



City of Mesquite, Texas

Minutes - Final City Council

Monday, March 1, 2021

5:15 PM

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

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

Absent: Mayor Bruce Archer and Councilmember Kenny Green.

PRE-MEETING - TRAINING ROOMS A&B - 5:15 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing regarding the Winter Storm Response.

Regarding water bill adjustments, it was Council consensus to approve Option B as presented: The City will compare the February 2021 water usage to the January 2021 water usage and adjust the consumption based on the lower of the two bill periods.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:31 P.M.

- 2 Receive preliminary financial statements for fiscal year ending September 30, 2020, the period covering October 1, 2019, through September 30, 2020.

Cindy Smith, Director of Finance, presented the preliminary financial statements for fiscal year ending September 30, 2020, the period covering October 1, 2019, through September 30, 2020.

The work session ended at 6:55 p.m.

- 3 Receive Neighborhood Services Environmental Code quarterly report for the period of October 1, 2020, through December 31, 2020.

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

INVOCATION

Deputy Mayor Pro Tem Dan Aleman.

PLEDGE OF ALLEGIANCE

City of Mesquite Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Wisdom recognized the Economic Development Department for receiving the "Economic Excellence Recognition" from the Texas Economic Development Council. Mesquite was one of only 49 economic development organizations to earn this prestigious recognition out of 660 in the state.
2. Mr. Boroughs reminded residents that the City has created an Emergency Home Repair Assistance Program to help income-eligible homeowners impacted by the winter storm. The program can assist with emergency home repairs, including plumbing, electrical, heating, ventilation and air conditioning mechanical repairs. Homeowners can contact the Department of Community Services at 972-329-8332 for more information.
3. Mr. Boroughs stated that this past Saturday morning, February 27, 2021, he and City Manager Cliff Keheley attended a dedication service for a new church, Living Gospel Church, 700 Rodeo Center Blvd. Pastor Clark and his wife extended an invitation to residents to visit and be a part of their church.
4. Mr. Smith stated that five new police officers recently graduated from the 14th Mesquite Police Department (MPD) Basic Peace Officer Course (BPOC). The MPD has graduated 92 recruits since the training academy began in 2013. According to the Texas Commission on Law Enforcement website, there are 2,778 agencies, and only 115 conduct their own academies, including the MPD BPOC.
5. Mr. Aleman stated that the Office of Neighborhood Vitality will host the 4th Annual Neighborhood Summit on Saturday, March 6, 2021, from 9:00 a.m. to 11:00 a.m. All Mesquite residents have the opportunity to join this virtual event. The free summit will feature guest speakers and more to educate and provide helpful tips for coordinating neighborhood groups.
6. Mr. Aleman encouraged citizens to utilize the myMesquite app to report code violations or concerns in their neighborhoods.
7. Mr. Aleman commended Teresa Jackson and Sharing Life Community Outreach for coming to the aid of many residents who were affected by the recent winter storm. Sharing Life partnered with the Mesquite Ministerial Alliance to provide shelter for residents who were without electricity and/or water service.
8. Mr. Miklos recognized City staff for their efforts during the recent winter storm to assist residents. Many services were provided by the City and local businesses. A warming center was set up at Evans Recreation Center, the libraries provided computer access to residents, local churches provided residents with shelter and many more services. He thanked Pepsi-Cola for donating bottled water which was distributed to residents, Teresa Jackson with Sharing Life Community Outreach for assisting with residents needs and to Skip Parsotam, owner of the Budget Inn, for providing a warm place for residents to stay. Mr. Miklos thanked everyone who provided assistance during this extraordinary winter storm.

CONSENT AGENDA**Approval of the Consent Agenda**

Ms. Wisdom moved to approve Item Nos. 4-5 and 7-23 on the Consent Agenda, as follows. Motion was seconded by Mr. Boroughs and approved unanimously.

- 4** Minutes of the regular City Council meeting held February 1, 2021.

Approved on the Consent Agenda.

- 5** 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 the following 2020 ordinances, Ordinance No. 4773, No. 4781, No. 4784, No. 4793, No. 4804, and No. 4822; and 2021 Ordinance No. 4836; 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. 4844, 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 THE FOLLOWING 2020 ORDINANCES, ORDINANCE NO. 4773, NO. 4781, NO. 4784, NO. 4793, NO. 4804, AND NO. 4822; AND 2021 ORDINANCE NO. 4836; 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. 4844 recorded in Ordinance Book No. 123.)

7

A resolution setting a public hearing under Section 372.009 of the Texas Local Government Code for the creation of the Solterra Public Improvement District (PID) to include approximately 1,424.398 acres of land generally located southwest of East Cartwright Road and both northwest and southeast of Faithon P. Lucas, Sr., Boulevard within the corporate limits of the City of Mesquite, Texas, and authorizing the issuance of notice by the City Secretary of Mesquite, Texas, regarding the public hearing.

Approved on the Consent Agenda.

Resolution No. 07-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

MESQUITE, TEXAS, SETTING A PUBLIC HEARING UNDER SEC. 372.009 OF THE TEXAS LOCAL GOVERNMENT CODE FOR THE CREATION OF THE SOLTERRA PUBLIC IMPROVEMENT DISTRICT TO INCLUDE APPROXIMATELY 1,424.398 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF EAST CARTWRIGHT ROAD AND BOTH NORTHWEST AND SOUTHEAST OF FAITHON P. LUCAS, SR., BOULEVARD WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS; AND AUTHORIZING THE ISSUANCE OF NOTICE BY THE CITY SECRETARY OF MESQUITE, TEXAS, REGARDING THE PUBLIC HEARING. (Resolution No. 07-2021 recorded in Resolution Book No. 62.)

- 8 A resolution authorizing the submission of the 2019 Community Development Block Grant's Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).

Approved on the Consent Agenda.

Resolution No. 08-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SUBMISSION OF THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT'S CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). (Resolution No. 08-2021 recorded in Resolution Book No. 62.)

- 9 Bid No. 2021-048 - 117 West Main Renovation.
(Authorize the City Manager to finalize and execute the required documents with Custard Construction Services, through Tips/Taps Contract No. 181101, in the amount of \$478,248.72.)

Approved on the Consent Agenda.

- 10 RFP No. 2021-052 - Copeland Park Design Services.
(Authorize the City Manager to finalize and execute a contract with Kimley-Horn and Associates, Inc., in the amount of \$150,000.00.)

Approved on the Consent Agenda.

- 11 Bid No. 2021-057 - Annual Supply of Goodyear, Dunlop and BF Goodrich Auto, Truck and Industrial Tires.
(Staff recommends award to Wingfoot Tire dba Goodyear Tire and Rubber Company, through Sourcewell Contract No. 102517-GTC, in an amount not to exceed \$239,083.93 annually, for a period of up to five years, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 12 Bid No. 2021-058 - Annual Supply of Bridgestone/Firestone Auto, Truck and Industrial Tires.
(Staff recommends award to Southern Tire Mart, LLC, through The Interlocal Purchasing System (TIPS) Contract No. 180603, in an amount not to exceed \$166,121.49 annually, for a period of up to six years, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

- 13 Bid No. 2021-060 - Purchase of Six (6) Pickup Trucks for 2020-2021.
(Staff recommends award to Sam Pack's Five Star Ford in Carrollton, Texas, through BuyBoard Contract No. 601-19, Tarrant County Contract No. 2019-041 in the amount of \$298,387.83.)
Approved on the Consent Agenda.
- 14 Bid No. 2021-061 - Purchase Three Ventrac Tractors with Attachments.
(Staff recommends award to Austin Turf & Tractor in Farmers Branch, Texas, through BuyBoard Contract No. 611-20, sponsored by the Texas Association of School Boards, in the amount of \$96,354.00.)
Approved on the Consent Agenda.
- 15 Bid No. 2021-070 - Annual Supply of Emergency Medical Supplies.
(Authorize the City Manager to finalize and execute a contract with Bound Tree Medical, LLC, through an Interlocal Cooperative Purchasing Agreement with the City of Midlothian, in an amount not to exceed \$175,000.00.)
Approved on the Consent Agenda.
- 16 Authorize the City Manager to finalize and execute an Agreement for Public Improvement District (PID) and Tax Increment Reinvestment Zone (TIRZ) Creation and Administration Services with P3Works, LLC, for the Solterra Development for an initial term of three years with one-year automatic renewal options.
Approved on the Consent Agenda.
- 17 Authorize the City Manager to finalize and execute a Credit Sales Agreement with Red Oak Umbrella Mitigation, Ltd., for wetland mitigation credits for the Kaufman County Large Diameter Transition Main, in the amount of \$105,888.00.
Approved on the Consent Agenda.
- 18 Authorize the City Manager to finalize and execute Supplemental Agreement No. 2 to RFP No. 2017-020, Annual Contract for Recyclables Processing and Marketing, with FOMENTO DE CONSTRUCCIONES Y CONTRATAS, INC, dba FCC, SA.
Approved on the Consent Agenda.
- 19 Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. 2019-024, Gus Thomasson Road Reconstruction, Utility & Drainage Improvements - U.S. Highway 80 to Town East Boulevard, with Tiseo Paving Company to reconcile contract quantities to field quantities and provide payment for additional work in the amount of \$276,526.19.
Approved on the Consent Agenda.
- 20 Authorize the City Manager to finalize and execute Change Order No. 3 to Bid No. 2019-037, Annual Miscellaneous Concrete Work (Section A), with Donny P. Brown, Inc., dba B&B Concrete Sawing, Inc., for additional services in the

amount of \$69,346.60.

Approved on the Consent Agenda.

- 21** Approve Amendment No. 2 to the Fiscal Year 2020-21 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$200,000.00.

Approved on the Consent Agenda.

- 22** Receive the Fiscal Year 2019-2020 annual report from the Mesquite Quality of Life Corporation Board of Directors.

Approved on the Consent Agenda.

- 23** Receive the January 2021 semiannual report for impact fees from the Capital Improvements Advisory Committee in accordance with Section 395.058(c)(4) of the Texas Local Government Code.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 6** An ordinance approving an amendment to the Downtown Mesquite Façade Improvement Program of the Towne Centre Reinvestment Zone Number Two, City of Mesquite, Texas, previously approved by City Ordinance No. 4672 to allow for grants of up to \$20,000.00 per street address instead of \$20,000.00 per property to encourage the rehabilitation, enhancement, restoration and preservation of the facades of buildings occupied by multiple business uses located within a designated portion of the City of Mesquite's downtown area.

Mr. Aleman left the meeting.

Mr. Boroughs moved to approve Ordinance No. 4845, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AN AMENDMENT TO THE DOWNTOWN MESQUITE FAÇADE IMPROVEMENT PROGRAM OF THE TOWNE CENTRE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS, PREVIOUSLY APPROVED BY CITY ORDINANCE NO. 4672 TO ALLOW FOR GRANTS OF UP TO \$20,000 PER STREET ADDRESS INSTEAD OF \$20,000 PER PROPERTY TO ENCOURAGE THE REHABILITATION, ENHANCEMENT, RESTORATION, AND PRESERVATION OF THE FACADES OF BUILDINGS OCCUPIED BY MULTIPLE BUSINESS USES LOCATED WITHIN A DESIGNATED PORTION OF THE CITY OF MESQUITE'S DOWNTOWN AREA; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Ms. Wisdom. On call for a vote on the motion, the following votes were cast:

Ayes: Boroughs, Wisdom, Miklos, Smith

Nays: None

Absent: Archer, Green

Abstentions: Aleman

Motion carried. (Ordinance No. 4845 recorded in Ordinance Book No. 123.)

END OF CONSENT AGENDA**RECEIPT OF RESIGNATION**

- 24** Receive resignation from Patrick Reyes as a regular member of the Building Standards Board.
- Mr. Aleman entered the meeting.**
- Mr. Aleman moved to accept the resignation from Patrick Reyes as a regular member of the Building Standards Board. Motion was seconded by Mr. Boroughs and approved unanimously.**
- 25** Receive resignation from Mo Sanford as a regular member of the Landmark Commission.
- Mr. Boroughs moved to accept the resignation from Mo Sanford as a regular member of the Landmark Commission. Motion was seconded by Ms. Wisdom and approved unanimously.**
- 26** Receive resignation from Andrew Hubacek as a member of the Mesquite Quality of Life, Inc., Board of Directors.
- Ms. Wisdom moved to accept the resignation from Andrew Hubacek as a member of the Mesquite Quality of Life, Inc., Board of Directors. Motion was seconded by Mr. Smith and approved unanimously.**
- 27** Receive resignation from Brandon Murden as an alternate member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- Mr. Boroughs moved to accept the resignation from Brandon Murden as an alternate member of the Planning and Zoning Commission and Capital Improvements Advisory Committee. Motion was seconded by Mr. Smith and approved unanimously.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 28** Consider appointment of one regular member and one alternate member to the Planning and Zoning Commission/Capital Improvements Advisory Committee for terms to expire December 31, 2021.
- Mr. Aleman moved to change the appointment of Dorothy Patterson from an alternate member (Alternate No. 1) to a regular member (Position No. 1) of the Planning and Zoning Commission/Capital Improvements Advisory Committee and to appoint Nancy Felix as an alternate member (Alternate No. 1) for terms to expire December 31, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.**
- 29** Consider appointment of Ken Cates and Skeet Phillips as members of the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), representing Kaufman County, for two-year terms to expire March 1, 2023.

Mr. Aleman moved to appoint Ken Cates and Skeet Phillips as members of the Board of Directors of Reinvestment Zone Number Thirteen, City of Mesquite, Texas (Spradley Farms), representing Kaufman County, for two-year terms to expire March 1, 2023. Motion was seconded by Ms. Wisdom and approved unanimously.

PUBLIC HEARING

30

Conduct a public hearing and consider a resolution authorizing the exchange of property with the Mesquite Independent School District (MISD) for the construction and maintenance of a detention pond and a driveway for Vanguard High School on property located at 1717 McKenzie Road, Mesquite, Texas, in exchange for MISD land on property located at 4201 Faithon P. Lucas, Sr., Boulevard, Mesquite, Texas, finding that there is no feasible and prudent alternative to MISD's use of the land, and all reasonable planning has been done to minimize harm to the land as a park; and authorizing the City Manager to execute the exchange agreement with MISD and all documents necessary to consummate the transactions contemplated in the exchange agreement.

A public hearing was held to consider a property exchange between the City of Mesquite and the Mesquite Independent School District (MISD).

Ted Chinn, Assistant City Manager, stated that the Mesquite Independent School District (MISD) has requested to exchange a portion of City park property (1.501-acre tract) that is adjacent to the Mesquite Girls' Softball Complex fronting Faithon P. Lucas, Sr., Boulevard, between the Complex parking lot and the new Vanguard High School, for an equal portion (1.501-acre tract) of MISD property that abuts 49.64 acres of vacant City park property. This will enable MISD to construct and maintain a drainage detention pond and a one-way driveway exit from the new high school. The topography of the school site could not accommodate a safer location along Faithon P. Lucas, Sr., Boulevard for the ingress and egress of school traffic, or provide onsite detention drainage without locating the improvements on the City tract.

Mr. Chinn stated that State law requires a public hearing when park property use or designation is changed. Staff finds there is no feasible and prudent alternative to the proposed exchange of property and that no harm to city park property will result from the exchange. The tracts to be exchanged are an acre for acre exchange and would not result in any net loss of city park property.

No one appeared regarding the property exchange.

Mr. Aleman moved to approve Resolution No. 09-2021, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXCHANGE OF PROPERTY WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD") FOR THE CONSTRUCTION AND MAINTENANCE OF A DETENTION POND AND A DRIVEWAY FOR VANGUARD HIGH SCHOOL ON PROPERTY LOCATED AT 1717 MCKENZIE ROAD, MESQUITE, TEXAS, IN EXCHANGE FOR MISD LAND ON PROPERTY LOCATED AT 4201 FAITHON P. LUCAS, SR., BOULEVARD, MESQUITE, TEXAS; FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO MISD'S USE OF THE LAND, AND ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO THE LAND AS A PARK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXCHANGE AGREEMENT WITH MISD AND ALL DOCUMENTS NECESSARY TO CONSUMMATE

THE TRANSACTIONS CONTEMPLATED IN THE EXCHANGE AGREEMENT. Motion was seconded by Ms. Wisdom and approved unanimously. (Resolution No. 09-2021 recorded in Resolution Book No. 62.)

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Boroughs and approved unanimously. The meeting adjourned at 7:38 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Robert Miklos, Mayor Pro Tem