



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, April 16, 2018

5:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Jeff Casper, Dan Aleman, Robert Miklos, Bruce Archer, Greg Noschese and Tandy Boroughs, City Manager Cliff Keheley and City Secretary Sonja Land.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Discuss results from the public meeting and citizen survey regarding the preliminary design schematic for Town East Boulevard from US Highway 80 to Skyline Drive and for Skyline Drive from Town East Boulevard to Peachtree Road.

Design options were reviewed and it was Council consensus to gather additional citizen input before choosing a design.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:12 P.M.**

#### **INVOCATION**

Mayor Stan Pickett.

#### **PLEDGE OF ALLEGIANCE**

Richard Prohaska, General Manager of Mesquite Snuffer's Restaurant.

#### **PRESENTATIONS**

- 2 Presentation of a plaque to Keshunia Johnson-Hood in recognition of her service as a member of the Mesquite Housing Board.

**Keshunia Johnson-Hood was not present.**

- 3 Presentation of meritorious awards to Police Department employees.

**Mayor Pickett and Lt. Brian Parrish presented meritorious conduct awards to members of the Mesquite Police Department and citizens of Mesquite in recognition of their achievements and outstanding service. Awards were presented as follows:**

- Citizen's Certificate of Merit to Stephanie Rhone and Ashley Woodruff;
- Certificate of Civic Achievement to Torrey Rhone and Sharon Moore;
- Police Commendation Award to Matthew Barnes, James Harrison, Angela Hensley, Lauren Finkbeiner, Brandon Keys, Brad Meyer, Cindy Meyer, Nelly Perdomo, Mark Russell, Bruce Sales and Doug Yates;
- Life Saving Award to Joshua Barnes, Troy Burke, Jessica Donalson, Olivia Elliott, Richard Houston, Robert Keith, Patrick King, Matthew McCloud, Joshua Mull, Christopher Odom, Zachary Scott and Bobby Thongsavat;
- Certificate of Merit to David Christopherson, Kelly Liptrap and Nicole Phillips;
- Civilian of the Year to Sharon Moore and
- Officer of the Year to Brandon Keys.

### **SPECIAL ANNOUNCEMENTS**

- (1) Mr. Noschese stated that he and Councilmember Boroughs had the honor of attending the Dallas Business Journal's Best Real Estate Deals of the Year Awards. Ashley Furniture was recognized as one of four finalists for the Metroplex's Industrial Deal of the Year. He complimented the City Council for their efforts and willingness to assist Ashley Furniture in making it possible to locate in Mesquite.
- (2) Mr. Aleman announced that a Creek Crossing neighborhood meeting will be held tomorrow, April 17, 2018, at 7:00 p.m., at The Crossing Baptist Church, 1060 Clay Mathis Road, and invited residents to attend.
- (3) Mr. Boroughs thanked volunteers who participated in the Keep Mesquite Beautiful, Inc., Don't Mess with Texas Trash Bash this past Saturday.
- (4) Mr. Archer invited residents to attend the City Lake, Wildwood and Paschall Estates neighborhood meeting on Monday, April 23, 2018, at 7:00 p.m., at Wildwood Baptist Church, 531 South Walker Street.
- (5) Mr. Archer invited citizens to "Meet Your Councilmember" on Saturday, April 21, 2018, from 8:30 a.m. to 10:30 a.m., at McDonald's, 2012 Scyene Road.
- (6) Mr. Archer invited citizens to participate in a trash pickup in the Edgemont Park neighborhood on Saturday, April 21, 2018, at 11:00 a.m., and asked volunteers to meet at the pavilion.
- (7) Mr. Miklos stated that the Range/Town East I & II neighborhood meeting will be held tomorrow, April 17, 2018, at 6:30 p.m., at Range Elementary School, 4060 Emerald Drive, and invited residents to attend.
- (8) Mr. Miklos announced that a local charity, Mesquite Animal Pawtners, is helping orphaned kittens from the Mesquite Animal Shelter and Adoption Center and are in need of foster homes and donations for medical care. To foster or provide monetary or in-kind donations, please e-mail [mesquiteanimalpawtners@gmail.com](mailto:mesquiteanimalpawtners@gmail.com) or message them on Facebook. He encouraged citizens to support this worthy cause.
- (9) Mr. Pickett expressed appreciation to the Mesquite Police Department for the job they perform each day protecting our citizens.
- (10) Mr. Pickett wished his wife a Happy Birthday.

### **CITIZENS FORUM**

- (1) Jimmy Smith, 520 Debra, complimented the Mesquite Police and Fire Departments for the excellent service he received during a recent incident.
- (2) L.C. Williams, 2961 Elder Drive, invited everyone to the Neighborhood Vitality meeting on Thursday, April 19, 2018, 6:30 p.m., at Florence Recreation Center, 2501 Whitson Way.

**CONSENT AGENDA****Approval of the Consent Agenda**

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

- 4 Minutes of the special City Council meeting held March 30, 2018, and the regular City Council meeting held April 2, 2018.

**Approved on the Consent Agenda.**

- 5 A resolution appointing Paula Anderson to act in the capacity as Interim City Attorney of the City of Mesquite, Texas.

**Approved on the Consent Agenda.**

**Resolution No. 21-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPOINTING PAULA ANDERSON TO ACT IN THE CAPACITY AS INTERIM CITY ATTORNEY OF THE CITY OF MESQUITE, TEXAS. (Resolution No. 21-2018 recorded in Resolution Book No. 54.)**

- 6 An ordinance providing for the partial abandonment of a utility easement located at Tisinger Elementary School, otherwise known as Ben F. Tisinger Elementary School Addition, Block A, Lot 1.

**Approved on the Consent Agenda.**

**Ordinance No. 4551, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF A UTILITY EASEMENT LOCATED AT TISINGER ELEMENTARY SCHOOL, OTHERWISE KNOWN AS BEN F. TISINGER ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. (Ordinance No. 4551 recorded in Ordinance Book No. 111.)**

- 7 A resolution finding that Oncor Electric Delivery Company LLC's application for approval of a Distribution Cost Recovery Factor pursuant to Title 16 of the Texas Administrative Code, Section 25.243, to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel.

**Approved on the Consent Agenda.**

**Resolution No. 22-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR PURSUANT TO 16 TEX. ADMIN. CODE §25.243 TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No.**

22-2018 recorded in Resolution Book No. 54.)

- 8 RFP No. 2018-017 - Comprehensive Energy Consulting and Management Services.  
(Authorize the City Manager to finalize and execute a contract with Tradition Energy through U.S. Communities Government Purchasing Alliance.)  
**Approved on the Consent Agenda.**
- 9 Bid No. 2018-038 - Annual Supply of Garbage Can Liners.  
(Staff recommends award to Houston Poly Bag 1, Ltd., in the amount of \$250,500.00.)  
**Approved on the Consent Agenda.**
- 10 Bid No. 2018-054 - Annual Supply of Full Circle Clamps.  
(Staff recommends award to the lowest bidder meeting specifications, Core & Main dba HD Supply Waterworks, for an amount not to exceed \$62,815.87.)  
**Approved on the Consent Agenda.**
- 11 Bid No. 2018-055 - Annual Contract for Paint and Body Services.  
(Staff recommends all bids be rejected and rebid at a later date.)  
**Approved on the Consent Agenda.**
- 12 Bid No. 2018-059 - Annual Supply of Water Parts.  
(Staff recommends award to low bidders: Group I to Core & Main dba HD Supply Waterworks in the amount of \$105,177.07 and Groups II, III and IV to Fortiline Waterworks in the amount of \$294,682.50, for a total amount not to exceed \$399,859.57.)  
**Approved on the Consent Agenda.**

## PUBLIC HEARINGS

- 13 Conduct a public hearing and consider a resolution authorizing the dissolution of the Polo Ridge Public Improvement District consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code, and specifically repealing Resolution No. 76-2017.

**Mr. Miklos left the meeting.**

**A public hearing was held to consider a resolution authorizing the dissolution of the Polo Ridge Public Improvement District (PID) consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code, and specifically repealing Resolution No. 76-2017.**

**No one appeared regarding the dissolution of the Polo Ridge PID.**

Mr. Noschese moved to approve Resolution No. 23-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE DISSOLUTION OF THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT CONSISTING OF APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING RESOLUTION NO. 76-2017; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

**Ayes:** Noschese, Archer, Pickett, Casper, Aleman, Boroughs

**Nays:** None

**Abstentions:** Miklos

**Motion carried. (Resolution No. 23-2018 recorded in Resolution Book No. 54.)**

14

Conduct a public hearing and consider a resolution authorizing and creating the Polo Ridge Public Improvement District No. 2 consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code.

A public hearing was held to consider a resolution authorizing and creating the Polo Ridge Public Improvement District (PID) No. 2 consisting of approximately 822.1 acres of land generally located south of FM 740, west of FM 2757 and north of Kelly Road in Kaufman County, Texas, and being located within the extraterritorial jurisdiction of the City of Mesquite, Texas, in accordance with Chapter 372 of the Texas Local Government Code.

Jerry Dittman, 7131 Shannon Road, expressed opposition to the proposed resolution.

Cliff Keheley, City Manager, stated that a pro forma was not completed for the Polo Ridge PID; however, staff will complete a pro forma prior to the sale of PID bonds, which would be considered by a separate Council action in the future. The projected revenue from the Polo Ridge Tax Increment Reinvestment Zone (TIRZ) will offset the assessments charged to homeowners within the development. The cost of public safety and other city services would be funded by ad valorem revenues not going to the TIRZ. Staff anticipates the Polo Ridge PID will serve as a catalyst for future Kaufman County development including commercial development. Staff has evaluated the tax stack, which includes school district and county taxes, and loan-to-value ratio for this development and find it to be similar to other developments in the Interstate Highway 20 (IH-20) corridor. The developer and city have been working on the agreement for over a decade and the urgency to move forward with the project is due to the housing demand in the IH-20 corridor. Mr. Keheley stated that the Heartland Development purchases water from the City of Mesquite and utilizes a 24-inch water line. The developer and City staff are researching the possibility of utilizing the Heartland water line for the Polo Ridge development.

Mr. Noschese confirmed with Paula Anderson, City Attorney's Office, that if Council is not satisfied with the pro forma, they will not be obligated to move forward with the sale of PID bonds.

No others appeared regarding the proposed Polo Ridge PID No. 2.

Mr. Noschese moved to approve Resolution No. 24-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND CREATING THE POLO RIDGE PUBLIC IMPROVEMENT DISTRICT NO. 2 TO INCLUDE APPROXIMATELY 822.1 ACRES OF LAND GENERALLY LOCATED SOUTH OF FM 740, WEST OF FM 2757 AND NORTH OF KELLY ROAD IN KAUFMAN COUNTY, TEXAS, LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MESQUITE, TEXAS, IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

**Ayes:** Noschese, Archer, Pickett, Casper, Aleman, Boroughs

**Nays:** None

**Abstentions:** Miklos

**Motion carried. (Resolution No. 24-2018 recorded in Resolution Book No. 54.)**

15

Conduct a public hearing and consider an ordinance for Subdivision Text Amendment No. 2018-01 amending the Mesquite Subdivision Ordinance, Article V, Part F(1), thereby amending the regulations for platting residential lots. (The Planning and Zoning Commission recommends approval of the subdivision text amendment.)

Mr. Miklos entered the meeting.

A public hearing was held for Subdivision Text Amendment No. 2018-01.

Jeff Armstrong, Interim Director of Planning and Development Services, explained that in March 2017, a citizen purchased two adjacent vacant lots in the Rollingwood Hills subdivision with the intent of replatting the two lots into one lot and constructing a home on the property. Neighbors in the area expressed concerns due to the new home being out of character with the neighborhood, which consists of small homes. The proposed ordinance would allow the Planning and Zoning Commission the ability to review a residential replat to ensure the replat is in conformance with the pattern already established in the adjacent area.

No one appeared regarding the proposed text amendment.

Mr. Noschese moved to approve Subdivision Text Amendment No. 2018-01, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4552, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 1136, THE MESQUITE SUBDIVISION ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973, AS AMENDED, BY DELETING ARTICLE V, PART F(1) IN ITS ENTIRETY AND ADDING A NEW PART F(1) TO ARTICLE V THEREBY AMENDING THE REGULATIONS FOR PLATTING LOTS IN RESIDENTIAL ZONING DISTRICTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4552 recorded in

**Ordinance Book No. 111.)**

16

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2018-04 amending Section 1-304, Termination of nonconforming situations; thereby revising the regulations pertaining to the amortization of nonconforming uses.

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

**A public hearing was held for Zoning Text Amendment No. 2018-04.**

Jeff Armstrong, Interim Director of Planning and Development Services, stated that a nonconforming use is a use that was legally established under previous zoning but no longer conforms to current zoning and is often referred to as being a "grandfathered" use. The grandfathered use may continue indefinitely unless (1) the use is changed to a conforming use, (2) the use is discontinued for more than six months or (3) the use is terminated after a period of time using amortization. A nonconforming use may be terminated and brought into compliance with zoning regulations by amortizing the use, providing a reasonable period of time that allows the owner to recover the investment before the date the use became nonconforming. The last day of the amortization period is called the compliance date, which is when the nonconforming use must cease operations. The process of amortization can be initiated with a resolution approved by the City Council or by application from any person who resides or owns real property in the City of Mesquite.

Mr. Armstrong stated that the amortization process would consist of the Board of Adjustment (BOA) holding a public hearing to determine whether continued operation of a nonconforming use would have an adverse effect on nearby properties. Mr. Armstrong reviewed the factors the BOA would consider to make its findings. If the Board determines that continued operation of the use will have an adverse effect, a financial study would be conducted and at a subsequent meeting, the BOA will establish a compliance date for the nonconforming use. If no adverse effects were found at the first meeting, the process would stop and there would be no amortization.

No one appeared regarding the proposed text amendment.

Mr. Archer moved to approve Zoning Text Amendment No. 2018-04, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4553, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY DELETING SECTION 1-304(C) IN ITS ENTIRETY AND ADDING A NEW SECTION 1-304(C) THEREBY REVISING THE REGULATIONS PERTAINING TO THE AMORTIZATION OF NONCOMFORMING USES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4553 recorded in Ordinance Book No. 111.)

17

Conduct a public hearing and consider an ordinance for Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on the property located at 705 State Highway 352.

(One response in opposition to the application has been received from a property owner within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

**A public hearing was held for Zoning Text Z0218-0022.**

**Jeff Armstrong, Interim Director of Planning and Development Services, stated that the property is a four-acre undeveloped tract and the applicant is requesting uses that are allowed by right in the General Retail zoning district. Mr. Armstrong reviewed the proposed stipulations and the proposed concept plan. Staff recommends the applicant consider securing a shared vehicle cross access connection with the property to the south and a sidewalk providing pedestrian cross access to all buildings.**

**Applicant Ryan Dykstra requested General Retail zoning throughout the entire project. The Texas Department of Transportation (TxDOT) will be utilizing 9,100 square feet of the property to add drainage infrastructure, which is contingent on the zoning change. There is not a project planned for the middle tract of the development; therefore, a shared vehicle cross access would not be needed with the proposed project.**

**No one appeared regarding the application.**

**Some Councilmembers expressed concerns regarding various uses permitted in General Retail zoning.**

**Mr. Noschese moved to postpone consideration of Application No. Z0218-0022, submitted by Ryan Dykstra on behalf of Vaquero Ventures, to amend Planned Development Ordinance No. 3872 to allow additional uses on property located at 705 State Highway 352 to allow time to address the concerns expressed by Council. Motion was seconded by Mr. Casper and approved unanimously.**

**18**

**Conduct a public hearing and consider an ordinance for Application No. Z0218-0024, submitted by Mohammad Qureshi on behalf of Qureshi and Nguyen Properties, to amend Planned Development Ordinance No. 3870 to allow additional uses on the property located at 3730 U.S. Highway 80.**

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

**A public hearing was held for Application No. Z0218-0024.**

**Jeff Armstrong, Interim Director of Planning and Development Services, stated that the applicant is requesting to expand the list of permitted uses in the existing multi-tenant building. The current zoning has limited uses on the property.**

**Applicant Mohammad Qureshi stated that the larger of the two suites has been leased by Charley's restaurant for approximately 10 years. He has been unable to maintain a suitable tenant in the smaller 900-square-foot suite and requested additional uses be permitted on the property.**

**No one appeared regarding the application.**

**Mr. Miklos moved to approve Application No. Z0218-0024, as recommended by the**

Planning and Zoning Commission, with the following stipulations, amending Stipulation No. 1 as follows:

1. All uses permitted by right in the General Retail zoning district are allowed on the Property except the prohibited uses listed in Subsections (a) and (b) of this paragraph. Uses listed in the Mesquite Zoning Ordinance as permitted by Conditional Use Permit in the General Retail zoning district are prohibited on the Property.
  - a. The following Retail Trade uses are prohibited on the Property:
    - 554 Limited Fuel Sales
    - 5947 Gift, Novelty, Souvenir Shops
    - 5993 Tobacco Stores
  - b. The following Services uses are prohibited on the Property:
    - 75 Automotive Repair, Services – all, including:
      - 7514 Passenger Car Rental
      - 7515 Passenger Car Leasing
    - 752 Automobile Parking (Lots and Structures)
    - 753 Automobile Repair Shops
    - 7542 Car Washes, including Detail Shops
    - 7549 Other Automotive Services
2. Removal of the existing pole sign located on the site.
3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the requirements of the proposed Community Appearance Manual.
5. Landscaping that includes:
  - a. One shade tree per 50 feet along right-of-way excluding the drive aisles.
  - b. Decorative plantings and/or landscaping around the monument sign.
  - c. A four-foot parking screen along the perimeter of any parking area parallel to the street.
  - d. Parking lot landscaping:
    - (1) One tree per 15 spaces located in the parking lot.
    - (2) Each tree shall be placed in a landscaped area no smaller than nine-feet by 18-feet.
  - e. Foundation landscaping around the building.
  - f. Enhance landscaping in southeast corner open space and the southwest corner open spaces with a combination of all the following:
    - (1) Bushes or hedges.
    - (2) At least two additional trees added in southeast corner.
    - (3) Flowerbeds and/or low ground plantings.
6. Masonry dumpster screening that matches the building.
7. Construction of sidewalk along the right-of-way.
8. The applicant shall file a revised site plan showing compliance with stipulations 1- 7 prior to filing a building permit application.

And to approve Ordinance No. 4554, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY DELETING THE EXISTING STIPULATIONS APPROVED IN ORDINANCE NO. 3870 IN THEIR ENTIRETY AND ADDING NEW STIPULATIONS TO ORDINANCE NO. 3870 ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT – GENERAL RETAIL THEREBY ALLOWING ADDITIONAL GENERAL RETAIL USES ON PROPERTY LOCATED AT 3730 U. S. HIGHWAY 80 EAST; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO

THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4554 recorded in Ordinance Book No. 111.)

19

Conduct a public hearing and consider an ordinance for Application No. Z0318-0026, submitted by Joe Hicks on behalf of Cumberland Presbyterian Church, to rezone property from Planned Development - Single-Family to Planned Development - Office to allow the property to be developed with an accounting office located at 819 North Town East Boulevard.

(One response in opposition to the application has been received from a property owner within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

**A public hearing was held for Application No. Z0318-0026.**

Jeff Armstrong, Interim Director of Planning and Development Services, stated that the Cumberland Presbyterian Church is centrally located on the 2.7133-acre tract and is proposing to sell the 0.47-acre tract located on the western portion of the property. The site plan consists of a 3,000-square-foot office building which will utilize the existing church driveway to access the business. Staff recommends the entire property be rezoned to Planned Development – General Office to eliminate the requirement of a masonry screening wall between the office building and church as well as setback requirements. The proposed zoning change will not affect the church.

The following persons spoke in favor of the application: (1) Applicant Joe Hicks, 4403 Harbinger Drive, Mesquite and (2) Barbara Cooper, 4910 Hidden Creek Road, Garland.

No others appeared regarding the application.

Mr. Noschese moved to approve Application No. Z0318-0026, as recommended by the Planning and Zoning Commission, with the following stipulations, amending Stipulation No. 3 as follows:

1. Development of the office building shall conform generally to the concept plan, attached to the ordinance, and subject to the City's environmental and site development regulations applicable to the Office Zoning District.
2. Uses shall be limited to those uses permitted by right in the Office Zoning District as prescribed in the City of Mesquite Zoning Ordinance.
3. District screening shall not be required from the adjacent residential district.

And to approve Ordinance No. 4555, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – SINGLE FAMILY TO PLANNED DEVELOPMENT – OFFICE SUBJECT TO CERTAIN STIPULATIONS THEREBY ALLOWING A NEW OFFICE BUILDING ON THE SUBJECT PROPERTY LOCATED AT 819 NORTH TOWN EAST BOULEVARD; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Casper and approved unanimously. (Ordinance No. 4555 recorded in Ordinance Book No. 111.)

**RECEIPT OF RESIGNATION**

- 20 Receive resignation from Donna Adams as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.
- Mr. Archer moved to accept the resignation of Donna Adams as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Aleman and approved unanimously.**

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 21 Consider appointment of one regular member and one alternate member to the Board of Adjustment for terms to expire January 1, 2020, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee, and two reserve alternate members for terms to expire January 1, 2019, and January 1, 2020.
- Mr. Archer moved to change the appointment of Bryan Odom from an alternate member to a regular member of the Board of Adjustment for a term to expire January 1, 2020, and to appoint George Rice as an alternate member for a term to expire January 1, 2019, who will also serve on the Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Mr. Casper and approved unanimously.**
- 22 Consider appointment of one regular member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire September 30, 2019.
- Mr. Aleman moved to change the appointment of Debbie Anderson from an alternate member to a regular member of the Planning and Zoning Commission/Capital Improvements Advisory Committee for a term to expire September 30, 2019. Motion was seconded by Mr. Archer and approved unanimously.**
- 23 Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Wednesday, June 6, 2018, at 9:30 a.m.
- Mr. Casper moved to appoint Stan Pickett and Greg Noschese to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held Wednesday, June 6, 2018, at 9:30 a.m. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:**
- Ayes:, Casper, Aleman, Pickett, Miklos, Archer, Boroughs**  
**Nayes: None**  
**Abstentions: Noschese**
- Motion carried.**
- 24 Consider reappointment of Dr. James Terry to serve as a voting director for the Mesquite Medical Center Management District (the "District") to fill the term for Position 4 on the Board of Directors of the District for a term expiring on June 1, 2021.

Mr. Casper moved to reappoint Dr. James Terry to serve as a voting director for the Mesquite Medical Center Management District (the "District") to fill the term for Position 4 on the Board of Directors of the District for a term expiring on June 1, 2021. Motion was seconded by Mr. Aleman and approved unanimously.

25

Consider appointment of Steven Nabors to serve as a voting director for the Mesquite Medical Center Management District (the "District") to fill the term for Position 5 on the Board of Directors of the District for a term expiring on June 1, 2021.

Mr. Archer moved to appoint Steven Nabors to serve as a voting director for the Mesquite Medical Center Management District (the "District") to fill the term for Position 5 on the Board of Directors of the District for a term expiring on June 1, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

**ADJOURNMENT**

Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 9:29 p.m.

Attest:

Approved:

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

\_\_\_\_\_  
Stan Pickett, Mayor