

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT NOON, JULY 7, 2008, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – NOON.

The City Council met in the City Council Conference Room beginning at noon to discuss the items on the Work and Regular Agenda and discuss: (1) the status of projects impacting Lawson Road; (2) proposed ordinance regarding pennants and pole signs, (3) proposed 2008-09 budgets for the Finance Department, Housing and Community Services Department and Airport, (4) employee and retiree medical plans and (5) proposed ordinances amending the Subdivision Ordinance, City Codes and Schedule of Administrative Fees.

(1) It was Council consensus to have staff work with Dallas Water Utilities to minimize the right-of-way impact on developable properties in conjunction with the Lawson Road Reconstruction Project.

WORK SESSION – CITY COUNCIL CHAMBER – 1:10 P.M.

A. MONTHLY FINANCIAL REPORT FOR APRIL 2008 - RECEIVED.

Don Simons, Director of Finance, presented the monthly financial report for April 2008.

The Work Session ended at 1:22 p.m.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:03 P.M.

Invocation was given by Fred Bacon, Pastor, First Christian Church, Mesquite, Texas.

The Pledge of Allegiance was led by Emily Lynch, Kyla Lynch and Baylee Newbern, participants in the Summer Reading Club at the Mesquite Public Library.

PRESENTATION OF CERTIFICATE.

1. PRESENTATION OF CERTIFICATE OF ELECTION TO COUNCILMEMBER AL FORSYTHE, PLACE 2.

A Certificate of Election was presented to Councilmember Al Forsythe, Place 2.

CITIZENS INPUT HEARING.

2. PUBLIC HEARING – RECEIVE INPUT FROM CITIZENS REGARDING THE PROPOSED 2008-09 BUDGET – HELD.

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A public hearing was held to receive input from citizens regarding the proposed 2008-09 Budget. A second public hearing will be held July 21, 2008, at 3:00 p.m. in the City Council Chamber.

No one appeared regarding the proposed 2008-09 Budget. Mayor Monaco declared the public hearing closed.

CONSENT AGENDA.

Item Nos. 5, 7 and 16 were removed from the Consent Agenda to be considered separately. Mr. Pickett moved to approve the remaining items on the Consent Agenda, as follows. Motion was seconded by Ms. Roberts and approved unanimously.

3. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 16, 2008, AND THE SPECIAL CITY COUNCIL MEETING HELD JUNE 24, 2008.
4. ORDINANCE NO. 3964 – ADOPTING THE ALLEY PAVING PETITION POLICY.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING THE ALLEY PAVING PETITION POLICY; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE. (Ordinance No. 3964 recorded on page _____ of Ordinance Book No. 91.)

6. ORDINANCE NO. 3965 – AMENDING CHAPTER 13 OF THE CITY CODE REGARDING BILLBOARDS AND MONUMENT SIGNS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN ARTICLES I AND IV OF CHAPTER 13 THEREBY UPDATING THE REGULATIONS ON SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3965 recorded on page _____ of Ordinance Book No. 91.)

8. RESOLUTION NO. 31-2008 – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE MATERIALS AND SERVICES FOR TRAFFIC SIGNALS FOR THE U.S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE PROJECT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE AGREEMENT FOR TRAFFIC SIGNALS (STATE CONTRACTED AND WITH A MUNICIPALITY PROVIDING LIMITED MATERIALS AND/OR LABOR AND/OR EQUIPMENT) WITH THE TEXAS

DEPARTMENT OF TRANSPORTATION FOR THE U.S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE PROJECT IN THE CITY OF MESQUITE. (Resolution No. 31-2008 recorded on page of Resolution Book No. 41.)

9. RESOLUTION NO. 29-2008 – AUTHORIZING THE EXECUTION OF THE 2008 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS SHARING AGREEMENT BETWEEN THE COUNTY OF DALLAS AND THE CITIES OF DALLAS, GARLAND, GRAND PRAIRIE, IRVING AND MESQUITE; AUTHORIZING THE SUBMITTAL OF A JOINT GRANT APPLICATION TO THE UNITES STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE EXECUTION OF A FISCAL AGENCY AGREEMENT BETWEEN THE COUNTY OF DALLAS AND THE CITY OF MESQUITE, DESIGNATING THE CITY OF DALLAS AS THE APPLICANT AND FISCAL AGENT OF THE JOINT GRANT APPLICATION IN THE AMOUNT OF \$11,732.32; CONCURRING IN THE TRANSFER OF ALLOCATED FUNDS; AND DESIGNATING A RESPONSIBLE OFFICER TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE GRANT.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE POLICE CHIEF TO EXECUTE THE 2008 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FUNDS SHARING AND FISCAL AGENCY AGREEMENT BETWEEN THE COUNTY OF DALLAS AND THE CITIES OF DALLAS, GARLAND, GRAND PRAIRIE, IRVING AND MESQUITE; AND DESIGNATING THE POLICE CHIEF AS THE RESPONSIBLE OFFICER FOR THE PURPOSE OF SIGNING ALL DOCUMENTS ASSOCIATED WITH THE GRANT. (Resolution No. 29-2008 recorded on page of Resolution Book No. 41.)

10. BID NO. 2008-088 – CITY LAKE PARK LAKE SPILLWAY REPAIRS –AWARDED TO LOW BIDDER M&S CONTRACTORS IN THE AMOUNT OF \$51,125.63, ACCEPTING A CHANGE ORDER REDUCING THE CONTRACT BY \$4,500.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS RELATING TO THE CONTRACT AND CHANGE ORDER.
11. BID NO. 2008-094 – ANNUAL BID FOR MOTOR VEHICLE HYDRAULIC PARTS AND REPAIRS - AWARDED TO HERCO EQUIPMENT, INC., THROUGH AN INTERLOCAL AGREEMENT WITH THE CITY OF IRVING IN THE TOTAL AMOUNT OF \$70,000.00.
12. CITY MANAGER AUTHORIZED TO EXECUTE A CONTRACT WITH CLARION ASSOCIATES FOR CREATION OF A UNIFIED DEVELOPMENT CODE IN AN AMOUNT NOT TO EXCEED \$192,280.00.
13. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO A CONTRACT WITH BINKLEY & BARFIELD CONSULTING ENGINEERS, INC., FOR ADDITIONAL ENGINEERING AND SURVEYING SERVICES IN CONJUNCTION WITH THE 2007-08 ASPHALT STREET RECONSTRUCTION

AND OVERLAY PROJECT IN THE AMOUNT OF \$19,000.00.

14. CITY MANAGER AUTHORIZED TO EXECUTE CHANGE ORDER NO. 2 TO CITY CONTRACT NO. 2007-004 WITH REBCON, INC., IN CONJUNCTION WITH THE TRIPP ROAD PAVING, DRAINAGE, WATER, SANITARY SEWER AND AESTHETIC ENHANCEMENT PROJECT IN THE AMOUNT OF \$36,693.00.
15. CITY MANAGER AUTHORIZED TO EXECUTE AMENDMENT NO. 4 TO AN ENGINEERING DESIGN SERVICES CONTRACT WITH WILSON & COMPANY FOR RENOVATION OF FIVE RECREATION FACILITY PARKING LOTS IN THE AMOUNT OF \$3,550.00.

CONSENT AGENDA ITEMS CONSIDERED SEPARATELY.

5. CONSIDER AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE REGARDING LANDSCAPE MAINTENANCE – POSTPONED UNTIL THE JULY 21, 2008, CITY COUNCIL MEETING.

Ms. Roberts moved to postpone consideration of an ordinance amending Chapter 10 of the City Code regarding landscape maintenance until the July 21, 2008, City Council meeting. Motion was seconded by Mr. Pickett. On call for a vote on the motion, the following votes were cast:

Ayes: Roberts, Pickett, Monaco, Forsythe

Nays: Tarpley, Noschese

Motion carried.

7. ORDINANCE NO. 3966 - AMENDING CHAPTER 15 OF THE CITY CODE REGARDING THE METHOD OF PAYMENT FOR THE 50/50 COST SHARE PROGRAM TO RECONSTRUCT OR REPAIR EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES – APPROVED.

Mr. Tarpley stated that the 50/50 Cost Share Program allows residents to pay only fifty percent of the established unit prices for replacement or repair of sidewalks, curb and gutters, and driveway approaches with the City of Mesquite paying the remaining 50 percent. He explained that the proposed amendment will eliminate the eight percent interest charge allowing citizens to pay for the improvements over a 12- or 24-month period without interest. Interest will only be charged on any unpaid balance after the agreed payment schedule.

Mr. Tarpley moved to approve Ordinance No. 3966, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF MESQUITE BY DELETING SECTION 15-44(C)(4) IN ITS ENTIRETY AND ADDING A NEW SECTION 15-44(C)(4) REGARDING THE METHOD OF PAYMENT FOR THE 50/50 COST SHARE PROGRAM TO RECONSTRUCT OR REPAIR EXISTING SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED

FIVE HUNDRED (\$500) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF. Motion was seconded by Mr. Pickett and approved by all voting "Aye." (Ordinance No. 3966 recorded on page of Ordinance Book No. 91.)

16. CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH MESQUITE SOCIAL SERVICES FOR LEASE OF THE JEWELL WESTMORELAND SOCIAL SERVICES BUILDING LOCATED AT 1035 MILITARY PARKWAY – POSTPONED UNTIL THE JULY 21, 2008, CITY COUNCIL MEETING.

Mr. Noschese moved to postpone consideration of a lease with Mesquite Social Services for lease of the Jewell Westmoreland Social Services Building located at 1035 Military Parkway until the July 21, 2008, City Council meeting. Motion was seconded by Mr. Tarpley and approved unanimously.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

17. A. PUBLIC HEARING – CONSIDER THE FILING OF GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU) AND THE TEXAS DEPARTMENT OF TRANSPORTATION FOR ELDERLY AND DISABLED TRANSPORTATION CAPITAL AND OPERATING ASSISTANCE - HELD.

A public hearing was held to allow input by citizens regarding the filing of grant applications with the Federal Transit Administration under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the Texas Department of Transportation for Elderly and Disabled Transportation Capital and Operating Assistance.

No one appeared regarding filing of grant applications. Mayor Monaco declared the public hearing closed.

- B. RESOLUTION NO. 30-2008 – AUTHORIZING SUBMISSION OF GRANT APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU) AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATIONS - APPROVED.

Mr. Pickett moved to approve Resolution No. 30-2008, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE AN APPLICATION AND RELATED DOCUMENTS WITH

THE FEDERAL TRANSIT ADMINISTRATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU), AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE AN APPLICATION WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR STATE ASSISTANCE FOR TRANSIT PROJECTS. Motion was seconded by Mr. Tarpley and approved by all voting "Aye." (Resolution No. 30-2008 recorded on page of Resolution Book No. 41.

18. A. PUBLIC HEARING – TO CONSIDER AMENDING ARTICLES III, IV, VII AND IX OF THE MESQUITE SUBDIVISION ORDINANCE ESTABLISHING CERTAIN ADMINISTRATIVE PROCESSING FEES, CLARIFYING SITE IMPROVEMENTS SUBJECT TO INSPECTION FEES AND ESTABLISHING AN EXPIRATION PROCESS FOR ENGINEERING PLAN SUBMITTAL APPLICATIONS – POSTPONED UNTIL THE JULY 21, 2008, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider amending Articles III, IV, VII and IX of the Mesquite Subdivision Ordinance establishing certain administrative processing fees, clarifying site improvements subject to inspection fees and establishing an expiration process for engineering plan submittal applications.

Mr. Pickett moved to postpone the public hearing regarding amendments to the Mesquite Subdivision Ordinance until the July 21, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- B. CONSIDER AN ORDINANCE AMENDING ARTICLES III, IV, VII AND IX OF THE MESQUITE SUBDIVISION ORDINANCE – POSTPONED UNTIL THE JULY 21, 2008 CITY COUNCIL MEETING.

Mr. Pickett moved to postpone consideration of an ordinance amending Articles III, IV, VII and IX of the Mesquite Subdivision Ordinance until the July 21, 2008, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

19. PUBLIC HEARING – ZONING – CONSIDER APPLICATION NO. EP-11 SUBMITTED BY ALKA PATEL, ALKA ENTERPRISE, INC., FOR A ZONING CHANGE FROM SERVICE STATION TO PLANNED DEVELOPMENT – GENERAL RETAIL TO ALLOW THE PROPERTY TO BE USED FOR THE EXPANSION OF A CONVENIENCE STORE IN ADDITION TO OTHER USES IN BLOCK A, LOT 1, EASTFIELD PLAZA, LOCATED AT 3021 BIG TOWN BOULEVARD, AT THE SOUTHWEST CORNER OF BIG TOWN BOULEVARD AND JOHN WEST ROAD – APPLICATION WITHDRAWN BY APPLICANT.

A public hearing was scheduled to be held to consider Application No. EP-11 submitted by Alka Patel, Alka Enterprise, Inc., for a zoning change from Service Station to Planned Development – General Retail to allow the property to be used for the expansion of a convenience store in addition to other uses in Block A, Lot 1, Eastfield Plaza. This property is located at 3021 Big

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Town Boulevard at the southwest corner of Big Town Boulevard and John West Road. This item was postponed at the June 2, 2008, and June 16, 2008, City Council meetings.

It was announced that Ms. Patel had withdrawn Application No. EP-11.

20. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-261 SUBMITTED BY JIM LANG, HQZ PARTNERS, LP., AND ORDINANCE NO. 3967 FOR A ZONING CHANGE FROM LIGHT COMMERCIAL AND OFFICE TO PLANNED DEVELOPMENT – MIXED USE TO ALLOW THE PROPERTY TO BE USED FOR RETAIL, MEDICAL, RESIDENTIAL, HOTEL AND OFFICE USES IN ADDITION TO OTHER USES IN ABSTRACT 1462 – APPROVED.

A public hearing was held to consider Application No. 1462-261 submitted by Jim Lang, HQZ, Partners, LP., and an ordinance for a zoning change from Light Commercial and Office to Planned Development – Mixed Use to allow the property to be used for retail, medical, residential, hotel and office uses in addition to other uses in Abstract 1462. This property is further described as a 60.31-acre tract located between Peachtree Road and IH 635, on the south side of Gross Road.

Jim Lang, representing HQZ Partners, LP., presented the zoning application which would allow the property to be developed with a variety of uses including retail, medical, residential, hotel and office. He explained that the project would be developed in four phases, as follows: (1) construction of a bridge to connect two segments separated by a large easement and flood plain, (2) medical wellness facility, (3) hotel and conference center and (4) retail center.

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

Mr. Pickett moved to approve Application No. 1462-261 for a zoning change from Light Commercial and Office to Planned Development – Mixed Use, as recommended by the Planning and Zoning Commission, with the following stipulations:

1. Concept Plan
The Planned Development (“PD”) shall develop consistent with the Concept Plan attached to the ordinance as Exhibit “A.” Where the Concept Plan and PD ordinance text are in conflict, the ordinance text shall rule.
2. Permitted Uses
 - a. Residential. All uses listed in Section 2-203(A) of the Mesquite Zoning Ordinance with the exception of Mobile Home Parks.
 - b. Residential dwellings incorporated within structures housing other permitted uses.
 - c. Conference Facilities.
 - d. Uses permitted in the Mixed Use District as shown in Section 3-203 of the Mesquite Zoning Ordinance with the following exceptions:
 - i. Agriculture, Mining, Construction and Manufacturing
SIC Codes 01-3199 All Uses
 - ii. Retail Trade

- SIC Code 521: Lumber and Other Building Materials
- SIC Code 526: Retail Nurseries, Garden Supply
- SIC Group 55: Automobile Dealers, Service Stations
- SIC Code 593: Used Merchandise Stores
- SIC Group 596: Non-Store Retailers
- SIC Code 5999: Miscellaneous Retail NEC
- iii. Finance, Insurance, Real Estate
 - SIC Code 60a: Alternative Financial Establishments
 - SIC Code 61: Non-depository Institutions
 - SIC Code 6553: Cemetery Development/Operation
- iv. Services
 - SIC Code 701b: Limited Service Hotel/Motel
 - SIC Group 721: Laundry, Cleaning, Garment Services, with the exception of Dry Cleaners, which shall be permitted
 - SIC Code 726: Funeral Service, Crematories
 - SIC Code 7299: Miscellaneous Personal Services NEC
 - SIC Group 73: Business Services, with the exception of Photocopying, Duplicating Services which shall be permitted
 - SIC Group 75: Automotive Repair, Services
 - SIC Group 76: Miscellaneous Repair Services, with the exception of incidental repair services associated with a permitted retail use, which shall be permitted
 - SIC Code 781: Motion Picture Production
 - SIC Code 782: Motion Picture Distribution
 - SIC Code 7993: Coin-Operated Amusement Game Room
 - SIC Code 824: Vocational Schools
 - SIC Group 83: Social Services
- v. Public Administration
 - SIC Code 9223: Correctional Institutions
- vi. Accessory Uses and Structures
 - Outdoor Display and Storage
 - Coin-Operated Amusement Devices
 - Drive-Through Facilities

3. Signage

- a. Pole signs shall be prohibited.

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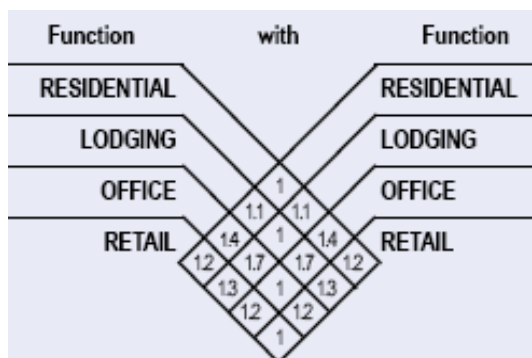
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- b. A maximum of three monument signs shall be permitted along Interstate Highway 635 (“IH-635”) frontage.
 - c. A maximum of three monument signs shall be permitted along the Peachtree Road frontage. Each sign shall be located within 50 feet of a drive or street intersection with Peachtree Road unless otherwise approved by the Director of Community Development.
 - d. One monument sign may be located along the east-west local street that connects Peachtree Road to IH-635.
 - e. Free-standing signs permitted in accordance with this ordinance may advertise any business located within the PD, regardless of individual lot lines, without being considered off-premise (billboard) signage.
 - f. On building façades facing IH-635, Peachtree Road or the east-west street connecting the two, wall signs, window signs and blade signs shall be permitted. All other building façades may have blade signs only.
 - i. Wall signs shall not exceed three feet in height, one-third of the width of the façade and 40 square feet in area, with the exception of a hotel and a medical complex which may each have one wall sign up to 60 square feet in area if such sign is at least 40 feet above the adjacent ground.
 - ii. Blade signs shall be installed perpendicular to the façade, shall not exceed four square feet in area and shall clear eight feet but not more than 12 feet above the sidewalk. Blade signs may project over the public right-of-way but must be a minimum of two feet from the edge of any street. Each business may have one blade sign per street, sidewalk or other travel way frontage.
 - iii. Signage shall be externally illuminated with the exception of window signage which may be neon lit.
4. Landscaping that includes:
- a. One shade tree a maximum of every 30 feet measured on center along all streets, trails and other travel ways.
 - b. Decorative plantings and/or landscaping around monument signs.
 - c. Parking lot landscaping:
 - i. Parking lot trees shall be required at a rate of one tree per 10 parking spaces in surface parking lots.
 - ii. Each tree shall be placed in a landscaped area no smaller than nine feet by 18 feet.
 - iii. Existing trees located within proposed parking lot areas shall be incorporated into the parking lots if those trees’ species are listed in Section 1A-500 of the Mesquite Zoning Ordinance. Such trees may be credited toward the parking lot tree requirement (Section 4(c)(i) above).
 - d. Driveway medians shall be landscaped.
 - e. Enhanced landscaping at all driveways going to or from public streets that at a minimum shall consist of the following:
 - i. Bushes or hedges.
 - ii. Flowerbeds and/or low ground plantings.
5. Fences and Screening
- a. Fencing and screening shall consist of wrought iron, live plantings or any combination of the two.

- b. Solid waste dumpsters shall be screened using the same materials as the dominant material on the primary façade of the most proximate building.
- 6. Outdoor Display and Storage shall be prohibited.
- 7. Pedestrian Facilities
 - a. A 12-foot pedestrian trail shall be provided through the site in accordance with the Mesquite Trails Master Plan.
 - b. Pedestrian facilities shall be provided throughout the development that link the various uses and parcels within the PD.
 - c. Sidewalks along the health care village street shall be a minimum of seven feet in width.
- 8. Utilities and Lighting
 - a. All new utility lines shall be placed underground.
 - b. All public lighting standards and fixtures shall be ornamental in design.
- 9. Bulk Regulations
 - a. Maximum height – none.
 - b. Setback requirements. There shall be no building setback requirements in the PD with the exception that buildings must be a minimum of 25 feet from the property line along IH-635 frontage and five feet from property lines along other streets bordering the PD.
- 10. Parking
 - a. Parking lots adjacent to Peachtree Road and IH-635 shall have a maximum of one parking aisle (two rows of spaces) with only one exception. When parking lots are adjacent to a conference center, hotel or any structure exceeding two stories in height, there shall be a maximum of two parking aisles (four rows of spaces).
 - b. Parking structures shall have liner buildings at the first story. Liner buildings may go above the first story.
 - i. Liner buildings may include uses permitted in this ordinance.
 - ii. Uses in liner buildings less than 30 feet in depth and no more than two stories in height shall be exempt from parking requirements.
 - c. Parking spaces shall be provided at the following minimums except where parking is shared as provided for in “e” below:
 - i. Office Three per 1,000 square feet
 - ii. Retail Four per 1,000 square feet
 - iii. Residential 1.5 per dwelling
 - iv. Lodging One per guest room
 - v. Conference facility Four per 1,000 square feet*

*May be reduced to three per 1,000 square feet if a hotel is also on site.

 - vi. Other uses as required by the Mesquite Zoning Ordinance
- d. The number of surface parking spaces for uses that include structured parking shall be no more than 25 percent of the required parking. The maximum number of surface parking spaces for uses with no structured parking shall be the minimum requirement plus 10 percent.
- e. Parking may be shared according to the chart below. To determine the parking requirement for uses sharing spaces, the total number of spaces required for each use individually should be calculated and then divided by the appropriate number as found in the table below.



And, to approve Ordinance No. 3967, 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 GENERAL RETAIL, LIGHT COMMERCIAL AND OFFICE TO PLANNED DEVELOPMENT – MIXED USE WITH 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 Ms. Roberts and approved by all voting “Aye.” (Ordinance No. 3967 recorded on page of Ordinance Book No. 91.)

21. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-262 AND ORDINANCE NO. 3968 FOR A ZONING CHANGE FROM OFFICE TO GENERAL RETAIL TO ALLOW THE PROPERTY TO BE USED FOR RETAIL AND OFFICE USES IN ADDITION TO OTHER USES IN ABSTRACT NO. 1462 ON A 2.362-ACRE TRACT LOCATED AT 2620 GUS THOMASSON ROAD – APPROVED.

A public hearing was held to consider Application No. 1462-262 for a zoning change from Office to General Retail to allow the property to be used for retail and office uses in addition to other uses in Abstract 1462. This property is further described as a 2.362-acre tract located at 2620 Gus Thomasson Road.

Jeffrey Armstrong, Manager of Planning, explained that the proposed application will correct an oversight that became apparent as the tract developed and will remove the existing split zoning on the strip shopping center known as Woodberry. The proposed General Retail zoning will allow various retail and service uses on the tract.

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

Mr. Tarpley moved to approve Application No. 1462-262, as recommended by the Planning and Zoning Commission, and Ordinance No. 3968, AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 21, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM OFFICE TO GENERAL RETAIL THEREBY ALLOW RETAIL

AND OFFICE USES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Mr. Noschese and approved by all voting "Aye." (Ordinance No. 3968 recorded on page _____ of Ordinance Book No. 91.)

APPOINTMENTS TO BOARDS AND COMMISSIONS.

22. APPOINTMENT OF ONE MEMBER TO THE MESQUITE HOUSING BOARD FOR A TERM TO EXPIRE DECEMBER 3, 2008 – APPROVED.

Mr. Pickett moved to appoint Betty Leonardo as a member of the Mesquite Housing Board for a term to expire December 3, 2008. Motion was seconded by Mr. Forsythe and approved unanimously.

23. APPOINTMENT OF ONE MEMBER TO THE MESQUITE HOUSING FINANCE CORPORATION FOR A TERM TO EXPIRE DECEMBER 31, 2009 – APPROVED.

Mr. Tarpley moved to appoint Al Forsythe as a member of the Mesquite Housing Finance Corporation for a term to expire December 31, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

24. APPOINTMENT OF ONE MEMBER TO THE MESQUITE HEALTH FACILITIES DEVELOPMENT CORPORATION FOR A TERM TO EXPIRE DECEMBER 31, 2009 – APPROVED.

Mr. Noschese moved to appoint Al Forsythe as a member of the Mesquite Health Facilities Development Corporation for a term to expire December 31, 2009. Motion was seconded by Ms. Roberts and approved unanimously.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:36 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.072 of the Texas Government Code to consider the purchase, exchange, lease or value of real property (acquisition of property near the Mesquite Metro Airport); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 3:41 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 3:42 P.M.

Mayor Monaco 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 (prospect seeking to locate in Skyline Industrial District and prospect seeking to locate in Skyline Trade Center); whereupon, the City Council

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proceeded to meet in the City Council Conference Room. After the closed meeting ended at 4:07 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 4:07 P.M.

Mayor Monaco 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 (prospect seeking to locate near IH 30/Northwest Drive or U.S. Highway 80/Big Town Boulevard); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 4:25 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

EXECUTIVE SESSION – CITY COUNCIL CONFERENCE ROOM – 4:25 P.M.

Mayor Monaco announced that the City Council would meet in Executive Session pursuant to Section 551.071 of the Texas Government Code to consider pending litigation subjects (J. Dale Hagler v. City of Mesquite); whereupon, the City Council proceeded to meet in the City Council Conference Room. After the closed meeting ended at 5:00 p.m., the City Council reconvened in Open Session.

No executive action was necessary.

The meeting adjourned at 5:05 p.m.

Judy Womack
City Secretary

John Monaco
Mayor