



City of Mesquite, Texas

Minutes - Final City Council

Monday, February 7, 2022

5:30 PM

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

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding a possible amendment to the Sign Ordinance pertaining to murals.

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

INVOCATION

Harry Sewell, Pastor, Family Cathedral of Praise, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

- 1. Mr. Casper announced that the annual Daddy Daughter Dance, sponsored by the Mesquite Parks and Recreation Department, will be held on Saturday, February 19, 2022, at the Mesquite Convention Center, 1700 Rodeo Drive. This year's theme is "The Greatest Dance on Earth" and is open to all ages. Tickets must be purchased in advance. He encouraged citizens to participate in the unique opportunity.
- 2. Mr. Green stated that February is Black History Month. The Mesquite Arts Center's YouTube channel features Mesquite Independent School District teacher Kevin Owens showcasing artists that have influenced Black Art History.
- 3. Ms. Vidler invited residents to attend a District 3 neighborhood meeting on Thursday, February 17, 2022, at 7:00 p.m., at Rugel Elementary School, 2701 Sybil Drive.

4. Mr. Boroughs thanked everyone that participated in the recent Polar Plunge at City Lake Aquatic Center, 200 Parkview Street, which raised over \$20,000.00 for year-round sports and competitions for Special Olympics Texas athletes.
5. Mr. Boroughs stated that last Wednesday, February 2, 2022, former City of Mesquite Police Officer Gary Burch was laid to rest. He was a 35-year veteran of the Mesquite Police Department and served two tours in Vietnam. Mr. Boroughs thanked Police Officer Luke, Assistant Police Chief Doug Yates and the Mesquite Police Department for their help in honoring Officer Burch.
6. Mr. Smith stated that the City is conducting a Mesquite Community Attitude and Satisfaction Survey. The survey will help determine citizen satisfaction with City services and determine community priorities. The online survey will be open to the public through February 14, 2022. All citizens are encourage to participate in the survey.
7. Mr. Smith expressed appreciation to City street crews that worked last Thursday and Friday, during the inclement weather, and sanded City streets to ensure our citizens were safe on the roads.
8. Ms. Anderson invited residents to attend a District 6 neighborhood meeting on Thursday, February 24, 2022, at 7:00 p.m., at Pirrung Elementary School, 1500 Creek Valley Road.
9. Ms. Anderson stated that a Creek Crossing neighborhood meeting will be held on Thursday, February 17, 2022, at 7:00 p.m., at Keystone Church, 1575 Clay Mathis Road and invited residents to attend.
10. Mayor Alemán congratulated City Secretary Sonja Land on her recent recertification as a Texas Registered Municipal Clerk. Ms. Land completed 72 hours of classroom instruction plus additional education options to achieve recertification. Her original certification required the completion of 200 hours of home study on a four-course curriculum and attendance at 96 hours of professional development seminars.
11. Mayor Alemán thanked City employees for their efforts last week to keep our citizens safe during the inclement weather.

CITIZENS FORUM

The following persons expressed concerns regarding living conditions at the Hillcrest Apartments: (1) Henry Brown, 211 Athel Drive; (2) James Moore, 2007 Hillcrest Street; (3) Wanna Lisa Stidom, 2105 Hillcrest Street; (4) Ann Roquemore, 2105 Hillcrest Street; (5) Karen Chapman, 2005 Hillcrest St.; (6) Julia Pipkin, 2001 Hillcrest Street; (7) Jade Ware, Dallas; and (8) Brittany Jones, 2001 Hillcrest Street.

Ronald Stewart submitted a comment card but chose not to speak.

City Manager Cliff Keheley stated that the City has been aware of the deteriorating conditions at the Hillcrest Apartments for many years. In the past 60 days, the City has issued approximately 100 citations to the ownership and management of the Hillcrest Apartments. City inspectors report to the apartments daily regarding issues brought to the City's attention. He encouraged residents to report issues to the apartment manager and to Assistant City Manager Chris Sanchez at esanchez@cityofmesquite.com. Issues may also be reported to the City's Building Inspection Division at 972-216-4113.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Casper requested that Item Nos. 5, 7 and 11 be removed from the Consent Agenda to be considered separately. Ms. Anderson requested that Item No. 10 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.

- 2 Minutes of the regular City Council meeting held January 18, 2022.

Approved on the Consent Agenda.

- 3 An ordinance amending Chapters 4, 10, 14 and 15 of the City of Mesquite General Government Policies and Procedures Manual.

Approved on the Consent Agenda.

Ordinance No. 4934, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTERS 4, 10, 14, AND 15 OF THE CITY OF MESQUITE GENERAL GOVERNMENT POLICIES AND PROCEDURES MANUAL; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4934 recorded in Ordinance Book No. 126.)

- 4 An ordinance, on first reading, granting to Mesquite Independent School District, its successors and assigns, the nonexclusive right to use and occupy rights-of-way within the City of Mesquite for the construction and operation of a communication system.

Approved on the Consent Agenda.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, GRANTING MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD"), AND ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO INSTALL, CONSTRUCT, AND MAINTAIN ITS COMMUNICATION SYSTEM, INCLUDING BUT NOT LIMITED

TO, FIBER OPTIC LINES AND OTHER CONSTRUCTION AND APPURTENANCES NECESSARY THERETO, ALONG, ACROSS, ON, THROUGH, AND UNDER ALL PUBLIC STREETS, ALLEYS, PUBLIC GROUNDS AND RIGHTS-OF-WAYS, AND UTILITY EASEMENTS WITHIN THE JURISDICTION AND CONTROL OF SAID CITY, UNDER REGULATIONS AND RESTRICTIONS, AND THE CITY SHALL RECEIVE COMPENSATION THEREFORE, ALL AS HEREIN PROVIDED; PRESCRIBING THE TERM AND EFFECTIVE DATE OF THE FRANCHISE AGREEMENT; PROVIDING A CONFLICTS RESOLUTION CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

- 6 Bid No. 2021-112 - Concrete Lined Channel Maintenance Project 2022.
(Authorize the City Manager to finalize and execute a contract with Iron T Construction, Inc., in an amount not to exceed \$250,000.00.)

Approved on the Consent Agenda.

- 8 Bid No. 2022-046 - Purchase of a 25-Yard Rear Loader.
(Staff recommends award to Bond Equipment Company in Dallas, Texas, through BuyBoard Contract No. 601-19, in the amount of \$293,672.00.)

Approved on the Consent Agenda.

- 9 Bid No. 2022-051 - Leasing Agreement for IS5000 Postage Mailing System and EMS Compliant Packaging Processing System.
(Authorize the City Manager to finalize and execute a lease agreement with Quadiant, Inc., through TxSmartBuy Contract No. 985-L1, in an amount not to exceed \$57,610.44. The term of the lease is for 36 months with a monthly lease amount of \$1,600.29 and an annual amount of \$19,203.48, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS TO BE CONSIDERED SEPARATELY

- 5 A resolution authorizing the City Manager to grant "Supplemental Pay" in an amount necessary to ensure no loss in wages between military pay and the employee's gross wages (excluding overtime) to all full-time employees who are called to active duty to serve our country.

Mr. Casper stated that this resolution bridges the gap between military pay and the City's gross wages for employees who are called to military active duty.

Mr. Casper moved to approve Resolution No. 08-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO GRANT "SUPPLEMENTAL PAY" IN AN AMOUNT NECESSARY TO ENSURE NO LOSS IN WAGES BETWEEN MILITARY PAY AND THE EMPLOYEE'S GROSS WAGES (EXCLUDING OVERTIME) TO ALL FULL-TIME EMPLOYEES WHO ARE CALLED TO ACTIVE DUTY TO SERVE OUR COUNTRY. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 08-2022 recorded in Resolution Book No. 64.)

- 7 RFP No. 2022-033 - Anderson Park: Design Services.
(Authorize the City Manager to finalize and execute a contract with Westwood Professional Services, Inc., in the amount of \$88,300.00.)

Cliff Keheley, City Manager, stated that the City felt it was important to have the design consultant onboard for the Anderson Park project before the citizen input meetings are held. The design consultant will attend all public meetings, which are anticipated for latter March and early April, to gather citizen input regarding the design of the park.

Mr. Casper moved to approve RFP No. 2022-033, Anderson Park: Design Services. Motion was seconded by Mr. Green. On call for a vote on the motion, the following votes were cast:

Ayes: Casper, Green, Aleman, Vidler, Anderson

Nays: Boroughs, Smith

Motion carried.

10

Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Westwood Professional Services, Inc. for the preliminary design, final design, and construction documents for the existing Faithon P. Lucas, Sr., Boulevard from a two-lane section to a four-lane divided roadway in the amount of \$769,252.00.

Curt Cassidy, Director of Public Works, stated that this contract is for the final engineering design of Faithon P. Lucas, Sr., Boulevard from McKenzie Road to East Cartwright Road. The design will include a roundabout, to control excessive speeding, and will connect to the Solterra Development.

Mr. Cassidy stated that this project has been approved as part of the 7th Call for Projects with Dallas County that allows for reimbursement of 50 percent of the paving and drainage improvements estimated to be approximately \$6.43 million. The project will go out for bid in the Fall of 2022.

Ms. Anderson moved to approve a Professional Engineering Services Contract with Westwood Professional Services, Inc. Motion was seconded by Ms. Vidler and approved unanimously.

11

Authorize the City Manager to execute a Professional Services Contract with On Duty Health - Texas, PLLC, to provide annual medical and physical assessment services for City of Mesquite employees in an amount not to exceed \$231,069.00, for a one-year term, with one additional one-year renewal option. The City Manager is authorized to execute the renewal option, subject to annual appropriation of sufficient funds.

Cliff Keheley, City Manager, stated that this contract is part of a cancer prevention program and will provide free medical and cardiac screenings for all Police Officers and Firefighters free of charge. Screenings for cancer and cardiac issues will be offered to City employees at cost.

Mr. Casper moved to approve a Professional Services Contract with On Duty Health - Texas, PLLC. Motion was seconded by Mr. Green and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

12

Conduct a public hearing and consider possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments, to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight-foot-tall board on board fence on property located at 1402 South Peachtree Road.

A public hearing was held to consider possible action for a request from Ha Quyen Thuc of Peachtree Apartments to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight-foot-tall board on board fence at 1402 Peachtree Road.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant appeared before the City Council in 2019 requesting the substitution of the screening wall requirement to allow an unpermitted metal fence to remain in place rather than constructing the required long-span precast concrete decorative screening wall. At that time, the Council denied the request but gave the applicant two years to install the required wall.

The applicant is now requesting a substitution to allow construction of a new board-on-board wood fence rather than the required wall. Hawk Construction, one of the area vendors for pre-cast screening walls, has identified several barriers to construction of a precast concrete screening wall on the property. The main concerns are trees on adjacent properties that would have to be moved or would be in danger of permanent damage and the inability to redesign the site to move the wall off the property line. The wall could not be moved in from the property line without eliminating necessary parking and/or further affecting an already substandard fire lane.

A wooden fence could be constructed inside the property line without affecting the adjacent trees or the existing parking and fire lane.

Applicant Ha Quyen Thuc stated that the trees on the adjacent property will be damaged if a precast concrete wall is installed. Therefore, he requested approval to build an eight-foot-tall wooden board on board fence.

No one appeared regarding a request from Ha Quyen Thuc of Peachtree Apartments.

Mr. Green moved to keep the public hearing open and to postpone consideration of possible action regarding a request from Ha Quyen Thuc of Peachtree Apartments. to substitute the requirement of an eight-foot-tall, long-span precast concrete screening wall for an eight-foot-tall board on board fence at 1402 Peachtree Road to the April 4, 2022, City Council meeting to allow the applicant adequate time to meet with City staff regarding alternative fencing materials. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Green, Casper, Aleman, Boroughs, Smith, Anderson

Nays: Vidler

Motion carried.

13

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0820-0145, submitted by Manuel Molina, Jr. of Molina Construction, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a primary outdoor storage yard, located at 2526 Westwood Avenue.

(Four responses in favor and none 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. This item was postponed at the December 6, 2021, City Council meeting.)

A public hearing was held for Zoning Application No. Z0820-0145.

Jeff Armstrong, Director of Planning and Development Services, stated that this item was postponed at the December 6, 2021, City Council meeting to allow the applicant time to clean up the property, eliminate violations and to provide the Council with more detail of their plans. Mr. Armstrong stated that staff recently inspected the property and found that the property has been cleaned up and nothing is currently on the property.

In 2019, the applicant began using the subject property without obtaining required approvals from the City. Since that time, multiple citations have been issued. The applicant was using the property to store equipment related to his construction business. In addition to the unapproved use, the applicant was in violation of other ordinances including parking on the grass. In an effort to try to bring into compliance, the applicant submitted an application for a Conditional Use Permit.

Applicant Manuel Molina, Jr., was not present.

No one appeared regarding the proposed application.

Mr. Green moved to keep the public hearing open and to postpone consideration of Zoning Application No. Z0820-0145 to the February 21, 2021, City Council meeting. Motion was seconded by Mr. Casper and approved unanimously.

14

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0721-0207, submitted by Maxwell Fisher of Masterplan, for a change of zoning from R-2 Single-Family Residential, Planned Development - Single-Family Residential (Ordinance No. 2741) and Planned Development - General Retail (Ordinance No. 2521) to Planned Development - Single-Family Residential with an underlying zoning district of R-3 on approximately 23.949 acres of land to allow an 85-lot single-family subdivision, located at 22200 IH-635 and 1401 and 1341 New Market Road.

(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. This item was postponed at the January 3, 2022, City Council meeting.)

A public hearing was held for Zoning Application No. Z0721-0207.

Jeff Armstrong, Director of Planning and Development Services, stated that following the January 3, 2021, City Council meeting, the applicant provided a revised concept plan that shows increased and enhanced amenities. The

applicant also proposes a new minimum home size of 1,800 square feet for the 4,400 square-foot-lots and 2,000 square feet for the 6,600-square-foot lots. The applicant sent new letters to residents in the existing subdivision to the south with updated information.

Mr. Armstrong stated that the applicant proposes an 85-lot subdivision comprised of detached single-family residential homes. Proposed amenities include a dog park, playground, picnic tables, benches, grill, gazebo and open space.

Applicant Maxwell Fisher, with Masterplan representing Kentex, stated that the development will consist of 85 two-story, single-family homes on 23 acres, consisting of 49 front-entry homes containing a minimum of 2,000 square feet and 36 rear-entry homes containing a minimum of 1,800 square feet. He stated that they are willing to pay the City for construction of a sidewalk from the housing development to Paschall Park. Mr. Fisher stated that a Homeowners Association (HOA) will be required.

No one appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z0721-0207, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4935, as presented to the City Council at tonight's meeting with corrected Exhibit B, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-2 SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL ORDINANCE NO. 2741, AND PLANNED DEVELOPMENT - GENERAL RETAIL ORDINANCE NO. 2521 TO PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL WITH AN UNDERLYING ZONING DISTRICT OF R-3 ON APPROXIMATELY 23.949 ACRES OF LAND LOCATED AT 22200 IH-635, 1401 NEW MARKET ROAD, AND 1341 NEW MARKET ROAD TO ALLOW AN 85-LOT SINGLE FAMILY SUBDIVISION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4935 recorded in Ordinance Book No. 126.)

15

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1121-0229, submitted by Jerry Brown, for a change of zoning to amend Planned Development - Light Commercial (Ordinance No. 2088) to allow a crematory as a permitted use within the Mesquite Arena/Rodeo Entertainment Overlay (MARE), located at 1720 Neal Gay Drive.

(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. This item was postponed at the January 3, 2022, City Council meeting.)

A public hearing was held for Zoning Application No. Z1121-0229.

Jeff Armstrong, Director of Planning and Development Services, stated that this item was postponed at the January 3, 2022, City Council meeting. Staff has received one response from a property owner within the notification area, and it is in opposition. From outside of the notification area, seven comments in favor and one in opposition have been received.

Mr. Armstrong stated that the applicant owns the property consisting of two commercial multi-tenant buildings and proposes locating a crematory in the westernmost building. The current Planned Development (PD) does not permit crematories; therefore, this PD amendment has been requested. The PD is on the subject property only, so allowing the additional use in the PD would not apply to any other properties in the area.

Applicant Jerry Brown stated that he is the Pastor at Landmark Family Fellowship and is the Chaplain for New Hope Funeral Home. He stated that he owns the property at 1720 Neal Gay Drive and is considering operating a crematory at this location. He added that the cremation equipment contains a filtration system that is regulated by the Texas Commission of Environmental Quality (TCEQ) and no smoke nor smell will be released into the air.

1. Shirley Gray Rogers, 1821 Brazoria Drive, and Doug Lowe, 802 Oak Drive, spoke in support of Zoning Application No. Z1121-0229.
2. Terri White, 505 Riggs Circle, spoke in opposition to Zoning Application No. Z1121-0229.

No others appeared regarding the proposed application.

Mr. Smith moved to approve Zoning Application No. Z1121-0229, as approved by the Planning and Zoning Commission, and to approve Ordinance No. 4936, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NO. 2088 TO ALLOW A CREMATORY AS A PERMITTED USE ON PROPERTY WITHIN THE MESQUITE ARENA/RODEO ENTERTAINMENT OVERLAY LOCATED AT 1720 NEAL GAY DRIVE; 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. Boroughs. On call for a vote on the motion, the following votes were cast:

Ayes: Smith, Boroughs, Aleman, Anderson, Vidler

Nays: Green, Casper

Motion carried. (Ordinance No. 4936 recorded in Ordinance Book No. 126.)

16

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1221-0231, submitted by Taqieddin Hamdan, for a change of zoning from North Gus Thomasson Corridor District to North Gus Thomasson Corridor District with a Conditional Use Permit to allow used tire sales, located at 5151 Gus Thomasson Road.

(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. Z1221-0231.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant owns Hamdan Affordable Tire Corporation, which is currently operating on the subject property under a temporary Certificate of Occupancy for minor auto repair and new tire sales. The applicant would also like to sell used tires

and estimates that 40 percent to 60 percent of all tire sales would be used. The applicant plans to store and display all tires inside of the building.

Applicant Taqieddin Hamdan stated that he owns the mechanic shop that performs minor auto repair and sells new tires. He is requesting to be able to add the sale of new tires to his business. He owns another location in Dallas, which currently sells used tires. All of the used tires will pass a State inspection and will be stored inside of the building. Tires removed from customer's vehicles will be sent to a scrap disposal center.

Donna Woodard, 4721 Stallcup Street, expressed support for Zoning Application No. Z1221-0231.

No others appeared regarding the proposed application.

Mr. Green moved to approve Zoning Application No. Z1221-0231, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. The only outdoor storage or display permitted is incidental outdoor display.
2. Indoor and outdoor tire display shall be orderly and similar in style and organization to typical displays at auto shops.

And to approve Ordinance No. 4937, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM NORTH GUS THOMASSON CORRIDOR ("NGTC") TO NGTC WITH A CONDITIONAL USE PERMIT ("CUP") ON PROPERTY LOCATED AT 5151 GUS THOMASSON ROAD TO ALLOW FOR THE SALE OF USED TIRES 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. Casper and approved unanimously. (Ordinance No. 4937 recorded in Ordinance Book No. 126.)

17

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1221-0232, submitted by Zack Amick of The Charles Morgan Group, LP on behalf of Charlie Newsom, Williams Chicken, for a change of zoning from Truman Heights Neighborhood District to Planned Development - General Retail to allow a fast-food restaurant and other uses permitted in the General Retail zoning district, located at 2015 and 2019 North Galloway Avenue.

(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. Z1221-0232.

Jeff Armstrong stated that the applicant proposes relocating Williams Chicken from its current site at the corner of U.S. Highway 80 and North Galloway Avenue to the subject property. This proposed relocation is the result of the Texas Department of Transportation (TxDOT) taking the existing Williams Chicken property to allow for reconstruction of the North Galloway Avenue bridge crossing U.S. Highway 80. The subject property was acquired by the City of Mesquite in 2008.

The Truman Heights Neighborhood District (THN) allows restaurants, but not drive-through facilities. Williams Chicken wishes to include a drive-through like exists at the current location. Other design requirements of the THN are not compatible with the plans for Williams Chicken, therefore, rezoning has been requested that would allow the restaurant and drive-through.

Applicant Charlie Newsom, representing Williams Chicken, stated that he opened this restaurant in 1996. He is proposing to build a new restaurant with two drive-through lanes and a dining room near the current location.

No one appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. Z1221-0232, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4938, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM TRUMAN HEIGHTS NEIGHBORHOOD TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 2015 AND 2019 NORTH GALLOWAY AVENUE TO ALLOW A DRIVE-THROUGH RESTAURANT IN ADDITION TO USES PERMITTED IN THE GENERAL RETAIL ZONING DISTRICT; 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. Casper and approved unanimously. (Ordinance No. 4938 recorded in Ordinance Book No. 126.)

EXECUTIVE SESSION – COUNCIL CONFERENCE ROOM – 11:40 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 (Discuss Multi-Family Residential Code enforcement matters); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 12:12 a.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 12:21 a.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor