



City of Mesquite, Texas

Minutes - Final City Council

Monday, February 3, 2020

5:00 PM

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

Present: Mayor Bruce Archer and Councilmembers Tandy Boroughs, Robert Miklos, Dan Aleman, Kenny Green, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:50 P.M.

Mayor Archer 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 (City of Mesquite, Texas v. Extra Property Holdings, LLC, and Compass Bank, Cause No. CC-19-02559-A - Filed 4-30-19); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:05 P.M.

- 1 Presentation of meritorious awards to Fire Department employees.

Fire Chief Mark Kerby stated that the purpose of the annual Fire Department meritorious awards is to recognize members of the Mesquite Fire Department and employees of the City of Mesquite who provide outstanding service to Mesquite residents. Chief Kerby introduced Captain Harlan Lowrance, who will read the award citations and recipient names.

Captain Lowrance stated that one of the ways that the Fire Department measures a firefighter's physical ability to perform is an evaluation called the Physical Ability Test (PAT), which is mandatory for every fire department member, up to and including the Fire Chief. The following members posting times designated as optimal for their age group have earned the PAT Fitness Bar:

- Anthony Shrum, Austin Holt, Beau Woodlee, Blake Turner, Brad Hurtt, Bryan Serda, Casey Peach, Chad Holmes, Chad Rose, Chuck Schmitt, David David, David Page, Drew Morovick, Elliot Howard, Lane Rodgers, Greg Douglas, Jack Wells, Jacob Heise, Jason Eddy, Jeremy Heiner, Jerry Fitzgerald, Jimmy Johnson, John Kelly, Justin Beaird, Justin Sanders, Kenny Crawford, Kyle Jones, Mark Kerby, Matthew Koop, Miles Lacey, Nick Stephan, Nick Vander Tuig, Paul

Craig, Rob Clarke, Robert Hanie, Rodney Jones, Royce Cartwright, Ryan Terry, Stephen Snell, Steven Jarosz, Thomas Chapman, Tobias Henry, Travis Block and Travis Dunlap.

Chief Kerby and Captain Lowrance presented meritorious awards to Fire Department employees in recognition of their achievements and outstanding service. Awards were presented as follows:

• Attendance Award:

Bobby Bryant, Nicholas Dagenais, Travis Dunlap, Landon Gregory, Jacob Heise, Justin James, Jon Moore, Christopher Thomas, Jonathan Wright and Gene Zwillenberg.

- Lifesaving Award No. 1 to Firefighter/Paramedic (FF/P) Aaron Featherston, Lieutenant/Shift Duty Officer Eric Haake and FF/P Victor Palasciano;
- Lifesaving Award No. 2 to FF/P Brett Phillips, Captain/Paramedic (C/P) Keith Hopkins, FF/P Isaac Joseph, Driver-Engineer/Paramedic (DE/P) Ron Buie, FF/P Kyle Kresta and FF Sam Weisz;
- Lifesaving Award No. 3 to FF/P Cory Thomas, DE/P David Lester, FF/P Mike Park, FF/P Andrew Pratz, FF/P Jesse Powell and Firefighter/Emergency Medical Technician (FF/EMT) Destiny Corrales;
- Lifesaving Award No. 4 to FF/P Joe Baker, C/P Travis Greenman, FF/P Brian Jeffreys, DE/P David Trent, FF/P Anthony Shrum and FF Drew Morovick;
- Lifesaving Award No. 5 to FF/P Kris Johnson, Lieutenant/Paramedic (Lt./P) Matt Haisten, FF/P Joshua Whittle, DE/P Don Childress and FF/P Matthew Koop;
- Lifesaving Award No. 6 to FF/P Patrick J. Wilson, C/P Chad Rose, FF/P Brian Hill, FF/P Samantha Criswell, FF/P Paul Polish and FF/EMT David Williams;
- Lifesaving Award No. 7 to FF/P Dan Turner, Lt./P David Ivie, FF/P Erik Richmond, FF/P Aaron Hall, FF/P Blake Turner and FF John Kelly;
- Lifesaving Award No. 8 to FF/P Matthew Cummings, Captain Steve Hildebrandt, FF/P Mike Park, DE/P Jesse Kingery and FF/P Jesse Powell;
- Lifesaving Award No. 9 to FF/P Tyler George; Lt./P Matt Haisten, FF/P David England, DE/P Bobby Bryant, FF/P Justin Beaird and FF Landon Gregory;
- Lifesaving Award No. 10 to FF/P Erric Baack, Lt./P Jason Sutcliffe, FF/P Andrew Pratz, DE/P Zachary Bell and FF/P Tyler George;
- Lifesaving Award No. 11 to FF/P Jerry Jedlicka, DE/P Vance Lay, FF/P Erik Richmond, DE/P Stephen Holland and FF/EMT Drew Morovick;
- Lifesaving Award No. 12 to FF/P Blake Hamilton, C/P Shaun Jordan, FF/P Keith Honey, DE/P Royce Cartwright, FF/P Jeremy Heiner and FF/P Keith Harrison;
- Lifesaving Award No. 13 to FF/P David Page, C/P Phil Cunningham, FF/P Justin Bunting, DE/P Jim Baldwin, FF/P Wayne Lasater and FF/P Rod Levingston;
- Lifesaving Award No. 14 to FF/P Chris Mickle, DE/P Stephen Holland, FF/P Ray Sewell, FF/P David Ballard and FF/P Tim Hockaday;
- Lifesaving Award No. 15 to FF/P Bryan Serda, Lt./P Matt Haisten, FF/P Alan Pringle, DE/P Travis Block and FF/P Micah Marienfeld;
- Lifesaving Award No. 16 to FF/P Caleb Schallawitz, C/P Kenny Crawford, FF/P Austin Holt, DE/P Chad Tessem, FF/P Eric Wright and FF/P Justin Turner;
- Fire Service Recognition to Captain Kenny Crawford and FF/P Erik Richmond;
- Fire Officer of the Year to Lt./P Eric Haake;
- Fire Paramedic of the Year to FF/P Russell Wolf and
- Firefighter of the Year to FF/P Christopher Thomas.

The work session ended at 6:53 p.m.

- 2 Receive preliminary financial statements for fiscal year ending September 30, 2019 and financial statements for period covering October 1, 2019, through December 31, 2019.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:01 P.M.

INVOCATION

Pastor Beto Meza, New Life DFW Church.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Heart Board.

PRESENTATIONS

- 3 Presentation of an award to Fernando Rojas in recognition of his service as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

Mayor Archer presented an award to Fernando Rojas in recognition of his service as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee from January 2014 through December 2019.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom announced that today is the beginning of "Tax Identity Theft Awareness Week." The Mesquite Public Library System will host free services to assist low and moderate income taxpayers with income tax preparation, with special attention given to those age 60 and over. This service is conducted on a first-come, first-served basis. She encouraged citizens to take advantage of this free opportunity.
2. Mr. Boroughs reminded citizens that the Daddy/Daughter Dance will be held on Saturday, February 8, 2020, with two sessions available - 4:00 p.m. to 6:00 p.m. and 7:00 p.m. to 9:00 p.m. Tickets are now available for purchase for \$15.00 per person, per session in the Parks and Recreation Department and will not be sold at the door.
3. Mr. Green stated that he was honored to be a part of the Mayor's State of the City Address, last week, to help present the Employee of the Year Awards. He congratulated the honorees who provided exceptional service to the City during 2019 - Sydney Paige, Animal Services Officer – General Government Employee of the Year; Investigator Shawn Hanley – Mesquite Police Officer of the Year; and Lieutenant David Ivie – Mesquite Fire Officer of the Year.
4. Mr. Miklos stated that the Mesquite Symphony Orchestra kicks off its 32nd season on Saturday, February 8, 2020, at 7:30 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. He encouraged citizens to attend the concert which will feature a variety of musical selections and performances, including three-time Grammy Award Winner Jennifer Higdon.
5. Mr. Miklos invited citizens to attend the Country Brook/Quail Hollow/Meadowdale Neighborhood Meeting on Thursday, February 6, 2020, at 6:30 p.m., at Austin Elementary School, 3020 Poteet Drive.
6. Mr. Miklos stated that his youngest son, Emory, who will turn 18 on February 25, 2020, registered to vote today. He encouraged citizens to also register to vote.

7. Mr. Miklos announced that the Range/Town East/Astronaut Streets Neighborhood Meeting will be held on Tuesday, February 11, 2020, at 6:30 p.m., at Town East Baptist Church, 3117 North Town East Boulevard, and invited citizens to attend.
8. Mr. Smith thanked everyone who participated in the Polar Plunge last Saturday, February 1, 2020. Donations of \$22,000.00 was raised for Special Olympics Texas. Over \$200,000.00 has been raised in the past 10 years by the Mesquite Police Department and community supporters.
9. Mr. Aleman invited citizens to attend the Neighborhood Meeting on Tuesday, February 11, 2020, at 7:00 p.m., at The Crossing Baptist Church, 1060 Clay Mathis Road.
10. Mr. Aleman thanked Deputy City Manager Jeff Jones and Mayor Archer for attending the community meeting last Saturday, February 1, 2020, at Dia De Los Tacos, 1727 Faithon P. Lucas, Sr., Boulevard.
11. Mr. Aleman stated that the Mesquite Heart Board will be selling "Mesquite Heart" t-shirts on Thursday, February 6, 2020, from 10:00 a.m. to 1:00 p.m., at City Hall, 757 North Galloway Avenue, and Municipal Center, 1515 North Galloway Avenue. Shirts are \$20.00 each and all funds raised will help provide Automated External Defibrillators to businesses, along with providing CPR classes throughout the community.
12. Mayor Archer reminded citizens to plan to attend the 3rd Annual Neighborhood Summit on Saturday, February 22, 2020, from 8:15 a.m. to 1:00 p.m., at the Mesquite Independent School District Professional Development Center, 3819 Towne Crossing Boulevard. This event is free, open to the public and a great way to get involved in the community.
13. Mayor Archer read a letter to Tim Abbott, Manager of Utilities, from a citizen, Seth Wyatt, commending Jonathan Raphael, Wastewater Supervisor; Dustin Aldridge, Assistant Manager of Utilities; and Jay Edmonds, Utilities Technician, for the exceptional customer service he recently received.
14. Mayor Archer asked for a moment of silence to remember the victims of today's tragedy in Commerce, Texas.

CITIZENS FORUM

1. Elizabeth Walley, 1112 Siebold Court, expressed concerns regarding coyotes in her neighborhood.
2. Merrill Phillips, 510 Futrelle Drive, expressed opposition to the proposed convenience store moratorium.
3. Julie Shelton, 631 Snapdragon Trail and Lisa Fox, who works in Mesquite, expressed support for the proposed warming center for Mesquite's homeless.
4. Dirk Rose, 712 Glenhaven Drive; Diane Ramsey, 717 Glenhaven Drive; Kathy Serrato, 602 South Walker Street; and Samantha Lynch, 3919 Farrington Street, expressed opposition to the proposed warming center for Mesquite's homeless.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested Item No. 8 be removed from the Consent Agenda to be considered separately. Mr. Miklos moved to approve Item Nos. 4-7, and 9-10 on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 4 Minutes of the regular City Council meeting held January 21, 2020.

Approved on the Consent Agenda.

- 5 An ordinance amending Chapter 2 of the City Code by making certain additions

and deletions to Sections 2-51 and 2-53 by providing a new definition for "Voting Period" and updating the sign regulations at polling places during Early Voting or on Election Day.

(This item was postponed at the January 6, 2020, and January 21, 2020, City Council meetings.)

Approved on the Consent Agenda.

Ordinance No. 4757, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN SECTIONS 2-51 AND 2-53 BY PROVIDING A NEW DEFINITION FOR "VOTING PERIOD" AND UPDATING THE SIGN REGULATIONS AT POLLING PLACES DURING EARLY VOTING OR ON ELECTION DAY; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF \$2,000.00 FOR A PERSON VIOLATING A PROVISION OF THIS ORDINANCE GOVERNING FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION, AND A PENALTY NOT TO EXCEED \$500.00 FOR ALL OTHER PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4757 recorded in Ordinance Book No. 119.)

- 6 An ordinance amending Chapter 5 of the City Code thereby adopting the 2018 Edition of the International Existing Building Code, effective May 1, 2020.

Approved on the Consent Agenda.

Ordinance No. 4758, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE MESQUITE CITY CODE, BY ADDING NEW ARTICLE II-A TO BE TITLED "EXISTING BUILDING CODE" THEREBY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE (I.E.B.C.) AND PROVIDING CERTAIN LOCAL AMENDMENTS THERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4758 recorded in Ordinance Book No. 119.)

- 7 RFP No. 2020-021 - Mesquite Convention Center - Kitchen Renovation.
(Authorize the City Manager to finalize and execute the required documents with United Construction in the amount of \$336,129.12)

Approved on the Consent Agenda.

- 9 Authorize the City Manager to finalize and execute a contract with Garver, LLC, to perform a Sewer Odor Study in the amount of \$66,380.00.

Approved on the Consent Agenda.

- 10 Authorize the City Manager to finalize and execute a Memorandum of Understanding with the U. S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives regarding the National Integrated Ballistic Information Network.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 8 Authorize the City Manager to finalize and execute a contract with Acme Auto Leasing, LLC, for the lease of six vehicles for the Mesquite Police Department in an amount not to exceed \$46,296.00. The term of this contract is for a 12-month period, with two additional 12-month renewal options, for a total contract amount not to exceed \$138,888.00. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.

Mr. Miklos moved to postpone authorizing the City Manager to finalize and execute a contract with Acme Auto Leasing, LLC, for the lease of six vehicles for the Mesquite Police Department in an amount not to exceed \$46,296.00. The term of this contract is for a 12-month period, with two additional 12-month renewal options, for a total contract amount not to exceed \$138,888.00. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds. Motion was seconded by Mr. Boroughs and approved unanimously.

END OF CONSENT AGENDA**CONSIDERATION OF RESOLUTION**

- 11 A resolution dedicating as parkland approximately 14.883 acres of land owned by the City and located at 3500 Emporium Square, authorizing the City Manager to execute all necessary documents and the filing of this resolution in the deed records of Dallas County, Texas.

The following persons spoke in support of the proposed resolution: (1) Thomas Brashear, 1417 Panola Drive; (2) Samantha Lynch, 3919 Farrington Street; (3) Brett Wisdom, 4231 Karnes Drive; (4) Larry Good, 2621 Monticello Drive; (5) Julie Shelton, 631 Snapdragon Trail; (6) Leann Tran, 1716 Panola Drive and (7) Ray Cagle, 1425 Pecos Street.

The following persons spoke in opposition of the proposed resolution: (1) David Burris, 4229 Coryell Way; (2) Nadine Ward, 425 Walnut Drive; (3) George Rice, 1004 Craig Drive and (4) Steve Ramsey, 717 Glenhaven Drive.

Councilmembers expressed their opinions regarding the proposed resolution.

Ms. Widom moved to approve Resolution No. 05-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DEDICATING AS PARKLAND APPROXIMATELY 14.883 ACRES OF LAND OWNED BY THE CITY AND LOCATED AT 3500 EMPORIUM SQUARE; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS AND THE FILING OF THIS RESOLUTION IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Wisdom, Miklos, Archer, Aleman

Nays: Boroughs, Green, Smith

Motion carried. (Resolution No. 05-2020 recorded in Resolution Book No. 59.)

A brief recess was taken at 9:25 p.m. The meeting resumed at 9:31 p.m.

PUBLIC HEARINGS

12

Conduct a public hearing and consider an ordinance for Application No. Z1219-0122, submitted by Claudia Peters and Cyrus Akhavizadeh on behalf of Camden Homes, for a change of zoning from Office to Planned Development - Townhomes to allow a townhome development including 45 townhomes and three open space lots, located at 3001 North Town East Boulevard.

(No responses in favor and 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 with certain stipulations.)

A public hearing was held for Application No. Z1219-0122.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of a 45-lot townhome subdivision which includes three open space parcels. The townhomes would have a minimum living area of 1,400 square feet on minimum 2,600-square-foot lots. A six-foot long-span precast concrete decorative wall will be constructed along Town East Boulevard. A Homeowner's Association is required. Mr. Armstrong reviewed the proposed stipulations.

Applicant Cyrus Akhavizadeh stated that two Town Hall meetings were held to address the neighborhood's concerns.

No others appeared regarding the proposed amendment.

Mr. Green moved to approve Application No. Z1219-0122, as recommended by the Planning and Zoning Commission, with the following stipulations:

A. Except as provided herein, the plat and site plan for the property shall conform substantially to the Concept Plan included in the PD Development Standards as shown in Exhibit "A" of the ordinance

B. The maximum number of dwelling units shall not exceed 45 units.

C. Interconnectivity among all open space lots is required. For purposes of these stipulations, interconnectivity means linked through pedestrian routes/pathways that connect each open space lot.

D. A minimum of five amenities must be incorporated into the development from the following list of amenities:

- Dog park
- Walking paths and benches
- Picnic area
- Landscape trees and beds in common areas
- Entry monuments at all entrances into development
- Multiple floor plans
- Decorative paving at key intersections (Engineering/Public Works must approve the paving at the time of site plan review.)
- Community gathering area for residents with Homeowners' Association - organized events
- Recreational areas
- 10,000 square foot plaza

- Water features, i.e., water fountain, pond
 - Historical markers
- E. A homeowner's association (HOA) is required.

And to approve Ordinance No. 4759, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM OFFICE TO PLANNED DEVELOPMENT – TOWNHOMES ON PROPERTY LOCATED AT 3001 NORTH TOWN EAST BOULEVARD TO ALLOW A TOWNHOME DEVELOPMENT INCLUDING 45 TOWNHOMES AND THREE OPEN SPACE LOTS SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4759 recorded in Ordinance Book No. 119.)

13

Conduct a public hearing and consider an ordinance for Application No. Z1219-0121, submitted by Cody Woodruff and John Cornelsen, to amend Planned Development Ordinance No. 1643 to allow a carwash as a permitted use less than 100 feet from a residential zoning district, located at 4414 North Galloway Avenue.

(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 of the application with certain stipulations.)

A public hearing was held for Application No. Z1219-0121

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the development of a carwash on a portion of the vacant property at the corner of North Galloway Avenue and Childress Avenue, next to the existing QuikTrip convenience store. The single-lane automatic carwash would include 26 self-service vacuums. A parking screen would be constructed along Childress Avenue. Mr. Armstrong reviewed the proposed stipulations.

Applicant John Cornelsen stated that he received one letter in opposition to the application and addressed the resident's concerns. Three employees will be onsite at all times and 25 security cameras will be installed for security. Mr. Cornelsen agreed to extend the four-foot opaque fence across the western property line from QuikTrip to Childress Avenue.

No others appeared regarding the proposed amendment.

Ms. Wisdom moved to approve Application No. Z1219-0121, as recommended by the Planning and Zoning Commission, with the following stipulations, adding Stipulation No. 4, as follows:

1. Uses shall be limited to those permitted by right in the Commercial Zoning District as provided in the Mesquite Zoning Ordinance with the following additions and exclusions:

a. Additional Uses Permitted:

SIC Code 7542 Car Washes, including Detail Shops

b. Prohibited Uses:

SIC Groups 15-17 Construction

SIC Group 751-753 Automobile Repair Services

SIC Code 7549 Other Automotive Services

2. Development of the site shall conform generally to the Concept Plan as shown in Exhibit "A" of the ordinance.
3. The parking screen shown on the Concept Plan shall be provided in accordance with Section 1A-301.C.3 of the Mesquite Zoning Ordinance.
4. A four-foot tall opaque wood fence shall be installed along the west property line. The fence should continue and match the similar fence along the west property line of the property adjacent to the north.

And to approve Ordinance No. 4760, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT ORDINANCE NO. 1643 TO ALLOW A CARWASH AS A PERMITTED USE LESS THAN 100 FEET FROM A RESIDENTIAL ZONING DISTRICT SUBJECT TO CERTAIN STIPULATIONS ON PROPERTY LOCATED AT 4414 NORTH GALLOWAY AVENUE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4760 recorded in Ordinance Book No. 119.)

14

Conduct a public hearing and consider a resolution approving a variance reducing the separation requirements from 300 feet to 157 feet between One Stop Food Store, an existing gas station and convenience store, and Meadow Oaks Academy, a private school, to allow One Stop Food Store to sell beer and wine for off-premise consumption on property located at 1433 South Belt Line Road, Suite 110.

(No responses in favor or in opposition to the application have been received from property owners within the required notification area.)

A public hearing was held for Resolution No. 06-2020.

Jeff Armstrong, Director of Planning and Development Services, stated that One Stop Food Store is located on the south end of the shopping center located at the northwest corner of Cartwright Road and Belt Line Road. The applicant is proposing to sell beer and wine; however, the City requires businesses selling alcoholic beverages for off-premise consumption to be located a minimum of 300 feet from a public or private school. Based on the survey submitted by the applicant, Meadow Oaks Academy's property line is approximately 157 feet from One Stop Food Store's property line. However, the entrance to One Stop Food Store is nearly 450 feet from Meadow Oaks Academy's property. Mr. Armstrong stated that there are three existing businesses at this intersection that sell beer and wine for off-premise consumption. These businesses are all further from the private school than One Stop Food Store and are eligible for beer and wine, off-premise consumption permits. Mr. Armstrong stated that in December 2018, the City Council approved a variance process that could allow businesses that sell beer and wine for off-premise consumption to be less than 300 feet from churches and schools. Therefore, the applicant is requesting a variance from the minimum 300 foot requirement.

Randall Dawson, representing the applicant, stated that the owner has recently made improvements to the shopping center with future lighting enhancements planned. Mr. Dawson agreed to limit the variance to Suite 110.

No others appeared regarding the proposed variance.

Mr. Boroughs moved to approve a variance reducing the separation requirements from 300 feet to 157 feet between One Stop Food Store, an existing gas station and convenience store, and Meadow Oaks Academy, a private school, to allow One Stop Food Store to sell beer and wine for off-premise consumption on property located at 1433 South Belt Line Road, Suite 110, with the following conditions, adding Condition No. 4, as follows:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to the Texas Alcoholic Beverage Code in the location shown on the location map attached as Exhibit "A" of the ordinance.
- (2) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (3) The alcohol spacing variance may not be transferred to another location or to another permit holder.
- (4) The variance shall apply only to the suite housing the existing convenience store and its existing square footage on the date the variance was approved; any relocation or expansion automatically voids the variance.

And to approve Resolution No. 06-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A VARIANCE REDUCING THE SEPARATION REQUIREMENTS FROM 300 FEET TO 157 FEET BETWEEN ONE STOP FOOD STORE, AN EXISTING GAS STATION AND CONVENIENCE STORE, AND MEADOW OAKS ACADEMY, A PRIVATE SCHOOL, TO ALLOW ONE STOP FOOD STORE TO SELL BEER AND WINE FOR OFF-PREMISE CONSUMPTION ON PROPERTY LOCATED AT 1433 SOUTH BELT LINE ROAD, SUITE 110. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

Ayes: Boroughs, Smith, Aleman, Wisdom, Green, Miklos

Nays: Archer

Motion carried. (Resolution No. 06-2020 recorded in Resolution Book No. 59.)

15

Conduct a public hearing and consider an ordinance for Application No. Z1219-0123, submitted by Greg Auen, for a change of zoning from Industrial to Industrial with a Conditional Use Permit to allow outdoor storage in the front setback, located at 910 West Kearney Street.

(One response in favor and one 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. Z1219-0123.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant recently constructed a six-foot tall board-on-board screening fence along the front property line of a towing business with the intent of using the front-yard area for outdoor storage. Mr. Armstrong reviewed the proposed stipulations.

Applicant Greg Auen stated that he operates a private-property impound facility for multi-family and commercial properties. The privacy fence includes an electronic gate which is only opened for the impound vehicle delivery and for the exit of vehicles once the impound fee has been paid.

No others appeared regarding the proposed amendment.

Ms. Wisdom moved to approve Application No. Z1219-0123. The motion died for lack of a second.

Mr. Boroughs moved to deny Application No. Z1219-0123. Motion was seconded by Mr. Miklos and approved unanimously.

16

Conduct a public hearing and consider, on second reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezonings and site plans for convenience stores 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 effective date.

A public hearing was held to consider, on second reading, an ordinance imposing a moratorium on applications and plans for development, permits, plats, verifications, rezonings and site plans for convenience stores 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 effective date.

Jeff Armstrong, Director of Planning and Development Services, stated this is the third and final public hearing. The intent of the moratorium is not to ban convenience stores but to press pause on new development to allow the City Council time to consider regulations to make convenience stores safer and reduce the impact they have on nearby neighborhoods. At the end of the moratorium period or when the City Council approves an ordinance related to convenience stores, the moratorium will end.

No one appeared regarding the proposed amendment.

Mr. Green moved to approve Ordinance No. 4761, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, IMPOSING A MORATORIUM ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS AND SITE PLANS FOR CONVENIENCE STORES 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 EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4761 recorded in Ordinance Book No. 119.)

ADJOURNMENT

Mr. Boroughs moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 10:29 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor