



City of Mesquite, Texas

Minutes - Final City Council

Monday, September 19, 2022

5:30 PM

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

Present: Mayor Daniel Alemán, Jr., and Councilmembers Kenny Green, Tandy Boroughs, B. W. Smith, Jeff Casper, Jennifer Vidler and Debbie Anderson, Assistant City Manager Ted Chinn and City Secretary Sonja Land.

PRE-MEETING - TRAINING ROOMS A&B - 5:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Receive briefing from STAR Transit regarding public transportation ridership survey results and proposed service modifications.

EXECUTIVE SESSION - COUNCIL CONFERENCE ROOM - 6:30 P.M.

Mayor Alemán 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 (Agenda Item No. 14 and Receive update on City of Mesquite v. CC Hillcrest, LLC, Summit Hillcrest Apartments, Ltd, Hillcrest GP, LLC and 2119 Hillcrest St., Mesquite, Texas 75149 in rem, Cause No. DC-22-01764 – Filed 2-14-22; and in re CC Hillcrest, LLC, Case No. 22-31362-swe11 – Filed 7-29-22); whereupon, the City Council proceeded to meet in the Council Conference Room. After the closed meeting ended at 6:39 p.m., the City Council reconvened in Open Session.

See Agenda Item No. 14 for executive action taken.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:41 P.M.

- 2 Receive Neighborhood Services Environmental Code Division Council update.

Maria Martinez, Director of Neighborhood Services, presented the Environmental Code Division Council update. She stated that Fiscal Year (FY) 2022 statistics include 23,165 violations identified and addressed, 569 citations issued and 92 percent voluntary compliance was received. The top violations for FY 2022 include 4,970 trash and debris violations, 4,965 high grass and weeds violations and 2,527 nuisance and outdoor storage violations.

Ms. Martinez stated that Environmental Code Officers now have body worn cameras while out in the field. She stated that the HOME (Helping Others in Mesquite Everyday) Program is now operating from the Environmental Code Division and is active and accepting Code Inspector referrals.

The Work Session ended at 6:54 p.m.

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

INVOCATION

Jim Burt, Pastor, Oates Drive Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

City Staff.

SPECIAL ANNOUNCEMENTS

1. Ms. Anderson encouraged residents to attend a District 6 Neighborhood Meeting on Saturday, September 24, 2022, from 1:00 p.m. to 2:00 p.m., at Don Achziger Elementary School, 3300 Ridge Ranch Road.
2. Mr. Smith stated that the Mesquite Community Job Fair will be held on Saturday, 24, 2022, from 9:00 a.m. to Noon, at New Light Church, 1300 South Beltline Road. Staff from the City's Human Resources Department will be on-site with information regarding job openings at the City.
3. Mr. Boroughs stated that the City of Mesquite requires permits for most events that involve a large gathering of people on public property, as well as some events on private property. Any event that requires the closure of roads or restricts access to public property, such as a parade or fun run, will require a permit. For more information, visit www.cityofmesquite.com/specialpermits.
4. Ms. Vidler thanked Curt Cassidy, Director of Public Works, and his staff for assisting citizens with new water meter concerns.
5. Ms. Vidler stated that a District 3 Neighborhood Meeting will be held on Thursday, September 22, 2022, from 7:00 p.m. to 8:00 p.m., at Rugel Elementary School, 2701 Sybil Drive, and encouraged residents to attend.
6. Mr. Green encouraged citizens and community groups to participate in Trash Bash, hosted by Keep Mesquite Beautiful, Inc., on Saturday, September 24, 2022. Volunteers will clean up litter in various sites around the community.
7. Mr. Casper stated that National Night Out will be held on Tuesday, October 4, 2022. He encouraged residents to coordinate meetings in neighborhoods throughout the City.
8. Mayor Alemán stated that the Mesquite Business Retention and Expansion (BRE) Partnership will host a Manufacturing Day for the manufacturing and career and technical education student communities on Friday, October 14, 2022, from 7:30 a.m. to 2:00 p.m., at Vanguard High School, 4201 Faithon P. Lucas, Sr., Boulevard. Mesquite's Manufacturing Day aims to connect Mesquite Independent School District High School Juniors and Seniors, as well as Dallas College students, with local manufacturers and manufacturing opportunities.
9. Mayor Alemán stated that the trial for fallen Police Officer Richard Houston was held last week. The Defendant was found guilty of capital murder and sentenced to life in prison. He thanked the Mesquite Police Department for their interviews and testimony for the trial. He also thanked the Mesquite Police Department, Mesquite Fire Department and City staff for supporting the Houston family during the trial. Mayor Alemán stated that he is grateful for Police Chief David Gill and his staff who continue to strongly support the Houston family.

10. Mayor Alemán stated on Friday, September 23, 2022, there will be a special presentation to honor fallen Police Officer Travis Williams, who was tragically killed in the line of duty on September 23, 1974. A banner will be displayed outside of the Mesquite Police Headquarters during September in his honor.

11. Mayor Alemán thanked everyone who attended and participated in the 911 ceremony at Freedom Park on September 11, 2022.

12. Mayor Alemán stated that the Mesquite Economic Development Department announced that the City of Mesquite is ranked No. 3 among 29 cities in the Dallas Business Journal's list of North Texas Economic Development Agencies for 2021. Mesquite ranked behind Fort Worth and above Dallas with a total dollar volume of deals at \$451 million.

13. Mayor Alemán announced that the Texas Downtown Association has named two Mesquite nominees, Mesquite BBQ and Front Street Station, as statewide finalists in the President's Awards competition.

CITIZENS FORUM

1. Trice Battle, 3009 Sandhurst Drive, expressed concerns regarding new water meters and escalating water bills.

2. Jose Salazar, 2016 Clear Meadow Drive, expressed concerns regarding escalating water bills, truck traffic in Downtown Mesquite and crime in the City.

3. Wanda Rust, 1221 East Park Drive, completed a comment card regarding escalating water bills but chose not to speak.

CITIZENS COMMENTS

J. R. Black, 1739 Roundrock Trail, expressed concerns regarding the cost for STAR Transit service, which is Item No. 13 on tonight's agenda.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that 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 Ms. Vidler and approved unanimously.

3 Minutes of the regular City Council meeting held September 6, 2022.

Approved on the Consent Agenda.

4 An ordinance amending Appendix D - the Comprehensive Fee Schedule of the City Code, as amended, by making certain deletions and additions in Appendix D for fees collected by the City of Mesquite.

Approved on the Consent Agenda.

Ordinance No. 4985, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX D – THE COMPREHENSIVE FEE SCHEDULE OF THE MESQUITE CITY CODE, AS AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS IN APPENDIX D FOR FEES COLLECTED BY THE CITY OF MESQUITE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY IN ACCORDANCE WITH MESQUITE CITY CODE, CHAPTER

1, SECTION 1-6 (GENERAL PENALTIES); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4985 recorded in Ordinance Book No. 127.)

- 5 An ordinance amending Chapter 2 of the City Code to update the political contribution limitations based on changes to the Consumer Price Index.

Approved on the Consent Agenda.

Ordinance No. 4986, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE MESQUITE CITY CODE BY DELETING SECTIONS 2-159(a) AND 2-159(c) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 2-159(a) AND 2-159(c) TO UPDATE THE POLITICAL CONTRIBUTION LIMITATIONS; PROVIDING REPEALER, CONFLICTS RESOLUTION, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING A PENALTY IN ACCORDANCE WITH MESQUITE CITY CODE, CHAPTER 1, SECTION 1-6 (GENERAL PENALTIES); AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4986 recorded in Ordinance Book No. 127.)

- 6 A resolution adopting an Investment Policy and declaring that the City Council completed its review of the investment policies and investment strategies.

Approved on the Consent Agenda.

Resolution No. 32-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING AN INVESTMENT POLICY; DECLARING THAT THE CITY COUNCIL COMPLETED ITS REVIEW OF THE INVESTMENT POLICIES AND INVESTMENT STRATEGIES; AND DECLARING AN EFFECTIVE DATE THEREOF. (Resolution No. 32-2022 recorded in Resolution Book No. 65.)

- 7 A resolution authorizing the City Manager to execute an Interlocal Agreement with Dallas County for Fiscal Year 2022-23 for an amount not to exceed \$129,450.00 in connection with the Dallas Area Household Hazardous Waste Network with options to renew for four additional one-year terms. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds.

Approved on the Consent Agenda.

Resolution No. 33-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH DALLAS COUNTY FOR FISCAL YEAR 2022-23 FOR AN AMOUNT NOT TO EXCEED \$129,450.00 IN CONNECTION WITH THE DALLAS AREA HOUSEHOLD HAZARDOUS WASTE NETWORK WITH OPTIONS TO RENEW FOR FOUR ADDITIONAL ONE-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE THEREOF. (Resolution No. 33-2022 recorded in Resolution Book No. 65.)

- 8 A resolution of the City Council of the City of Mesquite, Texas, approving a Memorandum of Understanding between the City of Mesquite and the Mesquite Police Association under Subchapter B of Chapter 142 of the Texas Local Government Code effective as of October 1, 2022, and remaining in effect through September 20, 2026, unless extended as set forth therein ("the Agreement"); and authorizing the City Manager to execute the agreement and take all actions necessary or requested to carry out the terms and provisions of

the agreement.

Approved on the Consent Agenda.

Resolution No. 34-2022, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MESQUITE AND MESQUITE POLICE ASSOCIATION UNDER SUBCHAPTER B OF CHAPTER 142 OF THE TEXAS LOCAL GOVERNMENT CODE EFFECTIVE AS OF OCTOBER 1, 2022, AND REMAINING IN EFFECT THROUGH SEPTEMBER 30, 2026, UNLESS EXTENDED AS SET FORTH THEREIN (THE "AGREEMENT"); AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY OR REQUESTED TO CARRY OUT THE TERMS AND PROVISIONS OF THE AGREEMENT. (Resolution No. 34-2022 recorded in Resolution Book No. 65.)

- 9** RFP No. 2022-109 - Rejection of All Bids for Annual Youth Basketball Officials.
(Staff recommends all bids be rejected and rebid at a later date.)

Approved on the Consent Agenda.

- 10** RFP No. 2022-111 - Annual Contract for Congregate Meal Provider.
(Staff recommends award to The Visiting Nurse Association of Texas (VNA), in an amount not to exceed \$90,000.00. The term of the contract is for a one-year period, with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to the annual appropriation of sufficient funds).

Approved on the Consent Agenda.

- 12** Bid No. 2022-135 - Shannon Road to Lawson Road Water Line Extension.
(Staff recommends award to Nu-Way Construction, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$670,868.00 for construction of approximately 2,600 linear feet of 12-inch water line).

Approved on the Consent Agenda.

- 13** Authorize the City Manager to finalize and execute Supplemental Agreement No. 4 to the Interlocal Agreement with STAR Transit to provide public transportation services in the estimated amount of \$1,483,000.00 for Fiscal Year 2023.

Approved on the Consent Agenda.

- 14** Authorize an increase in the Legal Services Agreement between the City and Sherman & Yaquinto, LLP, for the provision of legal services, advice, and counsel to the City of Mesquite in connection with Cause No. 22-31362-swe11, pending in the U.S. Bankruptcy Court for the Northern District of Texas, Dallas Division, in the amount of \$50,000.00 for a total contract amount not to exceed \$100,000.00; and authorize the City Attorney to finalize and execute the Agreement.

Approved on the Consent Agenda.

- 15** Authorize the City Manager to finalize and execute a Sixth Amendment to Renew Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System for Biomedical Online and Offline Medical

Supervision in an amount not to exceed \$75,899.00 for Fiscal Year 2022-23, effective October 1, 2022, through September 30, 2023.

Approved on the Consent Agenda.

- 16 Receive the July 2022 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

- 11 Bid No. 2022-133 - Mesquite Paschall Park Odor Control.
(Staff recommends award to Archer Western Construction, LLC and to authorize the City Manager to finalize and execute a contract in the amount of \$1,642,000.00 for construction of a permanent sanitary sewer odor control facility located in Paschall Park).

Mr. Boroughs stated that over the years, the City has received complaints regarding sewer odors from residents in Paschall Park Estates. The City has installed flapper valves on the resident's sewer lines and performed smoke tests in an effort to resolve the issue. This agenda item is for the construction of a permanent sanitary sewer odor control facility located within the boundaries of Paschall Park, which should alleviate this issue.

Mr. Boroughs moved to approve Bid No. 2022-133, Mesquite Paschall Park Odor Control, and authorize the City Manager to finalize and execute a contract in the amount of \$1,642,000.00 for construction of a permanent sanitary sewer odor control facility located at Paschall Park. Motion was seconded by Mr. Smith and approved unanimously.

END OF CONSENT AGENDA

OTHER BUSINESS

- 17 Consider cancelling the regular City Council meeting scheduled for Monday, September 26, 2022.

Mr. Green moved to cancel the regular City Council meeting scheduled for Monday, September 26, 2022. Motion was seconded by Ms. Anderson and approved unanimously.

PUBLIC HEARINGS

- 18 Conduct a public hearing and consider an ordinance for Zoning Application No. Z0722-0249, submitted by John LeFevers, Andrew Oakwood Investments, LLC, for a change of zoning from General Retail to General Retail with a Conditional Use Permit, to allow a carwash, located at 1601 West Bruton 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.)

A public hearing was held for Zoning Application No. Z0722-0249.

Jeff Armstrong, Director of Planning and Development Services, stated that in 1984, the City Council approved a Conditional Use Permit (CUP) for a self-service carwash located on the corner of West Bruton Road and Almond Drive. The carwash was constructed and operated until January 2018. Since then, the structure has remained in place but no business has taken place on the property. When a CUP is discontinued or ceases to operate for more than six months, the CUP terminates. Therefore, to reopen a carwash at this location requires approval of a new CUP.

Mr. Armstrong stated that the facility includes four wash bays and four vacuum stations. The previous business also included a retail component offering snacks in an enclosed building located at the south end of the vacuum bay structure. In addition to the carwash, the applicant proposes to reopen the retail snack portion of the business, offering pre-packaged foods and snow cones.

Mr. Armstrong stated that the minimum landscaping requirement for this property includes three trees and installation of an irrigation system.

Applicant John LeFevers stated he closed the carwash several years ago because he was working out of town. Now that he is retired, he would like to reopen the carwash. He stated that three trees will be planted at north end of the property. He would prefer to hand water the trees and not be required to install an irrigation system.

No one appeared regarding the proposed application.

Mr. Boroughs moved to approve Zoning Application No. 0722-0249, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Replatting of the entirety of property is required, including the undeveloped portion of the property to the north, upon sale of the property.
2. Ten percent landscape area is required in accordance with current landscape requirements of the MZO. However, no irrigation system will be required to be installed.
3. An outdoor seating area with trash receptacle is required as depicted in the approved site plan upon opening of any food or beverage sales on site.
4. Prior to the issuance of a building permit or a Certificate of Occupancy, an approved site plan is required to show that the property complies with current requirements of the MZO and the Engineering Design Manual.
5. The CUP is approved solely for the business owned by the applicant John LeFevers. It shall not be transferred or assignable to a different owner or business.

And to approve Ordinance No. 4987, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1601 WEST BRUTON ROAD TO ALLOW A CARWASH SUBJECT TO CERTAIN STIPULATIONS; 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 Ms. Vidler and approved unanimously. (Ordinance No. 4987 recorded in Ordinance Book No. 127.)

ADJOURNMENT

Mr. Green moved to adjourn the meeting. Motion was seconded by Ms. Vidler and approved unanimously. The meeting adjourned at 8:08 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Daniel Alemán, Jr., Mayor