



City of Mesquite, Texas

Minutes - Final City Council

Monday, April 17, 2017

5:30 PM

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

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

AGENDA REVIEW

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 5:37 P.M.

The City Council met in Executive Session pursuant to 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 development in Kaufman County near IH 20 and FM 740); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:00 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; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:21 p.m., the City Council reconvened in Open Session.

See Agenda Item Nos. 6 and 7 for executive action taken.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:02 P.M.

INVOCATION

Rocky Pope, Senior Pastor, Mimosa Lane Baptist Church, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

National Elementary Honor Society students, Price Elementary School.

SPECIAL ANNOUNCEMENTS

(1) Mayor Pickett stated that he is appointing a committee consisting of Mayor Pro Tem Bruce Archer, Deputy Mayor Pro Tem Jeff Casper and Councilmember Greg Noschese to review the City Council Policies and Procedures Manual and directed them to present a revised version to Council this summer for review and approval.

(2) Mr. Aleman announced that the annual Cinco de Mayo event will be held on Saturday, April 29, 2017, from Noon to 6:00 p.m. at Paschall Park, 1001 New Market Road. The event will feature authentic Mexican food, a piñata break, jalapeno eating contest, bounce houses and much more. He encouraged everyone to attend this family friendly community event.

(3) Mr. Tarpley invited everyone to participate in the 2017 Rodeo Road Rally on Saturday, June 3, 2017, benefitting the Mesquite Rotary Club, which provides charitable support for our community including scholarships to area students. Participants can choose from a 20 mile, 40 mile or 60 mile bike ride. Registration is now open and participants can register online or by mail. He encouraged everyone to participate with their friends and family.

(4) Mr. Archer welcomed all Police Department employees and families who were present tonight. He also stated that he attended a groundbreaking today for Lanny Frasier Middle School. The school is named after Assistant Superintendent for Personnel Services Lanny Frasier who has been with the Mesquite Independent School District for 41 years.

(5) Mr. Porter recognized the National Honor Society students who will be providing the pledge tonight and stated that he was once a National Honor Society member.

CITIZENS FORUM

(1) Jennifer Carroll, General Sales Manager with Trophy Nissan, stated that Trophy Nissan plans to set a Guinness World Record for the longest parade of Nissan vehicles. The parade will be held on Sunday, May 7, 2017, at 2:00 p.m. at Poteet High School and continue down North Galloway Avenue ending at Trophy Nissan, 5031 North Galloway. She invited everyone to attend.

(2) Rick Poland, 8850 Mattie Lane, Waxahachie, requested vinyl fencing be included as an approved fencing material in Mesquite.

PRESENTATIONS

- 1 Presentation of meritorious awards to Police Department employees.

Mayor Pickett and Lt. Brian Parrish presented meritorious conduct awards to members of the Mesquite Police Department and citizens of Mesquite in recognition of their achievements and outstanding service. Awards were presented as follows:

- Citizen's Certificate of Merit to Frank Cuara, Ryan Hansen, Jacob Litrell, Mike Lopez, Yelter Rivera, Katie Robertson and Vicki Stewart;
- Life Saving Award to Richard Anderson, Dustan Barrett, Daniel Higginson, Joe Maddox, Darren Marsack, Tim Rountree and Aaron Shedd;
- Certificate of Merit to Bruce Sales;
- Certificate of Civic Achievement to Mark Bradford and Torrey Rhone;
- Civilian of the Year to Ricardo Rodriguez and
- Officer of the Year to Don Phillips.

Those not present to receive awards included: Winston Bowen for Police Commendation; Abe Ismael, Maria Rodriguez and Jesus Vasquez for Citizen's

Certificate of Merit; Jeff Abbott, Steven Contreras and Eamon Leyden for Certificate of Civic Achievement; Daniel Everett, Ben Gregson, Matt Heidelberg, Glenn Lang and Jeff Wilson for Life Saving Award.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Noschese requested that Item No. 6 be removed from the Consent Agenda to be considered separately. Mr. Archer moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

- 2 Minutes of the regular City Council meeting held April 3, 2017.

Approved on the Consent Agenda.

- 3 An ordinance amending Chapter 7 of the City Code thereby adopting the 2015 Edition of the International Property Maintenance Code, effective June 1, 2017.

Approved on the Consent Agenda.

Ordinance No. 4481, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 7-1, 7-2 AND 7-3 OF ARTICLE I IN THEIR ENTIRETY AND ADDING NEW SECTIONS 7-1, 7-2 AND 7-3 OF ARTICLE I THEREBY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, AND PROVIDING CERTAIN ADDITIONS AND DELETIONS THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4481 recorded in Ordinance Book No. 108.)

- 4 A resolution approving and ratifying an amendment and extension of the existing Meet and Confer Agreement between the City and the Mesquite Police Association, authorizing the City Manager to execute an Amendment and Extension of Second Amended and Restated Memorandum of Understanding between the City and the Association and authorizing the City Manager, or the City Manager's designee, to take all actions necessary or requested to carry out the terms and provisions of the Amendment and Extension of Second Amended and Restated Memorandum of Understanding between the City and the Association.

Approved on the Consent Agenda.

Resolution No. 18-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING AND RATIFYING AN AMENDMENT AND EXTENSION OF THE EXISTING MEET AND CONFER AGREEMENT BETWEEN THE CITY OF MESQUITE, TEXAS ("CITY"), AND THE MESQUITE POLICE ASSOCIATION ("ASSOCIATION"); AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT AND EXTENSION OF SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE ASSOCIATION AND AUTHORIZING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE, TO TAKE ALL ACTIONS NECESSARY OR REQUESTED TO CARRY OUT THE TERMS AND PROVISIONS OF THE AMENDMENT AND

EXTENSION OF SECOND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE ASSOCIATION. (Resolution No. 18-2017 recorded in Resolution Book No. 51.)

- 5** A resolution authorizing the City Manager to execute and approve the Project Specific Agreement (PSA) amending the Master Road and Bridge Interlocal Agreement with Dallas County for the purpose of repaving certain specific "Type B" roadways within the City of Mesquite.

Approved on the Consent Agenda.

Resolution No. 19-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE PROJECT SPECIFIC AGREEMENT AMENDING THE MASTER ROAD AND BRIDGE INTERLOCAL MAINTENANCE AGREEMENT WITH DALLAS COUNTY FOR THE PURPOSE OF REPAVING CERTAIN SPECIFIC "TYPE B" ROADWAYS WITHIN THE CITY OF MESQUITE. (Resolution No. 19-2017 recorded in Resolution Book No. 51.)

- 7** Bid No. 2017-068 - Patrol Officer Vista HD Cameras.
(Staff recommends award to Watch Guard, through BuyBoard Contract No. 500-15, in the amount of \$312,320.00.)

Approved on the Consent Agenda.

- 8** Bid No. 2017-056 - Purchase of Seven Ford Interceptor SUV Police Vehicles.
(Staff recommends award to Silsbee Ford in Silsbee, Texas, through BuyBoard Contract No. 521-16, in the amount of \$218,502.00.)

Approved on the Consent Agenda.

- 9** Bid No. 2017-062 - Purchase of Supplies and Accessories for 2017 Police Vehicles.
(Staff recommends award to GT Distributors, through BuyBoard Contract No. 524-17, in the amount of \$67,643.75.)

Approved on the Consent Agenda.

- 10** Bid No. 2017-065 - National Integrated Ballistic Information Network (NIBIN).
(Authorize the City Manager to finalize and execute a contract with sole source provider Ultra Electronics Forensic Technology, Inc., in the amount of \$309,960.00.)

Approved on the Consent Agenda.

- 11** Bid No. 2017-069 - Purchase of Electronic Patient Care Reporting Tablets for Fire Department.
(Staff recommends award to GTS Technology Solutions, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-2520, in the amount of \$57,424.30.)

Approved on the Consent Agenda.

- 12 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Binkley and Barfield, Inc., to survey, design plans and prepare construction documents for the replacement of approximately 8,600 feet of sanitary sewer mains in the amount of \$286,950.00.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 6 A resolution authorizing the Police Chief to execute all documents in connection with the 2016 Office of the Governor - Body-Worn Camera Program grant award in the amount of \$69,673.21, approving the contribution of city funds in the amount of \$17,886.79 for this program and agreeing to return the 2016 Office of the Governor - Body-Worn Camera grant funds in the event of loss or misuse of such funds.

Mr. Noschese moved to table a resolution authorizing the Police Chief to execute all documents in connection with the 2016 Office of the Governor - Body-Worn Camera Program grant award in the amount of \$69,673.21, approving the contribution of city funds in the amount of \$17,886.79 for this program and agreeing to return the 2016 Office of the Governor - Body-Worn Camera grant funds in the event of loss or misuse of such funds. Motion was seconded by Mr. Casper and approved unanimously.

END OF CONSENT AGENDA

PUBLIC HEARING

- 13 Conduct a public hearing and consider an ordinance for Application No. 1353-39-2017, submitted by Amber Wilkins for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow sales of used merchandise on property located at 1515 E. Kearney, Suite 200.
(Two responses in opposition to the application have been received from property owners within the statutory notification area. One person appeared in opposition and three persons appeared in favor of the application before the Planning and Zoning Commission. The Commission recommends approval of the application with certain stipulations.)

A public hearing was held for Application No. 1353-39-2017.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the proposed application is a request for a Conditional Use Permit to sell used merchandise such as clothing, furniture and home décor at 1515 E. Kearney, Suite 200. The proposed retail use is consistent with the General Retail districts. There is sufficient parking and utilities in the area and no negative impacts are expected.

Applicant Amber Willkins, 1209 Chattahoochie, Savannah, Texas, stated that she has past experience as a General Manager but no experience in the resale business. She explained that she has looked at various locations to operate this business but chose this location due to the affordable rent.

The following persons spoke in favor of the proposed application: (1) Jessica

Turney, 4300 Horizon North Parkway, Dallas; (2) Thurman Alexander, 4910 Dublin Creek Lane, Parker and (3) Thea Turney, 4324 Voss Hills Place, Dallas.

Mr. Archer moved to approve Application No. 1353-39-2017, with the following conditions:

1. The used merchandise shall be limited to clothing, furniture and home décor.
2. Merchandise display shall be orderly and similar in style and organization to typical displays at general merchandise and department stores.
3. Outdoor storage or display of merchandise is prohibited.
4. All display merchandise shall be clean and operational. The display of damaged items is prohibited.
5. This Conditional Use Permit is limited to Suite 200.
6. Inventory shall be unloaded during the store's regular operating hours.

And to approve an ordinance, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT ON PROPERTY ZONED GENERAL RETAIL AND LOCATED AT 1515 EAST KEARNEY STREET, SUITE 200 THEREBY ALLOWING THE SALE OF USED MERCHANDISE FOR A USED RETAIL STORE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Porter. On call for a vote on the motion, the following votes were cast:

Ayes: Archer, Porter

Nayes: Pickett, Casper, Noschese, Aleman, Tarpley

Motion failed.

Mr. Noschese moved to deny Application No. 1353-39-2017 for a change of zoning from General Retail to General Retail with a Conditional Use Permit to allow sales of used merchandise on property located at 1515 E. Kearney, Suite 200. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Aleman, Pickett, Casper, Tarpley

Nayes: Archer, Porter

Motion carried.

RECEIPT OF RESIGNATION

14

Receive resignation from Jeff Medley as a member of the Historic Mesquite, Inc., Board of Directors.

Mr. Archer moved to accept the resignation of Jeff Medley as a member of the Historic Mesquite, Inc., Board of Directors. Motion was seconded by Mr. Aleman and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- 15 Consider appointment of two representatives to attend the City/School Joint Tax Office Advisory Board meeting on Tuesday, June 6, 2017, at 2:00 p.m.

Mr. Casper moved to appoint Dan Aleman and Jeff Casper to serve as the City's representatives on the City/School Joint Tax Office Advisory Board at the meeting scheduled to be held Tuesday, June 6, 2017, at 2:00 p.m. Motion was seconded by Mr. Noschese and approved unanimously.

ADJOURNMENT

Mr. Archer moved to adjourn the meeting. Motion was seconded by Mr. Aleman and approved unanimously. The meeting adjourned at 8:09 p.m.

Attest:

Approved:

Sonja Land, City Secretary

Stan Pickett, Mayor