



City of Mesquite, Texas

Minutes - Final City Council

Tuesday, January 21, 2014

1:00 PM

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

Present: Mayor John Monaco and Councilmembers Shirley Roberts, Al Forsythe, Bill Porter, Stan Pickett, Greg Noschese and Dennis Tarpley, City Manager Ted Barron and City Secretary Sonja Land.

PRE-MEETING - COUNCIL CONFERENCE ROOM - 1:00 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

- 1 Discuss comprehensive planning policies for the Military Parkway - Scyene Corridor.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 1:08 P.M.

The City Council met in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers; whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 1:26 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 1:33 P.M.

- 2 Receive preliminary financial statement for fiscal year ending September 30, 2013.
Debbie Mol, Director of Finance, presented the financial statement for fiscal year ending September 30, 2013.
- 3 Receive quarterly investment report for period covering July 1, 2013 through September 30, 2013.
Debbie Mol, Director of Finance, presented the Investment Report for the period covering July 1, 2013, through September 30, 2013.

The work session ended at 1:56 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 3:03 P.M.

INVOCATION

Dr. Craig Christina, Senior Pastor, Shiloh Terrace Baptist Church, Dallas, Texas.

PLEDGE OF ALLEGIANCE

Recreation After School Participants from Achziger Elementary School.

SPECIAL ANNOUNCEMENTS

- (1) Mayor Monaco recognized the Leadership Mesquite class who were in attendance.
- (2) Mr. Tarpley announced that tomorrow is his grandson's first birthday and wished Caleb Clifton Tarpley a very happy birthday.

CITIZENS FORUM

- (1) Susan Flippin and Carolyn Elsby, 1308 Lanemar, Mesquite, expressed concerns regarding the City's rental certificate of occupancy program. Mayor Monaco referred Ms. Flippin and Ms. Elsby to Deputy City Manager Carol Zolnerowich to discuss this matter.
- (2) Tina Harris, 2852 Island Wren Dr., Mesquite, President of the Mesquite Chapter of the American Heart Association, introduced some fellow board members who were present. She stated that they are partnering with the City, Mesquite Independent School District, businesses and many other organizations in recognizing February 7, 2014, as "Go Red for Women Day" in support of women and their fight against heart disease. Ms. Harris encouraged everyone to wear red, decorate with red and donate to the American Heart Association to raise awareness and to support research efforts.

CONSENT AGENDA**Approval of the Consent Agenda**

Ms. Roberts requested that Item No. 5 be removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Noschese and approved unanimously.

- 4 Minutes of the regular City Council meeting held January 6, 2014.

Approved on the Consent Agenda.

- 6 An ordinance amending Chapter 10 of the City Code by adding a second paragraph to Section 10-18 thereby providing for periods of amnesty by the City Council to allow the Mesquite Public Library to accept return of overdue items without penalty during a limited period of amnesty.

Approved on the Consent Agenda.

Ordinance, No. 4295, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY ADDING A SECOND PARAGRAPH TO SECTION 10-18 THEREBY PROVIDING FOR PERIODS OF AMNESTY BY THE CITY COUNCIL TO ALLOW THE MESQUITE PUBLIC LIBRARY TO ACCEPT RETURN OF OVERDUE ITEMS WITHOUT PENALTY DURING A LIMITED PERIOD OF AMNESTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4295 recorded on page of Ordinance Book No. 103.)

- 7 A resolution declaring a period of amnesty for library fines from February 17 - 22, 2014, to allow for the donation of food to Mesquite Social Services and Sharing Life Community Outreach in lieu of fines and without criminal penalty.

Approved on the Consent Agenda.

Resolution No. 02-2014, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DECLARING A PERIOD OF AMNESTY FOR LIBRARY FINES FROM FEBRUARY 17 - 22, 2014, TO ALLOW FOR THE DONATION OF FOOD TO MESQUITE SOCIAL SERVICES AND SHARING LIFE COMMUNITY OUTREACH IN LIEU OF FINES AND WITHOUT CRIMINAL PENALTY. (Resolution No. 02-2014 recorded on page of Resolution Book No. 46.)

- 8 Authorize the City Manager to execute a Third Revised Memorandum of Understanding/Interlocal Agreement with Dallas County among participating local governments for law enforcement data sharing via Dallas County Incident Module software.

Approved on the Consent Agenda.

- 9 Ratify execution of a Business Electricity Authorization Agreement with Gexa Energy by the City Manager for electric services for a three-year period beginning January 2016.

Approved on the Consent Agenda.

CONSENT AGENDA ITEM CONSIDERED SEPARATELY

- 5 An ordinance amending Ordinance No. 2909 by providing the City Council the authority to allow the Mesquite Public Library to accept return of overdue items without payment of fines and other charges during a limited period of amnesty.

Jeannie Johnson, Director of Library Services, stated that the Mesquite Public Library system will be celebrating its 50th anniversary in February. The proposed ordinance would allow the Library to host an amnesty period, February 17-22, 2014, in which the Library will accept donations of nonperishable food items in lieu of fines for donation to Mesquite Social Services and Sharing Life Community Outreach. The "Food for Fines" program would allow patrons to clear their accounts, return overdue materials and allow patrons to make a donation to those in need in our community.

Ms. Roberts moved to approve Ordinance No. 4294, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 2909 BY PROVIDING THE CITY COUNCIL THE AUTHORITY TO ALLOW THE MESQUITE PUBLIC LIBRARY TO ACCEPT RETURN OF OVERDUE ITEMS WITHOUT PAYMENT OF FINES AND OTHER CHARGES DURING A LIMITED PERIOD OF AMNESTY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. Motion was seconded by Mr. Porter and approved by all voting "Aye." (Ordinance No. 4294 recorded on page of Ordinance Book No. 103.)

END OF CONSENT AGENDA

PUBLIC HEARINGS

10

Conduct a public hearing and consider an ordinance for Application No. 261-32-2013, submitted by Alka Patel, for a zoning change from Service Station to Planned Development - General Retail to allow for the expansion of the main building to include additional businesses for property located at 3021 Big Town Boulevard.

(No opposition to the proposed amendment has been received. The Planning and Zoning Commission recommends approval of the application with certain stipulations. This item was postponed at the January 6, 2013, City Council meeting.)

A public hearing was held to consider Application No. 261-32-2013, submitted by Alka Patel.

Mike Koradia Patel, representing Alka Patel, stated that the applicant would like to add additional square footage to the north and south sides of the existing convenience store to accommodate new tenants which may include a coin-operated laundry/washateria and other retail or office uses. The completed project will contain approximately 6,000 square feet, including the existing convenience store.

No one appeared regarding the proposed zoning change. Mayor Monaco declared the public hearing closed.

Jeff Armstrong, Manager of Planning and Zoning, stated that, if approved, a site plan will be required and the entire property will be required to meet the minimum parking requirements.

Mr. Noschese moved to approve Application No. 261-32-2013, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Uses permitted-by-right in the following SIC classifications:

Retail:

549a Convenience Store with or without Fuel Sales and Incidental Check Cashing

553 Auto Supply Stores

56 Apparel, Accessory Stores

57 Furniture, Home Furnishings

58 Eating, Drinking Places

594 Miscellaneous Shopping Goods Stores

5992 Florists

5995 Optical Goods Stores

Finance, Insurance, Real Estate:

60-67 Depository Institutions, Security and Commodity Services, Insurance Carriers, Agents and Brokers, Real Estate, Holding Companies Except 61, Non-depository Institutions

Services:

722 Photographic, Portrait Studios

7215 Coin-Operated Laundries/Dry Cleaning

7291 Tax Preparation Services

7299 Tanning Salon Only

7334 Photocopying, Duplicating Services

80 Health Services

- 81 Legal Services
 - 82 Educational Services
 - 83 Social Services
 - 87 Engineering, Accounting, Research, Management Services
2. Landscaped requirements shall be 15 percent of the site.
 3. A maximum of four coin-operated amusement devices shall be permitted on the premises as an accessory use.

And to approve Ordinance No. 4296, 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 CHANGE OF ZONING ON PROPERTY LOCATED AT 3021 BIG TOWN BOULEVARD FROM SERVICE STATION TO PLANNED DEVELOPMENT - GENERAL RETAIL THEREBY ALLOWING FOR THE EXPANSION OF THE MAIN BUILDING TO INCLUDE ADDITIONAL BUSINESSES ON THE PROPERTY 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. Pickett and approved by all voting "Aye." (Ordinance No. 4296 recorded on page _____ of Ordinance Book No. 103.)

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Conduct a public hearing and consider an ordinance for Application No. 545-24-2013, submitted by Ken Strickler for Stadium Auto, for a zoning change from Commercial to Commercial with a Conditional Use Permit, to allow the sale of new and used cars on two tracts located at 2960 and 3200 Interstate Highway 30.

(One letter in favor and two letters in opposition to the proposed amendment have been received. Two persons appeared in favor of the proposed amendment before the Planning and Zoning Commission. The Commission recommends approval of the application with certain stipulations. This item was postponed at the January 6, 2014, City Council meeting.)

A public hearing was held to consider Application No. 545-24-2013, submitted by Ken Strickler.

Hassan Rahmati, owner of Stadium Auto, stated that he has been in the used car business for 21 years and currently owns the Stadium Auto dealership located in Arlington which grossed approximately \$75 million in sales in 2013. He explained that he plans to remodel the existing building and construct a new building on the undeveloped property, if needed, in the future. Security will consist of a physical presence on-site from 7:00 p.m. until 7:00 a.m. with security cameras located inside and outside of the building. Mr. Rahmati agreed to maintain an inventory with 80 percent of the vehicles being five years old or less.

Ben Muchoki, 5745 Bozeman Drive, #2118, Plano, and Silas Bryan, 4713 Las Lomas Drive, spoke in favor of the application.

No others appeared regarding the proposed zoning change. Mayor Monaco declared the public hearing closed.

Jeff Armstrong, Manager of Planning and Zoning, confirmed that the pole sign must be removed, since the property has been vacant for over one year, and replaced with a monument sign.

Mr. Noschese moved to approve Application No. 545-24-2013, with stipulations recommended by the Planning and Zoning Commission, along with additional stipulations as follows:

1. The exterior of the existing building on the eastern tract at 2960 IH-30 shall be renovated to comply with the Community Appearance Manual as if it were a new build project.
2. All vehicles onsite for sale shall be operable and maintained in good condition, which shall include:
 - a. No body damage greater than four inches in diameter;
 - b. Painted repairs shall match the original equipment manufacturer's paint specifications, or if the vehicle color has been altered, the same color as the vehicle, except for detailing; and
 - c. No broken or cracked windshields.
3. All parking and display surfaces shall be paved and striped.
4. Adequate lighting must be provided for safety and security.
5. The landscaped requirement shall be 15 percent of the site with 75 percent of the landscaping being along the IH-30 frontage.
6. A barrier between the sales area and IH-30 shall be provided to retain vehicles completely within the property. The barrier shall be constructed of masonry, wrought-iron or tubular steel. The color of the barrier shall be an earth tone.
7. All light poles, flag poles or any other vertical walls/poles/structures shall be painted black, earth tone or match the primary color of the main building.
8. No banners, bay banners, vertical banners, pennants or inflatable signs of any kind may be placed on the properties. No prices or messages may be written or displayed on windshields. Signage shall be of a uniform color.
9. Each car on display shall be parked/displayed fully within a striped parking space or inside of a building. Metal ramp displays on the premises are prohibited. Vehicles not ready for sale shall be kept in the rear of the property.
10. At a minimum, 80 percent of the inventory units displayed for sale shall be five years old or less.
11. The wall in the rear of the property shall be repaired in conformity with existing City codes.

And to approve Ordinance No. 4297, 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 CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 2960 AND 3200 IH-30 THEREBY ALLOWING FOR THE SALE OF NEW AND USED CARS 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. Pickett. On call for a vote, the following votes were cast:

Ayes: Noschese, Pickett, Monaco, Porter, Roberts, Tarpley
Nays: Forsythe

Motion carried. (Ordinance No. 4297 recorded on page _____ of Ordinance Book No. 103.)

APPOINTMENT TO BOARDS AND COMMISSIONS

12 Consider appointment of one member to the Mesquite Industrial Development Corporation for a term to expire January 28, 2017.

Mr. Pickett moved to reappoint Ted Barron as a member of the Mesquite Industrial Development Corporation for a term to expire January 28, 2017. Motion was seconded by Ms. Roberts. On call for a vote, the following votes were cast:

Ayes: Pickett, Roberts, Monaco, Porter, Forsythe, Tarpley

Nayes: Noschese

Motion carried.

ADJOURNMENT

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Mr. Forsythe and approved unanimously. The meeting adjourned at 4:27 p.m.

Approved:

Attest:

John Monaco, Mayor

Sonja Land, City Secretary