



City of Mesquite, Texas

Minutes - Final City Council

Monday, June 15, 2020

4:00 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.

PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 4:05 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Item No. 26 - Discuss proposed lease of 117 West Main Street); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 4:27 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 4:27 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 (Tejas Motel, LLC v. City of Mesquite, acting by and through its Board of Adjustment, Cause No. DC-18-16933 – Filed 11-8-18; on appeal to the U.S. Court of Appeals at Dallas, Case No. 05-19-00667-CV; Petition of Magali Villarreal (MISD Bus Accident on 10-3-2018), Cause No. DC-19-06974 – Filed 5-15-19; Torey Thomas v. The City of Mesquite, Texas, Cause No. CC-20-00030-A – Filed 1-3-20; 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 Council Conference Room. After the closed meeting ended at 4:50 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.
- 2 Receive briefing regarding possible park land dedication ordinance.
- 3 Discuss updates to the City Council Policies and Procedures.

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

- 5 Receive quarterly activity report from the Economic Development Department.

This item was not discussed.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:07 P.M.

INVOCATION

Lois Buford, Vice Regent, Daughters of the American Revolution.

PLEDGE OF ALLEGIANCE

Daughters of the American Revolution.

SPECIAL ANNOUNCEMENTS

1. Mr. Aleman stated that the City's summer camps will begin, at select locations, on Monday, June 22, 2020. With guidance from the public health officials, the City has developed new protocols to offer safe and fun activities at these camps.
2. Mr. Smith encouraged volunteers to participate in the Addressing Mesquite Day event scheduled for Saturday, October 3, 2020. This event helps homeowners in need with minor exterior home repairs and landscape projects.
3. Mr. Boroughs reminded citizens that July 31, 2020, is the deadline to purchase a \$50.00 brick to be placed in the walkway leading up to the Mesquite Veterans Memorial for the November 2020, dedication event. Each brick can be engraved with a three-line personal message.
4. Mr. Boroughs stated that he is proud of the progress being made with the redevelopment of Downtown Mesquite and encouraged residents to visit the downtown square.
5. Mr. Miklos encouraged residents to complete the 2020 Census. By completing the census, additional federal funding will be available to the City for healthcare, education, transportation and other services.
6. Mr. Miklos reminded residents that discharging firearms or fireworks in the Mesquite city limits is illegal. The Police Department will be enforcing these laws and issuing citations to violators.
7. Mr. Green announced that COVID-19 testing will open on Tuesday, June 16, 2020, at the drive-thru pharmacy window at the Walmart Neighborhood Market, 915 North Town East Boulevard. Testing for adults, 18 years and older, will take place each Tuesday and Thursday, from 8:00 a.m. to 9:00 a.m. However, appointments are required.
8. Mr. Green stated that No Parking signs have been installed on Kate Sidran Way, between the Villas at Vanston Park and the adjacent shopping center, which will allow for better traffic flow for residents and emergency vehicles.

9. Ms. Wisdom stated that STAR Transit is seeking feedback from Mesquite residents for the Transit Service Development Plan, which is a major component of this plan.
10. Ms. Wisdom invited citizens to attend a City Council District 1 and District 2 Neighborhood Meeting on Saturday, August 1, 2020, at Florence Recreation Center, 2501 Whitson Way.
11. Mayor Archer announced that as a result of the kick-off event for "Recovery Mesquite" held on May 30, 2020, more than \$1,300.00 in donations and 587 pounds of food were received for Mesquite Social Services and Sharing Life Community Outreach. He thanked everyone for their generosity and to "Shop Mesquite" to help our local businesses in their recovery.
12. Mayor Archer invited citizens to join him in spreading love and kindness by being out in their front yards on Tuesday, June 23, 2020, between 6:30 p.m. to 8:00 p.m., and greet everyone that walks or drives by their home.

CITIZENS FORUM

1. Carrie Esch, 2301 Ithaca Drive, expressed support for creation of a Citizens Oversight Board for the Mesquite Police Department.
2. Monica Black, 6204 Northwest Court, expressed concerns regarding a hit and run accident involving a Price Elementary School student.
3. Ukiah Swain, 1415 Springwood Drive, expressed concerns regarding racial equality and support for creation of a Citizens Oversight Board for the Mesquite Police Department.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Miklos requested that Item Nos. 7-11 and 17 be removed from the Consent Agenda to be considered separately. Mr. Miklos moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Wisdom and approved unanimously.

- 6** Minutes of the regular City Council meeting held June 1, 2020.

Approved on the Consent Agenda.

- 12** Bid No. 2017-063 - Annual Supply of Auto and Truck Parts and Accessories.
(Staff recommends ratification of the contract with Genuine Parts Company/NAPA Auto Parts through a cooperative purchasing agreement with Sourcewell, formerly National Joint Powers Alliance, in the amount of \$85,000.00 through September 6, 2020, and authorizing the City Manager to exercise the remaining one-year renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 13** Bid No. 2020-041 - Annual Uniform Rental Services.
(Authorize the City Manager to execute a contract with UniFirst Corporation in an amount not to exceed \$110,000.00. 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.

- 14 Bid No. 2020-049 - Town Ridge, Pecan Bend, Woodlawn, Skyline Neighborhoods Paving Improvements.
(Authorize the City Manager to finalize and execute a contract with low bidder Estrada Concrete Company, LLC, in the amount of \$4,867,495.00.)
Approved on the Consent Agenda.
- 15 Bid No. 2020-063 - Annual Supply of Transmission and Differential Parts.
(Authorize the City Manager to execute a contract with MHC Kenworth in the amount of \$74,891.15. 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.
- 16 Bid No. 2020-064 - Annual Supply of Aftermarket Vehicle Replacement Parts.
(Authorize the City Manager to execute a contract with low bidder O'Reilly Auto Parts, with a discount of 41 percent or better off list price, in the amount of \$65,000.00. 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.
- 18 Authorize the Mayor to execute a Second Amendment to the Agreement between the City of Mesquite and Municipal Court Judge Steve Crane.
Approved on the Consent Agenda.
- 19 Approve the purchase of a tract of land containing approximately 3.716 acres and being located in the John Pike Survey, Abstract Number 1174, City of Mesquite, Dallas County, Texas, and being commonly referred to as 2077 Berry Road, Mesquite, Texas (the "Property") from Murdoc Ruth Howle (the "Seller") for the purchase price of \$285,000.00, plus closing costs, authorize the City Manager to finalize and execute a Real Estate Sales Contract between the Seller and the City for the purchase of the Property, and authorize the City Manager to execute all other documents and take all other actions necessary or requested to finalize the closing and purchase of the Property.
Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

- 7 An ordinance amending Chapters 9 and 10 of the Mesquite City Code thereby updating certain regulations and offenses in both chapters regarding the parking of commercial motor vehicles, oversized vehicles, or recreational vehicles in residential areas.
Mr. Miklos moved to table consideration of an ordinance amending Chapters 9 and 10 of the Mesquite City Code thereby updating certain regulations and offenses in both chapters regarding the parking of commercial motor vehicles, oversized vehicles, or recreational vehicles in residential areas. Motion was seconded by Mr. Boroughs and approved unanimously.

8

An emergency measure ordinance of the City of Mesquite, Texas, authorized pursuant to Mesquite City Charter, Article IV, Section 18 and Section 19; continuing the Mayor's Declaration of Local State of Disaster for Public Health Emergency related to COVID-19 issued on March 23, 2020, and as further continued and authorized by Ordinance No. 4773 and Ordinance No. 4781; confirming the continued activation of the City's emergency management plans; adopting and approving certain rules and orders to protect the health and safety of persons in the City and to help abate the public health emergency; authorizing the City Manager or his designee to make certain decisions and to take necessary actions to meet City objectives to have City government remain functional while providing essential governmental services during this rapidly changing environment created by the public health emergency; making various findings and provisions related to the subject; making it an offense to fail to comply with a state, local, or interjurisdictional emergency management plan or any rule, order, or ordinance adopted under the plan and providing a penalty in an amount not to exceed one thousand dollars (\$1,000.00) for each offense.

Mr. Green moved to approve Ordinance No. 4784, as provided to the City Council on June 12, 2020, which included the Governor's latest order, AN EMERGENCY MEASURE ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZED PURSUANT TO MESQUITE CITY CHARTER, ARTICLE IV, SECTION 18 AND SECTION 19; CONTINUING THE MAYOR'S DECLARATION OF LOCAL STATE OF DISASTER FOR PUBLIC HEALTH EMERGENCY RELATED TO COVID-19 ISSUED ON MARCH 23, 2020 AND AS FURTHER CONTINUED AND AUTHORIZED BY ORDINANCE NO. 4773 AND ORDINANCE NO. 4781; CONFIRMING THE CONTINUED ACTIVATION OF THE CITY'S EMERGENCY MANAGEMENT PLANS; ADOPTING AND APPROVING CERTAIN RULES AND ORDERS TO PROTECT THE HEALTH AND SAFETY OF PERSONS IN THE CITY AND TO HELP ABATE THE PUBLIC HEALTH EMERGENCY; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE CERTAIN DECISIONS AND TO TAKE NECESSARY ACTIONS TO MEET CITY OBJECTIVES TO HAVE CITY GOVERNMENT REMAIN FUNCTIONAL WHILE PROVIDING ESSENTIAL GOVERNMENTAL SERVICES DURING THIS RAPIDLY CHANGING ENVIRONMENT CREATED BY THE PUBLIC HEALTH EMERGENCY; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; MAKING IT AN OFFENSE TO FAIL TO COMPLY WITH A STATE, LOCAL, OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLAN OR ANY RULE, ORDER, OR ORDINANCE ADOPTED UNDER THE PLAN AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EFFECTIVE DATE; AND DECLARING AN EXPIRATION DATE. Motion was seconded by Ms. Wisdom and approved unanimously. (Ordinance No. 4784 recorded in Ordinance Book No. 120.)

9

Authorize the City Manager to finalize and execute a Settlement Agreement with Spradley Farms, L.C., as managing partner for Spradley Farms, LTD, consistent with the terms of the Rule 11 and Settlement Agreement approved by the City Council of Mesquite, Texas, on June 8, 2020, and to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and authorize the City Manager to administer the agreement on behalf of the City.

Mr. Aleman moved to postpone consideration of authorizing the City Manager to finalize and execute a Settlement Agreement with Spradley Farms, L.C., as

managing partner for Spradley Farms, LTD, consistent with the terms of the Rule 11 and Settlement Agreement approved by the City Council of Mesquite, Texas, on June 8, 2020, and to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement, and authorize the City Manager to administer the agreement on behalf of the City to a future City Council meeting to occur as soon as practicable following agreement by Council for the parties on the form of the settlement documentation. Motion was seconded by Mr. Boroughs and approved unanimously.

10

A resolution authorizing the City Manager to finalize and execute an Amended and Restated Master Development Agreement with the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), and Spradley Farms, LTD, regarding the development of approximately 652 acres of land generally located between FM 2757 and IH-20, and north of IH-20 east of FM 740 in Kaufman County, Texas, located within the corporate limits of the City of Mesquite, Texas, as a mixed use development consisting of residential and commercial components and other associated uses and being commonly referred to as "Spradley Farms"; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City.

Mr. Aleman moved to postpone consideration of a resolution authorizing the City Manager to finalize and execute an Amended and Restated Master Development Agreement with the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), and Spradley Farms, LTD, regarding the development of approximately 652 acres of land generally located between FM 2757 and IH-20, and north of IH-20 east of FM 740 in Kaufman County, Texas, located within the corporate limits of the City of Mesquite, Texas, as a mixed use development consisting of residential and commercial components and other associated uses and being commonly referred to as "Spradley Farms"; authorizing the City Manager to take such actions and execute such documents as are necessary or advisable to consummate the transactions contemplated by the agreement and authorizing the City Manager to administer the agreement on behalf of the City to a future City Council meeting to occur as soon as practicable following agreement by Council for the parties on the form of the settlement documentation. Motion was seconded by Mr. Boroughs and approved unanimously.

11

A resolution repealing Resolution No. 01-2020 and adopting a resolution consenting to and evidencing support for creation of the Spradley Farms Improvement District of Kaufman County through the Texas Commission on Environmental Quality, to include approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate Highway 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate Highway 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and providing an effective date.

Mr. Aleman moved to postpone consideration of a resolution repealing Resolution No. 01-2020 and adopting a resolution consenting to and evidencing support for creation of the Spradley Farms Improvement District of Kaufman

County through the Texas Commission on Environmental Quality, to include approximately 621.998 acres of land, consisting of approximately 613.573 acres generally located south of Interstate Highway 20, north and east of FM 2757, and north and west of Union Hill Road, and approximately 8.425 acres generally located north of Interstate Highway 20 and southwest of Cimarron Trail, all of such property being located in Kaufman County, Texas, and within the corporate limits of the City of Mesquite, Texas, and providing an effective date to a future City Council meeting to occur as soon as practicable following agreement by Council for the parties on the form of the settlement documentation. Motion was seconded by Mr. Boroughs and approved unanimously.

17

Bid No. 2020-091 - Purchase of Seven Half-Ton Pickups.

(Staff recommends award to Silsbee Ford, in Silsbee, Texas, through TIPS USA 200206 Transportation Vehicles, in the amount of \$223,122.00.)

Ms. Wisdom moved to postpone consideration of Bid No. 2020-091, Purchase of Seven Half-Ton Pickups, to the July 6, 2020, City Council meeting. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARINGS

20

Conduct a public hearing and consider an ordinance for Application No. Z0420-0134, submitted by BGE, Inc., on behalf of Wynn/Jackson, Inc., for a change of zoning from Agricultural to Planned Development - Industrial to allow an industrial business park, located at 12955 FM 2932.

(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 Application No. Z0420-0134.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes the development of an industrial park on a 284-acre tract located on FM 2932, south of Interstate Highway 20. The development would include multiple large industrial structures for warehousing, distribution and light assembly. The proposed site includes significant requirements for landscaping along the edges of the development to soften the visual effects on nearby properties and public rights-of-way. Mr. Armstrong reviewed the proposed recommendations.

Applicant Mike Jackson, representing Wynne/Jackson, stated that they will be partnering with BGE, Inc., engineering firm and Stream Real Estate on this project, which will consist of multiple buildings containing over three million square feet. Mr. Jackson agreed with the City Council's request to change the concrete depth of the development's interior street to 10 inches.

No one appeared regarding the proposed application.

Mr. Aleman moved to approve Application No. Z0420-0134, as recommended by the Planning and Zoning Commission, and add the following stipulation:

- A street interior to the Planned Development shall be installed to City of

Mesquite specifications for a collector street with the exception that the concrete depth shall be the greater of ten (10) inches or a depth determined to be necessary by a geo-technical study.

And to approve Ordinance No. 4785, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY LOCATED AT 12955 FM 2932 TO ALLOW FOR AN INDUSTRIAL BUSINESS PARK SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4785 recorded in Ordinance Book No. 120.)

21

Conduct a public hearing and consider an ordinance for Application No. Z0420-0137, submitted by JM Civil Engineering, for a change of zoning from Commercial to Planned Development - General Retail to allow a convenience store and fueling station, located at 2110 North Town East 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 with certain stipulations.)

A public hearing was held for Application No. Z0420-0137.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to demolish the existing vacated restaurant building on the property and construct a new Murphy Express convenience store with six fuel pumps, which will provide for 12 fueling positions, at the southeast corner of Town East Boulevard and Gus Thomasson Road. The proposed application includes landscaping on 25 percent of the site. The fuel pumps will be located within the 500-foot residential district buffer. Therefore, the applicant is proposing a Planned Development District rather than a straight zoning change to General Retail to request different development standards regarding a modification to the 500-foot separation requirement between fuel pumps and residential districts and to request more than four fuel pumps at this location.

Applicant Jared Westmoreland, representing Murphy Oil USA, agreed with the City Council's request to prohibit eight-liners at this location. Mr. Westmoreland stated that a minimum of 12 cameras are installed at each location, which is more than the Police Department's requirement.

Kurt Boxdorfer, 2304 Lesley Lane, spoke in support of the proposed application. No others appeared regarding the proposed application.

Mr. Miklos moved to approve Application No. Z0420-0137, as recommended by the Planning and Zoning Commission, with the following stipulations and add Stipulation No. 1, as follows:

1. The following devices are prohibited on the property which is within 300 feet of a church, school or hospital: any electronic, electromechanical or mechanical contrivance designed, made and adapted for amusement purposes that rewards the player with anything of value, including but not limited to noncash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, regardless of value.
2. That a minimum of 10 percent transparency be required on the eastern

façade.

And to approve Ordinance No. 4786, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 2110 NORTH TOWN EAST BOULEVARD TO ALLOW A CONVENIENCE STORE AND FUELING STATION 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. Green and approved unanimously. (Ordinance No. 4786 recorded in Ordinance Book No. 120.)

22

Conduct a public hearing and consider an ordinance for Application No. Z0420-0138, submitted by Marvin Brown Cooksey, amending the stipulations for a Conditional Use Permit approved by Ordinance No. 4714 on property currently zoned Commercial with a Conditional Use Permit, located at 2533 Westwood Avenue, regarding a screening wall for a primary outdoor storage yard.

(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 approval with certain stipulations.)

A public hearing was held for Application No. 0420-0138.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant obtained a Conditional Use Permit, approved by Ordinance No. 4714, for an outdoor storage yard on the subject property in September 2019. A condition of that approval was to replace the metal fence, currently in place along the front property line, with a masonry screening wall, at least six feet in height, to be completed by June 16, 2020.

Applicant Brown Cooksey stated that he is requesting approval for an eight-foot, board-on-board wood fence rather than the required masonry screening wall.

No one appeared regarding the proposed application.

Ms. Wisdom moved to approve Application No. 0420-0138, as recommended by the Planning and Zoning Commission, with the following stipulations, by deleting Stipulation No. 4 and adding new Stipulation Nos. 4 and 5, as follows:

4. An eight-foot, board-on-board, stained cedar privacy fence with a top rail shall be constructed along the front building line.
5. All fencing shall be maintained in a like-new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or that creates a safety hazard, shall be replaced.

And to approve Ordinance No. 4787, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING THE STIPULATIONS FOR A CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NO. 4714 ON PROPERTY CURRENTLY ZONED COMMERCIAL WITH A CONDITIONAL USE PERMIT LOCATED AT 2533 WESTWOOD AVENUE REGARDING A SCREENING WALL FOR A PRIMARY OUTDOOR STORAGE YARD; 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. 4787 recorded in Ordinance Book No. 120.)

23

Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-01 to Mesquite Zoning Ordinance, Section 1-600, Temporary Uses and Structures, Permitted Temporary Uses and Structures; Subsection (C) currently titled "Temporary Batch Plant" to be retitled "Temporary Batch Plants and Temporary Material Stockpile Sites" pertaining to new and revised regulations for temporary batch plants and temporary material stockpile sites and amending Appendix D of the City Code regarding the comprehensive fee schedule.

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

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

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed amendment includes additional requirements to obtain a permit for a temporary batch plant and for temporary material stockpile sites. Two type of permits will be authorized – a Temporary Use Permit (TUP) and a Conditional Use Permit (CUP). A CUP will be for more than one year and is reviewed by the City Council as identified in Section 5-300 of the Mesquite Zoning Ordinance. Mr. Armstrong stated that the intent of allowing temporary batch plants is to provide contractors an opportunity to have materials near a construction site, which may reduce heavy load trucks on existing roadways and reduce development costs.

Mr. Armstrong stated that a TUP will be for active and continuous construction with an initial term of one year or less. A TUP is authorized by the City Engineer, who may grant one six-month extension, and is required prior to seeking a CUP. The initial application and fee are submitted to Engineering and will require a State permit, truck routes to and from the construction project site, stormwater pollution prevention plan, dust control measures, estimation on the number of truck loads and cubic yards of materials, expected time frame and associated application fee. The City Engineer can approve, approve with modifications or deny the permit; or the City Engineer may require that the TUP be revocable, effective for a certain time period, non-transferable or subject to one or more conditions. Mr. Armstrong reviewed the approval standards for the TUP and the CUP as stated in the proposed ordinance.

Mr. Smith requested the applicant notify the surrounding area property owners within 1,000 feet of the proposed site.

No one appeared regarding the proposed amendment.

Mr. Smith moved to approve Zoning Text Amendment No. 2020-01, as recommended by the Planning and Zoning Commission, and add the following stipulation to Section 1-602C5:

f. Notification by applicant to surrounding area property owners. Prior to approval and issuance of any new Temporary Use Permit, or prior to a public hearing for a new Conditional Use Permit for a temporary batch plant or a temporary material stockpile site, the Applicant shall send notice to all property

owners within 1,000 feet of the proposed site. Said notice shall be delivered by U.S. mail and shall include a description of the TUP or CUP being requested, any proposed conditions by City staff, the site location, and the time period for the initial issuance of the TUP or CUP (if applicable). Said notice shall also contain the contact information for City staff, the City Council member in whose district the site is proposed to be located, the Mayor, and the Applicant. Production of the notice, mailing, and the associated costs shall be the responsibility of the Applicant.

And to approve Ordinance No. 4788, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX D OF THE MESQUITE CITY CODE, COMPREHENSIVE FEE SCHEDULE, AS AMENDED, TO ESTABLISH IN ARTICLE XIV (PUBLIC WORKS) A NEW SECTION 14-115 TO BE TITLED "TEMPORARY USE PERMITS" TO ADD FEES FOR TEMPORARY BATCH PLANTS AND TEMPORARY MATERIAL STOCKPILE SITES; AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY REPEALING AND REENACTING SUB-SECTION (C) OF SECTION 1-602 TO BE TITLED "TEMPORARY BATCH PLANTS AND TEMPORARY MATERIAL STOCKPILE SITES"; 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 Ms. Wisdom and approved unanimously. (Ordinance No. 4788 recorded in Ordinance Book No. 120.)

24

Conduct a public hearing and consider an ordinance approving Zoning Text Amendment No. 2020-03 to Mesquite Zoning Ordinance, Section 5-200, currently titled "Appeal, Variance, and Special Exception Procedures" to be retitled "Special Exceptions, Variances, and Appeals of Administrative Decisions"; pertaining to new and revised regulations and procedures for special exceptions, variances, and appeals of administrative decisions and establishment of associated fees and amending Appendix D of the City Code regarding the comprehensive fee schedule.

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

A public hearing was held for Zoning Text Amendment No. 2020-03.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed amendment provides better organization regarding the functions of the Board of Adjustment, brings the ordinance into compliance with recent legislation and establishes certain new Board of Adjustment fees. The proposed ordinance clarifies application requirements, completeness review and acceptance of an application; clarifies refunds, if withdrawn by applicant, are not refundable; effects of substantive changes to or withdrawal of an application; subsequent applications; clarification regarding notices, continuation and postponement of public hearings; clarification of public hearing process; clarification of each application type; clarification of motions and results of different votes; requests for reconsideration; appeals of Board decisions; and expiration of approvals and appeals of administrative decisions.

No one appeared regarding the proposed amendment.

Ms. Wisdom moved to approve Zoning Text Amendment No. 2020-03, as

recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4789, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY REPEALING AND REENACTING SECTION 5-200 TO BE TITLED "SPECIAL EXCEPTIONS, VARIANCES, AND APPEALS OF ADMINISTRATIVE DECISIONS"; AMENDING APPENDIX D - THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE BY REPEALING AND REENACTING ARTICLE XII, SECTION 12-116, TITLED "BOARD OF ADJUSTMENT FEES"; 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); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Miklos and approved unanimously. (Ordinance No. 4789 recorded in Ordinance Book No. 120.)

RECEIPT OF RESIGNATION

- 25 Receive resignation from Nichol Surratt as a member of the Parks and Recreation Advisory Board and Tree Board.

Mr. Miklos moved to accept the resignation of Nichol Surratt as a member of the Parks and Recreation Advisory Board and Tree Board. Motion was seconded by Mr. Green and approved unanimously.

PRE-MEETING - TRAINING ROOMS A&B - 8:59 P.M.

- 4 Discuss COVID-19 recovery programs funded through Coronavirus Aid, Relief, and Economic Security (CARES) Act.

ADJOURNMENT - CITY COUNCIL CHAMBER - 9:40 P.M.

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

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor