



City of Mesquite, Texas

Minutes - Final City Council

Monday, June 1, 2026

5:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Kenny Green, Elizabeth Rodriguez-Ross, Jeff Casper, Andrew Hubacek, B. W. Smith and Brandon Murden, 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 departmental strategy and budget presentations from the Communications and Marketing, Economic Development, Information Technology and Solid Waste/Equipment Services Departments related to City Council strategic goals and objectives and other budget updates on Fiscal Year 2026-27 budget.

 Information Technology and Solid Waste/Equipment Services budget presentations were not received.

- 2 Receive briefing regarding data center development standards.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.

INVOCATION

Steven Cobb, Pastor, Keystone Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

- 1. Mr. Casper stated that the Annual Spread the Love campaign is now underway. The City and Sharing Life are asking you to donate jars of peanut butter and jelly so Mesquite kids can have nutritious meals over the summer. Some kids have nut allergies, so consider donating alternative butters such as sunflower seed butter or pumpkin seed butter. Visit www.cityofmesquite.com/SpreadTheLove for donation sites and more.

2. Mr. Green encouraged citizens to participate in “Walking for Wellness” to celebrate National Trails Day this weekend. This special Get Fit Mesquite event will take place on Saturday, June 6, 2026, from 9:00 a.m. to 11:00 a.m., at the Dunford Trailhead. It’s a great opportunity to get active, enjoy the outdoors and support a healthier community. Walking for Wellness is free and will be fun for all ages. For more information, visit www.cityofmesquite.com/WalkingforWellness.
3. Ms. Rodriguez-Ross stated that school is out for the summer and the Parks and Recreation Department has a lot of fun things planned for Mesquite teens ages 12 to 17. Young people are invited to dive into summer with the free Teen Turnout Pool Party on Saturday, June 6, 2026, from 6:00 p.m. to 8:00 p.m., at Town East Pool, 2525 John Glenn Boulevard. Mark your calendar for the Epic Summer Experience in July. Activities include food, open gym, music, raffle prizes, inflatables and crafts – all for free. For dates, locations and more, visit www.cityofmesquite.com/RealTexasTeens. There are also a variety of camps to keep kids entertained and engaged this summer. Registration is already open. Camps run weekly from 7:00 a.m. to 6:00 p.m. and include theme activities, weekly field trips, swim days, arts and crafts and more. Register for one week, one day or all summer. Find dates and more at www.cityofmesquite.com/SummerCamps.
4. Mr. Hubacek encouraged citizens to stop by the Downtown Mesquite Farmers Market this weekend. At the market, you will find locally grown produce, baked goods, bath and body products, food vendors and much more. The market is held every Saturday, from 9:00 a.m. to 1:00 p.m., through November at Front Street Station, 100 West Front Street.
5. Mr. Hubacek recognized Levi Hester, an 11-year-old published author, who was in attendance at tonight’s meeting. His book is called “Levi Unleashed: Confessions of a Fifth Grade Chaos Machine.”
6. Mr. Smith announced that Jazz Breaks, presented by the Mesquite Arts Center, starts tonight in the Courtyard from 7:00 p.m. to 9:00 p.m. Tonight’s performer is the K. Ellingson Group. This series features a different live ensemble for each performance. The next concert in this series will be next Monday, June 8, 2026. To learn more about individual events, visit www.MesquiteArtsCenter.org.
7. Mr. Murden stated that now that kids are out of school, you will see them out and about in neighborhoods. This is the time of the year when we urge drivers to use extra caution because safety starts with all of us. It’s part of the Drive Like Your Family Lives Here campaign. Let’s look out for each other on the road and Drive Like Your Family Lives Here.
8. Mayor Alemán stated that the Mesquite Mayor 1,000-Page Reading Challenge kicked off today. The Challenge is for kids ages 12 and under and is part of the Library’s Summer Reading Club. There’s another kick-off party on Thursday, June 4, 2026, at the North Branch Library, 2600 Oates Drive. The program runs through Friday, July 31, 2026, and includes a lot of prizes and ends with a pizza party for those who make the 1,000-page goal. See details at www.cityofmesquite.com/Library.
9. Mayor Alemán announced that Mr. Murden’s oldest child recently graduated from High School and Mr. Hubacek’s son graduated from University of Texas with a Medical Doctor’s degree.
10. Mayor Alemán congratulated Mary Wavrusa, who recently retired from the City of Mesquite, on her 47-years and 11-months career at the Mesquite Public Library. She started working at the City when she was a Junior at Mesquite High School and graduated in 1979. He wished her the best in her future endeavors.

CITIZENS FORUM

1. David Arnett, 2820 Appaloosa Lane, stated that he is the President of the Cloverleaf Crossing Homeowners Association (HOA). He expressed concerns regarding the HOA property management company, code violations and short-term rentals in his neighborhood.
2. Clark Staggs, 1601 Seascape Court, Rockwall, expressed appreciation for improved operations at the Mesquite Metro Airport and complimented Interim Airport Manager Shawn Beaver for his efforts.

3. Sherri Neal, 3916 Hunters Trail, expressed concerns regarding utility work in her neighborhood.
4. Tandy Boroughs, 1204 Lakeshore Drive, expressed concerns regarding street maintenance throughout the City.
5. Charlie Baker, 1713 Huntington Drive, expressed concerns regarding the keeping of hens in residential neighborhoods.
6. Shawna Wilson-Hester, 3102 Sandhurst Drive, is the mother of 11-year-old published author, Levi Hester, and expressed support for ADHD awareness.

CITIZENS COMMENTS

Robert Miklos, 328 Clear Springs Dr., expressed opposition to Item No. 15 on tonight's agenda.

CONSENT AGENDA

Approval of the Consent Agenda

Ms. Rodriguez-Ross requested that Item Nos. 7, 8, and 9 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.

- 3** Minutes of the regular City Council meeting held May 18, 2026.

Approved on the Consent Agenda.

- 4** An ordinance amending Chapter 9, Section 9-150, of the City Code by revising the speed limits on Interstate Highway 635 beginning with the main lanes from north City limits to south City limits.

Approved on the Consent Agenda.

Ordinance No. 5253, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-150 OF THE MESQUITE CITY CODE BY REVISING THE SPEED LIMITS ON INTERSTATE HIGHWAY 635 BEGINNING WITH THE MAIN LANES FROM NORTH CITY LIMITS TO SOUTH CITY LIMITS; PROVIDING CONFLICTS RESOLUTION, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5253 recorded in Ordinance Book No. 137.)

- 5 A resolution authorizing the City Manager to execute the 2025 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds Sharing and Fiscal Agency Agreement between Dallas County and the Cities of Balch Springs, Carrollton, Dallas, DeSoto, Duncanville, Garland, Grand Prairie, Irving, Lancaster, Mesquite and Richardson, authorizing an equitable redistribution of grant funds thereby reducing Mesquite's formula allocation to the revised amount of \$30,310.56, designating the City of Dallas as the applicant and fiscal agent and designating the Police Chief of the City of Mesquite as the responsible officer for the purpose of signing all documents associated with the grant.

Approved on the Consent Agenda.

Resolution No. 13-2026, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2025 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS SHARING AND FISCAL AGENCY AGREEMENT BETWEEN DALLAS COUNTY AND THE CITIES OF BALCH SPRINGS, CARROLLTON, DALLAS, DESOTO, DUNCANVILLE, GARLAND, GRAND PRAIRIE, IRVING, LANCASTER, MESQUITE, RICHARDSON, AND ROWLETT; AUTHORIZING AN EQUITABLE REDISTRIBUTION OF GRANT FUNDS THEREBY REDUCING MESQUITE'S FORMULA ALLOCATION TO THE REVISED AMOUNT OF \$36,933.18; DESIGNATING THE CITY OF DALLAS AS THE APPLICANT AND FISCAL AGENT; AND DESIGNATING THE POLICE CHIEF OF THE CITY OF MESQUITE AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL DOCUMENTS ASSOCIATED WITH THE GRANT. (Resolution No. 13-2026 recorded in Resolution Book No. 74.)

- 6 A resolution adopting the City Council's Strategic Goals and Objectives for Fiscal Year 2026 - 2027.

Approved on the Consent Agenda.

Resolution No. 14-2026, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING STRATEGIC GOALS AND OBJECTIVES FOR FISCAL YEAR 2026-2027. (Resolution No. 14-2026 recorded in Resolution Book No. 74.)

- 10 Bid No. 2026-043 - Blackwood Park Playground Replacement.
(Authorize the City Manager to finalize and execute a contract with Child's Play, Inc., through BuyBoard Purchasing Cooperative Contract No. 781-25, Vendor No. 1501, in an amount not to exceed \$301,799.00.)

Approved on the Consent Agenda.

- 11 Bid No. 2026-046 - Annual Supply of Emergency Medical Supplies.
(Staff recommends award to Bound Tree Medical, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Midlothian, in an amount not to exceed \$225,000.00. The term of the contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 12 Bid No. 2026-083 - Annual Supply of Personal Computers.
(Authorize the City Manager to finalize and execute a contract and any required documents with Dell Marketing L.P., through the Omnia - National Cooperative Purchasing Alliance (NCPA) Contract No. NCPA 01-143, in an amount not to exceed \$484,000.00.)
Approved on the Consent Agenda.
- 13 Bid No. 2026-085 - Purchase of Pump and Motor Replacement at Hailey Pump Station.
(Staff recommends award to Odessa Pumps and Equipment, Inc., d/b/a Flex Flow, through BuyBoard Contract No. 770-25, in the amount not to exceed \$199,865.00.)
Approved on the Consent Agenda.
- 14 Authorize the City Manager to finalize and execute an Interlocal Agreement with the City of University Park to administer and conduct required skills and knowledge tests through the City of Mesquite Commercial Driver License (CDL) Program.
Approved on the Consent Agenda.

CONSENT AGENDA ITEM(S) CONSIDERED SEPARATELY

- 7 A resolution authorizing a collection fee as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30 percent of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a Municipal Court serving the City when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection, and amounts in cases in which the accused has failed to appear; and to ratify and adopt herein all prior contracts and actions taken by the City of Mesquite as it relates to collection and enforcement of such debts and accounts receivables.

Ted Chinn, Director of Finance, presented Item Nos. 7, 8, and 9.

Mr. Chinn stated that as Council was briefed at the May 4, 2026, City Council Pre-Meeting, State law allows the governing body of a municipality to enter into a contract with a private attorney or private vendor for collection services of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds and restitution ordered paid by a municipal court; amounts in cases in which the accused has failed to appear; and false alarm penalties or fees. For cities that have entered into contracts for such collection services, State law also allows the governing body to authorize the addition of a 30-percent collection fee on the items described above that are more than 60 days past due and have been referred to the attorney for collection.

Mr. Chinn stated that this added collection fee is in addition to the unpaid fines or fees due and does not apply to a case that has been dismissed by a court, or if a court determines that a defendant is indigent, has insufficient resources or income, or is otherwise unable to pay the underlying fine or court costs. State law limits the 30-percent collection fee for only compensation of the private attorney or private vendor providing the collection services and may not be used

for any other purpose.

The law firm of Linebarger Goggan Blair & Sampson, LLP (Linebarger) has been providing collection services for delinquent municipal court fines and fees since July 2021, when the firm merged with the Law Office of Gary A. Grimes, P.C. to form Grimes & Linebarger, LLP. Prior to July 2021, Gary Grimes had represented the City for delinquent court collections since October 2001. The recent retirement of Mr. Grimes and subsequent dissolution of the law firm Grimes & Linebarger, LLP necessitates an update to the delinquent municipal court collections agreement with Linebarger.

Mr. Chinn stated that the proposed resolutions authorizes the 30-percent collection fee as provided by State law, and also ratifies and adopts all prior contracts and related actions taken by the City as a result of the transition of services from Grimes & Linebarger, LLP to Linebarger; approves a new Agreement for Court Fines and Fees Professional Collection Services under existing terms and conditions and authorizes the City Manager to execute the Agreement; and approves an Agreement for Professional Collection Services for Unpaid Closed Utility Accounts with Linebarger and authorizes the City Manager to finalize and execute the Agreement. State law requires written notice whenever a political subdivision enters into a contingent fee contract for legal services, and such notice has been provided and posted in accordance with State law.

Ms. Rodriguez-Ross moved to approve Item Nos. 7, 8, and 9 as presented. Motion was seconded by Mr. Green and approved unanimously.

Resolution No. 15-2026, RESOLUTION AUTHORIZING A COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR:

- 1) AS PROMISED UNDER SUBCHAPTER A, CHAPTER 543, TRANSPORTATION CODE, OR OTHER LAW;**
- 2) IN COMPLIANCE WITH A LAWFUL WRITTEN NOTICE TO APPEAR ISSUED UNDER ARTICLE 14.06(b), TEXAS CODE OF CRIMINAL PROCEDURE, OR OTHER LAW;**
- 3) IN COMPLIANCE WITH A LAWFUL SUMMONS ISSUED UNDER ARTICLE 15.03(b), TEXAS CODE OF CRIMINAL PROCEDURE;**
- 4) IN COMPLIANCE WITH A LAWFUL ORDER OF A COURT SERVING THE CITY;**
- 5) AS SPECIFIED IN A CITATION, SUMMONS, OR OTHER NOTICE AUTHORIZED BY SECTION 682.002, TRANSPORTATION CODE, THAT CHARGES THE ACCUSED WITH A PARKING OR STOPPING OFFENSE, AND**
- 6) RATIFY AND ADOPT HEREIN ALL PRIOR CONTRACTS AND ACTIONS TAKEN BY THE CITY OF MESQUITE AS IT RELATES TO COLLECTION AND ENFORCEMENT OF SUCH DEBTS AND ACCOUNTS RECEIVABLES.**

TO BE IMPOSED WHEN SUCH DEBTS, ACCOUNTS RECEIVABLE AND AMOUNTS

ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR OTHER VENDOR FOR COLLECTION. (Resolution No. 15-2026 recorded in Resolution Book No. 74.)

- 8 A resolution approving an Agreement for Court Fines and Fees Professional Collection Services with Linebarger Goggan Blair & Sampson, LLP; authorizing the City Manager to finalize, execute, and administer the Agreement on behalf of the City of Mesquite, Texas; and providing an effective date.

Resolution No. 16-2026, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, PROVIDING CERTAIN FINDINGS; APPROVING AN AGREEMENT FOR COURT FINES AND FEES PROFESSIONAL COLLECTION SERVICES WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP; AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE, AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY OF MESQUITE, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 16-2026 recorded in Resolution Book No. 74.)

- 9 A resolution approving an Agreement for Professional Collection Services for Unpaid Closed Utility Accounts with Linebarger Goggan Blair & Sampson, LLP; providing certain findings; authorizing the City Manager to finalize, execute, and administer the Agreement on behalf of the City of Mesquite, Texas; and providing an effective date.

Resolution No. 17-2026, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, DALLAS AND KAUFMAN COUNTIES, TEXAS, APPROVING AN AGREEMENT FOR PROFESSIONAL COLLECTION SERVICES FOR UNPAID CLOSED UTILITY ACCOUNTS WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP; PROVIDING CERTAIN FINDINGS; AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE, AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY OF MESQUITE, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 17-2026 recorded in Resolution Book No. 74.)

END OF CONSENT AGENDA

OTHER BUSINESS

- 15 Consider a request to reduce the fee in lieu of parkland dedication for Avanti Hills, located at 2235 East Glen Boulevard.

Adam Bailey, Director of Planning and Development Services, stated that on November 17, 2025, City Council approved a fee in lieu of parkland dedication for the Avanti Hills senior affordable housing project. The original fee of \$934,531.00 was reduced by 25 percent to \$700,898.25. The applicant is now requesting a 75 percent reduction, which would lower the total fee to \$233,632.75.

Mr. Bailey stated that the 260-unit multifamily development is required to dedicate 4.73 acres of parkland under the Parkland Dedication Ordinance. The proposal includes 5.67 acres of open space and private amenities, such as a pickleball court, dog park, pool, community garden, walking trails, and picnic areas. City Council may approve the requested reduction, approve a different amount, or leave the fee unchanged.

Mr. Bailey stated that the nearest public parks to the site are Alcott Park, Copeland Park, and Rutherford Park.

Alan Naul, representing The Javelin Group, presented an overview of their senior developments within the City. A 75 percent reduction of the fee in lieu of parkland dedication would allow the developer to use those funds towards construction cost and provide higher quality amenities for residents. While waiting on funding for the project and assistance from the State, the cost of construction materials has risen.

Mr. Hubacek moved to deny the request to reduce the fee in lieu of parkland dedication for Avanti Hills, located at 2235 East Glen Boulevard. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

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

Nayes: Murden

Motion carried.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 16 Consider appointment of one Regular Member (Position No. 4) to the Youth Advisory Board for a term to expire December 31, 2026.

Mr. Casper moved to appoint Jordyn Kline as a Regular Member (Position No. 4) to the Youth Advisory Board for a term to expire December 31, 2026. Motion was seconded by Mr. Green and approved unanimously.

PUBLIC HEARINGS

- 17 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0326-0445 submitted by Elite Emerald Construction for a change of zoning from Commercial to Commercial with a Conditional Use Permit for a primary outdoor storage yard located at 4501 IH 30.

(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. Z0326-0445.

Adam Bailey, Director of Planning and Development Services, stated that the applicant proposes to redevelop the property with a new office and maintenance building and an outdoor storage yard for their paving construction business. The site, originally developed in 1980 as a mobile home dealership and vacant since 2005, would be used to store construction-related materials and equipment, including barricades, traffic control devices and signage, building materials, trucks, trailers, and construction equipment. The equipment includes 5 bobcats, 5 mini excavators, 5 rubber-tire backhoe loaders, and one milling machine. While a paving construction business is a permitted use in the Commercial zoning district, the outdoor storage yard requires a Conditional Use Permit (CUP).

Mr. Bailey stated that the proposed two-story building would range from approximately 5,000 to 6,000 square feet and be oriented toward the IH-30 frontage road. The building would include garage bays for equipment maintenance. The proposed CUP stipulations include enhanced landscaping and

screening requirements, including board-on-board fencing where visible from the street and additional landscaping along Big Town Boulevard and IH-30. The proposed ordinance would also regulate the types and locations of outdoor storage, require the property to comply with current development standards, and limit the CUP to the applicant, making it non-transferable.

Applicant, Kevin Moore, representing Elite Emerald Construction, presented an overview of the proposed application. Large equipment will remain at construction sites and equipment or supplies stored on-site will not be visible due to the screening. He stated that rather than installing a board-on-board fence up to the building and a wrought iron fence around the parking area, he would prefer that the board-on-board fence be installed around the entire perimeter of the property, enclosing the building and parking area for security purposes.

Rolando Salazar, Owner of Elite Emerald Construction stated that there may be dump trucks and 18-wheeler cabs parked on the property.

Tammy Jo Strong, 1713 Cool Springs Drive, expressed support for the proposed application.

No others appeared regarding the proposed application.

Mr. Hubacek moved to approve Zoning Application No. Z0326-0445, with the following stipulations:

2.01. This issuance of this CUP is conditioned upon an office use being operated within the building to be constructed on the Property. The CUP shall terminate, and all outdoor storage shall cease, in the event an office use is not continuously operated during normal business hours within the building on the Property.

2.02. The outdoor storage area shall be limited to the areas shown on the Concept Plan, attached hereto as Exhibit A and incorporated herein by reference, as clarified in this subsection. Outdoor storage is permitted on any area of the Property that is designated on Exhibit A for Storage or Parking for Trucks, Trailers and Equipment. Outdoor storage is prohibited in the areas on Exhibit A marked as Maintenance Parking, Proposed Building and Office Parking. Within the Parking for Trucks, Trailers and Equipment outdoor storage area, construction equipment shall be limited to storage of the following:

2.02.1. Up to five (5) skid steer loaders (commonly known as Bobcats), not exceeding 9,000 lbs. operating weight per unit;

2.02.2. Up to five (5) mini excavators, not exceeding 19,000 lbs. operating weight per unit;

2.02.3. Up to five (5) rubber-tire backhoe loaders, not exceeding 18,000 lbs. operating weight per unit;

2.02.4. Up to one (1) milling machine, not exceeding 78,000 lbs. operating weight; and

2.02.5. Up to one (1) 52-ft long flatbed trailer.

2.02.6. Parking of tractor trucks, enclosed trailers (i.e., 18-wheelers) and dump trucks shall be permitted, provided the total number of tractor trucks, enclosed trailers, and dump trucks does not exceed seven (7) of these in any combination.

2.02.7. The Director of Planning and Development Services may administratively approve modifications to the type or combination of equipment stored within the outdoor storage area for trucks, trailers and equipment, provided that: (a) all equipment remains compact construction equipment and does not exceed the operating weight limits established for its respective equipment type as set forth in Conditions 2.01.1 through 2.01.4; (b) the total number of pieces of equipment stored on-site does not exceed sixteen (16); and (c) all other conditions of this Conditional Use Permit continue to be satisfied. Any such modification shall be documented in writing and placed in the permit file.

2.03. The applicant shall install screening fencing or walls along the perimeter of the Property in accordance with the following requirements:

2.03.1 Along Big Town Boulevard, the applicant shall install either:

- a. an eight-foot (8-ft.) board-on-board cedar fence; or
- b. an eight-foot (8-ft.) masonry screening wall; or
- c. a combination of a masonry wall and board-on-board cedar fencing.

The screening fence or wall along Big Town Boulevard shall be setback a minimum of twenty-five feet (25 ft.) from the public right-of-way line. Any gate installed shall be solid.

2.03.2. Along the southern property line, the applicant shall install either:

- a. an eight-foot (8-ft.) board-on-board cedar fence; or
- b. an eight-foot (8-ft.) masonry screening wall; or
- c. a combination of a masonry wall and board-on-board cedar fencing.

2.03.3. Along the northern and eastern property lines, chain-link fencing may be installed, provided it is at least eight feet (8 ft.) in height.

2.03.4. Along the IH-30 frontage road, the applicant shall install either:

- a. an eight-foot (8-ft.) board-on-board cedar fence; or
- b. an eight-foot (8-ft.) masonry screening wall; or
- c. a combination of a masonry wall and board-on-board cedar fencing.

The screening fence or wall along the IH-30 frontage road shall be setback a minimum of twenty-five feet (25 ft.) from the public right-of-way line. Any gate installed shall be solid.

Decorative signage may be incorporated into the perimeter fencing along the IH-30 frontage road to create a cohesive and harmonious streetscape and may be administratively approved by the Director of Planning and Development Services. The Director may approve the final location, design, materials, dimensions, and associated landscaping of the signage.

2.04. In addition to meeting the landscaping requirements in Section 1A of the MZO, the applicant shall install supplemental landscaping, including trees,

shrubs, berms, and plantings, along the length of the IH-30 frontage road and Big Town Boulevard, creating a cohesive and harmonious streetscape edge.

2.05. Prior to CUP issuance, a site plan shall be reviewed and approved by City Staff based on compliance with the MZO, including the conditions of this Ordinance, and City Code.

2.06. The site plan shall clearly delineate parking, outdoor storage areas, screening, and landscaping elements.

2.07. The City Council finds that said use(s) defined and permitted under this CUP are sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole.

2.08. The CUP is approved solely for Elite Emerald Construction LLC, and is not transferable or assignable to a different owner or business. A different business applicant desiring to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

2.09. The City Council finds that while the said use(s) may be viewed as consistent with current uses in the area and on adjoining property, anticipated future changes in the area may cause the requested use(s) to become incompatible after a period of time.

2.10. The CUP is granted for a period of five (5) years from the date of the issuance of a Certificate of Occupancy, after which it shall expire and terminate. In the event the holder of the CUP desires to continue the use(s) and prior to expiration of the CUP, the holder must submit a new application requesting to continue the CUP. Any such application shall require the procedures outlined in the MZO for initial approval of a CUP and City Staff shall present a report on Property conditions during the time period of the CUP.

2.11. Upon conviction of at least three (3) violations of the City's Code of Ordinances, including but not limited to the MZO which includes this ordinance, during any consecutive twelve (12) month period, then (1) the Building Official shall revoke the Certificate of Occupancy for the Property, and (2) Elite Emerald Construction LLC, shall automatically forfeit the CUP granted by this ordinance, without further action by the Planning and Zoning Commission or City Council.

And to approve Ordinance No. 5254, 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 TO ALLOW A PRIMARY OUTDOOR STORAGE AREA ON PROPERTY LOCATED AT 4501 INTERSTATE HIGHWAY 30 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; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5254 recorded in Ordinance Book No. 137.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:56 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 (Legal advice regarding Petition by Landowner or Resident for Release of Area from Extraterritorial Jurisdiction); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 9:01 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:01 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. 18 – Discuss economic development incentives for a project near IH-20 in Kaufman County); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:13 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 9:13 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor