



City of Mesquite, Texas

Minutes - Final City Council

Monday, April 20, 2020

4:30 PM

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

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

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, this meeting was held by videoconference and telephone conferencing to support social distancing. City Councilmembers and City staff attended the meeting via videoconferencing with the exception of the Mayor, City Manager, City Attorney and City Secretary who were present in the City Council Chamber and practiced social distancing.

This meeting was streamed live at www.cityofmesquite.com/watchcouncilmeetings and on Facebook at www.facebook.com/cityofmesquitetx, as well as on Spectrum Digital Channel 16 and AT&T U-verse Channel 99.

Applicants having matters on the agenda appeared in person or via videoconferencing or telephone conferencing. Members of the public participated via video conferencing and telephone conferencing.

PRE-MEETING - COUNCIL CHAMBER - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Urgent Need funding allocated to Mesquite for COVID-19 assistance.

It was Council consensus to move forward with the suggested allocations.

- 2 Discuss COVID-19 Declaration of Local Disaster and Response.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:51 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 (Spradley Farms, L.C., as managing partner for Spradley Farms LTD; and Charles Spradley, in his official capacity v. The City of Mesquite, Texas, and Bruce Archer in his official capacity as Mayor of the City of Mesquite, and Sherry Wisdom, Kenny Green, Robert Miklos, Tandy Boroughs,

B. W. Smith and Daniel Aleman, Jr., of the Mesquite City Councilmen in their official capacity, Cause No. 104439-CC2 – Filed 2-6-20, Pending in County Court No. 2 of Kaufman County, Texas; and The Court of Appeals, Fifth District of Texas at Dallas, Case No. 05-20-00204-CV – Filed 2-18-20); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 5:26 p.m., the City Council reconvened in Open Session.

EXECUTIVE ACTION RESULTING FROM EXECUTIVE SESSION AT 4:51 P.M.

Mr. Miklos moved to authorize Mayor Archer, Councilmembers Robert Miklos and Sherry Wisdom, and City Staff to attend a mediation, on a mutually convenient date, in an effort to resolve the Spradley v. Mesquite dispute, Item No. 15 on the agenda pending litigation list. Motion was seconded by Mr. Green and approved unanimously.

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

INVOCATION

Councilmember B. W. Smith

PLEDGE OF ALLEGIANCE

Mayor Bruce Archer.

SPECIAL ANNOUNCEMENTS

- (1) Ms. Wisdom stated that businesses appear to be progressing with social distancing and more citizens are wearing masks. She reminded everyone to properly dispose of used masks and gloves.
- (2) Mr. Green reminded everyone to stay safe, utilize facial coverings and gloves and visit the City's website for coronavirus (COVID-19) updates.
- (3) Mr. Miklos concurred with Councilmembers' comments.
- (4) Mr. Boroughs requested that everyone keep the City's firefighters, police officers and all City staff in their thoughts and prayers and stay safe.
- (5) Mr. Smith stated that the park in Creek Crossing now has lights and will make a nice gathering place when this pandemic is over.
- (6) Mr. Smith stated that he is considering holding a future City Council, District 5, neighborhood meeting via the Zoom app.
- (7) Mr. Smith thanked Mayor Archer, City Manager Cliff Keheley and City staff for their efforts in keeping residents safe during these uncertain times.
- (8) Mr. Aleman concurred with Councilmembers' comments. He reminded citizens to complete the 2020 Census and to continue supporting local restaurants.
- (9) Mayor Archer expressed appreciation for each Councilmember. He thanked Mr. Boroughs for standing in for him at the March 30, 2020, Special City Council meeting due to the passing of his mother-in-law and thanked Councilmembers, City staff and citizens who expressed their condolences.
- (10) Mayor Archer stated that while we are working diligently to prevent the spread of COVID-19, we are working and preparing for safely phasing in and reopening our local businesses. He reminded everyone to be safe, don't take risks and we will overcome this challenge.

CITIZENS FORUM

- (1) Jake, 2136 Tradewind Drive, expressed concerns regarding travel per diems.
- (2) A resident, 1901 Pinehurst Lane, expressed concerns regarding golf passes.
- (3) Alicia Waring, 1306 Caladium Drive, suggested that residents be allowed to keep chickens in their backyard.
- (4) Richard Dalby, 2339 Heatherdale Drive, inquired as to whether a church rezoning was included on tonight's agenda.

CONSENT AGENDA**Approval of the Consent Agenda**

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

- 3** Minutes of the regular City Council meeting held March 16, 2020, and special City Council meeting held March 30, 2020.
Approved on the Consent Agenda.
- 4** A resolution authorizing the acceptance of a voluntary transfer of Section 8 Housing Choice Vouchers from the City of Balch Springs, Texas, as of July 1, 2020, and authorizing the City Manager to execute all necessary documents.
Approved on the Consent Agenda.

Resolution No. 16-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ACCEPTANCE OF A VOLUNTARY TRANSFER OF SECTION 8 HOUSING CHOICE VOUCHERS FROM THE CITY OF BALCH SPRINGS, TEXAS, AS OF JULY 1, 2020; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 16-2020 recorded in Resolution Book No. 59.)
- 5** Renewal of Bid No. 2019-037 - Annual Miscellaneous Concrete Work (Section A).
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., in the amount of \$2,688,475.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 6** Renewal of Bid No. 2019-054 - Annual Landscaping & Property Preservation Maintenance for Environmental Code.
(Authorize the City Manager to finalize and execute a renewal contract with DaltexPro Facility Services, LLC, in the amount of \$206,825.00. The term of this contract is for one year, with one additional one-year renewal option. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 7 RFP No. 2019-059 - Ceramic Work of Art for New Fire Station No. 4.
(Authorize the City Manager to finalize and execute a contract with Julie Richey Mosaics, LLC, in the amount of \$88,720.00.)

Approved on the Consent Agenda.

- 8 Bid No. 2020-010 - Concrete Channel Repair - Stream 2J2.
(Authorize the City Manager to finalize and execute a contract with low bidder GRod Construction, LLC, for the Base Bid in an amount not to exceed \$163,099.00.)

Approved on the Consent Agenda.

- 9 Bid No. 2020-042 - Annual Supply of Chevrolet Automotive and Light Truck OEM Parts.
(Staff recommends award to Autonation Chevrolet with a 12 percent discount off manufacturer list price, in the amount of \$80,000.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 10 RFP No. 2020-043 - Investment Advisory Services & Primary Depository Banking Consultation.
(Authorize the City Manager to finalize and execute a contract with Public Trust Advisors, LLC, in an amount not to exceed \$60,000.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 11 Bid No. 2020-053 - Annual Supply of Dodge OEM Parts.
(Staff recommends award to Dallas Dodge Chrysler Jeep in the amount of \$85,000.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 12 Bid No. 2020-066 - Purchase of Heavy Construction Equipment.
(Staff recommends award to Holt CAT in Dallas, Texas, through Sourcewell Contract No. 032119, in the amount of \$196,803.00.)

Approved on the Consent Agenda.

- 13 Bid No. 2020-067 - Purchase of Heavy-Duty Trucks.
(Staff recommends award to MHC Kenworth in Dallas, Texas, through BuyBoard Contract No. 601-19, in the amount of \$1,169,695.46.)

Approved on the Consent Agenda.

- 14 Authorize the City Manager to execute Change Order No. 1 to RFP No. 2020-021, Mesquite Convention Center - Kitchen Renovation, with DMD Elite, LLC d/b/a United Construction, reducing the total amount of the contract by \$152,025.86.
- Approved on the Consent Agenda.**
- 15 Approve Amendment No. 1 to the Fiscal Year 2019-20 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$183,000.00.
- Approved on the Consent Agenda.**
- 16 Authorize the City Manager to finalize and execute Contract Amendment No. 3 to a contract with Prime Time Group, Inc., for right-of-way acquisition professional services in the amount of \$70,000.00.
- Approved on the Consent Agenda.**
- 17 Authorize the City Manager to finalize and execute a contract with Newgen Strategies and Solutions, LLC, to develop a City Solid Waste Master Plan in the amount of \$239,790.00.
- Approved on the Consent Agenda.**
- 18 Authorize the City Manager to execute the Advance Funding Agreement for a project using funds held in the SH 121 Subaccount with the Texas Department of Transportation in the amount of \$400,000.00 and the remainder being paid by the City of Mesquite in the amount of \$227,265.00 for the construction of the Mesquite - Garland hike and bike trail.
- Approved on the Consent Agenda.**
- 19 Authorize the Fire Chief to finalize and execute a Program Letter Agreement for Graduate Medical Education with the University of Texas Southwestern Medical Center (UTSW) which sets forth the responsibilities in the clinical education of trainees enrolled in the UTSW Emergency Medical Services Fellowship Program.
- Approved on the Consent Agenda.**
- 20 Ratify the purchase of a total of 18 police vehicles; specifically, six police vehicles from Silsbee Ford, through BuyBoard Contract No. 601-19, in the amount of \$175,121.00; four police vehicles from Sam Pack's Five Star Ford, through Texas Smart Buy Contract No. 070-A1, in the amount of \$131,540.00; five police vehicles from Lake Country Chevrolet, through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. VE-11-18, in the amount of \$165,003.35; and three police vehicles from Freedom Chevrolet, through Tarrant County Contract No. 2019-14, in the amount of \$91,800.00, for a total amount of \$563,464.35.
- Approved on the Consent Agenda.**

PUBLIC HEARINGS**21**

Conduct a public hearing and consider an ordinance for Application No. Z0220-0130, submitted by Adel Atalla for a change of zoning by amending Planned Development - General Retail Ordinance No. 4270 on property located at 1711 West Scyene Road to allow additional uses permitted in the Planned Development - General Retail Ordinance No. 4270 and adding conditional use permits to allow the sale of used cell phones at Suite B and a carwash.

(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 Application No. Z0220-0130.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed amendment would allow additional uses plus conditional use permits for the sale of used cell phones and a carwash at the northwest corner of IH 635 and Scyene Road. Mr. Armstrong reviewed the proposed stipulations. Mr. Armstrong stated that no outdoor storage is allowed at this location and no tire changing can occur outside of the building.

Applicant Adel Atalla stated that he operated a service station and car wash for 28 years at this location. Due to additional competition, he removed fuel sales from the premises, along with the canopy and fueling stations. Mr. Atalla is seeking to add the sale of new and used cell phones, as well as repair, and a hand car wash detailing service to the types of businesses allowed on the property. Mr. Atalla agreed to the outdoor display of tires during operating hours only.

No one appeared regarding the proposed amendment.

Mr. Miklos moved to approve Application No. Z0220-0130, as recommended by the Planning and Zoning Commission, with the following stipulations, modifying Stipulation Nos. 3 and 4 and adding Stipulation No. 6, as follows:

1. All uses permitted in the General Retail District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the General Retail District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the General Retail District only by Conditional Use Permit ("CUP") is permitted in this district only by CUP.

a. The following uses are prohibited on the Property:

- 01 Crop Production
- 02 Livestock Production
- 48 Communication (a and b)
- 49 Electric, Gas, Sanitary Sewer (c and d)
- 60 a. Alternate Financial Establishments
- 61 a. Alternate Financial Establishments
- 7299 Miscellaneous Personal Services (NEC)
- 726 Personnel Supply Services
- 752 Automobile Parking Lots (Lots and Structures)
- 89 Miscellaneous Services, NEC

b. The following uses will require a CUP:

5993 Tobacco Stores

726 Funeral Service, Crematories

7514 Passenger Car Rental

7515 Passenger Car Leasing

2. Seven large shade or evergreen trees are to be installed and maintained on the property in accordance with Section 1A-100 of the Mesquite Zoning Ordinance.

3. All required landscaping is to be installed within six months of City Council approval.

4. Outdoor storage and display, including incidental outdoor display, shall be prohibited, provided that incidental outdoor display shall be permitted for a tire business, with tires to be located within five feet of the portion of the building that houses the tire business. All tires shall be inside of the building at any time the tire business is not open.

5. All work and business activity shall be conducted inside an enclosed building.

6. Conditional use permits for used phone sales and a carwash are hereby approved for a period of one year from the date of this ordinance. Application for a new CUP may be made at the end of the one-year period with an application fee of \$300.00.

And to approve Ordinance No. 4774, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING BY AMENDING PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 4270 ON PROPERTY LOCATED AT 1711 WEST SCYENE ROAD TO ALLOW ADDITIONAL USES PERMITTED IN THE PLANNED DEVELOPMENT - GENERAL RETAIL ORDINANCE NO. 4270, AND ADDING CONDITIONAL USE PERMITS TO ALLOW THE SALE OF USED CELL PHONES AT SUITE B AND A CARWASH 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. Smith and approved unanimously. (Ordinance No. 4774 recorded in Ordinance Book No. 119.)

22

Conduct a public hearing and consider an ordinance for Application No. Z0220-0131, submitted by the City of Mesquite, for a change of zoning from Light Commercial to Light Commercial with a Conditional Use Permit to allow the sale and outdoor display of new and used vehicles, located at 15900 Interstate Highway 635.

(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 Application No. Z0220-0131.

Jeff Armstrong, Director of Planning and Development Services, stated that a Conditional Use Permit (CUP) was issued in 1994 for new car sales on the 4.650-acre tract located at 15900 Interstate Highway 635. In 1996, a Certificate of Occupancy (CO) was issued to allow new car sales and up to 40 percent used car sales. Staff found no records indicating Council approved the sale of used cars. A new CO application was recently submitted due to a change in ownership and staff initiated the CUP to bring the property in compliance with the zoning.

No one appeared regarding the proposed amendment.

Mr. Green moved to approve Application No. Z0220-0131, as recommended by the Planning and Zoning Commission, with the following stipulations, as follows:

1. Up to 40 percent of the combined parking and display spaces shall be permitted for used vehicles.
2. No expansion of the outdoor storage area is allowed.
3. Each car on display must be parked/displayed fully within a striped parking space or inside of a building.

And to approve Ordinance No. 4775, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT ("CUP") ON PROPERTY LOCATED AT 15900 IH-635 TO ALLOW THE SALE OF NEW AND USED VEHICLES WITH A MAXIMUM 40 PERCENT OF LOT INVENTORY TO INCLUDE USED VEHICLES AND TO ALLOW AN OUTDOOR DISPLAY LOT TO SELL NEW AND USED VEHICLES 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 Ms. Wisdom and approved unanimously. (Ordinance No. 4775 recorded in Ordinance Book No. 119.)

23

Conduct a public hearing and consider possible action regarding a request from Christopher Brown on behalf of Kodiak Brands, Inc., to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the eastern property line of property located at 1510 East Kearney Street. (No responses in favor and two in opposition to the application have been received from property owners within the statutory notification area.)

A public hearing was held to consider a request to waive the requirement for an eight-foot-tall, long-span precast masonry screen wall along the eastern property line of property located at 1510 East Kearney Street.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to construct an industrial warehouse building and is required to construct an eight-foot-tall, long-span precast decorative concrete screening wall along the adjacent residential property. The applicant proposes to construct a six-foot iron fence around the perimeter of the property. Mr. Armstrong reviewed options for the Council to consider.

Applicant Christopher Brown stated that they are proposing to develop the property with sewer by constructing a building to complement his current technology business located on East Glen Boulevard in Mesquite that manufactures and sells access control products. Mr. Brown is seeking to purchase an additional tract facing SH 352 that would grant sewer access to the property. Mr. Brown stated that he would prefer not to install a board-on-board wooden fence on the east side of the property due to additional maintenance costs but would be willing to consider additional options.

Dale Graves, 202 Suntide, Sunnyvale, representing the applicant, spoke in favor of the application.

Larry Langley, 375 SH 352, is the adjacent property owner and spoke in opposition to the application.

No others appeared regarding the screening wall waiver request.

Mr. Green moved to postpone consideration of a request to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the eastern property line of property located at 1510 East Kearney Street to the May 4, 2020, City Council meeting to allow time to address concerns. Motion was seconded by Mr. Smith and approved unanimously.

24

Conduct a public hearing and consider an ordinance for Application No. Z0519-0097, submitted by Heartland Retail, LLC, for a change of zoning from Agricultural and General Retail to Planned Development - General Retail on property located at the southeast corner of IH-20 and FM 741 to allow for personal services, retail and restaurant uses in addition to other uses allowed in the General Retail zoning district.

(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 August 5, 2019, City Council meeting to an undetermined date.)

A public hearing was held for Application No. Z0519-0097.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to rezone 25 acres currently zoned General Retail and 1.9 acres currently zoned Agricultural to a new Planned Development – General Retail district at the southeast corner of IH 20 and FM 741. The purpose of the Planned Development is to add the 1.9 acres to the retail development consisting of a potential grocery store, five retail office buildings and six pad sites along the frontage of FM 741. The signage includes a multi-tenant sign, a pole sign along IH 20 and an entry monument sign. Mr. Armstrong reviewed the proposed stipulations.

Phillip Huffines, representing the applicant, requested a Conditional Use Permit (CUP) for a convenience store with fuel sales for one of the six pad sites.

Mr. Armstrong stated that staff did not publish for a CUP; therefore, a CUP cannot be approved tonight. However, the Council can modify the permitted uses and allow a convenience store as one of the uses by right.

Attorney Melissa Lindelow, representing the applicant, requested clarification on the definition of fueling positions.

Mr. Armstrong stated that each fuel pump has two fueling positions.

Mr. Huffines requested 16 fueling positions to be allowed for the convenience store.

No one appeared regarding the proposed amendment.

Mr. Aleman moved to approve Application No. Z0519-0097, as recommended by the Planning and Zoning Commission, with the following stipulations and modifying Stipulation No. 3, as follows:

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached to the ordinance as Exhibit "B." The number of lots and the Permissible Building Area ("PBA") sizes shown on Exhibit "B" of the ordinance may be modified provided that parking and other development standards are met.
2. All uses permitted in the General Retail District are allowed on the Property except as modified in Subsections "a," "b" and "c" of Paragraph 3 immediately below. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the General Retail District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the General Retail District only by Conditional Use Permit ("CUP") is permitted in this Planned Development only by CUP.
3. Uses permitted or prohibited.
 - a. The following uses are permitted on the Property:
 - 526 Retail Nursery, Garden Supply
 - 554 Limited Fuel Sales (no more than eight fueling positions) is permitted as an accessory use to a grocery store
 - 5812a Drive-in Restaurant
 - 5812b Restaurant holding a Food and Beverage Certificate with Private Club
 - 7215 Dry Cleaning (excluding Coin-Operated Laundries)
 - 7334 Commercial Photography
 - 7336 Commercial Art, Graphics Design
 - b. The following use may be permitted on the Property by CUP:
 - 549a One Convenience Store with Refueling Station and Self-Service Gasoline Sales shall be permitted by right and be allowed to have a maximum of 8 fuel pumps (16 fueling positions). Any additional convenience store(s) shall require approval of a conditional use permit.
 - c. The uses prohibited on the Property are defined/identified in Exhibit "C" of the ordinance and incorporated by reference.
4. A cross access easement shall be provided on each lot at the time of development and shall be shown on the plat to be filed in Kaufman County.
5. A Traffic Impact Analysis ("TIA") is required in accordance with the Mesquite Engineering Design Manual.
6. The minimum setback to an adjacent lot line of property in a residential zoning district shall be 70 feet from the residential lot line.
7. The minimum number of off-street parking spaces shall be provided as required by Section 3-400 of the Mesquite Zoning Ordinance except that one parking space per 250-square feet of gross floor area shall be provided for retail, restaurant and personal service uses. Reduction in this requirement may be provided as authorized by Section 3-403 of the Mesquite Zoning Ordinance.
8. Each lot within the Property shall have frontage on a public or private street, or be accessible by an access easement, which is dedicated by plat filed in Kaufman County.
9. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. The landscaping shall comply with the requirements in Section 1A of the Mesquite Zoning Ordinance and be consistent with the landscaping shown on the Concept Plan with the additional stipulations listed below:
 - a. A landscape area equal to a minimum of 15 percent of the Property shall be provided by the time of full development of the Property, and landscaped areas located in adjacent right-of-way and maintained by the property owner's association for the Property shall be counted to satisfy the 15 percent requirement. In no case shall any individual lot have less than 10 percent landscaping.

- b. A landscape buffer shall be provided along the ROW with a minimum depth of 15 feet.
- c. One tree is required for every 500 square feet of required landscaping, which shall also include that one large shade tree shall be provided for each 35 linear feet along the ROW and shall be planted within the 15-ft landscape buffer no more than 35 feet apart.
- d. Ten evergreen shrubs shall be provided for each 30 linear feet along the ROW and shall be planted in the 15-ft landscape buffer.
- e. When a parking area contains 20 or more parking spaces, the interior of the area shall be landscaped by providing a minimum of one tree for every 12 parking spaces or fraction thereof and at the terminus of all rows of parking. Such islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height.
10. District screening between the Planned Development and the adjacent residentially zoned property shall consist of a five-foot-high wrought iron fence along the southeast and northeast edge of paving as noted on the Concept Plan. Evergreen trees, selected from Section 1A-500, shall be installed and maintained adjacent to the fence on the interior next to the wrought iron fence at intervals to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. The screening will be located at the edge of the paving.
11. Signage.
- a. The design of all free-standing signs shall be consistent with the conceptual signage designs shown in Exhibit "D" of the ordinance and shall not exceed the sizes shown for each sign type in Exhibit "D" of the ordinance. The freestanding signs shall be located on the Property as shown in Exhibit "B" of the ordinance.
- b. Multi-tenant signs may advertise any business located within the Planned Development, regardless of individual lot lines, without being considered off-premise (billboard) signage.

And to approve Ordinance No. 4776, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE AND GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF IH-20 AND FM-741 TO ALLOW FOR PERSONAL SERVICES, RETAIL AND RESTAURANT USES IN ADDITION TO OTHER USES ALLOWED IN THE GENERAL RETAIL ZONING DISTRICT SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4776 recorded in Ordinance Book No. 119.)

25

A. Conduct a public hearing under Chapter 311 of the Texas Tax Code to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) ("the Zone"), enlarging the boundaries and increasing the geographic area of the Zone to include a tract of land consisting of approximately 1.935 acres and being generally located south of IH-20, east of FM 741 and north of Heartland Parkway in Kaufman County, Texas and being located within the corporate limits of the City of Mesquite, Texas ("the 1.935 Acre Tract"); extending the term of the Zone for an additional seven (7) years to expire December 31, 2055; increasing the total estimated project costs for the

Zone; and the concept of tax increment financing.

B. Consider an ordinance approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) (“the Zone”), enlarging the boundaries and increasing the geographic area of the Zone to include a tract consisting of approximately 1.935 acres and being generally located south of IH-20, east of FM 741 and north of Heartland Parkway in the Martha Music survey, Abstract No. 312, in Kaufman County, Texas, and being located within the corporate limits of the City of Mesquite, Texas, bringing the total zone area to 148.681 acres, extending the term of the Zone for an additional seven years to expire December 31, 2055, and increasing the total estimated project costs for the Zone; amending Ordinance No. 4532, previously approved by the City Council on December 18, 2017, amending Ordinance No. 4574, previously approved by the City Council on June 18, 2018, making a finding of feasibility; providing that the enlarged Zone shall take effect immediately upon passage of this ordinance; providing a repealer clause; providing a severability clause; and providing an effective date.

A public hearing was held to consider approving an amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Eleven, City of Mesquite, Texas, Heartland Town Center Tax Increment Reinvestment Zone (TIRZ).

Ted Chinn, Assistant City Manager, stated that in June 2018, the City Council approved a Project Plan and Reinvestment Zone Financing Plan (Plan) for the Heartland Town Center TIRZ. In August 2018, the original developer sold the residential tract to D.R. Horton and the commercial tract to Huffines Communities. Huffines notified the City of its desire to rezone the General Retail tract into a Planned Development – General Retail (PD-GR) district and include the 1.9-acre tract in the PD-GR district. The proposed changes to the Plan include expanding the geographic boundary of the TIRZ to include the 1.9-acre tract in the TIRZ and to extend the term of the TIRZ an additional seven years to expire December 31, 2055. The developer will be reimbursed \$2,170,667 from the TIRZ that will help pay for public infrastructure. The Heartland Town Center TIRZ Board met earlier today and adopted the amended Plan.

No one appeared regarding the amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Eleven, City of Mesquite, Texas.

Mr. Aleman moved to approve Ordinance No. 4777, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESTMENT ZONE NUMBER ELEVEN, CITY OF MESQUITE, TEXAS (HEARTLAND TOWN CENTER) (THE “ZONE”); ENLARGING THE BOUNDARIES AND INCREASING THE GEOGRAPHIC AREA OF THE ZONE TO INCLUDE A TRACT CONSISTING OF APPROXIMATELY 1.935 ACRES AND BEING GENERALLY LOCATED SOUTH OF IH-20, EAST OF FM 741 AND NORTH OF HEARTLAND PARKWAY IN THE MARTHA MUSIC SURVEY, ABSTRACT NO. 312, IN KAUFMAN COUNTY, TEXAS, AND BEING LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, BRINGING THE TOTAL ZONE AREA TO 148.681 ACRES, EXTENDING THE TERM OF THE ZONE FOR AN ADDITIONAL SEVEN YEARS TO EXPIRE DECEMBER 31, 2055, AND INCREASING THE TOTAL ESTIMATED PROJECT COSTS FOR THE ZONE; AMENDING ORDINANCE NO. 4532, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON DECEMBER 18, 2017,

AMENDING ORDINANCE NO. 4574, PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JUNE 18, 2018, MAKING A FINDING OF FEASIBILITY; PROVIDING THAT THE ENLARGED ZONE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THIS ORDINANCE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4777 recorded in Ordinance Book No. 119.)

26

Consider a resolution authorizing the City Manager to finalize and execute a reimbursement agreement between the City of Mesquite, Texas, Board of Directors of Reinvestment Zone Number Eleven, City of Mesquite, Texas (Heartland Town Center) (the "Zone") and Heartland Retail, LLC, regarding the reimbursement of project costs for public improvements within the retail tract of the Zone.

Ted Chinn, Assistant City Manager, stated that the proposed resolution authorizes the execution of a Tax Increment Reinvestment Zone (TIRZ) reimbursement agreement whereby the TIRZ Board of Directors has agreed to dedicate an allocation of 25 percent of TIRZ revenues collected within the boundaries of the retail tract to directly reimburse the developer for eligible public improvement costs for a maximum amount of \$2,170,667.00. The agreement stipulates that construction must begin by December 31, 2025, and the public improvements must be completed by April 20, 2028. The construction of the park area, open space and landscape plan must be approved by the Planning and Development Services Director.

Mr. Aleman moved to approve Resolution No. 17-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS, BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ELEVEN, CITY OF MESQUITE, TEXAS (HEARTLAND TOWN CENTER) (the "ZONE"), AND HEARTLAND RETAIL, LLC, REGARDING THE REIMBURSEMENT OF PROJECT COSTS FOR PUBLIC IMPROVEMENTS WITHIN THE RETAIL TRACT OF THE ZONE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Wisdom and approved unanimously. (Resolution No. 17-2020 recorded in Resolution Book No. 59.)

27

Conduct a public hearing and consider a resolution approving the terms and conditions of a Development Agreement and Chapter 380 Grant Agreement ("Agreement") for a program to promote local economic development and stimulate business and commercial activity in the City and authorizing the City Manager to finalize and execute the Agreement for such purposes with Heartland Retail, LLC, ("Developer") and UST-Heartland, L.P., providing a grant to the Developer and authorizing the City Manager to administer the Agreement on behalf of the City for the retail development on property generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway in the corporate limits of the City of Mesquite in Kaufman County, Texas.

A public hearing was held to consider a Chapter 380 agreement with Heartland Retail, LLC, and UST-Heartland, L.P., for the retail development on property generally located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway.

Ted Chinn, Assistant City Manager, stated that the proposed Chapter 380 agreement will grant the developer 50 percent of net general sales tax revenue collected from the grocery store for a period of no more than 10 years after a certificate of occupancy on the grocery store has been issued or sales tax reimbursements total \$393,000.00, whichever occurs first. The sales tax reimbursement is conditioned on the grocery store containing a minimum of 50,000-square-feet and developed within the Heartland retail tract. The proposed agreement also grants the developer the reimbursement of any roadway impact fees paid to the City in connection with the development of the property, not to exceed \$574,441.00. The developer will adhere to specific architectural guidelines and landscaping throughout the development.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Aleman moved to approve Resolution No. 18-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A DEVELOPMENT AGREEMENT AND CHAPTER 380 GRANT AGREEMENT ("AGREEMENT") FOR A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE THE AGREEMENT FOR SUCH PURPOSES WITH HEARTLAND RETAIL, LLC ("DEVELOPER") AND UST-HEARTLAND, L.P., PROVIDING A GRANT TO THE DEVELOPER AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY FOR THE RETAIL DEVELOPMENT ON PROPERTY GENERALLY LOCATED SOUTH OF INTERSTATE HIGHWAY 20, EAST OF FM 741 AND NORTH OF HEARTLAND PARKWAY IN THE CORPORATE LIMITS OF THE CITY OF MESQUITE IN KAUFMAN COUNTY, TEXAS; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 18-2020 recorded in Resolution Book No. 59.)

RECEIPT OF RESIGNATION

28 Receive resignation from Jerome Geisler as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.

Mr. Green moved to accept the resignation of Jerome Geisler as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. Motion was seconded by Mr. Smith and approved unanimously.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Wisdom and approved unanimously. The meeting adjourned at 10:21 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor