



City of Mesquite, Texas

Minutes - Final City Council

Monday, August 7, 2023

5:30 PM

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

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

Absent: Councilmember B.W. Smith.

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss the proposed budget and tax rate for Fiscal Year 2023-24.

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

INVOCATION

Pastor, Brown Durham, Mesquite Friendship Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper thanked Mesquite Fire and Police Department personnel who welcomed the Mesquite Independent School District students back to school today. Fire engines were parked near schools and displayed a "Please Slow Down, School Back in Session" banner. During the first week of classes, Police Department staff will be available at many schools to support students and their families. Since school is back in session, please pay attention in school zones and crosswalks. No texting while driving, no cell phone usage in crosswalks, watch for children when driving near schools and stop for school buses. Also, "Drive Like Your Family Lives Here."
2. Mr. Green reminded residents to refer to the monthly road report, Word on the Streets, to keep up with the City's biggest road and construction projects. The August edition includes information about construction on Skyline Drive, reconstruction of Faithon P. Lucas, Sr., Boulevard and more. Find more information at www.cityofmesquite.com/WordOnTheStreet.

3. Ms. Vidler stated that the Mesquite Animal Shelter and Adoption Center, 1650 Gross Road, will be participating in the National Clear the Shelters initiative that promotes pet adoption and donations in August. On August 26, 2023, the shelter will host a special one-day adoption event, waiving all fees. Shelter pets available for adoption are sterilized, vaccinated and microchipped. Regular operating hours for the shelter are Monday, Tuesday, Thursday and Friday from 11:00 a.m. to 5:30 p.m.; Saturday from 1:00 p.m. to 5:30 p.m.; and are closed Wednesday and Sunday.
4. Mr. Boroughs announced that two positions are available for the Mesquite Fire Department Citizens' Fire Academy for anyone who lives in or works for the City of Mesquite. The Academy is a ten-week program, held once per year in the fall and provides residents the opportunity to learn about the department directly from firefighters and officers. Through both classroom education and hands-on learning with the men and women of the department, each week's class explains a different aspect of the firefighter's daily duties and responsibilities. If anyone is interested in applying, visit www.cityofmesquite.com/FireAcademy. Following graduation from the course, graduates will have the opportunity to join the Mesquite Fire Corps which supports firefighters at emergencies with supplies for rest and rehabilitation.
5. Ms. Anderson stated that the Mesquite Fire Corps and the Mesquite Citizens Police Academy are holding a joint fundraiser on Saturday, August 19, 2023, at the Mesquite Elks Lodge, 4201 Gus Thomasson Road. She encouraged citizens to purchase a ticket and enjoy a fajita lunch.
6. Ms. Anderson invited citizens to attend a Creek Crossing Crime Watch Meeting on Tuesday, August 8, 2023, at 7:00 p.m., at Dia de los Tacos, 1927 Faithon P. Lucas, Sr., Boulevard.
7. Ms. Anderson announced that construction has been completed on safety improvements to Lawson Road. These improvements are part of a larger plan to increase the safety of this roadway in the City of Mesquite's southern sector. The City was awarded a Highway Safety Improvement Program grant of \$400,000.00 for improvements, adding three feet of shoulder and a safety guardrail on both sides of Lawson Road between East Cartwright Road and Milam Road. The City performed a preliminary study to determine options to widen Lawson Road from two to four lanes from Interstate 20 to U. S. Highway 80. The study will guide selection and prioritization of future construction projects to improve safety.
8. Mr. Boroughs announced that the City of Mesquite will soon begin construction of the first skate park at Westlake Sports Center, 601 Gross Road. To make this skate park the best it can be, the City is requesting citizen input through an online survey. Visit www.cityofmesquite.com/SkatePark to participate in the survey.
9. Mayor Alemán congratulated all young readers that completed the Mayor's 1,000 Page Reading Challenge this summer. A gathering was held at the City's Library to celebrate completion of the challenge on Saturday, August 5, 2023. More than 240 children, ages 5 – 12 years old, read at least 1,000 pages this summer. It was exciting to see so many children get excited about reading. The Library has a lot of great events coming up, so be sure and check the City's social media for upcoming news.
10. Mayor Alemán stated that first responders put their lives on the line every time they report to duty. Tragically, sometimes they never return home. On December 3, 2021, Officer Richard Houston was fatally wounded in the line of duty. Officer Houston was a 21-year veteran of the Mesquite Police Department and was married with three children. To honor his memory, the Mesquite Police Association charities has created 821 Day, a campaign that will take place on August 21, 2023. Named after Officer Houston's badge number 821, participating area restaurants will donate a portion of their proceeds to help pay for signage on a designated section of Interstate 635 as the Officer Richard Houston II Memorial Highway. Please make plans to eat out on August 21 at one of the participating restaurants to show your support. To see a list of participating restaurants or to make donations, visit www.mpacharities.com/821Day.

CITIZENS FORUM

Travis Finlan, 2402 Brookcrest Drive, expressed concerns regarding the City's tree pruning requirements.

CITIZENS COMMENTS

Bradley Shelton, 1409 Springbrook Drive, expressed concerns regarding Agenda Item No. 12 – Annual Lease Agreement for Accuriopress C4080 Color Printer.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Green requested that Item No. 12 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Anderson and approved unanimously.

- 2** Minutes of the regular City Council meeting held July 17, 2023.

Approved on the Consent Agenda.

- 3** An ordinance amending Chapter 2 of the City Code to update the political contribution limitations based on changes to the Consumer Price Index.

Approved on the Consent Agenda.

Ordinance No. 5040, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE BY DELETING SECTIONS 2-159(a) AND 2-159(c) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 2-159(a) AND 2-159(c) TO UPDATE THE POLITICAL CONTRIBUTION LIMITATIONS; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING A PENALTY IN ACCORDANCE WITH MESQUITE CITY CODE, CHAPTER 1, SECTION 1-6 (GENERAL PENALTIES); AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5040 recorded in Ordinance Book No. 129.)

- 4** An ordinance amending Chapter 9, of the City Code by providing revised range of time changes for school zones, a new school zone for Horn High School by adding Woolley Middle School, a new school flasher for Horn High School/Woolley Middle School/Achziger Elementary School and deleting the school zone for Mesquite Academy.

Approved on the Consent Agenda.

Ordinance No. 5041, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 9-147(1)(a-e) THEREBY PROVIDING REVISED RANGE OF TIME CHANGES FOR SCHOOL ZONES, A NEW SCHOOL ZONE FOR HORN HIGH SCHOOL BY ADDING WOOLLEY MIDDLE SCHOOL, A NEW SCHOOL FLASHER FOR HORN HIGH SCHOOL / WOOLLEY MIDDLE SCHOOL / ACHZIGER ELEMENTARY SCHOOL, AND DELETING THE

SCHOOL ZONE FOR MESQUITE ACADEMY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 5041 recorded in Ordinance Book No. 129.)

- 5 A resolution finding that Oncor Electric Delivery Company, LLC's application to amend its distribution cost recovery factor and update Generation Riders to increase distribution rates within the City should be denied, authorizing participation with the Steering Committee of Cities served by Oncor and authorizing hiring of legal counsel, finding that the City's reasonable rate case expenses shall be reimbursed by the Company, finding that the meeting at which this Resolution is passed is open to the public as required by law and requiring notice of this Resolution to the Company and legal counsel.

Approved on the Consent Agenda.

Resolution No. 34-2023, A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC's APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR AND UPDATE GENERATION RIDERS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No. 34-2023 recorded in Resolution Book No. 68.)

- 6 RFP No. 2023-096 - Route Optimization, Billing and Payment System for Commercial Solid Waste.
(Staff recommends award to Routeware, Inc, in an amount not to exceed \$183,452.00, and authorize the City Manager to finalize and execute the necessary sales order and agreements.)

Approved on the Consent Agenda.

- 7 Bid No. 2023-098 - Purchase of One Ford F-150 for Fire Prevention.
(Authorize the City Manager to finalize and execute a contract and any required documents with Sam Pack's Five Star Ford, Ltd., through BuyBoard Contract No. 601-19, in an amount not to exceed \$57,971.44.)

Approved on the Consent Agenda.

- 8 Bid No. 2023-111 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends authorizing the City Manager to finalize and execute a contract with Saratoga Rack Marketing, LLC, as the primary vendor, and Douglass Distributing Company, as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery in an amount not to exceed \$2,390,789.00 each fiscal year. The term of the contract is for a one-year period, with three 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.

- 9 Bid No. 2023-112 - Annual Supply of Bridgestone/Firestone Auto, Truck and Industrial Tires.
(Authorize the City Manager to finalize and execute a contract and any required documents with Southern Tire Mart, LLC, through BuyBoard Contract No. 636-21, in an amount not to exceed \$166,121.49.)

Approved on the Consent Agenda.

- 10 Bid No. 2023-117 - NEOGOV Services Agreement.
(Authorize the City Manager to finalize and execute a contract and any required documents with sole source provider Governmentjobs.com, Inc., dba NEOGOV, for the purchase of Human Resources Information System services, with up to a six percent increase annually through 2028. 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.

- 11 Bid No. 2023-119 – Purchase of Eight Ford Explorers with Interceptor Options for Police.
(Staff recommends purchase from Sam Pack's Five Star Ford, Ltd., through the BuyBoard Contract No. 601-19, in an amount not to exceed \$418,383.67).

Approved on the Consent Agenda.

- 13 Authorize an expenditure in the amount of \$137,699.91 to the Mesquite Independent School District to acquire new studio production equipment for the operation of the City's Educational Access Channel in accordance with Ordinance No. 4132 (Interlocal Agreement/Operation of Educational Access Channel) and authorize the City Manager to execute payment upon receipt of an itemized invoice.

Approved on the Consent Agenda.**CONSENT AGENDA ITEM CONSIDERED SEPARATELY**

- 12 Bid No. 2023-126 - Annual Lease Agreement for Accuriopress C4080 Color Printer.
(Authorize the City Manager to finalize and execute a contract and any required documents with Konica Minolta Business Solutions U.S.A., Inc., for the annual lease of an Accuriopress C4080 color printer through Sourcewell Contract No. 030321-KON, in an amount not to exceed \$237,770.40. The term of this lease is for 48 months, subject to annual appropriation of sufficient funds.)

Cliff Keheley, City Manager, stated that typically the City leases equipment as the lease includes a service agreement which covers any future repairs.

Cindy Smith, Director of Finance, added that the contract typically covers a certain number of pages. Therefore, large print jobs are typically covered by the contract.

Mr. Green moved to approve Bid No. 2023-126 – Annual Lease Agreement for Accuriopress C4080 Color Printer. Motion was seconded by Mr. Casper and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEMS RELATING TO THE FISCAL YEAR 2023-24 BUDGET:

- 14 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2023-24 budget.

A public hearing was held to receive input from citizens regarding the proposed Fiscal Year 2023-24 budget.

Michelle Baccheschi, Manager of Budget and Treasury, stated that this is the third and final State-law-mandated public hearing on the proposed Fiscal Year 2023-24 budget that must be held before the date that the tax rate is adopted, since a city must levy taxes only in accordance with its budget. The City Council held two previous public hearings on July 3, 2023, and July 17, 2023.

Ms. Baccheschi stated that in accordance with State law, the City Council must take action on the budget at the conclusion of this public hearing, either to vote separately to adopt the budget and also vote to "ratify" the increase in property tax revenue or vote to postpone adoption of the budget and vote to postpone ratification of the increase in property tax revenue until the August 21, 2023, City Council meeting.

Ms. Baccheschi stated that State law requires a separate vote to ratify any increase in property tax revenue as reflected in the budget. Next year's proposed budget estimates an increase of \$11,723,271.00 (16.58 percent) in property tax revenue and thus requires a separate vote to ratify the increase in property tax revenue. This vote to ratify the property tax revenue increase is separate and apart from any vote to adopt the budget or vote to adopt the tax rate. The vote to adopt the tax rate (tax levy) is scheduled for the August 21, 2023, City Council meeting.

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

- 15 An ordinance providing funds for the 2023-24 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.

Ms. Vidler stated "I move to postpone consideration of an ordinance providing funds for the 2023-24 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget to the August 21, 2023, City Council meeting at 7:00 p.m., in the Council Chamber at City Hall, 757 North Galloway Avenue, Mesquite, Texas." Motion was

seconded by Mr. Green and approved unanimously.

- 16 An ordinance ratifying the property tax revenue increase reflected in the 2023-24 Fiscal Year budget for said period.
- Ms. Vidler stated "I move to postpone consideration of an ordinance ratifying the property tax revenue increase reflected in the 2023-24 Fiscal Year budget to the August 21, 2023, City Council meeting at 7:00 p.m., in the Council Chamber at City Hall, 757 North Galloway Avenue, Mesquite, Texas." Motion was seconded by Mr. Green and approved unanimously.
- 17 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2023-24 and call a public hearing for August 21, 2023, on the proposed Fiscal Year 2023-24 ad valorem tax rate.
- Ms. Vidler stated "I move that, upon proper notice and final adoption after the public hearing is held, property taxes be increased by the adoption of a tax rate for Fiscal Year 2023-24 of \$0.69000 per \$100 of valuation. The public hearing to consider this rate will be held on August 21, 2023, at 7:00 p.m. The public hearing will be held in the Council Chamber at City Hall, 757 North Galloway Avenue, Mesquite, Texas." Motion was seconded by Mr. Casper and approved unanimously.

PUBLIC HEARINGS

- 18 A. Conduct a public hearing to receive citizen input regarding the proposed 2023-2024 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.
- B. Consider a resolution approving the Community Development Block Grant Program Year 2023-2024 Budget and authorizing filing an application for an amount not to exceed \$1,041,662.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.
- A public hearing was held regarding the proposed 2023-2024 Community Development Block Grant Program (CDBG) budget and Annual Action Plan.
- Maria Martinez, Director of Neighborhood Services, stated that the United States Department of Housing and Urban Development (HUD) requires entitlement communities to prepare an Annual Action Plan in order to receive federal housing and community development funding. The entitlement grant for Program Year 2023-24 is \$1,041,662.00 and the total amount requested is \$1,100,312.70. The Action Plan designates the City's proposal on how to spend the grant funds in a given program year to meet the priorities and needs identified in the Consolidated Plan. The 2023-24 Annual Action Plan states how the City plans to allocate the CDBG funds for Fiscal Year 2024.
- Ms. Martinez stated that this is the second of two required public hearings to provide opportunity for resident input regarding the proposed 2023-2024 CDBG budget.
- (1) Renae Perry, representing The Senior Source, stated that The Senior Source serves eight nursing homes in the City of Mesquite. The requested funding will

be utilized for the Ombudsman Program, an advocacy program for elderly Mesquite residents in long-term care facilities with the goal of resolving various client concerns. This funding allows representatives of The Senior Source to enter the various facilities at least twice per month to help address client issues.

(2) Madeline Hoadley, representing Visiting Nurses Association (VNA) of Texas, stated that over the past four years, over 100 Mesquite residents have been enrolled in the Meals on Wheels program, which provides nutritious home-delivered meals to clients. VNA also provides nurse visits to clients to review medications, perform safety evaluations and assess for additional clinical support in the home. VNA is requesting \$16,000.00 which will fund the needs of 20 Mesquite seniors for an entire year.

No others appeared regarding the proposed 2023-24 CDBG budget and Annual Action Plan.

Mr. Boroughs moved to approve Resolution No. 35-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2023-2024; AUTHORIZING THE FILING OF AN APPLICATION FOR AN AMOUNT NOT TO EXCEED \$1,041,662.00 FOR FEDERAL FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; AND DESIGNATING THE CITY MANAGER AS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF GIVING REQUIRED ASSURANCES AND ACTING IN CONNECTION WITH SAID APPLICATION. Motion was seconded by Mr. Casper and approved unanimously. (Resolution No. 35-2023 recorded in Resolution Book No. 68.)

19

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0623-0308, submitted by Artemio Pinal Quiroz, 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 2906 Viva 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. Z0623-0308.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to convert an existing detached garage into an Accessory Dwelling Unit (ADU) for his son to reside. The request includes the following modifications: (1) To allow an ADU on a lot less than ½ acre in size; (2) To allow an ADU on a lot that does not have a minimum of 4 off-street parking spaces located behind the front and exterior side building lines; and (3) To allow an ADU that does not meet the same setback requirements as the primary structure, including a minimum rear setback requirement of at least 10 feet.

Mr. Armstrong stated that with conversion of the garage, there would only be three non-tandem parking spaces on the property. The applicant proposes to widen the front driveway to provide for four non-tandem parking spaces.

The applicant's son, Jesus, 2906 Viva Drive, stated that they plan is to widen the driveway in order to meet the City's parking requirements.

No one appeared regarding the proposed application.

Mr. Green moved to deny Zoning Application No. Z0623-0308. Motion was seconded by Ms. Vidler and approved unanimously.

20

A. Consider reopening 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.

(This item was approved by a vote of 5 in favor and 1 opposed at the July 17, 2023, City Council meeting requiring a Conditional Use Permit for non-General Retail uses.)

B. 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, and repealing Ordinance No. 5039.

(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.)

Mr. Green moved to reconsider reopening 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. This item was approved by a vote of 5 in favor and 1 opposed at the July 17, 2023, City Council meeting requiring a Conditional Use Permit for non-General Retail uses. Motion was seconded by Ms. Vidler and approved unanimously.

A public hearing was held regarding Zoning Application No. Z0523-0304.

Jeff Armstrong, Director of Planning and Development Services, stated that the existing 15,654-square-foot building is being used to publish legal directories. Previously, the building was used for insurance claim inspections. The owner would like to market the building for sale and is requesting uses be allowed that are not currently permitted in the General Retail zoning district. The City Council considered this matter on July 17, 2023, and approved the requested rezoning with the modification that any identified non-General Retail use required a Conditional Use Permit.

Applicant Nikki 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 users. She stated that no outdoor storage would be allowed and agreed with the Planning and Zoning Commission's recommendations.

No one appeared regarding the proposed application.

Ms. Vidler moved to approve Zoning Application No. Z0523-0304, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 5042, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 5039 IN ITS ENTIRETY AND 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 Mr. Green and approved unanimously. (Ordinance No. 5042 recorded in Ordinance Book No. 129.)

21

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, execute, and administer an Economic Development Program Chapter 380 Agreement, a developer participation agreement establishing City participation in a waterline project, and a waiver of park land dedication requirements, for such purposes with S16 Texas Hold-Em Mesquite, LLC, an Idaho Limited Liability Company, for the construction and development of a self-storage facility, age-restricted single-family rental community and waterline located at 435 Clay Mathis Road and 2235 East Glen Boulevard in Mesquite, Texas.

A public hearing was held to consider a resolution for an Economic Development Chapter 380 Agreement with S16 Texas Hold-Em Mesquite, LLC.

Cliff Keheley, City Manager, stated that on March 20, 2023, the City Council approved a resolution approving the terms and conditions of a Chapter 380 Agreement with Braintree Development for a senior housing development and a multi-story storage facility at the corner of East Glen Boulevard and Clay Mathis Road. The development includes 168 detached age-restricted, single-family rental units and a 112,000-square-foot, three-story enclosed storage facility. The total projected value of the two projects is \$50 million.

Mr. Keheley stated that during the development process, it was determined that water, sewer and drainage infrastructure were not available to serve the property. Due to the proximity of the nearest facilities, the developer identified significant costs that were not considered part of normal responsibility for any developer. In order to bring these services to this property and allow for additional development in this area, the City utilized a Chapter 380 Agreement to reimburse the developer for costs associated with drainage, water and sewer infrastructure.

Mr. Keheley stated that due to supply chain issues and fluctuations in the interest rate that impact the ability to finance projects like this, the developer has requested an extension for the start date and other milestone dates for this project. None of the other terms of the agreement has changed. Due to

concerns with timing, the developer held off on execution of an agreement and is requesting this extension and plans on executing the agreement shortly after consideration by Council. The developer is requesting an extension of deadlines by six months to January 2024.

Mr. Keheley stated that in working with several developers, staff has encountered similar concerns as lenders are reluctant to work on projects until volatility in interest rates and inflation subside. Braintree is committed to this project and anticipates work to begin on the project in October.

Applicant, Matt Cotter stated that they are making progress with lenders but there is uncertainty in the lending environment at this time. Therefore, a deadline extension is being requested to January 2024.

No one appeared regarding the proposed resolution.

Ms. Anderson moved to approve Resolution No. 36-2023, in the form of the resolution as provided to the Council last Friday, August 4, 2023, **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, EXECUTE, AND ADMINISTER AN ECONOMIC DEVELOPMENT PROGRAM CHAPTER 380 AGREEMENT, A DEVELOPER PARTICIPATION AGREEMENT ESTABLISHING CITY PARTICIPATION IN OFFSITE INFRASTRUCTURE IMPROVEMENTS, AND A WAIVER OF PARK LAND DEDICATION REQUIREMENTS, FOR SUCH PURPOSES WITH S16 TEXAS HOLD-EM MESQUITE, LLC, AN IDAHO LIMITED LIABILITY COMPANY, FOR THE CONSTRUCTION AND DEVELOPMENT OF A SELF-STORAGE FACILITY, AGE-RESTRICTED SINGLE-FAMILY RENTAL COMMUNITY, AND OFFSITE INFRASTRUCTURE IMPROVEMENTS LOCATED AT 435 CLAY MATHIS ROAD AND 2235 EAST GLEN BOULEVARD IN MESQUITE, TEXAS.** Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 36-2023 recorded in Resolution Book No. 68.)

22

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0296, submitted by Maxwell Fisher of ZoneDev, on behalf of Palladium USA International, Inc., for a change of zoning from Commercial and R-3, Single-Family Residential within the Military Parkway-Scyene Corridor Overlay District on Tract 1 and R-3, Single-Family on Tract 2 to Planned Development - Multifamily to allow a 111-unit multifamily development with modifications to the development standards, located at 930 Military Parkway.

(Five 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. Z0223-0296.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of a 111-unit apartment complex comprised of two five-story buildings. Based on the School Impact Analysis, the development would likely include 65 school-aged children. The initial Traffic Impact Analysis indicates the use would generate 504 trips per day and the development will not have a significant impact on nearby intersections. Staff

received notice from the Mesquite Independent School District that the schools have the capacity to sustain the growth associated with this development.

Mr. Armstrong stated that the development will be gated with fencing around the perimeter of the property. He stated that the proposed development requires two parking spaces per unit (241 spaces). However, the applicant proposes 1.71 spaces per unit (184 spaces).

Mr. Armstrong stated that the applicant held a neighborhood meeting on July 11, 2023, to discuss the project. Staff received 33 responses in favor, 11 responses in opposition and 7 non-opposed responses to the proposed development.

Applicant Maxwell Fisher of ZoneDev, on behalf of Palladium USA International, Inc., stated that following the Planning and Zoning Commission meeting, changes were made to the Concept Plan including six additional parking spaces, cornhole was replaced with a basketball court, 14 percent of the parking spaces will be covered, four electric vehicle charging stations and an ornamental iron fence will surround the entire development. Mr. Fisher stated that Palladium USA International, Inc., will own and manage the property for 45 years. Security cameras will be positioned throughout the property along with on-site security. Parking permits will be required for all residents and day parking permits for visitors.

Avis Chaisson, Executive Developer of Real Estate Development with Palladium USA International, Inc., stated that the Texas Department of Housing and Community Affairs has capped the number of one-bedroom units for 9% Housing Tax Credit Developments at 30 percent.

The following person submitted a registration card in support of the proposed application but chose not to speak: (1) Lisa Theriot, 416 Ripplewood Drive.

The following persons expressed support for the proposed application: (1) Elizabeth Walley, 1112 Siebold Court; (2) Teddi Fullenwider, 2507 Meadow Ridge Drive; (3) Heyden Sage, 6007 Belmont Avenue, Dallas, on behalf of the property owner; (4) Debra Stewart, 600 VZ CR 1903, Fruitvale; (5) Gary Ward, 425 Walnut Drive; (6) George Rice, 1004 Craig Drive; and (7) Bailey Byrum, 2802 Cary Drive.

The following persons expressed opposition to the proposed application: (1) Melissa Lawrence, 718 Pecan Drive; (2) Christina McCamy, 502 Bois D Arc; (3) Jason Vines, 725 West Gross Street; and (4) Carolyn Hinton, 1220 Tosch Lane.

The following person expressed neither support nor opposition to the proposed application: (1) Travis Finlan, 2401 Brook Crest Drive.

No others appeared regarding the proposed application.

Ms. Vidler moved to deny Zoning Application No. 20223-0296. The motion failed for lack of a second.

Mr. Casper moved to approve Zoning Application No. 20223-0296, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 5043, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM COMMERCIAL TO HIGH DENSITY

RESIDENTIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL AND R-3, SINGLE FAMILY WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR ("MP-SC") OVERLAY DISTRICT ON TRACT 1 AND R-3, SINGLE FAMILY ON TRACT 2 TO PLANNED DEVELOPMENT-MULTIFAMILY ON APPROXIMATELY 8.732 ACRES OF LAND LOCATED AT 930 MILITARY PARKWAY (TRACT 1 AND TRACT 2) TO ALLOW A 111-UNIT MULTIFAMILY DEVELOPMENT WITH MODIFICATIONS TO THE DEVELOPMENT STANDARDS; 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. Green. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Green, Boroughs, Anderson
Nays: Alemán, Vidler
Absent: Smith

Motion carried. (Ordinance No. 5043 recorded in Ordinance Book No. 129.)

NOTICE OF EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 10:20 P.M.

Mayor Alemán 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 10:48 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 10:48 p.m.

Attest:

Approved:

DocuSigned by:
Sonja Land
C2518095973F46A...
Sonja Land, City Secretary

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...
Daniel Alemán, Jr., Mayor