



City of Mesquite, Texas

Minutes - Final City Council

Monday, January 6, 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

STAFF PRESENTATIONS

- 1 Receive briefing regarding the annual Texas Department of Transportation Ethics Requirements.
- 2 Receive briefing regarding improvements to development processes.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:03 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 (Discuss the Spradley Farms development located in Kaufman County and within the City limits, including but not limited to the Master Development Agreement, the proposed Spradley Farms Improvement District of Kaufman County, and Reinvestment Zone Number Thirteen, City of Mesquite, Texas [Spradley Farms]); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:44 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:44 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 25 – Discuss economic development incentives for a prospective industrial business park in East Mesquite, south of US Highway 80, west of Lawson Road, east of Faithon P. Lucas, Sr., Blvd., north of Clay Mathis Road); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:55 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:07 P.M.

INVOCATION

Brad Underwood.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Outlaws Futbol Club.

PRESENTATIONS

- 3** Presentation of Certificate of Election to City Councilmember Sherry Wisdom, Place 1.

Mayor Archer presented a Certificate of Election to City Councilmember Sherry Wisdom, Place 1.
- 4** Presentation of an award to Patrick Patterson in recognition of his service as a member of the Mesquite Housing Board.

Mayor Archer presented an award to Patrick Patterson in recognition of his service as a member of the Mesquite Housing Board from March 2016 through December 2019.
- 5** Presentation of an award to Barbara Dunn in recognition of her service as a member of the Municipal Library Advisory Board.

Mayor Archer presented an award to Barbara Dunn in recognition of her service as a member of the Municipal Library Advisory Board from December 2013 through December 2019.
- 6** Presentation of donation to the Mesquite Veterans Memorial by the Mesquite Independent School District.

Dr. David Vroonland, Superintendent of Mesquite Independent School District (MISD), stated that MISD hosted a pancake breakfast, through Applebee's, to raise funds for the Mesquite Veterans Memorial. Dr. Vroonland presented a \$1,426.00 donation to the Mesquite Veterans Memorial campaign. Mayor Archer, along with Jackie Frazier, Lois Buford and Babette Bradshaw, representing the Heroes of Mesquite, accepted the donation.
- 7** Presentation of Census Complete Count Committee activities and Project Work Plan.

Jeff Armstrong, Director of Planning and Development Services, stated that the U.S. Constitution mandates a Census count be held every 10 years. The data is used to allocate federal dollars which have a direct impact on planning for schools, transportation, health programs and other community needs. The census data is also used to draw districts which translates into Congressional seats.

Based on current estimates, Texas could gain three to four additional seats in Congress after the 2020 Census. Beginning with this census, citizens will be able to respond online or on the phone in 12 different languages. Mr. Armstrong stated that the Complete Count Committee was established to help promote citizen participation. Federal law protects census responses and requires the Census Bureau to keep all information confidential as the data is only collected for statistical purposes. Funding for many programs is based on the census data collected including Community Development Block Grants, Medicare, Medicaid and the school breakfast program. In Mesquite, a one percent undercount would result in a loss of \$3,092,396.00 in Federal funding.

Debbie Anderson, Chair of Mesquite Complete Count Committee (Committee), stated that the Committee will be focusing on certain population groups who are more likely to be missed in the Census such as children under the age of five years old, people living in poverty or experiencing homelessness, people of color, immigrants and people who move frequently or live in apartment complexes. The Committee will reach out to various groups including the Mesquite Independent School District (MISD) and MISD PTAs, Mesquite Ministerial Alliance, Hispanic Forum of Mesquite, Eastfield College, Mesquite Social Services, Sharing Life Community Outreach, Homeowners Associations, Crime Watch Groups, Apartment Associations, local clubs and civic organizations, and through community events such as Breakfast with the Bunny, KidFish and the Rodeo Parade. The Committee has partnered with the City's Communications and Marketing Department to share marketing resources with the City of Dallas, Census Bureau, Dallas County and will conduct outreach through various communication platforms such as press releases, Mainstream newsletter, Council Connection, social media and KEOM. Census Day is April 1, 2020, with events being held at various locations throughout the City.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom stated that Atmos Energy is offering payment assistance to citizens for their natural gas bill. Citizens can meet with an Atmos Energy representative on Monday, January 13, 2020, between 9:00 a.m. and 2:00 p.m., at Sharing Life Community Outreach, 3544 East Emporium Circle. No appointment is necessary, but funds are limited and disbursed on a first-come, first-served basis.
2. Mr. Green encouraged citizens to attend the Dr. Martin Luther King, Jr., parade on Saturday, January 18, 2020, to honor Dr. King's life and legacy. The parade, hosted by the Mesquite NAACP, begins at 10:00 a.m. Following the parade, the City of Mesquite and the Mesquite NAACP will co-host a community event at the Mesquite Arts Center, 1527 North Galloway Avenue, at 2:00 p.m.
3. Mr. Miklos stated that one of the City Council's goals is to bring more jobs to Mesquite. The new Sprouts Farmers Market will open on March 4, 2020, and will bring approximately 140 full- and part-time job opportunities to Mesquite. The Sprouts Mesquite Hiring Fair will take place on Wednesday, January 22, 2020, from 8:00 a.m. to 6:00 p.m., and Thursday, January 23, 2020, from 8:00 a.m. to 5:00 p.m., at the Mesquite Convention Center, 1700 Rodeo Drive.
4. Mr. Boroughs stated that the Mesquite Arts Center is planning for spring events including musical concerts, free youth programs and theatre productions. Citizens can review the 2020 Spring Brochure at www.MesquiteArtsCenter.org.
5. Mr. Smith stated that the City of Mesquite's Neighborhood Vitality Division will host the 3rd annual Neighborhood Summit on February 22, 2020. This event will offer all potential and current Crime Watch Captains, Neighborhood Leaders and Homeowners Association Officers an opportunity to network among their peers. This free summit is another way we can build a stronger community.

6. Mr. Aleman encouraged citizens to utilize the Mesquite Public Library System, which is a great source for free programs and offers important services to our community. This month, more than 50 events will take place at the two libraries. In addition to books and videos, they offer story time for parents and their toddlers, special events for children, fun activities for teenagers and job assistance services for adults.

7. Mr. Aleman commended the Mesquite Police Department for their dedication in apprehending a burglary suspect after an aggravated robbery on Gus Thomasson Road on December 30, 2019.

8. Mayor Archer invited citizens to attend the City Council Policy Workshop on Friday, January 10, 2020, at 8:00 a.m., and Saturday, January 11, 2020, at 8:00 a.m., at City Hall, Training Rooms A & B, 757 North Galloway Avenue.

CITIZENS FORUM

Mary Meshell, 232 Darien Drive, expressed concerns regarding her neighborhood including potholes, speeding and vehicles parked on the street.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos moved that Item Nos. 9, 14 and 15 be removed from the Consent Agenda to be considered separately. Motion was seconded by Mr. Green and approved unanimously. Mr. Aleman moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Miklos and approved unanimously.

- 8 Minutes of the regular City Council meeting held December 16, 2019, and the special City Council meetings held December 17, 2019, and December 26, 2019.

Approved on the Consent Agenda.

- 10 An ordinance correcting Ordinance No. 4740, which granted Oncor Electric Delivery Company, LLC, it's successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of an electric transmission and distribution system, and which was approved by the Mesquite City Council after readings on October 21, 2019, November 4, 2019, and November 18, 2019, providing a severability clause, and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 4751, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, CORRECTING ORDINANCE NO. 4740 WHICH GRANTED ONCOR ELECTRIC DELIVERY COMPANY, LLC, ITS SUCCESSORS AND ASSIGNS, THE NONEXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MESQUITE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM, AND WHICH WAS APPROVED BY THE MESQUITE CITY COUNCIL AFTER READINGS ON OCTOBER 21, 2019, NOVEMBER 4, 2019, AND NOVEMBER 18, 2019; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4751 recorded in Ordinance Book No. 119.)

- 11 Bid No. 2020-037 - Annual Purchase of Traffic Signal Controller Cabinets.
(Staff recommends award to sole source provider MoboTrex, Inc., in the amount of \$105,120.00).
Approved on the Consent Agenda.
- 12 Bid No. 2020-038 - Annual Leasing of Xerox D125 Black/White Printer.
(Authorize the City Manager to finalize and execute a lease agreement with Xerox Corporation, through The Cooperative Purchasing Network (TCPN), Contract No. R150302, in an amount not to exceed \$88,233.00. The term of the lease is for 60 months with a monthly amount of \$1,470.55 and an annual amount of \$17,646.60, subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 13 Authorize the City Manager to finalize and execute Amendment No. 2 to a contract with Pipeline Analysis, LLC, to update the Sanitary Sewer Master Plan in the amount of \$28,628.00.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 9 An ordinance amending Chapter 2 of the City Code by making certain additions and deletions to Sections 2-51 and 2-53, which regulate electioneering at City owned polling locations and amending the City Code regarding political signs on public property.
Brad Underwood, 921 Via Coronado, spoke in opposition to the proposed ordinance.
Mr. Green moved to postpone consideration of an ordinance amending Chapter 2 of the City Code by making certain additions and deletions to Sections 2-51 and 2-53, which regulate electioneering at City owned polling locations and amending the City Code regarding political signs on public property to the January 21, 2020, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.
- 14 A resolution repealing Resolution No. 68-2019 and adopting a resolution opposing creation of the Spradley Farms Improvement District of Kaufman County through the Texas Commission on Environmental Quality for approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite, Texas; and providing an effective date.
Mr. Boroughs raised a point of order regarding whether Item Nos. 14 and 15 fell under the rules for reconsideration of the items. David Paschall, City Attorney, stated that it was his opinion that Item Nos. 14 and 15 fall under the rescission-repeal rule and not the reconsideration rule; therefore, Item Nos. 14 and 15 could be considered.

The following persons spoke in support of Item Nos. 14 and 15: (1) Mary Bass, 601 Grand Cayman Way; (2) Brad Underwood, 921 Via Coronado; (3) Kirk Boxdorfer, 2304 Lesley Lane; (4) Benny Gordon, 1928 Del Oak; (5) Dorothy Patterson, 2431 Beverly Hills Lane; (6) J. R. Black, 1739 Round Rock Trail; (7) Frank McGee, 726 Darnel Lane and (8) David Fitzgerald, 1837 Palo Alto Drive.

The following persons spoke in opposition of Item Nos. 14 and 15: (1) John Jordan, representing The Nehemiah Company/Developer of Spradley Farms project; (2) Howard Porteus, representing The Nehemiah Company; (3) Erin Steed, 1009 Wedgewood Drive, Forney; (4) Jennifer Vidler, 300 Clear Springs Drive; (5) Glen Cohron, 1937 Parkdale; (6) Charlie Spradley, 3823 Hawthorne, Dallas; (7) Casey Withers, 2841 Preston Creek Drive; and (8) Tracy Withers, 2841 Preston Creek.

Fernando Rojas, 2423 Lagoon Drive, requested an unbiased report of the proposed development and financing plan.

The following persons submitted registration cards expressing opposition to Item Nos. 14 and 15 but did not wish to speak: (1) Rachel Coward, 1201 Cayman Way, Arlington; and (2) Jake McClaun, 2627 Alco Avenue; Dallas.

Mr. Green moved to approve Resolution No. 01-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTION NO. 68-2019 AND ADOPTING A RESOLUTION OPPOSING CREATION OF THE SPRADLEY FARMS IMPROVEMENT DISTRICT OF KAUFMAN COUNTY THROUGH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR APPROXIMATELY 621.998 ACRES OF LAND, CONSISTING OF APPROXIMATELY 613.573 ACRES GENERALLY LOCATED SOUTH OF INTERSTATE 20, NORTH AND EAST OF FM 2757, AND NORTH AND WEST OF UNION HILL ROAD, AND APPROXIMATELY 8.425 ACRES GENERALLY LOCATED NORTH OF INTERSTATE 20 AND SOUTHWEST OF CIMARRON TRAIL, ALL OF SUCH PROPERTY BEING LOCATED IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; 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: Green, Miklos, Archer, Aleman, Green, Wisdom

Nays: Boroughs

Motion carried. (Resolution No. 01-2020 recorded in Resolution Book No. 59.)

15

An ordinance repealing Ordinance No. 4734 that approved a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) (the "Zone"), established a tax increment for the Zone, and made a finding regarding feasibility; making a new finding regarding feasibility; disapproving the Project Plan and Reinvestment Zone Financing Plan for the Zone; providing a severability clause; and providing an effective date thereof.

Mr. Green moved to table consideration of an ordinance repealing Ordinance No. 4734 that approved a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms) (the "Zone"), established a tax increment for the Zone, and made a finding regarding feasibility; making a new finding regarding feasibility; disapproving the Project Plan and Reinvestment Zone Financing Plan for the Zone; providing a

severability clause; and providing an effective date thereof. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Miklos, Archer, Aleman, Green, Wisdom
Nays: Boroughs

Motion carried.

A brief recess was taken at 9:35 p.m. The meeting resumed at 9:46 p.m.

END OF CONSENT AGENDA

PUBLIC HEARINGS

16

Conduct a public hearing and consider an ordinance for Application No. Z0819-0109, submitted by Brian Wyatt of WRA Architects, Inc., for a change of zoning from Single-Family Residential to Single-Family Residential with a Conditional Use Permit allowing a middle school located at 3900 North Galloway Avenue.

(Two responses 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.)

A public hearing was held for Application No. Z0819-0109.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) proposes the construction of an additional gymnasium at the existing Kimbrough Middle School that will also serve as a storm shelter. A Traffic Impact Analysis and a Traffic Management Plan were completed and accepted by the Traffic Engineering Division. Changes were made to the Traffic Management Plan to alleviate traffic congestion such as increasing the queuing capacity by 715 feet, eliminating eight parking spaces in the south parking lot, redirecting traffic flow, adding a bus staging area in the northwest parking lot and adding "Do Not Block Intersection" signage along North Galloway Avenue.

Applicant Brian Wyatt stated that Kimbrough Middle School is the last middle school in the Mesquite Independent School District to receive approval for a second gymnasium and storm shelter.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Application No. Z0819-0109, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4752, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CONDITIONAL USE PERMIT ON PROPERTY ZONED SINGLE-FAMILY RESIDENTIAL THEREBY ALLOWING A MIDDLE SCHOOL LOCATED AT 3900 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. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4752 recorded in Ordinance Book No. 119.)

17

Conduct a public hearing and consider an ordinance for Application No. Z1019-0118, submitted by David Martin of Winstead PC, for a change of zoning from Single-Family Residential, Planned Development - Commercial and Planned Development - Light Commercial to Planned Development - Industrial to allow warehouse and distribution uses in addition to other uses allowed in the Industrial zoning district located at 200 Long Creek Drive.

(Seven responses 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. Z1019-0118.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of a warehouse and distribution development consisting of five warehouse/distribution buildings and heavy load truck parking. The 80-acre tract consists of nine separate parcels of land with a significant portion of the property located in the floodplain, limiting the amount of developable land. Mr. Armstrong reviewed the proposed stipulations.

Applicant David Martin stated that the proposed application meets the City's Comprehensive Plan for the site. McLead Drive and Long Creek Road will be reconstructed as part of the project.

No others appeared regarding the proposed application.

Mr. Green moved to approve Application No. Z1019-0118, 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, attached to the ordinance as Exhibit "B." The orientation and location of structures, driveways and parking areas shown on Exhibit "B" may be modified to avoid conflict with utilities, floodplain and/or wetlands provided that parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and Exhibit "B," the provisions of this ordinance control.

2. All uses permitted in the Industrial District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Industrial District are subject to the same requirements applicable to the uses in the Industrial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Industrial District only by conditional use permit ("CUP") is permitted in this District only by CUP.

a. The following uses are prohibited on the Property:

SIC Code 32a: Concrete Batch Plants

SIC Code 40: Railroad Passenger Terminal

SIC Code 61: Alternative Financial Institutions

SIC Code 593: Used Merchandise

SIC Code 593a: Pawnshops

SIC Code 5993: Tobacco Stores

SIC Code 7299a: Massage Parlors, Turkish and Steam Baths

b. The following uses are allowed only by CUP in this District:

SIC Code 20-399: Manufacturing Uses

3. Primary outdoor storage yard, including heavy load vehicles and unmounted trailers, as defined in Section 3-600 of the Mesquite Zoning Ordinance shall be

prohibited.

4. The overnight parking of heavy load vehicle and/or unmounted trailers is permitted as defined in Section 3-600 of the Mesquite Zoning Ordinance in areas designated on the Concept Plan, if it is associated with tenant(s) or owner(s) of the Property.

5. The truck court (including heavy load vehicle parking, overhead doors or loading docks) shall not face a public right-of-way without screening. Where not screened by a building, the truck court shall be screened with an eight-foot masonry wall or a living screen pursuant to Section 1A-303.D. Wood or chain link screening is prohibited. Said screening shall be provided prior to the issuance of a Certificate of Occupancy.

6. All fire apparatus access roads shall meet the minimum distance separation requirements as approved by the Fire Marshall.

7. All applicable flood and wetland studies shall be completed as identified in the City of Mesquite Engineering Design Manual ("Mesquite Engineering Design Manual").

8. No Certificate of Occupancy shall be issued for any use requiring heavy load vehicles on the subject property until the following improvements are completed in compliance with all applicable city standards:

a. McLead Drive shall be reconstructed to the standards identified in the Mesquite Engineering Design Manual and the City of Mesquite Thoroughfare Plan ("Mesquite Thoroughfare Plan"), as amended.

b. Long Creek Road shall be reconstructed to the standards identified in the Mesquite Engineering Design Manual and Mesquite Thoroughfare Plan, as amended, from State Highway 352 to and including the eastern most drive approach to the Property.

9. Alternative screening may be utilized as provided in Section 1A-303A.3 in the Mesquite Zoning Ordinance.

And to approve Ordinance No. 4753, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM SINGLE-FAMILY RESIDENTIAL ("R-1" AND "R-3"), PLANNED DEVELOPMENT - COMMERCIAL AND PLANNED DEVELOPMENT - LIGHT COMMERCIAL TO PLANNED DEVELOPMENT - INDUSTRIAL ON PROPERTY LOCATED IN THE 500 BLOCK OF THE EAST SIDE OF STATE HIGHWAY 352 TO ALLOW A WAREHOUSE AND DISTRIBUTION DEVELOPMENT 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. Smith and approved unanimously. (Ordinance No. 4753 recorded in Ordinance Book No. 119.)

18

Conduct a public hearing and consider an ordinance for Application No. Z1119-0120, submitted by Mohammad Habis on behalf of Lucky Texan No. 9, for a change of zoning from Light Commercial to Planned Development - Service Station to allow a convenience store with more than eight fueling positions, a restaurant, and a laundromat in addition to other uses allowed in the Service Station zoning district located at 2650 Interstate Highway 30.

(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. Z1119-0120.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is constructing a convenience store, laundromat and restaurant and is proposing to increase the number of fuel pumps from four to 10, which will provide for 20 fueling positions. Mr. Armstrong reviewed the proposed stipulations.

Shazeb Daredia, representing the applicant, stated that they currently operate eight locations - six stores in the City of Dallas, one in the City of Irving and one in the City of Balch Springs. The laundromat will encompass approximately 3,000–3,500 square feet of the building. The restaurant, laundromat and convenience store will operate 24 hours per day with a security guard on site.

Mr. Daredia agreed with Council's request to change the minimum camera resolution from 450 lines to 720 lines.

Benny Gordon, 1918 Del Oak, expressed concerns regarding the safety of the fuel tanks at the convenience store. Mr. Daredia responded that this request will not increase the amount of fuel in the underground fuel tanks, just the number of fueling positions.

Millie Arnold, 2206 Luau Drive, inquired about the type of items on the restaurant menu. Mr. Daredia responded that the restaurant will serve street tacos, quesadillas, burritos, burgers, nachos and elotes.

Glen Cohron, 1937 Parkdale Drive, expressed concerns regarding the safety of the laundromat including possible robberies.

No others appeared regarding the proposed application.

Mr. Green moved to approve Application No. Z1119-0120, as recommended by the Planning and Zoning Commission, with the following stipulations, and changing the lines of resolution in Stipulation No. 4a from 450 to 720:

1. All uses permitted in the Service Station District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the Service Station District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Service Station District only by conditional use permit ("CUP") is permitted in this District only by CUP.

a. The following uses are permitted on the Property:

SIC Code 7215: Dry Cleaning / Coin-Operated Laundries

b. The following uses are prohibited on the Property:

SIC Code 75: Automotive Repair, Services

2. Window signs are (a) prohibited from three feet above the ground to at least six feet above the ground; and (b) limited to no more than 25 percent of the remaining window area.

3. Incidental outdoor display is prohibited.

4. The operator of the convenience store shall provide, maintain and operate at least three color digital high-resolution surveillance cameras in the convenience store in compliance with the following:

a. The cameras shall have a minimum of 720 lines of resolution, a lux lower than one. One camera shall be placed to capture a view of the face of the customer at the service counter. Another camera shall be placed with view of each entrance /

exit area. Additional camera(s) shall be placed with an exterior view of each parking lot.

b. The entrance / exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face entering or leaving the store.

c. The cameras shall be functional and provide views unobstructed by inventory or other matter, 24 hours a day, including hours when the store is not open for business and shall display the date and time of the recording.

d. The owner shall provide the Police Department with digital color images in connection with criminal investigations upon request.

e. The owner shall maintain a library of the recorded digital images for not less than 30 days.

f. A convenience store shall have posted at all public exits and entrances signs or decals indicating that surveillance cameras are in use.

5. A convenience store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.

6. Store windows and doors must be clear of all items that would obstruct a clear view from three feet above the ground to at least six feet above the ground including, but not limited to, blinds, tinting, signage, advertisements, shelving and merchandise.

And to approve Ordinance No. 4754, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT - SERVICE STATION ON PROPERTY LOCATED AT 2650 INTERSTATE HIGHWAY 30 TO ALLOW A CONVENIENCE STORE WITH MORE THAN EIGHT FUELING POSITIONS, A RESTAURANT AND A LAUNDROMAT 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 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Wisdom and approved unanimously. (Ordinance No. 4754 recorded in Ordinance Book No. 119.)

19

Conduct a public hearing and consider possible action regarding a request from Eddie Aguilar of Jacob & Martin, on behalf of PepsiCo Beverages Co., to substitute a six-foot-tall wooden fence for a required eight-foot-tall, long-span precast masonry screening wall along the southernmost property line of property located at 4532 Interstate Highway 30.

A public hearing was held to consider a request to substitute a six-foot-tall wooden fence for a required eight-foot-tall, long-span precast masonry screening wall along the southernmost property line of property located at 4532 Interstate Highway 30.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to substitute a six-foot-tall wooden fence, using the existing trees as a buffer, for the required eight-foot-tall long-span concrete decorative screening wall. PepsiCo is planning a 2,300-square-foot building expansion with 70 additional truck parking spaces at the southernmost portion of the property.

J. R. Black, 1739 Round Rock Trail, spoke in opposition to the proposed screening

substitution request.

Eddie Aguilar with Jacob & Martin Engineers, representing the applicant, stated that PepsiCo is requesting to substitute a wooden fence for the required masonry screening wall and use the existing trees as a buffer to the adjoining, unplatted parcel.

No others appeared regarding the screening wall substitution request.

Mr. Boroughs moved to approve the substitution of a six-foot-tall board-on-board stained wooden fence with metal posts for the required eight-foot-tall, long-span precast masonry screening wall along the southernmost property line of property located at 4532 Interstate Highway 30. Motion was seconded by Mr. Green and approved unanimously.

- 20 Conduct a public hearing regarding land use assumptions, a Capital Improvements Program (CIP) and imposition of a roadway impact fee.

A public hearing was held regarding land use assumptions, a Capital Improvements Program (CIP) and imposition of a roadway impact fee.

Jeff Armstrong, Director of Planning and Development Services, stated that staff is requesting the public hearing be held and continued to the January 21, 2020, City Council meeting, at which time the Council will be asked to consider the update to the Impact Fee ordinance.

No one appeared regarding land use assumptions, a Capital Improvements Program (CIP) and imposition of a roadway impact fee.

Mr. Miklos moved to continue the public hearing regarding land use assumptions, a Capital Improvements Program (CIP) and imposition of a roadway impact fee to the January 21, 2020, City Council meeting. Motion was seconded by Mr. Aleman and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 21 Consider appointment of a principal member to the STAR Transit Board of Directors for a term to expire August 31, 2022.

Mr. Green moved to appoint Dan Aleman as the principal member to the STAR Transit Board of Directors for a term to expire August 31, 2022. Motion was seconded by Mr. Boroughs and approved unanimously.

- 22 Consider appointment of regular members and alternates to the Board of Adjustment (BOA) whereby two regular members (Position No. 3 and No. 5) are appointed with terms expiring on December 31, 2021; and consider appointment of two alternate members to the Board of Adjustment for Alternate No. 1 (expiring December 31, 2021) and Alternate No. 2 (expiring December 31, 2020).

Mr. Aleman moved to appoint Wana Alwalee (Position No. 3) and Jack Akin (Position No. 5) as regular members to the Board of Adjustment and to appoint Benny Gordon as an alternate member (Alternate No. 1), all for terms to expire on December 31, 2021. Motion was seconded by Mr. Green and approved unanimously.

- 23** Consider appointment of one alternate member (Alternate No. 2) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2020.

Mr. Miklos moved to appoint Millie Arnold as an alternate member (Alternate No. 2) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire December 31, 2020. Motion was seconded by Mr. Aleman and approved unanimously.

- 24** Consider appointment of four regular members and one alternate member to the Building Standards Board for terms to expire January 1, 2022.

Mr. Boroughs moved to appoint Ron Hall, Sam Motley, Glenn Dickerson and Cary Pritchett as regular members to the Building Standards Board for terms to expire January 1, 2022. Motion was seconded by Mr. Smith and approved unanimously.

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Ms. Wisdom and approved unanimously. The meeting adjourned at 10:38 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor