



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, September 5, 2023

5:00 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 - 5:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation by Willdan Financial Services on the 2023 Water and Wastewater Rate Study and Financial Forecast.
- 2 Receive briefing regarding annual investment activity and proposed changes to the City's Investment Policy.
- 3 Discuss Extraterritorial Jurisdiction (ETJ) boundary change with the City of Forney.

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

- 4 Receive financial statements for the period October 1, 2022, through June 30, 2023.

Cindy Smith, Director of Finance, presented financial statements for the period covering October 1, 2022, through June 30, 2023.

The Work Session ended at 6:48 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:00 P.M.

INVOCATION

Heriberto Padilla, Pastor, Vida Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Royal Rangers, Youth Group, Vida Life Church, Mesquite, Texas.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson stated that National Night Out is an event designed to increase awareness about the local police programs in our community and will be held on Tuesday, October 3, 2023. She encouraged residents to gather their neighbors and host a National Night Out event in their neighborhood.
2. Mr. Boroughs invited citizens to a special Movie Night on Saturday, October 7, 2023, at 7:00 p.m., at Rorie-Galloway Day Camp, 3100 Lawson Road. The movie, The Addams Family 2, will be shown along with activities such as face painting, volleyball and basketball games and food offered by Fera's Grill.
3. Mr. Boroughs invited citizens to a District 4 Neighborhood Meeting on Thursday, September 28, 2023, at 7:00 p.m., at Evans Recreation Center, 1116 Hillcrest Street.
4. Mr. Boroughs stated that he received a compliment on a City employee named Rocky who went above and beyond to help a resident by picking up their brush on the way to another job.
5. Ms. Vidler encouraged citizens to participate in the Guts and Gory Zombie Experience, from 9:00 a.m. to Noon, on Saturday, September 16, 2023. Enjoy a thrilling run or walk through zombie mayhem featuring a mud pit, paintball, water slide and obstacles. Zombies participate for free. The cost for runners is \$5.00 each for ages 12 – 17 and \$10.00 each for ages 18 and up. Every runner will receive a free t-shirt. Register now at www.cityofmesquite.com/GutsNGory2023.
6. Ms. Vidler invited citizens 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 a Skyline/Rugel Neighborhood Meeting will be held on Tuesday, September 19, 2023, at 7:00 p.m.
8. Mr. Green announced that September is National Library Card Sign Up Month. To celebrate, the Library has a new library card design. Also, both public libraries and the Balch Springs Library are partnering with the Mesquite Independent School District to offer Library Share Cards to students. These cards can be obtained from the students' school librarian and will allow young readers to easily check out two items from either public library. Sign up for a Library Share Card or a Mesquite Library Card today.
9. Mr. Green invited citizens to a District 2 Neighborhood Meeting on Tuesday, September 12, 2023, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way.
10. Mr. Casper announced that Keep Mesquite Beautiful, Inc., will hold its signature volunteer cleanup event, Trash Bash, on Saturday, September 30, 2023, from 8:00 a.m. to Noon. Trash Bash is an opportunity for families, neighbors and groups to get outside and help beautify the Mesquite community. Volunteers are asked to pre-register to help event organizers coordinate supplies and cleanup site locations.
11. Mr. Casper stated that the City of Mesquite is offering free vehicle charging at two locations in the City. The City received a grant from the Texas Department of Transportation (TxDOT) as part of the Congestion Mitigation and Air Quality Improvement Program. The grant covered the cost of the purchase and installation of three dual-port Level II Electric Vehicle (EV) chargers. The grant also will provide free charging to the public through August 2024. After that time, the City will charge a fee to residents to use the EV chargers. EV charging stations are located at: (1) Mesquite Municipal Center, 1515 North Galloway Avenue – Two EV chargers with the capacity to charge four vehicles; and (2) Mesquite City Hall, 757 North Galloway Avenue – One EV charger with the capacity to charge two vehicles.

12. Mayor Alemán stated that on September 11, 2023, at 8:30 a.m., the City of Mesquite will host a short event that includes prayers and remembrances to honor the lives lost in the 2001 terrorist attacks. The Mesquite Police and Fire Honor Guards and Mesquite Fire Department Pipes and Drums Corp will participate in the ceremony. This public event will be held at Mesquite Freedom Park, which features an actual piece of steel from one of the original Twin Towers that were destroyed on September 11, 2001. The park is located on the north lawn of the Mesquite Arts Center, 1527 North Galloway Avenue.

CITIZENS FORUM

1. Daniel Dutton, 1101 Tosch Lane, expressed concerns regarding potential conflicts of interest in social media forums.
2. Rebecca Tipping, 2200 Valley Falls Avenue, expressed concerns regarding crime in her neighborhood.

CONSENT AGENDA

Approval of the Consent Agenda

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

- 5 Minutes of the regular City Council meeting held August 21, 2023.

Approved on the Consent Agenda.

- 6 An ordinance amending City Code by repealing Article VII (Curfew Hours for Minors) in Chapter 10 for the sole purpose of complying with the Texas Local Government Code, Chapter 370, Section 370.007 (Juvenile Curfews Prohibited).

Approved on the Consent Agenda.

Ordinance No. 5051, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY REPEALING ARTICLE VII (CURFEW HOURS FOR MINORS) IN CHAPTER 10 FOR THE SOLE PURPOSE OF COMPLYING WITH TEXAS LOCAL GOVERNMENT CODE, CHAPTER 370, SECTION 370.007 (JUVENILE CURFEWS PROHIBITED); PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 5051 recorded in Ordinance Book No. 129.)

- 7 An ordinance determining the population of the City of Mesquite, Texas, to be 154,043 as of October 1, 2023.

Approved on the Consent Agenda.

Ordinance No. 5052, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE POPULATION OF THE CITY OF MESQUITE, TEXAS, TO BE 154,043 AS OF OCTOBER 1, 2023; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 5052 recorded in Ordinance Book No. 129.)

- 8 An ordinance 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 tariff's 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.

Approved on the Consent Agenda.

Ordinance No. 5053, 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. (Ordinance No. 5053 recorded in Ordinance Book No. 129.)

9

An ordinance approving an update of the Service and Assessment Plan and Assessment Roll for Phase No. 1 Improvements, Phase No. 2 Improvements, Phase No. 2 Major Improvements and Phase No. 2 Specific Improvements for the Heartland Town Center 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. 5054, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS, PHASE #2 IMPROVEMENTS, PHASE #2 MAJOR IMPROVEMENTS, AND PHASE #2 SPECIFIC IMPROVEMENTS FOR THE HEARTLAND TOWN CENTER PUBLIC IMPROVEMENT DISTRICT (THE "DISTRICT"); MAKING AND ADOPTING FINDINGS; ACCEPTING AND APPROVING THE 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. 5054 recorded in Ordinance Book No. 129.)

10

An ordinance approving an update of the Service and Assessment Plan and

Assessment Roll for Phase No. 1 Improvements and Phase Nos. 2-6 Major Improvements for the Polo Ridge Public Improvement District No. 2 (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. 5055, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN UPDATE OF THE SERVICE AND ASSESSMENT PLAN AND ASSESSMENT ROLL FOR PHASE #1 IMPROVEMENTS AND PHASES #2-6 MAJOR IMPROVEMENTS FOR THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT NO. 2 (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. 5055 recorded in Ordinance Book No. 130.)

11

A resolution authorizing the City Manager to finalize and execute a Project Specific Agreement (PSA) with Dallas County amending the Master Interlocal Agreement Governing the Major Capital Transportation Improvement Program for the construction of transportation improvements for the Mesquite Heritage Trail, Phase 2, Trail and Preserve Program (TAPP) Project 90165.

Approved on the Consent Agenda.

Resolution No. 40-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A PROJECT SPECIFIC AGREEMENT AMENDING THE MASTER INTERLOCAL AGREEMENT GOVERNING THE MAJOR CAPITAL TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CONSTRUCTION OF TRANSPORTATION IMPROVEMENTS FOR THE MESQUITE HERITAGE TRAIL PHASE 2, TRAIL AND PRESERVE PROGRAM (TAPP) PROJECT 90154. (Resolution No. 40-2023 recorded in Resolution Book No. 68.)

12

A resolution authorizing the City Manager to finalize and execute a Project Specific Agreement (PSA) amending the Master Interlocal Agreement with Dallas County pertaining to Road and Bridge transportation related maintenance, repairs and improvements to be performed on Motley Drive (south of Oates Drive to north of Interstate Highway 30) within the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 41-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A PROJECT SPECIFIC AGREEMENT AMENDING THE MASTER INTERLOCAL AGREEMENT WITH DALLAS COUNTY PERTAINING TO ROAD AND BRIDGE TRANSPORTATION RELATED MAINTENANCE, REPAIRS, AND IMPROVEMENTS TO BE PERFORMED ON MOTLEY DRIVE (SOUTH OF OATES DRIVE TO NORTH OF INTERSTATE HIGHWAY 30) WITHIN THE CITY OF MESQUITE. (Resolution No. 41-2023 recorded in Resolution Book No. 68.)

- 13 A resolution authorizing the City Manager to finalize and execute the First Amendment to the Project Specific Agreement with Dallas County amending the Master Agreement Governing Major Capital Transportation Improvement Projects for the Faithon P. Lucas, Sr., Boulevard Major Capital Improvement Program (MCIP) Project 21904 from McKenzie Road to East Cartwright Road.

Approved on the Consent Agenda.

Resolution No. 42-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE FIRST AMENDMENT TO THE PROJECT SPECIFIC AGREEMENT AMENDING THE MASTER AGREEMENT GOVERNING MAJOR CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS FOR THE FAITHON P. LUCAS BOULEVARD MAJOR CAPITAL IMPROVEMENT PROGRAM (MCIP) PROJECT 21901 FROM MCKENZIE ROAD TO EAST CARTWRIGHT ROAD. (Resolution No. 42-2023 recorded in Resolution Book No. 68.)

- 14 A resolution authorizing the Mayor to execute a Constitutional Amendment and Joint Election Contract for Joint Election Services with the Elections Administrator of Kaufman County in connection with the Special and General Election to be held November 7, 2023.

Approved on the Consent Agenda.

Resolution No. 43-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A CONSTITUTIONAL AMENDMENT AND JOINT ELECTION CONTRACT FOR JOINT ELECTION SERVICES WITH THE ELECTIONS ADMINISTRATOR OF KAUFMAN COUNTY IN CONNECTION WITH THE SPECIAL AND GENERAL ELECTION TO BE HELD NOVEMBER 7, 2023. (Resolution No. 43-2023 recorded in Resolution Book No. 68.)

- 15 A resolution authorizing the Mayor to execute an Election Services Contract with Dallas County on behalf of the Dallas County Elections Administrator in connection with the Special and General Election to be held November 7, 2023.

Approved on the Consent Agenda.

Resolution No. 44-2023, AUTHORIZING THE MAYOR TO EXECUTE AN ELECTION SERVICES CONTRACT WITH DALLAS COUNTY ON BEHALF OF THE DALLAS COUNTY ELECTIONS ADMINISTRATOR IN CONNECTION WITH THE SPECIAL AND GENERAL ELECTION TO BE HELD NOVEMBER 7, 2023. (Resolution No. 44-2023 recorded in Resolution Book No. 68.)

- 16 A resolution repealing Resolution No. 15-2015 in its entirety thereby amending the payment schedule for the Municipal Court Alternate Judges.

Approved on the Consent Agenda.

Resolution No. 45-2023, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTION NO. 15-2015 IN ITS ENTIRETY THEREBY AMENDING THE PAYMENT SCHEDULE FOR THE MUNICIPAL COURT ALTERNATE JUDGES; AND PROVIDING AN EFFECTIVE DATE FOR THE PAYMENT SCHEDULE TO BEGIN. (Resolution No. 45-2023 recorded in Resolution Book No. 68.)

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- 17 Bid No. 2023-093 - Executive Boulevard and Innovate Way Reconstruction.
(Staff recommends award to low bidder Estrada Concrete Company, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$9,312,210.00.)
Approved on the Consent Agenda.
- 18 Bid No. 2023-094 - Wildlife Control Services
(Staff recommends all bids be rejected and rebid at a later date.)
Approved on the Consent Agenda.
- 19 Bid No. 2023-102 - Street Repairs for Big Town Boulevard.
(Staff recommends award to low bidder FNH Construction, LLC, and to authorize the City Manager to finalize and execute a contract in the amount of \$1,210,384.00.)
Approved on the Consent Agenda.
- 20 RFP No. 2023-132 - Relocation of Fiber Optic Lines on Faithon P. Lucas, Sr., Boulevard.
(Authorize the City Manager to finalize and execute a contract with Future Infrastructure LLC, in an amount not to exceed \$247,876.38.)
Approved on the Consent Agenda.
- 21 Bid No. 2023-135 - Purchase and Installation of Dispatch Consoles for New Field Services Building.
(Staff recommends purchase from ErgoFlex Systems Inc., dba Xybix Systems Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC), Contract No. EC07-23, in an amount not to exceed \$105,162.25.)
Approved on the Consent Agenda.
- 22 Authorize the City Manager to finalize and execute Amendment No. 2 to RFP No. 2018-017, Energy Consulting and Management Services, with TFS Energy Solutions, LLC, dba Tradition Energy, through Omnia Partners Cooperative Purchasing Program.
Approved on the Consent Agenda.
- 23 Authorize the City Manager to execute an Interlocal Cooperation Contract with the Texas General Land Office to deliver natural gas to the Municipal Complex on a unit basis, equal to the Waha "First of the Month" Index Price, as published by Platts Gas Daily, plus a Market Demand Factor in an amount not to exceed \$0.60 per MMBtu, in accordance with Section 104.2545 of Texas Utilities Code, for a term of two years commencing on October 1, 2023, and ending on September 30, 2025.
Approved on the Consent Agenda.
- 24 Authorize the City Manager to finalize and execute Amendment No. 2 to the Interlocal Agreement with the Dallas County Hospital District dba Parkland

Health and Hospital System for BioTel/EMS System Social Work and Emergency Medical Technician (EMT)/Paramedic Support for the Southeast Alliance Community Care Team for a total not to exceed \$522,441.01, and renewing the agreement through September 30, 2024, subject to annual appropriation of funds.

Approved on the Consent Agenda.

PUBLIC HEARINGS

25

A. Conduct a public hearing to receive citizen input regarding the proposed Substantial Amendment to the 2021-2022 Community Development Block Grant Annual Action Plan.

B. Consider approval of the Substantial Amendment to the 2021-2022 Community Development Block Grant Annual Action Plan.

A public hearing was held regarding the proposed Substantial Amendment to the 2021-2022 Community Development Block Grant (CDBG) Annual Action Plan.

Maria Martinez, Director of Neighborhood Services, stated that the City of Mesquite is proposing to revise an activity to the Annual Action Plan 2021 by cancelling funding in the amount of \$225,000.00 to the Public Works Department Orphan Sidewalks Project and increasing funding in the amount of \$225,000.00 to the Housing and Community Services Department for the Housing Rehabilitation Program. The Housing Rehabilitation program is a home repair program that benefits Mesquite residents and is a top priority under the Consolidated Plan. The additional funds would be used to complete additional projects. The aforementioned funding from the 2021 Annual Action Plan is subject to recapture after September 2028. The reallocation of funding will allow to expend funds prior to any expiring.

No one appeared regarding the proposed Substantial Amendment to the 2021-2022 CDBG Annual Action Plan.

Mr. Green moved to approve the Substantial Amendment to the 2021-2022 CDBG Annual Action Plan. Motion was seconded by Ms. Vidler and approved unanimously.

26

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0523-0305, submitted by McAdams on behalf of Hampton Partners, for a change of zoning from Planned Development (Ordinance No. 1110) to Planned Development - Commercial to allow Motor Freight Transportation, Warehousing uses in addition to other uses allowed in the Commercial zoning district, located at 3020 and 3200 East U.S. Highway 80.

(Three 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. Z0523-0305.

Jeff Armstrong, Director of Planning and Development Services, stated that the Hub Group proposes the expansion of their existing facility for the purpose of

parking and storage of trucks and trailers at 3020 and 3200 East U. S. Highway 80. The subject property would not include any buildings, only a paved surface for trucks and trailers. The 3.5 acres of the parcel located adjacent to South Parkway is in the floodplain and will not be developed and there will be no access to South Parkway. The subject area would be enclosed by an eight-foot-tall board-on-board fence, consistent with what the Hub Group has on the adjacent developed parcel.

Applicant Ashton Miller, representing McAdams on behalf of Hampton Partners, stated that a virtual neighborhood meeting was held on July 12, 2023. Mr. Miller stated that the HUB Group operates 24 hours per day/7 days per week and the expansion will be for day use only with no overhead lights.

(1) Vivian Johnson, 4538 Live Oak Drive; and (2) Teresa Sparks, 901 Via Avenida, expressed support for the proposed application.

No others appeared regarding the proposed application.

Ms. Vidler moved to approve Zoning Application No. Z0523-0305, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 5056, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT ORDINANCE NO. 1110 TO PLANNED DEVELOPMENT - COMMERCIAL ON PROPERTY LOCATED AT 3020 AND 3200 EAST US HIGHWAY 80 TO ALLOW SIC 42 "MOTOR FREIGHT TRANSPORTATION, WAREHOUSING" USE IN ADDITION TO OTHER USES ALLOWED IN THE COMMERCIAL 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; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 5056 recorded in Ordinance Book No. 130.)

27

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0723-0311, submitted by Hunter Rowe and Kyle McCullah of 5G Studio Collaborative, amending the Mesquite Comprehensive Plan by providing a Comprehensive Plan Amendment from Commercial to Light Industrial and for a change of zoning from Planned Development (Ordinance No. 1153) and Planned Development-Commercial (Ordinance No. 2017) to Planned Development - Industrial to allow retail, wholesale trade, self-storage/miniwarehouse, office, warehousing, light industrial, manufacturing, and assembly uses in addition to other uses allowed in the Industrial Zoning District, located at 2732, 2800 and 3200 East U.S. Highway 80.

(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. Z0723-0311.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the construction of a five-building, multi-tenant business park located on 21.115 acres. The property is divided into two sections by a

128-foot-wide utility easement. The front part of the property is proposed to be a climate-controlled self-storage facility comprised of a 4-story building and two single story buildings. The back portion of the property will include two flex-office buildings that would accommodate office/warehouse, light industrial, wholesale trade and other similar uses. A truck court and all overhead doors would be located between the two buildings.

Mr. Armstrong stated that the Planning and Zoning Commission denied a proposed modification to allow a monument sign to be 35 feet in height and 875 square feet in area instead of the maximum of 20 feet in height and 100 square feet of area required by the Mesquite Sign Ordinance. The applicant agreed at the Planning and Zoning Commission meeting to comply with the Mesquite Sign Ordinance.

Applicant Kyle McCullah, representing 5G Studio Collaborative, presented an overview of the proposed development. He stated that an 8-foot-tall screening wall will be constructed along the property line that backs up to the adjacent neighborhood.

No one appeared regarding the proposed application.

Ms. Vidler moved to approve Zoning Application No. Z0723-0311, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulations:

- (1) The landscape buffers and tree lines shall be installed as shown on Exhibit C - Concept Plan of the Ordinance. Additionally, the trees installed along the frontage shall match the species and spacing that will be installed along the south property lines.
- (2) The screening wall shall be installed along the rear property line as shown in Exhibit C - Concept Plan of the Ordinance and shall be extended along the south of the property line to the floodplain.

And to approve Ordinance No. 5057, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM COMMERCIAL TO LIGHT INDUSTRIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT ORDINANCE NO. 1153 AND PLANNED DEVELOPMENT – COMMERCIAL ORDINANCE NO. 2017 TO PLANNED DEVELOPMENT – INDUSTRIAL TO ALLOW FOR RETAIL, WHOLESALE TRADE, SELF-STORAGE/MINIWAREHOUSE, OFFICE, WAREHOUSING, AND LIGHT INDUSTRIAL SERVICE, MANUFACTURING, AND ASSEMBLY USES IN ADDITION TO OTHER USES ALLOWED IN THE INDUSTRIAL ZONING DISTRICT WITH MODIFICATIONS AND SUBJECT TO THE PLANNED DEVELOPMENT STANDARDS AND THE CONCEPT PLAN ON PROPERTY LOCATED AT 2732, 2800, AND 3200 EAST US HIGHWAY 80; 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 PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 5057 recorded in Ordinance Book No. 130.)

Z0723-0314, submitted by CA Mesquite, to amend Planned Development - Commercial (Ordinance No. 5029) to allow a shopping center with modifications to the sign regulations, located at 200 East U.S. Highway 80.

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

A public hearing was held for Zoning Application No. Z0723-0314.

Jeff Armstrong, Director of Planning and Development Services, stated that on June 20, 2023, the City Council approved a Planned Development (PD) District that would allow a Walmart out-parcel proposed for development as a strip center along Range Drive to have a pole sign along U.S. Highway 80. Following that approval, Walmart decided they did not want that additional pole sign on their property but said that a cabinet could be added to the existing Walmart pole sign. The existing sign would not be allowed to exceed its current height and all signage could not exceed 200 square feet.

No one appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0723-0314, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 5058, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A ZONING CHANGE TO AMEND PLANNED DEVELOPMENT – COMMERCIAL ORDINANCE NO. 5029 TO MODIFY THE SIGN REQUIREMENTS AND DEVELOPMENT STANDARDS FOR A NEW RETAIL BUILDING LOCATED ON A PROPOSED OUTPARCEL ALONG RANGE DRIVE, LOCATED AT 200 EAST US HIGHWAY 80; 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 PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 5058 recorded in Ordinance Book No. 130.)

29

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0822-0253, submitted by Scott Rohrman of 42 BP, LP, for a change of zoning from Industrial to Planned Development - Industrial to allow an industrial business park, located at 4650 and 4698 East Scyene Road, and 215, 225, 229, 231 and 1600 Lawson Road.

(Two 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. Z0822-0253.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes an industrial park development east of the airport on 218 acres. The parcel is currently zoned for industrial uses; however, a Planned Development district (PD) would allow for flexibility in the development standards to the benefit of both the City and the developer. As proposed, the development would include over 3 million square feet of building area to include multiple industrial buildings and airport-related use buildings such as privately

owned hangars.

No one appeared regarding the proposed application.

Ms. Anderson moved to approve Zoning Application No. Z0822-0253, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 5059, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM INDUSTRIAL TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY GENERALLY LOCATED TO THE WEST OF LAWSON ROAD, SOUTH OF EAST SCYENE ROAD AND EAST OF THE MESQUITE METRO AIRPORT (4650 AND 4698 EAST SCYENE ROAD, AND 215, 225, 229, 231, AND 1600 LAWSON ROAD) TO ALLOW AN INDUSTRIAL BUSINESS PARK 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; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 5059 recorded in Ordinance Book No. 130.)

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Conduct a public hearing and consider an ordinance for Zoning Application No. Z0823-0320, submitted by Half Associates on behalf of Huntington Industrial Partners, to amend Planned Development - Commercial (Ordinance No. 4911) to modify the development standards and concept plan to allow additional truck and trailer parking, located at 1110 and 1126 Military Parkway.

(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. Z0823-0320.

Jeff Armstrong, Director of Planning and Development Services, stated that Huntington Industrial Partners is currently constructing three industrial buildings at 1110 and 1126 Military Parkway. A potential tenant requires additional truck and trailer parking space. The additional spaces would be along the south end of the property resulting in a substantial change to the approved concept plan. The proposed modifications include adding 74 trailer parking spaces, removing the screening requirement along the south property line, provided the floodplain is not disturbed and allowing overnight parking of heavy-load vehicles and/or unmounted trailers if it is associated with a valid Certificate of Occupancy for a use located within the property.

Applicant Steve Meyer stated that a potential tenant, Relogistics, will be occupying one entire building consisting of 175,000 square feet.

No one appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z0823-0320, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulations:

(1) Screening along the south property line is not required, provided the floodplain is not disturbed.

(2) The overnight parking of heavy-load vehicles and/or unmounted trailers is permitted if it is associated with a valid Certificate of Occupancy for a use located within the property.

And to approve Ordinance No. 5060, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – COMMERCIAL ORDINANCE NO. 4911 ON PROPERTY LOCATED AT 1110 AND 1126 MILITARY PARKWAY TO MODIFY THE DEVELOPMENT STANDARDS AND THE CONCEPT PLAN TO ALLOW FOR ADDITIONAL TRUCK AND TRAILER PARKING SUBJECT TO NEW STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 5060 recorded in Ordinance Book No. 130.)

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Conduct a public hearing and consider an ordinance making a Mesquite Zoning Ordinance Text Amendment No. 2023-01, for certain additions and deletions to Sections contained in Parts 1, 5 and 6 pertaining to Certificate of Occupancy provisions for issuance, denial and revocation and clarifying the appeals of such are made to the Board of Adjustment and making Mesquite City Code text amendments for certain additions and deletions to Chapters 5, 6, 7 and 20, thereby clarifying that appeals of administrative decisions with regard to Certificates of Occupancy are made to the Board of Adjustment, revising Appendix D - Comprehensive Fee Schedule thereby adding additional fees associated with Certificates of Occupancy.

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

A public hearing was held for Zoning Text Amendment No. 2023-01.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed amendments to the Zoning Ordinance and other parts of the City Code address approval, denial, revocation and appeals related to Certificates of Occupancy (CO). Specifically, it clarifies that appeals related to CO's would be made to the Board of Adjustment. Other proposed amendments include language clean-up and new fees.

No one appeared regarding the proposed zoning text amendment.

Mr. Green moved to approve Zoning Ordinance Text Amendment No. 2023-01, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 5061, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, NO. 2023-01, FOR CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PARTS 1, 5, AND 6 PERTAINING TO CERTIFICATE OF OCCUPANCY PROVISIONS FOR ISSUANCE, DENIAL, AND REVOCATION AND CLARIFYING THE APPEALS OF SUCH ARE MADE TO THE BOARD OF ADJUSTMENT; AND MAKING MESQUITE CITY CODE TEXT AMENDMENTS FOR CERTAIN ADDITIONS AND DELETIONS TO CHAPTERS 5, 6, 7, AND 20, THEREBY CLARIFYING THAT APPEALS OF ADMINISTRATIVE DECISIONS WITH REGARD TO CERTIFICATES OF OCCUPANCY ARE MADE TO THE BOARD OF ADJUSTMENT; REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE THEREBY ADDING ADDITIONAL FEES

ASSOCIATED WITH CERTIFICATES OF OCCUPANCY; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Anderson and approved unanimously. (Ordinance No. 5061 recorded in Ordinance Book No. 130.)

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:54 P.M.

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Item No.32 – Discuss the purchase of real property located on Airport Boulevard); whereupon the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 8:58 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 8:58 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 (Agenda Item No. 33 - Discuss economic development incentives for a development of an industrial site at East Scyene Road and Lawson Road and Agenda Item No. 34 - Discuss economic development incentives for a development of a retail site at IH-20 and Lawson Road); whereupon, the City Council proceeded to meet in Council Conference Room. After the closed meeting ended at 9:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 9:40 p.m.

Attest:

Approved:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land, City Secretary

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr., Mayor