



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, February 6, 2017

5:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Bruce Archer, Jeff Casper, Bill Porter, Dan Aleman, Greg Noschese and Dennis Tarpley, 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 2017 Transportation Alternatives Set-Aside Program Call for Projects for development of trails, bike routes and safe routes to schools.
- 2 Receive briefing regarding business retention.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:27 P.M.**

The City Council met 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 (Legal advice regarding Economic Development Program Agreement dated effective August 13, 2015, between the City of Mesquite, Baker Brothers Rotovision, Inc., and 75032 Investments, LLC) and Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Discuss economic development incentives for a prospective business near Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:55 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

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

#### **INVOCATION**

Rod Brewer, Associate Pastor, Family Cathedral, Mesquite, Texas.

#### **PLEDGE OF ALLEGIANCE**

Members of Mesquite AMBUCS.

**SPECIAL ANNOUNCEMENTS**

- (1) Mr. Casper announced that he, Mr. Archer and Sharing Life Outreach are hosting a community job fair on Saturday, February 25, 2017, from 10:00 a.m. to 1:00 p.m. at Sharing Life Community Outreach, 3544 Emporium Circle. He and Mr. Archer encouraged citizens to invite friends and family who are in search of a job.
- (2) Mr. Porter stated that many police and fire employees along with their families participated in the Polar Plunge, which benefits the Special Olympics, on Saturday, January 21, 2017, at City Lake Aquatic Center. He praised them for their bravery for taking the plunge.
- (3) Mr. Aleman stated that the Creek Crossing neighborhood will hold a crime watch meeting on Monday, February 13, 2017, at Landmark Family Fellowship, 2523 Clay Mathis Rd., at 7:00 p.m. Also, a crime watch meeting will be held for the Rutherford neighborhood at Rutherford Recreation Center, 900 Rutherford Drive, at 7:00 p.m. He invited residents in these neighborhoods to attend.
- (4) Mr. Noschese thanked the families of the Mesquite Firefighters for the sacrifices they make for our community.
- (5) Mr. Archer expressed appreciation for the volunteer work the Mesquite Firefighters perform around town to assist residents.
- (6) Mayor Pickett recognized former Police Officer George Rice who was in attendance.

**PRESENTATIONS**

- 3                      Presentation of a plaque to Ray Stuart in recognition of his service as a member of the Civil Service Commission and Personnel/Trial Board.
- Ray Stuart was not present.
- 4                      Presentation of meritorious awards to Fire Department employees.
- Fire Chief Mark Kerby and Captain Travis Greenman presented meritorious awards to Fire Department employees in recognition of their achievements and outstanding service. Awards were presented as follows:
- Life Saving Award No. 1 to Firefighter/Paramedic (FF/P) Jerry Jedlicka, FF/P Kenneth Holt, Driver-Engineer/Paramedic (DE/P) David Ivie, FF/P Michael Potter and FF/P Jeff Dillon;
  - Life Saving Award No. 2 to FF/P Elliot Howard, FF/P Blake Turner and Firefighter Issac Joseph;
  - Life Saving Award No. 3 to FF/P David Lester, FF/P Kristopher Bravo, Captain Jason Eddy, DE/P David Judd, FF/P Brody Hodge and FF/P Michael Glasgow;
  - Life Saving Award No. 4 to FF/P Brett Phillips, FF/P Andrew Ward, Captain Jon Capps, FF/P Andrew Pratz, FF/P Kristopher Bravo and Mesquite Police Officers Tim Roundtree and Jeffrey Andersen;
  - Life Saving Award No. 5 to FF/P Jesse Kingery, FF/P Jacob Heise, Lieutenant/Paramedic David Ivie, DE/P Gary Sherman and FF/P Matthew Koop;
  - Paramedic of the Year Award to FF/P Eric Wright;
  - Fire Officer of the Year Award to Deputy Chief Tom Lindsay and
  - Firefighter of the Year Award to FF/P Samantha Criswell.

**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. Aleman and approved unanimously.**

- 5 Minutes of the regular City Council meeting held January 17, 2017.

**Approved on the Consent Agenda.**

- 6 A resolution calling the annual City election to be held May 6, 2017.

**Approved on the Consent Agenda.**

**Resolution No. 02-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CALLING THE ANNUAL CITY ELECTION. (Resolution No. 02-2017 recorded on page of Resolution Book No. 50.)**

- 7 Bid No. 2017-021 - Design-Build for City Lake Aquatic Center Improvements.  
(Authorize the City Manager to finalize and execute a Design-Build contract with RicoRock, Inc., in the amount of \$214,500.00.)

**Approved on the Consent Agenda.**

- 8 RFP No. 2017-023 - Basic Term Life and Supplemental Life Insurance.  
(Authorize the City Manager to finalize and execute a contract with The Standard effective March 1, 2017.)

**Approved on the Consent Agenda.**

- 9 Bid No. 2017-029 - Annual Contract for Utility Concrete Repairs (Area 1).  
(Authorize the City Manager to finalize and execute a contract with low bidder B&B Concrete & Sawing, Inc., in the amount of \$532,850.00.)

**Approved on the Consent Agenda.**

- 10 Bid No. 2017-032 - Purchase of Wilkens Transfer Trailers.  
(Staff recommends award to Wilkens Industries in Morris, MN, through BuyBoard Contract No. 516-16, sponsored by the Texas Association of School Boards, in the amount of \$176,658.00.)

**Approved on the Consent Agenda.**

- 11 Bid No. 2017-034 - Purchase of Digital In-Car Video System for Police.  
(Staff recommends award to sole source provider Enforcement Video, LLC, in the amount of \$627,060.00.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2017-036 - Purchase of Five Dodge Charger Police Vehicles.  
(Staff recommends award to Cowboy Chrysler Dodge Jeep Ram in Silsbee, Texas, through the Houston-Galveston Area Council of Governments Contract No. VE11-15, in the amount of \$127,772.50.)

**Approved on the Consent Agenda.**

- 13 Bid No. 2017-038 - Purchase of Enterprise Servers.  
(Staff recommends award to Dell, Inc., through Texas Department of Information Resources Contract No. DIR-SDD-1951 in the amount of

\$58,009.96.)

**Approved on the Consent Agenda.**

- 14** Authorize the City Manager to execute a change order to Bid No. 2016-049, 2016 Annual Miscellaneous Concrete Work Project (Section B), with B&B Concrete and Sawing, Inc., in the amount of \$157,258.00.

**Approved on the Consent Agenda.**

## **PUBLIC HEARINGS**

- 15** Conduct a public hearing and consider an ordinance for Application No. 93-5-2017, submitted by Kyle Flaming of Dynamic Engineering on behalf of owner W. G. Austin, for a rezoning from R-1, Single-Family Residential to GR, General Retail, for the 2.32-acre undeveloped tract located at 100 West Bruton Lane.

(The Planning and Zoning Commission recommends approval. No responses have been returned from property owners within the statutory notification area.)

**Richard Gertson, Director of Planning and Development Services, stated that AutoZone is considering the purchase of a vacant 1.903-acre tract of land located at 100 West Bruton Lane. The Comprehensive Plan locates this property within a Neighborhood Community Area, which is appropriate for low-intensity retail. The applicant will be required to comply with the Community Appearance Manual as well as parking, screening, landscaping and floodplain requirements.**

**Kyle Flaming, representing the applicant, stated there are no time constraints regarding the purchase of the property. He expressed no objections to changing the zoning to a Planned Development.**

**A public hearing was held for Application No. 93-5-2017.**

**No one appeared regarding the proposed zoning change.**

**Mr. Noschese moved to postpone consideration of Application No. 93-5-2017 to the February 20, 2017, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.**

- 16** Conduct a public hearing and consider an ordinance for Application No. 1461-149-2016, submitted by Sean Morrissey on behalf of BHA Real Estate Holdings, LLC, to amend Planned Development Ordinance No. 2949 to allow used car sales as a conditional use permit, and to grant a Conditional Use Permit for used car sales on the 4.182-acre undeveloped tract located on the Northwest corner of North Galloway and Republic Parkway.

(The Planning and Zoning Commission recommends approval of the amendment and granting of the conditional use permit. No responses have been returned from property owners within the statutory notification area.)

**Richard Gertson, Director of Planning and Development Services, stated that Application No. 1461-149-2016 has been withdrawn per the applicant's written request.**

## **RECEIPT OF RESIGNATION**

17

Receive resignation from Dr. Denise Kutch as a member of the Keep Mesquite Beautiful, Inc., Board of Directors.

**Mr. Archer moved to accept the resignation of Dr. Denise Kutch as a member of the Keep Mesquite Beautiful, Inc., Board of Directors. Motion was seconded by Mr. Noschese and approved unanimously.**

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 7:49 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 (Agenda Item No. 15 and Govind Group Corporation; Sorrent, LLC; Hannuman Holdings, LLC; OM SRI SAI Krishna Investment Properties, Inc.; Shiv Alpha Strip Corporation; Tejas Motel, LLC; and SAI JDV Hotels, LLC v. The City of Mesquite, Texas; and Cliff Keheley, City Manager of the City of Mesquite, Texas - Filed 1-5-17); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:03 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 8:03 P.M.**

The City Council met 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 annual review of City Manager); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 8:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **ADJOURNMENT**

**Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 8:25 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor