

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 1:00 P.M., DECEMBER 15, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

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

The City Council met in the City Council Conference Room beginning at 1:00 p.m. to discuss the items on the Work and Regular Agenda and discuss: (1) administrative processing fee consistency options, (2) Brickyard Cemetery Project and (3) Texas Commission on Environmental Quality Idling Limitation Rule.

(2) It was Council consensus to proceed with previous commitments to this project including construction of a small two-car parking lot parallel to Peachtree Road, construction of a fence to secure the site from vehicle access and reservation of \$10,000.00 to contribute toward the construction of eventual memorial project.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:12 P.M.

The City Council met in Executive Session pursuant to Section 551.087 of the Texas Government Code to consider commercial or financial information regarding business prospects or projects (Prospect seeking to locate in the Skyline Industrial District); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 1:23 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

WORK SESSION – CITY COUNCIL CHAMBER – 1:35 P.M.

A. **BRIEFING FROM TEXAS DEPARTMENT OF TRANSPORTATION REGARDING LBJ/TOWN EAST BOULEVARD PROJECT – RECEIVED.**

Gary Moonshower, Southeast Area Engineer for the Dallas District, Texas Department of Transportation (TxDOT), summarized the construction phasing for the LBJ and Town East Boulevard project as follows:

(1) From January 5 to February 10, 2009, eastbound Town East Boulevard between the service roads will be closed. Access to Town East Mall from southbound LBJ will be via the Towne Centre exit ramp and Towne Centre Drive. Access to Town East Mall from the west side of town will be via Towne Centre Drive.

(2) From January 5 to January 8, 2009, westbound Town East Boulevard traffic will not be able to make a right turn to northbound LBJ. Northbound LBJ traffic will be

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detoured to Gus Thomasson Road, North Galloway Avenue, and Emporium Circle/Childress Avenue/North Galloway Avenue.

(3) From January 5 to January 19, 2009, northbound LBJ service road traffic will only be able to turn right/east on Town East Boulevard.

(4) From January 20 to February 10, 2009, northbound LBJ service road traffic will be able to turn left and right onto Town East Boulevard and proceed to northbound LBJ while TxDOT works to lower the road and construct retaining walls.

(5) On February 11, 2009, all traffic movements at Town East Boulevard and LBJ will once again be possible and Town East Boulevard and the service roads will be at their final grades.

Mr. Moonshower stated that these changes include a two-week closure of the northbound LBJ frontage road through and left-turning movements at Town East Boulevard and a four-to-six-week closure of eastbound Town East Boulevard beneath LBJ, both closures to commence on January 5, 2009.

Mr. Moonshower explained that this is a unique project. Franchise utilities were included in the construction project which caused some delays along with acquiring rights-of-way. He stated that the contractor's schedule indicates July 2009 as the completion date for this project. However, the contractor's contract expires with TxDOT in March 2009.

Mr. Moonshower stated that TxDOT will be installing detour signage and additional message signs to inform the motoring public of the temporary traffic changes. The City will be retiming all traffic signals to mitigate problems and facilitate access to Town East Mall via Towne Centre Drive.

The Work Session ended at 2:15 p.m.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:20 P.M.

Invocation was given by John Schelter, Pastor, Our Savior Lutheran Church, Mesquite, Texas.

The Pledge of Allegiance was led by Micayla Telesca, Kayla Gable, Carolina Lucio and Deven Lamp, fourth grade students from Florence Black Elementary School.

SPECIAL ANNOUNCEMENTS.

(1) Mayor Monaco presented two awards to Travis Sales, Parks Services Superintendent, in recognition of: (1) 2008 Field of the Year designation for Bruton Soccer Complex for the fourth year and (2) 2008 Green Thumb of the Year award to Travis Sales for his water conservation efforts while maintaining turf grass.

(2) Mr. Tarpley recognized Dallas Christian School's Chargers football team for recently winning the State Tapps 2-4A football championship with a season record of 14 wins and no losses.

(3) Mr. Pickett announced that Robert Hanby whose family is one of the City's pioneer families recently died at the age of 87. Mr. Hanby was very active in the community and served on the Board of Trustees for the Mesquite Independent School District.

CITIZENS FORUM.

Mr. Finny Philip, 709 Wedgewood, expressed concern that several young people in Mesquite have either committed suicide or attempted suicide. He requested the Council consider offering a program similar to Slama Bama Jama to Mesquite Independent School District high school students to address and educate students regarding the alternatives to suicide.

CONSENT AGENDA.

Mr. Pickett moved to approve the items on the Consent Agenda, as follows. Motion was seconded by Mr. Noschese and approved unanimously.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 1, 2008.
2. ORDINANCE NO. 4008 – AMENDING CHAPTER 2 OF THE CITY CODE REVISING CITY COUNCIL DISTRICT BOUNDARIES FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FOR DISTRICT NOS. 1, 2, 3 AND 4.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 2-42 IN ITS ENTIRETY AND ADDING A NEW SECTION 2-42 THEREBY REVISING THE COUNCIL DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4008 recorded on page of Ordinance Book No. 92.)

3. ORDINANCE NO. 4009 – AMENDING SECTION 5-187(6)(G) OF THE CITY CODE AMENDING THE 2006 EDITION OF THE INTERNATIONAL PLUMBING CODE REGARDING MINIMUM STANDARDS FOR COMMERCIAL LANDSCAPE IRRIGATION SYSTEMS, EFFECTIVE JANUARY 1, 2009.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 5-187(6)(G) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-187(6)(G) THEREBY AMENDING THE INTERNATIONAL PLUMBING CODE, 2006 EDITION, BY PROVIDING MINIMUM STANDARDS FOR LANDSCAPE IRRIGATION SYSTEMS; 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 THEREOF. (Ordinance No. 4009 recorded on page of Ordinance Book No. 92.)

4. ORDINANCE NO. 4010 – AMENDING SECTION 5-20(C) OF THE CITY CODE REGARDING RESIDENTIAL AND COMMERCIAL IRRIGATION INSTALLATION PERMIT FEES, EFFECTIVE JANUARY 1, 2009.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN DELETIONS AND ADDITIONS UNDER SECTION 5-20(C); THEREBY ESTABLISHING SEPARATE PERMIT FEES FOR COMMERCIAL AND RESIDENTIAL IRRIGATION INSTALLATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4010 recorded on page of Ordinance Book No. 92.)

5. ORDINANCE NO. 4011 – AMENDING SECTION 5-468(I) OF THE CITY CODE REQUIRING THE PAYMENT OF LIENS PRIOR TO RECEIVING A RENTAL CERTIFICATE OF OCCUPANCY, EFFECTIVE JUNE 1, 2009.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING SECTION 5-468(I) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-468(I) THEREBY REQUIRING THE PAYMENT OF CITY LIENS PRIOR TO ISSUANCE OF A RENTAL CERTIFICATE OF OCCUPANCY; 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 THEREOF. (Ordinance No. 4011 recorded on page of Ordinance Book No. 92.)

6. ORDINANCE NO. 4012 – AMENDING SECTION 5-468(17)(A) OF THE CITY CODE AMENDING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE REGARDING MINIMUM STANDARDS FOR RESIDENTIAL LANDSCAPE IRRIGATION SYSTEMS, EFFECTIVE JANUARY 1, 2009.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 5-468(17)(A) IN ITS ENTIRETY AND ADDING A NEW SECTION 5-468(17)(A) THEREBY AMENDING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, BY PROVIDING MINIMUM STANDARDS FOR LANDSCAPE IRRIGATION SYSTEMS; 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. 4012 recorded on page of Ordinance Book No. 92.)

7. ORDINANCE NO. 4013 – AMENDING SECTIONS 9-195 AND 9-199 OF THE CITY CODE REGARDING PARKING RESTRICTIONS ALONG A PORTION OF GROSS STREET W. FROM BRYAN-BELT LINE ROAD TO SOUTH GALLOWAY AVENUE, EFFECTIVE JANUARY 5, 2009.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY PROVIDING A CERTAIN DELETION UNDER SECTION 9-195 AND CERTAIN ADDITIONS UNDER SECTIONS 9-195 AND 9-199 TO REFLECT PARKING RESTRICTIONS ALONG GROSS STREET W. BETWEEN BRYAN-BELT LINE ROAD AND SOUTH GALLOWAY AVENUE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. (Ordinance No. 4013 recorded on page of Ordinance Book No. 92.)

8. ORDINANCE NO. 4014 – AMENDING SECTIONS 10-131 AND 10-132 OF THE CITY CODE REGARDING THE CONDITION OF PREMISES.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN DELETIONS AND ADDITIONS TO SECTIONS 10-131 AND 10-132 THEREBY AMENDING THE SPECIAL EXPENSE FEES RELATING TO THE CONDITION OF PREMISES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. (Ordinance No. 4014 recorded on page of Ordinance Book No. 92.)

9. ORDINANCE NO. 4015 – REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATED TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS TO ADD AN ADMINISTRATIVE FEE FOR PROCESSING VARIANCES TO WATER LINE EXTENSIONS AS PART OF DEVELOPMENT.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE SCHEDULE OF ADMINISTRATIVE FEES RELATING TO ENGINEERING, PLANNING, ZONING AND SUBDIVISION APPLICATIONS; PROVIDING A REPEALER CLAUSE AND SPECIFICALLY REPEALING ORDINANCE NO. 3969; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 4015 recorded on page of Ordinance Book No. 92.)

10. RESOLUTION NO. 55-2008 – SUPPORTING AND ACKNOWLEDGING THE CITY'S 2008 HOMELAND SECURITY GRANT PROGRAM AWARD IN THE AMOUNT OF \$480,355.95 AND AUTHORIZING THE FIRE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL SUBORDINATING DOCUMENTS ASSOCIATED WITH THE GRANT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUPPORTING AND ACKNOWLEDGING THE CITY OF MESQUITE'S GRANT AWARD IN THE AMOUNT OF \$480,355.95 FOR THE 2008 HOMELAND SECURITY GRANT PROGRAM; AND AUTHORIZING THE FIRE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL SUBORDINATE DOCUMENTS ASSOCIATED WITH THIS GRANT. (Resolution No. 55-2008 recorded on page of Resolution Book No. 42.)

11. BID NO. 2009-052 – ANNUAL MISCELLANEOUS CONCRETE REPAIRS AND ASPHALTIC CONCRETE REPAIRS AT VARIOUS LOCATIONS – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH PLATINUM PAVING COMPANY IN THE AMOUNT OF \$594,175.00.
12. BID NO. 2009-065 – ANNUAL MAINTENANCE OF COMPUTER AIDED DISPATCH (CAD)/RECORDS MANAGEMENT SYSTEM (RMS)/ PREMIER MOBILE DATA COMPUTER (PMD) – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SOLE SOURCE PROVIDER MOTOROLA, INC., IN THE TOTAL AMOUNT OF \$281,721.00.
13. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 2 TO CITY CONTRACT NO. 2005-011, TRAFFIC SIGNAL OPERATIONAL IMPROVEMENTS, PHASE 1, WITH TRANSYSTEMS CORPORATION FOR ADDITIONAL CONSULTING SERVICES IN THE AMOUNT OF \$36,707.50.
14. MAYOR AUTHORIZED TO EXECUTE AN EXTENSION TO THE COMMERCIAL AND INDUSTRIAL REFUSE COLLECTION AGREEMENT WITH ALLIED WASTE SYSTEMS EXTENDING THE CURRENT AGREEMENT THROUGH JANUARY 31, 2009.
15. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH SIGMA COMMUNICATIONS, LLC, DBA REVERSE 911 @, THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM, FOR THE PURCHASE AND INSTALLATION OF A REVERSE NOTIFICATION CALL SYSTEM IN THE AMOUNT OF \$76,544.96.
16. CHANGE ORDER REPORT RECEIVED FROM CITY MANAGER.
(CE I057-2008, Annual Supply of Sheets for Ambulances – \$387.92; CE I006-2009, Annual Supply of Lawn and Ornamental Chemicals – [\$170.00]; CE I037-2008, Annual Supply of Shop Towels – \$429.00; CE BO900145, Telephone System Upgrade – [\$2,346.50]; CE 2009-033, Purchase of Motorola Police Radios – [\$54,762.60]; and CE I022-2009, One Diesel Concrete Saw – \$1,000.00.)

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

17. PUBLIC HEARING – ZONING – APPLICATION NO. 337-14 SUBMITTED BY MESQUITE INDEPENDENT SCHOOL DISTRICT AND ORDINANCE NO. 4016 FOR A ZONING CHANGE FROM COMMERCIAL TO PLANNED DEVELOPMENT – COMMERCIAL AT 2133 NORTH BELT LINE ROAD – APPROVED WITH CERTAIN STIPULATIONS.

Mike Coffey, Assistant Superintendent – Administrative Services, Mesquite Independent School District (MISD), stated that MISD proposes to utilize the site as warehouse and office space with a fenced area to be constructed at the south side of the building to park bobtail trucks at night.

Tony Apel, WRA Architects, stated that proposed plans include recessing the southwest corner of the building to create a dock for bobtail trucks and adding additional landscaping on the north side of the building. Mr. Apel stated that the majority of traffic into and out of the facility will be bobtail trucks and vans. He added that typical business hours will be 7:00 a.m. to 4:00 p.m., Monday through Friday. He confirmed that additional landscaping will be added to the north side of the site and Hanby Drive will be utilized for access. The exterior elevation will be enhanced to more closely comply with the City's Community Appearance Manual and additional landscaping will be added on the east side of the building.

Mr. Apel confirmed that total landscaping can be increased to 12.8 percent of the site. He supported the use of colored vinyl fencing with barbed wire in lieu of wrought iron, for security purposes, if Council concurred.

The Mayor and Councilmembers expressed support for wrought iron fencing in lieu of the requested colored vinyl fencing with barbed wire.

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

Mr. Noschese moved to approve Application No. 337-14 with stipulations recommended by the Planning and Zoning Commission as follows:

1. The site shall be developed consistent with the Concept Plan as shown in Exhibit "A" of the ordinance. However, where the Concept Plan and the text of the Planned Development Ordinance are in conflict, the text shall rule.
2. Permitted uses. Warehousing and the uses listed as permitted by right in the Commercial Zoning District as found in the Mesquite Zoning Ordinance with the following exceptions.

- a. All uses listed in the following sections of the Zoning Ordinance shall be prohibited:
 - i. Section 3-203.A - Agriculture, Forestry, Fishing
 - ii. Section 3-203.B - Mining, Extraction
 - iii. Section 3-203.C - Construction
 - iv. Section 3-203.D - Manufacturing
 - v. Section 3-203.E - Transportation, Utilities (except for Warehousing which shall be permitted by Right)
 - vi. Section 3-203.F - Wholesale Trade
- b. In addition to the uses prohibited by Subsection (a) above, the following uses shall also be prohibited:
 - i. SIC 527 - Mobile Home Dealers
 - ii. SIC 55 - Automobile Dealers, Service Stations
 - iii. SIC 593a - Pawnshops
 - iv. SIC 5999 - Miscellaneous Retail, NEC
 - v. SIC 60a - Alternative Financial Establishments
 - vi. SIC 61 - Non-depository Institutions
 - vii. SIC 70 - Hotels, Camps, Other Lodging Places
 - viii. SIC 721 - Laundry, Cleaning, Garment Services
 - ix. SIC 726a - Crematories
 - x. SIC 7299 - Miscellaneous Personal Services, NEC
 - xi. SIC 735 - Miscellaneous Equipment Rental, Leasing
 - xii. SIC 75 - Automotive Repair, Services
 - xiii. SIC 76 - Miscellaneous Repair Services
 - xiv. SIC 7996 - Amusement Parks – Outdoor
 - xv. SIC 824a - Truck Driving, Equipment Operating Schools
 - xvi. SIC 9223 - Correctional Institutions
 - xvii. Outdoor Display/Storage
3. A minimum of 12.8 percent of the site shall be landscaped.
4. A landscape island with a minimum of one tree shall be provided at the east end of each row of parking spaces. Such island shall be a minimum of nine feet by 18 feet in size.
5. Trees shall be provided along the north side of the building in a manner consistent with the Concept Plan.
6. A landscaped island shall be provided at the southeast corner of the building and shall include one or more trees that will provide visual buffering of the loading docks on the south side of the building as viewed from Belt Line Road in front of the building.
7. The bobtail truck parking area shall be enclosed by wrought iron fencing. Landscaping to the east of the area shall include trees that provide a visual buffer.

8. All fencing in the Planned Development shall be made of wrought iron, masonry materials or a combination of the two. Any masonry used shall be consistent in color with the primary color of the front building façade.
9. The front (east) building elevation shall be consistent with Exhibit “B” of the ordinance. The front façade shall wrap the northeast and southeast corners of the building.
10. Any free-standing signage existing on the date of this ordinance shall be removed prior to issuance of a Certificate of Occupancy.

And to approve Ordinance No. 4016, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT – COMMERCIAL THEREBY ALLOWING RETAIL AND OFFICE USES SUBJECT TO CERTAIN STIPULATIONS; 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 EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting “Aye.” (Ordinance No. 4016 recorded on page of Ordinance Book No. 92.)

18. PUBLIC HEARING – ZONING – APPLICATION NO. 944-1 SUBMITTED BY TOMMY MANN AND KIRK WILLIAMS, WINSTEAD PC, FOR A ZONING CHANGE FROM R-1 SINGLE FAMILY TO AGRICULTURAL ON TRACT 1 AND FROM AGRICULTURAL TO MIXED USE ON TRACT II LOCATED AT THE NORTHWEST CORNER OF GREENBELT PARKWAY AND IH 30 – REFERRED BACK TO THE PLANNING AND ZONING COMMISSION.

A public hearing was held to consider Application No. 944-1 submitted by Tommy Mann and Kirk Williams, Winstead PC, for a zoning change from R-1 Single Family to Agricultural on Tract 1 and from Agricultural to Mixed Use on Tract II in the E. T. Myers Survey, Abstract 944. This property is further described as a 12.79-acre tract located at the northwest corner of Greenbelt Parkway and IH 30. This item was postponed at the November 3, 2008, and December 1, 2008, City Council meetings.

Kirk Williams, Winstead PC, stated that the application has been revised since considered by the Planning and Zoning Commission now requesting a zoning change to a Planned Development district rather than a straight mixed use zoning. He stated that the site does not fall within the Comprehensive Plan’s I-30 Gateway designation. He stated that two retail establishments, International House of Pancakes (IHOP) and Discount Tire, are proposed for the site. The developer has met City staff’s request to locate the buildings closer to the service road, eliminate most parking in front of the buildings and add enhanced landscaping along with meeting the Community Appearance Manual requirements.

Richard Gertson, Director of Community Development, stated that the Planning and Zoning Commission agreed that straight mixed use zoning was not appropriate at this site since it is located within the I-30 Gateway. He stated that this development will establish the future development pattern that will be replicated throughout the I-30 Gateway. If Council decides that Discount Tire is an appropriate use at this site, staff recommends positioning the building on the back side of the property with the vehicle bays out of public view. However, the façade drawing that Mr. Williams presented indicates the bays will be exposed. Parking has also been a challenge because of the size of the property and because of the difficulties of dealing with the orientation of Discount Tire. The end-user's rejection to the final plan was basically due to staff desiring a more urban street design and not the typical strip center development.

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

Councilmembers expressed appreciation to Mr. Williams for his willingness to work with staff and to meet the City's Community Appearance Manual requirements.

Mr. Noschese moved to refer Application No. 944-1 back to the Planning and Zoning Commission for consideration as a Planned Development district. Motion was seconded by Ms. Roberts and approved unanimously.

19. A. PUBLIC HEARING – CONSIDER A MUNICIPAL SETTING DESIGNATION FOR THE LINEAGE POWER FACILITY LOCATED AT 3000 SKYLINE DRIVE – HELD.

A public hearing was held to consider a Municipal Setting Designation (MSD) for the Lineage Power facility located at 3000 Skyline Drive.

Tom Palmer, Manager of Economic Development, stated that the potential buyers of the building desire to convert the facility into a major data center and an MSD for the property would greatly facilitate the closing process. This designation would confirm that groundwater underneath the building at 3000 Skyline Drive is not being used for public consumption purposes.

No one appeared regarding the proposed Municipal Setting Designation. Mayor Monaco declared the public hearing closed.

Mr. Pickett left the meeting.

- B. ORDINANCE NO. 4017 – PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY GENERALLY LOCATED AT 3000 SKYLINE DRIVE AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY.

Mr. Tarpley moved to approved Ordinance No. 4017, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY GENERALLY LOCATED AT 3000 SKYLINE DRIVE AND SUPPORTING CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREOF. Motion was seconded by Ms. Roberts. On call for a vote, the following votes were cast:

Ayes: Tarpley, Roberts, Monaco, Noschese, Forsythe
Nays: None
Absent: Pickett

Motion carried. (Ordinance No. 4017 recorded on page of Ordinance Book No. 92.)

20. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH CAPSTAR REAL ESTATE ADVISORS TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE SKYLINE INDUSTRIAL DISTRICT – HELD.

Mr. Pickett re-entered the meeting.

A public hearing was held to consider a program with CAPSTAR Real Estate Advisors to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District.

Tom Palmer, Manager of Economic Development, stated that CAPSTAR Real Estate Advisors plan to purchase and redevelop the facility located at 3000 Skyline Drive into a data center. The developer has secured financing that is contingent upon the site being designated a Municipal Setting Designation and approval of an economic development incentive (Chapter 380 Agreement) for the real property revisions required to convert the building into a data center.

Mr. Palmer introduced Brad Enloe, CAPSTAR Real Estate Advisors, who stated that the facility contains over 900,000 square feet which is much larger than most data centers. Lineage will remain in the building for several months under a short-term lease until the new facility is available. If a large user cannot be located, the facility will be leased to multiple tenants. In addition to the existing building, 40 acres of excess land is located on the site that can be marketed to additional data center users. Data centers are unique, technologically advanced facilities which are very secure and expensive to develop. The facility will include powered shells which will allow the tenants to build the premises according to their needs. The redevelopment process should be completed by December 2009 with tenants being acquired thereafter. Mr. Enloe stated the CAPSTAR Real Estate Advisors currently manages 6.3 million square feet of facilities across the country in five or six different markets. He stated that most data centers are not densely populated and employ few full-time workers at higher salary ranges.

Mr. Enloe explained that a data center houses mission critical facilities for companies such as computer system operations and associated components and are basically off-site computer centers. This site will be developed as a Tier 3 data center which is one of the highest levels of data centers. He stated that there are approximately 10 to 12 data centers located within the metroplex.

Mr. Palmer stated that the Union Pacific Railroad is located along the property which contains more fiber optic providers than elsewhere in the metroplex, a key component to this development. He stated that the proposed Chapter 380 Agreement authorizes a 50-percent rebate of City property taxes for a term of five years based upon the redevelopment of the building into a data center. He added that since this is such a massive redevelopment, staff recommends the Council consider offering a 10-year term.

No one appeared regarding a program with CAPSTAR Real Estate Advisors to promote economic development and stimulate business and commercial activity. Mayor Monaco declared the public hearing closed.

- B. CONSIDER A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH CAPSTAR REAL ESTATE ADVISORS TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH DEVELOPMENT IN THE SKYLINE INDUSTRIAL DISTRICT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS – POSTPONED UNTIL THE JANUARY 5, 2009, CITY COUNCIL MEETING.

Mr. Tarpley moved to postpone consideration of a resolution approving the terms and conditions of a program with CAPSTAR Real Estate Advisors (Chapter 380 Agreement) to promote economic development and stimulate business and commercial activity in conjunction with development in the Skyline Industrial District until the January 5, 2009, City Council meeting. Motion was seconded by Mr. Pickett and approved unanimously.

21. A. PUBLIC HEARING – CONSIDER A PROGRAM WITH CAMELOT SPORTS AND ENTERTAINMENT, LLC, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN CONJUNCTION WITH PROPERTY LOCATED WITHIN THE RODEO CITY TAX INCREMENT FINANCE REINVESTMENT ZONE NO. ONE – APPROVED.

A public hearing was held to consider a program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity in conjunction with property located within the Rodeo City Tax Increment Finance Reinvestment Zone No. One. This item was postponed at the December 1, 2008, City Council meeting.

Tom Palmer, Manager of Economic Development, stated the Camelot Sports and Entertainment, LLC, is proposing to purchase the Mesquite Championship Rodeo and Mesquite Arena. Staff has been working with the company to create an incentive (Chapter 380 Agreement) that will bring significant new revenue and activities to Mesquite. He stated that proposed projects include installation of video display boards inside the arena and the installation of an outside video board relating to the entire Rodeo City Tax Increment Finance (TIF) Reinvestment Zone.

Mr. Palmer introduced Mike McCall, representing James Petty, Principal of Camelot Sports and Entertainment, LLC. He stated that video display boards inside the arena and an outdoor electronic marquee will generate much needed attention to the rodeo district.

Mr. McCall stated that Camelot Sports and Entertainment, LLC, has four specific goals as proposed owners of the Mesquite Championship Rodeo: (1) ensure annual financial operating profitability; (2) re-establish the Mesquite Championship Rodeo as a unique sports and entertainment venue; (3) follow the mantra of “safe, clean, fun, affordable, convenient”; and (4) provide community support and charitable contributions. He stated that key elements of success include re-establishing the rodeo as a place to be and adding a new core of programming by utilizing the facility year-round.

No one appeared regarding a program with Camelot Sports and Entertainment, LLC, to promote economic development and stimulate business and commercial activity. Mayor Monaco declared the public hearing closed.

- B. RESOLUTION NO. 56-2008 – APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH CAMELOT SPORTS AND ENTERTAINMENT LLC, TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN CONJUNCTION WITH PROPERTY LOCATED WITHIN THE RODEO CITY TAX INCREMENT FINANCE REINVESTMENT ZONE NO. ONE – APPROVED.

Mr. Noschese moved to approve Resolution No. 56-2008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROGRAM TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CAMELOT SPORTS AND ENTERTAINMENT, LLC, FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE. Motion was seconded by Mr. Pickett and approved by all voting “Aye.” (Resolution No. 56-2008 recorded on page of Resolution Book No. 42.)

22. A. PUBLIC HEARING – CONSIDER AMENDMENTS TO THE 2004 PROJECT AND FINANCING PLAN FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO – HELD.

A public hearing was held to consider amendments to the 2004 Project and Financing Plan for the Towne Centre Tax Increment Finance Reinvestment Zone No. Two.

Tom Palmer, Manager of Economic Development, stated changes to the 2004 Project and Financing Plan for the Towne Centre Tax Increment Finance (TIF) Reinvestment Zone No. Two include: (1) revisions to the payments due to General Growth Properties for the water line reconstruction project and the proposed site lighting project. The water line payments were revised from the phased pay-back schedule to a one-time payment in fiscal year 2008-09 of \$3,000,000. The site lighting project pay-back schedule was also revised to reflect a single payment of \$2,000,000 in fiscal year 2009-2010 pending completion and acceptance of the project by the City. Both of these revisions eliminate the interest payments that would have been due to the developer of these projects; (2) the addition of a new project, Town East Retail Area Security, which will further enhance the City’s efforts to provide a safe and secure retail and restaurant experience for citizens and visitors of the community. This project is scheduled to begin in fiscal year 2008-09 at a cost of \$673,281 and escalates at three percent for the duration of the TIF. This project relieves the General Fund of this funding obligation for an activity that specifically benefits the Towne Centre TIF District; and (3) the addition of projects related to transportation improvements within the Towne Centre TIF

District. A total of \$2,700,000 was included in the proposed 2008-09 budget to pay for traffic signal projects, street lighting upgrades and other transportation improvements within the district.

Mr. Palmer stated that these revisions are possible due to the success of the Towne Centre TIF in creating a significant tax increment in conjunction with the Mesquite Independent School District.

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

B. ORDINANCE NO. 4018 – APPROVING AMENDMENTS TO THE 2004 PROJECT AND FINANCING PLAN FOR THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO – APPROVED.

Mr. Tarpley moved to approve Ordinance No. 4018, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, APPROVING AMENDMENTS TO THE 2004 AMENDED AND RESTATED PROJECT AND FINANCING PLAN FOR TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NUMBER TWO, CITY OF MESQUITE, TEXAS; MAKING A FINDING OF FEASIBILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Ms. Roberts and approved by all voting “Aye.” (Ordinance No. 4018 recorded on page of Ordinance Book No. 92.)

Mr. Pickett abstained from voting on Agenda Item Nos. 23A and B and left the meeting.

A brief recess was taken.

23. A. PUBLIC HEARING – CONSIDER CREATION OF THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE – HELD.

A public hearing was held to consider creation of the Ridge Ranch Tax Increment Finance (TIF) Reinvestment Zone No. Five.

Tom Palmer, Manager of Economic Development, stated that this item establishes the boundaries and creates the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five and a seven-member Board of Directors. It allows the City to meet with the developer of the project and the TIF Board and bring to the City Council, at a later date, the final

TIF project and financing plan that will outline the proposed improvements along with a master development agreement.

No one appeared regarding the creation of the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five. Mayor Monaco declared the public hearing closed.

- B. ORDINANCE NO. 4019 – CREATING THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE AND ESTABLISHING A RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE BOARD OF DIRECTORS – APPROVED.

Mr. Noschese moved to approve Ordinance No. 4019, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA FOR A TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE, CITY OF MESQUITE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE AND OTHER MATTERS RELATING THERETO; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE. Motion was seconded by Mr. Forsythe. On call for a vote, the following votes were cast:

Ayes: Noschese, Forsythe, Monaco, Roberts, Tarpley
Nays: None
Abstentions: Pickett

Motion carried. (Ordinance No. 4019 recorded on page of Ordinance Book No. 92.)

24. A. PUBLIC HEARING – CONSIDER CREATION OF THE LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX – HELD.

Mr. Pickett re-entered the meeting.

A public hearing was held to consider creation of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six.

Tom Palmer, Manager of Economic Development, stated that this item establishes the boundaries and creates the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six and a seven-member Board of Directors. It allows the City to meet with the developer of the project and the TIF Board and bring to the City Council, at a later date, the final

TIF project and financing plan that will outline the proposed improvements along with a master development agreement.

No one appeared regarding the creation of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six. Mayor Monaco declared the public hearing closed.

- B. ORDINANCE NO. 4020 – CREATING THE LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX AND ESTABLISHING A LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX BOARD OF DIRECTORS – APPROVED.

Ms. Roberts moved to approve Ordinance No. 4020, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DESIGNATING A CERTAIN AREA FOR A TAX INCREMENT FINANCING DISTRICT TO BE KNOWN AS THE LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX, CITY OF MESQUITE, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE AND OTHER MATTERS RELATING THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Pickett and approved by all voting “Aye.” (Ordinance No. 4020 recorded on page of Ordinance Book No. 92.)

25. A. PUBLIC HEARING – ORDINANCE NO. 4021 REGARDING AMENDMENTS TO THE MESQUITE COMPREHENSIVE PLAN TO CREATE AND MODIFY NEIGHBORHOOD-RELATED LAND USES AND DEVELOPMENT POLICIES – APPROVED.

A public hearing was held to consider amendments to the Mesquite Comprehensive Plan to create and modify neighborhood-related land uses and development policies. This item was postponed at the December 1, 2008, City Council meeting.

Richard Gertson, Director of Community Development, stated this item (25A) pertains to the North Gus Thomasson Corridor (NGTC) which is located north of I-30 to the city limit line. The purpose of the NGTC zoning district is to integrate residential and neighborhood-scaled commercial functions into a form that increases buildable densities in a pedestrian-oriented, visually attractive environment. The proposed district is designed to provide a straightforward, visual prescription for revitalization of the North Gus Thomasson corridor over time.

Mr. Gertson stated that the second item (25B) pertains to a zoning text amendment which creates a new zoning classification to be known as the North Gus Thomasson

Corridor (NGTC) District. The ordinance would incorporate the North Gus Thomasson Corridor Revitalization Code which is an extensive form-based coding document. The North Gus Thomasson Corridor Revitalization Code is similar to other form-based codes such as the Truman Heights Revitalization Code.

Mr. Gertson stated that City staff held eight meetings with property owners within the district as well as surrounding neighborhood residents. Several property owners raised concerns regarding when the City may require compliance with the new code. Each property along the corridor has a pre-existing status, is legally non-conforming and may continue to exist indefinitely. He stated there is nothing in the code that requires the property owners to redevelop at this time. However, when they do chose to redevelop, they will be required to follow the guidelines in the proposed code. He stated that the following modifications to the North Gus Thomasson Corridor Revitalization Code have been made as a result of owner input: (1) an increase in the comply-to-form threshold from 25 percent to 50 percent of building value; (2) a density step-down when multiple-story buildings are built too close to residential lots; and (3) a faux two-story storefront may be approved by warrant.

Mr. Gertson stated that the third item (25C) pertains to the actual rezoning which consists of approximately 80 properties. He added that all notices required by law have been distributed.

Trudy Medlin, 4318 Hyde Park, spoke in favor of the proposed amendments to the Mesquite Comprehensive Plan.

Mike Bright, owner of 3215 Oates Drive who resides at 20 Winding Creek Trail, Garland, presented a petition to the City Council which contained 97 signatures and letters from property owners and tenants along the North Gus Thomasson Corridor who are in opposition to the proposed amendments.

The following persons spoke in opposition to the proposed amendments to the Mesquite Comprehensive Plan: (1) Melissa Lindelow, Attorney with K & L Gates, 301 Commerce St., Suite 3000, Fort Worth, representing the Gus Thomasson Landowners and Tenants Association; (2) Sami Ebrahim, owner of 4503 Gus Thomasson Road, who resides at 6 St. George Lane, Heath; (3) Dr. Michael Kurilecz, owner of 4737 Gus Thomasson Road, who resides at 5907 Lupton Drive, Dallas; (4) Bruce Moreland, owner of 5200 Gus Thomasson Road, who resides on Anna Cade Road, Rockwall; (5) Dickie Watkins, partner with Mike Bright as owner of 3215 Oates Drive, who resides at 2109 Prairie Creek Drive, Richardson; (6) Shawn Valk, Assured Realty, who resides at 1844 Signal Ridge, Rockwall is representing the owner of Assured Self Storage, 3950 Gus Thomasson Road; (7) Steve McCoy, representing Princeton Apartments; and (8) Mohammed Jawwad Atique, owner of 4411 Gus Thomasson Road, Suite C, who resides at 3883 Turtle Creek, Dallas. Their reasons for opposing the proposed amendments include: (1) issues regarding nonconformities; (2) rigid restrictions of the SmartCode; (3)

required rear parking; (4) zoning change is not the best fit for the neighborhood due to demographics; (5) pedestrian traffic is not realistic due to the age of nearby residents; (6) no public transportation available; (7) current businesses cannot support higher rent required for redeveloped buildings; (8) some tenants stated that rezoning notifications were not received and (9) additional time needed to resolve these concerns.

Carlos and Maria Candelaria, 5211 Gus Thomasson Road, submitted a registration card expressing opposition to the proposed amendments to the Mesquite Comprehensive Plan but did not wish to speak.

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

Mr. Gertson stated that notification of the public hearings was mailed to the property owners indicated on the municipal tax roll which is derived from the Dallas Central Appraisal District records per State law.

Mr. Noschese moved to approved Ordinance No. 4021, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN TO MODIFY NEIGHBORHOOD-RELATED LAND USE AND DEVELOPMENT POLICY MAPS BY EXPANDING THE CASA VIEW HEIGHTS NEIGHBORHOOD SUSTAINABILITY ZONE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Ordinance No. 4021 recorded on page of Ordinance Book No. 92.)

- B. PUBLIC HEARING – ZONING – ZONING TEXT AMENDMENT NO. 2008-8 AND ORDINANCE NO. 4022 CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE NORTH GUS THOMASSON CORRIDOR (NGTC) DISTRICT, WHICH SHALL INCORPORATE THE GUS THOMASSON REVITALIZATION CODE CONTAINING NEW OR AMENDED PROCEDURAL REQUIREMENTS, STANDARDS FOR SITE DESIGN, AND REGULATIONS AFFECTING BUILDING FORM, BUILDING DESIGN, SETBACK, PARKING, SIGNAGE, LANDSCAPING AND PERMITTED USES – APPROVED.

A public hearing was held to consider creating a new zoning classification to be known as the North Gus Thomasson Corridor (NGTC) District, which shall incorporate the Gus Thomasson Revitalization Code containing new or amended procedural requirements, standards for site design, and regulations affecting building form, building design, setback, parking, signage, landscaping and permitted uses.

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

Mr. Pickett stated that the City Council's main objective is to improve the City and make it a better place to live, work and raise a family. He added that the Council and staff have been working on rezoning this area for more than two years.

Mr. Pickett moved to approve Ordinance No. 4022, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 4-100 AND 4-1020 THEREBY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE NORTH GUS THOMASSON CORRIDOR FORM-BASED DISTRICT; ADOPTING THE NORTH GUS THOMASSON CORRIDOR REVITALIZATION CODE THEREBY CONTROLLING THE USES, SITE DEVELOPMENT AND FORM OF BUILDINGS FOR ALL LAND, PUBLIC AND PRIVATE, WITHIN THE NORTH GUS THOMASSON DISTRICT; PROVIDING 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 THEREOF. Motion was seconded by Ms. Roberts and approved by all voting "Aye." (Ordinance No. 4022 recorded on page _____ of Ordinance Book No. 92.)

- C. PUBLIC HEARING – ZONING – APPLICATION NOS. 705-7, 706-4, 1461-144 AND 545-22 AND ORDINANCE NO. 4023 REZONING ALL PROPERTIES WITH FRONTAGE ON GUS THOMASSON ROAD FROM IH 30 NORTH TO THE CITY LIMIT LINE, AND, IN ADDITION, ALL PROPERTIES LYING WITHIN 1,500 FEET OF GUS THOMASSON ROAD EXCEPT FOR SUCH PROPERTIES THAT ARE CURRENTLY ZONED R-1, R-2 OR R-3 SINGLE-FAMILY RESIDENTIAL FROM THEIR CURRENT ZONING CLASSIFICATIONS TO THE NEW NORTH GUS THOMASSON CORRIDOR DISTRICT CLASSIFICATION – APPROVED.

A public hearing was held to consider rezoning all properties with frontage on Gus Thomasson Road from IH 30 north to the city limit line, and, in addition, all properties lying within 1,500 feet of Gus Thomasson Road except for such properties that are currently zoned R-1, R-2 or R-3 Single-Family Residential from their current zoning classifications to the new North Gus Thomasson Corridor District classification.

Sami Ebrahim, owner of 4503 Gus Thomasson Road who resides at 6 St. George Lane, Heath, requested the Council postpone this item for further discussion.

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

Mr. Noschese moved to approve Ordinance No. 4023, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING IN THE NORTH GUS THOMASSON ROAD COMMERCIAL CORRIDOR SITUATED NORTH OF INTERSTATE HIGHWAY 30 AND GENERALLY ADJACENT TO THE CASA VIEW HEIGHTS NEIGHBORHOOD FROM THEIR PRESENT ZONING CLASSIFICATIONS TO THE NEW NORTH GUS THOMASSON CORRIDOR DISTRICT; 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 EMERGENCY. Motion was seconded by Mr. Forsythe and approved by all voting "Aye." (Ordinance No. 4023 recorded on page of Ordinance Book No. 92.)

OTHER BUSINESS.

26. APPOINTMENT TO FILL THE CITY SECRETARY POSITION CREATED BY THE RETIREMENT OF JUDY WOMACK, EFFECTIVE FEBRUARY 1, 2009.

Mr. Tarpley moved to appoint Sonja Land as City Secretary to fill the position created by the retirement of Judy Womack, effective February 1, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

27. APPOINTMENT OF THREE REGULAR MEMBERS TO THE BOARD OF ADJUSTMENT FOR TERMS TO EXPIRE JANUARY 1, 2011.

Mr. Pickett moved to reappoint Jennifer Vidler, Lonnie Craine and Dianne Mendoza to the Board of Adjustment for terms to expire January 1, 2011. Motion was seconded by Ms. Roberts and approved unanimously.

28. APPOINTMENT OF THREE MEMBERS TO THE AUTOMATED TRAFFIC SIGNAL ENFORCEMENT ADVISORY COMMITTEE FOR TERMS TO EXPIRE JANUARY 1, 2011, AND TWO MEMBERS FOR TERMS TO EXPIRE JANUARY 1, 2010.

Mr. Noschese moved to reappoint Jennifer Vidler, Lonnie Craine and Diane Mendoza to the Automated Traffic Signal Enforcement Advisory Committee for terms to expire January 1, 2011, and reappoint Cindy Burkett and Mike Travis for terms to expire January 1,

2010. Motion was seconded by Ms. Roberts and approved unanimously.

29. APPOINTMENT OF THREE REGULAR MEMBERS TO THE BUILDING STANDARDS BOARD FOR TERMS TO EXPIRE JANUARY 1, 2011.

Ms. Roberts moved to reappoint Patrick Reyes, James T. Wofford and Richard G. Walker, Jr., to the Building Standards Board for terms to expire January 1, 2011. Motion was seconded by Mr. Forsythe and approved unanimously.

30. APPOINTMENT OF TWO MEMBERS TO THE HISTORIC MESQUITE, INC., BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2011.

Mr. Pickett moved to reappoint Roger Samuels and to appoint Robert Hughes as members of the Historic Mesquite, Inc., Board of Directors for terms to expire December 31, 2011. Motion was seconded by Mr. Tarpley and approved unanimously.

31. APPOINTMENT OF ONE MEMBER TO THE KEEP MESQUITE BEAUTIFUL, INC., BOARD OF DIRECTORS FOR A TERM TO EXPIRE DECEMBER 31, 2011.

Mr. Tarpley moved to reappoint Larriann Kelly as a member of the Keep Mesquite Beautiful, Inc., Board of Directors for a term to expire December 31, 2011. Motion was seconded by Ms. Roberts and approved unanimously.

32. APPOINTMENT OF FOUR REGULAR MEMBERS AND TWO ALTERNATE MEMBERS TO THE MUNICIPAL LIBRARY ADVISORY BOARD FOR TERMS TO EXPIRE DECEMBER 4, 2010.

Mr. Pickett moved to reappoint Karen Allen, Linda Orr and Beverly Hollingsworth as regular members of the Municipal Library Advisory Board, change the appointment of Patricia Stone from an alternate member to a regular member, reappoint Richard Larson as an alternate member and appoint Bruce Archer as an alternate member, all for terms to expire December 4, 2010. Motion was seconded by Mr. Noschese and approved unanimously.

33. APPOINTMENT OF A CHAIRPERSON FOR THE FALCON'S LAIR TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FOUR BOARD OF DIRECTORS TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2009.

Mr. Pickett moved to appoint Mr. Tarpley as Chairperson for the Falcon's Lair Tax Increment Finance Reinvestment Zone No. Four Board of Directors to serve a one-year term beginning January 1, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

34. APPOINTMENT OF FOUR MEMBERS TO THE RODEO CITY TAX INCREMENT FINANCE REINVESTMENT ZONE NO. ONE BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2010, AND APPOINTMENT OF A CHAIRPERSON TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2009.

Mr. Tarpley moved to reappoint Stan Pickett, John Monaco, Shirley Roberts and Mark Miller as members of the Rodeo City Tax Increment Finance Reinvestment Zone No. One Board of Directors for terms to expire December 31, 2010, and to appoint Mayor Monaco as Chairperson to serve a one-year term beginning January 1, 2009. Motion was seconded by Mr. Forsythe and approved unanimously.

35. APPOINTMENT OF FOUR MEMBERS TO THE TOWNE CENTRE TAX INCREMENT FINANCE REINVESTMENT ZONE NO. TWO BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2010, AND APPOINTMENT OF A CHAIRPERSON TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2009.

Mr. Pickett moved to reappoint Al Forsythe, Shirley Roberts, John Monaco and Carol Zolnerowich as members of the Towne Centre Tax Increment Finance Reinvestment Zone No. Two Board of Directors for terms to expire December 31, 2010, and to appoint Ms. Roberts as Chairperson to serve a one-year term beginning January 1, 2009. Motion was seconded by Mr. Tarpley and approved unanimously.

36. APPOINTMENT OF SIX MEMBERS TO THE RIDGE RANCH TAX INCREMENT FINANCE REINVESTMENT ZONE NO. FIVE BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2010, AND APPOINTMENT OF A CHAIRPERSON TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2009.

Mr. Pickett moved to appoint John Monaco, Al Forsythe, Stan Pickett, Greg Noschese, Shirley Roberts and Dennis Tarpley as members of the Ridge Ranch Tax Increment Finance Reinvestment Zone No. Five Board of Directors for terms to expire December 31, 2010, and to appoint Mayor Monaco as Chairperson to serve a one-year term beginning January 1, 2009. Motion was seconded by Mr. Noschese and approved unanimously.

37. APPOINTMENT OF SIX MEMBERS TO THE LUCAS FARMS TAX INCREMENT FINANCE REINVESTMENT ZONE NO. SIX BOARD OF DIRECTORS FOR TERMS TO EXPIRE DECEMBER 31, 2010, AND APPOINTMENT OF A CHAIRPERSON TO SERVE A ONE-YEAR TERM BEGINNING JANUARY 1, 2009.

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Ms. Roberts moved to appoint John Monaco, Al Forsythe, Stan Pickett, Greg Noschese, Shirley Roberts and Dennis Tarpley as members of the Lucas Farms Tax Increment Finance Reinvestment Zone No. Six Board of Directors for terms to expire December 31, 2010, and to appoint Mayor Monaco as Chairperson to serve a one-year term beginning January 1, 2009. Motion was seconded by Mr. Noschese and approved unanimously.

Mr. Pickett moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 6:50 p.m.

Judy Womack
City Secretary

John Monaco
Mayor