



City of Mesquite, Texas

Minutes - Final City Council

Monday, May 18, 2020

5:30 PM

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

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

In accordance with the Governor's suspension of various provisions of the Texas Open Meetings Act issued pursuant to his State Disaster Authority, and guidance issued on the suspension by the Attorney General's Office, 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 and on Facebook at www.facebook.com/cityofmesquitetx, as well as on Spectrum Digital Channel 16 and AT&T U-verse Channel 99.

Applicants having matters on the agenda and interested parties 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 - 5:30 P.M.

EXECUTIVE SESSION - TRAINING ROOMS A&B - 5:30 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney related to pending or contemplated litigation; a settlement offer; and issues in which there exists a duty of the City Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas (Spradley Farms, L.C., as managing partner for Spradley Farms LTD; and Charles Spradley, in his official capacity v. The City of Mesquite, Texas, and Bruce Archer in his official capacity as Mayor of the City of Mesquite, and Sherry Wisdom, Kenny Green, Robert Miklos, Tandy Boroughs, B. W. Smith and Daniel Aleman, Jr., of the Mesquite City Councilmen in their official capacity, Cause No. 104439-CC2 – Filed 2-6-20, Pending in County Court No. 2 of Kaufman County, Texas; and The Court of Appeals, Fifth District of Texas at Dallas, Case No. 05-20-00204-CV – Filed 2-18-20); whereupon, the City Council proceeded to meet in Training Rooms A&B. After the closed meeting ended at 6:02 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive presentation regarding City Council meeting format.

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

It was Council consensus to move forward with the City Manager's recommendations for re-opening City facilities.

REGULAR CITY COUNCIL MEETING - TRAINING ROOMS A&B - 7:07 P.M.

INVOCATION

Devin Labay, Pulpit Minister, Mesquite Church of Christ, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Public Works Department.

SPECIAL ANNOUNCEMENTS

(1) Mr. Green announced that the Mesquite Public Library has launched a new program, "Library To Go," in order to make library books, videos and audiobooks more accessible to the public during the COVID-19 pandemic. The public can reserve materials at the library on the City's website and pick up the materials, within 48 hours, curbside at the Main Library.

(2) Mr. Boroughs expressed appreciation for the Municipal Court's City Marshal program, which recently celebrated its fifth anniversary. This program allows Mesquite Police Officers, who previously performed court-related duties, to refocus their attention on patrolling City streets.

(3) Mr. Miklos stated that Memorial Day is a day to honor the men and women who lost their lives while serving in the United States military. Construction will soon begin on the Mesquite Veterans Memorial to honor all military veterans and their families. This is a great time to consider purchasing a \$50.00 brick, with a personalized message, to be placed on the walkway leading up to the memorial.

(4) Mr. Smith stated that the Mesquite Police Department (MPD) recently uncovered a narcotics operation and made numerous arrests of persons purchasing drugs. Last week, MPD investigators conducted a search of the property and uncovered a significant amount of illegal drugs and several firearms. The person suspected of running the operation was arrested on numerous charges. He reminded residents, if you see something, say something.

(5) Mr. Aleman stated that, according to the Texas Department of Transportation, an average of 10 people die every day in traffic crashes in Texas. The last deathless day on roadways in Texas was November 7, 2000. Memorial Day weekend is a good time to remember the three S's: Seat Belts, Sobriety and Safe Speed. Drive Live Your Family Lives Here because ours do!

(6) Mr. Aleman asked citizens to keep families in their prayers who have lost loved ones in the military along with first responders.

(7) Ms. Wisdom stated that many in our community are in need of food assistance. Eastfield College, 3737 Motley Drive, will be hosting a drive-thru food distribution event, sponsored by the North Texas Food Bank, on Friday, May 22, 2020, from 9:00 a.m. to Noon. Citizens must stay in their car and food will be safely placed in the trunk.

(8) Mayor Archer announced the City's new "Shop Mesquite" campaign designed to encourage residents to spend their money locally at stores and restaurants in Mesquite. The City will use a variety of resources, communications and partnerships to promote this campaign, which will be a long-term commitment to promoting local stores and restaurants.

CITIZENS FORUM

(1) Alex Harris, 1130 Via Del Rey, expressed concerns regarding ethics and campaign finance reform.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Green requested Item No. 11 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. Boroughs and approved unanimously.

3 Minutes of the regular City Council meeting held May 4, 2020.

Approved on the Consent Agenda.

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 further continued and authorized by Ordinance No. 4773 adopted by the City Council on March 30, 2020; 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.

Approved on the Consent Agenda.

Ordinance No. 4781, 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 ADOPTED BY THE CITY COUNCIL ON MARCH 30, 2020; 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. (Ordinance No. 4781 recorded in Ordinance Book No. 120.)

- 5 A resolution authorizing the City Manager to finalize and execute a Memorandum of Understanding with Bloomfield Homes, L.P., and the City of Balch Springs, Texas, for the sale of 173.393 acres of land located in Balch Springs to Bloomfield Homes, L.P., of which 171.393 acres is owned by the City of Mesquite and 2.0 acres is owned by the City of Balch Springs, and authorizing the City Manager, or the City Manager's designee, to negotiate the terms and provisions of an agreement related to the sale and purchase of such property.

Approved on the Consent Agenda.

Resolution No. 21-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A MEMORANDUM OF UNDERSTANDING WITH BLOOMFIELD HOMES, L.P., AND THE CITY OF BALCH SPRINGS, TEXAS, FOR THE SALE OF 173.393 ACRES OF LAND LOCATED IN BALCH SPRINGS TO BLOOMFIELD HOMES, L.P., OF WHICH 171.393 ACRES IS OWNED BY THE CITY OF MESQUITE AND 2.0 ACRES IS OWNED BY THE CITY OF BALCH SPRINGS; AND AUTHORIZING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE, TO NEGOTIATE THE TERMS AND PROVISIONS OF AN AGREEMENT RELATING TO THE SALE AND PURCHASE OF SUCH PROPERTY. (Resolution No. 21-2020 recorded in Resolution Book No. 60.)

- 6 Bid No. 2018-073 - Annual Supply of Fuels - Unleaded Gasoline and Diesel Fuel.
(Staff recommends exercising the second of three contract renewal options with Martin Eagle Oil Company, as the primary vendor, and Douglass Distributing Co., as the secondary vendor, through an Interlocal Cooperative Purchasing Agreement with Tarrant County based on the Oil Price Information Service daily rack average the day of delivery. The City Manager is authorized to exercise the last renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 7 Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., to create an Americans with Disabilities Act (ADA) Transition Plan in the amount of \$125,000.00.

Approved on the Consent Agenda.

- 8 Authorize the City Manager to finalize and execute an interlocal agreement with the Kaufman County regarding the improvements and maintenance of Griffin Lane.

Approved on the Consent Agenda.

- 9 Authorize the City Manager to finalize and execute Change Order No. 2 to Bid No. 2019-003, Front Street Station from Ebrite Street to Galloway Avenue, with DDM Construction Corporation for changes in conditions and design in the amount of \$52,071.14.

Approved on the Consent Agenda.

- 10 Reappoint Robert Miklos as the principal member and Bruce Archer as the alternate member to the Regional Transportation Council for terms to expire June 30, 2022.

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

- 11 Appoint a Mayor Pro Tem and Deputy Mayor Pro Tem for one-year terms.

Ms. Wisdom moved to appoint Robert Miklos as Mayor Pro Tem and Dan Aleman as Deputy Mayor Pro Tem to serve one-year terms. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA**PUBLIC HEARINGS**

- 12 A. Conduct a public hearing for the purpose of considering the annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located southwest of FM 2932 and southeast of Griffin Lane, in the John 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, Kaufman County, and the City of Mesquite.

B. Consider an ordinance annexing 364.65 acres in the City's extraterritorial jurisdiction and generally located southwest of FM 2932 and southeast of Griffin Lane, in the John Moore Survey, Abstract No. 309, Kaufman County, Texas (the "Property"), pursuant to voluntary petitions submitted by Oak National Holdings, LLC, and the City, and further annexing the northeastern portion of Griffin Lane adjacent to the existing corporate limits of the City including the part abutting the Property, pursuant to the voluntary petition submitted by Kaufman County; granting all inhabitants of said Property the rights and privileges of all other citizens and making applicable to said Property and its inhabitants all of the acts, ordinances, resolutions and regulations of the City except as otherwise provided; approving service plans for the provision of municipal services to the Property; designating the annexed Property to be zoned agricultural; directing the City Secretary to give notice as required to all affected jurisdictions; directing the City Manager to make map revisions; revising the official boundary limits of the City; adding the property into Single-Member District 6, and setting an effective date of annexation.

A public hearing was held for the purpose of considering the annexation of 364.65 acres in the City's extraterritorial jurisdiction and generally located southwest of FM 2932 and southeast of Griffin Lane, in the John 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, Kaufman County, and the City of Mesquite.

Jeff Armstrong, Director Planning and Development Services, explained that this is a voluntary annexation of 364.65 acres in the City's extraterritorial jurisdiction, which includes the portion of Griffin Lane that abuts the existing Mesquite corporate limits. The 364.65 acres consists of 363.225 acres owned by Oak National Holdings, LLC, and 1.425 acres, which is a 25-foot strip of land, owned by the City of Mesquite. This property is located along FM 2932 and is proposed to be developed with single-family residences on one-acre lots to be known as Berkshire Estates. Currently, no one resides in the proposed annexation area. This is the second of two required public hearings. The first public hearing was held at the May 4, 2020, City Council meeting.

No one appeared regarding the proposed annexation.

Mr. Aleman moved to approve Ordinance No. 4782, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS ("CITY"), ANNEXING APPROXIMATELY 364.65 ACRES IN THE CITY'S EXTRATERRITORIAL JURISDICTION AND GENERALLY LOCATED SOUTHWEST OF FM 2932 AND SOUTHEAST OF GRIFFIN LANE, IN THE JOHN MOORE SURVEY, ABSTRACT NO. 309, KAUFMAN COUNTY, TEXAS (THE "PROPERTY"), PURSUANT TO VOLUNTARY PETITIONS SUBMITTED BY OAK NATIONAL HOLDINGS, LLC, AND THE CITY, AND FURTHER ANNEXING THE NORTHEASTERN PORTION OF GRIFFIN LANE ADJACENT TO THE EXISTING CORPORATE LIMITS OF THE CITY INCLUDING THE PART ABUTTING THE PROPERTY, PURSUANT TO THE VOLUNTARY PETITION SUBMITTED BY KAUFMAN COUNTY; GRANTING ALL INHABITANTS OF SAID PROPERTY THE RIGHTS AND PRIVILEGES OF ALL OTHER CITIZENS AND MAKING APPLICABLE TO SAID PROPERTY AND ITS INHABITANTS ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY EXCEPT AS OTHERWISE PROVIDED; APPROVING SERVICE PLANS FOR THE PROVISION OF MUNICIPAL SERVICES TO THE PROPERTY; DESIGNATING THE ANNEXED PROPERTY TO BE ZONED AGRICULTURAL; DIRECTING THE CITY SECRETARY TO GIVE NOTICE AS REQUIRED TO ALL AFFECTED JURISDICTIONS; DIRECTING THE CITY MANAGER TO MAKE MAP REVISIONS; REVISING THE OFFICIAL BOUNDARY LIMITS OF THE CITY; ADDING THE PROPERTY INTO SINGLE-MEMBER DISTRICT 6; AND SETTING AN EFFECTIVE DATE OF ANNEXATION. Motion was seconded by Mr. Green and approved unanimously. (Ordinance No. 4782 recorded in Ordinance Book No. 120.)

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 8:14 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor