



City of Mesquite, Texas

Minutes - Final City Council

Monday, July 1, 2019

5:00 PM

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

Present: Mayor Stan Pickett and Councilmembers Tandy Boroughs, Robert Miklos, Greg Noschese, Bruce Archer, Jeff Casper, and Dan Aleman, 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 briefing regarding a possible amendment to the Sign Code to allow replacement of billboards in limited circumstances.

 Council directed staff to evaluate and determine the impact of the Highway Beautification Act and alternatives regarding replacement of billboards.

- 2 Receive departmental strategy and budget presentations, as determined by City Management, related to City Council strategic goals and objectives.

 Received Library Services presentation.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:01 P.M.

INVOCATION

Joe Chiles, Pastor, Trinity Life Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Marlins Swim Team.

PRESENTATIONS

- 3 Presentation by Military Order of the Purple Heart in support of the Mesquite Veterans Memorial campaign.

 Commander John Bagwell, representing the Military Order of the Purple Heart (MOPH) Chapter 542, stated that members of the MOPH are combat wounded veterans and support all veterans and their families. Commander Bagwell introduced MOPH members Robert Herr, Jim Adams, Paul Reid, Luke Frazier, Mike Lester, Dave Thunder and Gordon Grundy, who presented a \$1,000 donation to the Mesquite Veterans Memorial campaign. Mayor Pickett and City Councilmembers, along with Jackie Frazier and Lois Buford representing the

Heroes of Mesquite, accepted the donation.

SPECIAL ANNOUNCEMENTS

- (1) Mr. Archer reminded residents that it is illegal to possess or use fireworks and discharge firearms within the Mesquite city limits. The Police and Fire Departments will be enforcing these laws over the July 4th weekend and issuing citations to violators. Please celebrate safely.
- (2) Mr. Noschese invited citizens to attend the next Town Hall meeting to discuss the City's operating budget and finances on Tuesday, July 16, 2019, at 7:00 p.m., at City Hall, 757 North Galloway Avenue.
- (3) Mr. Aleman stated that July is National Parks and Recreation Month. The Parks and Recreation Department will be celebrating with a free Luau Pool Party on Friday, July 12, 2019, at 6:30 p.m., at the City Lake Aquatic Center, 200 Parkview Street. He invited citizens to bring their family and friends for a Royal Hawaiian Hula Show, family contests and swimming.
- (4) Mr. Boroughs stated that the deadline for volunteers to register for Addressing Mesquite Day has been extended to Monday, July 15, 2019. This is an opportunity to help homeowners in need of landscaping maintenance or minor home repairs. He encouraged citizens to get involved by volunteering for this annual event.
- (5) Mr. Casper stated that the first Mesquite CommUNITY Pride event was held on Friday, June 21, 2019, at City Hall, with over 300 residents in attendance. He thanked the community members who organized and contributed to this event, especially Susie Hess and Sarah Key, along with elected officials, County Commissioner Dr. Theresa Daniel and State Representative Victoria Neave, who presented proclamations.
- (6) Mr. Casper stated that the Mesquite Animal Shelter is above full capacity. This past weekend, Mesquite Animal Services took in 25 cats from a hoarding case. At this time, cats are being adopted for \$5.00 each. Mesquite Animal Pawtners is in need of fosters for temporary placement. If you can foster a cat or kitten for a few weeks or make a donation, e-mail mesquiteanimalpawtners@gmail.com.
- (7) Mr. Miklos reminded citizens that the Marketplace in Downtown Mesquite will take place on Saturday, July 13, 2019, from 9:00 a.m. to 2:00 p.m., and every second and fourth Saturday through November. Produce, crafts and culinary items will be available from local vendors and merchants.
- (8) Mayor Pickett stated that he had the opportunity to attend the first Small Business Workshop in June 2019. Anyone who has a small business or is thinking of starting one can attend the next workshop on Tuesday, July 23, 2019, from 4:30 p.m. to 7:30 p.m., at City Hall, 757 North Galloway Avenue.
- (9) Mayor Pickett encouraged citizens to support the Spread the Love campaign, which helps children in need of meals throughout the summer, by contributing a jar of peanut butter and/or jelly.

CITIZENS FORUM

- (1) Terri White, 505 Riggs Circle, expressed concerns regarding preserving the Mesquite prairie.
- (2) Lisa Theriot, 416 Ripplewood Drive, and Minh Huynh, 308 Keswick Lane, expressed support for Item No. 5 on tonight's agenda regarding the creation of a Mesquite voter registration facilitation policy.
- (3) Mary Meshell, 232 Darien Drive, thanked Deputy Mayor Pro Tem Miklos and Councilmember Archer for their assistance during a recent power outage and Brad Craft for veterinary assistance.

CONSENT AGENDA

Approval of the Consent Agenda

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

Approved on the Consent Agenda.

- 5 An ordinance amending Chapter 2 by amending and adding a new Division 3 under Article II to create a Mesquite voter registration facilitation policy.

Approved on the Consent Agenda.

Ordinance No. 4690, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION" OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW DIVISION 3 UNDER ARTICLE II TO CREATE A MESQUITE VOTER REGISTRATION FACILITATION POLICY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4690 recorded in Ordinance Book No. 116.)

- 6 An ordinance amending Chapter 16 of the City Code providing an update to the Water Conservation Plan and the Drought Contingency and Emergency Management Plan as required by the Texas Commission on Environmental Quality and Texas Water Development Board.

Approved on the Consent Agenda.

Ordinance No. 4691, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 16 OF THE MESQUITE CITY CODE, AS AMENDED, THEREBY ADOPTING THE MAY 2019 WATER CONSERVATION PLAN AND THE MAY 2019 DROUGHT CONTINGENCY AND EMERGENCY MANAGEMENT PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4691 recorded in Ordinance Book No. 116.)

- 7 An ordinance amending the budget for Fiscal Year 2018-19 by appropriating and setting aside the necessary funds out of the general and other revenues of the City of Mesquite for Fiscal Year 2018-19, 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 amended budget.

Approved on the Consent Agenda.

Ordinance No. 4692, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE BUDGET FOR FISCAL YEAR 2018-19 AS HERETOFORE APPROVED BY ORDINANCE NO. 4592 OF THE CITY OF MESQUITE, TEXAS, ADOPTED ON SEPTEMBER 4, 2018, AND LATER AMENDED BY ORDINANCE NO. 4646 ON JANUARY 7, 2019, BY APPROPRIATING AND SETTING ASIDE THE NECESSARY FUNDS OUT OF THE GENERAL AND OTHER REVENUES OF THE CITY OF MESQUITE FOR FISCAL YEAR 2018-19 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 SECOND AMENDED BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4692 recorded in Ordinance Book No. 116.)

- 8 A resolution adopting a Continuing Disclosure Policy for the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 47-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A CONTINUING DISCLOSURE POLICY; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 47-2019 recorded in Resolution Book No. 58.)

- 9 A resolution supporting the Texas Department of Transportation proposed improvements to US Highway 80.

Approved on the Consent Agenda.

Resolution No. 48-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING TEXAS DEPARTMENT OF TRANSPORTATION'S PROPOSED IMPROVEMENTS TO U.S. HIGHWAY 80. (Resolution No. 48-2019 recorded in Resolution Book No. 58.)

- 10 A resolution authorizing the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for the reimbursement of \$389,463.00 from the acquisition of 26.8 acres of land, located at 4311 Scyene Road.

Approved on the Consent Agenda.

Resolution No. 49-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO FINALIZE AND EXECUTE A GRANT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, TO OBTAIN A REIMBURSEMENT OF \$389,463.00 FOR THE CITY'S ACQUISITION IN THE YEAR 2015 OF APPROXIMATELY 26.8 ACRES OF LAND LOCATED AT 4311 SCYENE ROAD IN MESQUITE, DALLAS COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 49-2019 recorded in Resolution Book No. 58.)

- 11 Bid No. 2015-080 - Annual Supply of Office Products - contract renewal option. (Staff recommends exercising the final contract renewal option with Staples Contract and Commercial, Inc., operating as Staples Advantage, through the cooperative purchasing agreement with National Joint Powers Alliance Contract No. 010615-SCC, in the amount of \$105,000.00.)

Approved on the Consent Agenda.

- 12 Bid No. 2017-027 - Annual Landscape Maintenance of the Creek Crossing Area Medians, Rights-of-Way and Landscape Areas and Mesquite Metro Airport - contract renewal option. (Staff recommends ratification of the final contract renewal option with low bidder Southlake Landscaping and Maintenance, Inc., in the amount of \$143,250.00.)

Approved on the Consent Agenda.

- 13 Bid No. 2017-047 - Annual Supply of Manual Transmissions, Differentials, Drivelines and Parts - contract renewal option. (Staff recommends ratification of the final contract renewal option with Fort

Worth Gear and Axle in the amount of \$120,133.07.)

Approved on the Consent Agenda.

- 14 Bid No. 2017-075 - Annual Supply of Vehicle and Equipment Batteries - contract renewal option.
(Staff recommends exercising the final contract renewal option with Metroplex Battery Distributors, LLC, in the amount of \$83,856.67.)

Approved on the Consent Agenda.

- 15 RFP No. 2017-087 - Annual Contract for Temporary Personnel Services for Solid Waste and Streets Divisions - contract renewal option.
(Staff recommends exercising the final contract renewal option with All Temps 1 Personnel in an amount not to exceed \$180,000.00.)

Approved on the Consent Agenda.

- 16 Bid No. 2018-059 - Annual Supply of Water Parts - contract renewal option.
(Staff recommends ratification of the first of two contract renewal options with Core & Main dba HD Supply Waterworks in the amount of \$105,177.07 and Fortiline Waterworks in the amount of \$294,682.50, for a total amount not to exceed of \$399,859.57, and authorizing the City Manager to exercise the final one-year renewal option to both contracts, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 17 Bid No. 2018-066 - Annual Mowing of City Medians, Orphan Right-of-Ways and Right-of-Ways - contract renewal option.
(Staff recommends ratification of the first of four contract renewal options with Greener Pastures Landscape Management in the amount of \$270,488.65, and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 18 Bid No. 2018-079 - Annual Telephone Services (Local and Long Distance) - contract renewal option.
(Staff recommends exercising the first of two contract renewal options with AT&T Corporation, through Department of Information Resources Contract No. DIR-TEX-AN-CTSA 005, in an amount not to exceed \$375,000.00, and authorizing the City Manager to exercise the final one-year renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 19 Bid No. 2018-100 - Annual Supply of Police Officer Uniforms - contract renewal option.
(Staff recommends exercising the first of four contract renewal options with Galls, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Frisco, in an amount not to exceed \$98,000.00, and authorizing the City Manager to exercise the remaining three one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 20 Bid No. 2019-086 - Water Valve Assessment.
(Authorize the City Manager to finalize and execute a contract with Hydromax USA, in the amount of \$111,260.00.)

Approved on the Consent Agenda.

- 21 Bid No. 2019-091 - Municipal Court Interactive Voice Response (IVR) System.
(Authorize a correction to the contract amount awarded to Selectron Technologies, Inc. on June 3, 2019, from an amount of \$90,000.00 to the amount of \$109,370.00.)

Approved on the Consent Agenda.

- 22 Bid No. 2019-094 - Annual Supply of Toro Commercial Mower Parts.
(Staff recommends award to sole source provider Professional Turf Products, LP, for an amount not to exceed \$65,000.00.)

Approved on the Consent Agenda.

- 23 Authorize the City Manager to approve the City of University Park and Town of Highland Park (Park Cities) as a participant in the Project 25 (P25) Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement and authorize the City Manager to execute the Participant and Usage Agreements between the City of Garland, the City of Mesquite and the Park Cities setting forth the terms of the Park Cities participation in the System.

Approved on the Consent Agenda.

- 24 Authorize the City Manager to finalize and execute Amendment No. 2 to a contract with Binkley & Barfield, Inc., for additional design and preparation of construction documents for the 2017 Sanitary Sewer Replacement Project - Phase 2, in the amount of \$141,000.00.

Approved on the Consent Agenda.**END OF CONSENT AGENDA****PUBLIC HEARINGS**

- 25 Conduct a public hearing regarding Program Year 2019 Community Development Block Grant applications and budget.

A public hearing was held regarding Program Year (PY) 2019 Community Development Block Grant (CDBG) applications and budget.

Raymond Rivas, Assistant City Manager, stated that in accordance with federal regulations governing the use of CDBG funds, the City of Mesquite is required to prepare an Annual Action Plan and hold a 30-day comment period, which will be held from Tuesday, July 2, 2019, through Friday, August 2, 2019. This is the first of two required public hearings. A final public hearing will be held at the August 5, 2019, City Council meeting.

Mr. Rivas reviewed the total allocated funds and total funding requests for PY2019-20. The CDBG expenditure guidelines allows for a 20 percent cap on administration and planning activities, 15 percent cap on public service activities and the remaining amount to be distributed for programs.

No one appeared regarding the PY 2019 CDBG applications and budget.

26

Conduct a public hearing and consider possible action regarding a request from Peachtree Apartments, to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road. This item was postponed at the July 1, 2019 meeting.

A public hearing was held to consider a request to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting an existing metal fence to serve as the required screening wall at the Peachtree Apartments. The most recent improvement to the property was a roof replacement in 2012. Two letters were received today from adjacent property owners in opposition to the request. Mr. Armstrong reviewed staff's recommendations.

Applicants Lynn Ha and Quyen Ha stated that they have owned the property since 2001 and requested they be granted eight years to bring the screening wall into compliance with current screening standards. Ms. Tha stated there are 72 units with a rental rate of \$550-\$650 per month. Tenants are responsible for paying the monthly electric bill. The applicants stated they have not requested estimates from contractors for construction of the required screening wall.

No one appeared regarding the screening wall substitution request.

Mr. Noschese moved to postpone consideration of a request to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road to the August 5, 2019, City Council meeting to allow the applicants additional time to secure estimates for the screening wall replacement. Motion was seconded by Mr. Miklos and approved unanimously.

27

Conduct a public hearing and consider amending the Mesquite Zoning Ordinance, Section 3-203, Schedule of Permitted Uses, within the SS, Service Station District to add additional uses as permitted.

(The Planning and Zoning Commission recommends approval of the zoning text amendment.)

A public hearing was held for amending Mesquite Zoning Ordinance, Section 3-203 to add additional uses as permitted.

Jeff Armstrong, Director of Planning and Development Services, reviewed the history of the Service Station zoning district permitted uses. The proposed amendment would allow auto and home supply stores, electronic stores and newsstands as permitted uses within the Service Station zoning district but only in conjunction with fuel sales.

Minh Huynh, 308 Keswick Lane, expressed support for the proposed amendment. No others appeared regarding the proposed amendment.

Mr. Noschese moved to deny amending the Mesquite Zoning Ordinance, Section 3-203, Schedule of Permitted Uses, within the SS, Service Station District to add additional uses as permitted. The motion failed for lack of a second.

Mr. Miklos moved to approve amending the Mesquite Zoning Ordinance, Section 3-203, Schedule of Permitted Uses, within the SS, Service Station District to add additional uses as permitted, as recommended by the Planning and Zoning Commission, and to approve Ordinance No. 4693, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY ADDING CERTAIN PERMITTED USES UNDER SECTION 3-203 WITHIN THE SERVICE STATION DISTRICT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

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

Nays: Noschese

Motion carried. (Ordinance No. 4693 recorded in Ordinance Book No. 116.)

RECEIPT OF RESIGNATION

28

Receive resignation from Diane Wright as a member of the Mesquite Quality of Life, Inc., Board of Directors.

Mr. Archer moved to accept the resignation of Diane Wright as a member of the Mesquite Quality of Life, Inc., Board of Directors. Motion was seconded by Mr. Aleman and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:30 P.M.

Mayor Pickett 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 Executive Conference Room. After the closed meeting ended at 8:35 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:35 P.M.

Mayor Pickett 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 (Discuss review of City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:54 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Miklos moved to adjourn the meeting. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 8:54 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor