City of Mesquite, Texas

Minutes - Final

City Council

Monday, April 3, 2017 | **5:00 PM** | **City Hall | Council Chamber**
757 N. Galloway | Mesquite, Texas

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 development along the IH-30 corridor.

Council directed staff to compile potential uses and zoning changes as well as conduct a market study and present to Council at a future meeting.

2 Receive briefing regarding the Rental Certificate of Occupancy Program.

It was Council consensus to proceed with amending the Rental Certificate of Occupancy Program ordinance and present the amendment to Council at a future meeting.

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

INVOCATION

Ron Ward, Pastor, A Church Without Walls, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of Mesquite AMBUCS.

SPECIAL ANNOUNCEMENTS

(1) Mr. Porter announced that the Parks and Recreation Department will be hosting the annual Breakfast with the Bunny this Saturday, April 8, 2017, at Evans Recreation Center, 1116 Hillcrest Street. Breakfast will be served from 8:30 a.m. to 10:30 a.m. at a cost of $5.00 per person. However, children age two and under can eat for free. Various activities will be offered from 9:00 a.m. to Noon. A free egg hunt will begin at 11:00 a.m. for children age nine and under. He invited everyone to bring their friends and family and participate in this exciting event.
(2) Mr. Archer expressed appreciation to various faith-based and non-profit groups for their work in our community.

(3) Mr. Aleman invited residents to attend the Creek Crossing neighborhood crime watch meeting on Thursday, April 6, 2017, at 7:00 p.m., at Calvary Temple Community Church, 1401 Clay-Mathis.
(4) Mr. Noschese thanked the Mesquite AMBUCS for their contributions to the community and for promoting mobility for persons with disabilities. He invited citizens to participate in the 2017 Mesquite AMBUCS Golf Tournament to be held on Monday, April 24, 2017, and the annual Pancake Breakfast with Santa at Evans Recreation Center in December. At both events, the AMBUCS will present Amtrykes, which are therapeutic tricycles, that enable disabled adults and children to become mobile. This is a very touching event to witness and invited everyone to support these worthy events.
(5) Mayor Pickett stated that the annual Rodeo Parade was held last Saturday, April 1, 2017, and he had expressed a desire to ride a horse in the parade. As a result, he was presented a stick horse by City Manager Cliff Keheley, prior to the parade, which he displayed to everyone attending tonight.

PRESENTATION

3 Presentation of donation from Mesquite AMBUCS to the Spread the Love campaign.

Wayne Larson, Director of Communications and Marketing, stated that the "Spread the Love" (STL) campaign was developed in 2016 to garner donations of peanut butter and jelly to provide meals for Mesquite children, who qualify for free or reduced-price meals during the school year, during the summer months through Sharing Life Community Outreach and Mesquite Social Services. Mesquite citizens, City staff, civic clubs and non-profit organizations participated in this successful campaign. El Rio Grande Latin Market kicked-off the 2017 campaign by making a $1,000 donation to STL. Mr. Larson stated that Dallas Mavericks' Wesley Matthews and his foundation, Driven 2 Greatn3ss, along with its partners, Albertson's and Tom Thumb, recently donated enough peanut butter and jelly to provide 20,000 sandwiches this summer. The Dallas Mavericks donated autographed basketballs and photos as well as a Wesley Matthews autographed jersey to those making donations utilizing the #SpreadTheLoveMesquite hashtag. A brief video for the STL campaign was shown. Mr. Larson introduced Brooks Watts, President Elect of Mesquite AMBUCS.

Mr. Watts stated that AMBUCS raises money for Amtrykes, ramps for immobile residents, scholarships for Mesquite students and special initiatives such as the STL campaign. Mr. Watts presented a $1,000 donation to Sharon Cook, representing Sharing Life Community Outreach, and Terry Tosch, representing Mesquite Social Services, for the STL campaign.

Mayor Pickett stated that donations received in 2017 have already exceeded 2016 donations and expressed appreciation to the Mesquite AMBUCS for their donation.

Mr. Archer expressed appreciation to the Mesquite AMBUCS for recently building a ramp for an immobile citizen.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Archer requested that Item No. 14 be removed from the Consent Agenda to be considered separately. Mr. Casper moved to approve the remaining items on the

Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.

4 Minutes of the regular City Council meeting held March 20, 2017.

Approved on the Consent Agenda.

5 An ordinance amending Chapter 5 of the City Code thereby adopting the 2014 Edition of the National Electric Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4474, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-336 AND 5-339 THROUGH 5-390 OF ARTICLE VIII IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-336 AND 5-339 TO ARTICLE VIII THEREBY ADOPTING THE NATIONAL ELECTRICAL CODE, 2014 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. 4474 recorded in Ordinance Book No. 108.)

6 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Building Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4475, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-26 AND 5-27 OF ARTICLE II IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-26 AND 5-27 OF ARTICLE II THEREBY ADOPTING THE INTERNATIONAL BUILDING 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. 4475 recorded in Ordinance Book No. 108.)

7 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Energy Conservation Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4476, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-469 AND 5-470 OF ARTICLE XIV IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-469 AND 5-470 OF ARTICLE XIV THEREBY ADOPTING THE INTERNATIONAL ENERGY CONSERVATION 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. 4476 recorded in Ordinance Book No. 108.)

8 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Fuel Gas Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4477, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-465 AND 5-466 OF ARTICLE XII IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-465 AND 5-466 TO ARTICLE XII THEREBY ADOPTING THE INTERNATIONAL FUEL GAS 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. 4477 recorded in Ordinance Book No. 108.)

9 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Mechanical Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4478, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-316 AND 5-317 OF ARTICLE VII IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-316 AND 5-317 TO ARTICLE VII THEREBY ADOPTING THE INTERNATIONAL MECHANICAL 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. 4478 recorded in Ordinance Book No. 108.)

10 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Plumbing Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4479, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 5-186 AND 5-187 OF ARTICLE VI IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-186 AND 5-187 OF ARTICLE VI THEREBY ADOPTING THE INTERNATIONAL PLUMBING 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. 4479 recorded in Ordinance Book No. 108.)

11 An ordinance amending Chapter 5 of the City Code thereby adopting the 2015 Edition of the International Residential Code, effective May 15, 2017.

Approved on the Consent Agenda.

Ordinance No. 4480, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS

AMENDED, BY DELETING ARTICLE XIII IN ITS ENTIRETY AND ADDING A NEW ARTICLE XIII THEREBY ADOPTING THE INTERNATIONAL RESIDENTIAL 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. 4480 recorded in Ordinance Book No. 108.)

12 A resolution suspending the April 21, 2017, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee.

Approved on the Consent Agenda.

Resolution No. 14-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE. (Resolution No. 14-2017 recorded in Resolution Book No. 51.)

13 A resolution establishing precincts and the location of polling places for the annual City election to be held May 6, 2017.

Approved on the Consent Agenda.

Resolution No. 15-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING PRECINCTS AND THE LOCATION OF POLLING PLACES FOR THE ANNUAL CITY ELECTION; AND DECLARING AN EFFECTIVE DATE. (Resolution No. 15-2017 recorded in Resolution Book No. 51.)

15 A resolution authorizing the sale of multiple tax-foreclosed properties located in Mesquite, Texas, ratifying and approving offer and purchase agreements and authorizing the City Manager to execute quitclaim deeds and all other documents necessary to complete the closing and sale of the properties.

Approved on the Consent Agenda.

Resolution No. 16-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE SALE OF MULTIPLE TAX-FORECLOSED PROPERTIES LOCATED IN MESQUITE, TEXAS (THE "PROPERTIES"); ACCEPTING THE OFFERS FROM THE PURCHASER TO PURCHASE THE PROPERTIES; RATIFYING AND APPROVING THE OFFER AND PURCHASE AGREEMENTS EXECUTED BY THE PURCHASER SETTING FORTH THE TERMS

AND CONDITIONS OF THE SALE OF THE PROPERTIES; AND AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS AND ALL OTHER DOCUMENTS NECESSARY OR REQUESTED TO COMPLETE THE CLOSING AND SALE OF THE PROPERTIES. (Resolution No. 16-2017 recorded in Resolution Book No. 51.)

16 A resolution adopting policy issue priorities for the year 2017 and strategic goals for the future of Mesquite.

Approved on the Consent Agenda.

Resolution No. 17-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING POLICY ISSUE PRIORITIES FOR THE YEAR 2017 AND STRATEGIC GOALS FOR THE FUTURE OF MESQUITE. (Resolution No. 17-2017 recorded in Resolution Book No. 51.)

17 Bid No. 2017-035 - Annual Dry Cleaning Services for Police Department Uniforms.
(Staff recommends all bids be rejected.)

Approved on the Consent Agenda.

18 Bid No. 2017-057 - Purchase of 50 Portable Alarm Systems.
(Staff recommends award to sole source provider SecureTech Systems, Inc., in the amount of $178,425.00.)

Approved on the Consent Agenda.

19 Bid No. 2017-058 - Purchase of 200 TASER X2's and Equipment.
(Staff recommends award to sole source provider TASER International in the amount of $412,530.00.)

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

14 A resolution regarding decorum and civility in the course of debate.

Mr. Archer stated that he requested the proposed resolution be placed on the City Council agenda. Councilmembers discussed the advantages and disadvantages of the proposed resolution.

Mr. Archer moved to approve a resolution, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REGARDING DECORUM AND CIVILITY IN THE COURSE OF DEBATE. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Archer, Aleman, Casper
Nayes: Pickett, Porter, Noschese, Tarpley
Abstentions: None

Motion failed.

END OF CONSENT AGENDA

PUBLIC HEARING

20 Conduct a public hearing and consider an ordinance for Application No. 34-46B-2016, submitted by Monte Akers on behalf of TA Operating, Inc., for a change of zoning from Commercial and Skyline Logistics Hub (SLH) Overlay to Planned Development-Commercial and SLH Overlay with a Conditional Use Permit allowing a truck stop on property located at 2614 Big Town Blvd.
(One response in favor of the application has been received from property owners within the statutory notification area. Two persons appeared in opposition to 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. 34-46B-2016.

Jeff Armstrong, Assistant Director of Planning and Development Services, stated that the applicant, TravelCenters of America (TA), plans to demolish the existing structures and construct a new truck stop facility at 2614 Big Town Boulevard, which is located in the Skyline Logistics Hub (SLH) Overlay. TA is proposing two new buildings with six truck fueling lanes, six car fueling pumps, 103 passenger vehicle parking spaces and 95 truck parking spaces. The buildings would include a 13,000-square-foot travel plaza with convenience store, restaurant, showers and laundry facilities. The second building would include a four-bay shop facility for truck maintenance. The proposed truck stop would meet all of the SLH Overlay requirements including 24-hour security with security cameras, dine-in full service menu restaurant, striped parking spaces and electrification hookups for trucks. Unmounted trailers are prohibited at this location. The facility would employ 65 people and is consistent with the Comprehensive Plan.

Monte Akers, representing TA, stated that TA began operating in 1972 and had an ownership change in 2007. Changes in marketing, trade agreements and technology have increased truck traffic on Texas highways and the federal government mandates minimum rest periods for truckers after eight hours of driving which requires facilities such as the proposed truck stop.

Kyle Raynor, Acquisitions Manager for TA, stated that after several unsuccessful attempts to sell the property, due to zoning compliance and contamination issues, TA decided to reinvest in the property with a new travel center. The proposed development plan would be a $12-13 million investment and consists of a travel plaza, 12,000-square-foot four-bay truck service garage, TA Café restaurant, a nationally-branded gasoline station, 10 showers, laundry facility and a driver's lounge. Twenty of the 95 truck parking spaces will have electrification hookups. The construction period is estimated to be 10 to 11 months and will employ approximately 65 full-time equivalent employees. TA has hired a local contractor to address issues as needed. Mr. Raynor stated that the contamination issue involves solvents used in the repair shop in the 1970s. However, TA has been working with the Texas Commission on Environmental Quality's remediation program with expected compliance in two years. TA's community involvement includes being one of the founders of Truckers against Trafficking and hosting educational sessions.

J. D. Satterwhite, Engineer for TA, stated that the site plan and business plan for this location does not allow for a larger building.

The following persons spoke in opposition to the proposed zoning change: (1)

Thomas Hubacek, 1324 Fernwood Drive; (2) Charlie Baker, 1713 Huntington; (3) Mark Dietz, 6315 Lakehurst, Dallas and (4) Holly Fisk, 4200 Woodbluff. No others appeared regarding the proposed zoning change.

Councilmembers expressed concerns regarding the company's lack of maintenance on the property since the facility closed in 2003.

Mr. Casper moved to deny Application No. 34-46B-2016. Motion was seconded by Mr. Archer and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:00 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 (proposed litigation); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:35 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Porter moved to adjourn the meeting. Motion was seconded by Mr. Casper and approved unanimously. The meeting adjourned at 9:35 p.m.

Attest: Approved:

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Sonja Land, City Secretary Stan Pickett, Mayor