

**MINUTES OF THE CITY COUNCIL REGULAR MEETING  
CITY OF WILMER  
MAY 7, 2020**

**Councilmembers Present**

Emmanuel Wealthy, Mayor  
Candy Madrigal, Mayor Pro Tem  
Phyllis Slough, Councilmember  
Jeff Steele, Councilmember  
Sergio Campos, Councilmember

**Councilmembers Absent**

Melissa Ramirez, Councilmember

**City Staff**

Rona Stringfellow, City Administrator  
Mark Hamilton, Fire Chief  
Terry Capehart, Consulting City Planner  
Michael Halla, City Attorney  
Mayra Ortiz, City Secretary

**Call to Order**

With a quorum present, the Regular Meeting of the Wilmer City Council was called to order by Mayor Wealthy at 7:00 p.m. on Thursday, May 7, 2020. Due to the COVID-19 (coronavirus) state of emergency and consistent with the Governor's Order regarding modifications to the Texas Open Meetings Act, and executive orders regarding the public, the meeting was broadcast live via telephone conference.

**Invocation**

Pastor Pam Wash, God's Greater Holy Temple Church gave the invocation.

**Proclamation**

Mayor Wealthy read a proclamation announcing May 3<sup>rd</sup> through 9th, 2020 as "Public Service Recognition Week." She encourage all residents to recognize the accomplishments and contributions of government employees at all levels—federal, state, county and city.

Mayor Wealthy read a proclamation announcing May 3<sup>rd</sup> through 9th, 2020 as "Municipal Clerk Week." She encourage encouraged all residents to observe and further extend appreciation to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent. Mayor Wealthy expressed her appreciation and gratitude to City Secretary Ortiz.

**Recognition:**

Mayor Wealthy recognized those individuals that have been deemed essential during the coronavirus pandemic and that continue to be on the frontline in our country and community.

**Community Announcement**

City Administrator Stringfellow provided an update on the 2020 Census and shared that a good reason to take the 2020 Census is whether you're a citizen, resident, or undocumented or recent immigrant who lives here, your voice matters - status does not. Your responses to the Census will change how much money and power via representation are given to your community. She encouraged all to take part by completing the 2020 Census. Together, we can celebrate the flourishing cultures that thrive in Dallas County and change our representation to reflect the growing community. Encouraged all to take the 2020 Census by visiting [www.2020Census.gov](http://www.2020Census.gov) or call 844.330.2020.

City Administrator Stringfellow spoke on COVID-19 (Coronavirus) and encourage all to follow the CDC guidelines and maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus.

Councilmember Campos inquired the number of positive cases in the City. City Administrator Stringfellow commented that a total of nine cases have been received from Dallas County.

**Citizens Comments:**

Laura Jacobs, 306 N. Dallas Avenue, spoke on item City's monthly financial reports and expressed her concerns on agenda item 2. Also, she shared her concerns with the length of service on a Board or Commission and serving more than one board or commission.

Rhonda R. Bouland, 1601 Millers Ferry, Lot 272, spoke on concerns on noncompliance at River Oaks Community. Mayor Wealthy called her name and did not speak.

Lauren Bouland, 1601 Millers Ferry, Lot 272, expressed her concerns at River Oaks Community regarding law enforcement and noise complaints.

**Consent Agenda**

City Secretary Ortiz read the consent agenda.

- 1. Consider approval of minutes from the City Council Regular Meeting held on April 2, 2020.**

Councilmember Steele suggested to correct the minutes on page 2 to reflect "Mayor Pro Tem Madrigal and Councilmember Ramirez suggested following Dallas County's direction through April 30, 2020."

**MOTION:** Councilmember Steele made a motion, seconded by Councilmember Campos to approve consent item 1 with stated modification. The vote was cast 4 for, 0 against [Ramirez absent]. The motion carried unanimously.

**Action:**

- 2. Discuss and consider an ordinance to amend the current General Commercial (C2) zoning classification by adding a Conditional Use Permit (CUP) for Travel Center uses on an approximate 4.1 acre property that is**

**generally located at the northwest corner of Interstate Highway 45 (IH-45) and Belt Line Road, and being described as Tract 3 and a portion of Tract 2 situated in the C.A. Warfield Survey, Abstract No. 1612, Page 065, and Tract 17 situated in the A.K. Gray Survey, Abstract No. 505, Page 155, and being more specifically described as 400(TR 17) & 411 (TR 3) East Belt Line Road and a portion of 201 N. IH 45 (TR 2), City of Wilmer, Dallas County, Texas.**

Consulting City Planner Capehart spoke on item 2 and shared that on February 20, 2020, City Council tabled the item. During the February 20, 2020, Regular City Council meeting, a public hearing (Agenda Item 6) was conducted and closed. Subsequently, during the Council discussion period additional information was requested regarding a traffic pattern analysis of the request, therefore the item was tabled until the next Regular City Council meeting or any meeting thereafter when the information had been submitted to the City. The original request consisted of two parts, the first of which was to amend the current adopted Zoning Ordinance to further define a 'Travel Center' with appropriate development regulations and add an allowance for the Travel Center use in the General Commercial (C2) zoning district with a Conditional Use Permit (CUP) which allows for the application of more site specific controls in order to promote harmonious and safe development (February 20, 2020 agenda item 5) which was approved by a vote of 4-0 by the Council. Secondly, the applicant then requested approval of an ordinance to amend the current General Commercial (C2) zoning classification to add a Conditional Use Permit (CUP) for Travel Center uses on the subject property. The subject property currently consists of a convenience store with several franchise restaurants inside with five (5) automobile fueling stations in the front of the store facing Belt Line Road and three (3) truck fueling stations located at the rear of the store. Historically, there were originally six (6) truck fueling stations, however, three (3) truck fueling stations were removed when the store was expanded to accommodate the addition of an inside restaurant. The current request is to now restore the number of truck fueling stations back to the original six. Lee Engineering was contracted by the applicant/property owner, Zak Kassem, to conduct a traffic pattern study of the site to determine the impact of adding additional truck fueling stations. The engineer's analysis of the traffic impact with supporting documents are attached. Included in the supporting documents is a signage exhibit showing where new signs will be installed. In addition to the reconfiguring of the parking lot and placement of the truck fuel stations on site additional drive lanes and truck parking will be constructed north of the subject property behind the Denny's restaurant. The proposed drive lanes to the north of the subject property head north approximately 220 feet then turns 90 degrees and runs just north of the Denny's restaurant and connects to the IH 45 frontage road. The applicant/property owner is proposing to change the name of the business from a Shell Fueling Station to a Pilot Travel Center. The name change will only involve new signage on the building and traffic control signage for truck traffic. The current building will not be expanded. According to the traffic pattern study the additional three (3) truck fueling positions will not significantly impact the flow of traffic in the area. Staff recommends approval based upon the new information.

Councilmember Slough inquired the exit of the site. Consulting City Planner Capehart shared that the entry flow is from Beltline Road and exit on the frontage road of I45.

Mayor Pro Tem Madrigal spoke in favor of the directional flow of trucks and the opportunity of enforcement.

Councilmember Slough expressed her concerns on traffic jam on IH 45 Southbound Frontage Road.

Kelly Parma, Senior Project Manager with Lee Engineering, shared the information on the Traffic Pattern Study completed on the proposed site plan.

Councilmember Steele expressed his concerns on the Simple Queuing Calculation provided on the Traffic Pattern Study.

**MOTION:** Councilmember Slough made a motion, seconded by Councilmember Steele to deny item 2. The vote was cast 2 for, 3 against [Madrigal, Campos, and Wealthy] [Ramirez absent]. The motion failed.

**MOTION:** Mayor Pro Tem Madrigal made a motion, seconded by Councilmember Campos to approve item 2. The vote was cast 3 for, 2 against [Steele and Slough] [Ramirez absent]. The motion carried.

- 3. Discuss and consider a resolution of the City of Wilmer finding that Oncor Electric Delivery Company LLC's application for Approval of a Distribution Cost Recovery Factor to increase distribution rates within the city should be denied.**

City Administrator Stringfellow spoke on item 3 and shared that on April 3, 2020, Oncor Electric Delivery Company LLC ("Oncor") filed an Application for Approval of a Distribution Cost Recovery Factor to Increase Distribution Rates with each of the cities in their service area, including the City of Wilmer. In the filing, the Company asserts that it is seeking an increase in distribution revenues by approximately seventy-five million eight hundred eighty-nine thousand five hundred thirty-one dollars (\$75,889,531). The item authorizes the City to join other Cities Served by Oncor in denying the requested relief. The Public Utility Commission rules allow cities 60 days to act on this application. That deadline is June 2, 2020. She shared that staff recommended approval of the resolution, as presented.

Councilmember Steele inquired remarks from Kenneth Govan, Area Manager with Oncor/ Customer Operations, stated the each municipality is asked to deny the filed Application for Approval of a Distribution Cost Recovery Factor to Increase Distribution Rates.

**MOTION:** Councilmember Steele made a motion, seconded by Councilmember Slough to approve item 3. The vote was cast 4 for, 0 against [Ramirez absent]. The motion carried unanimously.

- 4. Discuss and consider approving an ordinance establishing the preparedness and response to COVID-19; providing to extend the disaster period; and providing an effective date.**

City Secretary Ortiz spoke on item 4 and stated that on April 30, 2020, City Council tabled the item directing the City Attorney to draft an ordinance to align with the Executive Orders No. GA-18; GA-19; and GA-20.

Councilmember Steele spoke in opposition in extending the disaster period and expressed his concerns on the penal provision reflected in the ordinance.

City Attorney Halla stated the City is allowed to establish an ordinance for the purpose of good governance for the health, safety and welfare of the public. He stated that all ordinance shall have a penal provision.

**MOTION:** Councilmember Steele made a motion, seconded by Mayor Pro Tem Madrigal to deny item 4. The vote was cast 4 for, 0 against [Ramirez absent]. The motion carried unanimously.

5. **The City Council shall convene into closed executive session pursuant to Section §551.071(2) of the Texas Government Code to seek legal advice amending the budget as to line items and salaries of employees and procedures for amending same.**
6. **Reconvened into open session. Consider and take appropriate action(s), if any, on closed/ session matters executive.**

The City Council recessed for Executive Session at 8:19 p.m. and reconvened into open session at 9:44 p.m.

There was no action.


#### **ADJOURNMENT**

There being no further business, Mayor Wealthy adjourned the regular session at 9:44 p.m.

**ATTEST:**

  
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Mayra A. Ortiz, City Secretary

**APPROVED:**

  
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Emmanuel Wealthy, Mayor