



City of Mesquite, Texas

Minutes - Final City Council

Monday, November 20, 2023

5:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Tandy Boroughs, B.W. Smith, Jeff Casper, Kenny Green, 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

CANVASS MEETING - 7:01 P.M.

OTHER BUSINESS

- 1 Canvass results of the General Election for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5, and 6 and the Special Election for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rate for the 2023 tax year held November 7, 2023.

Sonja Land, City Secretary, read the results, according to the canvass reports provided by the Dallas County and Kaufman County Elections Departments, of the General Election for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5 and 6 and the Special Election for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rates for the 2023 tax year held November 7, 2023.

- 2 Consider a resolution declaring the results of the November 7, 2023, General Election and Special Election.

Ms. Vidler moved to approve Resolution No. 58-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF AN ELECTION HELD IN THE CITY OF MESQUITE, TEXAS, ON NOVEMBER 7, 2023, FOR THE ELECTION OF A MAYOR AND CITY COUNCILMEMBERS FOR PLACES 1, 2, 3, 4, 5 AND 6 AND A SPECIAL ELECTION HELD IN THE CITY OF MESQUITE, TEXAS, FOR THE PURPOSE OF SUBMITTING A PROPOSED TAX RATE THAT EXCEEDS THE VOTER-APPROVAL TAX RATE FOR THE 2023 TAX YEAR.

Number of votes cast for the Office of Mayor:

NAME	NUMBER OF VOTES	PERCENTAGE
Daniel Alemán, Jr.,	7,126	100%

Number of votes cast for the Office of Councilmember, Place 1:

NAME	NUMBER OF VOTES	PERCENTAGE
Jeff Casper	1,168	100%

Number of votes cast for the Office of Councilmember, Place 2:

NAME	NUMBER OF VOTES	PERCENTAGE
Kenny Green	621	100%

Number of votes cast for the Office of Councilmember, Place 3:

NAME	NUMBER OF VOTES	PERCENTAGE
Elizabeth Rodriguez-Ross	747	53.59%
Jennifer Vidler	647	46.41%

Number of votes cast for the Office of Councilmember, Place 4:

NAME	NUMBER OF VOTES	PERCENTAGE
Tandy Boroughs	828	100%

Number of votes cast for the Office of Councilmember, Place 5:

NAME	NUMBER OF VOTES	PERCENTAGE
B. W. Smith	859	59.36%
Deb Moses	588	40.64%

Number of votes cast for the Office of Councilmember, Place 6:

NAME	NUMBER OF VOTES	PERCENTAGE
Brandon L. Murden	1,175	52.71%
Debbie Anderson	931	41.77%
Carrie Bruce	123	5.52%

Motion was seconded by Ms. Anderson and approved unanimously. (Resolution No. 58-2023 recorded in Resolution Book No. 68.)

SPECIAL ANNOUNCEMENTS

Ms. Vidler, Ms. Anderson and Mayor Alemán made comments.

Councilmembers Jennifer Vidler and Debbie Anderson left the dais. Council-Elect Elizabeth Rodriguez-Ross and Brandon Murden entered the meeting and took their seats at the dais.

Councilmembers present for the remainder of the meeting include: Mayor Daniel Alemán, Jr., and Councilmembers Tandy Boroughs, B.W. Smith, Jeff Casper, Kenny Green, Elizabeth Rodriguez-Ross and Brandon Murden.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 7:12 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:15 p.m.**INVOCATION**

Pastor Reginald Jefferson, New Hope Baptist Church; Pastor Harry Sewell, Family Cathedral; and Pastor Stanley Viquez, Mundo de Fe 'Iglesia.

PLEDGE OF ALLEGIANCE

BSA Troop 2023.

OTHER BUSINESS

- 3 Installation of newly elected Mayor and Councilmembers.

Municipal Court Judge Detra Hill administered the Oath of Office to Mayor Daniel Alemán, Jr. Mayor Alemán administered the Oath of Office to Councilmembers Jeff Casper, Place 1; Kenny Green, Place 2; Elizabeth Rodriguez-Ross, Place 3; Tandy Boroughs, Place 4; and B.W. Smith, Place 5. Dallas County Constable Deanna Hammond administered the Oath of Office to Councilmember Brandon L. Murden.

SPECIAL ANNOUNCEMENTS

1. Mayor Alemán recognized the following persons in attendance at tonight's meeting: (1) Dallas County Commissioner Dr. Teresa Daniel; (2) Dallas County Commissioner John Wiley Price; (3) State Representative Victoria Neave; (4) State Representative Rhetta Bowers; (5) Dallas County Constable Deanna Hammond; (6) Former City of Mesquite Mayor Stan Pickett; and (7) Dallas County Judge Katina Whitfield.
2. Newly elected Councilmembers made comments.
3. Mayor Alemán announced that today is Brandon Murden's birthday and everyone sang Happy Birthday to him.

A brief recess was taken at 7:55 p.m. The meeting resumed at 8:07 p.m.

CITIZENS FORUM

1. Adam Baker, 3705 Indian Springs Trail, on behalf of the Mesquite Firefighters Association, thanked the City Council, City Staff and citizens for their support of Proposition A.
2. Nadine Ward, 425 Walnut Drive; Larry Good, 2621 Monticello Drive; Kellie Good, 2621 Monticello Drive; George Rice, 1004 Craig Drive; Bennye Rice, 1004 Craig Drive; Pastor James Shoenrock, 1921 Cochran Drive; Andrew Hubacek, 213 Toler Drive; and Thomas Hubacek, 1324 Fernwood Drive, thanked the previous Councilmembers and congratulated the new Councilmembers.
3. David Burris, 4229 Coryell Way, stated that he has seen a marked improvement at the Spanish Range Apartments (formerly Hillcrest Apartments) and thanked the previous City Council and City Staff for their dedication to achieving this goal.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Casper moved to approve the items on the Consent Agenda as follows. Motion was seconded by Mr. Green and approved unanimously.

- 4 Minutes of the regular City Council meeting held November 6, 2023.

Approved on the Consent Agenda.

- 5 An ordinance amending Chapter 9, Section 9-195, of the City Code by prohibiting parking at any time on certain sections of Chase Road, McKenzie Road and Skyline Drive.

Approved on the Consent Agenda.

Ordinance No. 5079, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-195 OF THE MESQUITE CITY CODE BY PROHIBITING PARKING AT ANY TIME ON CERTAIN SECTIONS OF CHASE ROAD, MCKENZIE ROAD, AND SKYLINE DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5079 recorded in Ordinance Book No. 131.)

- 6 A resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of State Highway 352 on Saturday, January 13, 2024, for the City of Mesquite Martin Luther King, Jr., Parade.

Approved on the Consent Agenda.

Resolution No. 59-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE TEMPORARY CLOSURE OF STATE HIGHWAY 352 ON JANUARY 13, 2024, FOR THE CITY OF MESQUITE MARTIN LUTHER KING, JR. PARADE. (Resolution No. 59-2023 recorded in Resolution Book No. 68.)

- 7 Bid No. 2023-133 - Annual Supply of Rebar.
(Staff recommends award to Barnsco, Inc., in the amount of \$145,800.00. The term is for a one-year period, with four 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.

- 8 Bid No. 2024-001 - Installation of Traffic Signals (State Highway 352 at Belt Line Road).
(Staff recommends award to low bidder EAR Telecommunications, LLC dba EARTC and to authorize the City Manager to finalize and execute a contract in the amount of \$569,791.35.)

Approved on the Consent Agenda.

- 10 Bid No. 2024-013 - South Parkway Reconstruction (U.S. Highway 80 to Peachtree Road).
(Staff recommends award to low bidder DDM Construction Corporation and to authorize the City Manager to finalize and execute a contract in the amount of \$16,709,550.00.)

Approved on the Consent Agenda.

- 11 RFP No. 2024-023 - Annual Medical Plan Reinsurance (Stop Loss).
(Staff recommends award to VOYA Financial Advisors, Inc., through insurance broker, Stealth Partner Group, LLC, and to authorize the City Manager to finalize and execute any required documents for FY 2023-2024, to secure stop loss coverage for the City group medical healthcare plan in an amount not to exceed \$892,657.00.)

Approved on the Consent Agenda.

- 12 Authorize the City Manager to finalize and execute Amendment No. 2 to RFP No. 2020-080, Retiree Medicare Supplement Plan, with renewal rates for The Hartford/Express Scripts for Post 65 Retiree Medical and Prescription Drug Plan, effective January 1, 2024, to December 31, 2024.

Approved on the Consent Agenda.

- 13 Authorize the City Manager to finalize and execute an Office Lease Agreement with ATP USA, Inc., for office rental space at the Mesquite Metro Airport.

Approved on the Consent Agenda.

- 14 Authorize the City Manager to finalize and execute an Interlocal Agreement (ILA) with Dallas County for tax assessor and collection services, effective March 1, 2024.

Approved on the Consent Agenda.

- 15 Authorize the City Manager to finalize and execute a subrecipient agreement between the City of Mesquite and Sharing Life Community Outreach, in the amount of \$500,000.00, to provide support for the City of Mesquite American Rescue Plan Act program.

Approved on the Consent Agenda.**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 9 Bid No. 2024-006 - Alley Reconstruction 2023 Project.
(Staff recommends award to low bidder Estrada Concrete Company, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$1,196,500.00.)

City Manager Cliff Keheley stated that the ability to fund roadway and alley repairs is becoming more and more challenging. In 2015, citizens approved a \$110 million street bond that the City refers to as Real. Texas. Roads. Staff

anticipated to repair hundreds of streets with that funding. However, following the COVID pandemic and midway through the bonding process, the cost of concrete doubled and the cost of labor and materials continue to increase. Therefore, available funds are limited resulting in only two-thirds of the anticipated street repairs being funded. In addition, repairs on some of the major thoroughfares in Mesquite were in need of repair and the projects used some of the available funding. Mr. Keheley presented photos of the alleys included in the alley reconstruction project which indicated heaving, multiple patches and failures in the alleys. The alley reconstruction project will be funded by salary savings and savings from other bond projects. Mr. Keheley encouraged citizens to report street and alley issues through the myMesquite app or on the myMesquite section on the City's website.

Mr. Smith moved to approve Bid No. 2024-006, Alley Reconstruction 2023 Project, and authorize the City Manager to finalize and execute a contract with low bidder Estrada Concrete Company, LLC in the amount of \$1,196,500.00. Motion was seconded by Mr. Casper and approved unanimously.

16

Authorize the City Manager to finalize and execute an Interlocal Agreement for Emergency 9-1-1 Communications Center and Dispatch Services between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives.

Assistant City Manager Raymond Rivas stated that the Town of Sunnyvale is currently experiencing unprecedented population growth requiring the Town to expand services to meet the needs of the community. One such service is providing adequate emergency dispatching for their community and for their public safety departments.

Previously, these services were provided by the Dallas County Sherriff's Office through an Interlocal Agreement. Sunnyvale was notified that law enforcement and public safety dispatch services would be terminated at the end of their contract period. Sunnyvale and Mesquite conducted a feasibility study in 2020 to evaluate the ability for Mesquite to provide these services. The study indicated that this would be possible with certain requirements that would need to be implemented. Sunnyvale then entered negotiations with the City of Seagoville and entered an interlocal agreement between the two entities for Seagoville to provide these services. Sunnyvale and Seagoville determined that it was in the interest of both parties to not renew at the end of the contract date, October 4, 2023.

Mr. Rivas stated that the officials from the Town of Sunnyvale approached the City of Mesquite to discuss re-evaluating the feasibility for Mesquite to provide these services. Staff evaluated the past study as well as assess the requirements that would be needed for Mesquite to successfully provide emergency communication to Sunnyvale. The initial compensation amount is \$604,750.00 and includes funding for seven additional dispatchers, proportionate cost of equipment and information technology services.

Mr. Rivas stated that the Interlocal Agreement contains, but is not limited to, the following requirements for Sunnyvale:

- Increase dispatch staffing to provide adequate service for both communities.
- Directly cover any technology related cost needed to integrate into Mesquite public safety systems.
- Requires monthly public safety operational meetings between both entities.

- Requires annual meetings between the Mesquite City Manager and Sunnyvale Town Manager, as well as leadership from public safety departments.
- Annual review of the cost to provide services and the ability to increase the compensation amount.
- Primary term of five (5) years with options for five (5) successive one-year periods.
- Provisions for terminating the agreement.

Mr. Casper moved to authorize the City Manager to finalize and execute an Interlocal Agreement for Emergency 9-1-1 Communications Center and Dispatch Services between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Green, Alemán, Boroughs, Smith, Rodriguez-Ross

Nayes: Murden

Motion carried.

17

Authorize the City Manager to finalize and execute an Interlocal Agreement for use of the City of Mesquite City Jail Facility between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives.

Assistant City Manager Raymond Rivas stated that the Town of Sunnyvale is currently experiencing unprecedented population growth requiring the Town to expand services to meet the needs of the community. One such need is an appropriate jail facility for their community and for their law enforcement agency.

Mr. Rivas stated that previously, these services were provided by the Dallas County Sheriff's Office through an interlocal agreement. Sunnyvale was notified that law enforcement services would be terminated at the end of their contract period. Sunnyvale initiated negotiations with the City of Seagoville and entered an interlocal agreement between the two entities for Seagoville to provide these services. Sunnyvale and Seagoville determined that it was in the interest of both parties to not renew at the end of the contract date, October 4, 2023.

Mr. Rivas stated that officials from the Town of Sunnyvale approached the City of Mesquite to discuss the feasibility for Mesquite to provide these services. Staff evaluated the capacity of the Mesquite City Jail Facility and evaluated requirements that would be needed for Mesquite to successfully provide jail services to Sunnyvale. The initial compensation amount is proposed at \$60,000.00.

Mr. Rivas stated that the Interlocal Agreement contains, but is not limited to, the following requirements for Sunnyvale:

- Establishes an annual cost of \$60,000.00 for 200 annual arrests along with a per arrest fee thereafter.
- Sunnyvale must directly cover any technology related cost needed to integrate into Mesquite public safety systems.
- Requires monthly reports and public safety operational meetings between both entities.
- Identifies medical clearances required prior to Mesquite accepting a prisoner.
- Establishes the right of Mesquite Police Department to refuse booking of a Sunnyvale prisoner if certain conditions exist.

- Requires annual meetings between the Mesquite City Manager and Sunnyvale Town Manager, as well as leadership from public safety departments.
- Annual review of the cost to provide services and the ability to increase the compensation amount.
- Provides magistrate and arraignment services through the Mesquite Municipal Court.
- Defines immunity and indemnification in the event litigation occurs.
- Primary term of five (5) years with options for five (5) successive one-year periods.
- Provisions for suspending and terminating the agreement.

Mr. Casper moved to authorize the City Manager to finalize and execute an Interlocal Agreement for use of the City of Mesquite City Jail Facility between the City of Mesquite and the Town of Sunnyvale by and through their authorized representatives. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Green, Alemán, Boroughs, Smith, Rodriguez-Ross

Nays: Murden

Motion carried.

PUBLIC HEARINGS

18

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0923-0326, submitted by Ameer Syed of Al Ameer, LLC., for a change of zoning from General Retail to Planned Development - General Retail with a Conditional Use Permit to allow a used vehicle dealership, limited to five vehicle spaces, located at 2944 Motley Drive.

(One response in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.)

A public hearing was held regarding Zoning Application No. Z0923-0326.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to locate and operate an online used car sales business on the subject property. For the applicant's license to sell cars, the State of Texas requires the Certificate of Occupancy to say "Dealership" and for there to be a minimum of five spaces on the property designated for display of vehicles. The property is zoned General Retail, which prohibits auto sales, therefore, the applicant has requested rezoning of the property. The rezoning will affect the entire property.

Mr. Armstrong stated that on October 23, 2023, the Planning and Zoning Commission voted to deny the application. However, the applicant submitted a timely appeal of the Planning and Zoning Commission's denial.

Applicant Ameer Syed of Al Ameer, LLC, stated that for a Dealer's License, the Texas Department of Motor Vehicles requires a Certificate of Occupancy which allows sufficient reserved space to display five vehicles. He stated that he sells cars through a dealer's auction and not on the site. Therefore, no cars will be parked in the reserved spaces.

John Mangham, 3101 Colony Drive, expressed concerns regarding the use of the property.

No others appeared regarding the proposed application.

Mr. Green moved to deny Zoning Application No. Z0923-0326. Motion was seconded by Ms. Rodriguez-Ross. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Rodriguez-Ross, Alemán, Boroughs, Smith, Murden

Nays: Casper

Motion carried.

19

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0923-0327, submitted by Ahmad Karimi of One World Cars, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a used vehicle dealership with an outdoor display lot, located at 4441 Interstate Highway 30.

(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held regarding Zoning Application No. Z0923-0327.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant obtained a Certificate of Occupancy (CO) to have used car sales on the subject property with the limitation that all sales and display must occur within the building, there could be no outdoor display of vehicles. However, the applicant eventually began displaying vehicles outdoors in violation of the approved CO. Additionally, the applicant has added concrete to the site without a permit, plans or inspection and must adhere to the City's drainage standards. He stated that the property is the former site of a carport and patio cover business.

Applicant Ahmad Karimi of One World Cars stated that all cars are parked behind a fence. He had concrete poured to expand the parking lot and applied for the permit after the concrete was installed. He stated that any cars that were parked outside of the fence had just been delivered to the business and were waiting to be moved inside of the fenced area.

No one appeared regarding the proposed application.

Mr. Smith moved to approve Zoning application No. Z0923-0327, as recommended by the Planning and Zoning Commission, with the following stipulations, and adding Stipulation Nos. 5 and 6 as follows:

1. Each car on display must be parked / displayed fully within a striped parking space or inside of a building.
2. Before the issuance of a CUP, the Property shall be brought into full compliance with the City Code, including drainage standards and the Mesquite Zoning Ordinance.
3. Prices shall not be written or displayed on or inside the vehicles.

4. All vehicles shall be in good and operable condition.
5. The CUP is approved solely for the business owned by Ahmad Karimi, and the CUP shall not be transferable or assignable to a different owner or business.
6. All improvements on the Property must meet current development requirements.

And to approve Ordinance No. 5080, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 4441 IH-30 TO ALLOW A USED MOTOR VEHICLE DEALERSHIP WITH AN OUTDOOR DISPLAY LOT SUBJECT TO CERTAIN STIPULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 5080 recorded in Ordinance Book No. 131.)

20

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1023-0330, submitted by Michelle Pope of Eagle Restoration on behalf of Yvonne Porter, for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow an Accessory Dwelling Unit with a modification to the 15-foot interior side yard setback requirement, located at 6310 Lumley Road.

(Two responses 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 regarding Zoning Application No. Z1023-0330.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes converting an existing 995-square-foot detached garage into an accessory dwelling unit (ADU) which requires a Conditional Use Permit. The lot is 0.82 acres in area. The owner lives on the property and a family member intends to use the ADU. Ample parking exists on the site to accommodate both dwellings.

Mr. Armstrong stated that the existing garage is 6.6 feet from the side property line. An ADU is required to be 15 feet from the side property line at this location. The applicant is requesting a modification to reduce the side yard setback to 6.6 feet.

Bobby Pope, on behalf of the applicant, stated that he is the applicant's neighbor and would be the contractor converting the detached garage into an ADU.

No one appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z1023-0330, as recommended to by the Planning and Zoning Commission, with the following stipulation:

To allow an ADU that does not meet the same setback requirements as the primary structure, including a minimum interior side yard setback requirement of at least 15 feet.

And to approve Ordinance No. 5081, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO AGRICULTURAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 6310 LUMLEY ROAD TO ALLOW AN ACCESSORY DWELLING UNIT WITH A MODIFICATION TO THE 15-FOOT INTERIOR SIDE YARD SETBACK REQUIREMENT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 5081 recorded in Ordinance Book No. 131.)

21

Conduct a public hearing and consider an ordinance revising the City Code by making a Subdivision Ordinance Text Amendment, STA No. 2023-02, thereby repealing and replacing Appendix B - Subdivisions, Article III (Platting Review Procedures) for the purpose of updating the City's ordinances regarding review, approval, and appeal procedures for plats due to the Texas Legislature's passage of House Bill 3699 and House Bill 14 during its 88th Regular Session; and revising Appendix D - Comprehensive Fee Schedule, Section 12-121 (Planning and Zoning Fees), for the same purpose. (The Planning and Zoning Commission recommends approval of the subdivision text amendment.)

A public hearing was held regarding Subdivision Ordinance Text Amendment No. 2023-02.

Jeff Armstrong, Director of Planning and Development Services, stated that during the 2023 Texas Legislative Session, a bill was approved and signed allowing cities to approve all plats administratively. Currently, in Mesquite, short-form plats and amending plats are approved by staff. All other plats are approved by the Planning and Zoning Commission. This amendment to the Subdivision Ordinance would allow all plats to be approved by staff. Note that even plats that go to the Planning and Zoning Commission for approval must be approved by the Commission if the plat meets all requirements of the Subdivision Ordinance.

Mr. Armstrong stated that certain residential replats require a public hearing and will still be required to be considered by the Planning and Zoning Commission if this proposed amendment is approved. The bill also limited what cities can require as part of a plat application. The proposed amendment will bring the Mesquite Subdivision Ordinance into compliance with the new law.

No one appeared regarding the proposed Subdivision Ordinance Text Amendment No. 2023-02.

Mr. Boroughs moved to approve Subdivision Ordinance Text Amendment No. 2023-02, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 5082, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A SUBDIVISION ORDINANCE TEXT AMENDMENT, STA NO. 2023-02, THEREBY REPEALING AND REPLACING APPENDIX B - SUBDIVISIONS, ARTICLE III (PLATTING REVIEW PROCEDURES) FOR THE PURPOSE OF UPDATING THE CITY'S ORDINANCES REGARDING REVIEW, APPROVAL, AND APPEAL PROCEDURES FOR PLATS DUE

TO THE TEXAS LEGISLATURE'S PASSAGE OF HOUSE BILL 3699 ("H.B. 3699") AND HOUSE BILL 14 ("H.B. 14") DURING ITS 88TH REGULAR SESSION; AND REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, SECTION 12-121 (PLANNING AND ZONING FEES), FOR THE SAME PURPOSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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 and approved unanimously. (Ordinance No. 5082 recorded in Ordinance Book No. 131.)

22

Conduct a public hearing and consider an ordinance revising the City Code by making a Zoning Ordinance Text Amendment, ZTA No. 2023-04, thereby revising Appendix C - Zoning Ordinance; Part 1 (General Provisions); Part 2 (Residential Districts); Part 3 (Nonresidential Districts); Part 4 (PD and Overlay Districts); Part 5 (Administration); and Part 6 (Definitions); for the purpose of updating the City's ordinances regarding review, approval, and appeal procedures for site plans due to the Texas Legislature's passage of House Bill 14 during its 88th Regular Session.
(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held regarding Zoning Text Amendment No. 2023-04.

Jeff Armstrong, Director of Planning and Development Services, stated that staff proposes modifications to the site plan approval process in response to recent Texas legislative actions. The primary change to the Mesquite Zoning Ordinance would be to have all site plans approved at the staff level. Currently, site plans within Planned Development Districts on parcels greater than ten acres must be approved by the Planning and Zoning Commission.

No one appeared regarding the proposed Zoning Text Amendment No. 2023-04.

Mr. Boroughs moved to approve Zoning Text Amendment No. 2023-04, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 5083, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2023-04, THEREBY REVISING APPENDIX C – ZONING ORDINANCE; PART 1 (GENERAL PROVISIONS); PART 2 (RESIDENTIAL DISTRICTS); PART 3 (NONRESIDENTIAL DISTRICTS); PART 4 (PD AND OVERLAY DISTRICTS); PART 5 (ADMINISTRATION); AND PART 6 (DEFINITIONS); FOR THE PURPOSE OF UPDATING THE CITY'S ORDINANCES REGARDING REVIEW, APPROVAL, AND APPEAL PROCEDURES FOR SITE PLANS DUE TO THE TEXAS LEGISLATURE'S PASSAGE OF HOUSE BILL 14 ("H.B. 14") DURING ITS 88TH REGULAR SESSION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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 Ms. Rodriguez Ross and approved unanimously. (Ordinance No. 5083 recorded in Ordinance Book No. 131.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 10:10 P.M.

Mayor Alemán 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 (Item No. 23 - Discuss the legality of a proposed land use seeking to locate within the City of Mesquite); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 10:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 10:26 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 economic development incentives for a project at Town East Boulevard and IH-635); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 10:39 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Murden moved to adjourn the meeting. Motion was seconded by Ms. Rodriguez-Ross and approved unanimously. The meeting adjourned at 10:39 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor