



City of Mesquite, Texas

Minutes - Final City Council

Monday, October 18, 2021

5:30 PM

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

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

Absent: Councilmember Sherry Wisdom.

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

NOTICE OF EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:14 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Agenda Item No. 17 – Discuss the purchase of property along Berry Road adjacent to the Mesquite Metro Airport.); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:22 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

NOTICE OF EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:22 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. 13 – Discuss economic development incentives for a new retail building and redevelopment of a retail center located at 4401, 4407, 4411 and 4415 Gus Thomasson Road); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 6:32 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 13 for executive action taken.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:34 P.M.

1

Administer Oath of Office to Police Chief David S. Gill.

City Secretary Sonja Land administered the Oath of Office to Police Chief David S. Gill.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:02 P.M.**INVOCATION**

John Livaudas, Pastor, Macedonia Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Green stated that the Mesquite Tri-East NAACP hosted a Freedom Fund Banquet this past weekend. He congratulated the following individuals who were honored:

- Mayor Archer – 2021 Humanity Hall of Fame Award for his efforts to build a stronger community.
- Councilmember B. W. Smith – 2021 Purple Flame Award for his efforts with Domestic Violence Awareness.
- Elizabeth Harrell, Director of Parks and Recreation – 2021 Dedicated Citizen Award for her efforts in planning family-friendly events and programs.
- Mesquite Police Officer Troy Burke – For his selfless financial act to help a family in need.

2. Mayor Archer and City Councilmembers thanked Mr. Miklos for his service and commitment to the City of Mesquite during his tenure as City Councilmember, District 3.

3. Mr. Miklos thanked his wife and children for giving him the opportunity to serve the citizens of Mesquite.

4. Mr. Miklos announced that the Friends of the Mesquite Public Library will host a “Fall Book Sale” on Friday, October 22, 2021, from 9:00 a.m. to 5:00 p.m., and Saturday, October 23, 2021, from 9:00 a.m. to 3:00 p.m., at the Mesquite Main Library, 300 West Grubb St. Citizens are encouraged to attend this worthwhile event.

5. Mr. Miklos stated that the November 2, 2021, election includes “Proposition A” and Mesquite voters will have the opportunity to vote “FOR” or “AGAINST” the proposition. Proposition A approves the ad valorem tax rate of \$0.70862 per \$100 valuation for the current year, a rate that is \$0.04302 higher per \$100 valuation than the voter-approval tax rate, for the purpose of increasing fire and police staffing levels and competitive pay for fire and police personnel, and increasing funding for alley and street maintenance. Last year, the ad valorem tax rate was \$0.70862 per \$100 valuation.

6. Mr. Boroughs stated that as part of the Clean City Initiative, Keep Mesquite Beautiful, Inc., has developed the new “Adopt-A-Spot” program, which creates opportunities for the entire community to help keep Mesquite clean and litter-free. Community groups can adopt a designated area and will receive special recognition and signage for volunteering to keep their adopted areas litter-free throughout the year.

7. Mr. Boroughs thanked Elizabeth Harrell, Director of Parks and Recreation, and her staff for a successful Pumpkin Fest event this past weekend.

8. Mr. Smith stated that a Town Hall meeting was held last Tuesday, October 12, 2021, regarding the new requirements for solid waste customers. This includes placing your trash in a bag and placing the bag into a trash can. If any citizen needs help with special circumstances, please contact Solid Waste staff at 972-216-6285.

9. Mr. Aleman announced that the Mesquite Arts Council welcomes citizens to attend the Mexican cultural celebration of Dia de Los Muertos on Saturday, October 30, 2021, from 4:00 p.m. to 7:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue. This event will include local food, craft vendors, musical presentations and special activities including a haunted hospital tour as well as sugar skull and mask painting programs and t-shirt making.

10. Mayor Archer congratulated the City of Mesquite's new Police Chief David Gill, who is a 27-year veteran of the Mesquite Police Department. Chief Gill has demonstrated great leadership within the department and is highly regarded within the community. He is active in his church as well as in many City programs. Mayor Archer stated that he is confident that Chief Gill will lead the Council's efforts to be the Safest City in America.

11. Mayor Archer encouraged residents to take a few minutes out of their day this weekend to pick up litter in their neighborhoods to help make Mesquite a cleaner city.

CITIZENS FORUM

Calvin Baw, 500 Green Canyon, expressed concerns regarding litter that collects in a metal drainage grate in front of his home.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Green moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 2** Minutes of the regular City Council meeting held October 4, 2021.

Approved on the Consent Agenda.

- 3** An Emergency Measure Ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency Related to COVID-19 issued on March 23, 2020, and as previously continued and authorized by the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 ordinances, Ordinance No. 4836, No. 4844, No. 4858, and No. 4879; confirming the continued activation of the City's Emergency Management Plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet city objectives to have city government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to

comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

Approved on the Consent Agenda.

Ordinance No. 4902, AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 ISSUED ON MARCH 23, 2020, AND AS PREVIOUSLY CONTINUED AND AUTHORIZED BY THE FOLLOWING 2020 ORDINANCES, ORDINANCE NO. 4773, NO. 4781, NO. 4784, NO. 4793, NO. 4804, AND NO. 4822; AND 2021 ORDINANCES, ORDINANCE NO. 4836, NO. 4844, NO. 4858, AND NO. 4879; CONFIRMING THE CONTINUED ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. (Ordinance No. 4902 recorded in Ordinance Book No. 125.)

- 4** A resolution authorizing the City Manager to execute an Advance Funding Agreement for Highway Safety Improvement Program Project Off-System with the State of Texas, acting by and through the Texas Department of Transportation (TxDOT), for the reconstruction of Lawson Road south of East Cartwright Road to north of Milam Road.

Approved on the Consent Agenda.

Resolution No. 68-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADVANCE FUNDING AGREEMENT FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECT OFF-SYSTEM WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF LAWSON ROAD SOUTH OF EAST CARTWRIGHT ROAD TO NORTH OF MILAM ROAD. (Resolution No. 68-2021 recorded in Resolution Book No. 63.)

- 5** A resolution repealing existing City Council Policies and Procedures and Rules of Procedure and adopting new City Council Policies and Procedures and Rules of Procedure for the conduct of City Council business and meetings.
(This item was postponed at the September 20, 2021, City Council meeting.)

Approved on the Consent Agenda.

Resolution No. 69-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING EXISTING CITY COUNCIL POLICIES AND PROCEDURES AND RULES OF PROCEDURE AND ADOPTING NEW CITY COUNCIL POLICIES AND PROCEDURES AND RULES OF PROCEDURE FOR THE CONDUCT OF CITY COUNCIL BUSINESS AND MEETINGS; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 69-2021 recorded in Resolution Book No. 63.)

- 6** RFP No. 2021-086 -Employee Health Care Management Services
(Authorize the City Manager to finalize and execute the appropriate documents with Alight Solutions, LLC (Alight) effective January 1, 2022 through December 31, 2026. The term of this contract is for a three-year period with two additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.

Approved on the Consent Agenda.

- 7** RFP No. 2021-105 - Administrative Services Only (ASO) for Medical and Pharmacy Benefits. (Authorize the City Manager to finalize and execute a Third-Party Administrator Services Agreement with Blue Cross and Blue Shield of Texas (BCBS) to provide medical coverage for full-time employees and underage 65 retirees effective January 1, 2022 through December 31, 2026. The term of this contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

END OF CONSENT AGENDA

OTHER BUSINESS

- 8** Confirm the City Manager appointment of David S. Gill as Police Chief for the City of Mesquite, effective October 18, 2021.

City Manager Cliff Keheley introduced David S. Gill as the new Police Chief for the City of Mesquite, effective October 18, 2021.

Mr. Green moved to confirm the City Manager's appointment of David S. Gill as Police Chief for the City of Mesquite, effective October 18, 2021. Motion was seconded by Mr. Smith and approved unanimously.

PUBLIC HEARINGS

- 9** Conduct a public hearing and consider an ordinance for Application No. Z0821-0213, submitted by the City of Mesquite, for a change of zoning from Central Business and Planned Development - Central Business (Ordinance No. 2849) within the Military Parkway-Scyene Corridor (MP-SC) Overlay District to Planned Development - Central Business to remove the MP-SC Overlay District and to allow and restrict certain uses permitted in the Central Business Zoning District, located at 816 West Scyene Road and 641, 701, 735 and 821 Military Parkway.
(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.)

A public hearing was held for Application No. Z0821-0213.

Jeff Armstrong, Director of Planning and Development Services, stated that the subject properties are located west of Downtown Mesquite. Most of the subject area is undeveloped, except for 701 Military Parkway, which is home to a multi-tenant retail building.

Mr. Armstrong stated that two of the property owners in the subject area are proposing to build retail buildings, but both have concerns about the design requirements of the Military Parkway-Scyene Corridor (MP-SC) Overlay District. Rather than carving out a portion of the block of the overlay, staff initiated rezoning of the entire block bounded by West Scyene Road, Military Parkway, Lindsey Avenue and Carmack Street to a Planned Development (PD) district with Central Business as the base zoning and removing the entire block from the MP-SC overlay. The PD would limit certain uses that would otherwise be permitted in the Central Business district.

Bob Elaya, 816 West Scyene Road, expressed support for removal of the MP-SC Overlay District.

No others appeared regarding the proposed application.

Mr. Boroughs moved to approve Application No. Z0821-0213, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 4903, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM CENTRAL BUSINESS AND PLANNED DEVELOPMENT – CENTRAL BUSINESS (ORDINANCE NO. 2849) WITHIN THE MILITARY PARKWAY – SCYENE CORRIDOR (MP-SC) OVERLAY DISTRICT TO PLANNED DEVELOPMENT – CENTRAL BUSINESS TO REMOVE THE MP-SC OVERLAY DISTRICT, ALLOW AND RESTRICT CERTAIN USES PERMITTED IN THE CENTRAL BUSINESS ZONING DISTRICT ON PROPERTIES LOCATED AT 816 WEST SCYENE ROAD, 641 MILITARY PARKWAY, 701 MILITARY PARKWAY, 735 MILITARY PARKWAY, AND 821 MILITARY PARKWAY; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE INCLUDING ORDINANCE NO. 2849; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4903 recorded in Ordinance Book No. 125.)

10

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0821-0214, submitted by Abdallah Adham, for a change of zoning from Commercial within the Military Parkway-Scyene Corridor (MP-SC) Overlay District to Planned Development - Commercial and to remove the MP-SC Overlay District to allow certain uses permitted in the Commercial district, located at 1210 West Scyene Road.

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

A public hearing was held for Zoning Application No. Z0821-0214.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant owns a multi-tenant building between Military Parkway and Scyene Road, west of Downtown Mesquite, and would like to have more permitted uses available on the property. The existing Military Parkway-Scyene Corridor (MP-SC) Overlay District limits permitted uses that would otherwise be permitted on the property. Staff and the Planning and Zoning Commission recommend a zoning change from Commercial and MP-SC Overlay District to Planned Development (PD) – Commercial and to remove the MPS-SC Overlay District with certain stipulations.

Mr. Armstrong stated that this case and the proposed PD stipulations are similar to the PD approved on the adjacent property at 1228 West Scyene Road.

Applicant Abdallah Adham stated that he agrees with the stipulations suggested by staff and the Planning and Zoning Commission.

No one appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z0821-0214, as recommended by the Planning and to Zoning Commission with certain stipulations, and approve Ordinance No. 4904, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE MILITARY PARKWAY – SCYENE CORRIDOR (MP-SC) OVERLAY DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL TO REMOVE THE MP-SC OVERLAY DISTRICT ON PROPERTY LOCATED AT 1210 WEST SCYENE ROAD AND ALLOW ADDITIONAL USES 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 Mr. Miklos and approved unanimously. (Ordinance No. 4904 recorded in Ordinance Book No. 125.)

11

Conduct a public hearing and consider a resolution 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 Economic Development Program Agreement (Chapter 380 Agreement) with CH Realty IX-CE I Mesquite 635, LP, for the construction and development of a Class A Industrial Business Park, located at the southeast corner of US Highway 80 and IH-635, in the City of Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

A public hearing was held for an Economic Development Program Agreement (Chapter 380 Agreement) with CH Realty IX-CE I Mesquite 635, LP, for the construction and development of a Class A Industrial Business Park, located at the southeast corner of US Highway 80 and IH-635.

Kim Buttram, Director of Economic Development, stated that the City Council approved this item on September 20, 2021, under the name of Creation RE, LLC. They have since created an entity specifically for this development called CH Realty IX-CE I Mesquite 635, LP. The proposed development includes three buildings containing a total of 555,000 square feet on a 38-acre tract with a capital investment of \$60 million. Ms. Buttram stated that as an incentive, the

City will construct approximately 4,300 feet of a water line along IH-635 which is part of a larger water line project. This water line will benefit the neighborhood behind the development. The Applicant has asked for a grant equivalent to roadway impact fees not to exceed \$700,000.00. Construction will begin in 2022 with completion no later than 2026. They are required to obtain a certificate of occupancy for one phase by April 30, 2023. She added that the original agreement with Creation RE, LLC will not be executed.

No one appeared regarding the Chapter 380 Agreement.

Mr. Green moved to approve Resolution No. 70-2021, 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 ECONOMIC DEVELOPMENT PROGRAM CHAPTER 380 AGREEMENT WITH CH REALTY IX-CE I MESQUITE 635, LP, FOR THE CONSTRUCTION AND DEVELOPMENT OF A CLASS A INDUSTRIAL BUSINESS PARK LOCATED AT THE SOUTHEAST CORNER OF US HIGHWAY 80 AND IH-635, IN THE CITY OF MESQUITE, TEXAS; AUTHORIZING THE CITY MANAGER TO FINALIZE, EXECUTE, AND ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING RESOLUTION NO 58-2021. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 70-2021 recorded in Resolution Book No. 63.)

12

Conduct a public hearing and consider a resolution 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 Economic Development Program Agreement (Chapter 380 Agreement) with AIP Mesquite, LLC, a Texas limited liability company, for the construction and development of industrial and commercial workspace shops and studios located at 2828 IH-30, in Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

A public hearing was held for an Economic Development Program Agreement (Chapter 380 Agreement) with AIP Mesquite, LLC, a Texas limited liability company, for the construction and development of industrial and commercial workspace shops and studios located at 2828 IH-30.

Kim Buttram, Director of Economic Development, stated that the applicant, AIP Mesquite, LLC, an affiliate of AllTrades Industrial Properties, Inc., proposes to develop a multi-unit commercial facility with 22 suites offering 1,400 to 1,800 and 2,800 to 4,000 square-foot spaces totaling 49,000 square feet on a 3.452-acre tract. The minimum capital investment for the project is \$7.6 million, with completion of the shell construction by April 20, 2023.

As part of the Chapter 380 Agreement, AllTrades is required to upgrade the exterior design to include brick and detailed façade finishes as well as construct a new masonry fence adjacent to a residential neighborhood in place of the existing fence. The developer has requested a grant equal to 100 percent of the amount of water, sewer and roadway impact fees paid to the City for the project, grant to not exceed \$138,000.00, paid upon completion of the shell construction.

Les Wulf, Partner at AllTrades Industrial Properties, Inc., stated that these suites will provide space for trades and services. He stated that they have a facility in Lewisville that was fully leased within two weeks of completion and is now home to four national company headquarters.

No one appeared regarding the Chapter 380 Agreement.

Mr. Green moved to approve Resolution No. 71-2021, 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 ECONOMIC DEVELOPMENT PROGRAM CHAPTER 380 AGREEMENT FOR SUCH PURPOSES WITH AIP MESQUITE, LLC, A TEXAS LIMITED LIABILITY COMPANY, FOR THE CONSTRUCTION AND DEVELOPMENT OF INDUSTRIAL AND COMMERCIAL WORKSPACE SHOPS AND STUDIOS LOCATED AT 2828 IH-30 IN MESQUITE, TEXAS, AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Miklos and approved unanimously. (Resolution No. 71-2021 recorded in Resolution Book No. 63.)

13

Conduct a public hearing and consider a resolution 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 Economic Development Program Agreement (Chapter 380 Agreement) with Brian Hutcheson, for the construction of a new retail building and redevelopment of a retail center located at 4401, 4407, 4411, and 4415 Gus Thomasson Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City.

The applicant and staff have requested that this item be postponed to the November 1, 2021, City Council meeting.

Mr. Green moved to postpone a public hearing and consideration of a resolution 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 Economic Development Program Agreement (Chapter 380 Agreement) with Brian Hutcheson, for the construction of a new retail building and redevelopment of a retail center located at 4401, 4407, 4411, and 4415 Gus Thomasson Road, Mesquite, Texas, and authorizing the City Manager to finalize, execute and administer the agreement on behalf of the City until the November 1, 2021, City Council meeting. Motion was seconded by Mr. Miklos and approved unanimously.

14

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-05, amending the Mesquite Zoning Ordinance, as amended, by amending Section 5-207 by making revisions and deletions to various parts and sections regarding the approval standards for variances.

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

A public hearing was held for Zoning Text Amendment No. 2021-05.

Jeff Armstrong, Director of Planning and Development Services, stated that House Bill 1475 was passed by the Texas State Legislature and signed by the Governor earlier this year and went into effect on September 1, 2021. The bill provides new criteria for a Board of Adjustment to determine what constitutes a hardship when hearing zoning variance cases. This text amendment codifies the new statute in the Mesquite Zoning Ordinance. Specifically, the bill establishes the following as guidance for what may constitute a hardship:

1. The cost of compliance is greater than 50 percent of the appraised value of the structure.
2. Compliance would result in a loss of at least 25 percent of the area of the lot on which development may occur.
3. Compliance would result in some other ordinance or building code not being met.
4. Compliance would result in an encroachment on an easement or another property.
5. Compliance would result in the structure becoming nonconforming.

No one appeared regarding the proposed amendment.

Mr. Green moved to approve Zoning Text Amendment No. 2021-05, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4905, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY AMENDING SECTION 5-207 BY MAKING REVISIONS AND DELETIONS TO VARIOUS PARTS AND SECTIONS REGARDING THE APPROVAL STANDARDS FOR VARIANCES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4905 recorded in Ordinance Book No. 125.)

15

A. Conduct a public hearing and consider ordinances for Zoning Text Amendment Nos. ZTA 2021-04, ZTA 2021-06, ZTA 2021-07 and ZTA 2021-08 amending the Mesquite Zoning Ordinance, as previously amended, by amending various provisions of Section 4-400 regarding Mesquite Landmarks and Historic Preservation Overlay Districts, Designations and Regulations; Sections 5-402, 5-406, 5-407, and 5-408 regarding the general regulations for Boards, Commissions, and Committees; Part 1A regarding the Municipal Arborist and appeals of the decisions of the Municipal Arborist; and Part 1, 1-300 regarding Nonconforming Situations and Amortization of Nonconforming Uses.

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

B. An ordinance approving Zoning Text Amendment No. ZTA 2021-04 amending the Mesquite Zoning Ordinance, as amended, by making certain deletions and additions to various parts and sections regarding Mesquite Landmarks and Historic Preservation Overlay Districts, Designations and Regulations.

C. An ordinance approving Zoning Text Amendment No. ZTA 2021-06 amending the Mesquite Zoning Ordinance, as amended, by deleting Sections 5-

402, 5-406, 5-407 and 5-408 regarding the general regulations for Boards, Commissions and Committees.

D. An ordinance approving Zoning Text Amendment No. ZTA 2021-07 amending the Mesquite Zoning Ordinance, as amended, by amending Part 1A by making revisions and deletions to various parts and sections regarding the Municipal Arborist and appeals of decisions of the City's Arborist.

E. An ordinance approving Zoning Text Amendment No. ZTA 2021-08 amending the Mesquite Zoning Ordinance, as amended, by amending Part 1, 1-300, by making revisions and deletions to various parts and sections regarding Nonconforming Situations and Amortization of Nonconforming Uses.

A public hearing was held for Zoning Text Amendment Nos. ZTA 2021-04, ZTA 2021-06, ZTA 2021-07 and ZTA 2021-08.

Jeff Armstrong, Director of Planning and Development Services, stated that each of the proposed text amendments result from the recent codification of Chapter 20 of the Mesquite City Code related to City Boards and Commissions and related changes to State statutes.

ZTA No. 2021-04 – Amend the Zoning Ordinance by referencing Chapter 20 related to new State legislation limiting landmark recommendations to one Commission. Currently, the Zoning Ordinance requires both the Landmark Commission and Planning and Zoning Commission to make recommendations to the City Council. This amendment would designate the Landmark Commission as the only recommending body.

ZTA No. 2021-05 – Amend the Zoning Ordinance referencing Chapter 20 for member requirements, term limit, and duties and responsibilities.

ZTA No. 2021-07 – Amend the Zoning Ordinance by changing the name of "Municipal Arborist" to "City Certified Arborist." It also establishes that appeals of the decisions of the Arborist will go to the Board of Adjustment instead of the Tree Board.

ZTA No. 2021-08 – The By-Laws for the Board of Adjustment are included in Chapter 20. The only portion of the Board's By-Laws that still need to be included in the zoning ordinance is the Amortization Hearing Procedures which would be codified with this amendment.

No one appeared regarding the proposed amendments.

B. Mr. Green moved to approve Zoning Text Amendment No. ZTA 2021-04, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4906, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS IN THE MESQUITE ZONING ORDINANCE TO VARIOUS PARTS AND SECTIONS REGARDING MESQUITE LANDMARKS AND HISTORIC PRESERVATION OVERLAY DISTRICTS, DESIGNATIONS, AND REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4906

recorded in Ordinance Book No. 125.)

C. Mr. Green moved to approve Zoning Text Amendment No. ZTA 2021-06, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4907, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY DELETING SECTIONS 5-402, 5-406, 5-407, AND 5-408 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-402, 5-406, 5-407, AND 5-408 REGARDING THE GENERAL REGULATIONS FOR BOARDS, COMMISSIONS, AND COMMITTEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4907 recorded in Ordinance Book No. 125.)

D. Mr. Green moved to approve Zoning Text Amendment No. ZTA 2021-07, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4908, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY AMENDING PART 1A BY MAKING REVISIONS AND DELETIONS TO VARIOUS PARTS AND SECTIONS REGARDING THE MUNICIPAL ARBORIST AND APPEALS OF THE DECISIONS OF THE CITY'S ARBORIST; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4908 recorded in Ordinance Book No. 125.)

E. Mr. Green moved to approve Zoning Text Amendment No. ZTA 2021-08, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4909, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY AMENDING PART 1, 1-300 BY MAKING REVISIONS AND DELETIONS TO VARIOUS PARTS AND SECTIONS REGARDING NONCONFORMING SITUATIONS AND AMORTIZATION OF NONCONFORMING USES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4909 recorded in Ordinance Book No. 125.)

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A. Conduct a public hearing and consider ordinances for Zoning Text Amendment ZTA 2021-09, amending the Mesquite Zoning Ordinance, pertaining to repealing the form-based district titled "Kaufman-Interstate 20" and adding a new type of overlay zoning district to be called "Trinity Pointe Mesquite Overlay (TPM) District"; and Zoning Application No. Z0921-0219 for a change of zoning to add the Trinity Pointe Mesquite Overlay District to all properties located east of the Dallas County-Kaufman County line and west of FM 2932, generally along Interstate Highway 20.

(One response in favor and three 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 zoning text amendment and the rezoning.)

B. An ordinance approving Zoning Text Amendment No. ZTA 2021-09,

amending the Mesquite Zoning Ordinance, as previously amended, by revising Section 4-102, "Overlay Zoning Districts" by adding a new Section 4-102(J), "TPM - Trinity Pointe Mesquite Overlay District"; revising Section 4-103, "Form-Based Districts" by deleting Subsection (B) "Kaufman-Interstate 20"; adding new Section 4-960, "Trinity Pointe Mesquite (TPM) Overlay District Regulations"; repealing Section 4-1100, "Kaufman-Interstate 20 Form-Based District"; and revising Section 6-102, "Definitions", all pertaining to text amendments to the Mesquite Zoning Ordinance thereby allowing for a new overlay district called the Trinity Pointe Mesquite Overlay District.

C. An ordinance for Zoning Application No. Z0921-0219 approving a change of zoning by adding the Trinity Pointe Mesquite (TPM) Overlay District to all properties located east of the Dallas County-Kaufman County line and west of FM 2932, generally along Interstate Highway 20.

Mr. Green moved to table a public hearing and consideration of ordinances for Zoning Text Amendment No. ZTA 2021-09, amending the Mesquite Zoning Ordinance, pertaining to repealing the form-based district titled "Kaufman-Interstate 20" and adding a new type of overlay zoning district to be called "Trinity Pointe Mesquite Overlay (TPM) District"; and Zoning Application No. Z0921-0219 for a change of zoning to add the Trinity Pointe Mesquite Overlay District to all properties located east of the Dallas County-Kaufman County line and west of FM 2932, generally along Interstate Highway 20. Motion was seconded by Mr. Miklos and approved unanimously.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 8:31 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor