City of Mesquite, Texas

Minutes - Final
City Council

Monday, August 5, 2019 | **4:30 PM** | **City Hall | Council Chamber**
757 N. Galloway | Mesquite, Texas

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

Absent: Councilmember Jeff Casper.

PRE-MEETING - TRAINING ROOMS A&B - 4:30 P.M.

AGENDA REVIEW

STAFF PRESENTATIONS

1 Discuss the proposed budget for Fiscal Year 2019-2020.

Staff presented revised fees for the Building Inspection Division for Council consideration. Council directed staff to provide additional information, related to the budget process, at a later date.

CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:26 P.M.

2 Receive quarterly report from the Police Department.

Charles Cato, Police Chief, presented the quarterly report for the Mesquite Police Department (MPD). He reviewed the beat districts and provided success stories in several districts. A sex offender compliance check was completed in May with the Texas Department of Public Safety (DPS) with five Mesquite Police Officers and 16 DPS Agents participating. There are 164 registered sex offenders in the City with three new cases filed in the second quarter and three arrests made. There have been five motor vehicle deaths to date. He reviewed the deployment unit's activities and the statistics for burglaries, robberies, narcotics unit and personnel vacancies. Chief Cato emphasized the importance of citizen involvement in reporting crime and reviewed the Crime Prevention Division's community events.

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

The work session ended at 6:50 p.m.

REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:03 P.M.

INVOCATION

John Lay, Lead Pastor, Church on the Hill, Mesquite, Texas.

PLEDGE OF ALLEGIANCE

Members of the Mesquite Rotary Club.

PRESENTATIONS

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

Jerry Dittman, President of Mesquite AMBUCS, stated that the Mesquite AMBUCS provide amtrykes to mobility challenged individuals, ramps for immobile residents and participates in various community activities. Mr. Dittman presented a $1,000.00 donation from the Mesquite AMBUCS to Teresa Jackson, representing Sharing Life Community Outreach and Amanda Langford, representing Mesquite Social Services, for their food pantries to support the Spread the Love campaign.

Mayor Pickett stated that the Spread the Love campaign began a few years ago, which provides peanut butter and jelly to food insecure children throughout the summer. He thanked the Mesquite AMBUCS for their donation to our community.

4 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: Cecilia Hernandez, Building Services; Brenda Hood, City Attorney's Office; Diana George, Finance Department; and Valarie Knowles, Police Department.

SPECIAL ANNOUNCEMENTS

(1) Mr. Miklos reminded citizens that active adults 50+ can participate in a variety of programs, field trips and special events at Evans, Goodbar and Rutherford Recreation Centers.
(2) Mr. Archer invited citizens to bring their own shovel and participate in the groundbreaking for the Front Street Station Project, in Downtown Mesquite, on Thursday, August 8, 2019. The event will take place from 5:30 p.m. to 7:30 p.m., with the groundbreaking at 6:30 p.m. Bring your family and friends and enjoy entertainment, free food and more.

(3) Mr. Aleman announced that after 25 years, the playground equipment at KidsQuest Playground located at DeBusk Park, 1625 Gross Road, is scheduled for replacement. To commemorate this event, residents are invited to bring their children for a "Last Play" on Saturday, August 10, 2019, from 1:00 p.m. to 3:00 p.m., and enjoy free snowcones. Personalized fence pickets can be purchased for $25 each on the City's website or at the Parks and Recreation Administration Office, 1515 North Galloway Avenue. Fence pickets purchased by September 30, 2019, will be installed for the Grand Reopening event in November 2019. Fence pickets purchased between September 30, 2019, and November 8, 2019, will be installed in December 2019.
(4) Mr. Noschese invited citizens to bring their dogs to the 16th Annual Doggie Splash Day on Saturday, August 10, 2019, from 9:00 a.m. to Noon, at Vanston Pool, 2913 Oates Drive. Events will include a doggie swimsuit contest, pet/owner look-a-like contest and much more. The cost of admission is $5.00 for one owner and one dog, along with proof of current vaccinations.
(5) Mr. Boroughs announced that the City of Mesquite has established designated voter registration sites to help assist residents. Citizens can register to vote at the Parks and Recreation Administration Office, 1515 North Galloway Avenue; Mesquite Main Library, 300 West Grubb Drive; and Mesquite North Branch Library, 2600 Oates Drive, through October 4, 2019.

CITIZENS FORUM

(1) John Bradley, 2713 Hyacinth Drive; Edna Satterwhite, 3323 Caracas Drive; and L. C. Williams, 2961 Elder Drive, expressed concerns regarding environmental code issues in their neighborhoods.
(2) Tommie Redwine, 3342 Caracas Drive, expressed concerns regarding a travel trailer parked in her neighborhood.

CONSENT AGENDA

Approval of the Consent Agenda

Mr. Boroughs requested that Item Nos. 10 and 11 be removed from the Consent Agenda to be considered separately. Mr. Noschese moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Archer and approved unanimously.

5 Minutes of the regular City Council meeting held July 15, 2019.

Approved on the Consent Agenda.

6 An ordinance amending Chapter 2 of the City Code by adding a new Division 4, "Electioneering at Polling Places," and amending Chapter 13 of the City Code regarding location of political signs on public property.

Approved on the Consent Agenda.

Ordinance No. 4696, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2, "ADMINISTRATION," OF THE MESQUITE CITY CODE, AS AMENDED, BY ADDING A NEW DIVISION 4, "ELECTIONEERING AT POLLING PLACES"; AMENDING CHAPTER 13 "SIGNS," OF THE MESQUITE CITY CODE, AS AMENDED, BY DELETING SECTIONS 13-73(q)(1) THROUGH 13-73(q)(4) AND ADDING NEW SECTIONS 13-73(q)(1) THROUGH 13-73(q)(4) TO AMEND REGULATIONS REGARDING LOCATION OF POLITICAL SIGNS ON PUBLIC PROPERTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF $2,000.00 FOR A PERSON VIOLATING A PROVISION

OF THIS ORDINANCE GOVERNING FIRE SAFETY, ZONING, OR PUBLIC HEALTH AND SANITATION AND A PENALTY NOT TO EXCEED $500.00 FOR ALL OTHER PROVISIONS; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 4696 recorded in Ordinance Book No. 117.)

7 A resolution ordering a general election to be held November 5, 2019, for the purpose of electing a Mayor and Councilmembers for Places 1, 2, 3, 4, 5, and 6.

Approved on the Consent Agenda.

Resolution No. 55-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD NOVEMBER 5, 2019, FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCILMEMBERS FOR PLACES 1, 2, 3, 4, 5 AND 6. (Resolution No. 55-2019 recorded in Resolution Book No. 58.)

8 Bid No. 2018-076 - Annual Contract for Paint and Body Services - contract renewal option.
(Staff recommends ratification of the first of two contract renewal options with Six Construct, Inc., dba Budget Auto Body Shop in the amount of $76,000.00, and authorizing the City Manager to exercise the remaining one-year renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

9 Bid No. 2019-040 - Library Print Materials (Books) FY2019.
(Staff recommends exercising an optional six-month extension with Ingram Library Services through the Texas Procurement and Support Services [TPASS] Contract No. 715-M2, sponsored by Texas Smart Buy, in the amount of $63,499.99)

Approved on the Consent Agenda.

12 RFP No. 2019-067 - Group Dental Insurance.
(Authorize the City Manager to finalize and execute a master application with CIGNA effective January 1, 2020. The term of this contract is for a three-year period with one additional two-year renewal option, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

13 Bid No. 2019-080 - Annual Aviation Fuel Services - Mesquite Metro Airport.
(Staff recommends all bids be rejected and rebid at a later date.)

Approved on the Consent Agenda.

14 Bid No. 2019-097 - West Scyene Road Sidewalk Project.
(Authorize the City Manager to finalize and execute a contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions for the Base Bid and Bid Alternate A in an amount not to exceed $226,369.10.)

Approved on the Consent Agenda.

15 Bid No. 2019-099 - Emporium Circle and Childress Pavement Replacement Project.
(Authorize the City Manager to finalize and execute a contract with low bidder Donny P. Brown, Inc., dba B&B Concrete Sawing in the amount of $165,550.00.)

Approved on the Consent Agenda.

16 Bid No. 2019-100 - Annual Contract for Sidewalk, Handicapped Ramps, Drive Approaches and Curb & Gutter Replacement.
(Authorize the City Manager to finalize and execute a contract with low bidder Michael D. Boyd Sr., dba Overall Concrete Solutions in the amount of $306,025.00. The term of this contract is for a one-year period with two additional one-year renewal options, subject to annual appropriation of sufficient funds.)

Approved on the Consent Agenda.

17 Bid No. 2019-105 - Annual Contract for the Supply of Video Imaging Vehicle Detection Systems.
(Staff recommends award to ITS PLUS, Inc., through an Interlocal-Cooperative Purchasing Agreement with the City of Richardson Contract Bid No. 41-18, in an amount not to exceed $100,000.00.)

Approved on the Consent Agenda.

18 Authorize the purchase of an approximately 0.1524-acre tract of land commonly known as 210 N. Carmack Street, Mesquite, Texas (the “Property”) from Joe Jack Cruce (“Seller”) for drainage purposes in connection with the City’s Downtown Front Street Station Project for a purchase price not exceeding $5,000, plus survey fees, title policy fees, other related closing costs and taxes for the year 2019 for a cumulative total not exceeding $9,500, authorizing the City Manager to finalize and execute a contract with the Seller to purchase the Property and authorizing the City Manager to take all other actions and execute all other documents necessary or advisable to complete the closing and purchase of the Property.

Approved on the Consent Agenda.

19 Authorize the City Manager to finalize and execute a professional engineering services contract with Halff Associates, Inc., for the South Mesquite Slope Stabilization Repairs Design - Pioneer Road and Spring Mills Road in the amount of $99,100.00.

Approved on the Consent Agenda.

20 Authorize the City Manager to approve the City of Sachse as a User in the Project 25 Radio System to be constructed, operated and administered in accordance with the City of Garland and the City of Mesquite Radio System Interlocal Agreement and authorize the City Manager to execute the Usage Agreement between the City of Garland, City of Mesquite and the City of Sachse setting forth the terms of the City of Sachse’s participation in the System.

Approved on the Consent Agenda.

21 Authorize the City Manager to execute the Second Renewal Option ("Contract Amendment") to the Interlocal Agreement with the Texas Department of Public Safety for hangar rental space at the Mesquite Metro Airport.

Approved on the Consent Agenda.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY

10 Bid No. 2019-062 - KidsQuest Playground: Equipment.
(Authorize the City Manager to finalize and execute a contract with Whirlix Design, LLC, in the amount of $360,000.00.)

Elizabeth Harrell, Director of Parks and Recreation, stated that the KidsQuest playground, located at DeBusk Park, was constructed in 1994 with a unique all-wood structure design and had an estimated lifespan of 25 years. The playground is showing signs of deterioration and several areas have been closed due to safety hazards. The replacement project has been designed as an all-inclusive playground with activities for all ages and abilities and will include the addition of a new parking lot and renovation of the pavilion. The reopening is scheduled for fall 2019 which coincides with the playground's 25th Anniversary. Ms. Harrell reviewed the layout, features and equipment of the new playground. Staff provided public awareness and opportunities for the community to provide feeback on the new design such as displays at the City's recreation centers, posts on the City website, Nextdoor and Facebook and held focus group discussions with over 200 summer campers. Personalized fence pickets can be purchased for $25 each through the City's website or at the Parks and Recreation Administration Office through November 8, 2019.

Mr. Boroughs moved to award Bid No. 2019-062, KidsQuest Playground: Equipment, to Whirlix Design, LLC, in the amount of $360,000.00 and authorize the City Manager to finalize and execute a contract. Motion was seconded by Mr. Aleman and approved unanimously.

11 Bid No. 2019-085 - KidsQuest Playground Removal and Replacement: Construction.
(Authorize the City Manager to finalize and execute a contract with Phillips/May Corporation in the amount of $633,963.00.)

Mr. Boroughs moved to award Bid No. 2019-085, KidsQuest Playground Removal and Replacement: Construction, to Phillips/May Corporation in the amount of $633,963.00 and authorize the City Manager to finalize and execute a contract. Motion was seconded by Mr. Aleman and approved unanimously.

END OF CONSENT AGENDA

CONSIDERATION OF ORDINANCE

22 An ordinance determining the public necessity of acquiring approximately 23.009 acres of real property interests for construction of water supply and infrastructure improvements in eastern Dallas County and western Kaufman County, authorizing the City Manager to acquire the real property and

authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary, said properties being owned by Barrel Ranch, LLC (approximately 18.91 acres), Danny Shaw Family Limited Partnership (approximately 1.481 acres) and Beam & Sons, Inc. (approximately 2.618 acres) and being generally located beginning at the City of Mesquite Convenience Center, 3610 Lawson Rd, running east crossing the Dallas and Kaufman County boundary approximately 2,000 feet north of IH-20, running east to Wiser Road, then southeast to and under IH-20 approximately 1,200 feet west of FM 740, then east generally parallel to IH-20 to a point approximately 3,000 feet east of FM 740.

Matt Holzapfel, Director of Public Works, stated that the design has been completed for a new water supply pump station in Kaufman County and a large diameter transmission main to bring water from the City of Mesquite from the west side of the East Fork of the Trinity River to the new pump station on the east side of the East Fork of the Trinity River. The proposed ordinance authorizes the City Manager to negotiate the sales agreements for the purchase of the easements and the fee title to the pump station site. This site is the first step to supply water to the annexed areas in Kaufman County and the extraterritorial jurisdiction (ETJ). The ordinance also grants authority to start eminent domain proceedings to condemn properties, if necessary. The diameter of the transmission main will be approximately 24-30 inches and the easements will vary in width, depending on the location of the easement.

Mr. Archer stated, "I move that Agenda Item No. 22 be approved, which includes the City of Mesquite authorizing the use of the power of eminent domain to acquire the 23.09 acres of stated real property interests from all units of property identified on Exhibit A to the Ordinance for the following water supply and infrastructure improvements: (1) the Kaufman County Large Diameter Transmission Water Main Project; and (2) the Kaufman County Pump Station and 3 Million Gallon Storage Tank Project." And to approve Ordinance No. 4697, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY FOR CONSTRUCTION OF WATER SUPPLY AND INFRASTRUCTURE IMPROVEMENTS, AUTHORIZING APPROPRIATION OF THE REAL PROPERTY AND/OR THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE REAL PROPERTY FOR PUBLIC USE AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE CITY MANAGER. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

Ayes: Archer, Noschese, Pickett, Boroughs, Miklos, Aleman
Nayes: None
Absent: Casper

Motion carried. (Ordinance No. 4697 recorded in Ordinance Book No. 117.)

PUBLIC HEARINGS

23 Conduct a public hearing to receive citizen input on the proposed 2019-20 annual municipal budget.

A public hearing was held to receive citizen input on the proposed 2019-20 annual municipal budget.

Debbie Mol, Director of Finance, stated that this is the first of three public hearings to receive citizen input regarding the proposed 2019-20 budget, which is available on the City's website. The City annually budgets for 34 different funds – five operating funds, five debt service funds, two internal service funds, 10 special revenue funds and 12 capital project funds – for a total budget of $254 million in expenditures. The general fund comprises $130 million with more than half designated for public safety. There is not a property tax rate increase proposed with the 2019-20 budget. The Water Sewer fund has a 4.5 percent rate increase planned in the proposed 2019-20 budget to cover cost increases from the North Texas Municipal Water District and infrastructure maintenance expenses and necessary expansion of the system. Detailed schedules of the proposed budget are available on the City's website. Additional public hearings will be held at the August 19, 2019, and September 3, 2019, City Council meetings.

No one appeared regarding the proposed 2019-20 annual municipal budget.

24 A. Conduct a public hearing to receive input from citizens regarding the proposed 2019-2020 Community Development Block Grant Program (CDBG) budget and adopt the Annual Action Plan.

B. Consider a resolution authorizing the filing of an application for an amount not to exceed $1,128,827.00 for federal funds under the Housing and Community Development Act, approving and adopting the Program Year 2019-20 Community Development Block Grant Annual Action Plan and designating the City Manager as Chief Executive Officer and authorized representative for the purpose of giving required assurances and acting in connection with said application.

A public hearing was held to receive citizen input regarding the proposed 2019-20 Community Development Block Grant (CDBG) budget and Annual Action Plan.

Raymond Rivas, Assistant City Manager, stated that this is the second of two required public hearings to receive citizen input and the 30-day comment period ends today. The CDBG program provides annual grants on a formula basis to entitled cities and counties by providing decent housing and a suitable living environment for low- and moderate-income persons. The City of Mesquite received a 2.6 percent increase of entitlement grant allocation from last year. The CDBG expenditure guidelines include a spending cap for administration and planning activities as well as public service activities. Mr. Rivas reviewed the CDBG areas and the orphan sidewalk projects throughout the City.

Teresa Jackson, representing Sharing Life Community Outreach, expressed concerns regarding the homeless in the community.

No others appeared regarding the proposed 2019-20 CDBG budget and Annual Action Plan.

Mr. Aleman moved to approve Resolution No. 56-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR AN AMOUNT NOT TO EXCEED $1,128,827.00 FOR FEDERAL FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; APPROVING AND ADOPTING THE PROGRAM YEAR 2019-20 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN; AND DESIGNATING THE CITY MANAGER

AS CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE FOR THE PURPOSE OF GIVING REQUIRED ASSURANCES AND ACTING IN CONNECTION WITH SAID APPLICATION. Motion was seconded by Mr. Archer and approved unanimously. (Resolution No. 56-2019 recorded in Resolution Book No. 58.)

25 Conduct a public hearing and consider possible action regarding a request from Peachtree Apartments, to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road.
(This item was postponed at the July 1, 2019, City Council meeting.)

A public hearing was held to consider a request to substitute an opaque metal fence for a required long-span precast masonry screening wall on the north, south and east property lines of property located at 1402 S. Peachtree Road.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting an existing metal fence to serve as the required screening wall at the Peachtree Apartments. At the July 1, 2019, City Council meeting, the City Council requested the applicant provide construction estimates for a new screening wall. Mr. Armstrong reviewed three estimates and stated that any screening wall that meets the City's requirements must be reviewed for compliance with the City's engineering standards.

Minh Huynh, 4536 Bonnywood Drive, provided translation service for the applicants, Lynn Ha and Quyen Ha, and stated that the applicants agree to construct a new screening wall. However, the applicants are requesting approval to replace the current screening wall with a wood fence screening wall as tree removal will be necessary if the long-span precast masonry screening wall is required.

No one appeared regarding the screening wall substitution request.

Mr. Miklos moved to grant a two-year temporary deferment for installation of the required eight-foot long-span precast concrete decorative screening wall and a buffer tree line on the north, south and east property lines of property located at 1402 S. Peachtree Road. Motion was seconded by Mr. Noschese and approved unanimously.

26 Conduct a public hearing and consider an ordinance for Application No. Z0918-0066, submitted by Alex Ayagh, for a change of zoning from Commercial to Commercial with a Conditional Use Permit to allow the sale of used tires, located at 2532 East US Highway 80.
(No responses in favor or in 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. This item was postponed at the June 3, 2019, City Council meeting.)

A public hearing was held for Application No. Z0918-0066.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant is requesting to add the sale of used tires to the existing auto repair business. City staff met with the manager regarding property maintenance issues and work has been completed to correct the problems. The proposed ordinance would prohibit outdoor display of tires.

Vafa Faez, representing the applicant, stated that there will be no outdoor display of tires.

Mr. Miklos asked Mr. Faez if the applicant will accept a two-year time period for the Conditional Use Permit (CUP). Mr. Faez stated that the applicant agrees to this condition.

David Burris, 4229 Coryell Way, spoke in opposition to the proposed amendment. No others appeared regarding the proposed amendment.

Mr. Miklos moved to approve Application No. Z0918-0066, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Any outdoor display of tires is prohibited.
2. The CUP shall expire two years from the date of passage of the ordinance. The applicant may apply for renewal of the CUP and such application shall be subject to the same submittal, notification and hearing requirements and procedures as all other conditional use permits.

And to approve Ordinance No. 4698, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF USED TIRES ON PROPERTY LOCATED AT 2532 EAST U.S. HIGHWAY 80 SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED $2,000.00; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Miklos, Archer, Pickett, Aleman, Boroughs
Nayes: Noschese
Absent: Casper

Motion carried. (Ordinance No. 4698 recorded in Ordinance Book No. 117.)

27 Conduct a public hearing and consider an ordinance for Application No. Z0519-0097, submitted by Heartland Retail LP, for a change of zoning from Agriculture and General Retail to Planned Development - General Retail to allow restaurant and retail uses, located at 6622 FM 741.
(No responses in favor or in opposition to the application have been received from property owners within the statutory notification area. The Planning and Zoning Commission recommends approval with certain stipulations.)

Mr. Aleman moved to postpone consideration of Application No. Z0519-0097, submitted by Heartland Retail LP, for a change of zoning from Agriculture and General Retail to Planned Development - General Retail to allow restaurant and retail uses, located at 6622 FM 741 to an undetermined date. Motion was seconded by Mr. Boroughs and approved unanimously.

28 Conduct a public hearing and consider a resolution repealing Resolution No. 44-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), authorizing the City Manager to negotiate, finalize and execute all documents necessary or advisable to complete the sale of an approximately 5.315-acre tract of City-owned property located within the

Mesquite Rodeo City Reinvestment Zone Number One, to the Developer, providing a grant to the Developer, the City tract to be developed as part of the Iron Horse Project and authorizing the City Manager to administer the agreement on behalf of the City.
(This item was postponed at the July 15, 2019, City Council meeting.)

Mr. Miklos left the meeting.

Mr. Aleman moved to postpone consideration of a resolution repealing Resolution No. 44-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), authorizing the City Manager to negotiate, finalize and execute all documents necessary or advisable to complete the sale of an approximately 5.315-acre tract of City-owned property located within the Mesquite Rodeo City Reinvestment Zone Number One, to the Developer, providing a grant to the Developer, the City tract to be developed as part of the Iron Horse Project and authorizing the City Manager to administer the agreement on behalf of the City to the August 19, 2019, City Council meeting. Motion was seconded by Mr. Archer. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Archer, Pickett, Noschese, Boroughs
Nayes: None
Absent: Casper
Abstentions: Miklos

Motion carried.

29 Conduct a public hearing and consider a resolution repealing Resolution No. 43-2019 and approving a Chapter 380 Agreement with MM Mesquite 50, LLC, (the "Developer"), providing a grant to reimburse the Developer for certain costs and expenses incurred by the Developer in connection with the design and reconstruction of a portion of Peachtree Road, located within Mesquite Rodeo City Reinvestment Zone, Number One, as part of the Iron Horse Project and authorizing the City Manager to administer the agreement on behalf of the City.
(This item was postponed at the July 15, 2019, City Council meeting.)

Ted Chinn, Assistant City Manager, stated that the proposed Chapter 380 agreement is part of the Iron Horse Development Agreement that specifies the reimbursement of impact fees on residential homes that are constructed in the development. The commencement set date is set as no later than August 5, 2020, with completion and acceptance of Peachtree Road the earlier of 18 months from the date of commencement, or February 5, 2022.

No one appeared regarding the proposed Chapter 380 agreement.

Mr. Aleman moved to approve Resolution No. 57-2019, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, REPEALING RESOLUTION NO. 43-2019, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE, FINALIZE AND EXECUTE AN AGREEMENT FOR SUCH PURPOSES WITH MM MESQUITE 50, LLC, A TEXAS LIMITED LIABILITY COMPANY (THE "DEVELOPER"), PROVIDING A GRANT TO REIMBURSE THE DEVELOPER FOR CERTAIN COSTS AND EXPENSES INCURRED BY THE DEVELOPER IN CONNECTION WITH THE DESIGN AND RECONSTRUCTION OF A PORTION OF

PEACHTREE ROAD LOCATED WITHIN MESQUITE RODEO CITY REINVESTMENT ZONE NUMBER ONE, CITY OF MESQUITE, TEXAS, AS PART OF A MIXED USE DEVELOPMENT CONTAINING RETAIL, RESTAURANT, OFFICE, RESIDENTIAL COMPONENTS AND OTHER ASSOCIATED USES IN ACCORDANCE WITH CITY ORDINANCE NO. 4595 (THE "IRON HORSE PROJECT") IN THE CITY OF MESQUITE, TEXAS; AND AUTHORIZING THE CITY MANAGER TO ADMINISTER THE AGREEMENT ON BEHALF OF THE CITY. Motion was seconded by Mr. Noschese. On call for a vote on the motion, the following votes were cast:

Ayes: Aleman, Noschese, Pickett, Archer, Boroughs
Nayes: None
Absent: Casper
Abstentions: Miklos

Motion carried. (Resolution No. 57-2019 recorded in Resolution Book No. 58.)

OTHER BUSINESS

30 Consider and act on a proposed ad valorem tax rate for Fiscal Year 2019-2020 and call public hearings for August 19, 2019, and September 3, 2019, on the proposed Fiscal Year 2019-20 ad valorem tax rate.

Mr. Miklos entered the meeting.

Debbie Mol, Director of Finance, stated that this agenda item is part of the State of Texas' Truth-in-Taxation that requires the City Council to notify taxpayers of tax rate proposals. The proposed tax rate is being set tonight, not adopted, and the Council will set the public hearings to consider the tax rate.

Mr. Boroughs stated, "I move that, upon proper notice and final adoption after all public hearings are held, property taxes be increased by the adoption of a tax rate for Fiscal Year 2019-2020 of $0.734 cents per $100 valuation. The public hearings to consider this rate will be held on August 19, 2019, at 7:00 p.m., and September 3, 2019, at 7:00 p.m. Both public hearings will be held in the City Council Chamber at Mesquite City Hall, 757 North Galloway, Mesquite, Texas." Motion was seconded by Mr. Archer and approved unanimously.

RECEIPT OF RESIGNATION

31 Receive resignation from Karen Tracy as a member of the Civil Service Commission and Personnel/Trial Board.

Mr. Miklos moved to accept the resignation from Karen Tracy as a member of the Civil Service Commission and Personnel/Trial Board. Motion was seconded by Mr. Boroughs and approved unanimously.

32 Receive resignation from Shannon Tucker as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee.

Mr. Miklos moved to accept the resignation from Shannon Tucker as a member of the Board of Adjustment and Automated Traffic Signal Enforcement Advisory Committee. Motion was seconded by Mr. Noschese and approved unanimously.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:14 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 (City of Mesquite v. Govind Group Corp., and 3629 E. US Highway 80, Mesquite, Texas 75150 in rem – Filed 3-1-18; and City of Mesquite v. Govind Group Corp. – Filed 8-31-18); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 9:28 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:28 P.M.

Mr. Miklos left the meeting.

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 (Item No. 33 – Discuss amendment of economic development program agreement with MMAH Rodeo Land Holdings, LLC, assignee of Camelot Sports & Entertainment, LLC); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

ADJOURNMENT

Mr. Aleman moved to adjourn the meeting. Motion was seconded by Mr. Noschese and approved unanimously. The meeting adjourned at 10:00 p.m.

Attest: Approved:

_____ _____

Sonja Land, City Secretary Stan Pickett, Mayor