

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**FEBRUARY 2, 2015**

**Present:**

Dean Ueckert, Mayor

**Council Members:**

TJ Gilmore, Mayor Pro Tem  
R Neil Ferguson, Deputy Mayor Pro Tem  
Leroy Vaughn  
Greg Tierney  
Rudy Durham

**City Staff:**

Donna Barron, City Manager  
Steve Bacchus, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Eric Ferris, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, City Attorney

**WORKSHOP SESSION – 6:30 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:30 p.m. on Monday, February 2, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Regular Agenda Items and  
Consent Agenda Items**

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C, Presentation: Presentation of Poem Celebrating Lewisville's 90th Birthday as Composed by Lewisville Poet Laureate J. Paul Holcomb. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), Located on Approximately 0.959 Acre Tract of Land Located on the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street, as Requested by Derek Baker of Keller Williams Realty on Behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan the Property Owners (Case No. PZ-2015-01-01). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1), Located at 254 West Walters Street on 0.30 Acres; Further Identified as Lot 5 (NW Part), Block 1 O.T. Lewisville Addition, as Requested by Lance Lindley the Property Owner (Case No. PZ-2015-01-02). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-3, Approval of City Council Minutes of the January 26, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-4, Approval of Changes to Policy Statement 3.0 Finance, Adding Section XI - Lewisville 2025 Incentives and Special Projects Fund. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-5, Consideration of a Variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 661 The Lakes Boulevard, in Castle Hills to Encroach Nine Inches Into the 10 Foot Front Yard Setback; Nine Inches Into the Six Foot Utility Easement and up to Fourteen and a Half Inches Into the 10 Foot Wall Maintenance Easement, as Requested by Matt Taylor Representing American Legend Homes. City Manager Donna Barron reviewed this item with the City Council and explained that if this situation had occurred within the City of Lewisville city limits it would have been reviewed by the Zoning Board of Adjustments. However, there is not a mechanism within the Agreement to handle this situation in a similar manner; therefore, the City Council is required to make a determination. Discussion was held clarifying the distance of the encroachment. Further discussion was held that once this area was annexed into the City of Lewisville, future consideration of similar instances could be changed to ensure review by the Zoning Board of Adjustment. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item G-6, Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 9, 2015, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 5; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H, Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item I-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:35 p.m. on Monday, February 2, 2015.

**REGULAR SESSION - 7:00 P.M.**

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Ueckert at 7:00 p.m. on Monday, February 2, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Ueckert, Mayor Pro Tem Gilmore gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

Mayor Ueckert gave the pledge to the American and Texas flags.

**Presentation: Presentation of Poem  
Celebrating Lewisville's 90th Birthday as  
Composed by Lewisville Poet Laureate J.  
Paul Holcomb**

**(Agenda Item C)**

Lewisville's Poet Laureate J. Paul Holcomb presented the following Poem Celebrating Lewisville's 90th Birthday:

**Presentation: Presentation of Poem  
Celebrating Lewisville's 90th Birthday as  
Composed by Lewisville Poet Laureate J.  
Paul Holcomb (cont'd)**

**(Agenda Item C)**

As folks return to the homes of their youth they often say, "It's not the same," and anyone who grew up in Lewisville could easily make that claim. If you left home in 1970 you left a sleepy town of 9,000 and if you returned in 2014, you came back to a city of 100,000 busy residents. Indeed, it's not the same. And if you were Basdeal Lewis, the man who founded and named the area after himself once he purchased Holford's Prairie in 1853, how would your regard 2015 Lewisville? You would most likely smile with pride when you learned the city incorporated in 1925, 44 years after railroad tracks gave Lewisville a big town aura although its population reached just 500 in 1888. In 1930, five years after incorporation, Lewisville's numbers increased to 853 and began to show the promise of becoming a city. The next year, Lewisville celebrated the U.S. Route 77 paving with a "Coming Out of the Mud" ceremony, thus closing the "Lewisville Gap" and allowing the road from Dallas to Denton to be completely paved. Now Lewisville has IH-35, an updated 77.

The land's the thing, but now we have Lewisville Lake, plus LLELA, the Lewisville Lake Environmental Learning Area, a green space where lessons are learned and taught about what this prairie was and is. LLELA transforms Lewisville into an outside classroom where what the city was, is and can be is taught and learned every day.

**Presentation: Presentation of Poem  
Celebrating Lewisville's 90th Birthday as  
Composed by Lewisville Poet Laureate J.  
Paul Holcomb (cont'd)**

**(Agenda Item C)**

And Old Town has not been forgotten.  
The new city hall exudes dignity  
as municipal affairs are conducted  
within its walls, and the MCL Grand  
Theater offers a distinguished setting  
where the arts flourish.

But what's in Lewisville's future? That's  
the question city planners considered  
as they began laying out Lewisville 2025.  
Like proud parents of a growing child,  
these planners set about to understand  
the current status of their source of pride,  
how citizens wanted the city to develop,  
and what could be done to influence  
that development. The plan is complete  
the city celebrates its ninetieth birthday  
with a completed plan for what Lewisville  
will be as it turns one hundred in ten years.

And if Basedeal could come back tonight  
he would most certainly be astounded  
at how things have changed, but I  
am sure he would grin, then laugh  
and help us all shout,

Happy 90<sup>th</sup> birthday, Lewisville!

**Public Hearing: Consideration of Ordinance No. 4153-02-2015 (Z) for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), Located on Approximately 0.959 Acre Tract of Land Located on the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street, as Requested by Derek Baker of Keller Williams Realty on Behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan the Property Owners (Case No. PZ-2015-01-01)**

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**(Agenda Item D-1)**

Pensco Trust Co. currently owns the property and is in the process of trying to sell it. This is a fairly long and narrow lot and is vacant of any buildings. The majority of property in this area is zoned Light Industrial (LI), although several parcels still retain their Agricultural Open Space (AO) designations. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 5-0 at their meeting on January 6, 2015.

The City staff's recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Nika Reinecke, Director of Economic Development/Planning, was available to address any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4153-02-2015 (Z) for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI), Located on Approximately 0.959 Acre Tract of Land Located on the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street, as Requested by Derek Baker of Keller Williams Realty on Behalf of Pensco Trust Co, FBO Diane Brandenburger and Patricia Morgan the Property Owners (Case No. PZ-2015-01-01) (cont'd)**

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**(Agenda Item D-1)**

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Zoning Ordinance of the City of Lewisville, Texas by Rezoning an Approximately 0.959 Acre Tract of Land Located at the North Side of Bennett Lane, Approximately 525 Feet East of Yates Street From Agriculture Open Space (AO) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4153-02-2015 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance  
No. 4154-02-2015 (Z) for a Zone Change  
Request From Single-Family Residential (R-  
7.5) to Old Town Mixed Use One (OTMU1),  
Located at 254 West Walters Street on 0.30  
Acres; Further Identified as Lot 5 (NW  
Part), Block 1 O.T. Lewisville Addition, as  
Requested by Lance Lindley the Property  
Owner (Case No. PZ-2015-01-02)**

**(Agenda Item D-2)**

The 0.30 acre property is located at the southeast corner of Herod Street and West Walters Street and is occupied by a one story residence built in 1942. The zone change request matches the Old Town Master Plan recommended zoning for this area. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 5-0 at their meeting on January 6, 2015.

The City staff's recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Nika Reinecke, Director of Economic Development/Planning, was available to address any questions posed by the City Council.

Mayor Ueckert opened the public hearing.

**MOTION:** Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Zoning Ordinance of the City of Lewisville, Texas by Rezoning Approximately a 0.30 Acre Tract of Land Located at 254 West Walters Street From Single-Family Residential (R-7.5) District Zoning to Old Town Mixed-Use One (OTMU1) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

**Public Hearing: Consideration of Ordinance No. 4154-02-2015 (Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1), Located at 254 West Walters Street on 0.30 Acres; Further Identified as Lot 5 (NW Part), Block 1 O.T. Lewisville Addition, as Requested by Lance Lindley the Property Owner (Case No. PZ-2015-01-02) (cont'd)**

**(Agenda Item D-2)**

**MOTION:** Upon a motion made by Councilman Vaughn and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4154-02-2015 (Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item E)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. **APPROVAL OF MINUTES:** City Council Minutes of the January 26, 2015, Workshop Session and Regular Session.
4. Approval of Changes to Policy Statement 3.0 Finance, Adding Section XI - Lewisville 2025 Incentives and Special Projects Fund.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 661 The Lakes Boulevard, in Castle Hills to Encroach Nine Inches Into the 10 Foot Front Yard Setback; Nine Inches Into the Six Foot Utility Easement and up to Fourteen and a Half Inches Into the 10 Foot Wall Maintenance Easement, as Requested by Matt Taylor Representing American Legend Homes**

**(Agenda Item G-5)**

On August 5, 2014, Barrow Land Surveying unknowingly staked the lot incorrectly at 661 The Lakes Blvd. As a result the house was built slightly askew on the lot and created three encroachments on the property. American Legend Homes, the home builder, is requesting the following variances: a) to allow the single family residence to encroach up to nine inches into the 10 foot front setback; b) to allow the single family residence to encroach nine inches into the six foot utility easement; and c) to allow the single family residence to encroach up to fourteen and a half inches into the 10 foot wall maintenance easement. This lot is a corner lot and the encroachments face the front and side street.

The City staff's recommendation was that the City Council approve the variance as set forth in the caption above.

Matt Taylor, 2540 King Arthur Blvd., Castle Hills, Texas, representing American Legend Homes was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 661 The Lakes Boulevard, in Castle Hills to Encroach Nine Inches Into the 10 Foot Front Yard Setback; Nine Inches Into the Six Foot Utility Easement and up to Fourteen and a Half Inches Into the 10 Foot Wall Maintenance Easement, as Requested by Matt Taylor Representing American Legend Homes. The motion carried.

**Consideration of Resolution No. 4155-02-2015 (R) Ordering a Special Election to be Held in Conjunction With the May 9, 2015, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 5; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order**

(Agenda Item G-6)

On January 26, 2015, the City Council called an election for the Mayor's position and Place No. 2. Councilman Rudy Durham submitted an Application to run for the Mayor position on January 28, 2015. Per State law, by submitting this application, Councilman Durham has automatically resigned from Place No. 5. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election can be held in conjunction with the May 9, 2015, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 6 through March 9, 2015 (per the attached election calendar). Councilman Durham will continue to serve in Place 5 until the election results are canvassed and his successor is sworn into office pursuant to Article 16, Section 17, of the Texas Constitution.

The City staff's recommendation was that the City Council approve the proposed resolution and election calendar as set forth in the caption above.

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4155-02-2015 (R):** A Resolution of the City Council of the City of Lewisville, Denton/Dallas Counties, Texas, Ordering a Special Election to be Held in Conjunction With the May 9, 2015, City Council Election, for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 5; Designating Locations of the Polling Places; and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election, as captioned previously. The motion carried.

**Reports**

**(Agenda Item H)**

- Director of Economic Development Nika Reinecke introduced Richard Lubke as the City's new Planning Manager.
- Assistant City Manager Melinda Galler advised of the great team participation in the Big D Stair Climb in honor of Fire Chief Tim Tittle.
- Director of Public Services Carole Bassinger advised that the lake had come up a few inches. She advised that the Drainage Crew was currently working on Edmonds at Timbercreek this week.
- Director of Community Services Cleve Joiner advised of the creation of NEST - Neighborhood Enhancement Strategy Team
- Mayor Pro Tem Gilmore gave recognition for the overall crime rate being down to the Police Department. He pointed out that this was due to the close work of the Police Department with the citizens and thanked everyone for their hard work to create a safer Lewisville
- Deputy Mayor Pro Tem Ferguson gave an update on upcoming events at the MCL Grand Theatre.
- Mayor Ueckert thanked the officer for his presence.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:22 p.m. Monday, February 2, 2015, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item I)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:22 p.m. on Monday, February 2, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.072 (Real Estate):

2. Property Acquisition

Section 551.087 (Economic Development):

**Closed Session (closed)**

**(Agenda Item I)**

3. Deliberation Regarding Economic Development for Potential Company Relocation.

The Closed Session was adjourned at 7:24 p.m. on Monday, February 2, 2015.

**Reconvene into Regular Session and  
Consider Action, if any, on Items Discussed  
in Closed Session**

**(Agenda Item J)**

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:24 p.m. on Monday, February 2, 2015, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

**Adjournment**

**(Agenda Item K)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:24 p.m. on Monday, February 2, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 16<sup>th</sup> day of February, 2015.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY