



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, December 17, 2018

4:30 PM

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

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

### **PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding multifamily residential development standards.  
  
Council directed staff to prepare regulations, as presented.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:00 P.M.**

- 2 Receive quarterly activity report from the Economic Development Department.

Kim Buttram, Assistant Director of Economic Development, stated that the quarterly report covers the third quarter of calendar year 2018. Media highlights include the Texas Historic Commission's announcement that Mesquite is one of three new state-wide Main Street designation cities, the only city in Dallas County to hold this prestigious title, and First Daughter Ivanka Trump's visit to the Mesquite Walmart's training academy which received national attention. Staff has attended various trade shows this quarter with more than 70 prospects visited. Ms. Buttram reviewed the Council's Economic Development priorities – Job Creation, Retail Vitality, Small Business Development, Shopping Center Revitalization, IH-20 Corridor and Downtown Development with the following updates:

- Job Creation – Elements International will open in the first quarter of 2019 and will add 100 jobs to the Skyline Trade Center. Ashley Furniture is actively recruiting for over 350 new jobs and will open in the second quarter of 2019.
- Retail Vitality – Kids Empire experienced the largest opening nationwide with a recent soft opening. Mesquite has a 93 percent city-wide retail occupancy rate with Town East Mall experiencing a 98 percent occupancy rate. The City sales tax is stable and trending as budgeted.
- Small Business Development – staff hosted the inaugural Entrepreneurs Day in downtown Mesquite on November 13, 2018, with 63 small business owners and 30 panelists/facilitators attending. The sessions were based on Small Business Administration guidelines with future in-depth workshops planned in 2019.
- Shopping Center Revitalization – an inventory has been completed of 26 shopping centers with preliminary ranking and staff is in active discussion with developers for redevelopment of eight of those centers. Two of the developers

are working on their proforma and redevelopment plans. Staff is preparing a policy formation for redevelopment for future Council consideration in the first quarter of 2019.

- IH-20 Corridor – Kaufman County is the fourth fastest growing county in the State of Texas and the eleventh fastest growing county nationwide. Recent announcements of approximately 3,000 new home lots in development along the IH-20 corridor and in the south Mesquite area will enable staff to more effectively market new commercial development within Trinity Pointe.
- Downtown Development – Mesquite has been awarded the official Texas Main Street designation and a downtown logo has been adopted. The Downtown Infrastructure Plan for Front Street is approximately 90 percent complete, with construction scheduled to begin in Spring 2019. Staff is in discussions with nine downtown prospects and a new website is in development. Facebook followers increased 200 percent during the Window Wonderland contest.

Ms. Buttram reviewed population trends, number of households, median income, home values, residential permits and valuation, major employers, unemployment rate, higher education attainment, population distribution, top industries by job type, home ownership and rentals, commercial remodel permits and valuation, commercial new permits and valuation, local sales tax collected, estimated new jobs, estimated new square footage and certificates of occupancy issued. Ms. Buttram stated that the Economic Development staff has been strategizing on marketing the City by designing a new website, which is tentatively scheduled to go live in January 2019, producing a trade show booth with the first show scheduled for January 2019, completing a business recruitment video and increasing media reach through targeted publications and social media. Staff delivered “Made in Mesquite” baskets to the 15 largest employers in Mesquite with products produced by small businesses in Mesquite. Staff is attempting to cross-promote businesses within the city.

The work session ended at 7:00 p.m.

## **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:11 P.M.**

### **INVOCATION**

Richard Flowers, Senior Pastor, Emmanuel Pentecostal Church, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

Members of Town East Mall staff.

### **SPECIAL ANNOUNCEMENTS**

- (1) Mr. Miklos reminded residents to drive safely and be especially careful in highway work zones.
- (2) Mr. Casper stated that students will soon be released from school for the holidays and reminded everyone to Drive Like Your Family Lives Here.
- (3) Mr. Archer encouraged residents to take advantage of a Winter Camp for Kids during the holidays offered by the Parks and Recreation Department.
- (4) Mr. Archer thanked the volunteers that participated in Christmas caroling last night in the Vanston area.

(5) Mr. Archer stated that he, Mr. Miklos and the Corner Theatre will be hosting an evening of food, fellowship and a free movie on Saturday, December 22, 2018, at 8:00 p.m., at the Corner Theatre in downtown Mesquite featuring "It's a Wonderful Life." He invited everyone to bring their family and friends to this downtown Mesquite event.

(6) Mr. Boroughs congratulated the Utilities Division staff for earning a superior status from the State of Texas. The City was recognized for high standards, modern technology and innovation.

(7) Mr. Boroughs stated that he enjoyed singing Rudolph the Red-Nosed Reindeer last Saturday night at the Corner Theatre to support the Santa Cop Toy program.

(8) Mr. Boroughs stated that he was honored to attend the 34th class graduation of the Mesquite Citizens Police Academy.

(9) Mr. Aleman congratulated the Mesquite Police Department and the many volunteers for their diligent work on the Santa Cop Toy Program which provided gifts for approximately 1,000 children this year.

(10) Mr. Aleman expressed appreciation to Horn High School's School Resource Officer Hill who arranged for students to volunteer their time to feed the homeless.

(11) Mr. Noschese encouraged citizens to participate in the "The Gift of Reading" event at the Mesquite Main Library on Friday, December 21, 2018, at 3:00 p.m. There will be guest speakers, holiday refreshments and a craft table for children.

(12) Mr. Pickett reminded residents that it is illegal to possess or use fireworks or discharge firearms within the Mesquite city limits. The Police and Fire Departments will launch joint deployment teams on New Year's Eve to enforce these laws and will be issuing citations.

#### **CITIZENS FORUM**

(1) Charlie Brown, 1713 Huntington Drive, expressed disappointment regarding City procedures for investigating dog attacks.

(2) Margaret Sharp, 3400 Regal Avenue, expressed concerns regarding vicious dogs.

#### **CONSENT AGENDA**

##### **Approval of the Consent Agenda**

Mr. Archer requested that Item No. 5 be removed from the Consent Agenda to be considered separately. Mr. Casper requested that Item No. 22 be removed from the Consent Agenda to be considered separately. Mr. Aleman moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

3 Minutes of the regular City Council meeting held December 3, 2018.

**Approved on the Consent Agenda.**

4 An ordinance amending Chapter 8 of the City Code establishing a process for variances from the separation requirements for sales of alcoholic beverages.

**Approved on the Consent Agenda.**

**Ordinance No. 4635, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SECTION 8-841 THEREBY ESTABLISHING A PROCESS FOR VARIANCES FROM THE SEPARATION REQUIREMENTS FOR SALES OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS**

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**(\$500.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE THEREOF.  
(Ordinance No. 4635 recorded in Ordinance Book No. 114.)**

- 6 Bid No. 2019-005 - Annual Supply of Asphalt Material and Non-Asphaltic Materials.  
(Staff recommends all bids be rejected.)

**Approved on the Consent Agenda.**

- 7 Bid No. 2019-049 - Annual Supply of Asphalt Materials  
(Staff recommends award to Oldcastle Materials Texas, Inc., dba TexasBit, through an Interlocal Cooperative Purchasing Agreement with the City of Garland, in an amount not to exceed \$233,800.00. The term of this contract is for one year, with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 8 Bid No. 2019-042 - Purchase of Paint Striping Truck.  
(Staff recommends award to Rush Truck Center of Texas, in Dallas, Texas, through the Houston-Galveston Area Council of Governments (HGACOG) Cooperative Purchasing Program Contract No. HT06-18, for an Isuzu N-Series chassis in the amount of \$51,250.00 and to M-B Companies, Inc., in Muncy, Pennsylvania, for an Urbanliner Stripper Body, through the HGACOG Contract No. SM10-18, in the amount of \$267,960.70, for a total amount of \$319,210.70.)

**Approved on the Consent Agenda.**

- 9 Bid No. 2019-043 - Annual Fiber Optic Cabling Repair and Maintenance.  
(Authorize the City Manager to finalize and execute a contract with Future Telecom, Inc., through an Interlocal Cooperative Purchasing Agreement with Mesquite Independent School District, in an amount not to exceed \$120,000.00.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2019-044 - Purchase of 235 Police Inclement Weather Jackets.  
(Staff recommends award to Galls through BuyBoard Contract No. 524-17, sponsored by the Texas Association of School Boards, in the amount of \$93,656.90.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2019-047 - Purchase of Two Toro GM400 Groundskeeper Mowers.  
(Staff recommends award to Professional Turf Products in Euless, Texas, through BuyBoard Contract No. 529-17, in the amount of \$129,972.00.)

**Approved on the Consent Agenda.**

- 12 Appoint Stan Pickett, Robert Miklos, Jeff Casper, Bruce Archer, Greg Noschese, Dan Aleman and Tandy Boroughs to the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six (TIRZ) Board of Directors for terms to expire December 31, 2020, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 13            Appoint Stan Pickett, Dan Aleman, Jeff Casper and Jeff Jones to the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas Board of Directors for terms to expire December 31, 2020, and appoint Stan Pickett as the Chairperson to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 14            Appoint Stan Pickett, Robert Miklos, Jeff Casper, Jeff Jones, Dan Montgomery, B.T. Lawrence, and Wayne Chappell to the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine (TIRZ) Board of Directors for terms to expire December 31, 2020, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 15            Appoint Stan Pickett as the Chairperson to the Gus Thomasson Tax Increment Finance Reinvestment Zone No. Eight, City of Mesquite, Texas Board of Directors to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 16            Appoint Stan Pickett as the Chairperson to Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) Board of Directors to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 17            Appoint Stan Pickett as the Chairperson to the Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) Board of Directors to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 18            Appoint Stan Pickett as the Chairperson to Reinvestment Zone Number Ten, City of Mesquite, Texas (Polo Ridge) Board of Directors to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 19            Appoint Stan Pickett as the Chairperson to the Skyline Tax Increment Finance Reinvestment Zone No. Seven, City of Mesquite, Texas Board of Directors to serve a one-year term beginning January 1, 2019.

**Approved on the Consent Agenda.**

- 20            Authorize the City Manager to finalize and execute an amendment to a professional engineering services contract with Halff Associates, Inc., for additional engineering, surveying, construction management and inspection services for Streambank Stabilization of South Mesquite Creek Channel and Stream 2B7 in an amount not to exceed \$572,400.00.

**Approved on the Consent Agenda.**

- 21 Authorize the City Manager to execute Change Order No. 3 to Bid No. 2016-049, 2016 Annual Miscellaneous Concrete Work Project (Section B), with B&B Concrete and Sawing, Inc., in the amount of \$359,278.00.

**Approved on the Consent Agenda.**

- 23 Authorize an increase in the contract between the City and Barry Smitherman, P.C. for the provision of legal services, advice and counsel to the City of Mesquite in connection with PUC Docket 46662 in the amount not to exceed \$50,000.00, for a total contract amount not to exceed \$100,000.00.

**Approved on the Consent Agenda.**

- 24 Approve and ratify authorization of the City Manager to execute a Business Electricity Authorization Agreement with TXU Energy Retail Company LLC for electric services for an eight-year period beginning December 1, 2021, and ending on December 31, 2029.

**Approved on the Consent Agenda.**

- 25 An ordinance amending Chapter 3 of the City Code by adding the requirement of notice by the City in the event of default for failure to pay rent, increasing the maximum number of years for an airport tenant lease, clarifying the periodic review of rental rates, providing that airport tenants may have incidental office and storage space and establishing a new minimum charge for lease of unimproved airport property.

**Approved on the Consent Agenda.**

**Ordinance No. 4636, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 3, "AIRPORTS AND AIRCRAFTS," OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) AND 3-67(c)(1) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) AND 3-67(c)(1); ADDING THE REQUIREMENT OF NOTICE BY THE CITY IN THE EVENT OF DEFAULT FOR FAILURE TO PAY RENT, INCREASING THE MAXIMUM NUMBER OF YEARS FOR AN AIRPORT TENANT LEASE, CLARIFYING THE PERIODIC REVIEW OF RENTAL RATES, PROVIDING THAT AIRPORT TENANTS MAY HAVE INCIDENTAL OFFICE AND STORAGE SPACE, AND ESTABLISHING A NEW MINIMUM CHARGE FOR LEASE OF UNIMPROVED AIRPORT PROPERTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4636 recorded in Ordinance Book No. 114.)**

- 26 Authorize the City Manager to finalize and execute a ground lease with Sundance MC, LLC, for the construction of an aircraft hangar located at 1670 Airport Boulevard, Mesquite, Texas.

**Approved on the Consent Agenda.**

- 27 Authorize the City Manager to finalize and execute a ground lease with Sundance MC, LLC, for the construction of a corporate aircraft hangar located at 1680 Airport Boulevard, Mesquite, Texas.

**Approved on the Consent Agenda.**

- 28 Authorize the City Manager to finalize and execute a Developer Participation Agreement with Sundance MC, LLC, for site development reimbursement at the Mesquite Metro Airport.

Approved on the Consent Agenda.

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

- 5 An ordinance creating a Mesquite Downtown Development Advisory Board and establishing the board's regulations and duties.

Kim Buttram, Assistant Director of Economic Development, stated that the proposed ordinance creates the Mesquite Downtown Development Advisory Board consisting of 12 Mesquite citizens appointed at the pleasure of the City Council to serve as liaisons to the City Council in making recommendations regarding Downtown Mesquite development initiatives and incentive programs, overseeing Downtown committees and providing information and updates to the City Council and general public.

Mr. Archer moved to approve Ordinance No. 4637, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CREATING A MESQUITE DOWNTOWN DEVELOPMENT ADVISORY BOARD; ESTABLISHING THE BOARD'S REGULATIONS AND DUTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4637 recorded in Ordinance Book No. 114.)

- 22 Authorize the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services.

Mr. Casper moved to postpone consideration of authorizing the City Manager to execute a contract with the Mesquite Chamber of Commerce for the purpose of providing economic development services to the January 7, 2019, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.

#### **END OF CONSENT AGENDA**

#### **PUBLIC HEARINGS**

- 29 Conduct a public hearing and consider a resolution approving the terms and conditions of a program (Chapter 380 Agreement) to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute an Economic Development Program Agreement with Sundance MC, LLC., for the development of two corporate hangars at Mesquite Metro Airport.

A public hearing was held to consider a Chapter 380 agreement with Sundance MC, LLC., for the development of two corporate hangars at Mesquite Metro Airport.

Eric Pratt, Airport General Manager, stated that the proposed Chapter 380 agreement would allow the development of two 9,600-square-foot corporate hangars at the south end of the Mesquite Metro Airport on a ground lease with a 30-year term with two five-year extensions. At the end of the ground lease, the

property will revert to City ownership. One of the proposed hangars will be utilized for the developer's personal aircraft and the other hangar would be leased to corporate users. The proposed incentive would include a reimbursement of development fees in the amount of \$12,950.00 and City tax reimbursement of \$8,850.00, for a total reimbursement amount of \$21,800.00. The incentive payback schedule is approximately three years.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Archer moved to approve Resolution No. 75-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH SUNDANCE MC, LLC, FOR THE DEVELOPMENT OF TWO CORPORATE HANGARS AT MESQUITE METRO AIRPORT; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 75-2018 recorded in Resolution Book No. 56.)

30

Conduct a public hearing and consider, on second reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multifamily developments within the corporate city limits of Mesquite, adopting written findings justifying the moratorium, providing for waivers and limited exceptions to the moratorium and establishing an expiration date.

A public hearing was held to consider imposing a moratorium on applications and plans for development, permits, plats, verifications, rezoning, site plans and new or revised certificates of occupancy for multifamily residential development within the corporate city limits of Mesquite, adopting written findings justifying the moratorium, providing for waivers and limited exceptions to the moratorium, and establishing an expiration date.

Mayor Pickett stated that the first public hearing was held on December 11, 2018.

Jeff Armstrong, Director of Planning and Development Services, stated that providing the moratorium is approved tonight, the moratorium will go into effect and will expire on April 16, 2019, unless extended by the City Council. Since the first public hearing on December 11, 2018, the time schedule to approve the ordinance adopting new guidelines for multifamily residential development has been modified as follows: December 17, 2018, staff to brief the City Council on research and possible options; January 14, 2019, staff to brief the Planning and Zoning Commission and receive feedback; February 18, 2019, the City Council to discuss the draft ordinance; February 25, 2019, the Planning and Zoning Commission to consider the proposed ordinance; and March 18, 2019, the City Council to consider the proposed ordinance.

David Paschall, City Attorney, stated that the Texas Local Government Code provides two avenues in which a city can implement moratorium on residential development: (1) demonstrate a need to prevent a shortage of essential public facilities which are water, sewer or storm drainage facilities or street improvements provided by a municipality and (2) demonstrate a significant need for other public facilities which include police and fire facilities. A significant

need for public facilities is established if the failure to provide those public facilities will result in an overcapacity of existing public facilities or would be detrimental to the health, safety and welfare of citizens. Mr. Paschall stated that a moratorium can be approved City-wide or for a certain geographic area depending on the Council's findings.

Cliff Keheley, City Manager, stated that in certain areas of the City there are traffic control issues and congestion which warrant a moratorium.

No one appeared regarding the proposed moratorium.

Mr. Archer moved to approve Ordinance No. 4638, with the revised timeline as presented, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, IMPOSING A MORATORIUM ON APPLICATIONS AND PLANS FOR DEVELOPMENT, PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR MULTIFAMILY DEVELOPMENTS WITHIN THE CORPORATE CITY LIMITS OF MESQUITE; ADOPTING WRITTEN FINDINGS JUSTIFYING THE MORATORIUM; PROVIDING FOR WAIVERS AND LIMITED EXCEPTIONS TO THE MORATORIUM; AND ESTABLISHING AN EXPIRATION DATE. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nays: Casper

Motion carried. (Ordinance No. 4638 recorded in Ordinance Book No. 114.)

31

Conduct a public hearing and consider an ordinance for Application No. Z0618-0045, submitted by Jason Shaw of Eminence Realty Group, for a change of zoning from Agricultural to Planned Development-Single Family Residential to allow a single-family residential subdivision, located at 2829 Clay Mathis Road.

(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 of the application with certain stipulations.)

A public hearing was held for Application No. Z0618-0045.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing a 21-lot single-family subdivision on a single cul-de-sac street with green open space and no alleys. The lot sizes range from 5,075 square feet to over 11,000 square feet, lot widths ranging from 50 feet to over 70 feet and lot depths ranging from 99 feet to over 200 feet. The setbacks include 20 feet in the front, 10 feet on the exterior and 5 feet on the interior side. Mr. Armstrong reviewed the development requirements including the masonry and anti-monotony provisions and stated that the applicant has requested that cement hardie board be an accepted masonry material. The pavement width of 31 feet meets the City standards. The applicant proposes enhanced design standards to include an entry feature with landscaping, lighting and irrigation, special street lighting and uniform mailbox design. Mr. Armstrong stated that staff follows the notification process required by the State of Texas which is notifying all property owners within a 200-foot radius of the property.

Applicant Jason Shaw stated that two open spaces are proposed with one of the

open spaces, which will connect with the neighboring church, containing a pocket park with park seating and a playground. He requested a variance for the street right-of-way width from 65 feet to 51 feet and stated that the mandatory Homeowners Association (HOA) will be responsible for maintaining the open areas. The homes will range from 1,600 square feet to 2,900 square feet. The base price for the homes will be \$230,000, the median price will be \$260,000 and the larger lots will be \$300,000. During the application process, Mr. Shaw provided eight simulations for emergency vehicle maneuvering in the cul-de-sac.

The following persons spoke in opposition of the application: (1) Linda Collins, 2500 Edwards Church Road, (2) Karen Dyer, 2450 Edwards Church Road and (3) Trice Battle, 3009 Sandhurst Drive.

Dan Brower, Pastor, Cornerstone Baptist Church, 2829 Clay Mathis Road, spoke in favor of the application.

Councilmembers encouraged the applicant to meet with and consider addressing the concerns of the residents who have expressed opposition to the application.

Mr. Casper moved to postpone consideration of Application No. Z0618-0045 to the January 22, 2019, City Council meeting. Motion was seconded by Mr. Archer and approved unanimously.

32

Conduct a public hearing and consider an ordinance for Application No. Z1018-0073, submitted by WRA Architects, Inc., on behalf of the Mesquite Independent School District, for a change of zoning from R-3, Single-Family Residential to R-3, Single-Family Residential with a Conditional Use Permit for a school thereby allowing an addition to Vanston Middle School, located at 3230 Karla Drive.

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

A public hearing was held for Application No. Z1018-0073.

Mayor Pickett stated that there was one letter in opposition to the proposed amendment that was returned via mail to the homeowner.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing the construction of a two-story, 27,800-square-foot addition to Vanston Middle School with eight classrooms and a separate gymnasium that will also serve as a storm shelter. The proposed addition will increase student capacity to 1,139 students and allow for the removal of the portable buildings. MISD middle school campuses are being restructured to include sixth grade students. Construction is scheduled to be completed by June 2020.

No one appeared regarding the proposed application.

Mr. Noschese moved to approve Application No. Z1018-0073, as recommended by the Planning and Zoning Commission, with the following stipulation:

Compliance with the recommendations of the November 6, 2018, Traffic Impact Analysis is required.

And to approve Ordinance No. 4639, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING ON PROPERTY LOCATED AT 3230 KARLA DRIVE FROM R-3 SINGLE FAMILY RESIDENTIAL TO R-3 SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT FOR A SCHOOL THEREBY ALLOWING AN ADDITION TO VANSTON MIDDLE SCHOOL SUBJECT TO A CERTAIN STIPULATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4639 recorded in Ordinance Book No. 114.)

33

Conduct a public hearing and consider an ordinance for Application No. Z1018-0074, submitted by WRA Architects, Inc., on behalf of the Mesquite Independent School District, for a change of zoning from R-1, Single-Family Residential to R-1, Single-Family Residential with a Conditional Use Permit for a school thereby allowing an addition to Porter Elementary School, located at 517 Via Avenida.

(Two responses in favor, two in opposition and one undecided to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with a certain stipulation.)

A public hearing was held for Application No. Z1018-0074.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing the construction of a 13,000-square-foot addition with 10 classrooms. There will be no increase in student capacity and will remain at 408 students. The proposed addition will allow for the removal of the portable buildings. A drop-off lane will be constructed with access from Via Ventura. A Traffic Impact Analysis was provided and accepted by the Traffic Engineering Division. Construction is scheduled to be completed by the summer of 2020.

No one appeared regarding the proposed application.

Mr. Casper moved to approve Application No. Z1018-0074, as recommended by the Planning and Zoning Commission, with the following stipulation:

Compliance with the recommendations of the October 31, 2018, Traffic Impact Analysis is required.

And to approve Ordinance No. 4640, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING ON PROPERTY LOCATED AT 517 VIA AVENIDA FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT FOR A SCHOOL THEREBY ALLOWING AN ADDITION TO PORTER ELEMENTARY SCHOOL SUBJECT TO A CERTAIN STIPULATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE;

**PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4640 recorded in Ordinance Book No. 114.)**

**34**

Conduct a public hearing and consider an ordinance for Application No. Z1018-0075, submitted by WRA Architects, Inc., on behalf of the Mesquite Independent School District, for a change of zoning from Agricultural and Planned Development-Single Family Residential to Agricultural and Planned Development-Single Family Residential with a Conditional Use Permit for a school thereby allowing an addition to Terry Middle School, located at 2531 Edwards Church Road.

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

**A public hearing was held for Application No. Z1018-0075.**

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing the construction of a 12,000-square-foot addition for a second gymnasium at Terry Middle School that will also serve as a storm shelter. The proposed addition will not eliminate the portable buildings until Middle School No. 10 is completed and will not increase student capacity.

No one appeared regarding the proposed application.

Mr. Casper moved to approve Application No. Z1018-0075, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4641, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING ON PROPERTY LOCATED AT 2531 EDWARDS CHURCH ROAD FROM AGRICULTURAL AND PLANNED DEVELOPMENT- SINGLE FAMILY RESIDENTIAL TO AGRICULTURAL AND PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT FOR A SCHOOL THEREBY ALLOWING AN ADDITION TO TERRY MIDDLE SCHOOL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4641 recorded in Ordinance Book No. 114.)

**35**

Conduct a public hearing and consider an ordinance for Application No. Z1018-0076, submitted by WRA Architects, Inc., on behalf of the Mesquite Independent School District, for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit for a school thereby allowing an addition to Berry Middle School, located at 2675 Bear Drive.

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

**A public hearing was held for Application No. Z1018-0076.**

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing the construction of a 12,000-square-foot addition for a second gymnasium at Berry Middle School that will also serve as a storm shelter. The proposed addition will not eliminate the portable buildings until Middle School No. 10 is completed and will not increase student capacity.

No one appeared regarding the proposed application.

Mr. Casper moved to approve Application No. Z1018-0076, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4642, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING ON PROPERTY LOCATED AT 2675 BEAR DRIVE FROM AGRICULTURAL TO AGRICULTURAL WITH A CONDITIONAL USE PERMIT FOR A SCHOOL THEREBY ALLOWING AN ADDITION TO BERRY MIDDLE SCHOOL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4642 recorded in Ordinance Book No. 114.)

36

Conduct a public hearing and consider an ordinance for Application No. Z1018-0077, submitted by WRA Architects, Inc., on behalf of the Mesquite Independent School District, for a change of zoning from R-3, Single-Family Residential and Planned Development-Duplex No. 2103 to R-3, Single-Family Residential and Planned Development-Duplex No. 2103 with a Conditional Use Permit for a school thereby allowing an addition to Agnew Middle School, located at 729 Wilkinson Drive.

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

A public hearing was held for Application No. Z1018-0077.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) is proposing the construction of a 12,000-square-foot addition for a second gymnasium at Agnew Middle School that will also serve as a storm shelter. The proposed addition will not eliminate the portable buildings until Middle School No. 10 is completed and will not increase student capacity.

No one appeared regarding the proposed application.

Mr. Casper moved to approve Application No. Z1018-0077, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4643, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING ON PROPERTY LOCATED AT 729 WILKINSON DRIVE FROM R-3 SINGLE FAMILY RESIDENTIAL AND PLANNED DEVELOPMENT - DUPLEX NO. 2103 TO R-3 SINGLE FAMILY RESIDENTIAL AND PLANNED DEVELOPMENT - DUPLEX NO. 2103 WITH A CONDITIONAL USE PERMIT FOR A SCHOOL THEREBY ALLOWING AN ADDITION

TO AGNEW MIDDLE SCHOOL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4643 recorded in Ordinance Book No. 114.)

#### RECEIPT OF RESIGNATION

- 37 Receive resignation from William Richardson as a member of the Historic Mesquite, Inc., Board of Directors, effective December 31, 2018.

Mr. Archer moved to accept the resignation of William Richardson as a member of the Historic Mesquite, Inc., Board of Directors, effective December 31, 2018. Motion was seconded by Mr. Casper and approved unanimously.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

- 38 Consider appointment of seven members to the Mesquite Rodeo City Tax Increment Reinvestment Zone Number One (TIRZ) Board of Directors for terms to expire December 31, 2020, and appoint a Chairperson to serve a one-year term beginning January 1, 2019.

Mr. Miklos left the meeting.

Mr. Archer moved to appoint Dan Aleman, Bruce Archer, Tandy Boroughs, Jeff Casper, Greg Noschese, Stan Pickett and Debbie Mol as members of the Mesquite Rodeo City Tax Increment Reinvestment Zone Number One (TIRZ) Board of Directors for terms to expire December 31, 2020, and appoint Stan Pickett as Chairperson to serve a one-year term beginning January 1, 2019. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

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

Nayes: None

Abstentions: Miklos

Motion carried.

- 39 Consider appointment of three regular members to the Board of Adjustment for terms to expire January 1, 2021, and one alternate member for a term to expire January 1, 2021, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and one reserve alternate member to the Board of Adjustment for a term to expire January 1, 2021, and one reserve alternate member to the Board of Adjustment for a term to expire January 1, 2020.

Mr. Miklos entered the meeting.

Mr. Casper moved to appoint George Rice as a regular member and to change the appointment of Tom Palmer and Shannon Tucker from alternate members to regular members of the Board of Adjustment for terms to expire January 1, 2021, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Mr. Archer and approved unanimously.

- 40 Consider appointment of three regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2021.

**Mr. Casper moved to appoint Patrick Reyes as a regular member and James Morris as an alternate member to the Building Standards Board for terms to expire January 1, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.**

- 41 Consider appointment of one alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2020, and one alternate member for a term to expire October 21, 2019.

**Mr. Casper moved to appoint Nichol Surratt as an alternate member to the Parks and Recreation Advisory Board and Tree Board for a term to expire October 21, 2020. Motion was seconded by Mr. Boroughs and approved unanimously.**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:24 P.M.**

Mayor Pickett announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:37 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:37 P.M.**

Mayor Pickett 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 (Review of City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:32 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **ADJOURNMENT**

**Mr. Boroughs moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 10:32 p.m.**

Attest:

Approved:

\_\_\_\_\_  
Sonja Land, City Secretary

\_\_\_\_\_  
Stan Pickett, Mayor