

MINUTES OF WORK AND REGULAR CITY COUNCIL MEETING HELD BEGINNING AT 11:30 A.M., OCTOBER 2, 2007, CITY COUNCIL CHAMBER, CITY HALL, 711 N. GALLOWAY.

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

PRE-MEETING – CITY COUNCIL CONFERENCE ROOM – 11:30 A.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) proposed amendments to Section 8-840 of the City Code and (2) status of the commercial solid waste collection agreement.

WORK SESSION – CITY COUNCIL CHAMBER – 1:05 P.M.

A. **ANNUAL REPORT FROM THE MESQUITE ARTS CENTER - RECEIVED.**

Keith Singleton, Chairperson for the Mesquite Arts Council, introduced the members of the Board of Directors – Robert Bradford, Diane Wright, Judy Skowron, Carol Zolnerowich, John Kline, George Venner, James Watts and Jeann Wisenbaker, Managing Director Mike Templeton and Assistant Managing Director Christina Flores.

Mr. Singleton reviewed the activities at the Mesquite Arts Center for the period from October 1, 2006, through September 30, 2007, and summarized the variety of arts programming offered. He stated in the past year the Arts Center hosted 757 events serving 104,128 visitors with the help of over 1,000 volunteers representing 16 arts groups, two standing committees, the local cultural grants committee and the public arts committee. Events held at the Arts Center include a weaving exhibit, watercolor exhibit, six concerts by the Mesquite Symphony Orchestra, productions by the Mesquite Community Theater and an expanded arts education program including bilingual theater productions, after-school literary programming and the Art@Lunch series. Public art projects at the Mesquite Animal Shelter and Adoption Center and Vanston Park Leisure Pool were also completed this year.

Councilmembers expressed appreciation to the Arts Council for their dedicated work and time contributed to making the Mesquite Arts Center an asset to the City.

The Work Session ended at 1:10 p.m.

REGULAR CITY COUNCIL MEETING – CITY COUNCIL CHAMBER – 3:02 P.M.

Invocation was given by Joe Chiles, Pastor, First Assembly of God, Mesquite, Texas.

The Pledge of Allegiance was led by members of the Mesquite Citizen Police Academy Alumni Association.

CITIZENS FORUM.

Sam Cline, 1612 Edgemont Drive, expressed opposition to the upcoming November 6, 2007, Special Election. He clarified a statement he made at the September 18, 2007, City Council meeting. At that meeting, he stated that the Police and Fire Departments were in support of the two Local Option Election issues on the November ballot. He corrected that statement and explained that he meant to say the Police and Fire Associations were in support of the two issues.

APPOINTMENT FOR PERSONAL APPEARANCE.

1. APPOINTMENT – FRANKLIN KRISKA, 536 COVEY LANE – REQUEST FOR INSTALLATION OF SPEED BUMPS IN THE ALLEY BETWEEN COVEY LANE AND POTEET DRIVE FROM AMERICANA LANE TO FEATHER CREST LANE – APPROVED.

Franklin Kriska, 536 Covey Lane, presented a petition signed by 16 of the 20 residents adjacent to the alley between Covey Lane and Poteet Drive, requesting installation of speed bumps.

Mr. Heiman moved to approve the installation of speed bumps in the alley between Covey Lane and Poteet Drive from Americana Lane to Feather Crest Lane. Motion was seconded by Mr. Tarpley and approved unanimously.

CONSENT AGENDA.

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

2. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 18, 2007.
3. ORDINANCE NO. 3901 – AMENDING CHAPTER 13 OF THE CITY CODE REGARDING SIGNS.

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY AMENDING THE DEFINITION OF “WINDOW SIGN” IN SECTION 13-1; BY DELETING SECTIONS 13-72(11)(D) THROUGH (F), SECTIONS 13-73(13) THROUGH (17); SECTION 13-75(1)(E)(1); SECTIONS 13-75(2)(F) THROUGH (G) AND SECTIONS 13-75(3)(H) THROUGH (M) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 13-72(11)(D) THROUGH (G); SECTIONS 13-73(13) THROUGH (16); SECTION 13-75(1)(E)(1); SECTION 13-75(2)(F) AND SECTIONS 13-75(3)(H) THROUGH (M); THEREBY UPDATING THE REGULATIONS ON SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. (Ordinance No. 3901 recorded on page of Ordinance Book No. 88.)

4. RESOLUTION NO. 45-2007 – APPROVING THE TERMS AND CONDITIONS OF A PROGRAM WITH SUN LIFE OF CANADA, L.L.C., TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

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 SUN LIFE OF CANADA, L.L.C., FOR SUCH PURPOSES; AND PROVIDING AN EFFECTIVE DATE. (Resolution No. 45-2007 recorded on page of Resolution Book No. 40.)

5. RESOLUTION NO. 46-2007 – SUSPENDING THE OCTOBER 25, 2007, EFFECTIVE DATE OF THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION, REQUESTED RATE CHANGE; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION, SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, SUSPENDING THE OCTOBER 25, 2007, EFFECTIVE DATE OF THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION, REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION, SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL. (Resolution No. 46-2007 recorded on page of Resolution Book No. 40.)

6. RESOLUTION NO. 47-2007 – AUTHORIZING THE CITY MANAGER TO EXECUTE A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR DESIGN AND RECONSTRUCTION OF THE U.S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A SURFACE TRANSPORTATION PROGRAM – METROPOLITAN

MOBILITY, BRIDGE REPLACEMENT AND DISTRICT DISCRETIONARY PROJECT TO DESIGN AND RECONSTRUCT THE U.S. HIGHWAY 80 AND TOWN EAST BOULEVARD INTERCHANGE IN THE CITY OF MESQUITE. (Resolution No. 47-2007 recorded on page of Resolution Book No. 40.)

7. BID NO. 2008-009 – ANNUAL MISCELLANEOUS CONCRETE REPAIRS AND ASPHALTIC CONCRETE REPAIRS AT VARIOUS LOCATIONS FOR FISCAL YEAR 2007-08 – AWARDED TO LOW BIDDER B & B CONCRETE SAWING, INC., IN THE AMOUNT OF \$526,850.00.
8. BID NO. 2008-013 – 14 POLICE PURSUIT VEHICLES – AWARDED TO DALLAS DODGE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT OF \$299,278.00.
9. BID NO. 2008-035 – PURCHASE OF TWO 2007 TYPE I AMBULANCES ON F-350 CHASSIS – AWARDED TO FRAZER, LTD., FROM FREEWAY FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM IN THE AMOUNT OF \$202,300.00.
10. CITY MANAGER AUTHORIZED TO EXECUTE AN AMENDMENT TO A PROFESSIONAL SERVICES CONTRACT WITH BRINKLEY SARGENT ARCHITECTS IN CONJUNCTION WITH THE DESIGN OF A NEW RESTROOM FACILITY AT CITY LAKE PARK IN THE AMOUNT OF \$18,715.00.
11. CITY MANAGER AUTHORIZED TO EXECUTE A SIX-PARTY, PUBLIC-PRIVATE AGREEMENT TO ACQUIRE RIGHT-OF-WAY, DESIGN AND CONSTRUCT THE DRIFTWOOD DRIVE EXTENSION.

END OF CONSENT AGENDA.

PUBLIC HEARINGS.

12. PUBLIC HEARING – ZONING – APPLICATION NO. 1419-2 SUBMITTED BY BALDWIN & ASSOCIATES ON BEHALF OF BUCKNER INTERNATIONAL FOR A ZONING CHANGE FROM COMMERCIAL TO INDUSTRIAL AT 1906 AND 1908 EASTOVER DRIVE – APPROVED ZONING CHANGE FROM COMMERCIAL TO PLANNED DEVELOPMENT – INDUSTRIAL.

A public hearing was held to consider Application No. 1419-2 submitted by Baldwin & Associates on behalf of Buckner International for a zoning change from Commercial to Industrial at Commerce East Business Park, Block A, Lots 7 and 10. This property is further described as a 2.525-acre tract located at 1906 and 1908 Eastover Drive. This public hearing was postponed at the September 18, 2007, City Council meeting.

Robert Baldwin, representing Baldwin & Associates on behalf of Buckner International, presented the zoning application. He stated that the property currently contains two different zonings, Commercial and Industrial, thus making it difficult to market and develop. He requested that the entire tract be zoned Industrial to accommodate warehouse and distribution use. He stated that the property is currently under contract to two separate buyers and closing is contingent on whether the zoning change is approved. Mr. Baldwin explained that when Buckner International sells any of its property, deed restrictions are included prohibiting alcohol sales, sexually oriented businesses or any other uses that are not compatible with the mission of Buckner International.

Mike Waggoner, Manager of Real Estate for Buckner Baptist Benevolence Foundation, stated that even after the property is sold, the deed restrictions attached by Buckner International to the property will remain with the property and can only be removed by Buckner International.

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

Councilmembers expressed support for a zoning change from Commercial to Planned Development – Industrial.

Mr. Waggoner expressed concern for the potential buyer if the property is zoned Planned Development – Industrial. He stated he would rather see the entire tract zoned Planned Development – Industrial rather than having two different zonings on the property.

Mr. Monaco moved to approve Application No. 1419-2 for a zoning change from Commercial to Planned Development – Industrial allowing all commercial uses and wholesale tire distribution.

Mr. Pickett seconded the motion.

Mr. Paschall asked if Mr. Monaco would consider wholesale and distribution uses as opposed to wholesale tire distribution. Mr. Monaco agreed. Mr. Paschall explained that the motion to rezone the property to Planned Development – Industrial, allowing all commercial uses along with wholesale and distribution uses, applies to the entire 2.525-acre tract.

Sandy Key, Key Commercial Realty, representing the buyer, stated that two companies are interested in establishing businesses on this property, Economy Tire and Innovations. Both companies are currently located at IH 635 and Shiloh Road in lease space employing 20 to 30 employees each. They each plan to construct a 50,000-square-foot office and warehouse facility. Economy Tire, which is also the buyer of the property, is a wholesale tire and wheel distributor. Innovations is a warehouse fulfillment company which supplies warehousing and distribution to other companies. Mr. Key expressed concern regarding how a Planned Development – Industrial zoning would affect the buyers and requested Industrial zoning instead.

Mr. Paschall explained that the buyer could request a zoning change from Planned Development – Industrial to a specific industrial use at a later date, if desired.

Mr. Monaco withdrew his motion. Mr. Pickett withdrew his second.

Mr. Heiman moved to approve Application No. 1419-2 for a zoning change from Commercial to Planned Development – Industrial allowing manufacturing, warehousing and wholesale trade and distribution uses along with all commercial uses. Motion was seconded by Mr. Pickett. On call for a vote on the motion, the following votes were cast:

Ayes: Heiman, Pickett, Paschall, Roberts, Tarpley

Nays: Monaco

Motion carried.

13. PUBLIC HEARING – ZONING – APPLICATION NO. 1462-256 SUBMITTED BY SAMI SHARIF FOR A ZONING CHANGE FROM INDUSTRIAL TO PLANNED DEVELOPMENT – INDUSTRIAL TO ALLOW THE PROPERTY TO BE USED FOR A CONVENIENCE STORE AND RESTAURANT WITH MULTIPLE FUEL PUMPS AT THE NORTH CORNER OF SOUTH TOWN EAST BOULEVARD AND FORNEY AVENUE – DENIED.

A public hearing was held to consider Application No. 1462-256 submitted by Sami Sharif for a zoning change from Industrial to Planned Development – Industrial to allow the property to be used for a convenience store and restaurant with multiple fuel pumps in addition to other uses allowed at Skyline Business Park, Section 2, Block D, Lot 4, Daniel Tanner Survey, Abstract 1462. This property is further described as a 4.29-acre tract located on the north corner of South Town East Boulevard and Forney Avenue. This public hearing was postponed at the September 18, 2007, City Council meeting.

Richard King, representing RK Planning, presented the zoning application. He explained that his client proposes to develop a convenience store with fuel pumps and truck fueling facility. However, no overnight parking will be allowed and no facilities such as showers or other typical truck stop uses will be offered. Ten truck parking spaces will be provided to allow customers to visit the convenience store and restaurant. During operating hours, security personnel will be on-site to monitor activities. Fueling stations will be shut down during hours the convenience store is closed and signs will be posted that no overnight parking is allowed. Mr. King added that the design and appearance of the building will comply with the Community Appearance Manual along with the required landscaping and screening.

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

Councilmembers expressed opposition to the proposed zoning change, specifically the concern that this proposed facility will increase the amount of truck traffic in the neighboring residential community.

Mr. Heiman moved to deny Application No. 1462-256 for a zoning change from Industrial to Planned Development – Industrial to allow the property to be used for a convenience store

and restaurant with multiple fuel pumps on the north corner of South Town East Boulevard and Forney Avenue. Motion was seconded by Mr. Tarpley and approved by all voting "Aye."

14. PUBLIC HEARING – APPLICATION NO. 1059-60 SUBMITTED BY JEFF BENSON FOR MOVIE TAVERN PARTNERS, L.P., AND ORDINANCE NO. 3902 FOR A ZONING CHANGE FROM COMMERCIAL AND TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE PROPERTY TO BE USED FOR A PRIVATE CLUB AND MOVIE THEATER AT 1628 NORTH TOWN EAST BOULEVARD – APPROVED.

A public hearing was held to consider Application No. 1059-60 submitted by Jeff Benson for Movie Tavern Partners, L.P., for a zoning change from Commercial and Town East Retail and Restaurant Area (TERRA) Overlay District, approving a Conditional Use Permit to allow the property to be used for a private club and movie theater in addition to other uses allowed in a Commercial District at Town East Mall, Block A, Lots 1 through 7. This property is further described as a 5.9-acre tract located on the southeast portion of the Town East Mall property, on the west side of Towne Centre Drive (1628 North Town East Boulevard).

Jeff Benson, President of Movie Tavern Partners, L.P., presented the zoning application. He stated that there are currently 11 Movie Taverns nationwide – two in Fort Worth; one in Denton; Arlington; Bedford; Lexington, Kentucky; Columbus, Ohio; Aurora, Colorado and three in Houston. The first Movie Tavern opened at Ridgemar Mall in Fort Worth in November 2001. Mr. Benson stated that the Movie Tavern is a full-dining-and-movie experience suitable for the entire family. Casual dining foods will be served along with beer and wine sales. Also, during evening performances on the weekend, no one under the age of 18 will be admitted without a parent or guardian.

Mr. Benson stated the attraction to the Town East Mall location was due mainly to demographics. Mall locations in cities with large populations such as Mesquite, have performed well. He cited the Hulen Mall location as an example of a strong mall location.

Sandy LaClave, General Manager for General Growth Properties, expressed support for the Movie Tavern concept. She stated that the Movie Tavern is a unique entertainment option not offered in the surrounding area. General Growth Properties feels the Movie Tavern would be an excellent use for this facility and supports the family atmosphere by limiting attendance to adults and families.

Mr. Benson explained that the Movie Tavern offers two different concepts – an original Movie Tavern and a full-service Movie Tavern. This location is being proposed as an original Movie Tavern concept offering counter food and beverage service. After customers order their food and beverages, they will immediately be given their beverages and a glow-in-the-dark number for their food order which will be placed on their table in the theater. The wait staff will deliver the food to their table. If they desire additional food or beverages, they must leave the theater and reorder at the counter. He added that two additional original Movie Taverns are under construction at this time in Fort Wayne, Indiana, and Atlanta, Georgia, which are scheduled to open in early 2008.

Mr. Benson stated that this facility will undergo a \$3 million renovation inside and out. An additional 10,077 square feet and two new theaters will be added to the existing building. It will contain a total of seven or eight movie screens with a new entry element built as the exterior of the building. The theater complex will feature first-run movies with ticket prices below that of the AMC 30 megaplex. Food prices will be comparable to that of casual dining restaurants such as Applebee's and Chili's.

Mr. Benson stated that beer and wine sales will take place at the same counter as food and soda sales. Since concession workers will be selling beer and wine, they will be required to be at least 18 years old and Texas Alcoholic Beverage Commission (TABC) certified. He stated that the Movie Tavern will also be equipped to provide catering for private parties. Typically these occur during the week and include birthday parties and corporate and special events.

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

Mr. Benson stated that he agrees with the Planning and Zoning Commission's recommendation Nos. 1 through 11. He stated that he plans on signing a 10-year lease with two five-year options and therefore, would rather not be required to come back to the City Council for renewal. He stated that he has no problem with the Conditional Use Permit being attached to the Movie Tavern. He stated that a decision has not been made whether to include an outside patio area at this location. If included, it will contain a wrought iron fence surrounding the patio area per TABC regulations. He added that this will be a non-smoking facility and is scheduled to open in the spring of 2008.

Gertson, Director of Community Development, stated that at this time, in the private club and overlay districts, restaurants are required to screen the bar area from the seating area. This concept is different since the bar area will not be screened from the entrance to the facility.

Mr. Monaco moved to approve Application No. 1059-60 for a zoning change from Commercial and Town East Retail and Restaurant Area (TERRA) Overlay District, approving a Conditional Use Permit to allow the property to be used for a private club and movie theater at 1628 North Town East Boulevard as recommended by the Planning and Zoning Commission, with the following stipulations and adding Stipulation Nos. 12 and 13:

1. Sales of liquor products shall be to movie theater patrons only who have purchased a movie ticket.
2. Outdoor patio area for the consumption of food and beverages, including alcohol, shall be permitted.
3. The bar area, including the outdoor patio, shall have no direct exterior access. However, emergency egress may be allowed as needed or required.
4. The bar area shall not be required to be screened from any entrance or foyer areas.
5. The building shall comply with the proposed Community Appearance Manual.

6. Landscaping, to include the use of trees, shall be provided around the perimeter of the theater parking area located northeast of the building.
7. Foundation landscaping shall be provided around the perimeter of the building including the outdoor patio. In addition to grass or ground cover, trees, shrubs and/or other plantings shall be incorporated into this landscaped area. Sidewalks may pass through the landscaped area. A pedestrian area will be allowed in the general vicinity of the ticket booth and primary entrance where foundation landscaping will not be required. The pedestrian area may consist of concrete surfaces, pavers, waiting benches, bicycle racks and landscape elements. The Development Review Committee shall approve the specific landscape design during the site plan review process.
8. No new pole or monument signs shall be permitted.
9. In addition to wall signs as permitted by the Sign Ordinance, a changeable letter sign to advertise current or coming movies may be placed on the front façade of the building with a total area not to exceed five percent of the front building elevation. This sign should be architecturally consistent with and appear as an integrated part of the building. Final design shall be subject to approval by the Community Development Department.
10. A maximum of 12 movie posters of current or coming movies may be placed on the front exterior wall, but must be located generally near the main entrance and ticket booth area. Such posters must be displayed within framed glass enclosures.
11. There shall be no on-site advertising of food or beverages (including brands of alcohol or terminology associated with alcohol) visible from outside of the building except on a permitted sign where a food or beverage term is part of the business name (e.g. "John Doe's Cinema Tavern," "Acme Movies and Ale," "Dinner and a Movie").
12. No person under 18 years-of-age shall be admitted after 6:30 p.m. unless accompanied by an adult.
13. This Conditional Use Permit is granted exclusively to the applicant, Movie Tavern Partners, L.P., and may not be transferred or assigned.

And, to approve Ordinance No. 3902, 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 CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL AND TERRA OVERLAY THEREBY ALLOWING A PRIVATE CLUB 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) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY. Motion was seconded by Ms. Roberts. On call for a vote on the motion, the following votes were cast:

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

Motion carried. (Ordinance No. 3902 recorded on page _____ of Ordinance Book No. 88.)

15. A. PUBLIC HEARING – AMENDMENTS TO THE COMPREHENSIVE PLAN TO CREATE AND MODIFY NEIGHBORHOOD-RELATED LAND USE AND DEVELOPMENT POLICIES – POSTPONED UNTIL THE NOVEMBER 5, 2007, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider amendments to the Comprehensive Plan to create and modify neighborhood-related land use and development policies.

Mr. Monaco moved to postpone consideration of amendments to the Comprehensive Plan to create and modify neighborhood-related land use and development policies until the November 5, 2007, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- B. PUBLIC HEARING – APPLICATION NO. 2007-6 CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE TRUMAN HEIGHTS NEIGHBORHOOD DISTRICT (THN) – POSTPONED UNTIL THE NOVEMBER 5, 2007, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application No. 2007-6 creating a new zoning classification to be known as the Truman Heights Neighborhood District (THN) which shall incorporate the Truman Heights Revitalization Code containing new or amended procedural requirements, standards for site design and regulations affecting building form, building design, setbacks, parking, signage, landscaping and permitted uses.

Mr. Monaco moved to postpone consideration of Application No. 2007-06 creating a new zoning classification to be known as the Truman Heights Neighborhood District until the November 5, 2007, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

- C. PUBLIC HEARING – APPLICATION NOS. 486-17, 1256-7 AND 1462-253 TO REZONE ALL PROPERTIES WITH FRONTAGE ON THE SOUTHWEST RIGHT-OF-WAY LINE OF NORTH GALLOWAY AVENUE FROM U.S. HIGHWAY 80 TO AND INCLUDING THE SOUTH CORNER OF THE INTERSECTION OF NORTH GALLOWAY AVENUE AND HILLCREST STREET – POSTPONED UNTIL THE NOVEMBER 5, 2007, CITY COUNCIL MEETING.

A public hearing was scheduled to be held to consider Application Nos. 486-17, 1256-7 and 1462-253 to rezone all properties with frontage on the southwest right-of-way line of North Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of North Galloway Avenue and Hillcrest Street, inclusive of all tracts abutting such properties that are currently used for non-residential purposes and all properties located within Census Tract 177.02, Block Group 3, which is bounded by North Galloway Avenue, Hillcrest Street and U.S. Highway 80.

Mr. Monaco moved to postpone consideration of Application Nos. 486-17, 1256-7 and 1462-253 to rezone all properties with frontage on the southwest right-of-way line of North Galloway Avenue from U.S. Highway 80 to and including the south corner of the intersection of North Galloway Avenue and Hillcrest Street until the November 5, 2007, City Council meeting. Motion was seconded by Ms. Roberts and approved unanimously.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

16. APPOINTMENT OF THREE REGULAR MEMBERS TO THE PLANNING AND ZONING COMMISSION/CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TERMS TO EXPIRE SEPTEMBER 30, 2009.

Mr. Pickett moved to reappoint Ginny Stuit, Place 7, and Terry Tosch, Place 3, as regular members of the Planning and Zoning Commission/Capital Improvements Advisory Committee and to change the appointment of Robert Johnson from an alternate member to a regular member, Place 1, for terms to expire September 30, 2009. Motion was seconded by Mr. Tarpley and approved unanimously.

Ms. Roberts moved to adjourn the meeting. Motion was seconded by Mr. Tarpley and approved unanimously. The meeting adjourned at 4:06 p.m.

Judy Womack
City Secretary

David Paschall
Mayor Pro Tem