



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, March 15, 2021

5:00 PM

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

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Present: Mayor Bruce Archer and Councilmembers Robert Miklos, Dan Aleman, Tandy Boroughs, B. W. Smith and Sherry Wisdom, City Manager Cliff Keheley and City Secretary Sonja Land.

Absent: Councilmember Kenny Green.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding Governor Abbott's Executive Order No. GA-34 and the impact on City operations.

It was Council consensus that anyone utilizing a City facility will be requested to wear a face covering and remain at least six feet from others.

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

- 2 Receive Neighborhood Services Environmental Code quarterly report for the period of October 1, 2020, through December 31, 2020.

This item was not discussed.

### **EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:50 P.M.**

Mayor Archer 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 (Vault Ventures, LLC v. City of Mesquite and Cliff Keheley, in his Official Capacity as Mesquite City Manager, Cause No. DC-20-19115 – Filed 12-28-20); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 7:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 7:00 P.M.**

Mayor Archer 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 (Agenda Item Nos. 23-28); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 7:10 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:13 P.M.****INVOCATION**

Danny Mack, Chaplain, Christian Care Center, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Henry Brown, President, Mesquite Tri-East NAACP.

**SPECIAL ANNOUNCEMENTS**

1. Mr. Aleman stated that Historic Mesquite, Inc., will celebrate Texas History Month with a Drive-In Movie on Saturday, March 20, 2021, at 7:30 p.m., at Opal Lawrence Historical Park. He encouraged residents to participate in this family friendly event.
2. Mr. Aleman stated that Randy Lawson passed away last week. Randy and the Heroes of Mesquite had a vision and championed for a memorial to honor the lives of military veterans. His vision came to fruition with a dedication ceremony at the new memorial near City Lake Park in November 2020. Mr. Aleman thanked City Manager Cliff Keheley for embracing Randy's dream for this memorial and helping to make it a reality.
3. Mr. Smith reminded citizens that this is Spring Break week so "Drive Like Your Family Lives Here." Slow down, watch your speed, put down your phone and keep your head up.
4. Mr. Boroughs stated that a "Bunny Trail" drive-through event, hosted by the Parks and Recreation Department, will take place on Saturday, March 20, 2021, from 9:00 a.m. to 1:00 p.m., at Westlake Park. Participants will receive goody bags containing Easter eggs, holiday-themed crafts and coupons from local businesses. Professional photos with the Easter Bunny will be available from the safety of their vehicles.
5. Mayor Archer asked for prayers for Councilmember Kenny Green and his wife as they heal from COVID-19.
6. Ms. Wisdom announced that the Mesquite Animal Shelter is currently holding a "March Madness" Dog Adoption special. Until March 31, 2021, adoption fees for all dogs are 50 percent off. She encouraged residents to consider this opportunity to adopt a new pet.
7. Ms. Wisdom stated that the Mesquite Symphony Orchestra will host a concert on Saturday, March 20, 2021, at 7:30 p.m., at the Mesquite Arts Center. The concert, "Lightspeed: Music of Strings," will be held with limited seating, required face coverings and other COVID-19 safeguards.

8. Mr. Miklos stated that the City will host a mandatory information session and workshop for any organization planning to apply for Community Development Block Grant funds for Program Year 2021-2022. The virtual meeting will be held on Friday, March 19, 2021, from 9:30 a.m. to 12:30 p.m.
9. Mayor Archer stated that the Mesquite Tri-East NAACP will host a Virtual Mesquite Black-Owned Business Symposium on Saturday, March 20, 2021, beginning at 10:00 a.m. Business leaders and City officials will provide information to all participants on how to grow their business.
10. Mayor Archer encouraged citizens to take a few minutes out of their day to pick up trash in their neighborhoods to help community appearance.
11. Mayor Archer thanked everyone for the kindness his family received after the recent loss of his brother.

## **CITIZENS FORUM**

Henry Brown, 211 Athel Drive, President of the Mesquite Tri-East NAACP, encouraged small business owners to participate in the Virtual Black-Owned Business Symposium on Saturday, March 20, 2021.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

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

- 3 Minutes of the regular City Council meeting held March 1, 2021.

**Approved on the Consent Agenda.**

- 4 An ordinance amending the budget for the Fiscal Year 2020-21, as heretofore approved by Ordinance No. 4805 of the City of Mesquite, Texas, adopted on September 21, 2020, appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2020-21, 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 amended budget.

**Approved on the Consent Agenda.**

**Ordinance No. 4846, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2020-21 AS HERETOFORE APPROVED BY ORDINANCE NO. 4805 OF THE CITY OF MESQUITE, TEXAS, ADOPTED ON SEPTEMBER 21, 2020, APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR FISCAL YEAR 2020-21 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 AMENDED BUDGET; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4846 recorded in Ordinance Book No. 123.)**

- 5 A resolution setting a public hearing under Section 311.003 of the Texas Tax Code for the creation of a Tax Increment Reinvestment Zone (TIRZ) consisting of approximately 251.8175 acres of land generally located south of East Scyene

Road, west of the Mesquite Metro Airport, north of Berry Road and Newsom Road, and east of Smokey Mountain Trail in the City of Mesquite, Dallas County, Texas, located within the Corporate Limits of the City of Mesquite, Texas; authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing; and directing the City to prepare a preliminary reinvestment zone financing plan.

**Approved on the Consent Agenda.**

**Resolution No. 10-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE FOR THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE (“TIRZ”) CONSISTING OF APPROXIMATELY 251.8175 ACRES OF LAND GENERALLY LOCATED SOUTH OF E. SCYENE ROAD, WEST OF THE MESQUITE METRO AIRPORT, NORTH OF BERRY ROAD AND NEWSOM ROAD, AND EAST OF SMOKEY MOUNTAIN TRAIL IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING; AND DIRECTING THE CITY TO PREPARE A PRELIMINARY REINVESTMENT ZONE FINANCING PLAN. (Resolution No. 10-2021 recorded in Resolution Book No. 62.)**

**6**

A resolution authorizing the City Manager to finalize and execute a First Amendment to the Solterra Development Agreement (the “Agreement”) to amend the terms of the Agreement related to the McKenzie Road connection and granting of drainage and right-of-way easements related to said connection that benefit the 1,424.398-acre Solterra development, generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard within the corporate limits of the City of Mesquite in Dallas County, Texas.

**Approved on the Consent Agenda.**

**Resolution No. 11-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A FIRST AMENDMENT TO THE SOLTERRA DEVELOPMENT AGREEMENT (THE “AGREEMENT”) TO AMEND THE TERMS OF THE AGREEMENT RELATED TO THE MCKENZIE ROAD CONNECTION AND GRANTING OF DRAINAGE AND RIGHT-OF-WAY EASEMENTS RELATED TO SAID CONNECTION THAT BENEFIT THE 1,424.398-ACRE SOLTERRA DEVELOPMENT, GENERALLY LOCATED SOUTHWEST OF EAST CARTWRIGHT ROAD AND BOTH NORTHWEST AND SOUTHEAST OF FAITHON P. LUCAS, SR. BOULEVARD WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, IN DALLAS COUNTY, TEXAS. (Resolution No. 11-2021 recorded in Resolution Book No. 62.)**

**7**

Bid No. 2021-024 - Heritage Plaza: Masonry and Wood Truss Restoration. (Authorize the City Manager to finalize and execute the required documents with Nouveau Technology Services, L.P., dba Nouveau Construction and Technology, L.P., through Dallas County RFP 2017-050-6674, in the amount of \$255,827.00.)

**Approved on the Consent Agenda.**

**8**

Bid No. 2021-059 - Radio Frequency Identification System for Mesquite Public

Libraries.

(Staff recommends award to SHI/Government Solutions, Inc., through BuyBoard Contract No. 579-19, in the amount of \$79,163.37. The maintenance agreement included in this bid is for a one-year period with an additional one-year renewal option).

**Approved on the Consent Agenda.**

- 9 Bid No. 2021-064 - Annual Microsoft Enterprise Agreement and Office 365 Maintenance.

(Staff recommends award to SHI/Government Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-4092, in the total amount of \$224,539.87.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2021-069 - Purchase of One (1) Milling Machine.  
(Staff recommends award to Kirby - Smith Machinery, Inc., in Dallas, Texas, through BuyBoard Contract No. 597-19 in the amount of \$628,625.00.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2021-073 - Purchase of a Concrete Truck.  
(Staff recommends award to Kenworth Truck Company, a division of PACCAR, Inc., in Dallas, Texas, through Sourcewell Contract No. 060920-KTC, in the amount of \$183,020.37.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2021-074 - Purchase of Heavy Construction Equipment.  
(Staff recommends award to Associated Supply Company, Inc., in Euless, Texas, through BuyBoard Contract No. 597-19, in the amount of \$291,001.00 and Clark Equipment Company dba Bobcat Company, through BuyBoard Contract No. 597-19, in the amount of \$24,676.02, for a total amount of \$315,677.02.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2021-076 - Purchase of a Rubber Tire Loader.  
(Staff recommends award to Caterpillar, Inc., in Dallas, Texas, through Sourcewell Contract No. 032119-CAT, in the amount of \$226,889.00.)

**Approved on the Consent Agenda.**

- 14 Bid No. 2021-072 - Purchase of Trailers 2020-2021.  
(Staff recommends award to Interstate Trailers, Inc., in Mansfield, Texas, through BuyBoard Contract No. 599-19 in the amount of \$65,040.00.)

**Approved on the Consent Agenda.**

- 15 Bid No. 2021-077 - Purchase of Police Specialty Vehicles.  
(Staff recommends award to Sam Pack's Five Star Ford. Ltd., through Tarrant County Contract No. 2020-174, in the total amount of \$58,600.10.)

**Approved on the Consent Agenda.**

- 16 Authorize the City Manager to execute a Property Damage Release in favor of Cirrus Holdings, LLC, U.S. Specialty Insurance Company and Jeff Martin regarding a fuel spill at the Mesquite Metro Airport on October 3, 2020.

**Approved on the Consent Agenda.**

#### **END OF CONSENT AGENDA**

#### **PUBLIC HEARINGS**

- 17 Conduct a public hearing and consider a resolution approving the terms and conditions of a program to promote local economic development and stimulate business and commercial activity in the City, authorizing the City Manager to finalize and execute an Economic Development Program Agreement (Chapter 380 Agreement) for such purposes with First Texas Homes, Inc., for proposed new residential construction in Mesquite, Texas, and authorizing the City Manager to administer the agreement on behalf of the City.

**A public hearing was held to consider a Chapter 380 agreement with First Texas Homes, Inc., (First Texas) regarding proposed new residential construction in Mesquite, Texas.**

**Ted Chinn, Assistant City Manager, stated that First Texas is proposing to apply for a Texas Direct Payment Permit (TDPP) issued by the Comptroller to allow First Texas to pay sales tax on taxable items which they purchase from their supply partners and treat the sales as if they took place in Mesquite. First Texas would then share the City's net two percent sales tax that the Comptroller remits back to the City. The City would receive approximately \$60,000 in sales tax that the City would not otherwise receive if not for the TDPP.**

**No one appeared regarding the proposed Chapter 380 agreement.**

**Mr. Miklos moved to approve Resolution No. 12-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) FOR SUCH PURPOSES WITH FIRST TEXAS HOMES, INC., FOR PROPOSED NEW RESIDENTIAL CONSTRUCTION IN MESQUITE, TEXAS, AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 12-2021 recorded in Resolution Book No. 62.)**

- 18 A. Conduct a public hearing regarding the Parks and Recreation Department Youth Programs Standards of Care.

B. Consider an ordinance adopting Standards of Care associated with the City's recreation programs titled "2021 Youth Programs Standards of Care" and repealing Ordinance No. 4772.

**A public hearing was held to consider the Parks and Recreation Department Youth Programs Standards of Care.**

Elizabeth Harrell, Director of Parks and Recreation, stated that the Parks and Recreation Department operates youth recreation programs after regular school hours and when school is not in session for children in kindergarten through sixth grade. The Youth Programs Standards of Care (SOC) is reviewed annually and adopted by ordinance, after holding a public hearing. Staff is recommending changes to the SOC such as updating new staff members, clarifying expectations regarding staff appearance and communicating with parents. The SOC are provided to participants upon registration into the program.

No one appeared regarding the Parks and Recreation Department Youth Program SOC.

Mr. Aleman moved to approve Ordinance No. 4847, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING STANDARDS OF CARE ASSOCIATED WITH THE CITY'S RECREATION PROGRAMS TITLED "2021 YOUTH PROGRAMS STANDARDS OF CARE"; REPEALING ORDINANCE NO. 4772; PROVIDING A GENERAL REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4847 recorded in Ordinance Book No. 123.)

19

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0177, submitted by Lalanii Jones of Stepping Stones Early Childhood Development Centers, Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a day care center, located at 1460 East Glen Boulevard.

(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.)

A public hearing was held for Zoning Application No. Z0121-0177.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit (CUP) to operate a day care facility for children ages six months to 12 years old located at 1460 East Glen Boulevard. The proposed hours of operation are 5:00 a.m. to 12:00 a.m., seven days a week. The applicant plans cosmetic changes to the interior of the building. In 1987, a Conditional Use Permit (CUP) was approved for a daycare at this location, but due to no daycare operating on the premises for more than six months, the previous CUP has expired.

Applicant Lalanii Jones stated that she has been in the day care business for over 20 years. The childcare licensing regulations will determine the number of children that will be permitted to occupy the building. Ms. Jones stated that peak hours for drop off are 6:00 a.m. to 9:00 a.m. and for pick up are 4:00 p.m. to 7:00 p.m. with plans for concierge service for drop off and pickup service for parents, if needed to alleviate traffic concerns.

No one appeared regarding the proposed application.

Ms. Wisdom moved to approve Zoning Application No. Z0121-0177, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4848, AN ORDINANCE AMENDING THE MESQUITE ZONING

ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1460 EAST GLEN BOULEVARD TO ALLOW A DAY CARE CENTER; 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. Aleman and approved unanimously. (Ordinance No. 4848 recorded in Ordinance Book No. 123.)

20

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0178, submitted by Adel Atalla for a change of zoning from Planned Development - General Retail Ordinance No. 4774 to Planned Development - General Retail Ordinance No. 4774 with a Conditional Use Permit to allow the sale of used cell phones, located at 1711 West Scyene Road, Suite B. (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.)

**A public hearing was held for Zoning Application No. Z0121-0178.**

Jeff Armstrong, Director of Planning and Development Services, stated that on April 20, 2020, the City Council approved Conditional Use Permits (CUPs) for the sale of used mobile phones and a carwash on property located at 1711 West Scyene Road for a one-year period. The applicant has requested renewal of the used merchandise CUP, but no longer wishes to have a carwash. In addition to the one-year limit, other conditions were included in the approval such as adding landscaping and the location for outdoor display of tires. The applicant has complied with these conditions.

Applicant Adel Atalla stated that he installed the landscaping and sprinkler system as requested.

No one appeared regarding the proposed application.

Mr. Miklos moved to approve Zoning Application No. Z0121-0178, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4849, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 4774 TO PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 4774 WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1711 WEST SCYENE ROAD TO ALLOW THE SALE OF USED CELL PHONES AT SUITE B; 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 and approved unanimously. (Ordinance No. 4849 recorded in Ordinance Book No. 123.)

21

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0121-0179, submitted by Nicole Thompson for a change of zoning from Planned Development - Single Family Residential to Planned Development - Single Family Residential with a Conditional Use Permit to allow a group home, located at 1217 Christa Drive.

(No responses in favor and two 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. Z0121-0179.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to operate a group home with up to seven girls ranging from six to 14 years of age, which requires a Conditional Use Permit. Six or fewer children would be permitted by right. The subject property includes a 1,696-square-foot three-bedroom home with a two-car garage. The children referred to this home are in the Temporary Conservatorship of the State of Texas and have been removed from their family/caregiver due to abuse and/or neglect. A maximum of three employees are anticipated to be at the residence at any one time but will not reside at the home. A certificate of occupancy will be required. No modifications are planned for the interior or exterior of the home with the exception of adding a fire alarm system and sprinkler system, as required by the International Building Code. Mr. Armstrong stated that the State of Texas preempts cities from prohibiting this type of residence with up to six residents.

Applicant Nicole Thompson stated that the adults will not be living in the home and there will be administrators and technicians who are employed in the home. The home will be governed by the Texas Department of Family and Protective Services and regulated by residential childcare licensing. The purpose of the group home is to provide a home-like environment to the children and to address the trauma they have experienced. The State will visit the home to conduct inspections on random dates and at random times. Ms. Thompson stated that families are now larger and sibling groups are being split; therefore, she is requesting the home for seven children to keep larger sibling groups from being separated. Ms. Thompson stated that they have had good success in Mesquite with Mesquite Independent School District working with the children as well as the children attending various activities hosted in the community by the Parks and Recreation Department. Ms. Thompson clarified that foster homes are homes with one adult and up to six children and group homes licensed by the State are homes which have staff members on duty 24 hours per day.

Mary Forrester, 4210 Scotland Drive, Grand Prairie, spoke in favor of the proposed application.

The following persons spoke in opposition to the proposed application: (1) Rob Christian, 1036 Chelsea Drive and (2) Eric Harris, 1040 Chelsea Drive.

No others appeared regarding the proposed application.

Mr. Boroughs moved to deny Zoning Application No. Z0121-0179. Motion was seconded by Mr. Miklos. On call for a vote on the motion, the following votes were cast:

Ayes: Boroughs, Miklos, Archer, Aleman  
Nays: Smith, Wisdom

Motion carried.

A brief recess was taken at 8:46 p.m. The meeting resumed at 8:55 p.m.

22

Conduct a Public Hearing and consider an ordinance for Zoning Text Amendment ZTA 2021-01, amending the Mesquite Zoning Ordinance, as previously amended, by repealing and replacing Section 1-402 "Noise" in Part 1 "General Provisions" whereby this zoning text amendment removes noise violations and instead cross references to the CITY CODE; and amending the Mesquite City Code, as previously amended, by revising Chapter 8 "Licenses, Permits And Business Regulations" to include a general appeal process applicable to Special Event Permits and Temporary Noise Permits in Article I, Division 2; and revising Chapter 8, Article XV "Special Events" to remove the specific appeal process for Special Event Permits and instead cross reference to the new general appeal process in Article I, Division 2; creating new Article XVII to be titled "Noise: Temporary Noise Permit And Noise Variance" relating to the process and procedures for issuance of said noise permits or variances; repealing and replacing Chapter 10, Article III "Noise" thereby updating certain violations and offenses regarding noise disturbances and vibration offenses; revising Appendix D - Comprehensive Fee Schedule to provide fees for Temporary Noise Permits and Noise Variances, and a fee for the general appeal process for appealing certain administrative decisions to the City Council under Chapter 8.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

**A public hearing was held for Zoning Text Amendment No. 2020-01.**

**Chris Sanchez, Assistant to the City Manager, stated that in 2020 the Mesquite Police Department received 3,252 noise complaints which represents an 18 percent increased from 2019. The most common complaints are loud music, parties, barking dogs or other animal noises, event centers/restaurants and vehicles/traffic. The current ordinance utilizes a decibel-based standard by using a decibel meter to measure maximum sound level and a nuisance-based standard. The concerns with these standards are that they are difficult for police officers to enforce as well as witnesses unwilling to confirm the noise complaints. Mr. Sanchez reviewed the definition of "noise" and "noise disturbances" in the proposed ordinance. The plainly audible standard is a new tool for peace officers and other enforcement officials to utilize if there are noise disturbances that are plainly audible. Mr. Sanchez reviewed the maximum sound levels in noise zone designations when utilizing decibel meters and stated that daytime and nighttime limits have been included in the ordinance. Staff will be trained and public education will be provided to the community.**

**Richard Green, 2816 Canary Court, expressed concerns regarding noise in his neighborhood.**

**No others appeared regarding the proposed amendment.**

**Mr. Miklos moved to approved Zoning Text Amendment No. 2020-01, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 4850, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY REPEALING AND REPLACING SECTION 1-402 "NOISE" IN PART 1 "GENERAL PROVISIONS" WHEREBY THIS ZONING TEXT AMENDMENT REMOVES NOISE VIOLATIONS AND INSTEAD CROSS REFERENCES TO THE CITY CODE; AND AMENDING THE MESQUITE CITY CODE, AS PREVIOUSLY AMENDED, BY REVISING CHAPTER 8 "LICENSES, PERMITS AND BUSINESS REGULATIONS" TO INCLUDE A**

GENERAL APPEAL PROCESS APPLICABLE TO SPECIAL EVENT PERMITS AND TEMPORARY NOISE PERMITS IN ARTICLE I, DIVISION 2; AND REVISING CHAPTER 8, ARTICLE XV "SPECIAL EVENTS" TO REMOVE THE SPECIFIC APPEAL PROCESS FOR SPECIAL EVENT PERMITS AND INSTEAD CROSS REFERENCE TO THE NEW GENERAL APPEAL PROCESS IN ARTICLE I, DIVISION 2; CREATING NEW ARTICLE XVII TO BE TITLED "NOISE: TEMPORARY NOISE PERMIT AND NOISE VARIANCE" RELATING TO THE PROCESS AND PROCEDURES FOR ISSUANCE OF SAID NOISE PERMITS OR VARIANCES; REPEALING AND REPLACING CHAPTER 10, ARTICLE III "NOISE" THEREBY UPDATING CERTAIN VIOLATIONS AND OFFENSES REGARDING NOISE DISTURBANCES AND VIBRATION OFFENSES; REVISING APPENDIX D – COMPREHENSIVE FEE SCHEDULE TO PROVIDE FEES FOR TEMPORARY NOISE PERMITS AND NOISE VARIANCES, AND A FEE FOR THE GENERAL APPEAL PROCESS FOR APPEALING CERTAIN ADMINISTRATIVE DECISIONS TO THE CITY COUNCIL UNDER CHAPTER 8; AND PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4850 recorded in Ordinance Book No. 123.)

23

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0159, submitted by Roberto Nunez, Alchemi Development Partners on behalf of Mansoor Dhanani, Mesquite Equity, LLC, for a change of zoning to amend Planned Development - Service Station Ordinance No. 2888 to Planned Development - General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom or, alternatively, to amend Ordinance No. 2888 to allow a proposed building expansion subject to new stipulations, located at 1320 Gross 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 denial of the rezoning request and approval of the amendment to Ordinance No. 2888. This item is continued from the January 4, 2021, City Council meeting.)

**A public hearing was held for Zoning Application No. Z1120-0159.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a change of zoning from Planned Development – Service Station to Planned Development – General Retail in order to apply for a Conditional Use Permit (CUP) for a gameroom with up to six game machines for an existing convenience store with fuel sales located at 1320 Gross Road. Gamerooms are not permitted on properties zoned Service Station including Planned Development – Service Station, even by CUP. The applicant also proposes a 975-square-foot building addition for new restroom facilities, expand and update the existing restaurant and convenience store, create access along northwest property line onto mutual access easement with adjacent restaurant and the addition of landscaping along Gross Road, which would require a Planned Development amendment.

The business owner was not present. Roberto Nunez, representing the applicant, stated that the applicant has requested to move forward with the building expansion to include a taco shop and to remove the request for the CUP to allow a coin-operated amusement gameroom.

Mr. Miklos asked Mr. Nunez to clarify the applicant's position regarding the CUP application to allow a coin-operated amusement gameroom. Mr. Nunez stated that denial was requested.

No one appeared regarding the proposed application.

Mr. Miklos moved to approve Zoning Application No. Z1120-0159, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 4851, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – SERVICE STATION ORDINANCE NO. 2888 ON PROPERTY LOCATED AT 1320 GROSS ROAD TO ALLOW A PROPOSED BUILDING EXPANSION 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; AND PROVIDING AN EFFECTIVE DATE, and to deny the change of zoning with CUP to allow a coin-operated amusement gameroom. Motion was seconded by Ms. Wisdom and approved unanimously. (Ordinance No. 4851 recorded in Ordinance Book No. 123.)

24

Conduct a public hearing and consider an ordinance for Zoning Application No. Z1120-0165, submitted by Gilbert Jordan, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with certain stipulations, located at 1012 Pioneer Road.

(One response in favor and four in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval. This item is continued from the February 1, 2021, City Council meeting.)

A public hearing was held for Zoning Application No. Z1120-0165.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a change of zoning with a Conditional Use Permit (CUP) to allow a coin-operated amusement gameroom with four game machines, located at Jordan's Cigarette Store, 1012 Pioneer Road. The original request included a modification to allow one restroom; however, staff confirmed that the owner has opened the second restroom and the modification is not needed.

Applicant Gilbert Jordan stated that he originally built and opened a grocery store and auto parts store, which is now the cigarette store, a restaurant and a car wash, all located in the same area on Pioneer Road. Mr. Jordan presented a petition with 94 signatures in support of the gameroom. Darrin Jordan stated that the hours of operation at this location are 7:00 a.m. to 7:00 p.m., Monday through Wednesday, 7:00 a.m. to 8:00 p.m., Thursday and Friday, 7:00 a.m. to 6:00 p.m., Saturday and closed on Sunday. Josephine Jordan stated that they have complied with the camera and signage requirements of the Mesquite Police Department. The machines have the required State and City licensing. Darrin Jordan stated that prizes from the machines include store merchandise such as cartons of cigarettes and the largest prize payout is \$80.00. The applicant agreed to a maximum of two game machines and to provide a revised site plan showing two game machines.

No others appeared regarding the proposed application.

Mr. Smith moved to approve Zoning Application No. Z1120-0165, as recommended by the Planning and Zoning Commission with certain stipulations and to revise Stipulation No. 1 to read "CUP for maximum of two game machines granted contingent on the applicant providing a revised site plan showing two game machines only and approved by City staff," and to approve Ordinance No. 4852, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1012 PIONEER ROAD TO ALLOW A COIN-OPERATED AMUSEMENT GAMEROOM WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Wisdom and approved unanimously. (Ordinance No. 4852 recorded in Ordinance Book No. 123.)

25

Conduct a public hearing for Zoning Application No. Z1120-0162, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Bikash Pant, Tobacco Corner, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 2411 North Galloway Avenue, Suite 126.

(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 denial. This item is continued from the January 4, 2021, City Council meeting.)

A public hearing was held for Zoning Application No. Z1120-0162.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a change of zoning with a Conditional Use Permit (CUP) to allow a coin-operated amusement gameroom for up to six game machines with a modification to allow one restroom located at 2411 North Galloway Avenue, Suite 126. Mr. Armstrong stated that the clearance between the machines to the wall would be approximately three feet.

The business owner was not present. Roberto Nunez, representing the applicant, stated that the owner wants to redesign the lease space to include a second restroom and to reduce the request of game machines from six game machines to four game machines. The game machines would be located on the side wall to allow for additional clearance, which Mr. Nunez clarified is currently 42 inches. Mr. Nunez requested a continuation to a later City Council meeting date to allow his client to submit plans to the City for the additional restroom and the new site plan to lower the number of game machines.

Councilmembers expressed concerns regarding the small floor space of the business, impact of game machines at the business and the lack of a second restroom. Councilmember Miklos expressed that he could not support any number of game machines at this location.

No others appeared regarding the proposed application.

Mr. Miklos moved to deny Zoning Application No. Z1120-0162. Motion was

**seconded by Mr. Boroughs and approved unanimously.**

**26**

Conduct a public hearing for Zoning Application No. Z1120-0161, submitted by Roberto Nunez, Alchemi Development Partners, on behalf of Niraj KC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1604 West Bruton Road.

(No 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 denial. This item is continued from the January 4, 2021, City Council meeting.)

**A public hearing was held for Zoning Application No. Z1120-0161.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a change of zoning with a Conditional Use Permit (CUP) to allow a coin-operated amusement gameroom for up to six game machines with a modification to allow one restroom located at 1604 West Bruton Road.**

The business owner was not present. Roberto Nunez, representing the applicant, stated that the owner plans to add a second restroom to this location and to reduce the request of game machines from six game machines to four game machines. The location of the game machines will include 42 inches of egress.

**No others appeared regarding the proposed application.**

**Council expressed concerns regarding the small floor space of the business, impact of game machines at the business, lack of a second restroom, loitering issues and crime at this location.**

**Mr. Boroughs moved to deny Zoning Application No. Z1120-0161. Motion was seconded by Mr. Aleman and approved unanimously.**

**27**

Conduct a public hearing for Zoning Application No. Z1120-0158, submitted by Zeeshan Ali on behalf of Saleem Rajani, Great Concepts, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to have one customer restroom instead of the required one customer restroom each for male and female, located at 1430 North Galloway Avenue.

(One response in favor and two in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial. This item is continued from the January 4, 2021, City Council meeting.)

**A public hearing was held for Zoning Application No. Z1120-0158.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a zoning change with a Conditional Use Permit (CUP) to allow a coin-operated amusement gameroom for up to four game machines with a modification to allow one restroom at a convenience store with fuel sales located at 1430 North Galloway Avenue.**

**Zeeshan Ali, representing the applicant, stated that the hours of operation are**

7:00 a.m. to 10:00 p.m. to comply with the convenience store ordinance. Mr. Ali agreed to reduce the request of game machines from four game machines to two game machines and stated that he would be willing to construct a second restroom. He stated that the issues have been corrected from the Mesquite Police Department inspection; however, the follow-up inspection has not yet been conducted. Mr. Ali stated that prizes from the machines include store merchandise and the largest prize payout he remembers is \$75.00.

No others appeared regarding the proposed application.

Councilmembers expressed concerns regarding the small floor space of the business, impact of game machines at the business and the lack of a second restroom.

Mr. Boroughs moved to deny Zoning Application No. Z1120-0158. Motion was seconded by Mr. Smith and approved unanimously.

28

Conduct a public hearing for Zoning Application No. Z1120-0164, submitted by Kevin Albanna, Nadian Inc., for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow a coin-operated amusement gameroom with a modification to allow a coin-operated amusement gameroom within 300 feet of a school, located at 1220 East Davis Street.

(One response 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 denial. This item is continued from the February 1, 2021, City Council meeting.)

A public hearing was held for Zoning Application No. Z1120-0164.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting a Conditional Use Permit (CUP) to allow a coin-operated amusement gameroom with a modification to allow a gameroom within 300 feet of a school at a convenience store with fuel sales located at 1220 East Davis Street.

Akram Mutawe, representing the applicant, stated that the machines provide a small amount of revenue to the store and bring customers into the store. Mr. Mutawe stated that the applicant has had the machines in the store for 20 years when the Food Lion grocery store was in operation, prior to the Mesquite Independent School District opening the building as a school. Mr. Mutawe stated that the applicant receives approximately \$500 each week in earnings from the machines. Mr. Mutawe stated that prizes from the machines include store merchandise, with the exception of lottery tickets and tobacco, and the largest prize payout is capped at \$80.00.

No others appeared regarding the proposed application.

Councilmembers expressed concerns regarding the impact of machines at this location being across the street from a school.

Mr. Smith moved to deny Zoning Application No. Z1120-0164. Motion was seconded by Mr. Boroughs and approved unanimously.

**ADJOURNMENT**

**Ms. Wisdom moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 10:46 p.m.**

Attest:

Approved:

\_\_\_\_\_  
Sonja Land, City Secretary

\_\_\_\_\_  
Bruce Archer, Mayor