



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, June 7, 2021

5:00 PM

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

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Present: Mayor Bruce Archer and Councilmembers Robert Miklos, Dan Aleman, Tandy Boroughs, 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 departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:30 P.M.**

- 2 Receive Neighborhood Services Environmental Code quarterly report for the period of January 1, 2021, through March 31, 2021.

**Maria Martinez, Director of Neighborhood Services, reviewed the second quarter statistics for Fiscal Year 2020-2021 and stated there has been a decrease in the number of violations proactively identified with an increase in the number of complaints largely due to more residents utilizing the myMesquite app. The number of citations issued was 324. The code case average, which is the number of days from when the code violation is opened until closed is declining. Voluntary compliance was 89 percent for this quarter. Ms. Martinez reviewed the second quarter citation dispositions, the top four code violations — trash; junk and debris; and parking violations, and the Vacant Property Maintenance program statistics.**

The work session ended at 6:44 p.m.

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:46 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 (Receive update on pending litigation cases); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:57 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

Rev. Reginald Jefferson, Pastor, New Hope Baptist Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Maria Martinez, Director of Neighborhood Services

**SPECIAL ANNOUNCEMENTS**

1. Ms. Wisdom stated that the Farmers Market will return to Downtown Mesquite in the new Front Street Station on Saturday, June 12, 2021, from 9:00 a.m. to 2:00 p.m., and will continue every Saturday through November 2021. The new Downtown Mesquite Farmers Market will feature local farmers, vendors, live music and food trucks. As part of the June 12th kick-off event, Downtown Mesquite Farmers Market tote bags will be presented to the first 100 attendees and a drawing will be held for a \$100.00 farmers market gift card. She encouraged citizens to support our community by attending this weekly event.
2. Mr. Green stated that applications for the 17th Annual Addressing Mesquite Day event are currently being accepted through June 25, 2021. Volunteers will assist with exterior home repairs and yard projects. For questions, contact the Office of Neighborhood Vitality at 972-216-6473.
3. Mr. Miklos stated that information regarding candidacy for City Council is now posted on the City's website at [www.cityofmesquite.com/CouncilCandidate](http://www.cityofmesquite.com/CouncilCandidate). The first day to file for office is July 17, 2021, and the last day is August 16, 2021. Early voting will take place from October 18, 2021, through October 29, 2021, and election day is November 2, 2021. For questions, contact the City Secretary's Office at 972-216-6401.
4. Mr. Boroughs stated that Downtown Mesquite received the distinction of being recognized as a Nationally Accredited Main Street Program for the second year in a row. He congratulated staff and volunteers that worked to help the City achieve this award.
5. Mr. Smith reminded citizens that students are out of school for the summer and more children will be playing outside. He encouraged citizens to remember this when they are driving through neighborhoods and to "Drive Like Your Family Lives Here" because our families do.
6. Mr. Aleman encouraged citizens to participate in the annual "Spread the Love" campaign by donating peanut butter and jelly as well as financial contributions to help feed children in Mesquite during the summer who live in food insecure environments. All donations are provided to Sharing Life Community Outreach to redistribute within the community. Donation bins for peanut butter and jelly will be located at City facilities throughout the summer.
7. Mayor Archer stated that the Mesquite Job Fair for job seekers and employers will be held this Wednesday, June 9, 2021, at the Mesquite Convention Center and Exhibit Hall, 1700 Rodeo Drive, from 10:00 a.m. to 2:00 p.m. Free transportation will be provided through STAR Transit by calling 877-631-5278. On-site translation services to assist with Spanish-speaking applicants will be offered.

**APPOINTMENTS FOR PERSONAL APPEARANCE**

- 3 Appointment - Representatives of Hilltop Securities, Inc.  
(Representatives of Hilltop Securities, Inc., will review pricing for the issuance and sale of bonds.)
- Cindy Smith, Director of Finance, introduced Jason Hughes, representing Hilltop Securities, Inc., who reviewed pricing for the bond sale: (1) \$14,120,000, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2021, with a 1.53 percent interest rate for a 20 year term; and (2) \$26,520,000, Waterworks and Sewer System Revenue Bonds, Series 2021, with a 1.63 percent interest rate for a 20 year term. Mr. Hughes stated that these two bond sales were sold through a competitive sale process, with multiple bids being received, and are tax exempt. He noted the City of Mesquite is very highly rated and financially secure. Therefore, the City's bonds are in high demand.
- Mr. Hughes stated that they still have the taxable sale for Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable, Series 2021, for which they are requesting Council's pre-approval subject to a list of parameters and should be sold by next week. Mr. Hughes stated that Standard and Poor's (S&P) affirmed the City's bond rating of "AA" and Moody's affirmed a rating of "Aa2."
- 4 An ordinance of the City of Mesquite, Texas, authorizing the issuance of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2021; awarding the sale thereof; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a paying agent agreement; providing an effective date; approving and enacting other provisions relating thereto.
- Mr. Miklos moved to approve Ordinance No. 4863, as presented with the information received tonight from Hilltop Securities Inc., AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2021 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$26,520,000 AWARDED THE SALE THEREOF; APPROVING AN OFFICIAL STATEMENT; MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PAYING AGENT AGREEMENT; PROVIDING AN EFFECTIVE DATE; APPROVING AND ENACTING OTHER PROVISIONS RELATING THERETO. Motion was seconded by by Mr. Aleman and approved unanimously. (Ordinance No. 4863 recorded in Ordinance Book No. 123.)
- 5 An ordinance authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2021; levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; approving execution and delivery of a paying agent agreement; approving the official statement; approving and enacting other provisions relating thereto.
- Mr. Green moved to approve Ordinance No. 4864, as presented with the information received tonight from Hilltop Securities, Inc., AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021, IN THE AGGREGATE PRINCIPAL

AMOUNT OF \$14,120,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES AND AWARDING THE SALE THEREOF; APPROVING EXECUTION AND DELIVERY OF A PAYING AGENT AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AND ENACTING OTHER PROVISIONS RELATING THERETO. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4864 recorded in Ordinance Book No. 123.)

- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable Series 2021; levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; approving execution and delivery of a paying agent agreement; approving the official statement; approving and enacting other provisions relating thereto.

Mr. Green moved to approve Ordinance No. 4865, as presented with the information received tonight from Hilltop Securities, Inc., AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2021, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,975,000; LEVYING A TAX IN PAYMENT THEREOF; AWARDING THE SALE THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING EXECUTION AND DELIVERY OF A PAYING AGENT AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AND ENACTING OTHER PROVISIONS RELATING THERETO. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4865 recorded in Ordinance Book No. 123.)

## CONSENT AGENDA

### Approval of the Consent Agenda

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

- 7 Minutes of the regular City Council meeting held May 17, 2021.

Approved on the Consent Agenda.

- 8 A resolution authorizing the adoption of the City of Mesquite Hazard Mitigation Action Plan.

Approved on the Consent Agenda.

Resolution No. 32-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ADOPTION OF THE CITY OF MESQUITE HAZARD MITIGATION ACTION PLAN. (Resolution No. 32-2021 recorded in Resolution Book No. 63.)

- 9 Bid No. 2019-079 - Annual TxDOT IH635/IH 30/Highway 80 Corridor Maintenance Contract and Litter Control Contract.  
(Staff recommends ratification of the first of four contract renewal options with Good Earth in the amount of \$272,094.04 and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual

appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2021-066 - Annual Contract for Utility Concrete Repairs (Area 1).  
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, in the amount of \$372,200.00. The term of this contract is for a one-year period, with two additional one-year renewal options. The City Manager is authorized to exercise the renewal option, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2021-083 - Annual Supply of Water Parts.  
(Staff recommends award to low bidders: Groups I, III, and IV to Core & Main LP in the amount of \$387,735.25 and Group II to Fortiline, Inc., in the amount of \$124,610.00, for a total bid amount of \$512,345.25. 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.**

- 12 Authorize the City Manager to finalize and execute an Interlocal Agreement with the Mesquite Independent School District to provide bus transportation for City Parks and Recreation Programs including school age children.

**Approved on the Consent Agenda.**

- 13 Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to Bid No. 2019-091, Municipal Court Interactive Voice Response (IVR) System, for increased IVR call volume with sole source provider Selectron Technologies, Inc., in the amount of \$102,250.00, for a total contract amount of \$238,820.00.

**Approved on the Consent Agenda.**

#### **END OF CONSENT AGENDA**

#### **RECEIPT OF RESIGNATION**

- 14 Receive resignation from Dorothy Patterson as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

**Mr. Aleman moved to accept the resignation of Dorothy Patterson as a regular member of the Planning and Zoning Commission and Capital Improvements Advisory Board. Motion was seconded by Ms. Wisdom and approved unanimously.**

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 15 Consider appointment of one regular member to the Landmark Commission for a term to expire December 31, 2021.

Mr. Green moved to appoint Phyllis Prycer as a member of the Landmark Commission for a term to expire December 31, 2021. Motion was seconded by Mr. Aleman and approved unanimously.

## PUBLIC HEARINGS

16

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0420-0139, submitted by Mazidji Group Engineering, on behalf of SAM 77, Inc., to amend the Comprehensive Plan from Low Density Residential to Neighborhood Retail and a change of zoning from Agricultural and General Retail to General Retail with a Conditional Use Permit with a modification to allow a convenience store and limited fuel sales within 500 feet of a residential district, generally located at the east corner of Pioneer Road and McKenzie Road (400 McKenzie Road and 3100 McKenzie Road).

(No responses in favor and 11 in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of a portion of the request and denial of the conditional use permit.)

**A public hearing was held for Zoning Application No. Z0420-0139.**

Jeff Armstrong, Director of Planning and Development Services, stated that this is a three part request - to rezone a portion of the property from Agricultural and General Retail to General Retail, to amend the Comprehensive Plan from Low Density Residential to Neighborhood Retail, and a Conditional Use Permit (CUP) with a modification to allow a convenience store and limited fuel sales within 500 feet of a residential district. The applicant is proposing construction of a seven-suite shopping center to include a convenience store with fuel pumps. The subject property is generally located at the eastern corner of Pioneer Road and McKenzie Road, 400 & 3100 McKenzie Road, and contains 7.39 acres. Approximately 0.7 acres is zoned Agricultural and the remaining 6.7 acres is currently zoned General Retail. The proposal would rezone the entire 7.39 acres to General Retail. The Zoning Ordinance requires convenience stores and fuel pumps to be a minimum of 500 feet from a residential zoning district. In this case, the proposed convenience store would be 107 feet from the nearest residentially zoned property. The applicant is requesting four fuel pumps with eight fueling positions. The proposed development will have two driveways - one from Pioneer Road and one from McKenzie Road.

Mr. Armstrong stated that citizens expressed concerns regarding traffic at the Planning and Zoning Commission meeting. He stated that the City's Traffic Engineering Department recommends that a left turn lane and right/thru lane be added, resulting in three lanes at the intersection of McKenzie Road and Pioneer Road. Also, a traffic signal should be considered at this location. However, since the traffic signal will be located in Balch Springs' right-of-way, coordination with the City of Balch Springs will be required. Applicant Costa Mazidji, with Mazidji Group Engineering, stated that his client, SAM 77, Inc., is willing to pay their proportional share of the improvements.

The following persons spoke in opposition to the application: (1) Nancy Riley, 800 Waterwood Lane; (2) Meg Comstock, President of Pioneer Bluffs Homeowners Association, 2604 Pioneer Bluffs Road; (3) Jason Hernandez, resident of the Hills at Tealwood; (4) Jane Kappes, 712 Waterwood Lane; (5) Bill Kappes, 712

Waterwood Lane; and (6) Paul Lecorchick, 716 Waterwood Lane.

The following persons spoke in support of the application: (1) Samantha Habashy, daughter of the applicant, Afify Habashy (SAM 77, Inc.), 480 Stone Canyon Drive, Sunnyvale; and (2) Firoze Shams, 5712 Bedrock Drive, McKinney.

No others appeared regarding the proposed application.

Mr. Aleman moved to deny Zoning Application No. Z0420-0139. Motion was seconded by Mr. Smith and approved unanimously.

17

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0421-0191, submitted by Evaristo Pineda of MBM Liquidation, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used merchandise, located at 720 Military Parkway, Suite A. (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. Z0421-0191.

Jeff Armstrong, Director of Planning and Development Services, stated the applicant is requesting a Conditional Use Permit (CUP) for the sale of used merchandise such as lighting fixtures, ceiling fans and security cameras at 720 Military Parkway, Suite A. The applicant's online business, MBM Liquidation, has been in operation for approximately one year. Other than the applicant and his wife, he employs 3 part-time workers. If the application is approved, additional employees will be added. Inventory is received from business liquidation sales, with truck deliveries approximately twice per month. The applicant estimates that 75 percent of the inventory is used and 25 percent is new. The applicant proposes to create a storefront in a second suite on the property to allow customers to purchase products on-site.

Applicant Evaristo Pineda Sanchez, stated that he receives some merchandise from Home Depot. He informs his customers if the merchandise is new or used and provides a warranty. If customers are not satisfied, he will accept returns for two to three months after purchase.

No one appeared regarding the proposed application.

Mr. Boroughs moved to approve Application No. Z0421-0191, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. No outdoor storage or display of used merchandise is allowed.
2. Previously owned merchandise shall be marked as "pre-owned" or "previously owned."

And to approve Ordinance No. 4866, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT LOCATED AT 720 MILITARY PARKWAY, SUITE A, TO ALLOW THE SALE OF USED MERCHANDISE (PRIMARILY USED HOUSEHOLD FIXTURES) SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT

TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4866 recorded in Ordinance Book No. 123.)

18

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2021-03, amending the Mesquite Zoning Ordinance, as amended, by amending various provisions of Section 2-600 "Accessory Structure Regulations" thereby establishing new regulations for accessory structures in the rear yard of residential properties.

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

A public hearing was held for Zoning Text Amendment No. 2021-03.

Jeff Armstrong, Director of Planning and Development Services, stated that there is a significant demand from citizens to be able to install gates or garage doors on carports located in rear yards and accessed by an alley. The Zoning Ordinance currently prohibits either a gate or a garage door for a carport. However, gates may be placed on fences if no carport is accessed. The proposed text amendment would allow both garage doors and gates to provide security for carports. If a garage door and/or gate is attached to and provides access to a rear carport, it will require a minimum setback of eight feet from the edge of the alley right-of-way pavement and in no case less than five feet from the rear property line. Also, the proposed text amendment would allow a rear carport with a maximum size of 528 square feet rather than the current regulation of 22 feet by 24 feet.

Daniel Lugo and Efen Lugo, 2924 Independence Drive, spoke in favor of the Zoning Text Amendment.

No others appeared regarding the proposed amendment.

Mr. Miklos moved to approve Zoning Text Amendment No. 2021-03, as recommended by the Planning and Zoning Commission, with the additional language presented to the City Council at tonight's meeting, and to approve Ordinance No 4867, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY AMENDING VARIOUS PROVISIONS OF SECTION 2-600 "ACCESSORY STRUCTURE REGULATIONS" THEREBY ESTABLISHING NEW REGULATIONS FOR ACCESSORY STRUCTURES IN THE REAR YARD OF RESIDENTIAL PROPERTIES; 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 Ms. Wisdom and approved unanimously. (Ordinance No. 4867 recorded in Ordinance Book No. 123.)

19

Conduct a public hearing and consider an ordinance amending the Mesquite Zoning Ordinance (Zoning Text Amendment No. 2021-02), as previously amended, by making certain additions and deletions to sections contained in Parts 3 and 6 pertaining to the creation of Mobile Food Unit Parks as a regulated permitted land use in certain districts; and amending Chapter 8 of the Mesquite City Code, as previously amended, by making certain deletions and additions, including repealing and replacing ARTICLE VIII to be titled "FOOD AND FOOD ESTABLISHMENTS," providing for general updates and adopting the Texas



Food Establishment Rules ("TFER") 2015 Edition and local amendments thereto, and providing additional updates to the operation and health permitting of various types of Mobile Food Units (MFU), including food trucks and food trailers, and incorporating an MFU-Operation Site Approval process including an MFU-Operation Site Permit; amending ARTICLE I, DIVISION 2, related to appeal of the City Manager's decision to the City Council; amending ARTICLE III, DIVISIONS 4 and 5 related to mobile vendors and Mobile Food Units; and amending APPENDIX D - COMPREHENSIVE FEE SCHEDULE, revisions to related fees in ARTICLES I and XII.

(This item was postponed at the April 19, 2021, City Council meeting and tabled at the May 3, 2021, City Council meeting. The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**A public hearing was held for Zoning Text Amendment No. 2021-02.**

Jeff Armstrong, Director of Planning and Development Services, stated that City ordinances currently do not address regulations for Mobile Food Units (MFU) (food trucks and food trailers). As the popularity of these food establishments have grown and with an anticipated increase in food trucks in the downtown area, staff has created regulations for MFU's and Mobile Food Unit Parks. There is no change to the regulations for catering trucks and trailers that provide food at construction sites or ice cream trucks. Push carts are being proposed only in the designated Main Street Program Boundary Area. This ordinance establishes an annual permitting process for individual MFU's, which will require submission of an itinerary, compliance with food safety and fire safety requirements and must have a base of operations. MFU's will continue to be allowed in conjunction with Special Event Permits and City sponsored events. Private property owners will be required to apply for operation site approval which allows food trucks to be located at their businesses. Approvals will be valid from the application date to June 30 or December 31, whichever occurs first.

Mr. Armstrong stated that Mobile Food Unit Parks (MFUP) must have a permanent private business on private property. MFUP's will be permitted in all districts that allow restaurants, will require the full development process like any other new development, no drive-through facilities and a minimum of 200 feet from any residential dwelling. The MFUP must be closed to the public between 11:00 p.m. and 6:00 a.m., provide seating for patrons and a minimum of two permanent restrooms. MFU stalls shall be marked with a minimum of three parking spaces per MFU stall. Two signs will be required for the park - one for the park and one containing park contact information. MFU's may have signs on the trucks and may display an A-frame sign when open.

No one appeared regarding the proposed amendment.

Mr. Green moved to approve Zoning Text Amendment No. 2021-02, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4868, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, ZONING TEXT AMENDMENT NO. 2021-02, BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PARTS 3 AND 6 PERTAINING TO THE CREATION OF MOBILE FOOD UNIT PARKS AS A REGULATED PERMITTED LAND USE IN CERTAIN DISTRICTS; AND AMENDING CHAPTER 8 OF THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS, INCLUDING REPEALING AND REPLACING ARTICLE VIII TO BE TITLED

“FOOD AND FOOD ESTABLISHMENTS,” PROVIDING FOR GENERAL UPDATES AND ADOPTING THE TEXAS FOOD ESTABLISHMENT RULES (“TFER”) 2015 EDITION AND LOCAL AMENDMENTS THERETO, AND PROVIDING ADDITIONAL UPDATES TO THE OPERATION AND HEALTH PERMITTING OF VARIOUS TYPES OF MOBILE FOOD UNITS (MFU), INCLUDING FOOD TRUCKS AND FOOD TRAILERS, AND INCORPORATING AN MFU-OPERATION SITE APPROVAL PROCESS INCLUDING AN MFU-OPERATION SITE PERMIT; AMENDING ARTICLE I, DIVISION 2, RELATED TO APPEAL OF THE CITY MANAGER’S DECISION TO THE CITY COUNCIL; AMENDING ARTICLE III, DIVISIONS 4 AND 5 RELATED TO MOBILE VENDORS AND MOBILE FOOD UNITS; AND AMENDING APPENDIX D – COMPREHENSIVE FEE SCHEDULE, REVISIONS TO RELATED FEES IN ARTICLES I AND XII; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4868 recorded in Ordinance Book No. 123.)

20

Conduct a public hearing and consider an ordinance designating a contiguous geographic area consisting of approximately 1,920 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra), describing the boundaries of the Zone, creating a Board of Directors for the Zone, establishing a tax increment fund for the Zone, containing findings related to the creation of the Zone, providing a date for the termination of the Zone and providing that the Zone take effect immediately upon passage of the ordinance.

(This public hearing is continued from the May 3, 2021, City Council meeting.)

A public hearing was held to consider an ordinance designating a contiguous geographic area consisting of approximately 1,920 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas, as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra).

Ted Chinn, Assistant City Manager, stated that this item was continued from the May 3, 2021, City Council meeting to allow staff time to brief residents on the benefits of the Tax Increment Reinvestment Zone (TIRZ). The City Manager held a neighborhood meeting with residents on May 26, 2021. Also, a letter was also mailed to the 12 residents, several of whom spoke at the May 3, 2021, City Council meeting and no opt-out letters were received. The only resident choosing to opt-out of the TIRZ boundary was Steven Reyna, 1955 McKenzie Road. Therefore, the proposed ordinance has been amended to exclude Steven Reyna’s property from the TIRZ boundary.

The following persons spoke in opposition to the ordinance: (1) Melinda Blair, 3800 Faithon P. Lucas, Sr., Boulevard; and (2) Jane Kappes, 712 Waterwood Lane.

No others appeared regarding the proposed ordinance.

Mr. Aleman moved to approve Ordinance No. 4869, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA CONSISTING OF APPROXIMATELY 1,920 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF EAST CARTWRIGHT ROAD AND BOTH NORTHWEST AND SOUTHEAST OF FAITHON P. LUCAS, SR., BOULEVARD IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF MESQUITE, TEXAS (SOLTERRA); DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4869 recorded in Ordinance Book No. 123.)

21

Conduct a public hearing and consider an ordinance enlarging the boundaries and increasing the geographic area of Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) ("the Zone") by adding to the Zone approximately 9.65 acres of City rights-of-way adjacent to the Zone and approximately 924 acres of noncontiguous land generally located south of Scyene Road, west of Lawson Road, north of Berry Road, and east of Ashley Furniture Industries Distribution Center, and being located within the corporate limits and extraterritorial jurisdiction of the City, pursuant to Chapter 311 of the Texas Tax Code, describing the boundaries of the Zone, extending the term of the Zone, amending Ordinance No. 4579, containing findings related to the enlargement of the Zone, and providing that expansion of the Zone take effect immediately upon passage of the ordinance.

A public hearing was held to consider an ordinance enlarging the boundaries and increasing the geographic area of Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park).

Ted Chinn, Assistant City Manager, stated that on July 2, 2018, the City Council approved Ordinance No. 4579 designating the IH-20 Business Park Tax Increment Reinvestment Zone No. 12 (TIRZ) to promote new industrial development along the IH-20 corridor at Lawson Road. The TIRZ boundary includes 248.1466 acres of land consisting of six tracts within the corporate limits of the City; and the designation ordinance also sets the City's tax increment participation rate at 50 percent.

At that time, the developer was looking to construct 3.7 million square feet of industrial space with an estimated value of \$316 million in seven phases over a 12-year period. The TIRZ would accumulate \$12.9 million over 20 years to finance approximately \$12.4 million in public improvements to facilitate the development. The developer has been waiting on the findings from a floodplain study by Garver, LLC, for the portion of the South Mesquite Creek tributary that abuts the property to determine the extent of the fully developed floodplain and scope of drainage improvements needed to support the development. The developer has since revised the concept plan and has acquired an additional 216 acres around the Mesquite Metro Airport for further industrial development and

possible private aircraft hangar development to support Airport business.

The proposed ordinance would expand the original TIRZ boundary metes and bounds of six tracts to include the interior and abutting rights-of-way which includes Lawson Road and McKenzie Road. It would also include an additional 924 acres located east of the Ashley Distribution Center which encompasses the airport property, 216 acres recently acquired by the IH-20 Business Park developer and Lawson Road with the anticipation that should Lawson Road be reconstructed that the City would have the means to finance any maintenance of that road in the future. The City limits skirt the airport and Devil's Bowl Speedway. The statute does allow a TIRZ to be located both in the extraterritorial jurisdiction (ETJ) of the City as well as within the corporate limits of the City. This ordinance would also extend the term of the TIRZ for an additional 12 years for a new term of 30 years to promote future development around the Airport.

The following persons spoke in opposition to the ordinance: (1) Tasha Martinez, 1515 Lawson Road; (2) Elena Martinez, 1515 Lawson Road; (3) Michelle Mayne, 205 Lawson Road; (4) Edwin Dumas, 1541 Lawson Road; and (5) Kim Singleton, 1525 Lawson Road.

Mark McPherson, 100 Crescent Court, Suite 700, Dallas, attorney representing Lanny Edwards, stated that his client requests that their property be removed from the TIRZ.

Lanny Edwards, 1650 Lawson Road, asked why a block of land on Lawson Road, indicated on the map, was excluded from the TIRZ. Mr. Chinn stated that the block on Lawson Road is located in Sunnyvale's ETJ.

No others appeared regarding the proposed ordinance.

Mr. Miklos moved to keep the public hearing open and to postpone the consideration of an ordinance enlarging the boundaries and increasing the geographic area of Reinvestment Zone Number Twelve, City of Mesquite, Texas (IH-20 Business Park) to the July 6, 2021, City Council Meeting. Motion was seconded by Mr. Aleman and passed unanimously. Motion was seconded by Mr. Boroughs and approved unanimously.

## **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 10:03 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. 22 – Discuss economic development incentives for a prospective development on Mesquite Valley Road in southeast Mesquite; Item No. 23 - Discuss economic development incentives for a prospective business expansion at 2200 Skyline Drive in the Skyline Trade Center; and Item No. 24 - Discuss economic development incentives for a prospective business expansion on Executive Boulevard); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 10:22 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**ADJOURNMENT**

**Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 9:59 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Bruce Archer, Mayor