



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, November 5, 2018

4:00 PM

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

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Present: Mayor Stan Pickett and Councilmembers Dan Aleman, Tandy Boroughs, Robert Miklos, Jeff Casper, Bruce Archer and Greg Noschese, City Manager Cliff Keheley and City Secretary Sonja Land.

### **PRE-MEETING - TRAINING ROOMS A&B - 4:00 P.M.**

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1                    Receive presentation regarding results of 2018 Community Attitude and Satisfaction Survey.
  
- 2                    Receive report and presentation regarding redistricting including a discussion regarding the illustrative redistricting plan.  
  
                      **Council received an alternate map for consideration. No Council direction was provided.**
  
- 3                    Receive briefing regarding possible amendments to the Accessory Dwelling Unit ordinance.  
  
                      **Council requested additional information from staff. No Council direction was provided.**
  
- 4                    Receive briefing regarding a development agreement for the proposed Iron Horse Mixed Use Development consisting of retail, restaurant, office, residential components and other associated uses of an approximately 56 acre tract of land generally located at Rodeo Drive and Rodeo Center Boulevard.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 6:05 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 (Receive briefing regarding Board of Adjustment Case No. 1018-0093, Amortization of a Nonconforming Motel Use located at 3629 East U.S. Highway 80, commonly known as the Meri Best Inn and legal strategies for addressing noncompliant uses and properties); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 6:41 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:48 P.M.**

- 5 Receive quarterly report from the Police Department.

Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD). He reviewed the current staffing levels and crime statistics for DWI arrests, residential and commercial burglaries, vehicle thefts, burglary of a vehicle and robberies. He reviewed the beat districts, crime quadrants, criminal investigations, major crimes, communications center statistics and current staffing levels. The MPD is enhancing its jail operations by recording the prisoner medical screenings and providing increased medical training for detention officers.

Councilmembers expressed appreciation to Chief Cato and the MPD for their dedication to our community.

The work session ended at 7:36 p.m.

**REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:36 P.M.****INVOCATION**

Gabriel Ojih, Pastor, Pathway of Grace Church, Mesquite, Texas.

**PLEDGE OF ALLEGIANCE**

Mesquite Municipal Court Clerks.

**PRESENTATIONS**

- 6 Presentation of a plaque to N.N. Dharmarajan in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- Mayor Pickett presented a plaque to N.N. Dharmarajan in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee from October 2010 to September 2018.
- 7 Presentation of a plaque to Sergio Garcia in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee.
- Mayor Pickett presented a plaque to Sergio Garcia in recognition of his service as a member of the Planning and Zoning Commission and Capital Improvements Advisory Committee from September 2015 to September 2018.
- 8 Presentation to military representatives in honor of Veterans Day.
- Mayor Pickett and City Councilmembers recognized the following participants in the Parks and Recreation Department's 50+ program who have served in the United States Armed Forces: (1) James Ballard, Captain, Marine Corps; (2) Ken Dennis, Sergeant, Army; (3) John Evans, Specialist, Army; (4) Jackie Foshee,

Specialist, Army; (5) James Gann, Private First Class, Army; (6) Floyd Johnson, Sergeant, Air Force; (7) Bruce Kraemer, Specialist, Army; (8) Lee Paine, Private First Class, Army; (9) Wash Payne, Corporal, Army; (10) Rod Taylor, Master Sergeant, Army; (11) Thomas Vaughan, Private First Class, Army; (12) Curtis White, Staff Sergeant, Army and (13) Susie Williams, Airman First Class, Air Force.

- 9 Presentation of donation from American National Bank of Texas to the Mesquite Veterans Memorial campaign.

Ken Lane, representing American National Bank, and Kyle Berry, President of American National Bank - Mesquite, presented a \$2,500.00 check to the Mesquite Veterans Memorial campaign. Mayor Pickett and Jackie Frazier and Babette Bradshaw, representing the Heroes of Mesquite, accepted the donation.

- 10 Recognize Real. Texas. Service. Champions.

City Manager Cliff Keheley stated that the Real. Texas. Service. Champions program was created as an opportunity for employees to be recognized for their service to the organization and Mesquite community. A brief video was shown describing each employee's contributions to the City of Mesquite.

Mayor Pickett, City Councilmembers and City Manager Cliff Keheley presented Certificates of Appreciation to the following employees in honor of their service to the City of Mesquite: Jonathan Browning, Public Works Department; Araseli Vasquez, Public Works Department; Claudia Rodarte, Human Resources Department; and Dennis Arnold, Police Department.

## **SPECIAL ANNOUNCEMENTS**

(1) Mayor Pickett announced that Atmos Energy has donated \$100,000.00 to the Mesquite Veterans' Memorial campaign. He invited citizens to attend Veterans Day events on Saturday, November 10, 2018, at 11:00 a.m., at City Lake Park, hosted by the City of Mesquite and on Sunday, November 11, 2018, at 11:00 a.m., in Heritage Square, sponsored by the local VFW Post. Mayor Pickett suggested citizens burn a green light bulb in their home during the month of November to show their support for our military veterans. Green light bulbs were provided to attendees.

(2) Mr. Boroughs announced that the annual Santa Cop program begins on Thursday, November 15, 2018. This program provides over 600 children with Christmas presents and is funded 100 percent by local donations. Unwrapped toys or financial donations can be made at the Mesquite Police Department until Wednesday, December 12, 2018. He encouraged citizens to participate in this holiday event.

(3) Mr. Aleman stated that the recent Real. Texas. Giving. campaign raised funds for many local charities through City of Mesquite employee donations. One of the charities is Sharing Life Community Outreach. Each November, Sharing Life collects the fixings for a traditional Thanksgiving dinner for those in need. Citizens are encouraged to donate or volunteer their time for this worthy cause.

(4) Mr. Noschese encouraged small business owners or persons interested in opening a small business to attend the Mesquite Entrepreneurs Day, sponsored by the Economic Development Department, on Tuesday, November 13, 2018, from 3:00 p.m. to 7:00 p.m., in Downtown Mesquite.

(5) Mr. Noschese stated that the Amazing Santacolor 5K will take place on Saturday, November 10, 2018, at Town East Mall, benefitting the Mesquite Independent School District Education Foundation and is sponsored in part by Councilmember Robert Miklos. He invited everyone to bring their family and friends and participate in the fun holiday event.

- (6) Mr. Casper stated that this is National Animal Shelter Appreciation Week. He encouraged citizens to register their dogs and cats. The fee is \$5 for sterilized pets.
- (7) Mr. Archer encouraged citizens to provide feedback on the Mesquite Comprehensive Plan by Friday, November 30, 2018, by going to the City's website and completing the online survey.
- (8) Mr. Archer invited citizens to Meet Your Councilmember at McDonald's at Belt Line Road and US Highway 80 on Saturday, November 10, 2018, from 8:00 a.m. to 9:30 a.m.
- (9) Mr. Archer announced that Art Greenhaw and the T-Byrd Gordon Show Band will perform at the Corner Theatre, 214 W. Davis Street, on Saturday, November 17, 2018, at 7:30 p.m., and invited citizens to meet at 7:00 p.m. at the gazebo.
- (10) Mr. Miklos announced that the City of Mesquite has received the Texas Main Street City designation. Mesquite is one of only 89 cities in Texas to receive this honor.
- (11) Mayor Pickett introduced the new City Attorney David Paschall.

### **CITIZENS FORUM**

- (1) Millie Arnold, 2206 Luau Street, expressed concerns regarding the hotels and motels along the Mesquite highways.
- (2) Elizabeth Walley, 1112 Siebold Court, expressed concerns regarding the display of political signs.
- (3) Minh Huynh, 308 Keswick, commended the City Council and staff on the transparency displayed during the redistricting process.
- (4) Christian Tidwell, 3601 U. S. Highway 80 East and Melvin Steele, 3601 US Highway 80 East, expressed their support for Luna Lodge.
- (5) Brad Craft, 113 Derby, expressed support for the Animal Services Advisory Board.

### **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. Archer and approved unanimously.**

- 11** Minutes of the regular City Council meeting held October 15, 2018.

**Approved on the Consent Agenda.**

- 12** An ordinance amending Chapter 9 of the City Code by reducing the speed limit from 35 MPH to 30 MPH on Motley Drive from Gus Thomasson Road on the south to Town East Boulevard on the north, effective November 12, 2018.

**Approved on the Consent Agenda.**

**Ordinance No. 4620, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9, SECTION 9-150 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY REDUCING THE SPEED LIMIT FROM 35 MPH TO 30 MPH ON MOTLEY DRIVE FROM GUS THOMASSON ROAD ON THE SOUTH TO TOWN EAST BOULEVARD ON THE NORTH; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE OF NOVEMBER 12, 2018. (Ordinance No. 4620 recorded in Ordinance Book No. 113.)**

- 13 An ordinance amending Section 10.3 of the Community Appearance Manual thereby amending the requirements for lighting on buildings.

**Approved on the Consent Agenda.**

**Ordinance No. 4621, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 10.3, "LIGHTING," OF THE COMMUNITY APPEARANCE MANUAL; 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. 4621 recorded in Ordinance Book No. 113.)**

- 14 A resolution authorizing the City Manager to execute and approve the Multiple Use Agreement with the Texas Department of Transportation for the Mesquite Heritage Trail within U.S. Highway 80 right-of-way.

**Approved on the Consent Agenda.**

**Resolution No. 61-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE MESQUITE HERITAGE TRAIL WITHIN U.S. HIGHWAY 80 RIGHT-OF-WAY. (Resolution No. 61-2018 recorded in Resolution Book No. 55.)**

- 15 A resolution authorizing the City Manager to finalize and execute an agreement for the purchase of electric energy from a retail energy provider at the best value for the City of Mesquite, Texas, and to present the agreement before the City Council for ratification as soon as possible after execution.

**Approved on the Consent Agenda.**

**Resolution No. 62-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE AN AGREEMENT FOR THE PURCHASE OF ELECTRIC ENERGY FROM A RETAIL ENERGY PROVIDER AT THE BEST VALUE FOR THE CITY OF MESQUITE, TEXAS. (Resolution No. 62-2018 recorded in Resolution Book No. 55.)**

- 16 Bid No. 2018-006 - South Mesquite Creek Sanitary Sewer Erosion Protection Project.

(Staff recommends all bids be rejected and rebid at a later date.)

**Approved on the Consent Agenda.**

- 17 Bid No. 2018-092 - Dunford School Erosion Control Project.  
(Authorize the City Manager to finalize and execute a contract with DCI Contracting, Inc., in the amount of \$89,660.00.)

**Approved on the Consent Agenda.**

- 18 Bid No. 2018-102 - Purchase of Equipment Services Shop Crane.  
(Staff recommends award to CCE, Inc., in the amount of \$55,318.00.)

**Approved on the Consent Agenda.**

- 19 Bid No. 2019-026 - Purchase of Fire Department Bomb Squad Remote Operations System.  
(Staff recommends award to sole source provider Telerob USA, Inc., in the amount of \$349,996.21.)  
**Approved on the Consent Agenda.**
- 20 Bid No. 2019-027 - Purchase of Wheel Loader.  
(Staff recommends award to Holt CAT, in Dallas, Texas, through National Joint Powers Alliance (NJPA) Contract No. 032515-Member 31694, in the amount of \$218,982.00.)  
**Approved on the Consent Agenda.**
- 21 Bid No. 2019-029 - Purchase of One 1500 GPM 105-Foot Rear Mount Ladder Truck.  
(Staff recommends award to Spartan ERV, represented by Metro Fire Apparatus Specialists, Inc., through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program Contract No. FS12-17, in the amount of \$1,099,232.00.)  
**Approved on the Consent Agenda.**
- 22 Bid No. 2019-030 - Enterprise Storage Software and Hardware Maintenance.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSA-3763, in the amount of \$75,606.08.)  
**Approved on the Consent Agenda.**
- 23 Bid No. 2019-031 - Annual Supply of Personal Computers.  
(Staff recommends award to Dell, Inc., through the Texas Department of Information Resources Contract No. DIR-TSO-3763, in the amount of \$246,016.59.)  
**Approved on the Consent Agenda.**
- 24 Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Manager Cliff Keheley.  
**Approved on the Consent Agenda.**
- 25 Authorize the City Manager to finalize and execute the Master Interlocal Radio System Service Agreement with the City of Garland, Texas, to provide maintenance and repair services for the municipal radio systems and to authorize payment to the City of Garland, Texas, for Fiscal Year 2018-19 radio maintenance services in the amount of \$66,180.00.  
**Approved on the Consent Agenda.**
- 26 Authorize the City Manager to finalize and execute a Memorandum of Agreement with North Central Texas Trauma Regional Advisory Council for the participation as a member of the Emergency Medical Task Force.

**Approved on the Consent Agenda.**

- 27 Authorize the City Manager to finalize and execute a grant agreement with the Texas Department of Transportation, Aviation Division, for participation in the Routine Airport Maintenance Program (RAMP) in the amount of \$50,000.00.

**Approved on the Consent Agenda.**

- 28 Authorize the City Manager to finalize and execute a contract with the Mesquite Independent School District, to purchase approximately 48.417 acres of land (the Property) for future City use, the Property being located at 925 McKenzie Road, in Mesquite, Texas, for the purchase price of \$970,131.43 and related closing costs and authorizing the City Manager to execute all other documents and take all other actions necessary or requested to complete the closing and purchase of the property.

**Approved on the Consent Agenda.**

- 29 Approve a petition requesting installation of speed bumps in the alley between Ivy Drive and Caribbean Drive from Bedford Drive to the alley intersection connecting to Saint James Court.

**Approved on the Consent Agenda.**

- 30 Approve Amendment No. 1 to the 2018-19 Police State Seizure Budget in accordance with Title 28, Section 524 of the United States Code and Chapter 59 of the Texas Code of Criminal Procedure in the amount of \$347,720.00.

**Approved on the Consent Agenda.****PUBLIC HEARINGS**

- 31 A. Conduct a public hearing to receive and discuss public input and comment on redistricting and the proposed illustrative plan.

B. Consideration and possible action to revise the designated illustrative redistricting plan and/or propose a final redistricting plan for adoption at the November 19, 2018, City Council meeting.

**A public hearing was held to receive and discuss public input and comments regarding redistricting and the proposed illustrative plan.**

Gunnar Seaquist, representing Bickerstaff Heath Delgado Acosta, LLP, stated that the next phase of redistricting from the at-large system to the six single-member districts is for Council to make any revisions to the illustrative plan, accept additional plans or to approve a final redistricting plan. The Council worked with Mr. Seaquist's firm to develop an illustrative plan which was published on the City's website and social media platforms. Two public input meetings were held on Tuesday, October 16, 2018, at Rutherford Senior Center and Thursday, October 18, 2018, at Florence Recreation Center to receive citizen input. One revised illustrative plan was presented to the City Council during the Pre-Meeting. Mr. Seaquist reviewed the differences between the proposed illustrative plan and the revised illustrative plan.

(1) Kathy Clark, 2848 Belhaven Drive, requested the proposed revised plan be published on the City's website.

(2) Sergio Garcia, 1724 Longview Street, and Fernando Rojas, 2423 Lagoon Drive, requested that the districts be balanced with limited population deviation between the proposed districts.

(3) Audrey Carter, 205 Woodbridge Way, spoke in opposition to the illustrative plan and in favor of the revised plan.

(4) Debra Morgan, 223 E. Kimbrough Street, spoke in favor of the guidelines the Council adopted for drawing the new districts.

No others appeared regarding the proposed illustrative plan.

Councilmembers expressed their opinions regarding the two illustrative plans that were presented.

32

Conduct a public hearing for Application No. Z1018-0069, submitted by Pettit Barraza, LLC, on behalf of DR Horton - Texas, Ltd., for a change of zoning from Agriculture to Planned Development-Single Family Residential to allow a single family subdivision, located south of Interstate Highway 20, east of FM 741 and north of Heartland Parkway.

(No responses in favor or opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends denial of the application.)

A public hearing was held for Application No. Z1018-0069.

Jeff Armstrong, Director of Planning and Development Services, stated that the proposed zoning change is for a 450-lot single-family residential subdivision on approximately 110.971 acres in Kaufman County located north of the Heartland subdivision. The property was annexed into the City of Mesquite in October 2018. The applicant is proposing two lots sizes: (1) 40 feet by 110 feet and (2) 50 feet by 100 feet. The Planning and Zoning Commission denied the application due to concerns with the increased traffic on Heartland Parkway.

Cindy Steiner, Assistant City Attorney, stated that the agenda item tonight is for the public hearing only and Council will consider action on the zoning case at the November 19, 2018, City Council meeting.

No one appeared regarding the proposed zoning change.

33

Conduct a public hearing and consider an ordinance for Application No. Z0918-0064, submitted by WRA Architects on behalf of Mesquite Independent School District, for a change of zoning from Planned Development-Single Family Residential to Planned Development-Single Family Residential with a Conditional Use Permit to allow a middle school, located at 101 Holloman Road.

(No responses in favor or opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval of the application with certain stipulations.)

A public hearing was held for Application No. Z0918-0064.

Jeff Armstrong, Director of Planning and Development Services, stated that the Mesquite Independent School District (MISD) proposes to construct a tenth middle school on approximately 35 acres between Achziger Elementary School and Horn High School. Mr. Armstrong reviewed the proposed concept plan and stated that the Traffic Management Plan includes the extension of Edwards Church Road from Cartwright Road to the school as well as constructing a second street from the school to Cartwright Road. The applicant has submitted a Traffic Impact Analysis which has been accepted by the Manager of Traffic Engineering.

Brian Wyatt, representing WRA Architects, expressed appreciation to City staff for the open dialogue in managing the proposed project. Mr. Wyatt stated that MISD's data shows that 65 percent of the traffic for the proposed school will ingress to the site from the Faithon P. Lucas, Sr., Boulevard and Cartwright Road intersection.

Mr. Keheley stated that MISD cannot be required to increase the capacity on roadways that are not adjacent to their property. The City cannot ask them to expand or reconstruct Faithon P. Lucas, Sr., Boulevard or Lawson Road. The City is currently studying rural roadways in the area to ensure safety and capacity. The roadways are currently below traffic capacity and can handle the additional traffic that will be generated by the school.

Melinda Blair, 3800 Faithon P. Lucas, Sr., Boulevard, expressed concerns regarding the increase in traffic on Faithon P. Lucas, Sr., Boulevard and Lawson Road.

Mayor Pickett stated that the City has hired a firm to review the Lawson Road plans.

No others appeared regarding the proposed application.

Mr. Archer moved to approve Application No. Z0918-0064, as recommended by the Planning and Zoning Commission, with the following stipulation:

That a Traffic Management Plan be evaluated after implementation to determine if additional measures are necessary.

And to approve Ordinance No. 4622, 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 FOR A MIDDLE SCHOOL SUBJECT TO A CERTAIN STIPULATION ON PROPERTY ZONED PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL AND LOCATED AT 101 HOLLOMAN ROAD; 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 EFFECTIVE DATE. Motion was seconded by Mr. Boroughs and approved unanimously. (Ordinance No. 4622 recorded in Ordinance Book No. 113.)

Conduct a public hearing and consider an ordinance amending Chapter 13 of the City Code thereby updating the regulations regarding various temporary sign types, sign contractor registration and bonds, monument signs, purpose of the Code, noncommercial messages, bandit signs, replacement of billboards, wall

signs and window signs.

A public hearing was held for amending Chapter 13 of the City Code updating regulations regarding various sign types.

Jeff Armstrong, Director of Planning and Development Services, stated that earlier this year the Council approved amendments to the sign code regarding pole signs and non-conforming signs. Mr. Armstrong reviewed the proposed amendments which include window signs, wall signs, temporary signs, flags, small profile signs and billboards.

No one appeared regarding the proposed sign ordinance.

Mr. Casper moved to clarify the language on the redlined version, Sec. 13-73 (23) (e)(f), to be updated as Sec. 13-73 (u)(6)(7) of the ordinance as follows:

(6) Businesses in multi-tenant structures that do not have direct pedestrian access to their business location from outdoors shall not have a wall sign except as provided for in Subsection (7) below.

(7) Multi-tenant buildings that have two or more stories may have an additional wall sign for each façade per street frontage than what is provided for in Subsection (6) above.

And to approve Ordinance No. 4623, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING THE CHAPTER IN ITS ENTIRETY AND ADDING A NEW CHAPTER 13 THEREBY UPDATING THE REGULATIONS ON SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4623 recorded in Ordinance Book No. 113.)

35

A. Conduct a public hearing under Chapter 26 of the Texas Parks and Wildlife Code for the use or taking of park land; considering the sale of City park property to the Mesquite Independent School District ("MISD") to allow for the construction of a new school. The City park property to be transferred to MISD is 44.097 acres of land, generally described as located in the John P. Anderson Survey, Abstract No. 1, Mesquite, Dallas County, Texas, and being a part of the property commonly known as 4200 Faithon P. Lucas Sr. Boulevard in the City of Mesquite, Dallas County, Texas (the Property).

B. Consider a resolution authorizing the City Manager to execute a Contract for Sale of Real Property with the MISD and all other documents necessary to convey the property to the MISD.

A public hearing was held for the use or taking of park land located at 4200 Faithon P. Lucas, Sr., Boulevard.

Mr. Keheley stated that Chapter 26 of the Texas Parks and Wildlife Code requires the City to hold a public hearing prior to the sale of the park land.

Melinda Blair, 3800 Faithon P. Lucas, Sr., Boulevard, expressed concerns regarding traffic created by the construction of a school and the topography of the land.

Mr. Keheley stated that the Mesquite Independent School District (MISD) selected the site due to the topography with ideas of utilizing different land elevations and spreading the campus out. The City is no longer needing that much property for a park. MISD will be required to complete a Traffic Impact Analysis and make improvements to include acceleration and deceleration lanes until the roadway is fully reconstructed.

No others appeared regarding the taking of park land.

Mr. Noschese moved to approve Resolution No. 63-2018, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD") FOR THE CONSTRUCTION OF A NEW SCHOOL ON PROPERTY COMMONLY KNOWN AS 4200 FAITHON P. LUCAS, SR., BOULEVARD; FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO MISD'S USE OF THE LAND, AND ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO THE LAND AS A PARK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR SALE TO MISD FOR THE PURPOSES HEREIN EXPRESSED. Motion was seconded by Mr. Aleman and approved unanimously. (Resolution No. 63-2018 recorded in Resolution Book No. 55.)

#### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

- 36                    Consider appointment of one member to the Animal Services Advisory Board for a term to expire September 8, 2020.
- Mr. Archer moved to appoint Brad Craft as a member to the Animal Services Advisory Board for a term to expire September 8, 2020. Motion was seconded by Mr. Casper and approved unanimously.
- 37                    Consider appointment of one regular member to the Capital Improvements Advisory Committee for a term to expire September 30, 2020.
- Mr. Aleman moved to reappoint Jim Andrews as a regular member to the Capital Improvements Advisory Committee for a term to expire September 30, 2020. Motion was seconded by Mr. Archer and approved unanimously.
- 38                    Consider appointment of Terry Tosch to the Personnel/Trial Board for a term to expire November 7, 2021, and confirmation of appointment by the City Manager of Terry Tosch to serve as a member of the City of Mesquite Fire Firefighters' and Police Officers' Civil Service Commission for a term to expire November 7, 2021.
- Mr. Casper moved to reappoint Terry Tosch to the Personnel/Trial Board for a term to expire November 7, 2021, and confirm the appointment by the City Manager of Terry Tosch to serve as a member of the City of Mesquite Fire Firefighters' and Police Officers' Civil Service Commission for a term to expire November 7, 2021. Motion was seconded by Mr. Boroughs and approved unanimously.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 10:07 P.M.**

Mayor Pickett announced that the City Council would meet 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 industrial project in the Town East/Skyline Tax Increment Finance Reinvestment Zone No. Nine); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:13 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 10:13 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 (Petition of the Cities of Garland, Mesquite, Plano and Richardson appealing 2018 Wholesale Water Rates implemented by North Texas Municipal Water District, PUC Docket No. 47863 [Appealing Wholesale Water Rates for 2018]); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:31 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. Miklos and approved unanimously. The meeting adjourned at 10:31 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Stan Pickett, Mayor