



City of Mesquite, Texas

Minutes - Final City Council

Monday, August 21, 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, Jeff Casper, Kenny Green, Jennifer Vidler and Debbie Anderson, City Manager Cliff Keheley and City Secretary Sonja Land.

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

AGENDA REVIEW

STAFF PRESENTATIONS

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

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:37 P.M.

- 2 Receive Police Department Update.

Doug Yates, Assistant Police Chief, presented the Mesquite Police Department (MPD) update. He reviewed the National Incident-Based Reporting System (NIBRS) crime statistics including murder, rape, robbery, aggravated assault, burglary, theft, motor vehicle crimes and calls for service. He stated that weapons are being used more frequently in robberies.

Chief Yates stated that vehicle thefts are on the rise in the U.S., including the City of Mesquite. Thefts of Kia and Hyundai vehicles are increasing due to social media influence. He reviewed cases from the Burglary Theft Unit and Narcotics Unit. He stated that Special Crimes Enforcement performed approximately 103 sex offender home checks resulting in four arrests and three citations.

Chief Yates stated that the Crime Scene Unit entered 150+ firearms into NIBIN generating 22 investigative leads and 300+ latent prints were examined resulting in 27 identifications. He stated that the Criminal Investigations Division has been issued laptops, which allows officers to be more efficient and provides the capability to type case notes, review surveillance camera footage and complete search warrants while on scene,

Geoffery Caldwell, Deputy Police Chief - Operations, stated that suspects were arrested and charged with over 67 charges for unlawfully carrying a weapon and 19 of the 67 suspects were felons. He stated that year-to-date there have been 482 impaired driving related arrests.

Deputy Chief Caldwell reviewed cases from the K-9 Unit. The Part-time Deployment Unit made 26 felony arrests, 22 misdemeanor arrests, 11 firearms were recovered, 12 stolen vehicles were recovered and a substantial amount of

marijuana and controlled substances were recovered.

Deputy Chief Caldwell reviewed the work performed by the Public Service Professionals which enables Police Officers to respond to high priority calls.

Councilmembers expressed appreciation to the Mesquite Police Department for their service to the community.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:14 P.M.

INVOCATION

Reginald Jefferson, Pastor, New Hope Baptist Church.

PLEDGE OF ALLEGIANCE

City Staff.

PRESENTATIONS

- 3** Receive presentation of Texas Municipal League's (TML) Risk Pool Partnership Award to the City of Mesquite and the Mesquite Fire Department for the Fire Department's Attenuator Truck.

Scott Houston, representing the Texas Municipal League (TML) Intergovernmental Risk Pool Communications Team, stated that the Partnership Award recognizes Member City contributions to their community and the Risk Pool. Mr. Houston stated that he nominated the City of Mesquite after viewing the article in Texas Town and City Magazine. The nomination was unanimously approved by TML's Risk Pool staff. The award was received by Mayor Alemán, City Manager Cliff Keheley, Fire Chief Russell Wilson, Director of Human Resources Libby Craven and Risk Manager Charles Gillenwater.

SPECIAL ANNOUNCEMENTS

1. Mr. Casper invited residents to a District 1 Neighborhood Meeting on Thursday, August 31, 2023, at 7:00 p.m., at Dunford Recreation Center, 1015 Green Canyon Drive.
2. Mr. Casper reminded everyone that the Mesquite Animal Shelter and Adoption Center, 1650 Gross Road, is once again participating in the National Clear the Shelters initiative that promotes pet adoption in August. This Saturday, August 26, 2023, the Animal Shelter will host a special one-day adoption event, waiving all fees. Shelter pets available for adoption have been sterilized, vaccinated and microchipped. In addition to the one-day event, pet adoption fees throughout the month of August are reduced when a donation of a jar of jelly, peanut butter or seed butter is made to the City's Spread the Love campaign, which helps feed children in need in Mesquite.
3. Mr. Green invited residents to a District 2 Neighborhood Meeting on Tuesday, September 12, 2023, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way.

4. Mr. Green announced that the Guts and Gory Experience will be held on Saturday, September 16, 2023, from 9:00 a.m. to Noon, at Rorie-Galloway Day Camp, 3100 Lawson Road. Racers will work in teams of up to five members to escape zombies and complete challenges along the way designed to test strength, speed, problem-solving and teamwork. Volunteers are needed for the zombie horde. Zombies can dress in their best zombie costume, nothing too revealing or horrific, and get free theatrical makeup applied courtesy of event sponsor, The Parker House. Registration is free for zombies. For more information and registration, visit www.cityofmesquite.com/GutsAndGoryRun.

5. Ms. Vidler stated that she received a thank you card from Tosch Elementary School Principal, Ms. Johnson, for welcoming students back to school recently. She encouraged citizens to volunteer their time and get involved with the City's youth.

6. Ms. Vidler invited residents to attend a District 3 Neighborhood Meeting on Thursday, September 7, 2023, at 7:00 p.m., at J. C. Austin Elementary School, 3020 Poteet Drive.

7. Ms. Vidler announced that Keep Mesquite Beautiful, Inc., will celebrate its 35th Anniversary with the Butterfly Ball on Saturday, September 16, 2023, from 6:00 p.m. to 11:00 p.m., at the Mesquite Convention Center, 1700 Rodeo Drive. This fund-raising gala will feature dinner, drinks, live music, dancing, an auction and much more. The V.I.P. reception starts at 6:00 p.m. and general admission begins at 7:00 p.m. The cost for V.I.P. tickets is \$100.00 each, and general admission tickets are \$75.00. Tickets can be purchased online at www.cityofmesquite.com/ButterflyBall.

8. Mr. Boroughs stated that the Mesquite Fire Department welcomed seven new paramedics to the team last week. Becoming a paramedic is not easy. It requires a broad knowledge base and the ability to handle medical emergencies with efficiency, accuracy and poise. He congratulated the new firefighters for completing paramedic school and beginning their careers in the ambulance, serving Mesquite residents and saving lives.

9. Mr. Boroughs stated that citizens can serve as volunteers assisting the Mesquite Fire Department and the Office of Emergency Management. As part of the Mesquite Fire Corps, citizens assist first responders during emergencies and disasters as well as help educate the public about how to make their homes safer from the effect of fire and severe weather.

10. Mr. Smith wished everyone a fun and safe Labor Day holiday coming up on Monday, September 4, 2023. This patriotic holiday honors the source of our nation's strength – American workers. All City of Mesquite offices and facilities will be closed with the exception of the Mesquite Metro Airport and Recreation Centers. No trash or recycling will be collected. Collection will resume on residents' next scheduled collection day. Also, since Labor Day falls on the first Monday in September, the City Council will meet on Tuesday, September 5, 2023.

11. Ms. Anderson announced that the City of Mesquite, Mesquite Independent School District and the City of Balch Springs have collaborated to form a new leadership program for citizens called Project LEAD. Program organizers are looking for motivated residents interested in learning about leadership. Those selected to participate in Project LEAD will commit to attending four sessions. Classes will meet four times from 6:30 p.m. to 8:00 p.m., in October, November, December and January. The program is designed to encourage attendees to serve on boards, commissions and organizations within their city and school district as well as to develop future elected officials. Interested citizens can apply now through September 15, 2023 by visiting www.cityofmesquite.com/ProjectLead.

12. Mayor Alemán thanked everyone who at participating restaurants today for 821 Day. The Mesquite Police Association Charities created 821 Day as a way to honor Officer Richard Houston II, who was slain the line of duty in December 2021. Officer Houston's badge number was 821. 821 Day was a fund-raiser to help fund signage on a designated section of Interstate Highway 635 as the Officer Richard Houston II Memorial Highway. She thanked the 16 local restaurants that donated a portion of their proceeds from today's sales. If you were not able to participate in 821 Day but would like to donate, please visit www.mpacharities.com/RHMH.

CITIZENS FORUM

1. Rodney Fenimore, 4417 Ivy Drive, expressed concerns regarding the Environmental Code Division.
2. Alan Naul, 522 Country Lane, Coppell, invited citizens to attend a Cowboys Kick-Off Party at Town East Village Nursing Home, 3617 O'Hare Drive, on Thursday, September 7, 2023, from 4:00 p.m. to 7:00 p.m. Former Dallas Cowboy Billy Joe Dupree and the Dallas Cowboys Cheerleaders will be in attendance.
3. Vivian Johnson, 4538 Live Oak Drive, thanked the City for approving plumbing improvements for her church and assisting with sidewalk improvements for her neighbor.

CONSENT AGENDA**Approval of the Consent Agenda**

Ms. Anderson requested that Item No. 7 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. Vidler and approved unanimously.

- 4 Minutes of the regular City Council meeting held August 7, 2023.

Approved on the Consent Agenda.

- 5 An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for authorized improvements for the Iron Horse Public Improvement District (the "District"), making and adopting findings, accepting and approving the Fiscal Year 2023-2024 Annual Service Plan Update and Updated Assessment Roll for the District and requiring compliance with Chapter 372, Texas Local Government Code, as amended.

Approved on the Consent Agenda.

Ordinance No. 5044, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR AUTHORIZED IMPROVEMENTS FOR THE IRON HORSE PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE FISCAL YEAR 2023-2024 ANNUAL SERVICE PLAN UPDATE AND UPDATED ASSESSMENT ROLL FOR THE DISTRICT; REQUIRING COMPLIANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5044 recorded in Ordinance Book No. 129.)

- 6 An ordinance, on first reading, approving a negotiated settlement between the Atmos Steering Committee (ASCS) and Atmos Energy Corp., Mid-Tex Division, regarding the Company's 2023 rate review mechanism filing, declaring existing rates to be unreasonable, adopting tariffs that reflect rate adjustments consistent with the negotiated settlement, finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest, approving an attachment establishing a benchmark for pensions and retiree medical benefits, requiring the company to reimburse ACSC's reasonable ratemaking expenses, determining that this ordinance was passed in

accordance with the requirements of the Texas Open Meetings Act., adopting a savings clause, declaring an effective date, and requiring deliver of this ordinance to the company and the ACSC's legal counsel.

Approved on the Consent Agenda.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

- 8** Bid No. 2023-095 - Paving Improvements for Lee Street and Grubb Drive.
(Staff recommends award to low bidder Texas Materials Group, Inc., dba TexasBit and to authorize the City Manager to finalize and execute a contract in the amount of \$2,379,149.20.)

Approved on the Consent Agenda.

- 9** Bid No. 2023-097 - Street Repairs for East Kearney Street and Peachtree Road.
(Staff recommends award to low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., and to authorize the City Manager to finalize and execute a contract in the amount of \$1,721,953.50.)

Approved on the Consent Agenda.

- 10** Bid No. 2023-120 - Annual Telephone Services - Local and Long Distance.
(Staff recommends purchase of local and long-distance phone service from AT&T Corp., through Texas Department of Information Resources Contract No. DIR-TELE-CTSA-002, in an amount not to exceed \$375,000.00.)

Approved on the Consent Agenda.

- 11** Bid No. 2023-121 - Annual Mobile Data and Voice Service.
(Staff recommends purchase of voice and data plans from AT&T Corp., through the Texas Department of Information Resources Contract No. DIR-TELE-CTSA-002, in an amount not to exceed \$200,000.00.)

Approved on the Consent Agenda.

- 12** Bid No. 2023-123 - Annual Supply of Neptune Mach 10 V5 Electronic Water Meters.
(Staff recommends award to sole source provider Core & Main, LP and to authorize the City Manager to finalize and execute a contract in an amount not

to exceed \$738,257.40.)

Approved on the Consent Agenda.

- 13** Bid No. 2023-129 - Annual Supply of Aftermarket Vehicle Replacement Parts.
(Authorize the City Manager to finalize and execute a contract and any required documents with O'Reilly Auto Parts, through Sourcewell Contract No. 032521, in an amount not to exceed \$75,000.00. 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 options, subject to the annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 14** Bid No. 2023-134 - Purchase of 42 Sets of Fire Protective Clothing for Fire Operations Personnel.
(Staff recommends the purchase of 42 sets of firefighter protective coats and pants offered by Municipal Emergency Services, Inc., through Sourcewell Purchasing Cooperative Contract No. 032620, in an amount not to exceed \$195,887.00.)

Approved on the Consent Agenda.

- 15** Authorize the City Manager to finalize and execute a Supplemental Agreement (Phase II) to Bid No. 2023-040, Construction Manager-at-Risk Services for the construction of the Mesquite Animal Shelter and Adoption Center Addition, with Falkenberg Construction Company, Inc., and establish the Guaranteed Maximum Price (GMP) of \$3,374,855.12.

Approved on the Consent Agenda.

- 16** Approve Amendment No. 4 to the 2022-23 Police State Seizure Budget in accordance with Title 28, Section 524, of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$36,500.00.

Approved on the Consent Agenda.

- 17** Ratify an Advance Funding Agreement for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match On-System with the Texas Department of Transportation for participation in the Interstate 635 at US 80 Interchange Project.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 7** A resolution authorizing the City Manager to enter into an Interlocal Agreement with the State of Texas, by and through the Texas Department of Transportation (TxDOT), for the purpose of payment for the placement of signage along Interstate Highway 635 in Mesquite designated as "Officer Richard Houston II Memorial Highway."

Ms. Anderson stated that the Mesquite Police Association is very close to receiving the funding needed for the Officer Richard Houston II Memorial

Highway sign. Councilmembers expressed their appreciation to the restaurants and citizens who participated in 821 Day.

Ms. Anderson moved to approve Resolution No. 37-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE STATE OF TEXAS, BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TxDOT"), FOR THE PURPOSE OF PAYMENT FOR THE PLACEMENT OF SIGNAGE ALONG INTERSTATE HIGHWAY 635 IN MESQUITE DESIGNATED AS "OFFICER RICHARD HOUSTON II MEMORIAL HIGHWAY." Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 37-2023 recorded in Resolution Book No. 129.)

END OF CONSENT AGENDA

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

- 18 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.
(This item was postponed at the August 7, 2023, City Council meeting.)
- Mr. Green moved to approve Ordinance No. 5045, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, 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; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 5045 recorded in Ordinance Book No. 129.)
- 19 An ordinance ratifying the property tax revenue increase reflected in the 2023-24 Fiscal Year budget for said period.
(This item was postponed at the August 7, 2023, City Council meeting.)
- Mr. Green moved to approve Ordinance No. 5046, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE 2023-24 FISCAL YEAR BUDGET FOR SAID PERIOD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 5046 recorded in Ordinance Book No. 129.)
- 20 A. Conduct a public hearing regarding the proposed Fiscal Year 2023-24 ad valorem tax rate of \$0.69000 per \$100 valuation.
- B. An ordinance levying the ad valorem taxes for tax year 2023 (Fiscal Year

2023-24).

A public hearing was held regarding the proposed Fiscal Year 2023-24 ad valorem tax rate of \$0.69000 per \$100 valuation.

Michelle Baccheschi, Manager of Budget and Treasury, stated that the proposed tax rate of \$0.69000 per \$100 of assessed valuation exceeds the calculated no-new-revenue tax rate of \$0.63596 and therefore will require least 60 percent (5 or more) of the City Councilmembers to vote in favor of the proposed tax rate. The proposed tax rate is higher than the current tax rate of \$0.65814 per \$100 of value.

No one appeared regarding the proposed Fiscal Year 2023-24 ad valorem tax rate of \$0.69000 per \$100 valuation.

Ms. Vidler stated, "I move that the property tax rate be increased by the adoption of a tax rate of 0.69000 per \$100 of valuation, which is effectively an 8.5 percent increase in the tax rate." And to approve Ordinance No. 5047, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2023 AT A RATE OF \$0.69000 PER \$100.00 ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, ON JANUARY 1, 2023, TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR PLACE OF PAYMENT; APPROVING THE 2023 TAX ROLLS AND ANY SUPPLEMENT THERETO; PROVIDING CERTAIN EXEMPTIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5047 recorded in Ordinance Book No. 129.)

21

A resolution ordering a Special Election on November 7, 2023, for the purpose of submitting a proposed tax rate that exceeds the voter-approval tax rate for the 2023 tax year.

Mr. Green moved to approve Resolution No. 38-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A SPECIAL ELECTION ON NOVEMBER 7, 2023, FOR THE PURPOSE OF SUBMITTING A PROPOSED TAX RATE THAT EXCEEDS THE VOTER-APPROVAL TAX RATE FOR THE 2023 TAX YEAR. Motion was seconded by Ms. Anderson and approved unanimously. (Resolution No. 38-2023 recorded in Resolution Book No. 68.)

22

A resolution ordering a General Election on November 7, 2023, for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5 and 6.

Mr. Green moved to approve Resolution No. 39-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A GENERAL ELECTION ON NOVEMBER 7, 2023, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR PLACES 1, 2, 3, 4, 5, AND 6. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 39-2023 recorded in Resolution Book No. 68.)

PUBLIC HEARINGS**23**

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1122-0260, submitted by Clay Christy of Claymoore Engineering, Inc., for a change of zoning from Agricultural to Planned Development - General Retail to allow retail, self-storage, convenience store with fuel, and restaurant uses in addition to the other uses allowed in the General Retail Zoning District, located at 6611 and 6619 FM 741.

(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 regarding Zoning Application No. Z1122-0260.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes development of several lots for various retail uses. In addition, the applicant proposes to construct a multi-story self-storage facility on the back side of the development, adjacent to Interstate 20. The Planning and Zoning Commission recommended that the self-storage facility be allowed by Conditional Use Permit (CUP), which would require it to go back through the zoning process for separate consideration. However, the applicant is requesting that Council consider allowing the self-storage facility be allowed by permitted use. Mr. Armstrong suggested including the stipulation requiring security cameras at the vehicular entrances to the parcel as well as the entrances to the building.

Mr. Armstrong stated that in the Comprehensive Plan, this property is part of the Trinity Pointe Special Planning Area, which is appropriate for high density land use including retail centers and mixed-use areas. He stated that the applicant is proposing six parcels. A convenience store with fueling station is proposed for the northern most parcel on FM 741. The self-storage facility will consist of four stories accessed by interior hallways.

Applicant Drew Donosky, representing Claymoore Engineering, Inc., stated that they are requesting removal of the CUP requirement for the self-storage facility. He stated that they are also interested in including a tunnel car wash in the development.

No one appeared regarding the proposed application.

Ms. Vidler moved to approve Zoning Application No. Z1122-0260, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulations:

1. Security cameras shall be placed at the entrances, exits and in the internal hallways of the building.
2. Tunnel Carwashes shall be permitted by right. 35 vehicle stacking spaces shall be available.

And to approve Ordinance No. 5048, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT -

GENERAL RETAIL TO ALLOW RETAIL, RESTAURANT, SELF-STORAGE, AND PERSONAL SERVICE USES, IN ADDITION TO OTHER USES ALLOWED IN THE GENERAL RETAIL ZONING DISTRICT, AND THE PLANNED DEVELOPMENT IS SUBJECT TO CERTAIN STIPULATIONS, ON PROPERTY GENERALLY LOCATED ON APPROXIMATELY 10.208 ACRES WEST OF FM 741 AND SOUTH OF IH-20 (6611 FM 741 AND 6619 FM 741); REPEALING ALL OTHER 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: Vidler, Anderson, Alemán, Boroughs, Smith, Green

Nays: Casper

Motion carried. (Ordinance No. 5048 recorded in Ordinance Book No. 129.)

24

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0223-0295, submitted by Alan Naul of The Javelin Group, for a change of zoning from General Retail to Planned Development - Multifamily to allow a 76-unit age-restricted multifamily development with modifications to the development standards, and a Comprehensive Plan amendment to change the future land use designation from Neighborhood Retail to High Density Residential, located at 1220 North Town East Boulevard.

(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 regarding Zoning Application No. Z0223-0295.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of a 76-unit age-restricted apartment complex comprised of one four-story building. Since the development would be restricted to those age 55 and older, there is no expected impact on area schools. A trip generation report was performed that determined that the proposed project would generate 245 trips per day. The Traffic Engineering Division determined that this minimal amount of traffic would not warrant a full Traffic Impact Analysis.

Mr. Armstrong stated that the proposed development requires two parking spaces per unit (152 spaces). However, the applicant proposes one space per unit plus 10 additional spaces (86 spaces).

Applicant Alan Naul, representing The Javelin Group, stated that the proposed development, Town East Trails, will be an affordable senior housing community to serve residents ages 55 and over. However, the average age of residents living in this type of facility are ages 70+. He stated that an elaborate security camera system will be installed on the property along with a dog park.

The following persons expressed support for the application: (1) Vivian Johnson, 4538 Live Oak Drive; (2) Pamela Collins, 240 VZ CR, Wills Point; (3) Barbara Moore, 309 Green Canyon Drive; (4) Tammy Jo Strong, 1713 Cool Springs Drive; and (5) Geoffrey Moore, 4603 Palos Verdes Drive.

No others appeared regarding the proposed application.

Mr. Casper moved to approve Zoning Application No. 20223-0295, as recommended by the Planning and Zoning Commission with certain stipulations, and removing the security gate requirement at the driveway entrances and adding the following stipulation:

1. A pedestrian gate shall be installed to access the parking lot from the northern property line.

And to approve Ordinance No. 5049, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM NEIGHBORHOOD RETAIL TO HIGH DENSITY RESIDENTIAL AND BY AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – MULTIFAMILY TO ALLOW A 76-UNIT, AGE-RESTRICTED MULTIFAMILY DEVELOPMENT WITH MODIFICATIONS TO THE PLANNED DEVELOPMENT STANDARDS ON PROPERTY LOCATED ON 2.549 ACRES (NORTHEAST CORNER OF INDEPENDENCE DRIVE AND POTEET DRIVE) AT 1220 NORTH TOWN EAST BOULEVARD; 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. 5049 recorded in Ordinance Book No. 129.)

25

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2023-02, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Section 3-200 “Use Regulations” and Section 3-500 “Supplementary Use Regulations” thereby amending regulations for the location of check cashing and money transfer establishments.

(The Planning and Zoning Commission recommends approval of the Zoning Text Amendment.)

A public hearing was held regarding Zoning Text Amendment No. 2023-02.

Jayln Porchay, Planner, stated that the proposed text amendments would revise regulations related to check cashing and money transfer businesses that are located within grocery stores, convenience stores and pawn shops. Currently, the ordinance requires a check cashing or money transfer use within these types of stores to be operated by the same operator as the store. This amendment would allow the check cashing or money order business to be owned and operated by a separate entity from the grocery store, convenience store or pawn shop in which it is located.

Bradley Shelton, 1409 Springbrook Drive, requested clarification of the zoning text amendment.

Mr. Porchay explained that this zoning text amendment only applies to businesses located within stores.

No others appeared regarding the proposed zoning text amendment.

Mr. Green moved to approved Zoning Text Amendment No. 2023-02, as

recommend by the Planning and Zoning Commission, and to approve Ordinance No. 5050, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN SECTION 3-200 "USE REGULATIONS" AND SECTION 3-500 "SUPPLEMENTARY USE REGULATIONS" THEREBY AMENDING REGULATIONS FOR THE LOCATION OF CHECK CASHING AND MONEY TRANSFER ESTABLISHMENTS; REPEALING ALL OTHER 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 and approved unanimously. (Ordinance No. 5050 recorded in Ordinance Book No. 129.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:45 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. 26 – Discuss economic development incentives for the redevelopment of a commercial building at Crestridge Drive and North Galloway Avenue); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:49 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:49 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 9:53 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. Smith and approved unanimously. The meeting adjourned at 9:53 p.m.

Attest:

Approved:

DocuSigned by:
Sonja Land
C2518095973E46A

Sonja Land, City Secretary

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B

Daniel Alemán, Jr., Mayor