



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, May 4, 2020

5:00 PM

City Hall | Training Rooms A&B  
757 N. Galloway | Mesquite, Texas

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

Absent: Councilmember Sherry Wisdom.

*In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, a quorum of the City Council attended the meeting in person in Training Rooms A & B, located at 757 North Galloway Avenue, Mesquite, Texas, and practiced social distancing. The meeting location was not open to the public.*

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

*Applicants having matters on the agenda were allowed to appear in person or via telephone conferencing. Members of the public were allowed to participate via telephone conferencing.*

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

### **EXECUTIVE SESSION - TRAINING ROOMS A&B - 5:04 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 ([1] 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; [2] Petition of the Cities of Garland, Mesquite, Plano, and Richardson appealing 2017 wholesale rates implemented by the North Texas Municipal Water District, PUC Docket No. 46662 – Filed 12-14-16; and [3] Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 [Appealing Wholesale Water Rates for 2018] Filed 12-15-17); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:20 p.m., the City Council reconvened in Open Session.

**EXECUTIVE ACTION RESULTING FROM EXECUTIVE SESSION AT 5:04 P.M.**

It was Council consensus to authorize B. W. Smith to serve as an alternate for Sherry Wisdom at the mediation to be held in an effort to resolve the Spradley Farms v. Mesquite dispute, Item No. 15 on the agenda pending litigation list.

**AGENDA REVIEW****STAFF PRESENTATIONS**

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

It was Council consensus to continue current efforts in place for parks and reservation facilities until Governor Greg Abbott announces Phase 2 plans; continue closure of both library branches until July 1, 2020, with online/curbside services based out of the Main Library; decide about the operation of pools, summer camps and athletic leagues by June 1, 2020; and continue suspension of the recycling program until July 1, 2020.

**REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:14 P.M.****INVOCATION**

Beto Meza, Pastor, New Life Church DFW, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Members of Mesquite Citizens Police Academy Alumni Association.

**CITY COUNCIL/STAFF WORK SESSION**

- 2 Receive quarterly report from the Police Department.

Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD) for January – March 2020. He reviewed the 2020 Year-to-Date Uniform Crime Report crime statistics for murder, rape, robbery, aggravated assault, burglary, thefts and vehicle thefts. Due to the current school year being cancelled, the School Resource Officers (SROs) have been reallocated. Each Wednesday, 23 SROs are utilized for traffic control at 18 school campuses for the meal program which provides 10,000 meals per campus. The SROs COVID-19 reallocation includes one SRO assigned to Background Investigations, four SROs assigned to Dispatch and 17 SROs assigned to Patrol. In Dispatch, this reallocation has resulted in an overtime savings of \$9,500.00 in the first month. As of April 25, 2020, the MPD began working a 12-hour alternative shift schedule, which allows greater flexibility to cover patrol, dispatch and detention operations. After one month, the 12-hour alternative shift schedule will be re-evaluated. Chief Cato stated that the MPD has all of the Personal Protective Equipment required to effectively perform their jobs.

Councilmembers expressed appreciation to Chief Cato and the MPD for their

dedication to our community.

## **SPECIAL ANNOUNCEMENTS**

1. Mr. Miklos encouraged citizens to visit [www.RoadmapToResources.com](http://www.RoadmapToResources.com) for information on job openings, interview and resume tips, grants available for small businesses and much more. The website also contains links and videos with additional information.
2. Mr. Boroughs stated that, in accordance with guidelines issued in the Governor's Report to Open Texas, the City opened the Westlake Sports Center last week for tennis, archery and pickleball. To protect the health and safety of the public and City employees, a variety of rules have been implemented.
3. Mr. Green reminded citizens that schools have closed for the remainder of this school year due to the COVID-19 pandemic and children will be playing outside. Remember to "Drive Like Your Family Lives Here."
4. Mr. Aleman announced that the Mesquite Police Department is offering free gun locks to the Mesquite community through the "Project Child Safe" national program. He reminded residents to store firearms safely and properly in order to avoid accidents in the home.
5. Mr. Aleman stated that the National Day of Prayer is an annual event held on the first Thursday in May. However, due to the COVID-19 pandemic, the event will be held in a different manner this year. He invited citizens to join in prayer on May 7, 2020, at 7:30 a.m. and at Noon, on the Mesquite Ministerial Alliance Facebook page.
6. Mayor Archer and Councilmembers expressed appreciation to the Mesquite Police Department, Mesquite Fire Department and City staff for their efforts in keeping our community safe during this pandemic.
7. Mr. Smith announced that the annual Mesquite Recycles Day event scheduled for May 9, 2020, has been cancelled due to the COVID-19 pandemic. However, Mesquite residents can drop off recyclable items, at no charge, at the Citizens Convenience and Recycling Center, 3550 Lawson Road, on Monday, Tuesday, Thursday, Friday and Saturday, from 9:00 a.m. to 4:00 p.m.
8. Mayor Archer thanked residents, who work at essential businesses and in the medical profession, for their dedication during this COVID-19 pandemic. He reminded citizens to practice social distancing, wear masks when in public and wash your hands often.
9. Mayor Archer asked for a moment of silence in honor of Mesquite residents who have lost their lives due to the COVID-19 pandemic.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

**Mr. Green requested that Item Nos. 11 and 12 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 Mr. Smith and approved unanimously.**

- 3** Minutes of the regular City Council meeting held April 20, 2020.

**Approved on the Consent Agenda.**

- 4** An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2020, in the aggregate principal amount of not to exceed \$11,680,000; levying a tax in payment thereof; prescribing the form of said certificates; approving execution and delivery of a bond purchase

agreement; approving the official statement; approving and enacting other provisions relating thereto.

**Approved on the Consent Agenda.**

**Ordinance No. 4778, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,680,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID CERTIFICATES; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; APPROVING AND ENACTING OTHER PROVISIONS RELATING THERETO. (Ordinance No. 4778 recorded in Ordinance Book No. 120.)**

- 5 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, Waterworks and Sewer System Revenue Bonds, Series 2020 in the aggregate principal amount of not to exceed \$22,250,000; approving an official statement; making provisions for the security thereof; authorizing the execution and delivery of a purchase agreement; providing an effective date; approving and enacting other provisions relating thereto.

**Approved on the Consent Agenda.**

**Ordinance No. 4779, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF MESQUITE, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2020 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$22,250,000; APPROVING AN OFFICIAL STATEMENT; MAKING PROVISIONS FOR THE SECURITY THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT; PROVIDING AN EFFECTIVE DATE; APPROVING AND ENACTING OTHER PROVISIONS RELATING THERETO. (Ordinance No. 4779 recorded in Ordinance Book No. 120.)**

- 6 An ordinance of the City of Mesquite, Texas, authorizing the issuance and sale of City of Mesquite, Texas, General Obligation Bonds, Series 2020 in the aggregate principal amount not to exceed \$16,750,000; levying a tax in payment thereof; prescribing the form of said bonds; approving execution and delivery of a bond purchase agreement; approving the official statement; and enacting other provisions relating thereto.

**Approved on the Consent Agenda.**

**Ordinance No. 4780, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MESQUITE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2020 IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,750,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO. (Ordinance No. 4780 recorded in Ordinance Book No. 120.)**

- 7 A resolution finding that Oncor Electric Delivery Company, LLC's application for approval to amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee, authorizing the hiring of legal counsel and consulting

services, finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel.

**Approved on the Consent Agenda.**

**Resolution No. 19-2020, A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY, LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No. 19-2020 recorded in Resolution Book No. 60.)**

- 8 A resolution authorizing the City Manager to execute and file with the City Secretary a voluntary petition for annexation into the City of Mesquite, Texas, of 1.425 acres of real property owned by the City and generally located southwest of FM 2932 and southeast of Griffin Lane in Kaufman County, Texas (the "Property"), authorizing a service plan for the property, providing a severability clause, and providing an effective date.

**Approved on the Consent Agenda.**

**Resolution No. 20-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE WITH THE CITY SECRETARY A VOLUNTARY PETITION FOR ANNEXATION INTO THE CITY OF MESQUITE, TEXAS, OF 1.425 ACRES OF REAL PROPERTY OWNED BY THE CITY AND GENERALLY LOCATED SOUTHWEST OF FM 2932 AND SOUTHEAST OF GRIFFIN LANE IN KAUFMAN COUNTY, TEXAS (THE "PROPERTY"); AUTHORIZING A SERVICE PLAN FOR THE PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 20-2020 recorded in Resolution Book No. 60.)**

- 9 RFP No. 2019-046 - Development of 3811 South Belt Line Road, 4600 Mercury Road, and 14804 Lakeside Road, Balch Springs, Texas.  
(Award of bid to Bloomfield Homes, L.P., and authorize the City Manager to negotiate a Memorandum of Understanding with Bloomfield Homes, L.P., and the City of Balch Springs outlining the terms and conditions for the sale of 173.393 acres of land located in Balch Springs to Bloomfield Homes, L.P., 171.393 acres owned by the City of Mesquite and 2.0 acres owned by the City of Balch Springs.)

**Approved on the Consent Agenda.**

- 10 Authorize the City Manager to finalize and execute a contract with Garver, LLC, to perform a Sewer System Fan Testing Study in the amount of \$54,835.00.

**Approved on the Consent Agenda.**

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**CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 11 Appoint Terry Anderson to the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2022.
- Mayor Archer stated that Mr. Anderson has served over 30 years and recommends that he continue to serve on this board.**
- Mr. Aleman moved to reappoint Terry Anderson as a member of the North Texas Municipal Water District Board of Directors for a term to expire May 31, 2022. Motion was seconded by Mr. Boroughs and approved unanimously.**
- 12 Appoint two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Wednesday, June 3, 2020, at 1:30 p.m.
- Mr. Aleman moved to appoint Kenny Green and B. W. Smith as regular members and Tandy Boroughs as an alternate member to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held Wednesday, June 3, 2020, at 1:30 p.m. Motion was seconded by Mr. Green and approved unanimously.**

**END OF CONSENT AGENDA****PUBLIC HEARINGS**

- 13 Conduct a public hearing and consider possible action regarding a request from Christopher Brown on behalf of Kodiak Brands, Inc., to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the eastern property line of property located at 1510 East Kearney Street.
- (No responses in favor and two in opposition to the application have been received from property owners within the statutory notification area. This item was postponed at the April 20, 2020, City Council meeting.)
- A public hearing was held to consider a request to waive the requirement for an eight-foot-tall, long-span precast masonry screen wall along the eastern property line of property located at 1510 East Kearney Street.**
- Jeff Armstrong, Director of Planning and Development Services, stated that staff is requesting postponement of this item to allow additional time for the applicant and adjacent property owner to consider all options.**
- No one appeared regarding the screening wall waiver request.**
- Mr. Miklos moved to table consideration of a request to waive the requirement for an eight-foot-tall, long-span precast masonry screening wall along the eastern property line of property located at 1510 East Kearney Street. Motion was seconded by Mr. Smith and approved unanimously.**
- 14 Conduct a public hearing for the purpose of considering annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located at the intersection of FM 2932 and County Road 245, in the J. Moore Survey, Abstract No. 309, and a portion of Griffin Lane, a Kaufman County road, and the right-of-way on both sides, that is adjacent to the City of Mesquite's existing

corporate boundary, Kaufman County, Texas, in connection with voluntary petitions submitted by Oak National Holdings, LLC and the City of Mesquite.

A public hearing was held to consider annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located at the intersection of FM 2932 and County Road 245, in the J. Moore Survey, Abstract No. 309, and a portion of Griffin Lane, a Kaufman County road, and the right-of-way on both sides, that is adjacent to the City of Mesquite's existing corporate boundary, Kaufman County, Texas.

Jeff Armstrong, Director of Planning and Development Services, stated that this is a voluntary annexation of 364.65 acres of land, located south of Interstate Highway 20 and east of the Heartland development, off of FM 2932. The property is proposed to be developed as a single-family residential development on one-acre lots. In addition, the annexation will include a portion of Griffin Lane and a 1.424-acre, 25-foot-wide strip of land owned by the City of Mesquite. This is the first of two required public hearings. The second public hearing and the consideration of the annexation ordinance will be considered at the May 18, 2020, City Council meeting.

No one appeared regarding the proposed annexation.

**ADJOURNMENT**

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:29 p.m.

Attest:

Approved:

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Sonja Land, City Secretary

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Bruce Archer, Mayor