

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**JUNE 18, 2007**

**Present:**

Gene Carey, Mayor

**Council Members:**

Greg Tierney  
David Thornhill  
Mike Nowels - absent  
Dean Ueckert, Deputy Mayor Pro Tem  
Rudy Durham, Mayor Pro Tem  
Lathan Watts, Newly Elected

**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 6:30 p.m. on Monday, June 18, 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.

**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, Consideration of Items Relating to the June 9, 2007, City of Lewisville Run Off Election. a) Canvass of the Election Returns for the City Council Run Off Election. b) Consideration of a Resolution Declaring the Results of the City Council Run Off Election. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Presentation of Certificate of Election by Mayor and Administration of Oath of Office to Newly Elected Council Member. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E, Presentation of Plaque of Appreciation to Outgoing Councilman – Place No. 3, Mike Nowels. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F, Closed Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.199 Acre Tract of Land Located on the West Side of Hatcher Avenue Between Walters Street and Main Street; and Identified as Lot 8 (S60' of E 144.5') of the Rawlings Addition, as Requested by Mike McCary With the Authorization of the Property Owner Steve Harkrider (Case No. 20070510). There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on Four Parcels of Land Totaling 1.151 Acres Located on the West Side of Cowan Avenue Between Elm Street and Hickory Street, the Southwest Corner of Elm Street and Cowan Avenue, and the Northeast Side of Hickory Street Between Edna Avenue and Cowan Avenue; and Identified as Lots 5, 9, 10, and 11 of Block 2 of the Extension of the O.B. Dick Subdivision, an Addition to the City of Lewisville Texas, as Requested by the Central Baptist Church (Case No. 20070509). There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-3, Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd., on a Portion of Lot 1, Block C of the Austin Ranch Addition; Consideration of an Ordinance Creating Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd.; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Tax Abatement By and Between the City of Lewisville, Texas, and The Apparel Group, Ltd., for 883 Trinity Drive; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item I-4, Approval of Minutes: City Council Minutes of the June 4, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-5, Tabled Item: Approval of a 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 that this item would need to be tabled again as staff was still waiting to hear from HUD. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-6, Approval of a Supplemental Appropriation to the Fox Avenue Improvements Project in the Amount of \$377,000 From General Capital Projects Available Cash; Approval of a Bid Award for the Fox Avenue Paving Improvements Project to Tiseo Paving Company, Mesquite, Texas, in the Amount of \$3,788,327.33; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-7, Approval of the Emergency Purchase of Wastewater Treatment Plant Equipment and Services Required to Replace the Plant 1-South Clarifier Drive. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-8, Approval of a Supplemental Appropriation in the Amount of \$1,000,000 From the Risk Fund; and Approval of a Total Capital Improvement Project Budget of \$1,000,000 for the Construction of Fiber to Connect Central City Campuses. City Manager King reminded the City Council that this had been discussed during the recent retreat. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Carey reviewed Agenda Item I-9, Approval of a Bid Award for the Traffic Signal Improvements 2007 Project to Roadway Solutions, Inc., Carrollton, Texas, in the Amount of \$347,951; Approval of a Total Project Budget of \$358,390, Which Includes \$10,439 for Contingencies; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-10, Approval of Final Acceptance of the CDBG Asphalt Rehabilitation Project; and Authorization to Make Final Payment to Reynolds Asphalt and Construction Company in the Amount of \$13,698.46. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-11, Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-12, Approval of a Resolution Approving the Fiscal Year 2008 Financial Plan of the Denco Area 9-1-1 District. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-13, Approval of Amendment No. 4 for the Final Design of the Railroad Street Athletic Complex in the Amount of \$466,675 to Dunkin Sims Stoffels, Inc.; and Authorization for the City Manager to Execute the Contract. City Manager King advised this was the last of the series of design contracts that will aid in the development of the final plans and to allow the bid documents to be prepared. Deputy Mayor Pro Tem Ueckert questioned what the current time line on the construction of the Railroad Street Project. Director of Parks and Leisure Services Bob Monaghan advised that they hope to possibly opening the by the Fall of 2008; however, realistically, it will probably be the Spring of 2009. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item J-14, Consideration of the Final Plat of Juan Enrique Platas Addition, Lot 1, Block A, a 0.868 Acre Tract Zoned Light Industrial (LI) Located on the West Side of Holford's Prairie Road and South of Bunker Hill Lane; and Consideration of a Variance to the Lewisville City Code, Section 6-92 (b) Street Requirements; as Requested by G&A Consultants Inc., on Behalf of the Property Owners. 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 J-15, Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Wayne Ferguson. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J-16, Consideration of the Transportation Board's Recommendation to Amend the City Thoroughfare Plan by Deleting the Section of Country Ridge Road From McCartt Drive to State Highway 121 Business. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J-17, Acceptance of Resignations of Bobby Fowler From Place No. 5 on the Planning and Zoning Commission and Joe Molina From Place No. 4 on the Library Board; Declare Vacancies Exist; and Consideration of Appointments to Place No. 5 on the Planning and Zoning Board and Place No. 4 on the Library Board. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J-18, Discussion and Consideration of Place No. 2 of the Lewisville Parks and Library Development Corporation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J-19, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. Mayor Carey stated that he and Deputy Mayor Pro Tem Ueckert were still working on these appointments. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item J-20, Consideration of a Nomination to the Dallas Regional Mobility Coalition. Mayor Carey advised he would like for Mayor Pro Tem Durham to be nominated for this board. There was no further discussion on this item.

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

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

Fire Chief Rick Lasky gave an update of the work currently being done in Gainesville due to recent weather.

**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 6:54 p.m. on Monday, June 18, 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 18, 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, Councilman Tierney gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

At the request of Mayor Carey, Mayor Pro Tem Durham gave the pledge to the flag.

**Consideration of Items Relating to the  
June 9, 2007, City of Lewisville Run Off  
Election: Canvass of the Election Returns for  
the City Council Run Off Election**

**(Agenda Item C-a)**

Mayor Carey requested that City Secretary Julie Heinze conduct the June 9, 2007, City Council run off election canvass.

City Secretary Julie Heinze read the election results into record as follows:

**Consideration of Items Relating to the  
June 9, 2007, City of Lewisville Run Off  
Election: Canvass of the Election Returns for  
the City Council Run Off Election (cont'd)**

**(Agenda Item C-a)**

**CITY OF LEWISVILLE**

**June 9, 2007, CITY COUNCIL RUN OFF ELECTION**

**COMBINED TALLY SHEET**

<b>Names</b>	<b>Early Voting</b>	<b>Memorial Park Rec. Ctr.</b>	<b>Municipal Annex</b>	<b>Lewisville City Hall</b>	<b>TOTAL</b>	<b>%</b>
<b>COUNCILMAN, PLACE 3</b>						
Ron Aljoe	175	71	50	11	307	37.53%
Lathan Watts	311	87	89	24	511	62.47%
<b>TOTAL NUMBER OF VOTERS WHO VOTED AS INDICATED BY POLL LIST</b>	495	160	139	35	829	

**Consideration of Items Relating to the June 9, 2007, City of Lewisville Run Off Election: Consideration of Resolution No. 3458-06-2007(R) A Resolution of the City Council of the City of Lewisville, Texas, Canvassing the Election Returns and Declaring the Results of the Runoff Election of the City of Lewisville Held on Saturday, June 9, 2007, for the City of Lewisville's Councilman – Place No. 3; and Declaring the Effective Date of This Resolution**

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(Agenda Item C-b)

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt Resolution No. 3458-06-2007(R), as previously captioned. The motion carried.

**PRESENTATION OF CERTIFICATE OF ELECTION BY MAYOR AND ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBER**

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(Agenda Item D)

Mayor Carey issued the Certificate of Election to Councilman Lathan Watts. Councilman Watts was sworn in by City Secretary Julie Heinze.

**PRESENTATION: Plaque of Appreciation to Outgoing Councilman – Place No. 3, Mike Nowels**

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(Agenda Item E)

Mayor Carey presented Councilman Nowels with a plaque of appreciation for his years of services to the City of Lewisville.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:15 p.m. Monday, June 18, 2007, in accordance with the requirements of the Open Meetings Law.

**CLOSED SESSION**

(Agenda Item F)

In accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL), the Lewisville City Council convened into Closed Session at 7:15 p.m. on Monday, June 18, 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. Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.

The Closed Session was adjourned at 7:20 p.m. on Monday, June 18, 2007.

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

(Agenda Item M)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:21 p.m. on Monday, June 18, 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.

**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 elect Councilman Ueckert to serve as Mayor Pro Tem and Councilman Thornhill to serve as Deputy Mayor Pro Tem. The motion carried.

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

Mayor Carey returned to Public Hearing G-1.

**Public Hearing: Consideration of Ordinance No. 3459-06-2007(Z) for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.199 Acre Tract of Land Located on the West Side of Hatcher Avenue Between Walters Street and Main Street; and Identified as Lot 8 (S60' of E 144.5') of the Rawlings Addition, as Requested by Mike McCary With the Authorization of the Property Owner Steve Harkrider (Case No. 20070510)**

(Agenda Item G-1)

**Public Hearing: Consideration of Ordinance No. 3459-06-2007(Z) for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.199 Acre Tract of Land Located on the West Side of Hatcher Avenue Between Walters Street and Main Street; and Identified as Lot 8 (S60' of E 144.5') of the Rawlings Addition, as Requested by Mike McCary With the Authorization of the Property Owner Steve Harkrider (Case No. 20070510) (cont'd)**

**(Agenda Item G-1)**

The proposed zoning classification Old Town Mixed Use 2 (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant is considering buying the property and would like to re-zone for better flexibility regarding placement of structures and uses of the property should he choose to redevelop it in the future. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their June 5, 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 Office District (OD) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist, 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 Councilman Thornhill, 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 0.199 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Office District (OD) Zoning to Old Town Mixed Use Two (OTMU2) 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."

**Public Hearing: Consideration of Ordinance No. 3459-06-2007(Z) for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.199 Acre Tract of Land Located on the West Side of Hatcher Avenue Between Walters Street and Main Street; and Identified as Lot 8 (S60' of E 144.5') of the Rawlings Addition, as Requested by Mike McCary With the Authorization of the Property Owner Steve Harkrider (Case No. 20070510) (cont'd)**

(Agenda Item G-1)

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3459-06-2007(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3460-06-2007(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on Four Parcels of Land Totaling 1.151 Acres Located on the West Side of Cowan Avenue Between Elm Street and Hickory Street, the Southwest Corner of Elm Street and Cowan Avenue, and the Northeast Side of Hickory Street Between Edna Avenue and Cowan Avenue; and Identified as Lots 5, 9, 10, and 11 of Block 2 of the Extension of the O.B. Dick Subdivision, an Addition to the City of Lewisville Texas, as Requested by the Central Baptist Church (Case No. 20070509)**

(Agenda Item G-2)

Councilman 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. Councilman Durham moved away from the dais.

Mayor Carey advised that the proposed zoning classification Old Town Mixed Use 2 (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The Central Baptist Church has plans to renovate the property and would like to take this opportunity to re-zone for better flexibility on the property. Rezoning the property OTMU2 would allow the applicant

**Public Hearing: Consideration of Ordinance No. 3460-06-2007(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on Four Parcels of Land Totaling 1.151 Acres Located on the West Side of Cowan Avenue Between Elm Street and Hickory Street, the Southwest Corner of Elm Street and Cowan Avenue, and the Northeast Side of Hickory Street Between Edna Avenue and Cowan Avenue; and Identified as Lots 5, 9, 10, and 11 of Block 2 of the Extension of the O.B. Dick Subdivision, an Addition to the City of Lewisville Texas, as Requested by the Central Baptist Church (Case No. 20070509) (cont'd)**

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(Agenda Item G-2)

more flexibility regarding placement of structures. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their June 5, 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 Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, 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 Thornhill and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3460-06-2007(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on Four Parcels of Land Totaling 1.151 Acres Located on the West Side of Cowan Avenue Between Elm Street and Hickory Street, the Southwest Corner of Elm Street and Cowan Avenue, and the Northeast Side of Hickory Street Between Edna Avenue and Cowan Avenue; and Identified as Lots 5, 9, 10, and 11 of Block 2 of the Extension of the O.B. Dick Subdivision, an Addition to the City of Lewisville Texas, as Requested by the Central Baptist Church (Case No. 20070509) (cont'd)**

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(Agenda Item G-2)

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 1.151 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 Two (OTMU2) 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 Thornhill and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3460-06-2007(Z)**, as previously captioned. The motion carried.

Councilman Durham returned to his place on the dais.

**Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd., on a Portion of Lot 1, Block C of the Austin Ranch Addition; Consideration of Ordinance No. 3461-06-2007 Creating Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd.; Consideration of Resolution No. 3462-06-2007(R): A Resolution of the City Council of the City of Lewisville, Approving the Terms and Conditions of an Agreement by and Among the City of Lewisville, Texas, The Apparel Group, Ltd., and Establishing Reinvestment Zone No. 27 in the City of Lewisville, Texas, and Providing for a Commercial/Industrial Tax Abatement The Apparel Group, Ltd., and Authorizing Its Execution by the City Manager or in His Absence the Assistant City Manager; and Providing an Effective Date; and Authorization for the City Manager to Execute the Agreement**

(Agenda Item G-3)

Mayor Carey advised that City staff has been working with The Apparel Group (TAG) for the past several months to finalize the relocation and expansion of their corporate offices into a new building located at 883 Trinity Drive in Austin Ranch. TAG, currently located in Addison, will own and occupy all of the 180,000 square foot building. Employment characteristics of TAG are very strong in that they do employ jobs that are higher than our policy goal, with average salaries around \$47,000. This project will continue with the development with Austin Ranch and assist in finalizing the office/industrial vision of Austin Ranch. The proposed tax abatement provides TAG a 75% reduction of both real and business personal property taxes for 10 years.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the creation of Reinvestment Zone #27, approve the ordinance creating Reinvestment Zone #27, and approve the resolution to enter into the Tax Abatement Agreement with The Apparel Group, Ltd.; and authorize the City Manager to execute the agreement.

Mayor Carey opened the public hearing.

**Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd., on a Portion of Lot 1, Block C of the Austin Ranch Addition; Consideration of Ordinance No. 3461-06-2007 Creating Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd.; Consideration of Resolution No. 3462-06-2007(R): A Resolution of the City Council of the City of Lewisville, Approving the Terms and Conditions of an Agreement by and Among the City of Lewisville, Texas, The Apparel Group, Ltd., and Establishing Reinvestment Zone No. 27 in the City of Lewisville, Texas, and Providing for a Commercial/Industrial Tax Abatement The Apparel Group, Ltd., and Authorizing Its Execution by the City Manager or in His Absence the Assistant City Manager; and Providing an Effective Date; and Authorization for the City Manager to Execute the Agreement (cont'd)**

(Agenda Item G-3)

Zane Miller, Economic Development Director, was present to respond to any questions posed by the City Council.

Mayor Carey advised the following individuals had filled out position cards indicating their support of this item:

Brad Campbell, 5080 Spectrum Drive, #800E, Addison, Texas 75001  
Joan Castro, 15455 Dallas Parkway, Addison, Texas 75001

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

**Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd., on a Portion of Lot 1, Block C of the Austin Ranch Addition; Consideration of Ordinance No. 3461-06-2007 Creating Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd.; Consideration of Resolution No. 3462-06-2007(R): A Resolution of the City Council of the City of Lewisville, Approving the Terms and Conditions of an Agreement by and Among the City of Lewisville, Texas, The Apparel Group, Ltd., and Establishing Reinvestment Zone No. 27 in the City of Lewisville, Texas, and Providing for a Commercial/Industrial Tax Abatement The Apparel Group, Ltd., and Authorizing Its Execution by the City Manager or in His Absence the Assistant City Manager; and Providing an Effective Date; and Authorization for the City Manager to Execute the Agreement (cont'd)**

(Agenda Item G-3)

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, Designating a Certain Area Within the City of Lewisville as Reinvestment Zone No. 27 for a Tax Abatement for The Apparel Group, Ltd., Establishing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3461-06-2007(Z)**, as previously captioned and approve **Resolution No. 3462-06-2007(R)**. The motion carried.

**Visitors/Citizens Forum**

(Agenda Item H)

Cynder Arnesen, 1605 Live Oak Drive, Lewisville, Texas, 75067, thanked the City Council for allowing her to speak before them. She reviewed a traffic incident that happened on

**Visitors/Citizens Forum (cont'd)**

**(Agenda Item H)**

Friday, June 15, 2007 in the evening on Live Oak Drive where a child was hit by a vehicle. She advised that there have been several incidents similar to this one that could have been fatal to children due to speeding vehicles. Ms. Arnesen explained of various ways she and her husband had tried to slow down traffic on their street only to have been retaliated against by egged cards and rear view mirrors knocked off. She thanked the Lewisville Police Department for all they had done to try and solve this problem; however, they would have to be there around the clock to stop the situation. Ms. Arnesen requested that speed bumps be installed to deter speeders as she felt it was a small price to pay for safety of children.

At the request of Mayor Carey, City Manager King addressed Ms. Arnesen and advised that he and Police Chief Kerbow would look into this situation to see what could be done.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item I)**

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 a 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 Councilman Durham 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:

4. APPROVAL OF MINUTES: City Council Minutes of the June 4, 2007, Workshop Session and Regular Session.
6. Approval of a Supplemental Appropriation to the Fox Avenue Improvements Project in the Amount of \$377,000 From General Capital Projects Available Cash; Approval of a Bid Award for the Fox Avenue Paving Improvements Project to Tiseo Paving Company, Mesquite, Texas, in the Amount of \$3,788,327.33; and Authorization for the City Manager to Execute the Contract.

CONSENT AGENDA (cont'd)

(Agenda Item I)

7. Approval of the Emergency Purchase of Wastewater Treatment Plant Equipment and Services Required to Replace the Plant 1-South Clarifier Drive.
8. Approval of a Supplemental Appropriation in the Amount of \$1,000,000 From the Risk Fund; and Approval of a Total Capital Improvement Project Budget of \$1,000,000 for the Construction of Fiber to Connect Central City Campuses.
9. Approval of a Bid Award for the Traffic Signal Improvements 2007 Project to Roadway Solutions, Inc., Carrollton, Texas, in the Amount of \$347,951; Approval of a Total Project Budget of \$358,390, Which Includes \$10,439 for Contingencies; and Authorization for the City Manager to Execute the Contract.
10. Approval of Final Acceptance of the CDBG Asphalt Rehabilitation Project; and Authorization to Make Final Payment to Reynolds Asphalt and Construction Company in the Amount of \$13,698.46.
11. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager to Execute the Agreement.
12. Approval of **Resolution No. 3463-06-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Approving the "Draft" Fiscal Year 2008 Financial Plan of the Denco Area 9-1-1 District, Pursuant to the Texas Health and Safety Code, Chapter 772, as Amended; and Providing an Effective Date.
13. Approval of Amendment No. 4 for the Final Design of the Railroad Street Athletic Complex in the Amount of \$466,675 to Dunkin Sims Stoffels, Inc.; and Authorization for the City Manager to Execute the Contract.

The motion carried.

**END OF CONSENT AGENDA**

**Tabled Item: Approval of a 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 I-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 Ridge Addition: Rolling Ridge, Ridgecrest and University Drive. Currently, funding is available in the CDBG Block Grant Budget in the amount of \$311,000. All expenses will be reimbursed by the CDBG Block grant.

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.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the July 2, 2007, City Council meeting.. The motion carried.

**Consideration of the Final Plat of Juan Enrique Platas Addition, Lot 1, Block A, a 0.868 Acre Tract Zoned Light Industrial (LI) Located on the West Side of Holford's Prairie Road and South of Bunker Hill Lane; and Consideration of a Variance to the Lewisville City Code, Section 6-92 (b) Street Requirements; as Requested by G&A Consultants Inc., on Behalf of the Property Owners**

(Agenda Item J-14)

Mayor Carey advised the final plat for the above referenced development located at 810 Holford's Prairie Road has been reviewed by staff and was found to conform to the General Development Ordinance with the exception of the variance. The owner of the property intends to

**Consideration of the Final Plat of Juan Enrique Platas Addition, Lot 1, Block A, a 0.868 Acre Tract Zoned Light Industrial (LI) Located on the West Side of Holford's Prairie Road and South of Bunker Hill Lane; and Consideration of a Variance to the Lewisville City Code, Section 6-92 (b) Street Requirements; as Requested by G&A Consultants Inc., on Behalf of the Property Owners (cont'd)**

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**(Agenda Item J-14)**

add a bedroom addition to the existing house thus requiring the property to be platted. The Zoning Board of Adjustments granted a variance to expand the house, an existing non-conforming use on February 2, 2005. As part of the final plat, the developers are requesting a variance to postpone payment of the street improvement escrow for Holford's Prairie Road until an engineering site plan is submitted for a non-residential use. The Planning and Zoning Commission voted 5-0 to approve the final plat and the variance request to postpone the escrow payment at their June 5, 2007 meeting.

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

David Salmon, Assistant City Engineer and Bobby Dollak, G&A Consultants were both present to respond to any questions posed by the City Council.

Mayor Carey advised that Jon Mills, 111 Hillside, Lewisville, Texas 75057, was available to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the Final Plat of Juan Enrique Platas Addition, Lot 1, Block A, a 0.868 Acre Tract Zoned Light Industrial (LI) Located on the West Side of Holford's Prairie Road and South of Bunker Hill Lane; and approve a variance to the Lewisville City Code, Section 6-92 (b) Street Requirements to postpone payment of the street improvement escrow for Holford's Prairie Road until an engineering site plan is submitted for a non-residential use, as requested by G&A Consultants Inc., on behalf of the Property Owners. The motion carried.

**Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Wayne Ferguson**

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**(Agenda Item J-15)**

Mayor Carey advised that the Old Town Business Association (OTBA) is sponsoring a Farmers Market in a continuing effort to attract visitors to the Old Town area. The Farmers Market is held every Saturday from May 19 through October 27 from 8 a.m. to 12 p.m. on the North Ferguson Plaza. In an effort to increase promotion for the event, Mr. Ferguson has requested that he be granted variances to allow for a banner of approximately 4ft. x 17 ft. to be placed on the second story balcony of his home promoting the market. The variances to the sign ordinance requested are to allow a) off-premise event banner signage; b) a banner sign on his property for a longer frequency and duration than thirty consecutive days, two times per calendar year; c) a banner sign larger than twenty square feet in area.

Mayor Carey stated the City staff's recommendation was that the City Council consider the variances to the Lewisville City Code, Chapter 11 Signs for a Farmers Market banner at 320 West Main Street.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street to allow the following: a) off-premise event banner signage; b) a banner sign on his property for a longer frequency and duration than thirty consecutive days, two times per calendar year; c) a banner sign larger than twenty square feet in area; as Requested by Wayne Ferguson. The motion carried.

**Consideration of the Transportation Board's Recommendation to Amend the City Thoroughfare Plan by Deleting the Section of Country Ridge Road From McCartt Drive to State Highway 121 Business**

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**(Agenda Item J-16)**

Mayor Carey advised that the Lewisville Independent School District (LISD) and the owners of the Boyd Tract have jointly requested that the City consider deleting the section of Country Ridge Road from McCartt Drive to SH 121 Business from the City Thoroughfare Plan. The LISD is proposing to construct an elementary school campus at the subject property and is experiencing severe constraints due to costs associated with roadway improvements and the

**Consideration of the Transportation Board's  
Recommendation to Amend the City  
Thoroughfare Plan by Deleting the Section of  
Country Ridge Road From McCartt Drive to  
State Highway 121 Business (cont'd)**

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**(Agenda Item J-16)**

existence of a high-pressure gas main. The present alignment makes the property unsuitable for a school campus. The LISD and the property owner have agreed to the stipulation that if the property is not used for a school campus, the Thoroughfare Plan will revert back to the original alignment of Country Ridge Road. The Transportation Board, on May 17, 2007, voted 5-0 in favor of recommending deletion of this section of Country Ridge Road.

Mayor Carey stated the City staff's recommendation was that the City Council accept and approve the Transportation Board's recommendation to amend the City Thoroughfare Plan to delete the section of Country Ridge Road from McCartt Drive to State Highway 121 Business with the stipulations that (1) no driveway access to Highway 121 be granted for the school site, and; (2) should the LISD sell the property or use it for a purpose other than a school campus, the original alignment of Country Ridge Road shall be reinstated.

At the request of Mayor Carey, City Manager King reviewed the information contained in the City Council's backup material.

T. S. Kumar, P.E., City Engineer, Steve Hubbard, 5129 Radbrook, Dallas, Texas, Boyd Family & Trust, and Craig Martin, LISD Administration, 1565 West Main, Lewisville, Texas, were present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve the Transportation Board's recommendation to amend the City Thoroughfare Plan by deleting the Section of Country Ridge Road from McCartt Drive to State Highway 121 Business with the stipulation that (1) no driveway access to Highway 121 be granted for the school site, and; (2) should the LISD sell the property or use it for a purpose other than a school campus, the original alignment of Country Ridge Road shall be reinstated. The motion carried.

**Acceptance of Resignations of Bobby Fowler From Place No. 5 on the Planning and Zoning Commission and Joe Molina From Place No. 4 on the Library Board; Declare Vacancies Exist; and Consideration of Appointments to Place No. 5 on the Planning and Zoning Board and Place No. 4 on the Library Board**

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**(Agenda Item J-17 )**

Mayor Carey advised that Bobby Fowler has submitted an e-mail advising that he is resigning from the Planning and Zoning Board due to an increasing workload and family obligations. The resignation of Bobby Fowler has created a vacancy in Place No. 5 of the Planning and Zoning Commission. Joe Molina has also submitted an e-mail advising that due to his summer class schedule he will not be able to continue to serve as a member of the Library Board. The resignation of Joe Molina has created a vacancy in Place No.4 of the Library Board.

Mayor Carey stated the City staff's recommendation was that the City Council accept the resignations of Bobby Fowler from Place No. 5 on the Planning and Zoning Commission and Joe Molina from Place No. 4 on the Library Board; declare vacancies exist; and consider appointments to fill the vacancies on the Planning and Zoning Commission and Library Board.

**MOTION:** Upon a motion made by Councilman Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to accept the resignations of Bobby Fowler from Place No. 5 on the Planning and Zoning Commission and Joe Molina from Place No. 4 on the Library Board. The motion carried.

**Discussion and Consideration of Place No. 2 of the Lewisville Parks and Library Development Corporation**

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**(Agenda Item J-18 )**

Mayor Carey advised that the Articles of Incorporation for this board state that the Board of Directors be composed of seven (7) persons appointed by the City Council who are residents of the City and that no more than four (4) of the seven (7) members may be city employees, officers, or members of the City Council. Currently, the members serving on this corporation are Gene Carey, Mike Nowels, Ken Judkins, Jeff Pelletier, Dean Ueckert, Rudy Durham, and Joe Molina. When this Corporation was first formed, the City Council wanted to have four Council Members serve on this Corporation. Now that the Run Off Election has been held and canvassed (pursuant to Mike Nowels' resignation), the City Council may wish to remove Mike Nowels and appoint another Council Member to this Corporation.

**Discussion and Consideration of Place No. 2  
of the Lewisville Parks and Library  
Development Corporation (cont'd)**

**(Agenda Item J-18)**

Mayor Carey stated the City staff's recommendation was that the City Council remove Mike Nowels and consider a new appointment to Place No. 2 of the Lewisville Parks and Library Development Corporation.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to appoint Deputy Mayor Pro Tem Thornhill Place No. 2 of the Lewisville Parks and Library Development Corporation. The motion carried.

**Discussion and Consideration of  
Appointments to Various City  
Boards/Commissions/Committees**

**(Agenda Item J-19)**

Mayor Carey advised that on June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. At the May 21, 2007, meeting, the City Council authorized Mayor Carey and Mayor Pro Tem Ueckert to conduct interviews for the existing vacancies.

Mayor Carey stated the City staff's recommendation was that the City Council proceed with the appointment process.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to table the appointments to the July 2, 2007, City Council meeting. The motion carried.

**Consideration of a Nomination to the Dallas  
Regional Mobility Coalition**

**(Agenda Item J-20)**

The City holds a seat on the Dallas Regional Mobility Coalition. The coalition consists of a group of DFW area municipal, county, and transit authorities that address transportation issues across the region. The City appointee is Councilman Mike Nowels. Upon his resignation from City Council, it is recommended that Council appoint an elected official to this seat.

The City staff's recommendation was that the City Council consider a nomination to the Dallas Regional Mobility Coalition.

**Consideration of a Nomination to the Dallas  
Regional Mobility Coalition (cont'd)**

**(Agenda Item J-20 )**

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to nominate Mayor Pro Tem Ueckert to the Dallas Regional Mobility Coalition. The motion carried.

**Reports**

**(Agenda Item K)**

- Parks and Leisure Services Director Bob Monaghan advised of the Parks Division working to pull things to higher ground due to the recent rains. He stated that the rain would probably close down the back end of the park.
- Fire Chief Lasky gave an update on the status of the dive team working in Gainesville due to recent weather.
- Police Chief Kerbow reminded everyone of the Battle of the Badge being held at Lake Park on Saturday.
- Director of Public Services Carole Bassinger gave an update on the status of the lake. She stated we were up almost three feet and it will be even more tomorrow. She advised this was the first time in several months that Lake Ray Roberts had been above conservation.
- Assistant City Manager Donna Barron reminded everyone that the Summer Music Series is continuing and gave an update on who was coming next.
- Director of Community Development Eric Ferris advised that the demolition would begin tomorrow of the former church building across the street as long as the weather permitted.
- Mayor Pro Tem Ueckert congratulated Councilman Watts and welcomed him aboard.
- Councilman Watts advised that he was looking forward to working with everyone.
- Mayor Pro Tem Ueckert encouraged everyone to keep the recent storm victims in their thoughts and prayers.
- Councilman Tierney welcomed to Councilman Watts.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:51 p.m. Monday, June 18, 2007, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item L)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 7:55 p.m. on Monday, June 18, 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 9:45 p.m. on Monday, June 18, 2007.

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

**(Agenda Item M)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:45 p.m. on Monday, June 18, 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 N)**

**MOTION:** Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 9:45 p.m. on Monday, June 18, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of July, 2007.

APPROVED

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Gene Carey  
MAYOR

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
JUNE 18, 2007**

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ATTEST:

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Julie Heinze  
CITY SECRETARY