

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M., AUGUST 6, 2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

Present: Councilmembers David Paschall, John Heiman, John Monaco, Dennis Tarpley, Stan Pickett and Shirley Roberts, City Manager Ted Barron and City Secretary Judy Womack.

Absent: Mayor Mike Anderson.

**PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 12:00 P.M.**

The City Council met in the City Council Conference Room beginning at 11:30 a.m., to discuss the items on the Work and Regular Agenda and discuss: (1) request from the Town of Sunnyvale regarding participation in reconstruction of U.S. Highway 80 and SH 352 Interchange project; and (2) development of Town East Retail and Restaurant Area (TERRA).

(1) It was Council consensus to maintain commitment to participate in the reconstruction of U.S. Highway 80 and SH 352 Interchange project in an amount not to exceed \$1,400,000.00.

**WORK SESSION – CITY COUNCIL CHAMBER – 1:30 P.M.**

Mayor Pro Tem David Paschall presided over the City Council meeting.

A. **MONTHLY FINANCIAL REPORT FOR JUNE 2007 - RECEIVED.**

Don Simons, Director of Finance, presented the monthly financial report for June 2007.

B. **INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2007 – RECEIVED.**

Don Simons, Director of Finance, presented the Investment Report for the quarter ending June 30, 2007.

The Work Session ended at 1:40 p.m.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:25 P.M.**

Mayor Pro Tem Paschall 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 a business prospect or project (prospect seeking to develop in the Town East Retail and Restaurant Area [TERRA]). After the closed meeting ended at 12:40 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:40 P.M.**

Mayor Pro Tem Paschall announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider purchase, sale, exchange, lease or value of real property (acquisition of property in conjunction with the Tripp Road Reconstruction Project); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 12:45 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 12:50 P.M.**

Mayor Pro Tem Paschall 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 a business prospect or project (prospect seeking to locate in the Commerce East Business Park area and prospect seeking to locate on a site on U.S. Highway 80). After the closed meeting ended at 1:20 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

**EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 1:20 P.M.**

Mayor Pro Tem Paschall announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending and contemplated litigation subjects or settlement offers (discuss Mesquite Metro Airport construction project issues); 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.

**REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:12 P.M.**

Invocation was given by Rocky Pope, Senior Pastor, Mimosa Lane Baptist Church, Mesquite, Texas. Mr. Heiman announced that Pastor Rocky Pope recently returned from a 14-day trip to the Philippines where he held approximately 20 sermons.

The Pledge of Allegiance was led by Camp BLAST (Bringing Leadership and Sports Together) participants from Evans Recreation Center.

**SPECIAL ANNOUNCEMENTS.**

(1) Mayor Pro Tem Paschall recognized Tandy Boroughs, representing the Mesquite Firefighters' Association, who presented a check to Muscular Dystrophy Association representative Fran Russ in the amount of \$50,260.00. The check represents proceeds from the Mesquite Firefighters' recent Fill-The-Boot Campaign.

(2) Ms. Roberts announced that Tuesday, August 7, 2007, is the annual "National Night Out Against Crime" event with Target stores as a national sponsor. Ms. Roberts encouraged residents to join with their neighbors in celebrating this event or attend the citywide festivities at the local Target store at 1629 North Town East Boulevard from 6:00 p.m. to 9:00 p.m.

(3) During the meeting, Mr. Heiman recognized Mayor Pro Tem Paschall's family members who were in the audience – Alexa, Julia and Matthew as well as David's father, Curtis Paschall.

**CONSENT AGENDA.**

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

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 16, 2007.
2. BID NO. 2007-068 – PHASE 1A, TRAFFIC SIGNAL FIBER OPTIC LINES AT TOWNE CENTRE DRIVE AND DOWNTOWN MESQUITE – CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH FUTURE TELECOM, INC., IN THE AMOUNT OF \$290,843.26.
3. AUTHORIZED AN AMENDMENT TO CONTRACT NO. 2007-086 FOR INSTALLATION OF DETECTOR LOOPS AT SELECTED INTERSECTIONS WITH ROADWAY SOLUTIONS, INC., FOR 10 ADDITIONAL DETECTOR LOOPS IN THE AMOUNT OF \$8,250.00.
4. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 2 TO AN ENGINEERING SERVICES CONTRACT WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC., IN CONJUNCTION WITH THE SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN PROJECT IN THE AMOUNT OF \$208,700.00.
5. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO AN ENGINEERING SERVICES CONTRACT WITH BINKLEY & BARFIELD CONSULTING ENGINEERS, INC., IN CONJUNCTION WITH THE 2005-06 ALLEY RECONSTRUCTION AND DRAINAGE IMPROVEMENT PROJECT IN THE AMOUNT OF \$12,800.00.

**END OF CONSENT AGENDA.**

**OTHER BUSINESS.**

6. PUBLIC HEARINGS CALLED FOR AUGUST 20, 2007, AND SEPTEMBER 4, 2007, TO CONSIDER SETTING THE AD VALOREM TAX RATE FOR THE FISCAL YEAR 2007-08.

Mr. Monaco made the following motion, "I, John Monaco, move that property taxes be increased by the adoption of a tax rate of 64 cents per \$100 of valuation. The public hearings to consider this rate will be held on August 20, 2007, at 3:00 p.m. and September 4, 2007, at 3:00 p.m." Motion was seconded by Mr. Pickett and approved unanimously.

**SITE PLAN AND PUBLIC HEARINGS.**

7. PLANNED DEVELOPMENT SITE PLAN SUBMITTED BY MACATEE ENGINEERING FOR AMERICA'S TRUCKING CENTER – POSTPONED UNTIL THE AUGUST 20, 2007, CITY COUNCIL MEETING.

A Planned Development Site Plan submitted by Macatee Engineering for America's Trucking Center located at the southeast corner of the intersection of Big Town Boulevard and Samuell Boulevard was scheduled to be considered.

No one appeared regarding the proposed Site Plan.

Mr. Monaco moved to postpone consideration of the Planned Development Site Plan submitted by America's Trucking Center located at the southeast corner of the intersection of Big Town Boulevard and Samuell Boulevard until the August 20, 2007, City Council meeting. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

Ayes: Monaco, Roberts, Paschall, Heiman, Tarpley  
Nays: Pickett  
Absent: Anderson

Motion carried.

8. A. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE ANNUAL ACTION PLAN AND 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM – HELD.

A public hearing was held to receive input from citizens regarding the Annual Action Plan and 2007-08 Community Development Block Grant Program.

Cliff Keheley, Director of Housing and Community Services, stated that each year the City Council must approve the City's application for Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development. Approximately \$950,000 in federal funding is received annually to be utilized in low-income areas of the City. Mr. Keheley stated that following today's public hearing staff recommends Council consider adopting a resolution approving the final budget for the 2007-08 Annual Action Plan and authorizing submission of an application for federal funds.

No one appeared regarding the 2007-08 Community Development Block Grant Program and Annual Action Plan. Mayor Pro Tem Paschall declared the public hearing closed.

- B. RESOLUTION NO. 29-2007 – ADOPTING THE 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND ANNUAL ACTION PLAN, DESIGNATING A CHIEF EXECUTIVE OFFICER AND AUTHORIZING THE FILING OF AN APPLICATION UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT - APPROVED.

Mr. Monaco moved to approve Resolution No. 29-2007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE FILING OF AN APPLICATION FOR AN AMOUNT NOT TO EXCEED \$1,160,400 FOR FEDERAL FUNDS UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT; APPROVING AND ADOPTING THE FISCAL YEAR 2007-08 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. Heiman and approved by all voting "Aye." Resolution No. 29-2007 recorded on page of Resolution Book No. 40.)

9. PUBLIC HEARING – ZONING – APPLICATION NO. 1397-25 SUBMITTED BY RAJAN THOMAS FOR A ZONING CHANGE FROM SERVICE STATION TO PLANNED DEVELOPMENT – GENERAL RETAIL TO ALLOW MINOR AUTO REPAIR AND LIMITED OFFICE AND RETAIL USES IN ADDITION TO OTHER USES ALLOWED AT 910 NORTH GALLOWAY AVENUE – DENIED.

A public hearing was held to consider Application No. 1397-25 submitted by Rajan Thomas for a zoning change from Service Station to Planned Development – General

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Retail to allow minor auto repair and limited office and retail uses in addition to other uses allowed in part of the M.L. Swing Survey, Abstract No. 1397. This property is further described as a 0.2954-acre tract located at 910 North Galloway Avenue. This item was postponed at the January 16, 2007, and July 16, 2007, City Council meetings.

Rajan Thomas, 301 Adrian Court, Mesquite, presented the zoning application. He stated that he leased the property at this location approximately one year ago to primarily perform State vehicle inspections along with minor auto repairs. Since the property is zoned for Service Station use, Mr. Thomas contacted several gasoline distributors but was unsuccessful in obtaining a source to supply gasoline due to the property's size and location. He added that if the proposed zoning application is approved, extensive landscaping will be incorporated on the site.

No one appeared regarding the proposed zoning change. Mayor Pro Tem Paschall declared the public hearing closed.

Mr. Heiman moved to deny Application No. 1397-25 for a zoning change from Service Station to Planned Development – General Retail to allow minor auto repair and limited office and retail uses at 910 North Galloway Avenue. Motion was seconded by Mr. Monaco. On call for a vote on the motion, the following votes were cast:

Ayes:	Heiman, Monaco, Paschall, Tarpley, Pickett
Nays:	Roberts
Absent:	Anderson

Motion carried.

10. PUBLIC HEARING – ZONING – APPLICATION NO. CV17-7 SUBMITTED BY GREG KUBIC AND ORDINANCE NO. 3877 FOR A ZONING CHANGE FROM SERVICE STATION TO PLANNED DEVELOPMENT – GENERAL RETAIL TO ALLOW THE PROPERTY TO BE USED FOR A GARDEN NURSERY IN ADDITION TO OTHER USES ALLOWED AT 3708 HYDE PARK DRIVE – APPROVED WITH CERTAIN STIPULATIONS.

A public hearing was held to consider Application No. CV17-7 submitted by Greg Kubic for a zoning change from Service Station to Planned Development – General Retail to allow the property to be used for a garden nursery in addition to other uses allowed at Casa View Heights No. 17, Block 5, Lot 23. This property is further described as an 18,000-square-foot tract located at 3708 Hyde Park Drive.

Benito Reyna, 1122 Mill River Drive, Garland, presented the zoning application. He stated that he proposes to utilize a vacant service station located on the site as a garden nursery with outdoor display of garden plants, pottery and home and garden decorations. There will be no outdoor display of large trees. Mr. Reyna stated that he currently operates similar businesses in Dallas and Plano.

Richard Gertson, Director of Community Development, explained that outside display and storage will be limited to nursery-type plants.

Councilmembers expressed support for removal of the existing pole sign located on the site. It was explained that one of the City Council's goals is to upgrade the highway corridors and the removal of old pole signs is the first step in the process.

Mr. Reyna requested that the existing pole sign remain in tact. He stated that it would be more cost effective to renovate the existing pole sign rather than install a new one. He also stated that the existing pole sign would be more visible from the highway than a monument sign. Mr. Reyna added that he supported the remaining recommendations of staff and the Planning and Zoning Commission.

Mr. Tarpley expressed concern for this type of business along the I 30 corridor and stated that he would not be able to support the application.

Greg Kubic, 960 Rockledge Drive, Garland, submitted a registration card expressing support for the proposed zoning application but did not wish to speak.

No others appeared regarding the proposed zoning change. Mayor Pro Tem Paschall declared the public hearing closed.

Mr. Pickett expressed support for a garden nursery at this site and that this use would help upgrade the area.

Mr. Pickett moved to approve Application No. CV17-7 for a zoning changing from Service Station to Planned Development – General Retail to allow the property to be used for a garden nursery in addition to other uses allowed, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Allow uses permitted by right under the General Retail zoning excluding uses that fall under the following Standard Industrial Classification (SIC):
  - a. SIC Code: 6099 Check Cashing Agencies
  - b. SIC Major Group Numbers:
    - (1) SIC Group 61 Nondepository Credit Institutions including similar uses such as payday loans
    - (2) SIC Group 721 Laundry, Cleaning and Garment Services
    - (3) SIC Group 75 Automotive Repair, Services
    - (4) SIC Group 55 Automobile Dealers, Service Stations
2. Removal of the existing pole sign located on the site.
3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the Community Appearance Manual.
5. The proposed renovation of the canopy may be placed with a minimum 12-foot setback from the street right-of-way line.

6. The site shall comply with the landscaping requirements set out in the Mesquite Zoning Ordinance.
7. Masonry dumpster screening that matches the building.
8. Fencing shall be limited to the following:
  - a. A height of six feet or less.
  - b. Black coated or wrought iron fence material.
  - c. Consist of masonry columns along Hyde Park Drive and IH-30 right-of-way.
9. Outdoor display and storage shall be limited to products related to the garden nursery use.

And, to approve Ordinance No. 3877, 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 SERVICE STATION TO PLANNED DEVELOPMENT – GENERAL RETAIL SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Heiman. On call for a vote on the motion, the following votes were cast:

Ayes: Pickett, Heiman, Paschall, Roberts, Monaco  
Nayes: Tarpley  
Absent: Anderson

Motion carried. (Ordinance No. 3877 recorded on page of Ordinance Book No. 87.)

11. PUBLIC HEARING – ZONING – APPLICATION NO. 1-38 SUBMITTED BY DOWDEY ANDERSON & ASSOCIATES ON BEHALF OF WHITE PROPERTIES FOR A ZONING CHANGE FROM AGRICULTURAL TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL TO ALLOW SINGLE-FAMILY RESIDENTIAL AND SUPPORTING USES AT THE WEST CORNER OF THE EAST CARTWRIGHT ROAD AND LAWSON ROAD INTERSECTION – APPROVED WITH CERTAIN STIPULATIONS.

Mr. Pickett abstained from voting on this item and left for the remainder of the meeting.

A public hearing was held to consider Application No. 1-38 submitted by Dowdey Anderson & Associates on behalf on White Properties for a zoning change from Agricultural to Planned Development – Single Family Residential to allow single-family residential and supporting uses in the J. P. Anderson Survey, Abstract No. 1. This property is further described as a 270-acre tract located at the west corner of the East Cartwright Road and Lawson Road intersection.



Don Paschal, Goodman Land Advisors, presented the zoning application. He stated that only the best, highest-quality home builders will be utilized in this development. Goodman Land Advisors has completed 2,000 lots since 2000 when the company was formed and currently has 850 lots underway in six different developments. The proposed Ridge Ranch development is in close proximity to one of the potential locations for the proposed State Highway 190 which will link U.S. Highway 80 to IH 20 in southeast Mesquite.

Four distinct blended villages are proposed for the Ridge Ranch Development: (1) Ridge Ranch Sunrise; (2) Ridge Ranch Homestead; (3) Ridge Ranch Villas – garden-type homes separated by an alley which will provide access to the units; and (4) Ridge Ranch Crossing. All homes will provide 100-percent masonry fronts except for areas that are off set from the vertical plane of the first floor exterior wall, 100-percent masonry on all sides that face a street or open space and 90-percent masonry on all other walls.

Mr. Paschal stated that the development will be constructed in three phases with approximately 18 months between each phase. Total build-out for the development is predicted to result in \$190 million in taxable property value. Enhanced components in the community include designer-type streetlights and signs, coordinating mailboxes, village entrance identification and enhanced home builder landscaping.

Mr. Paschal stated that the monument entry into Ridge Ranch will consist of a 12- to 15-foot masonry wall, a pedestrian walkway and divided roadway into the development. The roadway will contain distinct pavement markings that lead to a traffic-calming device or roundabout which will serve as the focal point of the development. The roundabout will be approximately 330 feet in diameter and contain two acres of land. Extensive landscaping will be visible throughout the development. Screening will consist of masonry columns and landscaped wrought iron-type fencing. Mr. Paschal stated that all screening walls will be designed by a structural engineer and will meet all wind loading requirements. Maintenance of the screening walls will be the responsibility of the homeowners' association.

Mr. Paschal stated that the Ridge Ranch development will contain single-loaded streets adjacent to open spaces with natural landscaping and screening. Land has been designated for a joint elementary school and park site and high school expansion. Also, over 50 acres will be utilized for open space such as parks, hike and bike trails and amenity center. Sidewalks will provide access to schools, parks and open space. An eight-foot trail will be constructed along Cartwright Road, outside of the screening wall, which will become part of the City's overall trail system. The amenity center, which will be constructed in the first phase, will include a swimming pool, splash park and playground equipment.

Mr. Paschal stated that the distinctive design of the Ridge Ranch community will provide over 2,750 square feet of open space per lot. Approximately \$4,125 in amenities will be included per lot, not including the open space, totaling over \$5,000 in the average amenities package per lot and generating at least \$20,000 in additional value to the average home cost. The project will have a blended variety of housing products that will create a high-quality neighborhood. The emphasis of the development includes quality masonry, creative elevations and floor plans and distinctive and diverse streetscapes.

Mr. Paschal stated that the density of the community will not exceed 3.16 homes maximum per gross acre. He stated that Goodman Land Advisors has agreed to move the six-foot trail to the open space side of the collector street, add an improved access point connecting Area 1 and Horn High School and all public frontages will contain the standard four-foot sidewalk installed with the homes except inside the traffic roundabout, around Area 4 and along the south side of the collector street from the amenity center to Lawson Road. In response to the anti-monotony provision, the same home design will not be repeated more than once in every eight lots and no more than twice in any block. Mr. Paschal added that the exterior walls of all main structures will be constructed using unit veneer masonry or stucco.

Mr. Paschal stated that Phase One of the project will include approximately 50 percent of the Villas townhomes. The remaining 50 percent will include construction of equal numbers of the other three villages.

Mr. Paschal stated that Goodman Land Advisors met with citizens on Saturday, August 4, regarding the proposed Ridge Ranch development. As a result of this meeting, the square footages of homes have been increased from a range of 1,400 to 2,000 square feet to a range of 1,600 to 2,250 square feet.

Councilmembers requested the developer agree to increase the lot sizes as follows: 1,600-square-foot Villas to 1,800 square feet; 1,700-square-foot models to 1,800 square feet; 1,800-square-foot models to 2,000 square feet and 2,000-square-foot models and up to 2,500 square feet.

Steve Goodman, Goodman Land Advisors, agreed with the proposed minimum square footages as requested by Council; however, he requested that development include the ability to reduce square footage by 10 percent on 10 percent of the homes.

Mr. Goodman stated that he would consider creating a Public Improvement District for this development. He stated that the possibility has been discussed to develop the Villas as a gated community. If this happens, the homeowners' association dues would be utilized to maintain the front yards of the Villas to include mowing, fertilizing and maintaining sprinkler systems for all units and maintaining the private streets.

Some Councilmembers expressed support for a gated community for the Villas. City Manager Ted Barron stated that other cities have utilized development agreements to provide some support for developers to incorporate gated communities into their designs. Mr. Goodman stated that he could not commit to gate the community without financial support from the City.

Mr. Paschal stated that negotiations with developers will not begin until the zoning application has been approved. However, Mr. Goodman has visited with some high-quality builders that he typically works with such as David Weekley Homes, K. Hovnanian Homes, Darling Homes and Drees Custom Homes.

The following persons submitted registrations cards in opposition of the proposed zoning application but did not wish to speak: (1) Travis and Kim Sullivan, 2900 Edwards Church Road; (2) Linda Cox, 4017 East Cartwright Road; (3) Elena Dominguez, 4067 East Cartwright Road; (4) Bill and Anna Huddleston, 2312 Boardwalk; (5) Fred Petsch, 2422 Decoy Drive; (6) Carol Gorgal, 3737 East Cartwright Road; (7) Don Kirkpatrick, 2428 Buck Drive; (8) Keith Ristau, 2501 Buck Drive; (9) Dorothy Stuper-Petsch, 2422 Decoy Drive and (10) Ken Bryant, 2836 Shelduck Drive.

Lynn Lopez, 2602 Crosscreek Lane, submitted a registration card in support of the proposed zoning application but did not wish to speak.

The following persons spoke in opposition to the proposed zoning application: (1) Rafael Gorgal, 3737 Cartwright Road; (2) Cynthia Thichava, 2925 Jeremy Drive; (3) Mike James, 4079 East Cartwright Road; (4) Austin Horton, 2504 Redfield Drive; (5) Hayden Arnold, 2426 Whitetail Drive; (6) Karen L. Dyer, 2450 Edwards Church Road; (7) Frank W. Smith, 2432 Waterloo Lane; (8) Therese Paterka, 2604 Buck Drive; (9) Jim Collins, 2500 Edwards Church Road; (10) Aubrey Cox, 4017 East Cartwright Road; (11) Gene Streetman, 5255 Milam Road; (12) Kelly Arnold, 2426 Whitetail Drive; (13) James Kryfko, 4425 East Cartwright Road; (14) Steven Collins, 2500 Edwards Church Road; (15) Lantre Conrad, 3009 Blue Heron Drive; (16) Patricia Remmers, 2832 Shelduck Drive; (17) John LeFevers, 836 Via Altos and (18) Chris Cole, 4737 Avocet Drive.

Rafael Gorgal, 3737 Cartwright Road, presented a PowerPoint presentation highlighting the major concerns of surrounding property owners as follows: (1) too many small homes; (2) increased traffic on Cartwright Road; (3) drainage concerns; (4) continued overcrowding of schools; (5) possible decrease in property values; (6) less than optimum use of this parcel of land; (7) insufficient supporting retail development in southeast Mesquite and (8) residents leaving Mesquite to acquire larger homes in surrounding communities. He stated that over 600 petitions against the proposed development have been received.

Ray Stewart, 2201 Cantura Drive, and Linda Ragsdale, 2606 Crosscreek Lane, spoke in support of the proposed zoning application.

Eddie Collins, with Goodman Land Advisors, explained that the drainage issues are being reviewed by a preeminent professor at the University of Texas at Arlington. The design will ensure that no runoff will flow onto any adjacent property.

Mr. Goodman stated that the average home price in Phase One will be \$212,000. The larger homes will range in price from \$250,000 to \$300,000. Phases Two and Three will include more expensive homes. He agreed that the same exterior brick would not be used within two homes or directly across the street. Mr. Goodman added that the entire development will be completed in approximately six years which will allow the Mesquite Independent School District ample time to address the need for additional school facilities.

No others appeared regarding the proposed zoning change. Mayor Pro Tem

Paschall declared the public hearing closed.

A brief recess was taken.

Mr. Heiman stated that the economy has suffered in the past seven years and citizens are looking for quality in homes rather than increasing the size of homes. He added that the City Council has the responsibility to keep the economy growing. Therefore, he spoke in support of the proposed zoning application.

Ms. Roberts expressed support for changing the image of Mesquite by offering an upscale neighborhood with multiple amenities and a homeowners' association.

A brief recess was taken.

Mayor Pro Tem Paschall spoke in opposition of the zoning application. He expressed support for the City's Comprehensive Plan which outlines the highest and best use for properties and explained that the Plan specifies the proposed site's best and highest use is as a low-density neighborhood with larger lots, providing a full range of housing choices in the City. As a member of the Southeast Mesquite Task Force, he supported the committee's finding that few opportunities remain for larger lot/lower density developments. Mr. Paschall expressed concern regarding making the Villas townhome project a gated community, requiring taxpayers to subsidize the development. He added that, if the development is approved, the developer should agree in writing to all the features and amenities he has offered today. As the last large residential tract, this is the last opportunity to develop larger homes on larger lots.

Mr. Tarpley explained that City Councilmembers past and present have questioned why more commercial and retail businesses haven't developed in southeast Mesquite. He stated that the proposed high-quality residential development may encourage supporting retail uses to develop as a way to bring in a larger tax base. He added that he would be supporting the zoning application.

Mr. Monaco expressed appreciation to everyone who voiced their opinions regarding this zoning application. He stated that the focus on the proposed project should be more than the homes sizes but the package of amenities being offered. He stated that this is the right time and place for a mixed-use, upscale development and he would be supporting the application.

Richard Gertson, Director of Community Development, stated that if the application is approved today, staff will prepare an ordinance for consideration at a future meeting outlining the specific stipulations discussed including but not limited to: (1) the applicant's concept plan along with the final minimum home sizes offered as 1,800, 2,000 and 2,500 square feet, allowing the 10/10 rule and (2) additional amenities and features including revisions to the trail system. At the core of the approval are the concept plan as presented by the applicant including a density of approximately 3.16 units, resolution of differences from the patio home ordinance, the approved 10/10 rule, an amenity package as presented, apparent agreement with staff on the masonry and anti-monotony requirements and revisions to the

connectivity plan. Mr. Gertson stated that a motion to approve the applicant's concept plan with square footages, density, etc., as discussed will be sufficient to direct staff to prepare an ordinance in support of the motion.

Mr. Heiman moved to approve the concept plan as presented, including the square footages as follows: a minimum of 1,800 square feet in the Villas and Sunrise villages with the square footage reduced by a maximum of 10 percent on a maximum of 10 percent of the homes; 2,000 square feet in the Homestead village and 2,500 square feet in the Crossing section with the square footage reduced by a maximum of 10 percent on a maximum of 10 percent of the homes; the amenity center to be built as presented in the time frame presented; other amenities such as have been presented during this meeting will be listed on an ordinance and brought to Council at a future meeting for approval. Also, if there are any discrepancies between the applicant and City staff regarding what has been approved, the discrepancies shall be returned to the City Council for resolution. The site plan shall be reviewed by the City Council. The PowerPoint presentation made by the applicant will be made part of the application file. Pavement variances as outlined by staff shall be granted, including reduction in right-of-way widths on local streets from 65 feet to 50 feet and pavement widths from 31 feet to 27-29 feet. Motion was seconded by Mr. Tarpley. On call for a vote on the motion, the following votes were cast:

Ayes:	Heiman, Tarpley, Roberts, Monaco
Nayes:	Paschall
Abstention:	Pickett
Absent:	Anderson

Motion carried.

**RECEIPT OF RESIGNATION.**

12. **RESIGNATION RECEIVED FROM DARLENE AGUILAR AS A MEMBER OF THE CIVIL SERVICE COMMISSION AND PERSONNEL/TRIAL BOARD.**

Mr. Heiman moved to accept the resignation of Darlene Aguilar as a member of the Civil Service Commission and Personnel/Trial Board. Motion was seconded by Mr. Monaco and approved unanimously.

Mr. Monaco moved to adjourn the meeting. Motion was seconded by Ms. Roberts and approved unanimously. The meeting adjourned at 8:15 p.m.

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Judy Womack  
City Secretary

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David Paschall  
Mayor Pro Tem