



City of Mesquite, Texas

Minutes - Final City Council

Monday, July 17, 2023

5:00 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Tandy Boroughs, B. W. Smith, Kenny Green, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmember Jeff Casper

PRE-MEETING - TRAINING ROOMS A&B - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive departmental strategy and budget presentations from Finance and Parks and Recreation Departments related to City Council strategic goals and objectives.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:06 P.M.

INVOCATION

John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 2 Recognize Real. Texas. Service. Champions.

City Manager Cliff Keheley stated that this program is an opportunity to recognize employees for their excellent customer service to the organization and the Mesquite community. A brief video was shown highlighting each employee's contributions to the City of Mesquite.

Mayor Alemán, City Councilmembers and City Manager Cliff Keheley presented Certificates of Appreciation to the following employees in honor of their service to the City of Mesquite: Raymond Witt, Detention Officer - Mesquite Police Department; Jose Payan, Facilities Maintenance Technician - Facility Maintenance Department; Kristen Herndon, Recreation Specialist - Parks and Recreation Department; and Darrel Evans, Fire Lieutenant - Mesquite Fire Department.

SPECIAL ANNOUNCEMENTS

1. Mr. Green announced that the 17th Annual Doggie Splash Day will be held on Saturday, August 5, 2023, from 8:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Proof of current vaccinations must be provided for all dogs. Doggie swimmers will have access to the wading pool and lap pool. Dogs can also compete for prizes in the pet swimsuit contest, diving contest, paddle race and a trick or talent contest. Admission is \$5.00 for one owner and one pet, \$2.00 for each additional pet and \$1.00 for spectators. Receive a \$2.00 discount if you bring a jar of jelly, peanut butter or seed butter to benefit the City's Spread the Love campaign that helps feed children in need in Mesquite.
2. Ms. Vidler stated that classes resume for Mesquite Independent School District (MISD) students on Monday, August 7, 2023. Please remember to stay alert, obey traffic signs and slow down when driving in residential areas. The City's "Drive Like Your Family Lives Here" education program uses a variety of bilingual communications and tips to help keep our roads safe.
3. Mr. Boroughs encouraged citizens to donate jars of peanut butter and jelly during the City's annual Spread the Love campaign, which continues through Labor Day, September 4, 2023. This year, donations of alternative butters that are safe for children with nut allergies, such as sunflower seed butter or pumpkin seed butter, are also requested. The City partners with Sharing Life Community Outreach to distribute the food collected.
4. Mr. Smith invited citizens to attend a Back-to-School Rally on Saturday, July 22, 2023, at New Light Church, 1300 South Bellline Road, from 10:00 a.m. to 2:00 p.m. Free backpacks and school supplies will be distributed. Health screenings and immunizations will also be offered.
5. Mr. Smith invited citizens to celebrate the conclusion of National Parks and Recreation Month at the City's "Pop Up at the Park" event at Mesquite's new spray pad at Clay Mathis Park. This free, family-friendly event will be held on Saturday, July 29, 2023, from 9:00 a.m. to Noon. The celebration will include free popsicles, games and more at the Spray Zone, which officially opened on Monday, May 1, 2023.
6. Ms. Anderson thanked the City of Mesquite Police Officers and Firefighters for helping to keep residents safe during the July 4th weekend. Patrols were dispatched to areas with historically high call volume on the holiday in previous years. Mesquite Police Officers responded to 81 calls for service for fireworks reports and 62 calls for service for sounds of gunfire. In addition, more than 38 pounds of fireworks were confiscated and 19 handguns and one rifle were seized. Police Officers also made 27 DWI arrests. While there is still work to be done, progress is made every year by educating residents on celebrating the holiday in a safe manner.
7. Ms. Anderson stated that she recently attended a Texas Citizen Police Academy Alumni Association conference where Lieutenant Brandon Ricketts was honored and awarded the Peace Officer of the Year.
8. Mayor Alemán announced that the next Town Hall Tuesday meeting will be held tomorrow evening, July 18, 2023, from 6:30 p.m. to 7:30 p.m., at Mesquite City Hall, 757 North Galloway Avenue. Attendees will learn about the City's current budget and plans for next year's budget. Presentations will include results of the budget survey that was recently completed by the public.

9. Mayor Alemán thanked everyone involved in the new Real. Texas. Teens. Epic Summer Experience, which is a four week program. During the first two weeks of the program, more than 55 teenagers participated in a variety of activities from a game truck to sports, crafts and a rock climbing wall. More than 200 teenagers participated the third week. If you have an 11 – 18 year old, encourage them to participate in the Epic Summer Experience program this Thursday, July 20, 2023, from 6:00 p.m. to 8:00 p.m., at Terry Middle School, 2531 Edwards Church Road, and on Thursday, August 3, 2023, for a special Epic Summer Splash event. Watch the City’s social media for more information regarding Real. Texas. Teens. and more youth engagement programs coming soon. Mayor Alemán thanked the City of Mesquite, Parks and Recreation Department, Mesquite Independent School District, community volunteers, Dr. James Terry and his wife, and the Men of Honor for helping make this program a huge success.

CITIZENS FORUM

1. Sharon Davenport, 4804 Blue Cap Court, expressed support for more retail stores near her neighborhood.
2. Genia Deluga, representing Dependable Mini Storage at 730 and 740 Military Parkway, expressed concerns regarding the recent increase in water bills.

PUBLIC HEARINGS

- 3 Conduct a public hearing to receive citizen input on the proposed Fiscal Year 2023-24 budget.

A public hearing was held regarding the proposed Fiscal Year 2023-24 budget.

Michelle Baccheschi, Manager of Budget and Treasury, stated that this is the second of three public hearings regarding the Fiscal Year 2023-2024 Budget. The State of Texas requires one public hearing. However, the City of Mesquite has typically offered multiple public hearings to receive citizen input. A budget-related educational video along with a FY2023 Budget Priorities Citizen Survey is available on the City’s website. She stated the City received 420 responses to the survey, which will be reviewed at the Budget Town Hall meeting tomorrow night at 6:30 p.m. Ms. Baccheschi reminded residents that the City’s Transparency Portal on the City’s website offers access to most City financial information. The proposed FY2023-24 budget will be available on the City’s website on July 21, 2023. The third and final budget public hearing will be held at the Monday, August 7, 2023, City Council meeting.

No one appeared regarding the proposed Fiscal Year 2023-24 budget.

- 4 Conduct a public hearing on the levy of assessments on property within Improvement Area A-1, Improvement Area C-1, Improvement Area C-2, and Improvement Area C-3 of the Solterra Public Improvement District.

A public hearing was held on the levy of assessments on property within Improvement Area A-1, Improvement Area C-1, Improvement Area C-2, and Improvement Area C-3 of the Solterra Public Improvement District.

Cliff Keheley, City Manager, stated that on June 20, 2023, the City Council passed Resolution No. 25-2023 to accept a preliminary Service and Assessment Plan (SAP) for authorized improvements within Improvement Areas A-1, C-1, C-2 and C-3 of the Solterra Public Improvement District (PID). A public hearing is

required by State Law to receive any written or oral objections to the proposed assessments identified in the SAP. Once this public hearing is closed, the City Council will be asked to hear or pass on any objections to any proposed assessment. He stated that earlier this morning bonds were sold for this project and introduced Jason Hughes, representing Hilltop Securities, to brief the Council.

Jason Hughes, representing Hilltop Securities, stated that the bond sale is for just under \$44 million of PID assessment bonds. These bonds are secured solely by assessments within the Solterra PID and will never constitute an indebtedness or general obligation of the City and are being sold to pay for public infrastructures within the Solterra PID. Upon completion, the estimated build-out is approximately \$455 million and will help put approximately one thousand lots on the ground.

Edward Beecherl, Representative of HC Solterra, LLC, spoke in favor of the Solterra PID bonds.

No others appeared regarding the levy of assessments on property within Improvement Area A-1, Improvement Area C-1, Improvement Area C-2, and Improvement Area C-3 of the Solterra PID.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that Item No. 15 be removed from the Consent Agenda and considered separately. Mr. Green moved to approve the remaining Consent Agenda items, being Item Nos. 5-14 and 16-23, with the Solterra development related Agenda Item Nos. 6-12 being approved in substantially the form presented to Council at tonight's meeting and updated with the information provided at the meeting by the City's consultants. Motion was seconded by Ms. Vidler and approved unanimously.

5 Minutes of the regular City Council meeting held July 3, 2023.

Approved on the Consent Agenda.

6 A resolution approving a Reimbursement Agreement (Improvement Area C-3) relating to the Solterra Public Improvement District.

Approved on the Consent Agenda.

Resolution No. 31-2023, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS APPROVING A REIMBURSEMENT AGREEMENT (IMPROVEMENT AREA C-3) RELATING TO THE SOLTERRA PUBLIC IMPROVEMENT DISTRICT. (Resolution No. 31-2023 recorded in Resolution Book No. 68.)

7 An ordinance approving a Service and Assessment Plan and Assessment Roll for authorized improvements in Improvement Area A-1, C-1, C-2 and C-3 in the Solterra Public Improvement District (the "District"); making a finding of special benefit to certain property within the district; levying assessments against certain property within the district and establishing a lien on such property; providing for payment of the assessment in accordance with Chapter 372,

Texas Local Government Code, as amended; providing for the method of assessment and the payment of assessments; providing penalties and interest on delinquent assessments; providing for severability and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 5031, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS APPROVING A SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS IN IMPROVEMENT AREA A-1, C-1, C-2 AND C-3 IN THE SOLTERRA PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING A FINDING OF SPECIAL BENEFIT TO CERTAIN PROPERTY IN THE DISTRICT; LEVYING ASSESSMENTS AGAINST CERTAIN PROPERTY WITHIN THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR PAYMENT OF THE ASSESSMENT IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5031 recorded in Ordinance Book No. 128.)

- 8 An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area A-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 5032, AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF MESQUITE, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (SOLTERRA PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA A-1 PROJECT); APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5032 recorded in Ordinance Book No. 129.)

- 9 An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-1 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 5033, AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF MESQUITE, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (SOLTERRA PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA C-1 PROJECT); APPROVING AND

AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5033 recorded in Ordinance Book No. 129.)

10

An ordinance approving and authorizing the issuance and sale of the City of Mesquite, Texas, Special Assessment Revenue Bonds, Series 2023 (Solterra Public Improvement District Improvement Area C-2 Project), approving and authorizing an Indenture of Trust, a Bond Purchase Agreement, Limited Offering Memorandum, a Continuing Disclosure Agreement, and other agreements and documents in connection therewith, making findings with respect to the issuance of such bonds, and providing an effective date.

Approved on the Consent Agenda.

Ordinance No. 5034, AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF MESQUITE, TEXAS SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2023 (SOLTERRA PUBLIC IMPROVEMENT DISTRICT IMPROVEMENT AREA C-2 PROJECT); APPROVING AND AUTHORIZING AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT, LIMITED OFFERING MEMORANDUM, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION THEREWITH; MAKING FINDINGS WITH RESPECT TO THE ISSUANCE OF SUCH BONDS AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE AND SALE OF THE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5034 recorded in Ordinance Book No. 129.)

11

An ordinance approving a Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra).

Approved on the Consent Agenda.

Ordinance No. 5035, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING A PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF MESQUITE, TEXAS (SOLTERRA); MAKING A FINDING REGARDING FEASIBILITY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5035 recorded in Ordinance Book No. 129.)

12

A resolution approving the TIRZ Reimbursement Agreement between the City of Mesquite, Texas, the Board of Directors of Reinvestment Zone Number Fifteen, City of Mesquite, Texas (Solterra) (the TIRZ) and HC Solterra, LLC, regarding the reimbursement of project costs for public improvements within the TIRZ.

Approved on the Consent Agenda.

Resolution No. 32-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TIRZ REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS, THE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER 15, CITY OF MESQUITE, TEXAS (SOLTERRA) (THE "TIRZ") AND HC SOLTERRA, LLC, REGARDING THE REIMBURSEMENT OF PROJECT COSTS FOR PUBLIC IMPROVEMENTS WITHIN THE TIRZ. (Resolution No. 32-2023 recorded in Resolution Book No. 68.)

- 13 An ordinance amending the City Code by revising Chapter 5, Article XIII (Appeals of Administrative Decisions to Building Standards Board) for the purpose of clarifying that all “types” of appeals identified in said article are all considered “administrative decisions”.
- Approved on the Consent Agenda.**
- Ordinance No. 5036, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 5, ARTICLE XIII (APPEALS OF ADMINISTRATIVE DECISIONS TO BUILDING STANDARDS BOARD) FOR THE PURPOSE OF CLARIFYING THAT ALL “TYPES” OF APPEALS IDENTIFIED IN SAID ARTICLE ARE ALL CONSIDERED “ADMINISTRATIVE DECISIONS” AND MAKING OTHER GENERAL UPDATES AND REVISIONS TO CLARIFY PROCESSES AND PROCEDURES; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5036 recorded in Ordinance Book No. 129.)**
- 14 An ordinance amending the City Code by revising Chapter 20, Article IV, Division 4 “Building Standards Board” for the purpose of removing the residency requirement for regular members and alternates thereby allowing any qualified applicant to be appointed regardless of the city the person resides in.
- Approved on the Consent Agenda.**
- Ordinance No. 5037, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REVISING CHAPTER 20, ARTICLE IV, DIVISION 4 “BUILDING STANDARDS BOARD” FOR THE PURPOSE OF REMOVING THE RESIDENCY REQUIREMENT FOR REGULAR MEMBERS AND ALTERNATES THEREBY ALLOWING ANY QUALIFIED APPLICANT TO BE APPOINTED REGARDLESS OF THE CITY THE PERSON RESIDES IN; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5037 recorded in Ordinance Book No. 129.)**
- 16 Bid No. 2023-008 - Community Development Block Grant (CDBG) 2023 Sidewalk Project.
(Staff recommends that all bids be rejected.)
- Approved on the Consent Agenda.**
- 17 Bid No. 2023-064 - 2021 Large Diameter High Risk Sewer Main Repair/Rehabilitation Project.
(Staff recommends that all bids be rejected and rebid at a later date.)
- Approved on the Consent Agenda.**
- 18 RFQ No. 2023-103 - Engineering Services for City Lake Aquatic Center: Engineering Design Services.
(Authorize the City Manager to finalize and execute a contract with Aqueous Engineering, LLC, in an amount not to exceed \$180,000.00.)
- Approved on the Consent Agenda.**
- 19 Bid No. 2022-104 - Mesquite Police Department TASER Replacement.
(Authorize the City Manager to approve annual payments to Axon Enterprise,

Inc., in an amount not to exceed \$128,180.97 each year, through BuyBoard Contract 603-20. The contract expires June 30, 2027.

Approved on the Consent Agenda.

- 20 Bid No. 2023-114 - Purchase of two Video Camera Trailers for Town East Mall area.
(Staff recommends award to Comprehensive Communication Services, through BuyBoard Contract No. 617-20, in an amount not to exceed \$96,792.42.)

Approved on the Consent Agenda.

- 21 Authorize the City Manager to finalize and execute Amendment No. 1 to the Professional Engineering Services Contract for the Crandall Connector Water Line Project, with Garver, LLC, for the additional design and preparation of construction documents in an amount not to exceed \$134,265.00.

Approved on the Consent Agenda.

- 22 Authorize the City Manager to finalize and execute a Professional Services Agreement with Garver, LLC, for the McKenzie Sewer Main Project, in an amount not to exceed \$549,320.50.

Approved on the Consent Agenda.

- 23 Call a public hearing for August 7, 2023, 7:00 p.m., at City Hall, Council Chamber, 757 North Galloway Avenue, Mesquite, Texas 75149, and order the required public notice for the public hearing be given of the date, time and location of the hearing for the proposed 2023-24 budget.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 15 A resolution approving the Mesquite Quality of Life Corporation budget for Fiscal Year 2023-24.

Mr. Boroughs stated that the Mesquite Quality of Life Corporation was created following an election several years ago which authorized an additional one-half cent sales tax known as the Type 4B Economic Development Sales Tax to be used for transportation, public safety and public parks and recreation. This year, the sales tax revenue received from the one-half cent sales tax is \$15 million. Without this sales tax, the City would not be able to fund the many projects that have been accomplished throughout the years.

Mr. Boroughs moved to approve Resolution No. 33-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE MESQUITE QUALITY OF LIFE CORPORATION BUDGET FOR THE FISCAL YEAR 2023-24; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Vidler and approved unanimously. (Resolution No. 33-023 recorded in Resolution Book No. 68.)

END OF CONSENT AGENDA

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 24 Consider appointment of two representatives to attend the Annual City/School Joint Tax Office Advisory Board meeting on Wednesday, August 23, 2023, at 1:30 p.m.
- Mr. Green moved to appoint Jennifer Vidler and Debbie Anderson as regular members and Tandy Boroughs as an alternate member to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held on Wednesday, August 23, 2023, at 1:30 p.m. Motion was seconded by Mr. Boroughs and approved unanimously.

PUBLIC HEARINGS

- 25 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0623-0307, submitted by Kennett Wilson and Sharonda Ross, Love Healed Pain (LHP), for a change of zoning from Agricultural to Agricultural with a Conditional Use Permit to allow a group home, located at 7020 Shannon Loop. (No responses in favor and seven 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. Z0623-0307.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to enter into a lease-to-own agreement with the property owner to operate a group home for up to 12 foster care girls, ages 5 to 17 years old. The home would be a transitional facility for the girls until permanently placed. A minimum of two staff members will be onsite with the children at all times. Mr. Armstrong stated that the home is located at 7020 Shannon Road on a 1.08-acre lot containing five bedrooms consisting of 4,135 square feet.

Mr. Armstrong stated that since opposition was received from property owners who represent more than 20 percent of the land included in the required notification area, a super-majority or three-fourths vote of all City Councilmembers is required. Six votes will be needed to pass the application.

Mr. Armstrong stated that the Planning and Zoning Commission recommended that the facility be equipped with a fire sprinkler system and fire alarm with the number of children being limited to 10. He stated that the State has rules that preempt cities from having restrictions on community homes. These are homes with six or fewer children that meet certain criteria and provide certain services. However, anything that does not qualify as a community home requires a Conditional Use Permit which requires Planning and Zoning Commission recommendation and City Council approval.

Mr. Armstrong stated that over the past few years, there has been a number of construction and renovation projects performed on the property without permits or inspections. Staff is currently working with the property owner to have the projects permitted and inspected which includes electrical, plumbing, interior remodel, roof, windows and doors.

Applicant Sharonda Ross, on behalf of Love Healed Pain, LLC, stated that the home will provide 24-hour care with two caregivers scheduled for each work period, a 24-hour wait staff to monitor the children inside of the home and 24-hour surveillance outside of the home. She stated that all personnel will be trained and certified with Family Protective Services, must pass an FBI background check, possess a high school diploma and be at least 21 years old.

The following persons submitted registration cards in opposition to the application but chose not to speak: (1) Ronald Krueger, 7010 Shannon Road; (2) Shari Norris, 7021 Shannon Road; (3) Woodley Norris, 7021 Shannon Road; (4) Warren Jones, 7041 Shannon Road; (5) Teresa Jones, 7041 Shannon Road; (6) Sharon Robinson, 7121 Shannon Road; (7) Luke Frazier, 6930 Shannon Road; and (8) Dale Meeks, 7101 Shannon Road.

The following persons expressed opposition to the proposed application: (1) Jackie Frazier, 6930 Shannon Road; (2) Scott Gibbs, 7121 Shannon Road; (3) Ralph Dupler, 7130 Shannon Road; (4) Helen Krueger, 7101 Shannon Road; (5) Ronald Kruger, 7010 Shannon Road; (6) Tony King, 7030 Shannon Road; (7) Kaori Saito, 7030 Shannon Road; and (8) Tammy Jo Strong, 1713 Cool Springs Drive.

Councilmembers expressed concerns regarding the proposed application.

Mr. Green moved to deny Zoning Application No. Z0623-0307. Motion was seconded by Ms. Anderson and approved unanimously.

26

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0323-0299, submitted by Edward Arshouk and Amy Mathews, for a change of zoning from Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District to Planned Development - Commercial within the Town East Retail and Restaurant Area (TERRA) Overlay District with modifications to allow a carwash within 100 feet of a residential zoning district, located at 2670 and 2704 Towne Centre Drive.

(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. Z0323-299.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes construction of a tunnel carwash which will include a 4,783-square-foot carwash with 45 outdoor vacuum stalls and a 12,436-square-foot vacuum station building with 24 indoor stalls. Three stacking lanes are being proposed that would accommodate 31 cars with the opportunity to increase stacking spaces by temporarily closing off one driveway during peak hours. The use would be permitted under the existing zoning if it met the 100-foot separation requirement from residential zoning. However, the property is adjacent to a single-family residential district which is used by a TXU Energy easement and the Heritage Trail resulting in a 150-foot distance between the subject property and the nearest occupied residential lot.

Applicant Amy Mathews presented an overview of the proposed development which will consist of two buildings with indoor and outdoor vacuums. The vacuum system will be enclosed inside of the building and the outside vacuums will be located on the opposite side of the building further away from the

single-family residences. The carwash will utilize a conveyor belt system and will offer both traditional and touchless car washes. A traffic impact study was performed that indicated the proposed design should eliminate any off-site stacking into the adjacent roadway. A noise impact study was also performed that indicated that the proposed carwash does not exceed the maximum permitted noise levels.

Applicant Nick Spallone, representing Car Wash Pro Designers, explained that the touchless carwash uses air to project the water and stated that this type of carwash is recommended for vehicles with a ceramic coating as abrasive brushes could damage the finish.

The following persons expressed support for the proposed application: (1) Karl Crawley, 2201 Main Street, Dallas; (2) Vivian Johnson, 4538 Live Oak Drive; and (3) Tammy Jo Strong, 1713 Cool Springs Drive.

Ms. Vidler moved to deny Zoning Application No. Z0323-299. The motion failed for lack of a second.

Mr. Green moved to approve Zoning Application No. Z0323-299, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulation: (1) A masonry screening wall shall be installed on property abutting any residential district and to approve Ordinance No. 5038, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT ON PROPERTY LOCATED AT 2670 AND 2704 TOWNE CENTRE DRIVE TO ALLOW A CAR WASH (SIC 7542) WITHIN 100 FEET FROM A RESIDENTIAL DISTRICT WITH MODIFICATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Anderson. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Anderson, Alemán, Boroughs, Smith

Nays: Vidler

Absent: Casper

Motion carried. (Ordinance No. 5038 recorded in Ordinance Book No. 129.)

27

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0303, submitted by Flavio Mendoza, for a change of zoning from R-3 Single-Family Residential to R-3 Single-Family Residential with a Conditional Use Permit to allow an Accessory Dwelling Unit with modifications, located at 1432 Hillcrest Street.

(No 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 with certain stipulations.)

A public hearing was held for Zoning Application No. Z0523-0303.

Jeff Armstrong, Director of Planning and Development Services, stated that the

applicant proposes conversion of an 874-square-foot detached garage, permitted in 1974, to an Accessory Dwelling Unit (ADU) for use by family of the homeowners living in the main house. The applicant is also requesting the following modifications to the ADU requirements: (1) Allow the ADU on a lot smaller than one-half acre. The lot is 0.18 of an acre (7,766.32 square feet); (2) Allow an ADU on a lot with fewer than four parking spaces behind the building line. However, there is sufficient parking on the lot for six cars; and (3) Allow the ADU to exceed the maximum floor area of 500 square feet by 374 square feet, thereby allowing the ADU to be 874 square feet.

Applicant Hector Mendoza stated that the garage will be used by family members of the homeowners who live in the main house.

Vivian Johnson, 4538 Live Oak, expressed concerns regarding the possible rental of the dwelling in the future.

No others appeared regarding the proposed application.

Mr. Boroughs moved to deny Zoning Application No. Z0523-0303. Motion was seconded by Ms. Vidler and approved unanimously.

28

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0304, submitted by Adrienne Moore of A.N. Moore Consulting, LLC, for a change of zoning from General Retail to Planned Development - General Retail to allow for retail trade and service use classifications, as well as allowing printing, publishing and allied industries (SIC 27) by right, in addition to the other uses allowed in the General Retail Zoning District, located at 1313 Oates Drive.

(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. Z0523-0304.

Jeff Armstrong, Director of Planning and Development Services, stated that the property consists of approximately 2 acres with an existing 15,654-square-foot building. The property was formerly used as an auto insurance inspection facility and is currently being used by a publisher of legal directories. The owner would like to market the building and is requesting uses be allowed that are not currently permitted in the General Retail zoning district. Mr. Armstrong stated that the Planning and Zoning Commission recommended approval of the Planned Development for the proposed uses that fall under the Retail Trade and Service classifications plus Printing, Publishing and Allied Services.

Applicant Mickie Moore, representing A. N. Moore Consulting, LLC, stated that the current owner of the property is requesting the zoning change to help market the property for sale. She stated that the intended proposal is to create a General Retail - Planned Development with the addition of some light commercial uses.

Bob Bagley, 429 Country View Lane, Garland, expressed support for the proposed application.

No others appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0523-0304, as recommended by the Planning and Zoning Commission, with the modification that all additional, non-General Retail uses requested by the applicant be permitted upon approval of a Conditional Use Permit, and to approve Ordinance No. 5039, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 1313 OATES DRIVE TO ALLOW FOR RETAIL TRADE AND SERVICE USE CLASSIFICATIONS, AS WELL AS ALLOWING PRINTING, PUBLISHING, AND ALLIED INDUSTRIES (SIC 27) BY RIGHT, IN ADDITION TO THE OTHER USES ALLOWED IN THE GENERAL RETAIL ZONING DISTRICT 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 Ms. Anderson. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Anderson, Alemán, Boroughs, Smith

Nays: Vidler

Absent: Casper

Motion carried. (Ordinance No. 5039 recorded in Ordinance Book No. 129.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:31 P.M.

Mayor Alemán 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. 29 – Discuss economic development incentives for a company considering redeveloping a commercial building at Oates Drive and IH-635; and Item No. 30 – Discuss economic development incentives for a company considering developing a retail facility at IH-635 in the Iron Horse district); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:56 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 Ms. Vidler and approved unanimously. The meeting adjourned at 9:56 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor