



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 15, 2018

4:30 PM

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

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

### **PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive presentation regarding a proposed development concept from Douglas Properties, Inc., for the property located at 3500 Emporium Square.
  
- 2 Receive presentation regarding a proposed development concept from Emporium Partners for the property located at 3500 Emporium Square.  
  
**Council directed staff to prepare various reports regarding the impact of each development on the City's sewer and water infrastructure, traffic impact on immediate streets to Town East Boulevard based on the number of residential units for both projects and an evaluation of where each project fits in the current Comprehensive Plan and its consistency with surrounding land uses.**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:08 P.M.**

Mayor Pickett 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 (Consider economic development incentives for a proposed development located at 3500 Emporium Square); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

#### **INVOCATION**

Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of the Mesquite Fire Corps.

**SPECIAL ANNOUNCEMENTS**

(1) Mr. Noschese announced several upcoming events at the Mesquite Arts Center, 1527 N. Galloway Ave. From Friday, October 26, 2018, through Sunday, October 28, 2018, the Mesquite Community Theatre will present "Curious Savage." Also, families can enjoy the Day of the Dead Festival from 4:00 p.m. to 7:00 p.m., on Saturday, October 27, 2018, featuring live music, face painting, ethnic food, skull decorating and much more. Following this event, the Mesquite Symphony Orchestra will perform a "Day of the Dead" themed concert. For more information on events and tickets, call the Mesquite Arts Center at 972-216-8132.

(2) Mr. Aleman announced that the Mesquite Independent School District is hosting a fundraiser for the Mesquite Veterans Memorial on Saturday, October 20, 2018, from 8:00 a.m. to 10:00 a.m., at Applebee's, 19035 I-635. Tickets are \$10 each and all proceeds go to the Mesquite Veterans Memorial campaign.

(3) Mr. Boroughs invited residents to bring their family and friends to the 18th Annual PumpkinFest to be held on Saturday, October 20, 2018, at Valley Creek Park, 2482 Pioneer Road. Events include a live jousting show and competition, William Tell archery show, Sky Kings falconry show, carnival games and rides and much more.

(4) Mr. Archer invited residents to join him for a neighborhood meeting at the McDonald's located at Scyene Road and Peachtree Road on Saturday, October 20, 2018, at 9:00 a.m.

(5) Mr. Archer stated that he will be hosting a Northridge/El Rosa neighborhood meeting on Monday, October 22, 2018, at Hanby Elementary School, 480 Gross Road, and invited residents to attend.

(6) Mr. Archer asked residents to pray for the homeless in our community.

(7) Mr. Casper invited citizens to support the Mesquite Fire and Police Departments by attending the Annual Real. Texas. Heroes. event on Sunday, October 28, 2018, at 4:00 p.m., in front of the Mesquite Police Department, 777 N. Galloway Avenue. A brief ceremony will be held along with special music performances, free Blue Bell ice cream and an opportunity to thank these men and women for their service to our community.

(8) Mr. Miklos stated that the City is in the process of updating the Mesquite Comprehensive Plan which is a very important planning tool for City staff and the City Council. Citizens are invited to attend a Town Hall meeting on Tuesday, October 30, 2018, in Training Rooms A & B, to share their opinions regarding the Comprehensive Plan. Citizens can also provide their input through an online survey on a special webpage at [www.cityofmesquite.com/CompPlan](http://www.cityofmesquite.com/CompPlan).

(9) Mayor Pickett announced that the T-Byrd Gordon Show Band will perform at the Corner Theatre, 214 W. Davis Street, on Saturday, October 20, 2018, at 7:30 p.m. Also, the Marketplace in downtown Mesquite will take place on Saturday, October 27, 2018, from 9:00 a.m. to 2:00 p.m., for an opportunity to shop fresh local produce, crafts and many more specialty items.

(10) Mayor Pickett announced two public meetings will be held this week regarding the redistricting process to convert the six City Council positions to single-member districts. The City is requesting citizen input and are encouraged to attend one or both of the upcoming meetings on Tuesday, October 16, 2018, at 7:00 p.m., at Florence Recreation Center, 2501 Whitson Way and Thursday, October 18, 2018, at 7:00 p.m., at Rutherford Senior Center, 900 Rutherford Drive.

(11) Mr. Aleman asked citizens to pray for Terry Middle School and the family of the 12-year-old girl that was killed in a bus accident on October 3, 2018. A memorial service will be held at Pastor Harry Sewell's church, Family Cathedral, 790 Windbell Circle, on Saturday, October 27, 2018, at 1:00 p.m.

**CITIZENS FORUM**

Henry Brown, 112 Athel Drive, expressed concerns regarding the safety of Lawson Road due to the recent bus accident.

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

Mr. Archer requested that Item No. 14 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 3 Minutes of the regular City Council meeting held October 1, 2018.

**Approved on the Consent Agenda.**

- 4 An ordinance establishing self-contained breathing apparatus technicians as a specialized function of the Mesquite Fire Department (MFD) and authorizing assignment pay for members of the MFD who satisfy certain conditions and criteria, providing which members of the MFD will receive such assignment pay and repealing Ordinance No. 3117, effective October 15, 2018.

**Approved on the Consent Agenda.**

**Ordinance No. 4616, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING SELF-CONTAINED BREATHING APPARATUS TECHNICIANS AS A SPECIALIZED FUNCTION OF THE MESQUITE FIRE DEPARTMENT ("MFD") AND AUTHORIZING ASSIGNMENT PAY FOR MEMBERS OF THE MFD WHO SATISFY CERTAIN CONDITIONS AND CRITERIA; PROVIDING WHICH MEMBERS OF THE MFD WILL RECEIVE SUCH ASSIGNMENT PAY; REPEALING ORDINANCE NO. 3117; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 15, 2018. (Ordinance No. 4616 recorded in Ordinance Book No. 113.)**

- 5 A resolution authorizing the City Manager to finalize and execute a Letter of Authorization with North Central Texas Council of Governments for the period from October 1, 2018, to September 30, 2019, thereby authorizing the City's participation in the Regional Storm Water Management Program.

**Approved on the Consent Agenda.**

**Resolution No. 57-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A LETTER OF AUTHORIZATION WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS FOR THE PERIOD FROM OCTOBER 1, 2018, TO SEPTEMBER 30, 2019, THEREBY AUTHORIZING THE CITY OF MESQUITE'S PARTICIPATION IN THE REGIONAL STORM WATER MANAGEMENT PROGRAM. (Resolution No. 57-2018 recorded in Resolution Book No. 55.)**

- 6 A resolution consenting to the assignment by Baker Brothers Rotovision, Inc., to Baker Brothers, LLC, of its interest in that certain Economic Development

Program Agreement (Chapter 380 Agreement) dated August 13, 2015, between Baker Brothers Rotovision, Inc., and the City of Mesquite, Texas, relating to economic development incentives in connection with a business located at 2615 Big Town Boulevard, Mesquite, Texas, approving an amendment of the Chapter 380 Agreement and authorizing the City Manager to execute all documents necessary or requested in connection therewith.

**Approved on the Consent Agenda.**

**Resolution No. 58-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CONSENTING TO THE ASSIGNMENT BY BAKER BROTHERS ROTOVISION, INC., TO BAKER BROTHERS LLC, OF ITS INTEREST IN THAT CERTAIN ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (CHAPTER 380 AGREEMENT) DATED AUGUST 13, 2015, BETWEEN BAKER BROTHERS ROTOVISION, INC., AND THE CITY OF MESQUITE, TEXAS, RELATING TO ECONOMIC DEVELOPMENT INCENTIVES IN CONNECTION WITH A BUSINESS LOCATED AT 2615 BIG TOWN BOULEVARD, MESQUITE, TEXAS; APPROVING AN AMENDMENT OF THE CHAPTER 380 AGREEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY OR REQUESTED IN CONNECTION THEREWITH. (Resolution No. 58-2018 recorded in Resolution Book No. 55.)**

- 7 A resolution adopting revisions to the City of Mesquite Housing Choice Voucher Administrative Plan, effective October 15, 2018.

**Approved on the Consent Agenda.**

**Resolution No. 59-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE REVISIONS TO THE CITY OF MESQUITE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 59-2018 recorded in Resolution Book No. 55.)**

- 8 A. Suspension of Rule 2.11 of the City Council's Rules of Procedure to allow adoption of an amendment to those Rules by majority vote without introduction of the amendment at a prior meeting of the City Council.

B. A resolution amending Resolution No. 55-2017 by deleting two of the regular City Council meetings in the month of November of each year held on the second Tuesday and last Thursday of the month and amending Rule 3.1 of the City Council's Rules of Procedure.

**Approved on the Consent Agenda.**

**Resolution No. 60-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING RESOLUTION NO. 55-2017 BY DELETING TWO OF THE REGULAR CITY COUNCIL MEETINGS IN THE MONTH OF NOVEMBER OF EACH YEAR HELD ON THE SECOND TUESDAY AND LAST THURSDAY OF THE MONTH; AMENDING RULE 3.1 OF THE CITY COUNCIL'S RULES OF PROCEDURE, AS AMENDED; AND ESTABLISHING AN EFFECTIVE DATE. (Resolution No. 60-2018 recorded in Resolution Book No. 55.)**

- 9 Bid No. 2018-067 - Purchase of SWAT Van for Police Department.  
(Staff recommends award to sole source provider Quality Vans & Specialty Vehicles in Tempe, Arizona, in the amount of \$70,000.00.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2018-097 - Annual Landscaping & Property Preservation Maintenance for Environmental Code.  
(Staff recommends all bids be rejected and rebid at a later date.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2018-104 - Finance Renovation Project.  
(Authorize the City Manager to finalize and execute the required documents with Custard Construction Services through Tips/Taps Contract No. 1012116 in the amount of \$98,909.77.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2019-016 - Purchase of Air Compressors and Light Tower.  
(Staff recommends award to Holt CAT, in Dallas, Texas, through BuyBoard Contract No. 515-16, sponsored by the Texas Association of School Boards, in the amount of \$106,290.00.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2019-040 - Annual Print Materials.  
(Staff recommends award to Ingram Library Services, through the Texas Procurement and Support Services [TPASS] Contract No. 715-M2, sponsored by Texas Smart Buy, in the amount of \$127,000.00.)

**Approved on the Consent Agenda.**

- 15 Authorize the City Manager to finalize and execute a Supplemental Agreement to RFQ No. 2018-077, Neighborhood Stabilization Program New Home Construction: Engineering Services, with Metropolitan Infrastructure, PLLC, for additional engineering and design services, in the amount of \$17,900.00.

**Approved on the Consent Agenda.****CONSENT AGENDA ITEM CONSIDERED SEPARATELY**

- 14 Authorize the City Manager to finalize and execute a contract amendment with Kimley-Horn and Associates, Inc., to prepare construction documents for Front Street in the amount of \$230,000.00.

**Matt Holzapfel, Director of Public Works, stated that the City Council approved the design contract for the reconstruction of Front Street on June 18, 2018. The initial contract scope covered basic infrastructure and included the design of new street paving, water, sanitary sewer and drainage to address drainage issues in downtown Mesquite. The goal of the initial contract was to jump-start the design work to enable construction to begin in early 2019.**

**Since approval of the initial infrastructure design contract, the downtown visioning stakeholders group developed and approved a preferred concept option which gave further direction on the layout, landscaping and hardscape elements for Front Street and associated event space, vendor stalls, food truck parking and general use parking. The proposed contract amendment will provide**

for the design scope of these additional elements. Present schedule is to bid the project in the first quarter of 2019, with construction to begin during the second quarter of 2019.

Mr. Archer moved to authorize the City Manager to finalize and execute a contract amendment with Kimley-Horn and Associates, Inc., to prepare construction documents for Front Street in the amount of \$230,000.00. Motion was seconded by Mr. Casper and approved unanimously.

## END OF CONSENT AGENDA

## PUBLIC HEARINGS

16

Conduct a public hearing and consider an ordinance for Application No. Z0718-0055, submitted by Christopher Browne of EHRA Engineering, for a change of zoning from Kaufman-Interstate 20 District to Planned Development - Single-Family to allow development of a single-family residential subdivision, located south of Interstate Highway 20 and west of the intersection of High Country Lane and Dozier Circle.

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

A public hearing was held for Application No. Z0718-0055.

Jeff Armstrong, Director of Planning and Development Services, stated that this rezoning request consists of 179.407 acres of undeveloped property, which was annexed in 2016. Approximately 127.9 acres is considered developable with the remaining 51.5 acres containing steep topography, existing drainage courses and floodplain. The applicant proposes a single-family residential development called Trinity Point Village, which will consist of 540 front-entry single-family lots with no alleys and approximately 19 acres of open space with a six-foot-wide walking/bike trail, community pool, dog park and pocket park. Currently, the property does not contain the necessary infrastructure for this development. Mr. Armstrong reviewed the development standards as well as the proposed stipulations.

Matt Dunham, representing Skymark Development Company, stated that the average home size will be approximately 2,000 square feet on 50-to-60-foot-wide lots, with a price point of \$250,000.00. The homes will consist of 90-percent masonry.

No one appeared regarding the proposed application.

Mr. Noschese moved to deny Application No. Z0718-0055. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Casper, Boroughs

Nayes: Pickett, Miklos, Archer, Aleman

Motion failed.

Mr. Miklos moved to approve Application No. Z0718-0055, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Except as provided herein, the plat and site plan for the property shall conform substantially to the Concept Plan as Exhibit "A" to the ordinance.
2. The maximum number of lots shall be 540.
3. The floodplain area shall serve as an amenity/usable open space for the development with outdoor seating, playground equipment and similar public amenities. Neighborhood walking/biking trails shall be provided throughout floodplain area.
4. A detailed landscape plan is required with submittal of the site plan in compliance with Section 1A of the Mesquite Zoning Ordinance and the Planned Development Ordinance that clearly shows all proposed landscaping, including the perimeter landscape buffer, public amenities, parks and all open space areas, including those located in the floodplain.
5. No front elevation, including its mirror image, shall be repeated more than once per eight lots, and in no case more than twice in one blockface.
6. A long-span precast concrete decorative screening wall, eight feet in height, in earth-tone colors, shall be erected on the street right-of-way line along arterial streets. Color, texture, and materials shall be uniform on both sides along High Country Lane. As an alternative, a wrought iron fence, six to eight feet in height, with evergreen trees selected from Section 1A-500 of the Mesquite Zoning Ordinance shall be installed at intervals to effectively create a visual screen. At the time of planting, the trees must, at a minimum, be the height of the wrought iron fence.
7. All fences abutting public open space shall be constructed of wrought iron.
8. A Traffic Impact Analysis (TIA) is required. As part of the TIA, measures shall be recommended to minimize and mitigate the anticipated impacts of the development and to determine the adequacy of the development's planned access points. Mitigation measures shall be subject to approval by the City Engineer and may include, but are not limited to, the following: an access management plan; transportation demand management measures; street improvements on or off the site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements. The owner shall make the improvements recommended by the TIA and approved by the City that are necessitated by and proportional to the development.
9. A flood study is required pursuant to the City's Drainage Ordinance. The flood study shall determine limits of the flood plain based on fully developed conditions. Drainage improvements recommended by the flood study are subject to approval by the City Engineer. The owner shall make the improvements recommended by the Flood Study and approved by the City Engineer.
10. A dam breach analysis for the existing pond adjacent to the site is required. The breach analysis shall include measures to ensure stability of the pond. Mitigation measures shall be subject to approval by the City Engineer. The owner is responsible for making the improvements recommended by the analysis and approved by the City Engineer.
11. Verification of whether the pond is a wetland is required.
12. Residential structures shall be constructed with offset front entry. The garage door shall be set back at least five feet behind the front building face.
13. A minimum of three of the following elements must be incorporated into the design of each dwelling unit:
  - a. Multiple pane windows featuring either divided light or simulated divided light;
  - b. A front porch area enclosed by a railing at least 30 inches in height and containing decorative columns at least six inches in diameter;

- c. Gable(s) with window(s);
  - d. Dormer(s);
  - e. Bay windows with a minimum projection of 24 inches;
  - f. Roofs with a minimum 8:12 roof pitch;
  - g. Split garage doors with a separate door for each vehicle bay; or
  - h. Front covered porch with at least 40-square feet of useable space and a minimum depth of five feet.
14. Prior to the final inspection of a house, the builder shall plant two canopy trees in the front yard of each lot. Trees to be planted shall be selected from the approved plant list in Section 1A-500 of the Mesquite Zoning Ordinance.
15. All single family lots, landscape areas and open space shall be provided with an adequate, inconspicuous and complete-coverage automatic irrigation system that complies with the following standards:
- a) All planted areas shall be irrigated.
  - b) Irrigation systems shall be calibrated and designed to provide the appropriate amount of water for the plant species to be watered and shall not overwater.
  - c) All irrigation systems shall be equipped with functioning rain and freeze sensors and shall comply with backflow and cross-connection regulations.
  - d) Drip or soaker irrigation shall be used in all vegetated areas exclusive of turf grass areas.

And to approve Ordinance No. 4617, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM K-20 FLOATING ZONE TO SINGLE FAMILY - PLANNED DEVELOPMENT WITH AN UNDERLYING ZONING DISTRICT OF R-2A ON PROPERTY GENERALLY LOCATED SOUTH OF IH-20, WEST SIDE OF HIGH COUNTRY LANE AND WEST OF THE INTERSECTION OF HIGH COUNTRY LANE AND DOZIER CIRCLE THEREBY ALLOWING A SINGLE FAMILY SUBDIVISION SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

**Ayes:** Miklos, Aleman, Pickett, Archer

**Nays:** Noschese, Casper, Boroughs

**Motion carried. (Ordinance No. 4617 recorded in Ordinance Book No. 113.)**

17

Conduct a public hearing and consider an ordinance for Application No. Z0818-0060, submitted by Mohammad Siddiqi, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow a variety store, located at 3012 Big Town Boulevard, Suite 100.

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

**A public hearing was held for Application No. Z0718-0060.**

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to operate a variety store within a 2,230-square-foot vacant suite in an existing shopping strip. Mr. Armstrong reviewed the proposed



stipulations.

Applicant Mohammad Siddiqi requested clarification regarding the fresh food requirement.

Mr. Armstrong stated that a minimum of 10 percent of the floor area must include fresh produce, meat and dairy products.

No one appeared regarding the proposed application.

Mr. Noschese moved to approve Application No. Z0718-0060, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. A minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.
2. Window signs shall be limited to 25 percent of the area of any window or door.
3. The business shall have no more than one temporary sign at any time, except that two swoosher or teardrop signs may be on the property as long as there are no other temporary signs. Any temporary sign must comply with the Sign Code for the specific sign type.
4. No portion of any window shall be outlined with lighting.
5. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall flash or change no more frequently than every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.
6. Outdoor display and/or storage shall be prohibited.
7. The Conditional Use Permit shall apply to Mohammad Siddiqi and cannot be assigned or transferred.

And to approve Ordinance No. 4618, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 3012 BIG TOWN BOULEVARD, SUITE 100 THEREBY ALLOWING A VARIETY STORE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Aleman, Pickett, Miklos, Casper, Boroughs

Nays: Archer

Motion carried. (Ordinance No. 4618 recorded in Ordinance Book No. 113.)

18

Conduct a public hearing and consider an ordinance for Application No. Z0818-0061, submitted by Devin Huffines of Deal a Day Real Estate, LLC, for a change of zoning from Agriculture and K-20 to Planned Development-General Retail to allow a convenience store with eight fuel pumps, and other uses permitted in the General Retail district, located at 10991 Interstate Highway 20. (Two responses in favor and none in opposition to the application have been received from property owners within the statutory notification area. The

Planning and Zoning Commission recommends approval of the application.)

A public hearing was held for Application No. Z0818-0061.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is proposing to construct a convenience store with eight fuel pumps for a total of 16 fueling positions. The building will back up to the IH-20 service road and the site will have cross-access easements to access future development to the southwest. Mr. Armstrong reviewed the site elevations and stated that the canopy columns would be encased with brick to match the primary building.

Applicant Devin Huffines, stated that there are three operators who are in contention for managing the proposed store and fueling station. The backside of the building will be screened by a detention pond with cattails as well as landscaping and a logo will be placed on the building. The store will have late hours and may potentially be a 24-hour location. The parking lot will consist of concrete and there will be no diesel fuel sales for heavy load vehicles.

Ron Ward, 430 Running Brook Lane, expressed concerns regarding continued maintenance of the backside of the building.

Sherelle Russell, representing The Dimension Group, stated that the type of material used in construction is aesthetically pleasing and easily maintained. The Dimension Group encourages all of its franchise owners to install security cameras.

Mr. Armstrong stated that there will not be pavement or solid waste collection behind the building.

Mr. Casper moved to approve Application No. Z0818-0061, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Except as provided herein, the plat and site plan for the property shall conform substantially to the Concept Plan as Exhibit "B" in the ordinance. In the event of a conflict between the provisions of the ordinance and Exhibit "B," the provisions of the ordinance control.
2. Except as otherwise provided in Subsection a and b of this section, the uses shall be limited to those permitted in the General Retail Zoning District subject to the same conditions applicable in the General Retail Zoning District as provided in the City of Mesquite Zoning Ordinance. For example, a use permitted in the General Retail Zoning District by Conditional Use Permit (CUP) is permitted in this district only by CUP.
  - a. The following additional use is permitted:  
SIC Code 554: Gasoline Service Station with up to 16 fueling positions
  - b. The following uses shall be prohibited:  
SIC Code 5947: Gift, Novelty, Souvenir Shops  
SIC Code 751: Automotive Rental, Leasing  
SIC Code 753: Automobile Repair Services
3. Signage shall follow the current City of Mesquite Sign Ordinance and comply with the following requirements.
  - a. Window signs shall be limited to 25 percent of the area of any window or door.
  - b. The business shall have no more than one temporary sign at any time, except that two swoosher or teardrop signs may be on the property as long as there are no other temporary signs. Any temporary sign must comply with the Sign Code for the specific sign type.

4. No portion of any window shall be outlined with lighting.
5. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall flash or change no more frequently than every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.
6. District screening shall not be required from the adjacent agricultural zoned districts.
7. Landscaping shall be provided as follows:
  - a. Landscaping shall be provided on no less than 15 percent of the site.
  - b. All parking islands shall be landscaped with grasses, perennials or shrubs.
  - c. Parking lot trees shall be placed in a landscape area no smaller than 9-feet by 18-feet. A landscape island located at an intersection of maneuvering aisles may contain landscape material exceeding 30 inches in height.
  - d. One shade tree, one evergreen tree, or three ornamental trees are required for each 500-square feet of required landscape area. All trees may be counted to fulfill the requirement provided a minimum of 50 percent are located between the main building and the front and/or exterior side property lines.
8. Outdoor display and/or storage shall be prohibited.
9. The sidewalk along FM 741 Road and IH-20 shall be a minimum of six feet in width or a width necessary to comply with the City of Mesquite's Trails Master Plan or Texas Department of Transportation. If necessary or desired, a portion of the sidewalk may be located on private property. Any portion of the sidewalk located on private property must be within a 10-foot pedestrian easement. Other sidewalks shall be a minimum of five feet in width.
10. A pedestrian plaza shall be located on the north side of the building facing the FM 741 and IH-20 intersection and shall consist of one of the following:
  - a. Pedestrian furniture; or
  - b. Bicycle rack
11. Development shall comply with the Community Appearance Manual.
12. Parking shall be provided as generally shown on the Concept Plan.
13. All parking rows shall be bounded by a landscaped area or a landscaped parking island.

And to approve Ordinance No. 4619, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 10991 IH-20 THEREBY ALLOWING A CONVENIENCE STORE WITH FUEL SALES IN ADDITION TO USES PERMITTED 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 FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4619 recorded in Ordinance Book No. 113.)

19

Conduct a public hearing and consider an ordinance for Application No. Z0818-0063, submitted by Luis Tovar, for a change of zoning from Truman Heights Neighborhood - Mandatory Office-Shopfront to Truman Heights Neighborhood - Single-family Residential to allow a new single-family residence, located at 2026 Stephenson Drive.

(One response in favor and four in opposition to the application have been received from property owners within the statutory notification area. The

Planning and Zoning Commission recommends approval of the application.)

**A public hearing was held for Application No. Z0818-0063.**

**Jeff Armstrong, Director of Planning and Development Services, stated that the applicant desires to build a single-family home in the Truman Heights neighborhood and would be required to meet the Truman Heights Revitalization Code.**

**Applicant Luis Tovar stated that he purchased the vacant lot with plans to construct a home on the site.**

**Dale Word, 718 Highway 80 East, spoke in opposition to the proposed application.**

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

**Councilmembers discussed an opportunity with Mr. Tovar and Mr. Word to negotiate the sale of the property and to allow additional time for Mr. Word to explore the possibility of expanding his business. Councilmembers directed staff to work with Mr. Tovar on locating another vacant lot in Mesquite to construct his home.**

**Mr. Archer moved to deny Application No. Z0818-0063. The motion failed for lack of a second.**

**Mr. Miklos moved to postpone Application No. Z0818-0063 to the December 3, 2018, City Council meeting to allow the applicant the opportunity to negotiate the sale of the property. Motion was seconded by Mr. Archer and approved unanimously.**

## **APPOINTMENTS TO BOARDS AND COMMISSIONS**

**20** Consider appointment of four regular members and one alternate member to the Parks and Recreation Advisory Board and Tree Board for terms to expire October 21, 2020.

**Mr. Archer moved to reappoint Brooks Watts and Keith Briggs as regular members to the Parks and Recreation Advisory Board and Tree Board and to change the appointment of Kenneth Burris and L.C. Williams from alternate members to regular members, all for terms to expire October 21, 2020. Motion was seconded by Mr. Aleman and approved unanimously.**

**21** Consider appointment of eight members to the Mesquite Veterans' Affairs and Memorial Advisory Board for a term to expire September 7, 2020.

**Mr. Casper moved to reappoint Councilmember Bruce Archer, Kenneth Burris, Gene Chennault, Jerry Dittman, Jerry Jochum and Gary Ward as members to the Mesquite Veterans' Affairs and Memorial Advisory Board for terms to expire September 7, 2020. Motion was seconded by Mr. Aleman and approved unanimously.**

**ADJOURNMENT**

**Mr. Casper moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 9:12 p.m.**

Attest:

Approved:

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

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