



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, August 1, 2022

5:00 PM

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

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

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive presentation by North Texas Municipal Water District Executive Director and General Manager Jena Covington, PE.
- 2 Discuss the proposed budget and tax rate for Fiscal Year 2022-23.

### **EXECUTIVE SESSION - TRAINING ROOMS A & B - 7:03 P.M.**

Mayor Alemán announced that the City Council would meet in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Item No. 26 – Discuss Tax Increment Reinvestment Zone (TIRZ) projects and economic development incentives to construct a prospective business park at Scyene Road and Lawson Road, and a prospective business park and retail development near IH-20 near Lawson Road and Lasater Road) whereupon, the City Council proceeded to meet in Training Rooms A & B. After the closed meeting ended at 7:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:34 P.M.**

#### **INVOCATION**

Nathaniel Rainey, Pastor, Jireh's Tabernacle Worship Center, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

City Staff.

**SPECIAL ANNOUNCEMENTS**

1. Mr. Casper requested residents and businesses to conserve water voluntarily due to continued unseasonable hot temperatures and a lack of rainfall. Residents and businesses are reminded of the City's water conservation plan which limits watering to twice per week, before 10:00 a.m. and after 6:00 p.m. Please help so further restrictions are not required.
2. Mr. Green invited dogs and their owners to the 18th Annual Doggie Splash Day on Saturday, August 6, 2022, from 9:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Admission is \$5.00 for one owner and one pet, \$2.00 for each additional pet and \$1.00 for all spectators. Participants who bring a jar of peanut butter or jelly to support the Spread the Love campaign will receive \$2.00 off admission.
3. Ms. Vidler encouraged citizens to visit the Downtown Mesquite Farmer's Market at Front Street Station, every Saturday through November 26, 2022, from 9:00 a.m. to 1:00 p.m.
4. Mr. Boroughs announced that McWhorter School Park improvements include renovations for the hockey, basketball and volleyball courts. Ideas for the improvements came from residents during Park Master Planning Public Input Sessions.
5. Mr. Boroughs stated that on Monday, July 25, 2022, a grass fire in the City of Balch Springs spread and destroyed many homes. Fire Department staff and equipment from eight cities, including the City of Mesquite, were dispatched to help combat the fire. He commended the Mesquite Fire Department, the Mesquite Fire Corps, Mesquite Police Department, Balch Springs citizens and the City's Emergency Management team, Jason Block and Michael Clement, for coming together during this disaster.
6. Mr. Boroughs stated that he recently played in the Mesquite Independent School District's Wall of Honor Golf Tournament at the Mesquite Golf Course and encouraged citizens to play a round of golf and experience what the golf course has to offer.
7. Mr. Smith announced that the Parks and Recreation Department is now offering a Youth Fast Pitch Softball League for girls ages 5 – 18. Registration is open through Sunday, August 7, 2022. The cost is \$70.00 per player and the season begins on Tuesday, September 6, 2022. All games will be played at the newly renovated Mesquite Girls Softball Complex, 1717 McKenzie Road.
8. Ms. Anderson stated that The Elton Johns will perform on the Mesquite Arts Center Courtyard Stage, 1527 North Galloway Avenue, on Thursday, August 4, 2022, at 7:00 p.m. This free event is open to the public and includes a live music experience, performed by a costumed full band and string section.
9. Mayor Alemán stated that school will begin for Mesquite Independent School District students on Tuesday, August 9, 2022. He reminded residents to slow down, don't use cell phones in school zones and don't text while driving. Watch for children in school zones and cross walks and remember to "Drive Like Your Family Lives Here."

**CITIZENS FORUM**

Renee Chaney, 4417 Ocean Reef, expressed concerns regarding false claims of property ownership.

**CITIZENS COMMENTS**

Tom Brashear, 1417 Panola Drive, expressed support for repealing the Emergency Measure Ordinance, which is Item No. 4 on tonight's agenda, due to concerns regarding first amendment rights.

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

Mr. Casper requested that Item No. 4 be removed from the Consent Agenda to be considered separately. Mr. Boroughs requested that Item No. 5 be removed from the Consent Agenda to be considered separately. Mr. Green moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Vidler and approved unanimously.

- 3 Minutes of the regular City Council meeting held July 18, 2022.

**Approved on the Consent Agenda.**

- 6 Bid No. 2022-061 - Alley Reconstruction 2022 Project.  
(Authorize the City Manager to finalize and execute a contract with the lowest qualified bidder Estrada Concrete Company, LLC, in the amount of \$1,882,603.00.)

**Approved on the Consent Agenda.**

- 7 Bid No. 2022-141 - Construct and Install Study Rooms at Mesquite Main Library.  
(Authorize the City Manager to finalize and execute an agreement with CCS Custard Construction Services Inc., through The Interlocal Purchasing System (TIPS) Contract No. 211001, in an amount not to exceed \$76,696.99.)

**Approved on the Consent Agenda.**

- 8 Authorize the City Manager to finalize and execute a Professional Services Agreement with Freese and Nichols, Inc., for the survey, engineering, design and preparation of bidding and construction documents for the City Lake Dam and Spillway Improvements Project in an amount not to exceed \$162,390.00.

**Approved on the Consent Agenda.**

- 9 Authorize the City Manager to finalize and execute an Office Lease Agreement with the Mesquite Chamber of Commerce for operating and maintaining an office for the Mesquite Chamber of Commerce on City-owned property located at 111 South Broad Street, Mesquite, Texas.

**Approved on the Consent Agenda.**

**CONSENT AGENDA ITEMS TO BE CONSIDERED SEPARATELY**

- 4 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 previously continued and authorized; 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; 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.

Cliff Keheley, City Manager, stated that the proposed ordinance mirrors the Governor's orders and follows the same procedures as the State and Dallas County to keep the community safe.

Mr. Casper moved to approve Ordinance No. 4964, 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 PREVIOUSLY CONTINUED AND AUTHORIZED BY THE FOLLOWING 2020 ORDINANCES, ORDINANCE NO. 4773, NO. 4781, NO. 4784, NO. 4793, NO. 4804, AND NO. 4822; AND 2021 ORDINANCES, ORDINANCE NO. 4836, NO. 4844, NO. 4858, NO. 4879, NO. 4902; AND 2022 ORDINANCES, ORDINANCE NO. 4933, AND NO. 4949; 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 Mr. Green and approved unanimously. (Ordinance No. 4964 recorded in Ordinance Book No. 127.)

5

An ordinance amending the Mesquite City Code by amending Division 1, generally, and Division 5, Public and Semi-Public Pools and Spas, of Article IX, Swimming Pool and Spa Code, of Chapter 5, Buildings and Construction, to provide health and safety regulations for swimming pools and spas located on single-family property for which fees are charged for use by the public.

Mr. Boroughs stated that similar to short-term rentals, websites are being created that allow people to advertise rental of swimming pools at privately-owned homes. This ordinance will establish requirements for temporary rental or other paid use of swimming pools in residential zoning districts. The ordinance intends to protect the health and safety of those using the pool as well as others who may live nearby. It defines such pools as semi-public and requires the pools to meet all semi-pool requirements.

Mr. Boroughs moved to approve Ordinance No. 4965, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY AMENDING DIVISION 1, GENERALLY, AND DIVISION 5, PUBLIC AND SEMI-PUBLIC POOLS AND SPAS, OF ARTICLE IX, SWIMMING POOL AND SPA CODE, OF

CHAPTER 5, BUILDINGS AND CONSTRUCTION, TO PROVIDE REGULATIONS FOR SWIMMING POOLS AND SPAS LOCATED ON SINGLE-FAMILY PROPERTY FOR WHICH FEES ARE CHARGED FOR USE BY THE PUBLIC; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Smith and approved unanimously. (Ordinance No. 4965 recorded in Ordinance Book No. 127.)

## CONSIDERATION OF ORDINANCE

- 10 Consider an ordinance determining the necessity of acquiring real property for construction, operation, and maintenance of public facilities on a portion of property located at 2210 East Scyene Road; authorizing appropriation of the real property and/or the use of the power of eminent domain to acquire the real property for public use; and delegating authority to initiate condemnation proceedings to the City Manager.

Mr. Boroughs stated "I move that Agenda Item No. 10 be approved, which includes the City of Mesquite authorizing the use of the power of eminent domain to acquire an approximately 3,246 square foot variable width public utility easement out of an approximately 11.4062-acre tract of land located at 2210 East Scyene Road, in Mesquite, for the public use of construction and operation of public facilities." And to approve Ordinance No. 4966, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC FACILITIES ON A PORTION OF THE PROPERTY LOCATED AT 2210 EAST SCYENE ROAD; AUTHORIZING APPROPRIATION OF THE REAL PROPERTY AND/OR THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE REAL PROPERTY FOR PUBLIC USE; AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE CITY MANAGER. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4966 recorded in Ordinance Book No. 127.)

## END OF CONSENT AGENDA

## APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- 11 Consider appointment of one alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2022.

Mr. Casper moved to appoint David Burris as an alternate member (Alternate No. 2) to the Board of Adjustment for a term to expire December 31, 2022. Motion was seconded by Mr. Green and approved unanimously.

- 12 Consider appointment of one regular member to the Building Standards Board to fill the position for Registered Homebuilder (Position No. 3) for a term to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.

Ms. Vidler moved to change the appointment of Scott Gibb from an alternate member (Alternate No. 1) to a regular member (Position No. 3) to fill the position of Registered Homebuilder on the Building Standards Board for a term to expire December 31, 2023, and to appoint Sam Anderson as an alternate member

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(Alternate No. 2) for a term to expire December 31, 2022. Motion was seconded by Mr. Boroughs and approved unanimously.

- 13 Consider appointment of two members (Places 5 and 9) to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, two members (Places 1 and 2) for terms to expire December 31, 2023, and one member (Place 8) for a term to expire December 31, 2024.

Mr. Green moved to appoint Christian Jaynes as a member (Place 1) to the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2023. Motion was seconded by Mr. Casper and approved unanimously.

- 14 Consider appointment of one regular member (Position No. 4) and one alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2022.

Mr. Casper moved to change the appointment of Laquitha Hasley from an alternate member (Alternate No. 1) to a regular member (Position No. 4) and to appoint Kalayah Fisher as an alternate member (Alternate No. 2) to the Housing Board for terms to expire December 31, 2022, and to appoint Wanda Gray as an alternate member (Alternate No. 1) for a term to expire December 31, 2023. Motion was seconded by Mr. Green and approved unanimously.

- 15 Consider appointment of two regular members (Position No. 4 and Position No. 6) to the Library Advisory Board for terms to expire December 31, 2022.

Ms. Anderson moved to appoint Karen Eberle as a member (Place No. 4) to the Library Advisory Board for a term to expire December 31, 2022. Motion was seconded by Mr. Green and approved unanimously.

- 16 Consider appointment of one regular member (Position No. 1) and one alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2023, and one alternate member (Alternate No. 2) for a term to expire December 31, 2022.

Mr. Green moved to appoint Nellapalli Dharmarajan as a regular member (Position No. 1) and Rick Cumby as an alternate member (Alternate No. 1) to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2023, and to appoint Elizabeth Rodriguez-Ross as an alternate member (Alternate No. 2) for a term to expire December 31, 2022. Motion was seconded by Ms. Vidler and approved unanimously.

**PUBLIC HEARING AND CONSIDER PASSAGE OF THE FOLLOWING ORDINANCES AND ITEM RELATING TO THE FISCAL YEAR 2022-23 BUDGET:**

- 17 Conduct a public hearing to receive input from citizens regarding the proposed Fiscal Year 2022-23 budget.

A public hearing was held to receive citizen input on the proposed Fiscal Year 2022-23 budget.

Myra Rogers, Manager of Budget and Treasury, stated that this is the third and final public hearing regarding the Fiscal Year 2022-23 budget. The City Council held two previous public hearings on July 5, 2022, and July 18, 2022. This is a State-law mandated public hearing on the proposed Fiscal Year 2022-23 budget that must be held before the date that the tax rate is adopted, since a city must

levy taxes only in accordance with its budget.

In accordance with State law, the City Council must take action on the budget at the conclusion of this public hearing, either to vote separately to adopt the budget and also vote to "ratify" the increase in property tax revenue, or vote to postpone adoption of the budget and vote to postpone ratification of the increase in property tax revenue until the August 15, 2022, City Council meeting.

State law requires a separate vote to ratify any increase in property tax revenue as reflected in the budget. Next year's proposed budget estimates an increase of \$4,751,430 (7.09 percent) in property tax revenue and thus requires a separate vote to ratify the increase in property tax revenue. This vote to ratify the property tax revenue increase is separate and apart from any vote to adopt the budget or vote to adopt the tax rate. The vote to adopt the tax rate (tax levy) is scheduled for the August 15, 2022, City Council meeting.

No one appeared regarding the proposed Fiscal Year 2022-23 budget.

- 18 An ordinance providing funds for the 2022-23 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget.

Mr. Green stated "I move to postpone consideration of an ordinance providing funds for the 2022-23 Fiscal Year by adopting and approving the budget for said period and appropriating and setting aside the necessary funds out of the general and other revenues of the City for said fiscal year for the maintenance and operation of various departments and activities of the City, for capital and other improvements of the City and for all other expenditures included in said budget to the August 15, 2022, City Council meeting at 7:00 p.m. The meeting will be held in the Council Chambers at City Hall at 757 North Galloway Avenue, Mesquite, Texas." Motion was seconded by Ms. Vidler and approved unanimously.

- 19 An ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget for said period.

Ms. Vidler stated "I move to postpone consideration of an ordinance ratifying the property tax revenue increase reflected in the 2022-23 Fiscal Year budget to the August 15, 2022, City Council meeting at 7:00 p.m. This meeting will be held in the Council Chambers at City Hall, 757 North Galloway Avenue, Mesquite, Texas." Motion was seconded by Ms. Anderson and approved unanimously.

- 20 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2022-2023 and call a public hearing for August 15, 2022, on the proposed Fiscal Year 2022-2023 ad valorem tax rate.

Ms. Anderson stated, "I move that, upon proper notice and final adoption after the public hearing is held, property taxes be increased by the adoption of a tax rate for Fiscal Year 2022-2023 of \$0.68100 per \$100 of valuation. The public hearing to consider this rate will be held on August 15, 2022, at 7:00 p.m. The public hearing will be held in the Council Chambers at City Hall, 757 North Galloway Avenue, Mesquite, Texas." Motion was seconded by Ms. Vidler and

approved unanimously.

## PUBLIC HEARINGS

21

A. Conduct a public hearing to receive citizen input regarding the proposed 2022-2023 Community Development Block Program (CDBG) budget and adopt the Annual Action Plan.

B. Consider a resolution approving the Community Development Block Grant Program Year 2022-2023 Budget and authorizing the filing an application for an amount not to exceed \$1,093,795.00 for federal funds under the Housing and Community Development Act and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.

**A public hearing was held regarding the proposed 2022-2023 Community Development Block Program (CDBG) budget and Annual Action Plan.**

Maria Martinez, Director of Neighborhood Services, stated that the United States Department of Housing and Urban Development requires entitlement communities to prepare an Annual Action Plan in order to receive federal housing and community development funding. The Action Plan designates the City's proposal on how to spend the grant funds in a given program year to meet the priorities and needs identified in the Consolidated Plan. The 2022-23 Annual Action Plan states how the City plans to allocate the Community Development Block Grant (CDBG) funds in Fiscal Year 2023.

Ms. Martinez stated that this is the second of two required public hearings to provide opportunity for resident input regarding the proposed 2022-23 CDBG budget.

Kayla Mainja, President and Founder of Helen's Project, stated that Helen's Project provides outreach and services to homeless or at-risk of homeless Mesquite residents. From January 2022 to today, Helen's Project has served 220 unsheltered individuals in Mesquite. In the past two years, 107 referrals have been received from various agencies.

No others appeared regarding the proposed CDBG budget and Annual Action Plan.

Mr. Casper moved to approve Resolution No. 29-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2022-2023 BUDGET AND AUTHORIZING THE FILING OF AN APPLICATION FOR AN AMOUNT NOT TO EXCEED \$1,093,795.00 FOR FEDERAL FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; AND DESIGNATING THE CITY MANAGER AS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF GIVING REQUIRED ASSURANCES AND ACTING IN CONNECTION WITH SAID APPLICATION. Motion was seconded by Mr. Green and approved unanimously. (Resolution No. 29-2022 recorded in Resolution Book No. 65.)

22

Conduct a public hearing and consider an ordinance for Zoning Text Amendment No. 2022-02, amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Part 2, Section 2-600



“Accessory Structure Regulations” pertaining to revising and establishing new regulations for accessory structures including front carports on residential zoned properties.

**A public hearing was held for Zoning Text Amendment No. 2022-02.**

Jeff Armstrong, Director of Planning and Development Services, stated that the changes pertain to residential accessory structures. Specifically, front carports, front porch covers, rear patio covers, minor accessory buildings, flag poles, location on the lot and removal of any references to building materials pursuant to current State statute. The most significant change would be to front carports. This change would allow front carports by right, with certain design requirements, in specified subdivisions, and would remove the requirement for Board of Adjustment approval in those circumstances. In other locations, an applicant could still request a Special Exception from the Board of Adjustment but would be required to meet several criteria.

Mr. Armstrong stated that the City currently allows flagpoles on residential property for the purpose of displaying the U. S. or Texas State flag. However, this amendment will allow a flagpole for non-commercial messages.

1. J. R. Black, 1739 Roundrock Trail, expressed concerns regarding the requirement to request a Special Exception from the Board of Adjustment if a citizen does not live in an area that allows front carports by right.

2. Ray Tompkins, 230 South Walker Street, expressed opposition to the proposed zoning text amendment.

**No others appeared regarding Zoning Text Amendment No. 2022-02.**

Mr. Green moved to approve Zoning Text Amendment No. 2022-02, as recommended by the Planning and Zoning Commission, with an amendment to include an effective date of September 1, 2022, and to approve Ordinance No. 4967, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN PART 2, SECTION 2-600 “ACCESSORY STRUCTURE REGULATIONS” PERTAINING TO REVISING AND ESTABLISHING NEW REGULATIONS FOR ACCESSORY STRUCTURES INCLUDING FRONT CARPORTS ON RESIDENTIAL ZONED PROPERTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4967 recorded in Ordinance Book No. 127.)

23

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0243, submitted by IH 20 IP, LLC, for a change of zoning from Agricultural, General Retail and Planned Development - Ordinance No. 3530 to Planned Development - Industrial to allow an industrial business park with modifications, located at 4800 and 4900 Lasater Road and 925, 2700 and 3400 McKenzie Road.

(No responses in favor and one in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain

stipulations.)

A public hearing was held for Zoning Application No. Z0622-0234.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes development of an industrial park on 214 acres of land, generally located at the northwest corner of Interstate Highway 20 and Lawson Road. The proposed development includes rerouting a portion of McKenzie Road, uses appropriate for the area and various development standards. The exact number and size of buildings have yet to be determined.

Mr. Armstrong stated that overnight parking of trucks will only be allowed if the truck is associated with a valid Certificate of Occupancy for a use located on the property.

Applicant Sergio Izquierdo, representing 42 Real Estate, stated that no tenants or uses have been confirmed for the development at this time.

1. Susie Hess, 2905 Clearwater Drive, expressed support for an energy efficient development with the use of solar panels and needed improvements to Lawson Road.
2. Lynn Steward, 135 Woodhill Street; Jim Jones, 239 Redwood Street; and Liz Diaz, 242 Redwood Street, expressed opposition to the proposed application.
3. Scott Rohrman, representing 42 Real Estate, stated that the majority of the traffic from this development will be funneled onto McKenzie Road and Lasater Road.

No others appeared regarding the proposed application.

Ms. Vidler moved to approve Zoning Application No. Z0622-0243, as recommended by the Planning and Zoning Commission with certain stipulations, and to approve Ordinance No. 4968, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL, GENERAL RETAIL, AND PLANNED DEVELOPMENT - ORDINANCE NO. 3530 TO PLANNED DEVELOPMENT - INDUSTRIAL TO ALLOW FOR AN INDUSTRIAL BUSINESS PARK WITH MODIFICATIONS AND ALLOW CERTAIN USES PERMITTED BY RIGHT IN THE INDUSTRIAL ZONING DISTRICT ON PROPERTY LOCATED AT 4800 AND 4900 LASATER ROAD, AND 925, 2700, AND 3400 MCKENZIE ROAD; REPEALING ORDINANCE NO. 3530; REPEALING ALL OTHER 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. Anderson and approved unanimously. (Ordinance No. 4968 recorded in Ordinance Book No. 127.)

24

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0622-0244, submitted by IH 20 IP, LLC, for a change of zoning from Planned Development - Ordinance No. 3530 to Planned Development - General Retail, to allow a retail development with modifications, located at 4300 Lawson Road. (No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

A public hearing was held for Zoning Application No. Z0622-0244.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes a retail development on 35 acres of City-owned land, generally located at the northeast corner of Interstate Highway 20 and Lawson Road. Two concept plans are proposed and the applicant is requesting that both concept plans be attached to the ordinance to allow flexibility in the ultimate layout of the site. The proposed development includes several out-parcels and a larger retail structure that could include multiple tenants. Development standards proposed for the Planned Development include a variety of amenities.

Applicant Sergio Izquierdo, representing 42 Real Estate, stated that two site plans are being considered for the retail development, which could contain up to 187,000 square feet of retail space. However, no tenants have been confirmed at this time. Mr. Izquierdo agreed to the inclusion of a chain-link fence adjacent to the floodplain.

Councilmembers encouraged the applicant to secure a grocery store on this site.

1. Susie Hess, 2905 Clearwater Drive, expressed opposition to the proposed application.
2. Scott Rohrman, representing 42 Real Estate, stated that they have approached several grocery stores. However, most stores desire an area surrounded by homes.

No others appeared regarding the proposed application.

Mr. Casper moved to approve Zoning Application No. Z0622-0244, as recommended by the Planning and Zoning Commission with certain stipulations, and adding the following stipulation:

1. A chain-link fence with black vinyl coating or a wrought iron fence shall be installed between the improved portions of the site and the adjacent floodplain located to the north and east.

And to approve Ordinance No. 4969, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – ORDINANCE NO. 3530 TO PLANNED DEVELOPMENT - GENERAL RETAIL TO ALLOW FOR RETAIL DEVELOPMENT WITH MODIFICATIONS AND ALLOW CERTAIN USES PERMITTED BY RIGHT IN THE GENERAL RETAIL ZONING DISTRICT ON PROPERTY LOCATED AT 4300 LAWSON ROAD; REPEALING ORDINANCE NO. 3530; REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Ms. Vidler and approved unanimously. (Ordinance No. 4969 recorded in Ordinance Book No. 127.)

A brief recess was taken at 9:58 p.m. The meeting resumed at 10:10 p.m.

25

Conduct a public hearing and consider an ordinance for Zoning Application No. Z0222-0234, submitted by MVAH Partners, for an amendment to the Comprehensive Plan, thereby changing the recommended land use designation from Commercial to High Density Residential and for a change of zoning from

Commercial to Planned Development - Multifamily to allow an apartment development, located at 901 East U.S. Highway 80.

(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial. The applicant made a timely appeal of the Planning and Zoning Commission's denial.)

**A public hearing was held for Zoning Application No. Z0222-0234.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes construction of a 96-unit apartment complex consisting of four buildings and indoor and outdoor amenities. He stated that there will be one entrance off of the East U. S. Highway 80 frontage road. The proposed apartment complex would contain 24 one-bedroom units, 48 two-bedroom units and 24 three-bedroom units. Mr. Armstrong stated that the Planning and Zoning Commission voted to deny the proposed application. However, the applicant has submitted a timely appeal of the Planning and Zoning Commission's denial.

Applicant Darren Smith, representing MVAH Partners, stated that the proposed development, Rodeo Lofts, will be a Veteran Preference development and is a \$26 million investment or \$270,800.00 per unit in total development costs. He reviewed the proposed amenities and stated that two parking spaces per unit has been requested. Mr. Smith stated that MVAH Partners has applied for 9% Competitive Housing Tax Credits through the Texas Department of Housing and Community Affairs for construction of this development.

The following persons completed a comment card in support of the proposed application but chose not to speak: (1) John Caton, 4931 Rolling Vista; (2) Suzanne Hess, 2905 Clearwater Drive; (3) Shannon Long, 1009 Ashland Drive; (4) Lisa Theriot, 416 Ripplewood Drive; (5) Lana Range, 2824 Tealridge Drive; (6) Diane Davis, 1840 Alameda Drive; (7) Elizabeth Rodriguez-Ross, 2214 Bamboo Street; (8) Michelle Hess, 2905 Clearwater Drive; (9) Beverly Lumpkin, 4324 Crestover Drive; (10) Frank Johnson, 4324 Crestover Drive; and (11) John Black, 1739 Roundrock Trail.

The following persons spoke in favor of the proposed application: (1) Lynn Lloyd, 1109 Covington Drive; (2) Jennifer Keltner, 1021 Field Trail Drive; (3) Elizabeth Walley, 1112 Siebold Court; (4) Teddi Fulenwider, 2507 Meadow Ridge Drive; (5) Amy Martindale, 2100 Buffalo Hill Drive; (6) Fernando Rojas, 2423 Lagoon Drive; (7) Brandon Murden, 3625 Dove Lane; (8) Brandon Murden, 3625 Dove Lane, read a letter in support of the proposed application from Dallas County Commissioner Theresa Daniel; (9) Cynthia Astle, 4140 O B Crowe Drive, Dallas; (10) Keith Fulenwider, 2507 Meadow Ridge Drive; (11) Alex Harris, 1130 Via Del Rey; (12) Vivian Johnson, 4538 Live Oak Drive; and Geoffrey Moore, 4603 Palos Verdes Drive.

Tom Brashear, 1417 Panola Drive, spoke in opposition to the proposed application.

No others appeared regarding the proposed application.

Mr. Casper moved to approve Zoning Application No. Z0222-0234. Motion failed for lack of a second.

Ms. Vidler moved to deny Zoning Application No. Z0222-0234. Motion was

seconded by Ms. Anderson. On call for a vote on the motion, the following votes were cast:

Ayes: Vidler, Anderson, Alemán, Boroughs, Green, Smith  
Nays: Casper

Motion carried.

**ADJOURNMENT**

Ms. Vidler moved to adjourn the meeting. Motion was seconded by Mr. Smith and approved unanimously. The meeting adjourned at 11:34 p.m.

Attest:

Approved:

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

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Daniel Alemán, Jr., Mayor