



# City of Mesquite, Texas

## Minutes - Final City Council

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Monday, October 7, 2019

4:00 PM

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

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

Absent: Mayor Stan Pickett.

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

#### **AGENDA REVIEW**

#### **STAFF PRESENTATIONS**

- 1 Receive briefing regarding a proposed Historic Preservation Ordinance and a proposed Downtown Overlay district.
- 2 Discuss proposed Spradley Farms Development generally located between FM 2757 and IH-20 and north of IH-20 East of FM 740 in Kaufman County, including proposed Development Agreement and Planned Development zoning.

### **EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 4:28 P.M.**

Mayor Pro Tem Boroughs 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 (Derick Wiley v. City of Mesquite – AAA Case No. 01-17-0007-6614 – Filed 12-5-17; SOA Hearing Docket No. 407-18-1726.F5); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 4:43 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

### **CITY COUNCIL/STAFF WORK SESSION - CITY COUNCIL CHAMBER - 6:43 P.M.**

- 3 Receive quarterly activity report from the Economic Development Department.  
  
Kim Buttram, Assistant Director of Economic Development, stated that the quarterly report covers the second quarter of calendar year 2019 with activities through the week of September 16, 2019. Media highlights include Bear Cave Coffee coverage in a national publication for coffee professionals, Front Street Station groundbreaking by the Dallas Morning News and great reviews on Porky's Burgers & Wings, a new restaurant located on Gus Thomasson Road, by the Dallas Observer. Staff attended various trade shows, meetings, conferences

and site tours, as well as hosted multiple Business Retention and Expansion Program events. Ms. Buttram review the upcoming October and November events.

Ms. Buttram reviewed the quarterly statistics including population trends, median income, residential permits, population distribution, new home permit values, total residential permit valuation, commercial remodel permits and valuation, commercial new construction permits and valuation, local sales tax collected, estimated new jobs, estimated new square footage and certificates of occupancy issued.

Ms. Buttram reviewed the Council's Economic Development Strategic Objective – Vibrant Economy – with the following updates:

- Promote investment in new and existing businesses – Staff hosted the Small Business E-Series in conjunction with the Small Business Development Center (SBDC) and the Small Business Administration along with the Business Retention and Expansion (BRE) team. There were 17 to 21 attendees per session for a total of 43 individual attendees from across the eastern Dallas-Fort Worth area.
- Promote investment and revitalization of targeted retail and business centers – Several remodels and renovations began during this quarter including the Front Street Station groundbreaking, Academy Sports + Outdoors in the Market East Shopping Center, Sprouts Farmers Market in Independence Plaza and Sanitas USA in the Town East Crossing Shopping Center. Ashley Furniture, G-Man Properties and GPS Inventory Solutions are expanding for a total of over 500,000 square feet.
- Develop a long-term economic and land use plan for Town East Area – The catalyst development for this quarter is the redevelopment of the southwest corner of IH-635 and Town East Boulevard which includes Raising Cane's. The former Gander Mountain store has been repurposed and opened as Urban Air. The Market East Shopping Center is expanding and Town East Mall is 96.7 percent leased.
- Cultivate a robust pool of skilled workers and stakeholder partnerships through the Business Retention Expansion Program – Tours were conducted of corporate headquarters at Elements International, H&K International and PepsiCo, which will celebrate its 50th Anniversary on October 22, 2019. Manufacturing Day was held on October 3- 4, 2019, for local high school students who toured five manufacturing companies in Mesquite for potential future careers.
- Emphasis on Downtown Revitalization – The groundbreaking for the Front Street Station construction was held August 8, 2019. Eight prospects are evaluating real estate options and six prospects are working with the SBDC on their Small Business Plan. There are six properties in various stages of design and application for the Façade Grant Program. Staff has promoted the City by hosting six North Texas travel bloggers with the CVB fam tour and expanded the holiday season plans. The Downtown Facebook page has exceeded 1,000 likes in less than one year.

Ms. Buttram stated that during this quarter the BRE survey was distributed, the new website announcement was made and the first BRE newsletter was released. Staff marketed the City in the American Way in-flight magazine, the DFW Real Estate Review magazine and the NTX North Texas Commission magazine as well as attending the North Texas Commercial Association of Realtors show.

Councilmembers expressed appreciation to Economic Development staff for their work in the community.

The work session ended at 7:04 p.m.

## **REGULAR CITY COUNCIL MEETING - CITY COUNCIL CHAMBER - 7:04 P.M.**

### **INVOCATION**

Rev. Marq Toombs, Pastor, Christ Covenant Church, Mesquite, Texas.

### **PLEDGE OF ALLEGIANCE**

Neighborhood Crime Watch Captains.

### **SPECIAL ANNOUNCEMENTS**

(1) Mr. Noschese invited citizens to join the Mesquite Community Band for a free performance, "Music of the Decades," on Saturday, October 12, 2019, at 4:00 p.m., at the Mesquite Arts Center, 1527 North Galloway Avenue.

(2) Mr. Noschese stated that he participated in the recent "Guts and Gory Zombie Run" at Rorie-Galloway Day Camp. He thanked the Parks and Recreation Department for organizing this fun event.

(3) Mr. Aleman encouraged citizens to attend the Marketplace in Downtown Mesquite on Saturday, October 12, 2019, from 9:00 a.m. to 2:00 p.m., to shop for produce, crafts and culinary items from local vendors and merchants. The Marketplace takes place every second and fourth Saturday through November.

(4) Mr. Aleman stated that he attended the recent National Night Out event at The Crossing Baptist Church and commended everyone that helped organize the event.

(5) Mr. Archer invited citizens to attend the annual Pumpkin Fest on Saturday, October 19, 2019, from Noon to 6:00 p.m., at Valley Creek Park, 2482 Pioneer Road. Activities will include a live Jousting Show and Competition, Falconry Bird Show, the William Tell Archery Show, arts and crafts, carnival games and food vendors.

(6) Mr. Archer recognized long-time citizen Sam Cline, also known as the "Mayor of Edgemont Park," who was in attendance tonight.

(7) Mr. Casper stated that the Dallas County East Democrats are hosting a candidate forum on Saturday, October 12, 2019, from 2:00 p.m. to 3:00 p.m., at West Mesquite High School, 2500 Memorial Boulevard, for Texas House District 100 candidates and from 3:00 p.m. to 6:00 p.m., for City of Mesquite City Council candidates and invited citizens to attend.

(8) Mr. Casper stated that the next Small Business Workshop, "Entrepreneurship to the Fourth Power," will be held on Tuesday, October 15, 2019, at City Hall, 757 North Galloway Avenue, from 4:30 p.m. to 7:30 p.m. The workshop will focus on budgeting and financial management. He encouraged anyone interested in starting a small business to register to attend.

(9) Mr. Casper invited citizens to attend a ribbon cutting for the Mesquite Islamic Center, 2419 Franklin Drive, on Friday, October 11, 2019, from Noon to 1:00 p.m.

(10) Mr. Miklos stated that he attended the National Night Out event at Cannaday Elementary School and thanked everyone who participated.

(11) Mr. Miklos stated that the Mesquite Animal Shelter will be offering an "Octo-purr" cat adoption special for \$10 per cat or kitten this month. Adoptions include spay or neuter, vaccinations, microchip and City registration. He encouraged citizens to take advantage of this special offer.

(12) Mr. Boroughs stated that the 8th Annual Treasures Barn Sale will take place on Friday, October 11, 2019, and Saturday, October 12, 2019, at Opal Lawrence Historical Park, 701 East Kearney Street. This annual event features items donated by the public and will benefit Historic Mesquite, Inc. He encouraged citizens to attend this annual event.

(13) Mr. Boroughs stated that the Keep Mesquite Beautiful, Inc., Semi-Annual Trash Bash held on Saturday, September 21, 2019, was a huge success. Over 650 participants, including students, Boy Scouts, church groups and families, picked up an estimated 3.25 tons of trash from over 33 locations in Mesquite.

(14) Mr. Boroughs thanked the Streets Division for their work on resurfacing Carmack Street.

## **CITIZENS FORUM**

Brownly Cooksey, 1017 Rupard Street, suggested the Council determine screening wall replacements on an individual basis.

## **CONSENT AGENDA**

### **Approval of the Consent Agenda**

**Mr. Noschese requested that Item Nos. 6 and 18 be removed from the Consent Agenda to be considered separately. Mr. Archer moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Mr. Aleman and approved unanimously.**

- 4** Minutes of the regular City Council meeting held September 16, 2019.

**Approved on the Consent Agenda.**

- 5** An ordinance providing for the abandonment of right-of-way at the intersection of Columbia Parkway, formerly known as Audubon Parkway, and Republic Parkway.

**Approved on the Consent Agenda.**

**Ordinance No. 4724, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF RIGHT-OF-WAY AT THE INTERSECTION OF COLUMBIA PARKWAY, FORMERLY KNOWN AS AUDUBON PARKWAY, AND REPUBLIC PARKWAY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Ordinance No. 4724 recorded in Ordinance Book No. 118.)**

- 7** Bid No. 2017-113 - Annual Contract for Veterinary Services for Animals Impounded at Mesquite Animal Services - contract renewal option.  
(Staff recommends exercising the last of two contract renewal options with Hillside Veterinary Clinic dba Town East Animal Hospital in the amount of \$69,600.00, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 8** Bid No. 2018-007 - Annual Supply of Ammunition - contract renewal option.  
(Staff recommends exercising the last of two contract renewal options with Precision Delta Group - Group 1, Item Nos. 10 and 13 in the amount of

\$1,165.00; Proforce Law Enforcement - Group 1, Item Nos. 1, 3, 4, and 5 in the amount of \$53,102.70; GT Distributors, Inc. - Group II, Item Nos. 1, 3, 4, 5, 6, and 9 in the amount of \$58,272.06, for a total amount of \$112,539.76, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 9 Bid No. 2019-107 - Annual Contract for Aviation Fuel - Mesquite Metro Airport. (Authorize the City Manager to finalize and execute a contract with Titan Aviation Fuels in the amount of \$5,072,726.73. The term of this contract is for a four-year period with three additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 10 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.**

- 11 Bid No. 2019-108 - Annual Supply of Concrete. (Authorize the City Manager to finalize and execute a contract with Martin Marietta for Item Nos. 1-2 and 5-8 in the amount of \$163,750.00 and Argo USA, LLC, for Item Nos. 3-5 in the amount of \$430,000.00, for a total amount of \$593,750.00. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to execute the renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 12 Bid No. 2020-009 - Annual Supply of Fire Department Uniforms and Clothing. (Staff recommends primary award to Galls, LLC, in Lexington, Kentucky, and a secondary award to GT Distributors, Inc., in Austin, Texas, through an Interlocal Cooperative Purchasing Agreement with the City of Frisco, in an amount not to exceed \$99,570.00. The term of this contract is for a one-year period with four additional one-year renewal options. The City Manager is authorized to exercise the renewal options, subject to annual appropriation of sufficient funds.)

**Approved on the Consent Agenda.**

- 13 Authorize the City Manager to execute: (i) a Consent to Assignment of Ground Lease consenting to the assignment by Michels Aviation, LLC, to AR-19 Assets, LLC, of the ground lease between the City and Michels Aviation, LLC, [as assignee of Faith Air Inc.] of the leased premises commonly known as 1280 Airport Blvd., Mesquite, Texas (the "Ground Lease"); and (ii) a Consent to Collateral Assignment consenting to the collateral assignment of the Ground Lease by AR-19 Assets, LLC, to Veritex Community Bank.

**Approved on the Consent Agenda.**

- 14 Authorize the City Manager to finalize and execute a Professional Engineering Services Contract with Pipeline Analysis, LLC, for the inspection and condition

assessment of high-risk reinforced concrete pipe (RCP) sanitary sewer mains in the amount of \$347,535.00.

**Approved on the Consent Agenda.**

- 15** Authorize the City Manager to finalize and execute an Educational Services Agreement with the Dallas County Community College District to provide emergency medical services education and training in the classroom and through internship shifts to Mesquite Fire Department employees.

**Approved on the Consent Agenda.**

- 16** Authorize the City Manager to finalize and execute an Asset Transfer, Assignment and Assumption Agreement with the North Central Texas Trauma Regional Advisory Council, Inc., (NCTTRAC).

**Approved on the Consent Agenda.**

- 17** A. Authorize the City Manager to finalize and execute an amendment with the North Central Texas Trauma Regional Advisory Council (NCTTRAC) to the Regional Programs Participation Agreement allowing the Mesquite Fire Department to share information with NCTTRAC that can assist in the identification of regional Emergency Medical Services (EMS) best practices as well as to participate in a NCTTRAC-purchased database to be used for patient tracking and family reunification following a disaster or mass casualty incident.  
B. Authorize the City Manager to finalize and execute an amendment with the NCTTRAC to the Business Associate Agreement adding additional services that allows the Mesquite Fire Department to share information with NCTTRAC that can assist in the identification of regional EMS best practices as well as to participate in a NCTTRAC-purchased database to be used for patient tracking and family reunification following a disaster or mass casualty incident.

**Approved on the Consent Agenda.**

#### **CONSENT AGENDA ITEMS CONSIDERED SEPARATELY**

- 6** An ordinance increasing the assignment pay for members of the Mesquite Fire Department who satisfy certain conditions and criteria and who are assigned to perform the specialized function of a paramedic, effective April 1, 2020.

**Mr. Noschese moved to deny an ordinance increasing the assignment pay for members of the Mesquite Fire Department who satisfy certain conditions and criteria and who are assigned to perform the specialized function of a paramedic, effective April 1, 2020. Motion was seconded by Mr. Casper. On call for a vote on the motion, the following votes were cast:**

**Ayes: Noschese, Casper**

**Nays: Boroughs, Miklos, Archer, Aleman**

**Motion failed.**

**Mr. Miklos moved to approve Ordinance No. 4725, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, INCREASING THE ASSIGNMENT PAY FOR MEMBERS OF THE MESQUITE FIRE DEPARTMENT WHO SATISFY CERTAIN CONDITIONS AND**

CRITERIA TO PERFORM THE SPECIALIZED FUNCTION OF A PARAMEDIC EFFECTIVE APRIL 1, 2020; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; 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, Boroughs, Aleman

Nayes: Noschese, Casper

Motion carried. (Ordinance No. 4725 recorded in Ordinance Book No. 118.)

18

Authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Secretary Sonja Land.

Mr. Noschese moved to authorize the Mayor to execute an amendment to the employment agreement between the City of Mesquite, Texas, and City Secretary Sonja Land with an additional amendment that the term of the contract be extended to March 31, 2021, and to authorize the Mayor to execute these amendments to Ms. Land's contract and that the City Council next review Ms. Land's performance and contract on March 31, 2021. Motion was seconded by Mr. Casper and approved unanimously.

#### END OF CONSENT AGENDA

#### PUBLIC HEARINGS

19

Conduct a public hearing and consider an ordinance for Application No. Z0519-0093, submitted by Jason Shaw of Eminence Realty Developers, for a change of zoning from Agricultural to Planned Development - Single Family, for a residential subdivision, located at 2781 Lawson Road.

(No responses in favor and one 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 with certain stipulations.)

A public hearing was held for Application No. Z0519-0093.

Jeff Armstrong, Director of Planning and Development Services, stated that the applicant proposes to construct Lawson Farms, a 23-lot single-family residential subdivision on a 5.13-acre tract of undeveloped land located at 2781 Lawson Road. A Dallas Water Utilities easement crosses the tract near Lawson Road. Lawson Farms will consist of a community orchard, community garden, play area and pavilion in the open spaces. Mr. Armstrong reviewed the proposed stipulations and the applicant's fencing plans for the development.

Applicant Jason Shaw stated that Lawson Farms will require a mandatory Homeowner's Association that will maintain the proposed amenities, which include a community garden and planting area, playground and pocket park, community pavilion and community orchard. Mr. Shaw held a community meeting on August 20, 2019, to receive feedback from the surrounding property owners. The main concern expressed was the connectivity from the neighborhood to the adjacent property. Due to this concern, a wrought iron fence has been added to the concept plan to separate the two properties. Mr. Shaw stated that his brokerage firm will construct five of the homes, a local builder has committed to construct 10 homes and another builder or brokerage firm will be

selected to construct the remaining homes, all according to the Planned Development standards.

Brownly Cooksey, 1017 Rupard Street, asked for the square footage of the proposed homes and the type of exterior materials that will be used.

Mr. Armstrong stated that the minimum square footage is 1,700 square feet.

Mr. Shaw stated that the front elevation will consist of 100 percent masonry and the remaining three sides will be 90 percent masonry.

No others appeared regarding the proposed application.

Mr. Miklos moved to approve Application No. Z0519-0093, as recommended by the Planning and Zoning Commission, with the following stipulations, amending Stipulation No. 2 and adding Stipulation No. 8, as follows:

1. Except as provided herein, the plat, site plan and development for the Property shall conform substantially to the Concept Plan, attached as Exhibit "B" to the ordinance, and all other exhibits and regulations listed within the Planned Development document, attached as Exhibit "C" to the ordinance, except as modified below.
2. Common areas, parks and screening walls within the development, including the perimeter fencing along the northwest and southwest sides, shall be maintained by a mandatory Homeowner's Association. The Homeowner's Association shall be established and filed for record prior to the issuance of building permits.
3. Trees on individual lots must be setback at least 10 feet from utility easements.
4. The front yard setback shall be 20 feet from the front property line, inclusive of porches, etc.
5. Sidewalks are required along both sides of all internal streets.
6. Landscape irrigation is required for all landscaped areas, including individual lots.
7. Boulders or some other approved protective barrier shall be provided in Park #2 in the area perpendicular to the entrance of the development to protect the Park #2 area from vehicular impacts.
8. Upon approval by Dallas Water Utilities or any other applicable jurisdiction, a temporary crushed granite or gravel sidewalk shall be installed from the development to Lawson Road and adjacent to Lawson Road and this development.

And to approve Ordinance No. 4726, AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL WITH AN UNDERLYING ZONING DISTRICT OF R3 ON PROPERTY LOCATED AT 2781 LAWSON ROAD TO ALLOW FOR THE DEVELOPMENT OF A SINGLE-FAMILY SUBDIVISION 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, Boroughs, Aleman

Nayes: Noschese, Casper



**Motion carried. (Ordinance No. 4726 recorded in Ordinance Book No. 118.)**

**20**

Conduct a public hearing and consider an ordinance to adopt a new Comprehensive Plan for the City of Mesquite.

(The Planning and Zoning Commission recommends approval of the ordinance.)

**A public hearing was held to adopt a new Comprehensive Plan for the City of Mesquite.**

**Jeff Armstrong, Director of Planning and Development Services, introduced Shad Comeaux, Project Manager, and Alexis Garcia, Assistant Project Manager, of Freese and Nichols to discuss the Comprehensive Plan for the City of Mesquite.**

**Mr. Comeaux stated that the five elements of the Comprehensive Plan (Comp Plan) are future land use, mobility and circulation, housing and neighborhoods, community design and character, and public safety and health. Mr. Comeaux reviewed the planning process of developing the Comp Plan as well as the community input meetings held. The guiding principles, which provided the foundation for the Comp Plan, are identity, safety, housing, infrastructure, connectivity, redevelopment and entertainment. Mr. Comeaux reviewed the notable revisions of the Comp Plan.**

**No one appeared regarding the Comprehensive Plan.**

**Mr. Miklos stated that he does not want the emphasis placed on demolition or on adopting ordinances requiring retrofit and would like a reinvestment program where homeowners are incentivized to repair homeowner-occupied single-family residential homes in designated neighborhoods. Mr. Miklos would like for future hike and bike trails to be located in non-arterial areas to connect residential neighborhoods.**

**Councilmembers expressed appreciation to the consultants, staff and community leaders who contributed to compilation of the Comp Plan.**

**Mr. Archer moved to approve Ordinance No. 4727, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING A NEW MESQUITE COMPREHENSIVE PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Aleman and approved unanimously. (Ordinance No. 4727 recorded in Ordinance Book No. 118.)**

**21**

Conduct a public hearing and consider an ordinance adopting revisions to the City of Mesquite Engineering Design Manual.

**A public hearing was held to consider adopting revisions to the City of Mesquite Engineering Design Manual.**

**Matt Holzapfel, Director of Public Works, stated that the revisions include four changes to the Engineering Design Manual including: revise procedures to update the manual appendices, revise requirements for driveways for single-family residential/duplex properties, revise study limits for Traffic Impact Analysis and add requirement for minimum slab elevation in relation to street and alley elevations.**

No one appeared regarding the revisions to the Engineering Design Manual.

Mr. Casper moved to approve Ordinance No. 4728, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING REVISIONS TO THE CITY OF MESQUITE ENGINEERING DESIGN MANUAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$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 DECLARING AN EFFECTIVE DATE. Motion was seconded by Mr. Archer and approved unanimously. (Ordinance No. 4728 recorded in Ordinance Book No. 118.)

#### **OTHER BUSINESS**

- 22 Consider scheduling a special City Council meeting for October 14, 2019, for the annual review of the City Manager and City Attorney.

Mr. Casper moved to schedule a special City Council meeting to be held at 2:00 p.m. on Monday, October 14, 2019, for the annual review of the City Manager and City Attorney. Motion was seconded by Mr. Aleman and approved unanimously.

- 23 Consider scheduling a special City Council meeting for November 14, 2019, to canvass the returns for the November 5, 2019, General Election and order a runoff election, if necessary.

Mr. Casper moved to schedule a special City Council meeting to be held at 6:00 p.m. on Thursday, November 14, 2019, to canvass the returns for the November 5, 2019, General Election and order a runoff election, if necessary. Motion was seconded by Mr. Aleman and approved unanimously.

- 24 Consider approving a settlement agreement between Derick Wiley and the City of Mesquite in Derick Wiley v. City of Mesquite, AAA Case No. 01-0007-6614; SOA Hearing Docket No. 407-18-1726.F5.

Mr. Noschese moved to approve a settlement agreement between Derick Wiley and the City of Mesquite in Derick Wiley v. City of Mesquite, AAA Case No. 01-0007-6614; SOA Hearing Docket No. 407-18-1726.F5. Motion was seconded by Mr. Aleman. On call for a vote on the motion, the following votes were cast:

Ayes: Noschese, Aleman, Boroughs, Archer, Miklos

Nays: Casper

Motion carried.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 9:15 P.M.**

Mayor Pro Tem Boroughs 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 (House Bill 2439 and regulation of building materials and aesthetic methods in construction, renovation, maintenance or other alteration of residential or commercial buildings; Anticipated litigation; Texas Sterling Construction Co; Contract E2017-008; Town East Blvd. (Phase 1) Reconstruction Project; and Vested Rights Petition of Big Sky Construction regarding 1400 Range Drive); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:11 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 10:11 P.M.**

Mayor Pro Tem Boroughs 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. – Filed 8-31-18 and City of Mesquite v. NPRodeo Holdings, LLC – Filed – 10-31-18); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:15 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION - EXECUTIVE CONFERENCE ROOM - 10:15 P.M.**

Mayor Pro Tem Boroughs 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. 25 – Discuss proposed economic development incentives for a proposed development at FM 741 and IH 20); whereupon, the City Council proceeded to meet in the Executive Conference Room. After the closed meeting ended at 10:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**ADJOURNMENT**

**Mr. Miklos moved to adjourn the meeting. Motion was seconded by Mr. Archer and approved unanimously. The meeting adjourned at 10:25 p.m.**

Attest:

Approved:

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Sonja Land, City Secretary

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Tandy Boroughs, Mayor Pro Tem

