

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JUNE 4, 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

Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 6:00 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 6:10 p.m. on Monday, June 4, 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 Old Town Park and Art Center

Concept Plan

(Agenda Item A)

City Manager King advised that Milton Powell was present to review the layout of the Arts Center Concept Plan. He stated that the Arts Center is oriented toward Charles Street with a courtyard. City Manager King further advised that he wanted to show the City Council the Old Town Plaza that Economic Development Director Zane Miller has been working on with G&A Consultants and their design architects in an effort to do some bubble charting.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Old Town Park and Art Center
Concept Plan (cont'd)**

(Agenda Item A)

Mr. Powell addressed the City Council and explained how they had gotten to this lay out after discussions with City staff and looking at a number of facilities throughout the metroplex. Mr. Powell reviewed the layout map and where the facility would be located. He also showed where access and entry points were located and advised it was designed to encourage movement from downtown Main Street and back.

Mr. Milton advised that the key component would be the theatre that would have 300 seats. He stated this is a good size that would allow for this facility to be leased out or rented. Mr. Milton stated that the theatre would have a full stage with a fly loft and all rigging and equipment – it would be a first rate theatre.

Assistant City Manager Donna Barron advised that the stage will accommodate the full symphony for certain events. Discussion was held if it was similar to the Mesquite Arts Center. Mr. Powell advised that theatre seats about 500; however, this theatre will be balanced equally for speech, drama and musical presentations.

Mr. Powell reviewed the various rooms contained in the proposed building. He stated that along the south side there would be a multi-functional space with a wood floor for dance presentations and he reviewed the class room locations. He advised that the lobby could be a place for funding raising and appreciation dinners. Mr. Powell advised this facility would all be one floor.

Mr. Powell then reviewed the parking and advised that in the worst case scenario if the whole building was fully occupied you would need 173 parking spaces. He advised that the plan shows 70 spots and there are another 184 parking spots at City Hall.

Discussion was held regarding the courtyard area was an area with an open roof. Mr. Powell advised there would be trees located in there and that the building wraps around the courtyard with a covered walkway.

Deputy Mayor Pro Tem Ueckert requested that the City Council adjourn into closed session to discuss property acquisition.

Mayor Carey adjourned the workshop session of the Lewisville City Council into Closed Session at 6:20 p.m. Monday, June 4, 2007, in accordance with the requirements of the Open Meetings Law.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Old Town Park and Art Center
Concept Plan (cont'd)**

(Agenda Item A)

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 6:20 p.m. on Monday, June 4, 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

The Closed Session was adjourned at 6:30 p.m. on Monday, June 4, 2007.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 6:30 p.m. on Monday, June 4, 2007, in the Council Conference Room of the Lewisville City Hall.

The consensus of the City Council was that they liked the design Mr. Powell had presented. City Manager King referenced the budget numbers for this facility. Assistant City Manager Donna Barron advised that the Arts Council was also very happy with this design.

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

(Agenda Item B)

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 – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item C, 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) on a 0.313 Acre Tract of Land Located on the North Side of West Walters Between Herod Street and Charles Street; and Identified as the Southwest Part of Lots 5, Block F of the Original Old Town Lewisville Addition; as Requested by the Property Owner Mark King (Case No. PZ20070408). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item E-1, Approval of Minutes: City Council Minutes of the May 21, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of a Bid Award for the Purchase of Concrete Box Culverts, Related to the Fox Avenue Reconstruction Project, to Hanson Pipe & Precast, Inc., Grand Prairie, Texas, in the Amount of \$66,370.20; and Authorization for the City Manager to Execute the Contract. City Manager King advised that staff was trying to avoid any delays as this project is out for bid. He stated that approval of this item will allow the boxes to be set in place before school starts back in August. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Approval of a Bid Award for Demolition Services to Billy L. and Joan Nabors, Inc., Seagoville, Texas, in the Amount of \$59,000; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of Final Acceptance of the Emergency 42 Inch Sanitary Sewer Replacement (South of Hebron Parkway); and Authorization to Make Final Payment to McMahan Contracting, L.P., in the Amount of \$24,393. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-5, Tabled Item: Approval of Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract. City Manager King advised this item was going to have to be tabled as staff was still working with the Federal Government. City Attorney Neiman advised that it may need to be tabled one more time after this meeting. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of Purchase of Special Events Insurance Brokered Through McGriff, Seibels and Williams From K&K Insurance in the Amount of \$26,711; and Authorization for the City Manager to Execute All Required Contracts. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of a Contract Between the City of Lewisville and McGriff, Seibels and Williams of Texas, Inc., for Risk Management Consulting Services in the Amount of \$26,000; and Authorization for the City Manager to Execute All Required Contracts. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$148,200 for Services Related to the Elm Fork Sanitary Sewer Phase II Project; Approval of a Total Project Design Budget of \$152,650, Which Includes \$4,450 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of a Second Amendment to the Historic Preservation Agreement Between the City of Lewisville and Caroline Berend for the Rehabilitation of the Building at 139 West Main Street; and Authorization for the City Manager to Execute the Amendment. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Approval of a Resolution Supporting the Establishment of a Foreign Trade Zone to Include 27.6111 Acres Along Trinity Drive, as Requested by The Apparel Group. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-11, Consideration of Three Variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels. Deputy Mayor Pro Tem Ueckert expressed concern about granting the parking variance if this facility should ever change the business use. City Manager King referenced backup Exhibit A and B that showed locations where additional parking could be located. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 9.5, Old Town Development Ordinance, Section 9.5-198, Signage in Old Town, By Deleting the Current Section in its Entirety. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule by Establishing a Non-Emergency Lake Response Fee and Revising Ambulance Service Charges. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-14, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3 Animals, Relating to Dangerous Dogs and Dogs That Attack Other Animals. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-15, Consideration of a Resolution Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-16, Consideration of Nominations to the North Central Texas Council of Governments Regional Transportation Council. Mayor Carey recommended Mayor Pro Tem Durham for this position as he has been attending some of those meetings with Councilman Nowels. There was no further discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-17, Tabled Item: Discussion of a Potential Ordinance to Prohibit Residency of Sex Offenders Within Certain Areas of the City (Requested by Mayor Carey). City Manager King advised this item had come back due to the City Council specification when it was to come back. Discussion was held regarding how to proceed. City Manager King advised that staff was not aware of any action taken during the legislative session. Councilman Nowels stated that there are multiple levels of sex offenders and encouraged the City Council when they do decide to take action on this item, that they take those levels into account. City Manager King stated that he felt Texas Municipal League would probably do a search on any action taken on this item. There was no further discussion on this item.

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

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

Items of Interest to the Council

(Agenda Item C)

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 6:50 p.m. on Monday, June 4, 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, June 4, 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.

The National Anthem was performed by the following members of the Lewisville High School Choir: Director Terri Jarvis, Derek Barnes, Chalondria Dews, Elizabeth Gooding, and Quintin Jones. Mayor Carey also issued a proclamation to Ms. Jarvis in honor of National Anthem Day.

Mayor Carey presented a proclamation Declaring The Creative Ideas and Innovation Day to Winston Edmondson.

**Public Hearing: Consideration of Ordinance
No. 3452-06-2007(Z) for a Zone Change
Request From Single-Family Residential (R-
7.5) to Old Town Mixed Use One (OTMU1)
on a 0.313 Acre Tract of Land Located on
the North Side of West Walters Between
Herod Street and Charles Street; and
Identified as the Southwest Part of Lots 5,
Block F of the Original Old Town Lewisville
Addition; as Requested by the Property
Owner Mark King (Case No. PZ20070408)**

(Agenda Item C)

Mayor Carey advised that the proposed zoning classification Old Town Mixed Use One (OTMU1) is in keeping with the recommendations of the Old Town Master Plan. The property owner has no immediate plans to redevelop or sell the property, rather he feels that re-zoning is an opportunity to make his property more attractive to buyers should he wish to sell it in the future. Rezoning the property OTMU1 will allow the applicant more flexibility regarding placement of structures and uses on the property. The Planning and Zoning Commission voted 4-0 in favor of the zone change request at their May 1, 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 requested zone change from Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1).

Mayor Carey opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 3452-06-2007(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on a 0.313 Acre Tract of Land Located on the North Side of West Walters Between Herod Street and Charles Street; and Identified as the Southwest Part of Lots 5, Block F of the Original Old Town Lewisville Addition; as Requested by the Property Owner Mark King (Case No. PZ20070408) (cont'd)

(Agenda Item C)

MOTION: Upon a motion made by Councilman Nowels and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) “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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.313 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R7.5) 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 a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Durham seconded by Councilman Nowels the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3452-06-2007(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

Wayne Ferguson spoke before the City Council and thanked them for all the hard work and attention they have paid to the Old Town Area.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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 - Tabled Item: Approval of Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract.

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 and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the May 21, 2007, Workshop Session and Regular Session.
2. Approval of a Bid Award for the Purchase of Concrete Box Culverts, Related to the Fox Avenue Reconstruction Project, to Hanson Pipe & Precast, Inc., Grand Prairie, Texas, in the Amount of \$66,370.20; and Authorization for the City Manager to Execute the Contract.
3. Approval of a Bid Award for Demolition Services to Billy L. and Joan Nabors, Inc., Seagoville, Texas, in the Amount of \$59,000; and Authorization for the City Manager to Execute the Contract.
4. Approval of Final Acceptance of the Emergency 42 Inch Sanitary Sewer Replacement (South of Hebron Parkway); and Authorization to Make Final Payment to McMahon Contracting, L.P., in the Amount of \$24,393.
6. Approval of Purchase of Special Events Insurance Brokered Through McGriff, Seibels and Williams From K&K Insurance in the Amount of \$26,711; and Authorization for the City Manager to Execute All Required Contracts.

CONSENT AGENDA (cont'd)

(Agenda Item E)

7. Approval of a Contract Between the City of Lewisville and McGriff, Seibels and Williams of Texas, Inc., for Risk Management Consulting Services in the Amount of \$26,000; and Authorization for the City Manager to Execute All Required Contracts.
8. Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$148,200 for Services Related to the Elm Fork Sanitary Sewer Phase II Project; Approval of a Total Project Design Budget of \$152,650, Which Includes \$4,450 for Contingencies; and Authorization for the City Manager to Execute the Agreement.
9. Approval of a Second Amendment to the Historic Preservation Agreement Between the City of Lewisville and Caroline Berend for the Rehabilitation of the Building at 139 West Main Street; and Authorization for the City Manager to Execute the Amendment.
10. Approval of **Resolution No. 3453-06-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Supporting the Establishment of a Foreign Trade Zone to Include 27.6111 Acres Along Trinity Drive Located Within the City of Lewisville.

The motion carried.

END OF CONSENT AGENDA

Tabled Item: Approval of Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract

(Consent Agenda Item E-5)

A total of forty-eight (48) bid invitations were issued, including six (6) downloaded from DemandStar.com. Six (6) bids were received and opened May 3, 2007. This project involves the rehabilitation of concrete curb, gutter, and drive approaches of three streets in the Rolling

Tabled Item: Approval of Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract (cont'd)

(Consent Agenda Item E-5)

Ridge Addition: Rolling Ridge, Ridgecrest and University Drive. Currently, funding is available in the CDBG Block Grant Budget in the amount of \$311,000.

That the City Council approve a supplemental appropriation in the amount of \$82,063 to the Grant Fund; approve a bid award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the amount of \$389,574.15; approve of a total budget of \$393,063; and authorize the City Manager to execute the contract.

City Manager King advised that this staff is still working with HUD to make sure all the approvals have been received.

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the June 18, 2007, City Council meeting. The motion carried.

Consideration of Three Variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels

(Agenda Item F-11)

Mayor Carey advised that Majestic Realty Group is developing a property located on South Edmonds Lane at Highway 121 Business. An engineering site plan has been submitted and is currently in staff review. The building on this site is approximately 1,020,030 square feet

Consideration of Three Variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels (cont'd)

(Agenda Item F-11)

in size. The developer is asking the City Council to grant the following variances to the Lewisville City Code: (a) to provide 498 parking spaces in lieu of the required 673 parking spaces on site (Exhibit A); (b) to exclude the interior landscaping requirement of one tree per 15 parking spaces on the east and west side parking areas of the site (plant trees in alternate locations on site, Exhibit A); and, (c) to permit a construction trailer on-site prior to obtaining a building permit for the office/warehouse building (Exhibit EX1).

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

Larry Finney, Building Official, reviewed the material contained in the City Council's backup for this item.

Al Sorrels, Majestic Realty Group, Dallas, Texas, spoke before the City Council regarding this request.

Deputy Mayor Pro Tem Ueckert stated he did not have any concerns with the use intended for this building; however, he would like to stipulate that if the building is developed into another fashion or it's use becomes another something different than what has been submitted, that the develop comply with the required parking spaces. Mr. Sorrels advised that had been discuss in Development Review Committee and they do have an alternate plan that would allow complying with the required parking spaces. He stated he appreciated the City Council's consideration.

Consideration of Three Variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels (cont'd)

(Agenda Item F-11)

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 the following three variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels to (a) to provide 498 parking spaces in lieu of the required 673 parking spaces on site (Exhibit A); (b) to exclude the interior landscaping requirement of one tree per 15 parking spaces on the east and west side parking areas of the site (plant trees in alternate locations on site, Exhibit A); and, (c) to permit a construction trailer on-site prior to obtaining a building permit for the office/warehouse building (Exhibit EX1), with the stipulation that if the project is developed under some other type use or facility and the City deems and that the 673 parking spaces are needed the applicant will provide those, as set forth in the alternate exhibit. The motion carried.

**Consideration of Ordinance No. 3454-06-2007
Amending the Lewisville City Code, Chapter 9.5, Old Town Development Ordinance, Section 9.5-198, Signage in Old Town, By Deleting the Current Section in its Entirety**

(Agenda Item F-12)

Mayor Carey advised that the Old Town Development Ordinance (OTDO), as revised in Fall 2004, contains Section 198 that addresses requirements for signage in both the Old Town Center District and the Old Town Design District. This information is also provided in the Lewisville Sign Ordinance. Rather than maintain the information in two places, staff is requesting to delete Sec. 9.5-198, Signage in Old Town, in its entirety from the Old Town Development Ordinance.

Consideration of Ordinance No. 3454-06-2007
Amending the Lewisville City Code, Chapter
9.5, Old Town Development Ordinance,
Section 9.5-198, Signage in Old Town, By
Deleting the Current Section in its Entirety
(cont'd)

(Agenda Item F-12)

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

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

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 City Code, Chapter 9.5, Old Town Development Ordinance, Section 9.5-198 Signage in Old Town, by Deleting the Current Language in its Entirety; Providing a Repealer; Providing for Severability; Providing for a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3454-06-2007**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3455-06-
2007 Amending the Lewisville City Code,
Chapter 2, Section 2-201 Fee Schedule by
Establishing a Non-Emergency Lake
Response Fee and Revising Ambulance
Service Charges

(Agenda Item F-13)

Mayor Carey advised that staff presented information concerning the establishment of a non-emergency lake response fee and revision of ambulance charges at the May 21, 2007 work session. Staff recommended the establishment of a fee in the amount of \$432 for such non-emergency responses. Increases in various ambulance charges were also recommended to reflect the increasing costs of drugs and program management. The ordinance revises the fees in accordance with these earlier recommendations.

Consideration of Ordinance No. 3455-06-2007 Amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule by Establishing a Non-Emergency Lake Response Fee and Revising Ambulance Service Charges (cont'd)

(Agenda Item F-13)

Mayor Carey stated the City staff's recommendation was that the City Council consider the ordinance amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule by establishing a non-emergency lake response fee and revising ambulance service charges.

At the request of Mayor Carey, City Manager King reviewed this agenda item with the City Council.

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 City Code, Chapter 2, Section 2-201 Fee Schedule by Establishing a Non-Emergency Lake Response Fee and Revising Ambulance Service Charges; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

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 and adopt **Ordinance No. 3455-06-2007**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3456-06-2007 Amending the Lewisville City Code, Chapter 3 Animals, Relating to Dangerous Dogs and Dogs That Attack Other Animals

(Agenda Item F-14)

Mayor Carey advised the current ordinances relating to dogs that attack other animals were approved by City Council in the mid to late 1990's. There are no provisions in the ordinance that require such dogs to be seized and confined pending a determination hearing in court; there are no provisions for destruction of a dog that seriously injures or kills another animal and the dog owner is only required to carry \$10,000 of liability insurance to cover future attacks. Ordinance provisions for incidents involving a human that is seriously injured or killed by a dog include seizure and confinement of the dog; destruction of a dog that kills a person; and \$100,000 of liability insurance to cover future attacks. The proposed ordinance revisions equalize the requirements for dogs that seriously injure or kill other animals with those for dogs that seriously injure or kill a human. The Animal Services Advisory Board, at their May 23, 2007 meeting, recommended approval of this amendment by a vote of 7 to 0.

Consideration of Ordinance No. 3456-06-2007 Amending the Lewisville City Code, Chapter 3 Animals, Relating to Dangerous Dogs and Dogs That Attack Other Animals (cont'd)

(Agenda Item F-14)

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance revisions.

Sherry Harper, Health and Code Enforcement Manager, was present to respond to any questions posed by the City Council.

Councilman Nowels questioned if two dogs got in a fight and one loses is the winner a dangerous dog. Pat Jackson advised that it would depend on the situation, if they were running loose then the owner could not file; however, if they were both on a leash then that would be different situation.

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 3, Animals, of the Lewisville City Code, by Amending the Definition of “Dangerous Dog” to Include a Dog That Kills or Seriously Injures an Animal; Providing for the Pre-Hearing Confinement of a Dog That Has Allegedly Killed or Seriously Injured an Animal; Increasing the Amount of Liability Insurance Required for a Dog That Has Killed or Seriously Injured an Animal; Providing for the Humane Destruction of a Dog That Has Killed or Seriously Injured an Animal if Necessary to Protect Public Health, Safety and Welfare; Making Minor Changes to Other Sections as Noted; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency. “

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 **Ordinance No. 3456-06-2007**, as captioned previously. The motion carried.

Consideration of Resolution No. 3457-06-2007(R) Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors

(Agenda Item F-15)

Mayor Carey advised that the City has received correspondence from the Denco Area 9-1-1 District advising of the expiring term of office on their District Board of Managers. The District is requesting submission of any nominations by July 16, 2007. This position is currently held by Olive Stephens, Mayor of Shady Shores, and she is willing to serve an additional term. A resolution has been prepared concurring with the nomination of Olive Stephens, Mayor of Shady Shores.

Mayor Carey stated the City staff's recommendation was that the City Council approve the resolution nominating one candidate to the Denco Area 9-1-1 District Board of Directors.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3457-06-2007(R)** nominating Olive Stephens. The motion carried.

Consideration of Nominations to the North Central Texas Council of Governments Regional Transportation Council

(Agenda Item F-16)

Mayor Carey advised that the City holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The city appointee to this position is Councilman Mike Nowels. His seat on the RTC will need to be filled upon his resignation from City Council. The appointee is required to be an elected official who serves on the governing body they represent. This seat term expires in June 2008. The City of Lewisville's appointee represents Lewisville, Flower Mound, Highland Village, Corinth, Lake Dallas, Little Elm, and The Colony.

Mayor Carey stated the City staff's recommendation was that the City Council consider a nomination to the North Central Texas Council of Governments Regional Transportation Council.

Mayor Carey thanked Councilman Nowels for all the hard work he had done on this board. Deputy Mayor Pro Tem Ueckert dittoed Mayor Carey's comments.

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 nominate Mayor Pro Tem Durham to the North Central Texas Council of Governments Regional Transportation Council. The motion carried.

Tabled Item: Discussion of a Potential Ordinance to Prohibit Residency of Sex Offenders Within Certain Areas of the City (Requested by Mayor Carey)

(Agenda Item F-17)

Mayor Carey advised that this item was tabled at the August 21, 2006, City Council meeting until this meeting to determine what action the State Legislature would take on this topic. Various cities in Texas have been enacting local ordinances that prohibit residency of certain sex offenders within certain locations. Typically these ordinances define sexual offenders as persons registered on the Texas Department of Public Safety database due to violations involving persons under sixteen years of age. Most restrict residency from within 1,000 feet of areas "frequented" by children such as public parks, public or private schools, or day care centers. There are often various "exceptions" or affirmative defenses provided as well. The pros/cons of such ordinances are many and range from protecting children from predators to unintended effects such as driving predators "underground," the cost of enforcement, and disproportionate relocation of offenders into certain communities or neighborhoods. To staff's knowledge, at this time the legislature did not make any changes that would address this issue.

Mayor Carey stated the City staff's recommendation was that the City Council provide direction to staff regarding any desired research and ordinance options.

City Manager King advised that City staff was not aware of any changes that had been made during the recent legislative session; however, we are not really ever aware until the Governor has completed his portion.

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to table this item indefinitely. The motion carried.

Reports

(Agenda Item G)

- Public Services Director Carole Bassinger gave an update on the status of the lake. She advised we had not been totally taken out of the drought status; however, we were in good status.
- Mayor Pro Tem Durham extended his thanks to Councilman Nowels for his time on the City Council. He advised Councilman Nowels that he was not allowed to change his cell phone number without telling us what it is.
- Deputy Mayor Pro Tem Ueckert acknowledged his new grandbaby Haley Ann and stated that she was 8½ lbs and 20½ inches long.

Reports (cont'd)

(Agenda Item G)

- Deputy Mayor Pro Tem Ueckert thanked Councilman Nowels for his wonderful nine years and that it had been fun working with him. He stated that Councilman Nowels has a tremendous gift of vision and great talent to be innovative with his thoughts and all his idea.
- Councilman Nowels thanked his fellow Council Members and stated that they were an exceptional group. He stated that he did not have any trouble bragging about the City's staff and would put them up against other city's staff. He stated that they make a City Council job much easier.
- City Manager King thanked Councilman Nowels. He stated that he had always been one of the members of the Council that had been a big supporter of staff and always willing to listen.
- Mayor Carey stated that Councilman Nowels knows how he feels and that he was going to miss him. He stated that the City has leaned on him pretty heavy and he have never said no. Mayor Carey acknowledged all Councilman Nowels' hard work on the transportation issues and all the practical jokes he has played over the years.
- Councilman Thornhill thanked Councilman Nowels stated he was going to miss Councilman Nowels. He thanked him for always helping to answer his questions during workshop session when he first was elected in works he could understand. He wished him the best and knows he will get the best.
- Councilman Tierney stated he hated to see Councilman Nowels go and it had been a pleasure working with you for the past six years. He stated that he had learned a lot from Councilman Nowels – he was a highly intelligent guy and his energy and enthusiasm was going to be missed by himself and the City as a whole.
- City Attorney Ron Neiman stated he enjoyed working with Councilman Nowels and that he was the true definition of “thinking outside the box” as being inside the boxes has never occurred to you. He stated that occasionally he had to direct your attention to state law; however, you have always been very able to listen and redirect and not make anything personal.
- City Secretary Julie Heinze thanked Councilman Nowels for all his support and stated that she was going to miss him.
- Assistant City Manager Donna Barron reminded everyone of the summer music series.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:40 p.m. Monday, June 4, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 7:45 p.m. on Monday, June 4, 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 7:58 p.m. on Monday, June 4, 2007.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:59 p.m. on Monday, June 4, 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 J)

MOTION: Upon a motion made Councilman Tierney and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:00 p.m. on Monday, June 4, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 18th day of June, 2007.

APPROVED

Gene Carey, MAYOR

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
JUNE 4, 2007**

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ATTEST:

Julie Heinze
CITY SECRETARY