



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, April 1, 2019

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 draft Engineering Design Manual.
- 2 Receive briefing regarding the 2020 Census and Complete Count Committee.

**Council directed staff to proceed with forming the Complete Count Committee.**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:50 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 (Provide legal advice regarding change of alcoholic beverage local option status for certain areas annexed subsequent to the City's last local option election and 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 7:01 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:09 P.M.**

#### **INVOCATION**

Rev. Tom Palmer, Senior Pastor, First United Methodist Church, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Shelby Greunberg, Representative, Genghis Grill, Mesquite, Texas.

**PRESENTATIONS**

- 3 Presentation of donation from Genghis Grill to the Spread the Love campaign.

Ciso Nieto, Junior Manager at Genghis Grill of Mesquite, stated that on February 20, 2019, as part of its Grand Re-Opening, Genghis Grill donated 20 percent of its proceeds collected to the Spread the Love campaign. Mr. Nieto presented a donation of \$1,155.00 from Genghis Grill to Sharing Life Community Outreach and Mesquite Social Services for their food pantries to support the Spread the Love campaign.

Mayor Pickett stated that the Spread the Love campaign provides peanut butter and jelly to children in need of meals throughout the summer. He thanked Genghis Grill for their donation to the community.

- 4 Presentation of Community Service Awards to Fire Department volunteers.

Fire Chief Mark Kerby presented the Fire Department Community Service Award to Bennye Rice and George Rice in recognition of their achievements and service to the Mesquite Fire Department.

- 5 Presentation of 2018 Texas Achievement in Library Excellence Award to the Mesquite Library System.

Mayor Pickett presented Virginia Mundt, Director of Library Services; Angela Bartula, Manager of Branch Library Services; Sandra Silva, Library Services Supervisor; and Jeannette Curtis, Technical Services Supervisor, with the 2018 Texas Achievement in Library Excellence Award. Only 10 percent of libraries in the State of Texas receive this award and this is the third consecutive year the Mesquite Public Library System has been a recipient.

**SPECIAL ANNOUNCEMENTS**

(1) Mr. Boroughs invited residents to bring their family and friends to have "Breakfast with the Bunny" on Saturday, April 13, 2019, from 8:30 a.m. to Noon, at Evans Recreation Center, 1116 Hillcrest Street. Breakfast is \$5.00 per person, children two years of age and under are free. A free egg hunt begins at 11:00 a.m. for children nine years of age and under, along with a petting zoo, balloon animals, face painting, train rides and much more.

(2) Mr. Aleman announced that Thursday, May 2, 2019, is the National Day of Prayer. He invited residents to gather at City Hall in the City Council Chambers at Noon for a brief prayer for our community.

(3) Mr. Aleman stated that approximately 50 – 60 Spanish-speaking citizens attended the neighborhood meeting on Thursday, March 28, 2019, and thanked City staff for their participation.

(4) Mr. Aleman stated that he attended the Student Government Day mock City Council meeting and mock court trial on Friday, March 29, 2019. This is an annual event for high school seniors to learn about City government.

(5) Mr. Noschese invited citizens to attend the 62nd Annual Rodeo Parade on Saturday, April 6, 2019, at 10:00 a.m., in downtown Mesquite.

(6) Mr. Archer stated that the Mesquite Police Department will host the free "Drug Take-Back Day" on Saturday, April 27, 2019, from 10:00 a.m. to 2:00 p.m. Residents may bring expired, unwanted or unused medications, sealed in the original container, to the Mesquite Police Department lobby, 777 North Galloway Avenue, and deposit them for destruction.

(7) Mr. Archer expressed appreciation to JC's Burger Bar for providing food to participants in the recent fundraiser for homeless teens. Over \$5,000.00 was raised for this worthy cause.

(8) Mr. Miklos announced that the office of Neighborhood Vitality will hold a Neighborhood Leadership Workshop on Thursday, April 18, 2019, from 6:00 p.m. to 8:00 p.m., at Rutherford Recreation Center, 900 Rutherford Drive. Participants will learn how to conduct a neighborhood meeting, as well as gain engagement ideas and problem-solving techniques.

(9) Mr. Miklos invited residents to attend a Quail Hollow/Country Brook/Timberland/Advenir at Mission Ranch neighborhood meeting next Tuesday, April 9, 2019, at 7:00 p.m., at Austin Elementary School, 3020 Poteet Drive.

(10) Mr. Casper invited volunteers to participate in the semi-annual Keep Mesquite Beautiful, Inc., Trash Bash on Saturday, April 13, 2019. Volunteers will meet at the City Lake Pavilion, 200 Parkview Lane, at 9:00 a.m. and afterwards, will enjoy a free lunch and music.

(11) Mr. Pickett announced that the 16th Annual Mayor's Prayer Breakfast will be held on Thursday, May 2, 2019, at 7:00 a.m., at Family Cathedral, 790 Windbell Circle, to celebrate the National Day of Prayer. He invited residents to attend this free event and enjoy breakfast, music and fellowship.

## **CITIZENS FORUM**

(1) The following persons expressed concerns regarding housing and neighborhood conditions: (1) Lakeshia Henry, 213 Alexandria Street; (2) Pamela Cooks, 270 Alexandria Street; (3) Henry Brown, 211 Athel Drive; (4) Erin Haynes, 516 Highland Village Drive; (5) Sanniyu Hickman, 233 Alexandria Street; (6) Birisha McCoy, 258 Alexandria Street; (7) Choya Alexander, 237 Alexandria Street; and (8) Hosea Fain, Jr., 1713 Pebble Valley.

(2) Brandon Barber, 427 Running Brook Lane, expressed concerns regarding a water leak at his home.

(3) Charlie Baker, 1713 Huntington Drive, expressed concerns regarding aggressive dogs in the City.

## **CONSENT AGENDA**

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

Mr. Miklos requested that Item No. 8 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.

6 Minutes of the regular City Council meeting held March 18, 2019.

**Approved on the Consent Agenda.**

7 An ordinance granting the partial abandonment of a drainage easement dedicated with the original plat for Buckner Crossing No. 2 Addition, Lot 2A, Block A/8476.

**Approved on the Consent Agenda.**

**Ordinance No. 4659, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, GRANTING THE PARTIAL ABANDONMENT OF A DRAINAGE EASEMENT DEDICATED WITH THE ORIGINAL PLAT FOR BUCKNER CROSSING NO. 2 ADDITION, LOT 2A, BLOCK A/8476; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4659 recorded in Ordinance Book No. 114.)**

- 9 Bid No. 2019-053 - Annual Supply of Ford OEM Parts.  
(Staff recommends award to Town East Ford in the amount of \$60,000.00. 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.**
- 10 Bid No. 2019-072 - Purchase and Installation of Two Generators for Mesquite Municipal Airport.  
(Authorize the City Manager to finalize and execute a contract with LJ Power Generators, Inc., through BuyBoard Contract No. 577-18, sponsored by the Texas Association of School Boards, in the amount of \$69,728.00.)  
**Approved on the Consent Agenda.**
- 11 Bid No. 2019-074 - Annual Contract for Debris Removal and Debris Removal Monitoring.  
(Authorize the City Manager to finalize and execute contracts with Ceres Environmental Services, Inc., as the primary vendor and DRC Emergency Services, LLC, as the secondary vendor for disaster debris removal in an amount not to exceed \$4,000,000.00 and with Tetra Tech, Inc., as the primary vendor and Witt O'Brien, LLC, as the secondary vendor for debris removal monitoring in an amount not to exceed \$1,200,000.00, all through an interlocal agreement with the City of McKinney. The term of the debris removal contracts is for a one-year period with two additional one-year renewal options, subject to appropriation of sufficient funds.)  
**Approved on the Consent Agenda.**
- 12 Authorize Renewal Option No. 1 to the contract for Bid No. 2018-046, Annual Contract for Internet Auctioning Services, through BuyBoard Contract No. 541-17, sponsored by the Texas Association of School Boards, for a commission of 7.5 percent of gross sales with Rene' Bates Auctioneers, Inc., and authorize the City Manager to exercise Renewal Option No. 2 in year three of the contract, subject to annual appropriation of sufficient funds, as provided in the terms of Bid No. 2018-046.  
**Approved on the Consent Agenda.**
- 13 Authorize Renewal Option No. 1 to the contract for Bid No. 2018-061, Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires, to execute the first renewal option with Wingfoot Tire dba Goodyear Tire and Rubber Company in an amount not to exceed \$256,287.84 and authorize the City Manager to exercise Renewal Option Nos. 2 through 4 in years three through five of the contract, subject to annual appropriation of sufficient funds, as provided in the terms of Bid No. 2018-061.  
**Approved on the Consent Agenda.**
- 14 Ratify the purchase of fire protective clothing from North American Fire Equipment Company, Inc., (NAFECO) in the amount of \$110,624.80.  
**Approved on the Consent Agenda.**

- 15 Authorize the City Manager to execute an interlocal agreement with the cities of Allen, Arlington, Cleburne, Farmers Branch, Frisco, Grand Prairie, Irving, Plano and Richardson to provide animal control services in the event of an emergency or disaster.
- Approved on the Consent Agenda.**
- 16 Authorize the City Manager to finalize and execute a contract amendment with Binkley and Barfield, Inc., for additional design and preparation of construction documents for the State Highway 352 Utility Relocation project in the amount of \$24,300.00.
- Approved on the Consent Agenda.**
- 17 Authorize the City Manager to finalize and execute Amendment No. 3 with Binkley & Barfield, Inc., for shop drawings, calculations and additional efforts associated with the development of the Screening Wall Replacement Project 2016 in the amount of \$5,000.00.
- Approved on the Consent Agenda.**

#### **CONSENT AGENDA ITEM CONSIDERED SEPARATELY**

- 8 A resolution supporting legislation to create "Spradley Farms Improvement District of Kaufman County" to include approximately 621.998 acres of land generally located south of Interstate 20, north and east of FM 2757, and north and west of Union Hill Road, in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite.
- (This item was postponed at the March 18, 2019, City Council meeting.)
- Mr. Noschese moved to approve Resolution No. 29-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING LEGISLATION TO CREATE "SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY" TO INCLUDE APPROXIMATELY 621.998 ACRES OF LAND GENERALLY LOCATED SOUTH OF INTERSTATE 20, NORTH AND EAST OF FM 2757, AND NORTH AND WEST OF UNION HILL ROAD, IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper.**
- Mr. Miklos introduced an amendment to the motion to revise the proposed legislation to add to Section \_\_\_\_101 of the draft legislation that Section 49.351, Water Code, does not apply to the district and delete Section \_\_\_\_114(a)(3) from the proposed draft legislation to remove the authority of the district to establish, operate or finance its own fire department or fire-fighting services. The district will have the authority to finance a fire station with assessment revenue bonds, not ad valorem taxes, but any fire station financed by the district must be owned and operated by the City, not the district.**
- Mr. Miklos introduced a second amendment to the motion to amend the proposed legislation to include language that would provide a ceiling on the tax rate that the district would be able to impose. Clay Crawford, legal counsel for the developer, stated that such language would be included in a future financing and operating agreement that the City Council would have to approve, but having the same language in the enabling legislation would create a limitation**

on any bond proposition and would adversely affect their ability to sell the bonds. Julie Partain, bond counsel representing the City, affirmed that the bond documents would provide that assurance. After further discussion, Robert Kembel of the Nehemiah Company, gave his personal assurance that the agreement would contain a negotiated maximum tax rate, upon which Mr. Miklos withdrew his second amendment.

The modified amendment to the motion was agreed to by Mr. Noschese and approved unanimously. (Resolution No. 29-2019 recorded in Resolution Book No. 56.)

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

18

Conduct a public hearing and consider an ordinance for Application No. Z1018-0071, submitted by Daniel Boswell on behalf of 1st Choice Self Storage for a change of zoning from General Retail to Planned Development - General Retail to allow mini-warehouses and all other uses permitted in the General Retail zoning district, located at 23300 Interstate Highway 635.

(One response in favor and none in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations. This item was postponed at the March 4, 2019, and March 18, 2019, City Council meetings.)

A public hearing was held for Application No. Z1018-0071.

Garrett Langford, Manager of Planning and Zoning, stated that the applicant is proposing to construct self-storage units on the northern portion of a vacant 15.2-acre tract located at the northeast corner of Interstate Highway 635 and Cartwright Road. The property is the site of a former landfill and in order to develop the site, the applicant must comply with all rules and regulations of the Texas Commission on Environmental Quality (TCEQ). Mr. Langford reviewed the Planned Development standards for self-storage units and discussed the screening wall requirements for the development.

Dallas Cothrum, representing the applicant, stated that the location is a complex site and the developer has worked with the neighborhood and staff to produce a first-class mixed-use product, which will encourage additional retail growth in the area.

No one appeared regarding the proposed zoning change.

Mr. Archer moved to approve Application No. Z1018-0071, as recommended by the Planning and Zoning Commission, with the following stipulations:

(1) Compliance is required with the Planned Development Conditions as shown in Exhibit "A" of the ordinance, Concept Plans as shown in Exhibit "B" of the ordinance and Landscape Plans as shown in Exhibit "C" of the ordinance. In the event of a conflict between the text of this ordinance and the exhibits, the text of this ordinance prevails.

(2) All openings to storage buildings must be oriented away from any residential use.

- (3) Businesses shall not be allowed to conduct business in individual storage units.
- (4) Compliance with the Community Appearance Manual ("CAM") is required for all uses on the subject property, including but not limited to the mini-warehousing use.
- (5) No certificate of occupancy may be issued for any use in Subarea "A" unless the following is provided between the subject property and the adjacent residential district:
  - a. As illustrated on Exhibit "B" of the ordinance, screening is provided in compliance with all of the following requirements:
    - i. The rear of mini-warehouse storage buildings serves as the required screening wall for the portion of the adjacency where they are located.
    - ii. A six-foot-tall long-span precast concrete masonry wall is required along the property line where a mini-warehouse storage building cannot serve as a perimeter screening wall.
- (6) Compliance with local, state and federal laws is required, including but not limited to the rules and regulations of the TCEQ.

And to approve Ordinance No. 4660, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 23300 IH-635; ALLOWING USES PERMITTED IN THE GENERAL RETAIL DISTRICT AND A MINI-WAREHOUSING USE, AN ACCESSORY RESIDENTIAL DWELLING, AND ACCESSORY INDOOR RECREATIONAL VEHICLE STORAGE, 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. Boroughs. On call for a vote on the motion, the following votes were cast:

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

Motion carried. (Ordinance No. 4660 recorded in Ordinance Book No. 114.)

19

Conduct a public hearing and consider an ordinance for Application No. Z0119-0085, submitted by Graham Baumann of WRA Architects on behalf of Mesquite Independent School District, for a change of zoning from Single-family Residential to Single-family Residential with a Conditional Use Permit to allow a high school, located at 4200 Faithon P. Lucas, Sr., Boulevard.

(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 with certain stipulations.)

A public hearing was held for Application No. Z0119-0085.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to construct a 250,000-square-foot Choice High School on a 44-acre undeveloped site. Unlike a traditional high school, the new school will not offer extracurricular programs, such as athletics or fine arts, and will focus on academics and career preparation. The campus will not include outdoor athletic fields. The new school will allow the school district to reduce student population at the other five high schools by allowing incoming high school students to enroll

in one of the career-oriented programs at the new school, thereby reducing the dependence on portable buildings at the existing high schools. The applicant submitted a Traffic Impact Analysis, which included recommendations for three intersections that are located within the City of Balch Springs. The applicant met with the City of Balch Springs, who was favorable to the proposed recommendations. Mr. Armstrong stated that the site plan will be required to be approved by the Planning and Zoning Commission.

Applicant Graham Baumann stated that the Choice High School will be divided into four schools – School of Technology, Construction Sciences, Health Sciences and Engineering – and will serve 2,000 students. The school is scheduled for completion in August 2021 with ninth and tenth grade students attending during the first year and phasing in eleventh and twelfth grade students in sequential years. Mr. Baumann stated that Driveway No. 7 has been relocated to align with McKenzie Road due to suggestions made at the Planning and Zoning Commission meeting. Student drivers and buses will utilize Driveway No. 5 from McKenzie Road while parents and visitors will utilize Driveway No. 6 from Faithon P. Lucas, Sr., Boulevard.

Melinda Blair, 3800 Faithon P. Lucas, Sr., Boulevard, expressed concerns regarding the blind spots on Faithon P. Lucas, Sr., Boulevard, heavy construction vehicular traffic, uneven lanes and large potholes.

No others appeared regarding the proposed zoning change.

Mr. Noschese moved to approve Application No. 20119-0085, as recommended by the Planning and Zoning Commission, with the following stipulations:

- (1) The Traffic Impact Analysis shall be reviewed and verified prior to the final approval of the site plan.
- (2) The Traffic Management Plan shall be evaluated after implementation to determine if additional measures are necessary.
- (3) No construction or construction-related heavy vehicles may access or exit the construction site of Choice High School from or onto Faithon P. Lucas Sr. Boulevard from the northernmost intersection of McKenzie Road north to Cartwright Road.

And to approve Ordinance No. 4661, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CONDITIONAL USE PERMIT FOR A NEW HIGH SCHOOL ON PROPERTY ZONED PLANNED DEVELOPMENT – SINGLE-FAMILY #2344 AND LOCATED AT 4200 FAITHON P. LUCAS SR. BOULEVARD 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. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4661 recorded in Ordinance Book No. 114.)

Conduct a public hearing and consider an ordinance for Application No. 20219-0086, submitted by Scott Woodruff of Stallion Town East, LLC for a change of zoning from R-2, Single-family Residential and Town East Retail and Restaurant Overlay to Planned Development - General Retail and Town East Retail and Restaurant Overlay to allow a commercial development on property located on a portion of the south side of the 1900 block of North Town East



Boulevard.

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

A public hearing was held for Application No. Z0219-0086.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing the development of four or five pad sites to be used for retail and restaurant purposes on the north end of the North Mesquite High School (NMHS) property. The project includes relocating certain athletic fields and parking associated with NMHS in conjunction with improvements to the South Mesquite Creek channel, establishing a retaining wall with appropriate screening from NMHS and establishing specific design requirements for the pad sites.

Matt Moore, with ClayMoore Engineering, representing the applicant, stated that the retaining wall would be a four to five foot masonry wall.

No one appeared regarding the proposed zoning change.

Mr. Casper moved to approve Application No. Z0219-0086, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Except as provided herein, the site plan for the property shall conform substantially to the Concept Plan, as shown in Exhibit "B" of the ordinance. In no event shall the number of lots on the property exceed five or be fewer than four. Permissible Building Area ("PBA") sizes and locations shown on Exhibit "B" of the ordinance may be modified provided that parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and Exhibit "B" of the ordinance, the provisions of this ordinance control.
2. All uses permitted in both the General Retail zoning district and TERRA are allowed on the property except the prohibited uses listed in Subsections a, b and c of this paragraph. Uses listed in the Mesquite Zoning Ordinance as permitted by Conditional Use Permit in the General Retail zoning district or TERRA are prohibited on the property.
  - a. The following Retail Trade uses are prohibited on the property:
    - 554: Limited Fuel Sales
    - 5947: Gift, Novelty, Souvenir Shops
    - 5993: Tobacco Stores
  - b. The following Finance, Insurance, Real Estate uses are prohibited on the property:
    - 61: Nondepository Institutions, including Alternative Financial Institutions
  - c. The following Services uses are prohibited on the property:
    - 75: Automotive Repair Services – all including:
      - 7514: Passenger Car Rental
      - 7515: Passenger Car Leasing
      - 752: Automobile Parking (Lots/Structures)
      - 753: Automobile Repair Shops
      - 7542: Car Washes, including Detail Shops
      - 7549: Other Automotive Services
3. Drive through windows shall not face a public right-of-way except as shown on Lot 1 on Exhibit "B" of the ordinance.
4. District screening shall be provided in compliance with Stipulation No. 5.

Building setbacks shall be provided as shown on Exhibit "B" of the ordinance.

5. Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought tolerant shrubs and trees. Along the shared property line with North Mesquite High School, a retaining wall (where required) with six-foot-high wrought iron fence will be installed by the site developer during the initial site work. The wrought iron fence, at least six feet in height, with evergreen trees selected from Section 1A-500, shall be installed on the subject property to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. Before issuance of a certificate of occupancy for any use on the Property, the evergreen screening shown on the Landscape Concept Plan, as shown in Exhibit "B-1" of the ordinance, must be installed on the lot where the use is located. This evergreen screening shall be installed by the individual lot developer within five feet of the north side of the wrought iron screening fence on the Property.

6. A cross access easement shall be provided on each lot at the time of development. Cross access easements will assure cross access through all lots in the development and assure that all lots have access to the signalized main entrance.

7. A Traffic Impact Analysis ("TIA") is required. The TIA shall include recommended measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures must be approved by the City Engineer and may include, but are not limited to, the following: an access management plan; transportation demand management measures; street improvements on or off site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvements projects such as traffic calming infrastructure or capacity improvements. The developer is responsible for making improvements recommended by the TIA and approved by the City that are necessitated by and proportional to the development.

8. Pole signs are prohibited. One monument sign is permitted on each lot. The monument sign shall be in accordance with the sign elevation exhibit as shown in Exhibit "D" of the ordinance.

9. On Lot 3 as identified on Exhibit "B" of the ordinance, wall signs shall be permitted on elevations without a customer entrance. Painted brick may be used for an 84-square-foot wall sign on the drive-through side of the building.

10. Architectural Design Requirements.

a. Transparency. Ground level retail and restaurant shall incorporate transparent features over a minimum of 50 percent of one primary façade. Additional primary façades and secondary façades shall incorporate 20 percent transparency. One rear-facing secondary façade shall be allowed with no fenestration. Transparency, as defined in the Mesquite Community Appearance Manual, shall be measured within the first 10 feet of the building wall, measured vertically at street level. All ground level windows shall provide direct views to the building's interior or a lit display area extending a minimum of three feet behind the window.

b. Color and material. To provide unity throughout the development, the exterior of all buildings shall incorporate the brick and stone material and color as shown on the Material and Color board in Exhibit "C" of the ordinance on 80 percent of the primary façades (excluding windows, doors, roofs and curtain walls). The remainder of the wall area shall incorporate other fire-resistive materials such as, but not limited to, stucco, EIFS and cement board provided that such materials are complimentary/compatible with materials and colors shown in Exhibit "C" of the ordinance. Additional accent materials or colors associated with established corporate identity are allowed on the remainder of

the wall area.

c. Mechanical equipment. All mechanical equipment shall be screened from view at a point six feet above ground level at the property line. Screening for roof-mounted units shall be incorporated with the building façade.

And to approve Ordinance No. 4662, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-2, SINGLE-FAMILY RESIDENTIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT OVERLAY DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL WITHIN THE TOWN EAST RETAIL AND RESTAURANT OVERLAY DISTRICT TO ALLOW RESTAURANT AND RETAIL USES ON PROPERTY LOCATED ON A PORTION OF THE SOUTH SIDE OF THE 1900 BLOCK OF NORTH TOWN EAST BOULEVARD 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. Archer and approved unanimously. (Ordinance No. 4662 recorded in Ordinance Book No. 114.)

21

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, authorizing the City Manager to finalize and execute an agreement for such purposes with Stallion Town East, LLC, for the development of property located on a portion of the south side of the 1900 block of North Town East Boulevard, in the City of Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

A public hearing was held to consider a Chapter 380 agreement with Stallion Town East, LLC, for the development of property located on a portion of the south side of the 1900 block of North Town East Boulevard.

Cliff Keheley, City Manager, stated that this is an opportunity to create new taxable property in the City.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Archer moved to approve Resolution No. 30-2019, 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 STALLION TOWN EAST, LLC, FOR THE DEVELOPMENT OF PROPERTY LOCATED ON A PORTION OF THE SOUTH SIDE OF THE 1900 BLOCK OF NORTH TOWN EAST BOULEVARD, IN THE CITY. OF MESQUITE, TEXAS; 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. 30-2019 recorded in Resolution Book No. 57.)

## OTHER BUSINESS

22

Consider scheduling a special City Council meeting to canvass the returns for the May 4, 2019, Special Election.

Mr. Miklos moved to schedule a special City Council meeting to be held at 6:00 p.m., on Tuesday, May 14, 2019, to canvass the results of the May 4, 2019, Special Election. Motion was seconded by Mr. Boroughs and approved unanimously.

**ADJOURNMENT**

Mr. Boroughs moved to adjourn the meeting. Motion was seconded by Mr. Casper 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