

LEWISVILLE CITY COUNCIL

REGULAR SESSION

APRIL 16, 2007

Present:

Gene Carey, Mayor

Council Members:

Greg Tierney

David Thornhill

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

Lizbeth Plaster, Assistant 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 6:30 p.m. on Monday, April 16, 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, with the exception of Fire Chief Rick Lasky who was represented by Assistant Fire Chief Tim Tittle; and City Attorney Ron Neiman who was represented by Assistant City Attorney Lizbeth Plaster.

**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.

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 C, Proclamations: 1) Declaring the Week of April 15-21, 2007, as “National Library Week”; 2) Declaring the Week of April 23-29, 2007, as “Cover the Uninsured Week”; 3) Declaring the Week of April 22-28, 2007, as “Crime Victims’ Rights Week”; and, 4) Declaring April 28, 2007, as “Arbor Day”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Presentation. 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: City Council Minutes of the April 2, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of an Award for Vending Services to Specialized Quality Vending, Inc., Arlington, Texas; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of Acceptance of a \$3,000 Grant From the Texas Department of Transportation for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$3,000 to the Fiscal Year 2006/2007 Grant Fund; and Authorization for the City Manager to Execute the Grant Document. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of an Agreement With Results Staffing to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement. 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-5, Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an Amount not to Exceed \$18,200,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Construction, Improvement and Equipment of the City's Railroad Street Athletic Park Complex, Including Athletic Fields, a Skate Park, a Dog Park and Related Improvements (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection With the Project and the Issuance of the Certificates. Mayor Carey advised that he would like for this item to be pulled from the Consent Agenda for City Manager King to provide explanation.

Mayor Carey reviewed Agenda Item F-6, Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an Amount not to Exceed \$8,190,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Acquisition, Construction and Equipment of a Community Arts and Activities Center Located at 201 West Main Street, and Related Improvements, and the Acquisition and Development of Land for a Parking Lot to be Located in the Old Town area of the City at a site to be determined by the City Council (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection with the Project and the Issuance of the Certificates. Mayor Carey advised that he would like for this item to be pulled from the Consent Agenda for City Manager King to provide explanation.

Mayor Carey reviewed Agenda Item F-7, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Victim Assistance Officer; and Authorization for the City Manager to Execute the Grant Application Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of a Historic Preservation Agreement Between the City of Lewisville and Frank Vaughan for Costs Associated With Façade Improvements at 311 Herod Street; and Authorization for the City Manager to Execute the Agreement. 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 G-9, Consideration of the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville Located at the Northeast Corner of Valley Parkway and Bellaire Boulevard, Which Includes a Request for Eight Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Casey Ross Representing the Developer, Portrait Homes. City Manager King reviewed this item with the City Council. Discussion was held regarding other variances approved for right turn lanes. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 513 Bennett Lane, As Requested by Isbell Engineering, Representing the Property Owner, Octavi Hernandez. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Lake Vista Retail Center, a Proposed Retail Strip Center and Restaurant Pad Site Located at 755 Highway 121 on the North Side of Highway 121 Tollway and West of Lake Vista Drive Adjacent to the Hilton Garden Inn Site, as Requested by Michael Hershman, President of Eagle Equity, Inc., the Property Owner. City Manager King reviewed this agenda item and explained the Access Management Policy for the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of a Request for a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Northwood Retail Addition, a Proposed Retail Strip Center Located at 380 East Business Highway 121, Lot 1, Block A, as Requested by the Property Owner, Lewisville, Inc. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1600 South Stemmons, as Requested by Studio Movie Grill and Represented by Brian Schultz, President and Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Discussion and Consideration of Appointments to the Lewisville Local Government Corporation. City Manager King stated that basically everyone on the cc with the exception of Councilman Nowels for this corporation.

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 G-15, Discussion and Consideration of Appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of Nominations to the North Central Texas Council of Governments Executive Board of Directors. Mayor Carey advised that he would like to nominate Deputy Mayor Pro Tem Ueckert to this Board of Directors.

Mayor Carey reviewed Agenda Item G-17, Consideration of Nominations to the Denton Central Appraisal District Appraisal Review Board. There was no discussion on this item.

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

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 6:48 p.m. on Monday, April 16, 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, April 16, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Carey gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Deputy Mayor Ueckert gave the pledge to the flag.

**Proclamation: Declaring the Week of April
15-21, 2007, as “National Library Week”.**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring the week of April 15-21, 2007, as “National Library Week” to Library Board Members Carolyn Richard and Karen Locke.

**Proclamation: Declaring the Week of April
23-29, 2007, as “Cover the Uninsured Week”.**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring the week of April 23-29, 2007, as “Cover the Uninsured Week” to Sarah Hooker, Jane Deiulio from the DeLay Middle School, and Terri Palomino from Aetna Medicaid/CHIP Services.

**Proclamation: Declaring the Week of April
22-28, 2007, as “Crime Victims’ Rights
Week”.**

(Agenda Item C-3)

Mayor Carey read and presented a proclamation declaring the week of April 22-28, 2007, as “Crime Victims’ Rights Week” to Lewisville Victims Assistance Officer Charlene Collins.

**Proclamation: Declaring April 28, 2007, as
“Arbor Day”.**

(Agenda Item C-4)

Mayor Carey read and presented a proclamation declaring April 28, 2007, as “Arbor Day” to Kelsey Brown with Keep Lewisville Beautiful.

**PRESENTATIONS: Teen Court Senior
Volunteer Recognition and Scholarship
Awards.**

(Agenda Item D)

Mayor read and presented Teen Court Senior Volunteer Recognition Awards to the following High School Seniors: Victor Benavides, Jennifer Stanley, Seth Duban, Matt Morris, Kareen Kuether, Zachary DeVlugt, Andrew Hendrix, Cheuklun Law, Nathan Stoltenberg, and Krista Wynkoop. The following adult volunteers were recognized: Alan Perry and Lisa Ott.

Mayor Carey then read and presented Scholarship Awards to the following High School Seniors: Victor Benavides, Jennifer Stanley, and Seth Duban.

Visitors/Citizens Forum

(Agenda Item E)

No one 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. – 5. Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an Amount not to Exceed \$18,200,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Construction, Improvement and Equipment of the City's Railroad Street Athletic Park Complex, Including Athletic Fields, a Skate Park, a Dog Park and Related Improvements (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection With the Project and the Issuance of the Certificates.
2. Consent Agenda Item No. 6 - Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an Amount not to Exceed \$8,190,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Acquisition, Construction and Equipment of a Community Arts and Activities Center Located at 201 West Main Street, and Related Improvements, and the Acquisition and Development of Land for a Parking Lot to be Located in the Old Town area of the City at a site to be determined by the City Council (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection with the Project and the Issuance of the Certificates.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the April 2, 2007, Workshop Session and Regular Session.

CONSENT AGENDA (cont'd)

(Agenda Item F)

2. Approval of an Award for Vending Services to Specialized Quality Vending, Inc., Arlington, Texas; and Authorization for the City Manager to Execute the Contract.
3. Approval of Acceptance of a \$3,000 Grant From the Texas Department of Transportation for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$3,000 to the Fiscal Year 2006/2007 Grant Fund; and Authorization for the City Manager to Execute the Grant Document.
4. Approval of an Agreement With Results Staffing to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement.
7. Approval of **Resolution No. 3437-04-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Victim Services Program (Grant Number 1579007).
8. Approval of a Historic Preservation Agreement Between the City of Lewisville and Frank Vaughan for Costs Associated With Façade Improvements at 311 Herod Street; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Approval of Resolution No. 3435-04-2007(R):
A Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an Amount not to Exceed \$18,200,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Construction, Improvement and Equipment of the City's Railroad Street Athletic Park Complex, Including Athletic Fields, a Skate Park, a Dog Park and Related Improvements (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection With the Project and the Issuance of the Certificates

(Agenda Item F-5)

State statute provides, in respect to the issuance of non-voted combination tax and revenue certificates of obligation, that a Notice of Intention to issue such bonds must be given by the publication of such notice in a local newspaper published in the City. The notice must identify the date, time, and place when the Council plans to adopt the ordinance authorizing the issuance of the bonds; further identify the maximum amount of the bonds to be issued; the purpose for their issuance; their maximum maturity date; and maximum interest rate. The maximum interest rate stated in the notice is for purposes of setting an interest rate ceiling and does not reflect the interest rate anticipated to be bid by underwriters bidding on the bonds. The Attorney General requires that the City Council approve and authorize the giving of such notice prior to its publication or posting.

That the City Council approve the resolution relating to the Giving of Notice of Intention to issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an amount not to exceed \$18,200,000 for the purpose of paying contractual obligations to be incurred for the following purposes: construction, improvement and equipment of the City's Railroad Street Athletic Park Complex, including athletic fields, a skate park, a dog park and related improvements (the "Project"); and to pay for professional services of attorneys, financial advisors, and other professionals in connection with the project and the issuance of the certificates.

City Manager King reviewed this item at the request of Mayor Carey.

Approval of Resolution No. 3435-04-2007(R):
A Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an Amount not to Exceed \$18,200,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Construction, Improvement and Equipment of the City's Railroad Street Athletic Park Complex, Including Athletic Fields, a Skate Park, a Dog Park and Related Improvements (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection With the Project and the Issuance of the Certificates (cont'd)

(Agenda Item F-5)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve. The motion carried.

Approval of a Resolution No. 3436-04-2007(R):
A Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an Amount not to Exceed \$8,190,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Acquisition, Construction and Equipment of a Community Arts and Activities Center Located at 201 West Main Street, and Related Improvements, and the Acquisition and Development of Land for a Parking Lot to be Located in the Old Town area of the City at a site to be determined by the City Council (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection with the Project and the Issuance of the Certificates

(Agenda Item F-6)

**Approval of a Resolution No. 3436-04-2007(R):
A Resolution Relating to the Giving of Notice
of Intention to Issue City of Lewisville
Combination Tax and Revenue Certificates of
Obligation, Series 2007B, in an Amount not to
Exceed \$8,190,000 for the Purpose of Paying
Contractual Obligations to be Incurred for the
Following Purposes: Acquisition,
Construction and Equipment of a Community
Arts and Activities Center Located at 201 West
Main Street, and Related Improvements, and
the Acquisition and Development of Land for a
Parking Lot to be Located in the Old Town
area of the City at a site to be determined by
the City Council (the “Project”); and to Pay
for Professional Services of Attorneys,
Financial Advisors and Other Professionals in
Connection with the Project and the Issuance
of the Certificates (cont’d)**

(Agenda Item F-6)

State statute provides, in respect to the issuance of non-voted combination tax and revenue certificates of obligation, that a Notice of Intention to issue such bonds must be given by the publication of such notice in a local newspaper published in the City. The notice must identify the date, time, and place when the Council plans to adopt the ordinance authorizing the issuance of the bonds; further identify the maximum amount of the bonds to be issued; the purpose for their issuance; their maximum maturity date; and maximum interest rate. The maximum interest rate stated in the notice is for purposes of setting an interest rate ceiling and does not reflect the interest rate anticipated to be bid by underwriters bidding on the bonds. The Attorney General requires that the City Council approve and authorize the giving of such notice prior to its publication or posting. The cost of issuance in the amount of \$190,000 has been included to ensure \$8,000,000 for the acquisition, construction and equipment of the arts activities center and parking lot.

That the City Council approve the resolution relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an amount not to exceed \$8,190,000 for the purpose of paying contractual obligations to be incurred for the following purposes: acquisition, construction and equipment of a community arts and activities center located at 201 West Main Street, and related improvements, and the acquisition and development of land for a parking lot to be located in the Old Town area of the City at a site to be determined by the City Council (the “Project”); and to pay for

Approval of a Resolution No. 3436-04-2007(R):

A Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an Amount not to Exceed \$8,190,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Acquisition, Construction and Equipment of a Community Arts and Activities Center Located at 201 West Main Street, and Related Improvements, and the Acquisition and Development of Land for a Parking Lot to be Located in the Old Town area of the City at a site to be determined by the City Council (the “Project”); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection with the Project and the Issuance of the Certificates (cont’d)

(Agenda Item F-6)

professional services of attorneys, financial advisors, and other professionals in connection with the project and the issuance of the Certificates.

City Manager King explained this item at the request of Mayor Carey.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted five (5) “ayes” and no (0) “nays” to approve. The motion carried.

Consideration of the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville Located at the Northeast Corner of Valley Parkway and Bellaire Boulevard, Which Includes a Request for Eight Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Casey Ross Representing the Developer, Portrait Homes

(Agenda Item G-9)

Mayor Carey advised that the zoning for this 28-acre piece of property is Townhouse-2 (TH-2). The developer has submitted the preliminary plat for 223 residential lots plus 5 HOA lots and is requesting the following variances to their preliminary plat: a) to obtain City

Consideration of the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville Located at the Northeast Corner of Valley Parkway and Bellaire Boulevard, Which Includes a Request for Eight Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Casey Ross Representing the Developer, Portrait Homes (cont'd)

(Agenda Item G-9)

participation in the construction costs of a certain portion of the storm sewer associated with the offsite storm sewer lift station removal; b) to allow the construction and installation of a City approved sanitary sewer lift station in lieu of a conventional gravity system; c) to allow certain sanitary sewer easements in lieu of rights-of-way; d) to allow drainage easements in lieu of rights-of-way; e) to allow lot-to-lot drainage in excess of allowable limits established by code; f) to waive alley requirements, thus providing front entry; g) to waive the construction of a right-turn lane associated with Bellaire Boulevard to Valley Parkway; and h) to provide a reduced width drainage and sanitary sewer right-of-way. Conceptual approval of variances a) through g) was granted by the City Council on September 11, 2006. The developers are requesting variance h) based on design constraints that have become apparent during the design process. The Planning & Zoning Commission voted 7-0 to recommend approval of the preliminary plat, and variances B (Sewer Lift Station), C (Sewer Easement), D (Drainage Easement), F (Front Entry), and H (Drainage & Sewer Right of Way Width). The Planning & Zoning Commission voted 5-2 recommending in favor of variances A (Storm Sewer Participation), E (Lot to Lot Drainage) with Commissioners Fowler and Townsend voting in opposition to both variances. The Planning & Zoning Commission voted 5-2 recommending to deny variance G (Right Turn Lane).

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

David Salmon P.E., Assistant City Engineer, reviewed this item and offered to answer any questions posed by the City Council.

Councilman Tierney requested clarification regarding the costs for the development. Mr. Salmon reviewed those costs contained in the cc backup.

Deputy Mayor Pro Tem Ueckert questioned if the pump station was not removed would there be future annual costs for the maintenance of that station. Mr. Salmon advised that was correct in addition to the liability incurred by having this lift station.

Consideration of the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville Located at the Northeast Corner of Valley Parkway and Bellaire Boulevard, Which Includes a Request for Eight Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Casey Ross Representing the Developer, Portrait Homes (cont'd)

(Agenda Item G-9)

Deputy Mayor Pro Tem Ueckert requested confirmation that the developer was willing to pay for the right turn lane; however, staff did not feel it was needed at this time. Mr. Salmon advised that the developer is dedicating the right-of-way so if staff feels it is needed in the future it can be done.

Deputy Mayor Pro Tem Ueckert requested clarification that there were not any private pools allowed in this subdivision. Mr. Salmon and the developer both advised that was correct.

Casey Ross, P.E., Dowdey, Anderson & Associates, Inc., 5225 Village Creek Drive, Suite 200, Plano, Texas; Bruno Pasquinell, Portrait Homes, 4949 Hedgloxe Road, Plano, Texas; Mack Rogers, 6247 Deloache, Dallas, Texas; and Scott Whitwer, 4949 Hedgloxe Road, Plano, Texas, were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to approve the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville located at the northeast corner of Valley Parkway and Bellaire Boulevard; approval of the following variances to the Lewisville City Code, Chapter 6, Land Development Regulations: a) to obtain City participation in the construction costs of a certain portion of the storm sewer associated with the offsite storm sewer lift station removal; b) to allow the construction and installation of a City approved sanitary sewer lift station in lieu of a conventional gravity system; c) to allow certain sanitary sewer easements in lieu of rights-of-way; d) to allow drainage easements in lieu of rights-of-way; e) to allow lot-to-lot drainage in excess of allowable limits established by code; f) to waive alley requirements, thus providing front entry; g) to waive the construction of a right-turn lane associated with Bellaire Boulevard to Valley Parkway; and h) to provide a reduced width drainage and sanitary sewer right-of-way, as requested by Casey Ross representing the developer, Portrait Homes; and accept the deed restrictions. The motion carried.

**Consideration of a Variance to Lewisville
City Code, Section 6-92 (i)(2) Regarding
Commercial Drives, Located at 513 Bennett
Lane, As Requested by Isbell Engineering,
Representing the Property Owner, Octavi
Hernandez**

(Agenda Item G-10)

Mayor Carey advised that the property is located at 513 Bennett Lane, just west of Yates Street. The site is 0.644 acres in size and zoned Light Industrial (LI). There is currently a single family residence on the site and the developer is proposing to build a 2,550 square foot office/warehouse building behind the residence. As part of the engineering site plan, the developer is requesting a variance to waive the required 50-foot driveway spacing requirement and allow a new driveway on Bennett Lane immediately adjacent to an existing commercial driveway on an adjacent property.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance.

David Salmon, P.E., Assistant City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, located at 513 Bennett Lane, to waive the required 50-foot driveway spacing requirement and allow a new driveway on Bennett Lane immediately adjacent to an existing commercial driveway on an adjacent property, as requested by Isbell Engineering, representing the property owner, Octavi Hernandez. The motion carried.

**Consideration of a Variance to the Lewisville
City Code, Section 6-123(b) Regarding
Required Landscape Area Adjacent to Public
Streets for Lake Vista Retail Center, a
Proposed Retail Strip Center and Restaurant
Pad Site Located at 755 Highway 121 on the
North Side of Highway 121 Tollway and
West of Lake Vista Drive Adjacent to the
Hilton Garden Inn Site, as Requested by
Michael Hershman, President of Eagle
Equity, Inc., the Property Owner**

(Agenda Item G-11)

Consideration of a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Lake Vista Retail Center, a Proposed Retail Strip Center and Restaurant Pad Site Located at 755 Highway 121 on the North Side of Highway 121 Tollway and West of Lake Vista Drive Adjacent to the Hilton Garden Inn Site, as Requested by Michael Hershman, President of Eagle Equity, Inc., the Property Owner (cont'd)

(Agenda ItemG-11)

Mayor Carey advised that Eagle Equities Inc., is developing a retail site called Lake Vista Ridge Retail Center. The address is 755 Highway 121. The General Development Ordinance requires that a landscape strip shall be provided adjacent to all public and private streets. The landscape strip provided is required to be a minimum of ten (10) feet in width, exclusive of street right-of-way. Due to changes in procedures regarding a TxDOT Access Management Plan by the City of Lewisville, the developer has been required to provide a deceleration lane that had not been incorporated in their original plan configuration. Due to lot size restraints, they are requesting a variance to provide a 3-foot landscape strip for 100 feet adjacent to the deceleration lane in lieu of the 10-foot landscape strip as required by the General Development Ordinance. The 10-foot landscape strip will be adhered to or exceeded on the remaining street frontage.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance.

Larry Finney, Building Official, Michael A. Hershman, President, Eagle Equity, Inc., 5430 LBJ Freeway, Suite 1575, Dallas, Texas, and Jorge Barragan, Barragan Martinez & Walls, 832 S. Carrier Pkwy, #300, Grand Prairie, Texas, were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 6-123(b) regarding Required Landscape Area Adjacent to Public Streets for Lake Vista Retail Center, a proposed Retail Strip Center and Restaurant Pad Site located at 755 Highway 121 on the north side of Highway 121 Tollway and west of Lake Vista Drive Adjacent to the Hilton Garden Inn Site, to provide a 3-foot landscape strip for 100 feet adjacent to the deceleration lane in lieu of the 10-foot landscape strip as required by the General Development Ordinance with the 10-foot landscape strip being adhered to or exceeded on the remaining street frontage, as requested by Michael Hershman, President of Eagle Equity, Inc., the property owner. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Northwood Retail Addition, a Proposed Retail Strip Center Located at 380 East Business Highway 121, Lot 1, Block A, as Requested by the Property Owner, Lewisville, Inc.

(Agenda Item G-12)

Mayor Carey advised that the General Development Ordinance requires that a landscape strip shall be provided adjacent to all public and private streets. The landscape strip provided is required to be a minimum of ten (10) feet, exclusive of street right-of-way. A 12-foot right of way dedication for a future deceleration lane has created some lot size restraints on this project. A variance is requested to provide a variable 3.5 to 10 foot landscape strip adjacent to Business Highway 121 in lieu of the 10-foot landscape strip as required by the General Development Ordinance. The deceleration lane construction will depend on future approval of a TxDOT Access Management Plan.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance.

Larry Finney, Building Official was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to approve a request for a variance to the Lewisville City Code, Section 6-123(b) regarding Required Landscape Area Adjacent to Public Streets for Northwood Retail Addition, a Proposed Retail Strip Center Located at 380 East Business Highway 121, Lot 1, Block A, to provide a variable 3.5 to 10 foot landscape strip adjacent to Business Highway 121 in lieu of the 10-foot landscape strip as required by the General Development Ordinance, as Requested by the Property Owner, Lewisville, Inc. The motion carried.

Consideration of a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1600 South Stemmons, as Requested by Studio Movie Grill and Represented by Brian Schultz, President and Owner

(Agenda Item G13)

Mayor Carey advised that Studio Movie Grill is in the process of opening their new business at 1600 South Stemmons Freeway. This location is the old United Artist theater building. The United Artist theater was granted a sign variance for an off-premise 400 square foot free-standing sign 25 feet in height by the City Council on October 17, 1994. Due to the newer construction of the Cavender's Boot building and landscaping, the existing off-premise sign can barely be seen. Studio Movie Grill is proposing to replace the sign with a new 127 square foot sign that would be 75 feet in height at the same location. In order for them to place a new sign off-premise sign with the new dimensions a variance must be granted by City Council. Staff review of the proposal supports approval of this variance request.

Mayor Carey stated the City staff's recommendation was that the City Council approve the variance.

Larry Finney, Building Official and Gene Waldrum, Studio Movie Grill, 8908 Sovereign, Dallas, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, regarding an Off-Premise Sign to be Located at 1600 South Stemmons, to replace the sign with a new 127 square foot sign that would be 75 feet in height at the same location, as requested by Studio Movie Grill and represented by Brian Schultz, President and owner. The motion carried.

Discussion and Consideration of Appointments to the Lewisville Local Government Corporation

(Agenda Item G-14)

The terms for the members of the Lewisville Local Government Corporation have expired. Currently, the members serving on this corporation are Gene Carey, Mike Nowels, Greg Tierney, Rudy Durham and Tim Blair. The Articles of Incorporation for this board state that the Board of Directors consists of five (5) persons who are residents of the City shall be

**Discussion and Consideration of
Appointments to the Lewisville Local
Government Corporation**

(Agenda Item G-14)

appointed by the City Council and that the Board Members may be members of the City Council. A roster of the corporation members has been prepared for City Council review.

The City staff's recommendation was that the City Council consider appointments to the Lewisville Local Government Corporation.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to appoint Gene Carey, Rudy Durham, Dean Ueckert, David Thornhill, and Greg Tierney to the Lewisville Local Government Corporation. The motion carried.

**Discussion and Consideration of
Appointments to the Tax Increment
Reinvestment Zone, Number One, Board of
Directors**

(Agenda Item G-15)

Mayor Carey advised that the terms for Place No. 1 and Place No. 3 on the Tax Increment Reinvestment Zone, Number One, Board of Directors have expired. Staff has contacted both Karen Boenker and Scott Strange who currently occupy those positions. Both members have indicated an interest in continuing to serve on this board. In accordance with the ordinance that established this board, members are only allowed to serve for no more than three (3) consecutive two (2) year terms; therefore, if reappointed, this will be the last term either member will be able to serve. A roster of the board members has been prepared for City Council review.

Mayor Carey stated the City staff's recommendation was that the City Council consider appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to reappoint Karen and Scott Strange to Place No. 1 and Place No.3, respectively, of the Tax Increment Reinvestment Zone, Number One, Board of Directors. The motion carried.

**Consideration of Nominations to the North
Central Texas Council of Governments
Executive Board of Directors**

(Agenda Item G-16)

Mayor Carey advised that the North Central Texas Council of Governments (NCTCOG) will be electing officers and directors for 2007-2008 at its General Assembly meeting on June 15, 2007. The City of Lewisville has been invited to submit a recommendation for a Board position. Past presidents of the NCTCOG Executive Board will serve on the Nominating Committee and will review the recommendations submitted by member governments. Only one vacancy is certain. This vacancy will be in the representation category of "Cities with Population of 25,001 or more".

The City staff's recommendation was that the City Council consider a nomination to the North Central Texas Council of Governments Executive Board of Directors.

MOTION: Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to nominate Deputy Mayor Pro Tem Ueckert to the North Central Texas Council of Governments Executive Board of Directors. The motion carried.

**Consideration of Nominations to the Denton
Central Appraisal District Appraisal Review
Board**

(Agenda Item G-17)

Mayor Pro Tem Durham advised that he would be abstaining from discussion and consideration of this item due to a conflict of interest. The appropriate Conflict of Interest Affidavit has been filled out and filed with the City Secretary. Mayor Pro Tem Durham moved away from the dais.

Mayor Carey advised that the Denton Central Appraisal District (DCAD) is requesting nominees for possible appointment to the Appraisal Review Board. Nominees will need to complete a questionnaire which must be returned to the Appraisal District by April 18, 2007. The DCAD Board of Directors will make their final decision at their April Board of Directors meeting.

Mayor Carey stated the City staff's recommendation was that the City Council consider a nomination to the Denton Central Appraisal District Appraisal Review Board.

City Manager King advised the City Council that action would have to be taken on this item tonight if there was someone the City Council wanted to nominate as the deadline for nominations was April 18th.

**Consideration of Nominations to the Denton
Central Appraisal District Appraisal Review
Board (cont'd)**

(Agenda Item G-17)

No action was taken on this item.

Mayor Pro Tem Durham returned to his place on the dais.

Reports

(Agenda Item H)

- Director of Public Services Carole Bassinger gave an update on the status of Lewisville Lake.
- Deputy Mayor Pro Tem Ueckert extended congratulations for a job well done by the Court System relating to Teen Court. He stated that the Lewisville Teen Court is recognized as one of the best.
- Councilman Nowels encouraged everyone to get out and vote and reminded everyone that Early Voting started April 30th.
- Mayor Carey stated that he, City Manager King, and Police Chief Kerbow had recently attended a large crime watch meeting and that he was very proud of the Lewisville Police Department.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:05 p.m. Monday, April 16, 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 8:10 p.m. on Monday, April 16, 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.

Closed Session (cont'd)

(Agenda Item I)

The Closed Session was adjourned at 8:50 p.m. on Monday, April 16, 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 8:51 p.m. on Monday, April 16, 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.

Property Acquisition

(Executive Session Item I-1)

Mayor Pro Tem Durham advised that he would be abstaining from discussion and consideration of this item due to a conflict of interest. The appropriate Conflict of Interest Affidavit has been filled out and filed with the City Secretary. Mayor Pro Tem Durham moved away from the dais.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to authorize the City Manger to sign the real estate contract with Boenker Construction, Inc.. The motion carried.

There was no other action taken on the items discussed during the Closed Session.

Mayor Pro Tem Durham returned to the dais.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:52 p.m. on Monday, April 16, 2007. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
APRIL 16, 2007**

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These minutes approved by the Lewisville City Council on the 7th day of May, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY