIVE BY PUBLIC OR PRIVATE SALE, TO THE HIGHEST QUALIFIED PURCHASER, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE. (Resolution No. 37-2022 recorded in Resolution Book No. 65.)**
- 7 A resolution repealing Resolution No. 51-2016 and adopting a new tax lien foreclosure policy.
- Approved on the Consent Agenda.**
- Resolution No. 38-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTION NO. 51-2016 AND ADOPTING A NEW TAX LIEN FORECLOSURE POLICY. (Resolution No. 38-2022 recorded in Resolution Book No. 65.)**
- 8 RFP No. 2022-110 - Upgrade Building Automation Systems.  
(Staff recommends award to Texas Building Controls, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$90,196.64 for the upgrade of the City's Building Automation Systems)
- Approved on the Consent Agenda.**
- 9 Bid No. 2022-138 - Annual Contract for Utility Concrete Repair (Area 1).  
(Staff recommends award to Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$527,100.00. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)
- Approved on the Consent Agenda.**
- 10 Bid No. 2022-139 - Annual Contract for Utility Concrete Repair (Area 2).  
(Staff recommends award to Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in an amount not to exceed \$527,100.00. The term of the contract is for a one-year period, with two additional one-year renewals. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)
- Approved on the Consent Agenda.**
- 12 Bid No. 2022-144 - Avaya Phone System Subscription and Annual Maintenance (DIR-CPO-4644).  
(Authorize the City Manager to finalize and execute a contract and any required documents with Lantana Communications Corporation, for the purchase of

annual subscription licensing and maintenance for the City's Avaya Phone System, through Texas Department of Information Resources Contract No. DIR-CPO-4644, in an amount not to exceed \$74,971.08. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2022-145 Avaya Phone System Software Upgrade Services.  
(Authorize the City Manager to finalize and execute a contract and any required documents with Lantana Communications Corporation, for the purchase of software upgrade services for the City's Avaya Phone System, through Texas Department of Information Resources Contract No. DIR-CPO-4644, in an amount not to exceed \$83,350.00.)

**Approved on the Consent Agenda.**

- 14 Bid No. 2022-150 - Ratification of the Annual Contract for Supply of Asphalt for Type B.  
(Staff recommends ratification of the contract with Texas Materials Group Inc., dba Oldcastle Materials Texas, Inc., and TexasBit, a CRH company, for the purchase of Hot Mix Asphaltic Concrete Pavement, Type B, in an amount not to exceed \$86,445.45, through an Interlocal Cooperative Purchasing Agreement with the City of Garland. The term of the contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 15 Bid No. 2022-153 - Rental of Odor Control Equipment.  
(Staff recommends ratification of odor control equipment rental fees in the amount of \$122,138.63, through Houston-Galveston Area Council Contract No. RN11-19, and to authorize the City Manager to finalize and execute a contract with United Rentals (North American), Inc., for rental of odor control equipment, through Sourcewell Contract No. 062320-URI, in the amount not to exceed \$116,790.81. The term of the contract is for a one-year period, with one additional one-year renewal option. The City Manager is authorized to exercise the renewal option subject to the annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 16 Authorize the City Manager to finalize and execute a Project Financing Agreement (City of Crandall Water Supply Project) with the City of Crandall for certain water transmission line improvements.

**Approved on the Consent Agenda.**

- 18 A resolution determining to request financial assistance from the Texas Department of Transportation for purposes of preparation of an Airport Master Plan, designating the Texas Department of Transportation (TxDOT) as an agent for the purposes of applying for, receiving, and disbursing all funds, authorizing

the expenditure of up to \$50,000.00 of City funds for the plan; and authorizing the City Manager to execute all contracts and agreements as necessary.

**Approved on the Consent Agenda.**

**Resolution No. 39-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING TO REQUEST FINANCIAL ASSISTANCE FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR PURPOSES OF PREPARATION OF AN AIRPORT MASTER PLAN; DESIGNATING THE TEXAS DEPARTMENT OF TRANSPORTATION AS AN AGENT FOR THE PURPOSES OF APPLYING FOR, RECEIVING, AND DISBURSING ALL FUNDS; AUTHORIZING THE EXPENDITURE OF UP TO \$50,000.00 OF CITY FUNDS FOR THE PLAN; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL CONTRACTS AND AGREEMENTS AS NECESSARY. (Resolution No. 39-2022 recorded in Resolution Book No. 65.)**

- 19 Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation (TxDOT), Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

**Approved on the Consent Agenda.**

- 20 Authorize the City Manager to finalize and execute a Consent to Assignment of Ground Lease with Hangar 1280, LLC.

**Approved on the Consent Agenda.**

#### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 11 RFP No. 2022-142 - Development of 5025 Kiamesha Way, Mesquite, Texas for Single Family Development.  
(Staff recommends acceptance of the Affluency Homes, LLC, proposal for the sale of 5025 Kiamesha Way in the amount of \$45,000.00 for a single-family development and authorize the City Manager to execute the Contract for Sale and all necessary closing documents.)

Ted Chinn, Assistant City Manager, stated that in early June 2022, the City's Economic Development Department received an inquiry on the availability of City-owned property located at 5025 and 5107 Kiamesha Way. The City acquired these two lots in February 2000 for drainage purposes related to Phase IV of the South Mesquite Creek Drainage Improvement Project, and the homes located on these lots were later demolished to allow construction of drainage infrastructure. After consultation with City Engineering staff, it was determined that 5025 Kiamesha Way could be developed again as single-family infill residential. The vacant lot located at 5025 Kiamesha Way ended up with a five-foot sanitary sewer line along the north property line, whereas the vacant lot at 5107 Kiamesha Way has underground drainage infrastructure bisecting the lot and rendering it undevelopable.

Mr. Chinn stated that one of the allowable methods of selling real property owned by the City is the sealed bidding procedure under Chapter 272 of the Texas Local Government Code, which requires notice to the general public of the sale in a newspaper of general circulation describing the land, its location, and the procedure by which sealed bids to purchase the land may be submitted.

On August 4, 2022, the City issued a Request for Proposals (RFP) to develop the property as single-family infill residential, and the City received only one proposal from Affluency Homes, LLC.

Mr. Chinn stated that Affluency Homes' proposal meets the qualifications specified in the RFP and their proposed housing concept meets the City's zoning requirements and aligns with the type of infill development contemplated by City staff. The purchase price is the fair market value as indicated by Dallas Central Appraisal District. Mr. Chinn presented two concept elevation and floor plans of homes recently built by Affluency Homes, LLC.

Councilmembers expressed concerns regarding the compatibility of the concept plan designs with other homes in the neighborhood.

Stan Mpofo, representing Affluency Homes, LLC, stated that they will work with their design team to produce a design more suitable for this neighborhood.

Jeff Casper moved to approve RFP No. 2022-142, Development of 5025 Kiamesha Way, Mesquite, Texas for Single Family Development. Motion was seconded by Mr. Green and approved unanimously.

17

Approve the purchase of a tract of improved land containing approximately 0.3759 acres and being located at 617 North Ebrite Street, Mesquite, Dallas County, Texas (the "Property") from the Mesquite Chamber of Commerce of Mesquite, Texas (the "Seller") for the purchase price of \$305,000.00, plus closing costs, authorize the City Manager to finalize and execute a Purchase and Sale Agreement between the Seller and the City for the purchase of the Property and to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property.

Ted Chinn, Assistant City Manager, stated as briefed at the April 4, 2022, and July 5, 2022, City Council meetings, the City became aware of an opportunity to acquire the tract of land and the 2,695-square-foot office building owned by the Mesquite Chamber of Commerce, located at 617 North Ebrite Street. The City Council provided staff with direction to acquire the property. He stated that the current appraised value of the property is \$377,000.00, and the negotiated purchase price is \$305,000.00.

Mr. Green moved to approve the purchase of a tract of improved land containing approximately 0.3759 acres and being located at 617 East Ebrite Street, Mesquite, Dallas County, Texas from the Mesquite Chamber of Commerce of Mesquite, Texas for the purchase price of \$305,000.00, plus closing costs, authorize the City Manager to finalize and execute a Purchase and Sale Agreement between the seller and the City for the purchase of the property and to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the property. Motion was seconded by Ms. Vidler. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Vidler, Alemán, Boroughs, Smith, Anderson  
Nays: Casper

Motion carried.

**END OF CONSENT AGENDA**

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**PUBLIC HEARINGS****21**

Conduct a public hearing and consider possible action regarding a request from Daniel R. Marsicano of Leon Capital Group, to waive the requirement for screening of a nonresidential service area abutting Executive Circle and South Town East Boulevard and to waive the requirement for an eight-foot-tall screening wall buffer from a residential zoning district along the east property line, located at 540 South Town East Boulevard.

A public hearing was held regarding a request from Daniel R. Marsicano of Leon Capital Group, to waive the requirement for screening of a nonresidential service area abutting Executive Circle and South Town East Boulevard and to waive the requirement for an eight-foot-tall screening wall buffer from a residential zoning district along the east property line, located at 540 South Town East Boulevard.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing the construction of a 193,800-square-foot industrial building on the subject property. A service area, including truck docks and a row of truck parking would be located between the building and Executive Circle. A small portion would also be visible from South Town East Boulevard. The Zoning Ordinance requires a screening wall or solid landscape hedge to visually screen the loading area from the streets. Across Executive Circle are two industrial buildings, one of which has a service area facing Executive Circle that has no screening.

Mr. Armstrong stated that the east property line is adjacent to a parcel zoned R-3, Single-Family Residential and owned by the City of Mesquite. The City parcel contains a drainage structure and floodplain encumbers portions of the parcel. In addition, there is an 11-foot rise in grade from the east property line to the location of the proposed improvements. Mr. Armstrong stated that staff recommends approval of a waiver for both the service area screening and the district screening requirement along the east property line.

Applicant Daniel Marsicano, Development Manager representing Leon Capital Group, stated that several utility easements run through the property and the grade of the property will make it very difficult to construct an eight-foot-tall screening wall. Instead, he suggested including additional landscaping on the site.

No one appeared regarding the request to waive the requirement for an eight-foot-tall screening wall buffer.

Mr. Boroughs moved to approve the request from Daniel R. Marsicano of Leon Capital Group to waive the requirement for screening of a nonresidential service area abutting Executive Circle and South Town East Boulevard and to waive the requirement for an eight-foot-tall screening wall buffer from a residential zoning district along the east property line, located at 540 South Town East Boulevard, and to require additional landscaping on the site, subject to staff's approval of the site plan, and to require any trees be replaced, if disturbed near the residential zoning district. Motion was seconded by Mr. Green and approved unanimously.

22

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0248, submitted by Graham Baumann, WRA Architects, Inc. on behalf of Mesquite ISD, for a change of zoning from Agricultural and Planned Development - Single Family No. 3887 to Agricultural and Planned Development - Single Family No. 3887 with a Conditional Use Permit to allow a school use on the property, located at 3300 East Cartwright Road.

(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 Zoning Application No. Z0722-0248.**

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing an 85,000-square-foot expansion of Horn High School to serve as a 9th grade center. This expansion would accommodate approximately 630 students. The proposed addition is necessary due to significant new housing developments in the area including Ridge Ranch and Solterra.

Mr. Armstrong stated that a Traffic Impact Analysis and a Traffic Management Plan were completed and have been found acceptable by the Traffic Engineering Division. The Traffic Management Plan was prepared to not only address the proposed addition, but to improve existing conditions.

Applicant Graham Baumann, representing WRA Architects, Inc., on behalf of MISD, stated that a ten-year outlook demographic study indicates that an additional 600 to 1,000 students are anticipated for this campus. He stated that there are currently issues with how pick-ups and drop-offs are occurring at Horn High School. MISD has prepared a new three phase queuing plan to limit the vehicles from queuing on East Cartwright Road, which will be implemented after the 2022 Thanksgiving school break. The Phase 1 plan will re-route pick-ups and drop-offs by directing "parent" pick-ups and drop-offs to enter from Faithon P. Lucas, Sr., Boulevard via Jag Drive. The westernmost school driveway on East Cartwright Road is proposed as an exit-only driveway during peak school times. The Phase 2 plan includes queuing while the 9th grade center is under construction, which will begin in February 2023, and the Phase 3 plan includes queuing after the 9th grade center has been completed.

Mr. Baumann stated that the new addition will contain classrooms, gymnasium, cafeteria, kitchen, administration offices and a tornado shelter.

No one appeared regarding the proposed application.

Mr. Casper moved to approve Zoning Application No. Z0722-0248, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. The Traffic Impact Analysis shall be reviewed and verified prior to final approval of the site plan.
2. Traffic Management Plan be evaluated after implementation to determine if additional measures are necessary.

And to approve Ordinance No. 4988, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL AND PLANNED DEVELOPMENT – SINGLE FAMILY NO. 3887 TO AGRICULTURAL AND PLANNED DEVELOPMENT – SINGLE FAMILY NO. 3887 WITH A CONDITIONAL USE PERMIT TO ALLOW A SCHOOL USE ON THE PROPERTY LOCATED AT 3300 EAST CARTWRIGHT ROAD SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL OTHER 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. Anderson and approved unanimously. (Ordinance No. 4988 recorded in Ordinance Book No. 127.)

23

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0252, submitted by Shahbaz Ali Syed, for a change of zoning from Commercial with Special Permit (Ordinance No. 1027) within the Skyline Logistics Hub Overlay to Commercial with Special Permit (Ordinance No. 1027) within the Skyline Logistics Hub Overlay with a Conditional Use Permit to allow a Game Room with three coin-operated game machines, located at 3828 East U.S. Highway 80.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

**A public hearing was held regarding Zoning Application No. Z0822-0252.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant has requested the addition of a game room with three coin-operated game machines at the same location as an existing convenience store, which also includes fuel sales. The Zoning Ordinance requires game rooms to have at least two restrooms, one each for males and females. The applicant has two restrooms. However, one restroom can only be accessed from the exterior of the building and the other restroom is only accessible by entering a storage room. The convenience store is approximately 900 square feet in area.

Applicant Shahbaz Ali Syed, stated that the sale of groceries and gas is not enough to sustain a living and is requesting a Conditional Use Permit to allow a game room in the convenience store. He stated that in the past when the store contained gaming machines, the customers utilizing the machines were primarily senior citizens.

**No one appeared regarding the proposed application.**

**Ms. Vidler moved to deny Zoning Application No. Z0822-0252. Motion was seconded by Mr. Smith and approved unanimously.**

24

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0251, submitted by Mark Cohen on behalf of Responsive Education of Texas, for a change of zoning from Commercial and Town East Retail and Restaurant Area (TERRA) Overlay to Commercial and TERRA Overlay with a Conditional Use Permit to allow a charter high school, located at 3677 and 3733 Emporium Circle.

(Two responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The

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Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held regarding Zoning Application No. Z0822-0251.

Jeff Armstrong, Director of Planning and Development Services, stated the applicant proposes to use 11,455 square feet of the existing 45,060-square-foot building for a charter high school. The school will serve up to 200 students. However, classes are divided between mornings and afternoons, so not all students will be there at the same time. Access will be from the west side of the building. The Traffic Impact Analysis and Traffic Management Plan have been accepted by the Traffic Engineering Division.

Applicant Mark Cohen on behalf of Responsive Education of Texas, stated that charter schools are different from public schools as their students are typically below the public school level and the school helps them to move forward in their education.

Applicant Steve Westlake, Superintendent of Responsive Education of Texas, stated that the proposed school is a free public charter school which receives public funding. The school will offer a morning session and an afternoon session. Since only one-fourth of the building will be occupied by the school, soundproof walls will be installed between the school and the other tenant spaces.

Harry Sewell, 790 Windbell Circle, expressed support for the proposed application.

No others appeared regarding the proposed application.

Mr. Casper moved to deny Zoning Application No. Z0822-0251. Motion failed for lack of a second.

Mr. Smith moved to approve Zoning Application No. Z0822-0251, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. The Traffic Impact Analysis shall be reviewed and verified prior to final approval of the site plan.
2. Traffic Management Plan to be evaluated after implementation to determine if additional measures are necessary and which may be imposed.

And to approve Ordinance No. 4989, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN TOWN EAST RETAIL AND RESTAURANT AREA ("TERRA") OVERLAY TO COMMERCIAL WITHIN TERRA OVERLAY WITH A CONDITIONAL USE PERMIT ("CUP") ON PROPERTIES LOCATED AT 3677 AND 3733 EMPORIUM CIRCLE TO ALLOW A CHARTER HIGH SCHOOL SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL OTHER 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. Vidler. On call for a vote on the motion, the following votes were cast:

**Ayes:** Smith, Vidler, Alemán, Boroughs  
**Nays:** Green, Casper, Anderson

**Motion carried. (Ordinance No. 4989 recorded in Ordinance Book No. 127.)**

**25**

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2022-04, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 2, Section 2-200 "Use Regulations", Section 2-600 "Accessory Structure Regulations" and Part 6, Section 6-102 "Definitions" pertaining to revising and establishing new regulations for solar panels in residential districts, garage conversions and accessory dwelling units.

(The Planning and Zoning Commission recommends approval of the Zoning Text Amendment.)

**A public hearing was held regarding Zoning Text Amendment No. 2022-04.**

Jeff Armstrong, Director of Planning and Development Services, stated in 2020, the City Council approved amendments to the requirements for converting garages to living space. Specifically, the amendments addressed concerns regarding parking. When a garage is to be converted, the ordinance requires that the parking be replaced on the property, which should continue to be required. However, there are some conversions that occurred many years ago, in some cases decades ago. Many were converted without permits, which are being discovered during Residential Certificate of Occupancy inspections. Staff requires permits and inspections to assure safety, which should continue. However, it is difficult for many of these properties to replace the lost parking. The proposed ordinance would allow some relief for these existing circumstances.

Mr. Armstrong stated that the proposed text amendments would clarify that garage conversions on lots platted after October 1984 would only be permitted if a two-car garage is provided on the property. On lots platted prior to October 1984, a Special Exception could be requested to not relocate the parking and provide some relief for older conversions. Garage conversions that existed prior to the adoption of the 2020 Ordinance will be permitted (with a building permit) without a Special Exception provided two non-tandem parking spaces are located on the property.

Mr. Armstrong stated that the proposed text amendments would change the approval process for accessory dwelling units from Special Exceptions approved by the Board of Adjustment to Conditional Use Permits recommended by the Planning and Zoning Commission and approved by the City Council. The proposed text amendments would also establish regulations for solar panels in residential zoning districts including roof-mounted and free-standing solar systems.

Mr. Armstrong stated that the Planning and Zoning Commission unanimously recommended approval with staff recommendations with a change to allow tandem parking spaces to count as two off-street spaces. However, staff recommends requiring non-tandem parking.

**No one appeared regarding the proposed zoning text amendments.**

Mr. Boroughs moved to approve Zoning Text Amendment No. 2022-04, as recommended by the Planning and Zoning Commission, with the following modifications to the stipulations:

1. Require non-tandem parking rather than allowing tandem parking.
2. Ground-mounted solar panels cannot extend more than fifteen (15) feet above the existing grade.

And to approve Ordinance No. 4990, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTIONS CONTAINED IN PART 2, SECTION 2200 "USE REGULATIONS" AND SECTION 2-600 "ACCESSORY STRUCTURES" PERTAINING TO REVISING AND ESTABLISHING NEW REGULATIONS FOR GARAGE CONVERSIONS, ACCESSORY DWELLING UNITS, AND SOLAR PANELS ON RESIDENTIAL-ZONED PROPERTIES AND REVISING PART 6, SECTION 6-102 "DEFINITIONS", WITHIN THE MESQUITE ZONING ORDINANCE; REPEALING ALL OTHER 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. Vidler and approved unanimously. (Ordinance No. 4990 recorded in Ordinance Book No. 127.)

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Conduct a public hearing and consider a resolution approving a First Amendment to the Amended and Restated Chapter 380 Economic Development Program Agreement Three between the City of Mesquite, Texas and MMAH Rodeo Land Holdings, LLC ("Company"), clarifying payment terms of Company's obligations regarding the electronic Freeway-Oriented Marquee Sign, and authorizing the City Manager to execute the First Amendment.

A public hearing was held to consider a resolution approving a First Amendment to the Amended and Restated Chapter 380 Economic Development Program Agreement Three with MMAH Rodeo Land Holdings, LLC.

Ted Chinn, Assistant City Manager, stated that on September 21, 2020, the City Council approved an amended and restated Chapter 380 Economic Development Agreement with MMAH Rodeo Land Holdings, LLC (Rodeo) to allow the Rodeo to replace its original electronic sign near LBJ Freeway with a Freeway-Oriented Marquee Sign which uses more modern and advanced electronic video screens, and to allow the Rodeo to transfer ownership of the sign to OUTFRONT Media, Inc., a billboard company that specializes in electronic advertising.

Mr. Chinn stated the change was made to generate more advertising revenue for both the Rodeo and City. The Rodeo would still be obligated to pay the remaining balance (currently \$853,713.05) in full by March 1, 2041.

Mr. Chinn stated that in December 2020, construction of the new sign was completed and advertising began in January, and by April 2021, the sign was advertising at 75 percent capacity. To date, in just over one year of full operation, the City has collected \$19,568.19 for its share of advertising revenue, which is almost double the amount (\$10,639.42) the City collected from the old sign over a ten-year period.

Mr. Chinn stated that this First Amendment to the current Chapter 380 Agreement is merely a housekeeping revision to Section 10.5 of the Agreement to define the frequency of reimbursement to the City on a quarterly basis, with payments due on January 1, April 1, July 1 and October 1 of each year. No other changes to the

terms and conditions of the Agreement are proposed.

No one appeared regarding the First Amendment to the Amended and Restated Chapter 380 Economic Development Program Agreement Three with MMAH Rodeo Land Holdings, LLC.

Mr. Green moved to approve Resolution No. 40-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A FIRST AMENDMENT TO THE AMENDED AND RESTATED CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT THREE ("1ST AMENDMENT TO AGREEMENT THREE") BY AND BETWEEN THE CITY OF MESQUITE, TEXAS, AND MMAH RODEO LAND HOLDINGS, LLC ("COMPANY"), CLARIFYING PAYMENT TERMS OF COMPANY'S OBLIGATIONS REGARDING THE NEWLY INSTALLED ELECTRONIC FREEWAY-ORIENTED MARQUEE SIGN; AND AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE, AND ADMINISTER SAID AGREEMENT FOR SUCH PURPOSES IDENTIFIED HEREIN. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 40-2022 recorded in Resolution Book No. 65.)

#### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:34 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. 27 - Discuss economic development incentives for a proposed redevelopment of an existing building at Belt Line Road and U.S. Highway 80 and Item No. 28 - Discuss economic development incentives for a prospect considering a commercial development at FM 352 near Kearney Street in Mesquite); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:42 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:42 p.m.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other City employees (Annual review of City Manager); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 10:21 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**ADJOURNMENT**

**Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 10:21 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Daniel Alemán, Jr., Mayor