

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MARCH 19, 2007**

**Present:**

Gene Carey, Mayor

**Council Members:**

Greg Tierney

David Thornhill (absent)

Mike Nowels

Dean Ueckert, Deputy Mayor Pro Tem

Rudy Durham, Mayor Pro Tem

**City Staff:**

Claude King, City Manager

Donna Barron, Assistant City Manager

Steve Bacchus, Assistant City Manager

Julie Heinze, City Secretary

Ronald J. Neiman, 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 Carey at 6:34 p.m. on Monday, March 19, 2007, 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 Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C, Presentation. 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 Carey reviewed Agenda Item D, Public Hearing: Consideration of An Ordinance Amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance, Section 17-3 Definitions, Changing the Zoning Ordinance Definitions for Display and Storage. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item F-1, Approval of Minutes, a.) City Council Minutes of the February 5, 2007, Workshop Session and Regular Session; b.) City Council Minutes of the February 19, 2007, Workshop Session and Regular Session; and, c.) City Council Minutes of the March 5, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of a Bid Award for a Pre-Constructed Communications Building to Modular Connections, LLC, Bessemer, Alabama in the Amount of \$43,273. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of an Economic Development Agreement Between the City of Lewisville and Sunquist Family Partnership, L.P., and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of a Historic Preservation Agreement By and Between the City of Lewisville and Edward Resh for Costs Associated With Façade Improvements at 478 Richland Street; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of a Resolution Authorizing Continued Participation With the Atmos Cities Steering Committee; and Authorization of the Payment of 10 Cents Per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Acceptance of the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR). 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 Carey reviewed Agenda Item F-7, Approval of a Contract for Election Services Between the City of Lewisville and the Elections Administrator of Denton County Agreeing to the Coordination, Supervision, and Running of the City of Lewisville, May 12, 2007, General Election in Denton County; and Authorization for the City Secretary to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Termination of a Program Grant Agreement With Industrial Developments International (Texas) L.P. Dated December 18, 2006; Approve a New Program Grant Agreement by and Between the City of Lewisville, Texas and Industrial Developments International (Texas) L.P., for a 29.71 Acre Area of Land Located on Ace Lane South of F.M. 3040; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Consideration of the Preliminary Plat of Castle Hills, Phase V, Section A, a 78.47 Acre Tract Containing 72.97 Acres Designated Estate Townhouse Residential (ETH) and 5.5 Acres of Undesignated Use with 270 Residential Lots, 8 Common Area Lots and 1 Undesignated Use Lot, Bounded by FM 544 to the North, S.H. 121 to the West and FM 2281 to the East, with a Requested Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville Code of Ordinances, Chapter 6, Land Use, Article V, Section 6-92 Streets, as Requested by TRC Hunter, on Behalf of the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of a Request from JDB Coppel Commercial G.P., LLC to Allow the Encroachment of Two Stone Wall Entry Features Within a City of Lewisville Sanitary Sewer Easement, Located at State Highway 121 and Plaza Boulevard. City Manager King reviewed this item with the City Council. He explained that this involved a stone wall entry/signage feature that had been installed by the developer over the sanitary sewer easement where part of the wall was inside the city limits of the City of Lewisville and part was outside; however, the wall was still all over the 15 foot easement. Discussion was held regarding that a past situation similar to this one had been denied. City Manager King advised that City staff's recommendation would be that the City Council requires the developer to replace the feature at their own expense if there should ever be a problem; however, he reminded the City Council that there was no guarantee that the developer would still be in business at that time. Discussion was held regarding if any permits had been obtained from Coppel for the sign. City Manager King advised he was not sure if any permits had been issued

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

by Coppell. Further discussion was held regarding a Hold Harmless Agreement. City Attorney Neiman indicated he did not recommend this type of agreement. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of a Variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District That Require a Permit, as Requested by Hasmgig Minassian. City Manager King advised that the proponent was suggesting a trade off that they would take down the pole sign in return for approval of the variance. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting the Current Ordinance and Replacing it With New Text. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 10, Parks and Leisure Services, by Making Certain Changes Providing Additional Prohibitions Within the Limits of a City Park. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Section 6-32 through 6-43, the Park Dedication Requirements of the General Development Regulations. City Manager King reviewed this item with the City Council. He pointed out that this would remove the Park Board from the discussion and be more consistent with the charter. City Manager King stated that at some point a developer will come along and want to do a land dedication instead of submitting funds. City Manager King advised that the funds would all go into one big pot and be able to be spent throughout the entire city. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Parks and Leisure Services Department, Park Development Fee. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of Upcoming Meeting Dates for the City's Budget Process. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H, Reports. 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 Carey reviewed Agenda Item I-Closed Session. There was no discussion on this item.

**Items of Interest to the Council**

**(Agenda Item B)**

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:49 p.m. on Monday, March 19, 2007.

**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 Carey at 7:00 p.m. on Monday, March 19, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Carey, Mayor Pro Tem Durham gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

At the request of Mayor Carey, Councilman Tierney gave the pledge to the flag.

**Presentation: Life-Saving Award to Officer  
Steve Dickens**

**(Agenda Item C)**

Mayor Carey presented a life saving award to Officer Steve Dickens.

**Public Hearing: Consideration of Ordinance  
No. 3422-03-2007(Z) Amending the  
Lewisville Code of Ordinances, Chapter 17,  
the Comprehensive Zoning Ordinance,  
Section 17-3 Definitions, Changing the  
Zoning Ordinance Definitions for Display  
and Storage**

**(Agenda Item D)**

**Public Hearing: Consideration of Ordinance  
No. 3422-03-2007(Z) Amending the  
Lewisville Code of Ordinances, Chapter 17,  
the Comprehensive Zoning Ordinance,  
Section 17-3 Definitions, Changing the  
Zoning Ordinance Definitions for Display  
and Storage (cont'd)**

**(Agenda Item D)**

Mayor Carey advised that the primary difference between storage and display requirements in the current ordinance is that the displayed goods must be placed on a paved surface in addition to being neatly arranged for customer viewing. However, there is still a fine line dividing whether items are displayed or stored and staff is proposing additional clarification. Items displayed by retailers tend to be self contained units such as books, cars, plants or items that can be bought individually. Sometimes, however, a business will want to display a retail item that is not pre-packaged. The proposed amendment allows the outside display of such items in bulk while placing limitations on the size of the display and requiring that bulk items be displayed within a bin for containment. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their February 20, 2007, meeting.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the proposed changes in the Zoning Ordinance definitions for Display and Storage.

Mayor Carey opened the public hearing.

Gene Lewis, Planning & Community Services Manager was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville Code of Ordinances, Chapter 17, Comprehensive Zoning Ordinance, by Amending the Definitions for Display and Open Storage; Providing a Repealer; Providing for Severability; Providing for a Penalty; Providing an Effective Date; and Declaring an Emergency."

**Public Hearing: Consideration of Ordinance  
No. 3422-03-2007(Z) Amending the  
Lewisville Code of Ordinances, Chapter 17,  
the Comprehensive Zoning Ordinance,  
Section 17-3 Definitions, Changing the  
Zoning Ordinance Definitions for Display  
and Storage (cont'd)**

**(Agenda Item D)**

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3422-03-2007(Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item E)**

The Actors Conservatory, 1720 South Edmonds, Lewisville, Texas 75067 did a short performance before the City Council for their upcoming spring musical. They advised that they would be performing on March 23<sup>rd</sup> at the new Crawford Center for the Arts, 1720 South Edmonds, Lewisville. They also presented the 2007 Toadie Award to R.L. Crawford and Brenda Crawford for donating the use of this space.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

Mayor Carey advised that the following items would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. – 4: Approval of a Historic Preservation Agreement By and Between the City of Lewisville and Edward Resh for Costs Associated With Façade Improvements at 478 Richland Street; and Authorization for the City Manager to Execute the Agreement
2. Consent Agenda item No. – 6: Acceptance of the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR)

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

CONSENT AGENDA (cont'd)

(Agenda Item F)

1. APPROVAL OF MINUTES:
  - a. City Council Minutes of the February 5, 2007, Workshop Session and Regular Session;
  - b. City Council Minutes of the February 19, 2007, Workshop Session and Regular Session; and,
  - c. City Council Minutes of the March 5, 2007, Workshop Session and Regular Session.
2. Approval of a Bid Award for a Pre-Constructed Communications Building to Modular Connections, LLC, Bessemer, Alabama in the Amount of \$43,273.
3. Approval of an Economic Development Agreement Between the City of Lewisville and Sunquist Family Partnership, L.P., and Authorization for the City Manager to Execute the Agreement.
5. Approval of **Resolution No. 3423-03-2007(R)**: A Resolution of the City of Council of the City of Lewisville, Texas, Authorizing Continued Participation With the Atmos Cities Steering Committee; and Authorizing the Payment of 10 Cents Per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities Related to Atmos Energy Corporation.
7. Approval of a Contract for Election Services Between the City of Lewisville and the Elections Administrator of Denton County Agreeing to the Coordination, Supervision, and Running of the City of Lewisville, May 12, 2007, General Election in Denton County; and Authorization for the City Secretary to Execute the Contract.
8. Termination of a Program Grant Agreement With Industrial Developments International (Texas) L.P. Dated December 18, 2006; Approve a New Program Grant Agreement by and Between the City of Lewisville, Texas and Industrial Developments International (Texas) L.P., for a 29.71 Acre Area of Land Located on Ace Lane South of F.M. 3040; and Authorization for the City Manager to Execute the Agreement.

**CONSENT AGENDA (cont'd)**

**(Agenda Item F)**

The motion carried.

**END OF CONSENT AGENDA**

**Approval of a Historic Preservation Agreement By and Between the City of Lewisville and Edward Resh for Costs Associated With Façade Improvements at 478 Richland Street; and Authorization for the City Manager to Execute the Agreement**

**(Consent Agenda Item F-4)**

Mayor Carey advised that the proposed historic preservation improvements are presented for consideration under the Historic Preservation Section of Administrative Policy 5.2.1 which was approved by the City Council in June of 2006. The project includes removal and replacement of the front porch planks, repairing column structures, removal and replacement of brick steps, painting the exterior of the home and installation of a door to match the character of existing doors. The total construction budget is \$9,525.00. Under the residential preservation grant program, the owner will be reimbursed for 50% of costs-or \$4,762.50, whichever is less-of project costs for exterior improvements. The funding limitation for the program is \$10 per square foot of interior floor space or a maximum reimbursement of \$10,000. At the conclusion of the project, the owner will provide City staff with paid invoices and receipts for all work performed. Funding is available in the Residential Preservation Capital Project.

Mayor Carey stated City staff's recommendation was that the City Council approve the Historic Preservation Agreement.

At the request of Mayor Carey, Councilman Tierney explained this Historic Preservation Agreement was one of the preservation grants based on the residential program, which was similar to the commercial program for Main Street. He further advised that the Preservation Society had decided into the residential side based upon the success of the improvements already seen in the Old Town Area.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Nowels, the Council voted four (4) "ayes" and no (0) "nays" to approve a Historic Preservation Agreement by and between the City of Lewisville and Edward Resh for costs associated with façade improvements at 478 Richland Street; and authorized the City Manager to execute the agreement. The motion carried.

**Acceptance of the Fiscal Year 2006  
Comprehensive Annual Financial Report  
(CAFR)**

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**(Consent Agenda Item F-6)**

Mayor Carey advised that the independent annual audit of the City's financial statements is complete. The 2006 Comprehensive Annual Financial Report is provided in compliance with Administrative Policy and Procedure 3.1.2, Accounting, Auditing and Financial Reporting. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included are reports for the Lewisville Parks and Library Development Corporation, the City of Lewisville Health Benefit Trust and the Single Audit Report on Federal Financial Assistance and the Auditor's Report to Management. No material weaknesses were noted involving the internal control over financial reporting and its operations.

Mayor Carey stated City staff's recommendation was that the City Council accept the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR).

At the request of Mayor Carey, City Manager King briefly reviewed the financial report contained in the City Council's backup material. City Manager King stated that all of the financial reports indicated that Lewisville is in good shape financially and there were no material defects on accounting or operational. He further stated that for 15 years running the City has received the Excellence in Reporting Award from the GFOA.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Nowels, the Council voted four (4) "ayes" and no (0) "nays" to accept the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR). The motion carried.

**Consideration of the Preliminary Plat of Castle Hills, Phase V, Section A, a 78.47 Acre Tract Containing 72.97 Acres Designated Estate Townhouse Residential (ETH) and 5.5 Acres of Undesignated Use with 270 Residential Lots, 8 Common Area Lots and 1 Undesignated Use Lot, Bounded by FM 544 to the North, S.H. 121 to the West and FM 2281 to the East, with a Requested Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville Code of Ordinances, Chapter 6, Land Use, Article V, Section 6-92 Streets, as Requested by TRC Hunter, on Behalf of the Property Owner**

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**(Agenda Item G-9)**

The developer is requesting a variance to the Castle Hills Development Ordinance with regard to street rights-of-way with the Preliminary Plat of Castle Hills Phase V, Section A to vary the minimum allowable street right-of-way from 50 feet wide to 44 feet wide plus 6-foot sidewalk and utility easements along both sides of the right of way. The Planning and Zoning Commission considered the preliminary plat and variance at their March 6 meeting and recommended approval by a vote of 5-0.

Mayor Carey advised the City staff's recommendation was that the City Council approve the preliminary plat and the requested variance.

David Salmon, P.E., Assistant City Engineer and Eric Stanley, Castle Hills Development Company were both present to respond to any questions posed by the City Council.

**Consideration of the Preliminary Plat of Castle Hills, Phase V, Section A, a 78.47 Acre Tract Containing 72.97 Acres Designated Estate Townhouse Residential (ETH) and 5.5 Acres of Undesignated Use with 270 Residential Lots, 8 Common Area Lots and 1 Undesignated Use Lot, Bounded by FM 544 to the North, S.H. 121 to the West and FM 2281 to the East, with a Requested Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville Code of Ordinances, Chapter 6, Land Use, Article V, Section 6-92 Streets, as Requested by TRC Hunter, on Behalf of the Property Owner (cont'd)**

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**(Agenda Item G-9)**

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve the preliminary plat of Castle Hills, Phase V, Section A, a 78.47 acre tract containing 72.97 acres designated Estate Townhouse Residential (ETH) and 5.5 acres of undesignated use with 270 residential lots, 8 common area lots and 1 undesignated use lot, bounded by FM 544 to the North, S.H. 121 to the west and FM 2281 to the east, approved a requested variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, based on the 1996 Lewisville Code of Ordinances, Chapter 6, Land Use, Article V, Section 6-92 Streets, as requested by TRC Hunter, on behalf of the property owner to vary the minimum allowable street right-of-way from 50 feet wide to 44 feet wide plus 6-foot sidewalk and utility easements along both sides of the right of way The motion carried.

**Consideration of a Request from JDB Coppel Commercial G.P., LLC to Allow the Encroachment of Two Stone Wall Entry Features Within a City of Lewisville Sanitary Sewer Easement, Located at State Highway 121 and Plaza Boulevard**

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**(Agenda Item G-10)**

**Consideration of a Request from JDB  
Coppell Commercial G.P., LLC to Allow the  
Encroachment of Two Stone Wall Entry  
Features Within a City of Lewisville Sanitary  
Sewer Easement, Located at State Highway  
121 and Plaza Boulevard (cont'd)**

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**(Agenda Item G-10)**

Mayor Carey advised that the Plaza Development is a mixed use development located on the northwest corner of Ridgemont Drive and SH 121 (Bypass). The development has improvements in both the City of Lewisville and Coppell jurisdictions. During the process of commercial development in Coppell, the developers failed to notice the restrictions of a City of Lewisville sanitary sewer easement on the property and constructed two stone wall entry features. The developers additionally constructed the stone wall without a permit. City staff has directed the developers to remove the structures from within the easement.

Mayor Carey stated the City staff's recommendation was that the City Council deny the request from JDB Coppell Commercial G.P., L.L.C.

T. S. Kumar, P.E., City Engineer was present to respond to any questions posed by the City Council.

William Anderson, JDB Coppell Commercial G.P., L.L.C., 5225 Village Creek Drive, Suite 200, Plano, Texas 75243, spoke before the City Council explaining how this situation had been created. Mr. Anderson advised that if the sign ever had to be removed they would be willing to replace the sign. He advised that they were concerned if they had to remove this sign and replace it with a flat looking façade they would not be able to capture the entry feel they were working toward.

Mayor Carey questioned what would have been done if they had requested this sign from staff and been told they could not put the sign in this location. Mr. Anderson advised they would not have built the wall.

Discussion was held by the City Council and Mr. Anderson regarding putting money into an escrow account to fund replacement of the sign in the future should it have to be taken down due to sanitary sewer line issues. Further discussion was held regarding the concern of having a structure located above a sanitary sewer line.

Mr. Anderson offered to sit down with City Manager King to determine what funds would be required.

**Consideration of a Request from JDB  
Coppell Commercial G.P., LLC to Allow the  
Encroachment of Two Stone Wall Entry  
Features Within a City of Lewisville Sanitary  
Sewer Easement, Located at State Highway  
121 and Plaza Boulevard (cont'd)**

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**(Agenda Item G-10)**

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to table this item to the April 2, 2007 meeting to allow time for the Mr. Anderson to work with City staff. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Article IV, Chapter 11, Signs,  
Section 11-12 Permissible Signs Located  
Within the Old Town Center District That  
Require a Permit, as Requested by Hasmig  
Minassian**

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**(Agenda Item G-11))**

Mayor Carey advised that currently, the Lewisville Code of Ordinances does not allow buildings in the Old Town Center District more than one wall sign nor does it allow roof signs. The owner of the property at 124 North Mill is requesting a variance to the Sign Ordinance to allow two secondary signs of the maximum square footage of 25 square feet, in addition to the primary wall sign, a maximum of 50 square feet. The owner also requests that the \$350 variance request fee be waived. The sign design was approved by the Old Town Design Review Committee on February 26, 2007 and will provide the owner with an alternative to the existing pole sign on the property, which will be removed upon mounting the wall and roof signage.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the variance request and waive the variance request fee.

Elizabeth Trosper, Economic Development Specialist, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted four (4) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District that require a permit, as requested by Hasmig Minassian, to allow two secondary signs of the maximum square footage of 25 square feet, in addition to the primary wall sign, a maximum of 50 square feet. The motion carried.

**Consideration of Ordinance No. 3424-03-2007 Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting the Current Ordinance and Replacing it With New Text**

(Agenda Item G-12)

Mayor Carey advised that the current Special Events ordinance is in need of revision for clarification purposes. Staff met with the Special Events Committee and various City departments to discuss changes to the current Special Events ordinance. Staff is requesting that City Council repeal the existing ordinance and replace it with the proposed ordinance.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance.

Councilman Nowels expressed concern about limiting the number of special events to three. He requested that the number be expanded from three special events to allow for six special events. Discussion was held regarding Councilman Nowels' request. Further discussion was held regarding various organizations holding events and how it could be more than a couple of times a year.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 7, Article V. Special Events, of the Lewisville City Code, by Deleting the Current Language in its entirety and Replacing it With Many Substantive Changes; Providing for Severability; Providing a Penalty Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3424-03-2007**, as previously captioned, with the amendment from three to six allowed special event. The motion carried.

**Consideration of Ordinance No. 3425-03-2007 Amending the Lewisville City Code, Chapter 10, Parks and Leisure Services, by Making Certain Changes Providing Additional Prohibitions Within the Limits of a City Park**

(Agenda Item G-13)

**Consideration of Ordinance No. 3425-03-2007 Amending the Lewisville City Code, Chapter 10, Parks and Leisure Services, by Making Certain Changes Providing Additional Prohibitions Within the Limits of a City Park (cont'd)**

**(Agenda Item G-13)**

Mayor Carey advised that staff has reviewed the code of ordinances as it relates to the parks and has identified prohibitions that should be added to Chapter 10, including lighting fires during a fire ban, failing or refusing to properly remove animal waste, operating any public address system without first obtaining a permit, and playing golf or using or playing with golf balls within any part of any park not designated as a golf facility.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 10, Article III, Section 10-69 of the Lewisville City Code; by Providing Additional Acts Which are Prohibited Within the Limits of a City Park; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3425-03-2007**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3426-03-2007 Amending the Lewisville City Code, Chapter 6, Section 6-32 through 6-43, the Park Dedication Requirements of the General Development Regulations**

**(Agenda Item G-14)**

Mayor Carey advised that the requirements for park dedications related to residential development have been in effect for over twenty years, and staff has made several changes to the ordinance to reflect current conditions. The substantive changes are that the Park Board will no longer be involved since no land will be dedicated by the developer, but each building permit will require payment of the park development fee. There will be no division of the City

**Consideration of Ordinance No. 3426-03-2007 Amending the Lewisville City Code, Chapter 6, Section 6-32 through 6-43, the Park Dedication Requirements of the General Development Regulations (cont'd)**

**(Agenda Item G-14)**

into zones, but rather the entire City will be one zone. The time for the City to spend each park development fee is increased from 3½ to 10 years.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Lewisville Code of Ordinances, Chapter 6, by Making Provisions for a Park Development Fee and Related Requirements on Residential Development; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3426-03-2007**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3427-03-2007 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Parks and Leisure Services Department, Park Development Fee**

**(Agenda Item G-15)**

Mayor Carey advised that as part of the review of the Park Dedication requirements of the General Development regulations of the City, it is recommended that the fee remain at \$750 per dwelling unit, and that the amount be located in the fee section of the Lewisville City Code.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance.

**Consideration of Ordinance No. 3427-03-2007 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Parks and Leisure Services Department, Park Development Fee (cont'd)**

(Agenda Item G-15 )

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule, by Adding a Park Development Fee for New Dwelling Units; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3427-03-2007**, as previously captioned. The motion carried.

**Consideration of Upcoming Meeting Dates for the City’s Budget Process**

(Agenda Item G-16 )

Mayor Carey advised that City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City’s budget process. The Budget Workshop is recommended to be scheduled for August 18th, with August 20-22nd reserved for evening workshops, if necessary.

Mayor Carey stated the City staff’s recommendation was that the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Mayor Pro Tem Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve the proposed upcoming meeting dates for the City’s budget process and schedule the Budget Workshop for August 18<sup>th</sup>, with August 20-22<sup>nd</sup> reserved for evening workshops, if necessary. The motion carried.

**Reports**

**(Agenda Item H)**

- Mayor Carey thanked the Fire Department for their work at the recent structure fire.
- Chief Lasky gave remind everyone of safety tips.
- Director of Public Services Carole Bassinger gave an update on the status of the lake.
- Mayor Carey congratulated Finance Director Lauren Crowley on the recent audit.
- Mayor Pro Tem Durham encouraged everyone to watch the Legislation and see what they are doing on a daily basis

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:55 p.m. Monday, March 19, 2007, 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 8:00 p.m. on Monday, March 19, 2007, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 9:35 p.m. on Monday, March 19, 2007.

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

**(Agenda Item J)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:37 p.m. on Monday, March 19, 2007, in the Council Chambers of the Lewisville City Hall.

Mayor Carey 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 Councilman Nowels and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9 p.m. on Monday, March 19, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 2<sup>nd</sup> day of April, 2007.

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY