



City of Mesquite, Texas

Minutes - Final City Council

Monday, June 1, 2020

4:30 PM

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

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

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

AGENDA REVIEW

STAFF PRESENTATIONS

- 2 Receive briefing from STAR Transit regarding public transportation updates and future service model implications.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:36 P.M.

- 4 Receive Neighborhood Services quarterly report for the period of January 1, 2020, through March 31, 2020.

Maria Martinez, Director of Neighborhood Services, reviewed the second quarter statistics for Fiscal Year (FY) 2019-2020 and stated there has been a decrease in violations and citations issued with an increase in complaints submitted by residents and properties contracted. Ms. Martinez stated that with the launch of the myMesquite app, proactively identified violations decreased, but complaints submitted by residents increased significantly. The code case average, which is the time from when the code violation is opened until the time the violation is corrected by voluntary compliance, issuance of a citation or contractor abatement, is 22 days. Voluntary compliance was maintained at 91 percent for this quarter. Ms. Martinez reviewed the citation dispositions – code docket, motioned for dismissal, in progress and case closed/resolved. Ms. Martinez reviewed the top four code violations — high grass; trash, junk and debris; nuisance premises and overhanging limbs. During the COVID-19 pandemic, many volunteers have donated their time to assist Mesquite residents with yard work, fence repair and tree trimming through the HOME (Helping Others in Mesquite Everyday) Program. Ms. Martinez reviewed the Code Ambassador program statistics and the Vacant Property Maintenance program.

The work session ended at 6:54 p.m.

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

Teresa Jackson, Executive Director, Sharing Life Community Outreach, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff Members.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom announced that the Mesquite Championship Rodeo kicks off the 63rd season on Saturday, June 6, 2020, which continues every Saturday night in June, July and August 2020. She encouraged residents to enjoy a night at the rodeo with their family and friends.
2. Mr. Green stated that last week, the Dallas Observer featured Porky's Burgers and Wings, a family-owned business located at 4612 Gus Thomasson Road, in an article titled "Good to Go: The Chicken Fried Steak Sandwich at Porky's Is a Hidden Gem." He encouraged citizens to "Shop Mesquite."
3. Mr. Miklos stated that June 14th is Flag Day, a day to celebrate the adoption of the United States flag. He reminded residents that July 31, 2020, is the deadline to purchase a \$50.00 brick to be placed in the walkway leading up to the Mesquite Veterans Memorial for the November 2020 dedication event.
4. Mr. Boroughs thanked the Mesquite Firefighters Association (MFFA) Local 1518 for donating \$1,518.00 toward construction of the Mesquite Veterans Memorial. MFFA President Phil Cunningham and Secretary/Treasurer Adam Baker presented the check to the City.
5. Mr. Smith thanked the Mesquite Police Department for conducting DWI enforcement over the Memorial Day weekend. A total of 15 arrests were made.
6. Mr. Smith invited residents to attend a District 5 neighborhood meeting on Saturday, August 1, 2020, at 9:00 a.m., at Rutherford Recreation Center, 900 Rutherford Drive.
7. Mr. Aleman thanked the community for supporting the "Recovery Mesquite – Forward & Onward" kick-off campaign last Saturday, May 30, 2020, in the Town East Mall parking lot. Citizens participated in a reverse parade thanking public safety officials, local health care professionals, educators and other front line workers who have been essential during the COVID-19 pandemic. Donations were received from citizens to benefit Mesquite Social Services and New Beginnings Community Outreach.
8. Mayor Archer thanked the Mesquite Tri-East NAACP for a peaceful press conference at City Hall on Sunday, May 31, 2020, regarding the incident involving George Floyd in Minneapolis, Minnesota.
9. Mayor Archer encouraged our community to love thy neighbor by showing love, kindness and civility to others.

CITIZENS FORUM

1. Holly Fisk, 4200 Woodbluff Drive, expressed support for an increase in compensation for the Mayor and City Council.
2. Kellie Good, 2621 Monticello, expressed concerns regarding traffic violations.

CONSENT AGENDA**Approval of the Consent Agenda**

Mr. Green moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

5 Minutes of the regular City Council meeting held May 18, 2020.

Approved on the Consent Agenda.

6 A resolution authorizing the City Manager to finalize and execute a Memorandum of Understanding with Stacey S. Smith Rodeo Company, Inc., to outline the basic principles in a hotel occupancy tax grant agreement, and authorizing the City Manager to negotiate the terms and provisions of the grant agreement, finalize, execute and administer the grant agreement.

Approved on the Consent Agenda.

Resolution No. 22-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A MEMORANDUM OF UNDERSTANDING (“MOU”) WITH STACEY S. SMITH RODEO COMPANY, INC. (“RODEO CO.”), TO OUTLINE THE BASIC PRINCIPLES IN A HOTEL OCCUPANCY TAX GRANT AGREEMENT (“GRANT AGREEMENT”); AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE THE TERMS AND PROVISIONS OF THE GRANT AGREEMENT, FINALIZE, EXECUTE AND ADMINISTER THE GRANT AGREEMENT. (Resolution No. 22-2020 recorded in Resolution Book No. 60.)

7 Bid No. 2018-064 - Annual Contract for Utility Concrete Repair (Area 2).
(Authorize the City Manager to finalize and execute the second renewal of the annual contract with low bidder Overall Concrete Solutions, in the amount of \$263,612.50. The term of this renewal contract is for one year).

Approved on the Consent Agenda.

8 Bid No. 2019-052 - Annual Contract for Utility Concrete Repairs (Area 1).
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder Arreguin Group, Inc., in the amount of \$538,475.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

9 Bid No. 2019-088 - Annual Pavement Lifting Project.
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder PJM Construction LLC, dba Foamworks, in the amount of \$700,000.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 10 Bid No. 2019-100 - Annual Contract for Sidewalk, Handicapped Ramps, Drive Approaches and Curb & Gutter Replacement.
(Authorize the City Manager to finalize and execute the first renewal of the annual contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions in the amount of \$306,025.00. The term of this renewal contract is for one year, with one additional one-year renewal option remaining. The City Manager is authorized to exercise the remaining renewal option, subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 11 Bid No. 2020-055 - North Mesquite Creek Sanitary Sewer Replacement Project from Tripp Road to Town East Boulevard.
(Authorize the City Manager to finalize and execute a contract with low bidder PM Construction & Rehab, LLC, dba IPR South Central, LLC, in the amount of \$2,642,907.75.)
Approved on the Consent Agenda.
- 12 RFP No. 2020-068 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets Divisions.
(Authorize the City Manager to finalize and execute a contract with ALL TEMPS 1 Personnel dba Rushmore Corporation in an amount not to exceed \$203,290.00. The term of this contract is for one year, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options subject to annual appropriation of sufficient funds.)
Approved on the Consent Agenda.
- 13 Bid No. 2020-081 - Annual Telephone Services (Local and Long Distance).
(Staff recommends award to AT&T Corporation, through Texas Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00.)
Approved on the Consent Agenda.
- 14 Bid No. 2020-085 - Purchase of Tracked Excavator.
(Staff recommends award to Holt CAT in Dallas, Texas, through Sourcewell Contract No. 032119, in the amount of \$197,198.00.)
Approved on the Consent Agenda.
- 15 Authorize the Mayor to finalize and execute an Interlocal Agreement with Dallas County for Coronavirus Aid, Relief, and Economic Security (CARES) Act funds in the estimated amount of \$7,971,040.
Approved on the Consent Agenda.
- 16 Authorize the City Manager to finalize and execute Contract Amendment No. 2 to the Professional Engineering Services Contract with Kimley-Horn and Associates, Inc., for additional design and permitting services related to the pump station, ground storage tank and large diameter water transmission main to provide water to tracts of land within Kaufman County in the amount of

\$155,000.00.

Approved on the Consent Agenda.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 17 Consider appointment of two members to the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2022, (Places 5 and 9), and two members for terms to expire December 31, 2021 (Places 7 and 8).

Mr. Green moved to appoint Ana Zysko, Place 5, as a member of the Historic Mesquite, Inc., Board of Directors for a term to expire December 31, 2022. Motion was seconded by Mr. Boroughs and approved unanimously.

- 18 Consider appointment of two members to the Animal Services Advisory Board for terms to expire September 8, 2020.

Mr. Aleman moved to appoint Maria Martinez (Municipal Official) and Edward Suarez (Responsible for the daily operation of the Animal Shelter) as members of the Animal Services Advisory Board for terms to expire September 8, 2020. Motion was seconded by Ms. Wisdom and approved unanimously.

PUBLIC HEARINGS

- 19 Conduct a public hearing and consider an ordinance for Application No. Z0420-0135, submitted by Vilbig Associates, for a change of zoning from Light Commercial to Planned Development - General Retail to allow a convenience store and fueling station, located at 500 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.)

Mr. Miklos left the meeting.

A public hearing was held for Application No. Z0420-0135.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes a convenience store with eight fuel pumps, which will provide for 16 fueling positions, at the southwest corner of IH-20 and Lawson Road. The 1.772-acre tract is a portion of a larger tract of land that was previously subdivided for residential development but never developed. Mr. Armstrong reviewed the proposed landscape plan and stated that the four-foot fence would be removed once the adjacent properties are developed and certificates of occupancy are issued. The applicant is requesting a 50-foot pole sign which exceeds the required 35-foot limit in the sign ordinance. Mr. Armstrong presented three pole sign options for the Council's consideration. Mr. Armstrong stated that the proposed development will meet all of the requirements of the recently approved convenience store ordinances.

Applicant Jake Petrus stated that the proposed store will be QuikTrip's fourth location in Mesquite. They are willing to install a masonry base on the pole sign and will work with the City regarding signage on the base of the sign.

No one appeared regarding the proposed amendment.

Mr. Aleman moved to approve Application No. Z0420-0135, as recommended by the Planning and Zoning Commission, with the following changes: (1) add “and Concept Plan” after Planned Development Standards and change Exhibit B to “Exhibits B and C” in Section 2 of the ordinance; (2) add “prohibited” before “in the PD-GR.” in Section A(2) of Exhibit B; (3) approve Option No. 2 for the 50-foot pole sign with masonry base and to approve Ordinance No. 4783, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT THE SOUTHWESTERN CORNER OF LAWSON ROAD AND IH-20 TO ALLOW FOR A CONVENIENCE STORE AND FUELING STATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Smith. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Smith, Archer, Boroughs, Green, Wisdom

Nays: None

Abstentions: Miklos

Motion carried. (Ordinance No. 4783 recorded in Ordinance Book No. 120.)

20

Conduct a public hearing to receive citizen input regarding the proposed 2020-2021 Community Development Block Program (CDBG) budget.

Mr. Miklos entered the meeting.

A public hearing was held to receive citizen input regarding the proposed 2020-2021 Community Development Block Grant (CDBG) budget.

Maria Martinez, Director of Neighborhood Services, stated that this is the first of two required public hearings for the CDBG 2020-2021 Program Year (PY) budget. The total allocated funds for PY 2020-2021 is \$1,143,107.00, which represents a 1.27 percent increase in allocation. The CDBG expenditure guidelines include a 20 percent spending cap for administration and planning activities and a 15 percent spending cap for public services.

No one appeared regarding the proposed 2020-2021 CDBG budget.

21

A. Conduct a public hearing to receive citizen input regarding the amended Program Year (PY) 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan to include guidance regarding citizen participation for use of CDBG-CV (Coronavirus Aid, Relief and Economic Security [CARES] Act) funds.

B. Consider a resolution adopting and approving the amended PY2015-19 CDBG Consolidated Plan as required by the U. S. Department of Housing and Urban Development.

A public hearing was held to receive citizen input regarding the amended Program Year (PY) 2015-2019 Community Development Block Grant (CDBG) Consolidated Plan to include guidance regarding citizen participation for use of CDBG-CV (Coronavirus Aid, Relief and Economic Security [CARES] Act) funds.

Maria Martinez, Director of Neighborhood Services, stated that due to the CARES

Act allocation, this is a required public hearing to allow citizen input regarding a proposed amendment to the 2015-2019 CDBG Consolidated Plan. The amendment includes guidance on citizen participation for the City's use of CDBG-CV funds during Program Year 2019. This amendment is a U. S. Department of Housing and Urban Development (HUD) requirement for the disbursement of the first CARES Act allocation to Mesquite in the amount of \$672,453.00. The funds have been made available to current subrecipients for programs such as rental assistance and opened to new applicants as well.

No one appeared regarding the PY 2015-2019 CDBG Consolidated Plan to include guidance regarding citizen participation for use of CDBG-CV funds.

Ms. Wisdom moved to approve Resolution No. 23-2020, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AND APPROVING THE AMENDED PY2015-19 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN AS REQUIRED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. Motion was seconded by Mr. Boroughs and approved unanimously. (Resolution No. 23-2020 recorded in Resolution Book No. 60.)

PRE-MEETING - TRAINING ROOMS A&B - 7:54 P.M.

- 3 Receive a briefing regarding possible amendments to the reception facilities ordinance, Section 3-508 Zoning Ordinance.

Staff received input from Council and will bring the item back for consideration at a future Council meeting.

- 1 Receive briefing regarding the 2019 Trash Cart Pilot Program.

Staff received input from Council and will bring back options for trash service at a future Council meeting.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:03 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to discuss the purchase, exchange, lease or value of real property (Item No. 22 – Discuss property exchange with Dallas County); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 9:13 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:13 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 (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; 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 Council Conference Room. After the closed meeting ended at 9:27 p.m., the City Council reconvened in Open Session.

Executive action resulting from the closed session was taken later in the meeting.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 9:27 P.M.

Mayor Archer announced that the City Council would meet in Executive Session pursuant to Section 551.074 of the Texas Government Code to consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other City employees (Annual review of Municipal Court Judge); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 10:04 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE ACTION RESULTING FROM EXECUTIVE SESSION AT 9:13 P.M.

Mr. Green moved to authorize and direct the City Manager and City Attorney's Office to negotiate definitive agreements, including a settlement agreement and an amendment to the current Amendatory Contract with the North Texas Municipal Water District, to be presented to this Council at a later date for the final approval, as discussed in Closed Session. Motion was seconded by Mr. Boroughs and approved unanimously.

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 10:07 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Bruce Archer, Mayor