



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, December 3, 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 report and presentation regarding redistricting including a discussion regarding the illustrative redistricting plan and alternate plan(s).

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:37 P.M.**

- 2 Receive Neighborhood Services quarterly report covering July 1, 2018, through September 30, 2018.

Raymond, Rivas, Director of Neighborhood Services, reviewed the fourth quarter statistics for Fiscal Year (FY) 2017-18 and stated there has been an overall reduction in violations and properties contracted due to voluntary compliance from residents. The number of complaints submitted by residents increased slightly. Mr. Rivas reviewed citation dispositions, the top four code violations - high grass; trash, junk and debris; overhanging limbs; and landscaping and vegetation maintenance, the Code Ambassador program numbers, and the Vacant Property Maintenance Program. Mr. Rivas presented before and after photos of properties with the top violations.

The work session ended at 7:04 p.m.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:12 P.M.**

#### **INVOCATION**

Archie Greer, Jr., Senior Pastor, Trinity Christian Worship, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of the Mesquite Santa Cop Toy Program.

**SPECIAL ANNOUNCEMENTS**

- (1) Mayor Pickett reviewed many events that took place in Mesquite this past week. He stated that over 500 people attended the Annual Tree Lighting last Tuesday night, November 27, 2018, in Heritage Square. He encouraged citizens to get involved in the community by attending various events throughout the year.
- (2) Mayor Pickett stated that 400 motorcycle riders participated in the Biker Toy Parade this past Saturday, December 1, 2018. He encouraged residents to support the Santa Cop Toy program by dropping off an unwrapped toy at the Mesquite Police Department through December 12, 2018.
- (3) Mr. Miklos stated that the Mesquite Fire Department is accepting online applications for Firefighters through January 18, 2019.
- (4) Mr. Miklos invited residents to attend a neighborhood meeting on Monday, December 10, 2018, at 7:00 p.m., at Poteet High School.
- (5) Mr. Miklos stated that significant gunfire has been heard in the Rollingwood Hills and Galloway neighborhoods recently. Most of the gunfire is taking place in the City of Dallas. Therefore, he will be meeting with Dallas City Councilmember Kevin Felder to discuss this issue.
- (6) Mr. Casper congratulated the Parks and Recreation Department and volunteers for a successful Christmas in the Park event last weekend. The highlight of the event was the lighted parade and fireworks.
- (7) Mr. Archer expressed appreciation to the Parks and Recreation Department, Economic Development Department, the Downtown Manager and everyone involved in making this year's Annual Tree Lighting a huge success. He stated that the new downtown logo was revealed and Christmas ornaments with the logo were given to attendees.
- (8) Mr. Archer invited citizens to attend a performance of the T-Byrd Gordon Show Band and Art Greenhaw on Saturday, December 8, 2018, at 7:00 p.m., at the Corner Theatre in Heritage Square.
- (9) Mr. Archer requested a moment of silence in honor of the passing of former President George H. W. Bush.
- (10) Mr. Boroughs stated that he retired from the City of Mesquite as a Firefighter after 30 years of service. He encouraged citizens to take advantage of the Fire Department employment opportunity.
- (11) Mr. Boroughs asked citizens to help the Public Works Department by properly disposing of FOG, which stands for Fats, Oils and Grease, this holiday season. FOG can clog pipes in homes and create sewer system issues.
- (12) Mayor Pickett challenged Councilmembers to raise \$100 for the Santa Cop Toy Program and if they are successful, Mr. Boroughs will sing at the Corner Theatre with the T-Byrd Gordon Show Band. The \$100 was immediately raised. Therefore, everyone looks forward to Mr. Borough's performance on Saturday night.
- (13) Mr. Aleman congratulated the Downtown Development Manager Beverly Abell for being named to the Texas Downtown Association Board of Directors.
- (14) Mr. Aleman congratulated the Horn High School football team and Coach Michael Overton for making it to the third round of the playoffs. Also, Poteet High School Coach Kody Groves has been selected as one of five finalists for the Tom Landry Coach of the Year.
- (15) Mr. Noschese encouraged citizens to support small businesses and retail centers by shopping and dining locally.
- (16) Mr. Noschese challenged Councilmembers to bring an unwrapped toy to the City Council Policy Workshop this Friday, December 7, 2018, to support the Santa Cop Toy program.
- (17) Mr. Noschese recognized Mesquite Independent School Board Trustee Robert Seward who was in attendance. He congratulated Alina Scarlett, Mr. Seward's niece, for winning the Dr. Pepper Tuition Giveaway during halftime at the recent SEC Championship game. Ms. Scarlett won \$100,000 toward her tuition at the University of Texas at Austin.

**CITIZENS FORUM**

(1) Marvin Huddleston, 2621 Spiceberry Lane, stated that he is starting a Youth Astrology Club and encouraged any youth interested in astrology or meteorology to meet at CiCi's on Davis Street on January 30, 2019, at 7:00 p.m. Also, he announced that Mesquite residents will be able to view a total solar eclipse on April 8, 2024.

(2) Robin Huddleston, 2621 Spiceberry Lane, expressed support for a moratorium on apartments.

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

Mr. Archer requested that Item No. 8 be removed from the Consent Agenda to be considered separately. Mr. Noschese requested that Item No. 14 be removed from the Consent Agenda to be considered separately. Mr. Noschese 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 November 19, 2018.

**Approved on the Consent Agenda.**

- 4 A resolution approving the terms and conditions of the Sixth Amendment to the Communications Facilities License with Dallas MTA, L.P., d/b/a Verizon Wireless, establishing a new license term, increasing rental fees, reducing the annual escalation rate and authorizing the City Manager to execute and administer the agreement on behalf of the City.

**Approved on the Consent Agenda.**

**Resolution No. 71-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE SIXTH AMENDMENT TO THE COMMUNICATIONS FACILITIES LICENSE WITH DALLAS MTA, L.P., D/B/A VERIZON WIRELESS; ESTABLISHING A NEW LICENSE TERM; INCREASING RENTAL FEES; REDUCING THE ANNUAL ESCALATION RATE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. (Resolution No. 71-2018 recorded in Resolution Book No. 56.)**

- 5 A resolution endorsing the 2018-2019 Impaired Driving Mobilization Grant for the Selective Traffic Enforcement Project (STEP), approving the contribution of City funds in the amount of \$3,755.76 and authorizing the City Manager to execute the necessary documents with the Texas Department of Transportation.

**Approved on the Consent Agenda.**

**Resolution No. 72-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ENDORSING AND ACCEPTING THE 2018-2019 IMPAIRED DRIVING MOBILIZATION GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROJECT; APPROVING THE CONTRIBUTION OF CITY FUNDS IN THE AMOUNT OF \$3,755.76; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH SUCH GRANT AND PROJECT. (Resolution No. 72-2018**

recorded in Resolution Book No. 56.)

- 6 RFP No. 2019-012 - Annual Medical Plan Reinsurance (Stop Loss).  
(Authorize the City Manager to finalize and execute the appropriate documents with W. R. Berkley Corporation in the amount of \$414,220.00.)  
**Approved on the Consent Agenda.**
- 7 Bid No. 2019-013 - Annual Supply of Rebar.  
(Staff recommends award to the lowest bidder meeting specifications, Barnsco, Inc., in the amount of \$133,430.00. The term of this contract is for a one-year period with four additional one-year renewal options, subject to annual appropriation of sufficient funds.)  
**Approved on the Consent Agenda.**
- 9 Bid No. 2019-041 - Purchase of Forensic Computer Lab Equipment.  
(Staff recommends award to sole source provider Sumuri, LLC, in the amount of \$57,770.00.)  
**Approved on the Consent Agenda.**
- 10 Authorize the City Manager to finalize and execute Supplemental Agreement No. 1 to Bid No. 2017-097, Integrated Security System for Police and City Hall, with Convergent Technologies, LLC, in the amount of \$90,833.21, and authorize the purchase of related computer, hardware and networking equipment to SHI Government Solutions in the amount of \$12,442.00 and the purchase of two microphones from Amazon in the amount of \$200.00, for a total amount of \$103,475.21.  
**Approved on the Consent Agenda.**
- 11 Approve Amendment No. 3 to the 2018-19 Police Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$71,500.00.  
**Approved on the Consent Agenda.**
- 12 Authorize the City Manager to negotiate, finalize and execute an agreement for the donation to the City of the property located at 300 West Cartwright Road, Mesquite, Texas, and, if the title and condition of such property is acceptable to the City Manager, the City Manager is further authorized to accept the donation of such property on behalf of the City and execute all closing documents necessary or advisable to finalize the donation of such property to the City.  
**Approved on the Consent Agenda.**
- 13 Authorize the City Manager to negotiate, finalize and execute an agreement for the donation to the City of the properties located at: (i) 3000 Lawson Road in Dallas County, Texas; (ii) 7501, 7505, 7506 and 7507 Shannon Loop, Seagoville, Texas; and (iii) 1301 Malloy Bridge Road, Seagoville, Texas, and, if the title and condition of such properties are acceptable to the City Manager, the City Manager is further authorized to accept the donation of such properties on behalf of the City and execute all closing documents necessary or advisable to

finalize the donation of such properties to the City.

**Approved on the Consent Agenda.**

**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 8 Bid No. 2019-024 - Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - US Highway 80 to Town East Boulevard.  
(Authorize the City Manager to finalize and execute a contract with low bidder Tiseo Paving Company for the base bid, Additive/Alternate 1 and Additive/Alternate 4, in the amount of \$12,068,789.21).

**Matt Holzapfel, Director of Public Works, stated that the low bidder, Tiseo Paving Company, completed the Motley Drive paving project and experienced delays with the project. Tiseo has addressed the issues experienced with the Motley Drive project by hiring a different utility subcontractor for the Gus Thomasson Road project. The City consultant verified the references for Tiseo. The new utility subcontractor has a good reputation in the industry and has committed to deploying multiple crews to the project. Staff developed additional incentives for the Gus Thomasson Road project that will provide motivation for the contractor to complete milestones of the project early in the construction process.**

**Mr. Archer moved to approve Bid No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements – US Highway 80 to Town East Boulevard, and to authorize the City Manager to finalize and execute a contract with low bidder Tiseo Paving Company for the base bid, Additive/Alternate 1 and Additive/Alternate 4, in the amount of \$12,068,789.21. Motion was seconded by Mr. Boroughs and approved unanimously.**

- 14 A resolution authorizing the Mayor to finalize and execute an agreement between the City of Mesquite, Texas, a Texas Home-Rule municipality situated in Dallas and Kaufman Counties, Texas, and Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, regarding the construction of public improvements within the Iron Horse Village Public Improvement District (PID).

**Mr. Miklos left the meeting.**

**Mr. Noschese expressed appreciation to City Staff and Mayor Pickett for their work towards finalizing this agreement.**

**Mr. Noschese moved to approve Resolution No. 73-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO FINALIZE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS, A TEXAS HOME-RULE MUNICIPALITY SITUATED IN DALLAS AND KAUFMAN COUNTIES, TEXAS, AND MESQUITE RODEO CITY REINVESTMENT ZONE NUMBER ONE, CITY OF MESQUITE, TEXAS, REGARDING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS WITHIN THE IRON HORSE VILLAGE PUBLIC IMPROVEMENT DISTRICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:**

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

**Nayes: None**

**Abstentions: Miklos**

Motion carried. (Resolution No. 73-2018 recorded in Resolution Book No. 56.)

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

15

A. Conduct a public hearing to receive and discuss public input and comments on redistricting, the proposed illustrative redistricting plan and alternate plan(s).

B. Consider an ordinance approving the City's six single-member Council districts and establishing new City Council boundary lines for City Council elections in Mesquite.

Mr. Miklos entered the meeting.

A public hearing was held to receive and discuss public input and comments on redistricting, the proposed illustrative redistricting plan and alternate plan(s).

Gunnar Seaquist, representing Bickerstaff Heath Delgado Acosta, LLP, stated that three plans have been submitted for consideration – proposed illustrative plan, Mesquite NAACP plan and a new plan submitted by a citizen. Mr. Seaquist reviewed the boundary and deviation differences between the illustrative plan and the citizen plan. The citizen plan slightly increased the overall deviation.

No one appeared regarding the proposed illustrative plan and alternate plan(s).

Councilmembers expressed appreciation to the citizens and staff for their work on this project.

Mr. Noschese moved to approve Ordinance No. 4626, with modifications as follows, Illustrative Plan District 3 would become District 1, Illustrative Plan District 1 would become District 2 and Illustrative Plan District 2 would become District 3, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING THE CITY'S SIX SINGLE-MEMBER COUNCIL DISTRICTS AND ESTABLISHING NEW CITY COUNCIL BOUNDARY LINES FOR CITY COUNCIL ELECTIONS IN MESQUITE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4626 recorded in Ordinance Book No. 114.)

16

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-07 amending Section 2-203, Schedule of Permitted Uses and Section 2-600 Accessory Structure Regulations pertaining to new and revised regulations for Accessory Dwelling Units.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for Zoning Text Amendment No. 2018-07.

Jeff Armstrong, Director of Planning and Development Services, stated that accessory dwelling units are buildings located behind single-family homes with living, sleeping and bathroom facilities. The current requirements are as follows: a special exception must be granted from the Board of Adjustment, must be occupied by family members of those living in the main home or those employed

on the premises and residents are prohibited from renting or using the units as a separate dwelling unit. There have been a total of 29 requests for accessory dwelling units with 24 being approved. Mr. Armstrong reviewed the accessory dwelling requirements for other area cities and the proposed requirements as stated in the ordinance.

Mr. Archer moved to approve Zoning Text Amendment No. 2018-07, as recommended by the Planning and Zoning Commission and to approve Ordinance No. 4627, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY MAKING CERTAIN DELETIONS AND ADDITIONS IN CHAPTER 2, SECTIONS 2-203 AND 2-603 THEREBY PROVIDING NEW AND REVISED REGULATIONS FOR ACCESSORY DWELLING UNITS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4627 recorded in Ordinance Book No. 114.)

17

Conduct a public hearing and consider an ordinance for Application No. Z0818-0062, submitted by Danny Humphrey of Danny's Mesquite Car Care, for a change of zoning from Service Station to Planned Development-General Retail to allow outdoor storage of vehicles, located at 2933 Motley Drive.

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

A public hearing was held for Application No. Z0818-0062.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is the owner and operator of an auto repair business and is seeking permission for outdoor storage of vehicles, which would be screened with a wooden privacy fence.

Applicant Danny Humphrey stated that he has operated the business for almost 15 years and has a good record with citizens. He performs minor auto repair such as oil changes and water pump replacement. Mr. Humphrey agreed to installing and maintaining a wooden privacy fence and stated that some overnight parking occurs due to certain circumstances.

Millie Arnold, 2206 Luau, suggested the applicant install an additional security camera for the fenced area.

No others appeared regarding the proposed zoning change.

Mr. Noschese moved to approve Application No. Z0818-0062, as recommended by the Planning and Zoning Commission, with the following stipulations, amending Stipulation No. 3, adding Stipulation No. 5, and amending Section 2, as follows:

1. Outdoor storage shall be limited to the area shown in Exhibit "A" of the ordinance.
2. Outdoor storage shall be limited to 12 vehicles.
3. Outdoor storage shall be screened with a six-foot wood privacy fence. Maintenance of the fence is required.

4. Minor automobile repair is permitted in this district.
5. In this ordinance, the following definitions apply:
  - a. Automobile repair:
    - (1) Minor: Minor repair or replacement of parts, tires, batteries and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.
    - (2) Major: Major repair, rebuilding or reconditioning of engines, radiators or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of head, crankcases, engines or other major parts; recapping or regrooving of tires; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.

**SECTION 2.** That the subject property is located at 2933 Motley Drive, and is described as being a portion of the Town East Estates Replat, Block V, Lot 22, as shown on Exhibit "A" of the ordinance and the Zoning Map of the City of Mesquite.

And to approve Ordinance No. 4628, 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 FROM SERVICE STATION TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 2933 MOTLEY DRIVE THEREBY ALLOWING OUTDOOR STORAGE OF VEHICLES SUBJECT TO CERTAIN STIPULATIONS; 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. Miklos and approved unanimously. (Ordinance No. 4628 recorded in Ordinance Book No. 114.)

18

Conduct a public hearing and consider an ordinance for Application No. Z0818-0063, submitted by Luis Tovar, for a change of zoning from Truman Heights Neighborhood - Mandatory Office-Shopfront to Truman Heights Neighborhood - Single-family Residential to allow a new single-family residence, located at 2026 Stephenson Drive.

(One response in favor and four 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. This item was postponed at the October 15, 2018 City Council meeting.)

**A public hearing was held for Application No. Z0818-0063.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing construction of a single-family residence on the property. The adjacent commercial business owner has indicated he is no longer interested in purchasing the property and the applicant would like to move forward with the rezoning request.

No one appeared regarding the proposed zoning change.

Mr. Casper moved to approve Application No. Z0818-0063, as recommended by



the Planning and Zoning Commission, and to approve Ordinance No. 4629, 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 FROM TRUMAN HEIGHTS NEIGHBORHOOD-MANDATORY OFFICE-SHOPFRONT TO TRUMAN HEIGHTS NEIGHBORHOOD – SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 2026 STEPHENSON DRIVE THEREBY ALLOWING A SINGLE-FAMILY RESIDENCE; 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. 4629 recorded in Ordinance Book No. 114.)

19

Conduct a public hearing and consider possible action regarding Application No. Z0918-0065, submitted by AQM Rahman of Design Associates and Consultants, for a change of zoning from General Retail to Planned Development-General Retail to allow a minor reception facility and other uses permitted in the General Retail district, located at 4361 North Belt Line Road. (One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.)

**A public hearing was held for Application No. Z0918-0065.**

Jeff Armstrong, Director of Planning and Development Services, stated that the property is a multi-tenant strip center with two buildings. One building has existed for many years and the second building was recently constructed. The applicant proposes a minor reception facility in one suite of the new building. Mr. Armstrong reviewed the concept plan and stated that the applicant proposes certain site improvements including additional landscaping, a small fountain and architectural enhancements to the side of the older building that faces Belt Line Road. A reception facility requires one parking space for each 50 square feet of assembly area. A floor plan has not been submitted; therefore, staff is unable to determine if the minimum parking requirements have been met.

Applicant Aqm Rahman stated that the site contains 94 parking spaces. The proposed assembly area is 2,000 square feet which would only require 40 parking spaces. The facility would be used for lectures, wedding receptions and graduation parties during weekend hours when adjacent businesses are closed.

**No others appeared regarding the proposed zoning change.**

Mr. Miklos moved to postpone Application No. Z0918-0065, to the January 22, 2019, City Council meeting to allow the applicant time to submit floor plans to City staff. Motion was seconded by Mr. Noschese and approved unanimously.

20

Conduct a public hearing and consider an ordinance for Application No. Z1018-0070, submitted by Shannon Taylor of Park and Tow Solutions, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow outdoor storage of vehicles and tow trucks, located at 2508 Westwood Avenue.

(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. Z1018-0070.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to operate a towing business with outdoor storage of vehicles. The concrete storage space is screened on all sides and will have entry gates that screen the storage lot from Westwood Avenue.

Applicant Shannon Taylor stated that a 98 percent mesh would be incorporated in the wrought iron gates to screen the storage lot and that their business is a Vehicle Storage Facility (VSF) offering 24/7 private property towing service.

No others appeared regarding the proposed zoning change.

Mr. Miklos moved to approve Application No. Z0818-0063, as recommended by the Planning and Zoning Commission, with the following stipulation:

There shall be no storage of heavy load vehicles such as semi-trucks or trailers on site.

And to approve Ordinance No. 4630, 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 FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 2508 WESTWOOD AVENUE THEREBY ALLOWING THE OUTDOOR STORAGE OF VEHICLES AND TOW TRUCKS WITH 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. 4630 recorded in Ordinance Book No. 114.)

21

Conduct a public hearing and consider an ordinance for Application No. Z1018-0072, submitted by Todd Nichols, for a change of zoning from Central Business to Central Business with a Conditional Use Permit to allow the sale of used cars, located at 511 West Davis Street.

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

A public hearing was held for Application No. Z1018-0072.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant obtained a Conditional Use Permit (CUP) for used car sales in 2013 and was granted a five-year CUP.

Robin Huddleston, 2621 Spiceberry Lane, and Debbie David, 509 Horseshoe Bend, spoke in opposition to the proposed zoning change.

Applicant Todd Nichols stated that he maintains his property and wants to be a good partner to the City.

No others appeared regarding the proposed zoning change.

Mr. Noschese moved to approve Application No. Z0818-0072, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Prices shall not be written on windshields.
2. All vehicles shall be in good and operable condition.
3. This CUP is valid only when this property is used in conjunction with a used car business located on adjacent property. Use of the subject property as a stand-alone used car dealership is prohibited.
4. This CUP expires five years from issuance of the certificate-of-occupancy. The user may apply for a new CUP at that time, subject to the procedural requirements of a zoning change.

And to approve Ordinance No. 4631, 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 FROM CENTRAL BUSINESS TO CENTRAL BUSINESS WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 511 WEST DAVIS STREET THEREBY ALLOWING THE SALES OF USED AUTOMOBILES WITH CERTAIN STIPULATIONS; 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. 4631 recorded in Ordinance Book No. 114.)

22

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider terminating the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

B. Consider an ordinance terminating the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

A public hearing was held to consider terminating the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas.

No one appeared regarding the termination of the Falcon's Lair Tax Increment Finance Reinvestment Zone Number Four, City of Mesquite, Texas.

Mr. Aleman moved to approve Ordinance No. 4632, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TERMINATING THE FALCON'S LAIR TAX INCREMENT FINANCE REINVESTMENT ZONE NUMBER FOUR, CITY OF MESQUITE, TEXAS (THE "ZONE"); DISSOLVING THE BOARD OF DIRECTORS AND TAX INCREMENT FUND FOR THE ZONE; 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. 4632 recorded in Ordinance Book No. 114.)

23

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider terminating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas, and dissolving the Board of Directors

and Tax Increment Fund for the Zone.

B. Consider an ordinance terminating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas, and dissolving the Board of Directors and Tax Increment Fund for the Zone.

**A public hearing was held to consider terminating the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas.**

**No one appeared regarding the termination of the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five, City of Mesquite, Texas.**

**Mr. Aleman moved to approve Ordinance No. 4633, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TERMINATING THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE, CITY OF MESQUITE, TEXAS (THE "ZONE"); DISSOLVING THE BOARD OF DIRECTORS AND TAX INCREMENT FUND FOR THE ZONE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4633 recorded in Ordinance Book No. 114.)**

**24**

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas ("the Zone"), enlarging the boundaries and increasing the geographic area of the Zone to include a tract of land consisting of approximately 28.0016 acres and being generally located at the northeast corner of New Market Road and Rodeo Center Boulevard in the corporate limits of the City of Mesquite, Texas ("the Rodeo City Expansion"); extending the term of the Zone for up to an additional thirty-one years to expire no later than December 31, 2049; increasing the total estimated project costs for the Zone and amending the composition of the board of directors for the Zone.

B. An ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas, enlarging the boundaries and increasing the geographic area of the Zone to include property generally described in Item A above, extending the term of the Zone, increasing the total estimated project costs for the Zone and amending the composition of the board of directors for the Zone.

**Mr. Miklos left the meeting.**

**A public hearing was held to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas.**

**No one appeared regarding the amended Project Plan and Reinvestment Zone Financing Plan for Mesquite Rodeo City Reinvestment Zone Number One, City of Mesquite, Texas.**

**Mr. Archer moved to approve Ordinance No. 4634, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR MESQUITE RODEO CITY REINVESTMENT ZONE NUMBER ONE, CITY OF MESQUITE, TEXAS (THE "ZONE"),**

ENLARGING THE BOUNDARIES AND INCREASING THE GEOGRAPHIC AREA OF THE ZONE TO INCLUDE A TRACT OF LAND CONSISTING OF APPROXIMATELY 28.0016 ACRES AND BEING GENERALLY LOCATED AT THE NORTHEAST CORNER OF NEW MARKET ROAD AND RODEO CENTER BOULEVARD IN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, EXTENDING THE TERM OF THE ZONE, INCREASING THE TOTAL ESTIMATED PROJECT COSTS FOR THE ZONE AND AMENDING THE COMPOSITION OF THE BOARD OF DIRECTORS FOR THE ZONE; AMENDING ORDINANCE NO. 3138, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON FEBRUARY 3, 1997, AS AMENDED BY ORDINANCE NO. 3414, APPROVED BY THE CITY COUNCIL ON FEBRUARY 5, 2001, MAKING A FINDING OF FEASIBILITY; PROVIDING THAT THE ENLARGED ZONE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THIS ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. 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

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4634 recorded in Ordinance Book No. 114.)

## OTHER BUSINESS

25

A. Consider scheduling a special City Council meeting to be held on Tuesday, December 11, 2018, at 7:00 p.m., to conduct a public hearing regarding a moratorium on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multi-family developments within the corporate City limits of Mesquite and consider an ordinance, on first reading, establishing the moratorium.

B. A resolution authorizing a temporary moratorium to take effect on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multi-family dwellings within the corporate City limits of Mesquite.

Mr. Miklos entered the meeting.

Mr. Archer moved to schedule a special City Council meeting to be held on Tuesday, December 11, 2018, at 7:00 p.m., to conduct a public hearing regarding a moratorium on applications and plans for development for permits, plats, verifications, rezonings, site plans and new or revised certificates of occupancy for multi-family developments within the corporate City limits of Mesquite and consider an ordinance, on first reading, establishing the moratorium. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

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

Nays: Casper

Motion carried.

Mr. Casper expressed opposition to the proposed moratorium; however, he stated that he will be an active participant in the discussions in crafting a new

ordinance regulating multi-family developments.

Mr. Boroughs requested Mr. Keheley provide the following information to the City Council in regards to multi-family dwellings: current list of apartments in Mesquite, year the apartments were constructed, when each complex was last renovated, number of units in each complex, occupancy rate of each complex, most recent code inspection with the number and types of violations found, most recent fire inspection with the number and types of violations found, number of fire, ambulance and police calls to each complex, and number of complaints received by the City from the tenants who live in the apartments. Mr. Boroughs stated that this information will help the City Council make a more informed decision regarding the development and maintenance standards of apartment complexes.

Mr. Archer moved to approve Resolution No. 74-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE PROCESS FOR THE CREATION OF A MORATORIUM TO TAKE EFFECT ON APPLICATIONS AND PLANS FOR DEVELOPMENT FOR PERMITS, PLATS, VERIFICATIONS, REZONINGS, SITE PLANS AND NEW OR REVISED CERTIFICATES OF OCCUPANCY FOR MULTIFAMILY USES AND DEVELOPMENT THAT INCLUDES MULTIFAMILY USES AND DEVELOPMENT WITHIN THE CORPORATE CITY LIMITS OF MESQUITE; AND PROVIDING FOR AN EFFECTIVE 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

Nayes: Casper

Motion carried. (Resolution No. 74-2018 recorded in Resolution Book No. 56.)

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 26 Consider appointment of three members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2021, and the appointment of one member for a term to expire December 31, 2019.

Mr. Casper moved to appoint Susan Cumby as a member to the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

- 27 Consider appointment of two members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2021.

Mr. Noschese moved to appoint Glendens Bazuaye and Joy Vroonland as members to the Keep Mesquite Beautiful, Inc., Board of Directors for terms to expire December 31, 2021. Motion was seconded by Mr. Casper and approved unanimously.

- 28 Consider appointment of two regular members and one alternate member to the Mesquite Housing Board for terms to expire December 3, 2020, and one alternate member for a term to expire December 3, 2019.

Mr. Casper moved to appoint James Elledge and Marian Square as regular members to the Mesquite Housing Board for terms to expire December 3, 2020. Motion was seconded by Mr. Archer and approved unanimously.

29

Consider appointment of four regular members and two alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2020.

Mr. Archer moved to appoint Julie Shelton, Richard Larson, Karen Eberle and Debra Morgan as regular members and Angel Blackstock and Tammy Jo Strong as alternate members to the Municipal Library Advisory Board for terms to expire December 4, 2020. Motion was seconded by Mr. Noschese and approved unanimously.

**ADJOURNMENT**

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 10:01 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor