

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JULY 2, 2007

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem – not here

David Thornhill, Deputy Mayor Pro Tem

Greg Tierney

Lathan Watts

Rudy Durham

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 6:00 p.m. on Monday, July 2, 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. Also in attendance were Communications and Tourism Director James Kunke and Assistant City Attorney Liz Plaster.

Due to the representative from the Southern Denton county Neighbors to Neighbors Group not being available until 6:30 p.m., Mayor Carey moved up the regular workshop.

**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 (cont'd)**

(Agenda Item B)

Mayor Carey reviewed Agenda Item C, Presentation: The Actors Conservatory Theatre. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open-Space (AO) to Light Industrial (LI) on Two Tracts Totaling 1.0 Acre Located at the Northwest Corner of Country Ridge Road and Park Street and Including the Southernmost Portion of the Unplatted Park Street Access Easement; as Requested Yousef Maleki, the Current Property Owner (Case No. PZ20070511). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture-Open Space (AO)/Light Industrial (LI) to Light Industrial on a 119.52 Acre Tract Located at the West Side of Railroad Street Between Bennett Lane and Business State Highway 121; as Requested by Hillwood Enterprises L.P., With the Consent of the Current Property Owners (Case No. PZ20070512). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Public Hearing: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 17 Zoning, Creating Three New Sections 17-22.8.1, Mixed Use-Shopping Center; 17-22.8.2, Mixed Use-30; and 17-22.8.3, Mixed Use-90, To Regulate Mixed Use Developments. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item F-4, Approval of Minutes: City Council Minutes of the June 18, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-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 reminded the City Council that staff had been working through issues with HUD due to the detailed requirements. He advised those issues have been satisfied and staff is ready to proceed on this item. 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-6, Approval of a Resolution Suspending the July 30, 2007 Effective Date of Proposed Atmos Energy Corp. Interim GRIP Rate Adjustments; Authorizing Participation With Atmos Cities Steering Committee (ACSC); Authorizing Intervention in Administrative and Court Proceedings Involving GRIP Rate Adjustments; and Requiring Reimbursement of Reasonable Legal and Consultant Ratemaking Costs. Mayor Carey advised he would like for this item to be pulled to allow City Manager King to review this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of Administrative Policy 1.7.3 Park Memorial Program. Discussion was held regarding prior problems that had been experienced with the Park Memorial Program. Parks and Leisure Services Director Robert Monaghan advised that the same brand of benches that are currently being placed in the Old Town Area would be used. He stated that the changes proposed in the Administrative Policy would help staff control this program and maintain consistency. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Termination of Historic Preservation Agreements for Costs Associated With Façade Improvements by and Between the City of Lewisville and Michael Noyes at 122 West Main Street; by and Between the City of Lewisville and Janice James at 102 West Main Street; by and Between the City of Lewisville and Kenneth and Carol Lancaster at 112 West Main Street; by and Between the City of Lewisville and Kenneth and Carol Lancaster at 116 West Main Street; and Authorization for the City Manager to Execute the Agreement Terminations. Councilman Tierney requested clarification that every effort had been made to work with these individuals. City Manager King verified that all attempts had been made to work with these individuals. He stated that they could reapply in the future and be eligible; however, the incentive will probably not be at the same level as the program is set up to reduce over time. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign; Consideration of a Variance to the Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee, as Requested by Kathie Gaultille on Behalf of Christian Community Action at 200 South Mill Street. Mayor Carey clarified that the size of the sign would remain the same. City Manager King advised that was correct, the only change would be to the heart logo. 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 G-10, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Fees for the Placement of Memorial Trees, Benches, and Bricks in City Owned Parks. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages (as Requested by Councilman Tierney). City Manager King clarified that this item was placed on the agenda as a result of City Council discussion during the retreat held in February 2007. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of an Ordinance Amending Chapters 2 and 7 of the Lewisville City Code Concerning Administration and Sale of Alcoholic Beverages. City Manager King stated that this ordinance would eliminate the processing fees the City has been charging for both off-premise and mixed beverage permits. He advised it would also add a permit fee for mixed beverage permits for restaurants. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Tabled Item: Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of Nominations to the North Central Texas Council of Governments Regional Transportation Council. Mayor Carey advised that a letter had been received from Little Elm advising they were supporting Councilman Durham for the RTC position. City Manager King advised he had spoken with Flower Mound and they were in agreement with rotating this position throughout the various cities. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Consideration of Approval of the Southern Denton County Neighbor to Neighbor Program as the Exclusive Fund Raising Federation for the City of Lewisville. There was no discussion on this item.

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

At the request of Councilman Tierney, City Manager King reviewed a list of alcohol related offenses starting with 2004. He advised that the data does not show anything one way or the other since the February 2005 Local Option Election. Discussion was held regarding MADD's position of late hours that all States be uniformed on late hours.

WORKSHOP SESSION – 6:00 P.M.

Work Place Giving Campaign

(Agenda Item A)

Assistant City Manager Donna Barron advised that historically, the City of Lewisville participated in the Greater Lewisville United Way Campaign program and employees were allowed to voluntarily contribute money through payroll deduction to the Greater Lewisville United Way. She stated that Lewisville allowed only the United Way to run an employee campaign through a payroll deduction program. She explained that this was limited to the Greater Lewisville United Way because of the variety of agencies that receive United Way funding, a focus on area agencies, and because of the payroll workload involved in allowing a number of different deduction programs.

Discussion was held regarding if there had been any communication from United Way regarding this potential change. City Manager King advised that the only communication had been the standing letter requesting that the City appoint someone to be a member of the campaign and then a follow up letter to get that appointment. He stated that appointment was to have been received by June 1st, and staff was waiting to contact them pending a decision by City Council. City Manager King advised that he felt they may be a party that lingers on wanting to be a second party for collection of funds. Assistant City Manager Barron stated that if City decides to use this organization exclusive, then the United Way will not be allowed to solicit donations from employees.

Discussion was held regarding how the funds would be disbursed if they were collected for the Dallas United Way. Human Resource Director Melinda Galler advised there would be no guarantee that the money collected in Lewisville would stay in Lewisville. City Manager King reminded the City Council that in the past the Dallas United Way has had a very sizable administrative fee that has been taken off the top; however, he was not sure whether the Southern Denton County Neighbor to Neighbor Program (SBC) has a fee. Assistant City Manager Donna Barron advised that at this time, the SBC does not have an administrative fee. She further advised that the SBC will visit various surrounding cities to try and get them on board with this

WORKSHOP SESSION – 6:00 P.M.

Work Place Giving Campaign (cont'd)

(Agenda Item A)

new organization. She stated that the Lewisville Independent School District has already agreed to utilize SBC as their sole collection organization. Ms. Barron advised that President of the SBC, Jeff Price, was available to address any questions the City Council may have.

Mr. Price reviewed the history of how the SBC had been created. He explained that the Greater Lewisville United Way Board had made a request that a way be found to ensure that the dollars raised in this community stayed in this community. He stated that after months of trying to negotiate with the Dallas United Way they had determined it would be better to break off and start a new organization to accomplish this request. Mr. Price referred the City Council to the agencies listed in the brochure and advised these were the same as had been part of the Greater Lewisville United Way Program. He explained that the objective is to raise more than what has been raised in the past and the biggest challenge is to get the largest entities, such as City of Lewisville, Lewisville Independent School District, the Medical Center of Lewisville, and other area cities (Flower Mound, Highland Village, The Colony, etc.) involved.

Discussion was held regarding how many members of the SBC Board there were. Mr. Price explained that the board elected to have at least a minimum of 4 with a maximum of 24 members.

Discussion was held regarding the fees that had previously been charged as part of United Way. Mr. Price advised that the SBC felt these costs would be a lot less since local volunteers were a part of this program. He stated that they felt the administrative charges would be between 5 – 10% unlike United Way that was 20%. He further stated that they are trying to get donations for the needed items, such as brochures, banners, etc. Mr. Price advised that the hospital has donated an office space for the SBC.

Discussion was held regarding how the City Council would know if an agency had been added or dropped. Mr. Price advised for the first two years the agencies will stay the same and they will be reviewed in a similar manner to how it was done with United Way; however, it would hopefully not be as stringent to expand the pool. Human Resource Director Melinda Galler advised that employees would be given campaign materials (brochures, pledge cards) so they would know which agencies were included.

WORKSHOP SESSION – 6:00 P.M.

Work Place Giving Campaign (cont'd)

(Agenda Item A)

City Attorney Ron Neiman advised that the Greater Lewisville United Way Board had tried for 18 months to work with Dallas United Way and creating the SBC was done as a last resort. Mr. Price stated he felt this was in the best interest of the community. City Manager King advised there were a number of communities that have localized federations and that this approach has been used successfully.

Assistant City Manager Donna Barron reviewed the kick off dates and when disbursements would start.

This portion of the early workshop session concluded at 6:45 p.m.

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 6:45 p.m. on Monday, July 2, 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, July 2, 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, Deputy Mayor Pro Tem Thornhill gave the invocation.

Pledge to the Flag

(Agenda Item B)

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

**Presentation: The Actors Conservatory
Theatre**

(Agenda Item C)

Due to weather concerns, the Actors Conservatory Theatre was not able to attend the meeting.

**Public Hearing: Consideration of Ordinance
No. 3464-07-2007(Z) for a Zone Change
Request From Agriculture Open-Space (AO)
to Light Industrial (LI) on Two Tracts
Totaling 1.0 Acre Located at the Northwest
Corner of Country Ridge Road and Park
Street and Including the Southernmost
Portion of the Unplatted Park Street Access
Easement; as Requested Yousef Maleki, the
Current Property Owner (Case No.
PZ20070511)**

(Agenda Item D-1)

Mayor Carey advised that the site is located west of the Bankston Nissan automobile dealership about midway between IH35E and Business SH 121. Mr. Maleki owns an auto body shop adjacent to the subject tract and plans to ultimately expand his operation. The site is also located at the intersection of Park Street and Country Ridge Road. Country Ridge Road has been paved between the Nissan and Saturn dealerships and adjacent to a car wash on the SH 121 side, and most of the right-of-way has been dedicated between SH 121 and IH35E. Everything adjacent to both streets is zoned Light Industrial except for the property included with this request. The Planning and Zoning Commission voted 5-0 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 City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Agricultural-Open Space (AO) to Light Industrial (LI).

Mayor Carey opened the public hearing.

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

Mayor Carey advised the following individuals were in support of this item and were present to answer any questions posed by the City Council:

Larry Rose, 777 Rose Place, Aubrey, Texas 76227

Yousef Maleki, 170 East Country Ridge, Lewisville, Texas 75067

Public Hearing: Consideration of Ordinance No. 3464-07-2007(Z) for a Zone Change Request From Agriculture Open-Space (AO) to Light Industrial (LI) on Two Tracts Totaling 1.0 Acre Located at the Northwest Corner of Country Ridge Road and Park Street and Including the Southernmost Portion of the Unplatted Park Street Access Easement; as Requested Yousef Maleki, the Current Property Owner (Case No. PZ20070511) (cont'd)

(Agenda Item D-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 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 1.0 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agricultural Open-Space (AO) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

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. 3464-07-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3465-07-2007(Z) for a Zone Change Request From Agriculture-Open Space (AO)/Light Industrial (LI) to Light Industrial on a 119.52 Acre Tract Located at the West Side of Railroad Street Between Bennett Lane and Business State Highway 121; as Requested by Hillwood Enterprises L.P., With the Consent of the Current Property Owners (Case No. PZ20070512)

(Agenda Item D-2)

Mayor Carey advised that the zone change applicant, Hillwood Enterprises, L.P., has determined that distribution warehouses similar to those in Waters Ridge and a north-south street can be located on the property. The approval of Zander Place, the former TxDOT maintenance facility, a couple of years ago included a street that would connect SH 121 to the Hillwood property and ultimately extend to Bennett Lane to connect with streets in the Waters' Ridge Addition. Expanding the existing Light Industrial throughout the property would be consistent with previous zoning requests and land use plans for the area. The Planning and Zoning Commission voted 5-0 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 Agriculture-Open Space (AO) and Light Industrial (LI) to Light Industrial (LI).

Mayor Carey opened the public hearing.

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

Mayor Carey advised the following individuals were in support of this item and were present to answer any questions posed by the City Council:

Dane Tatsch, Hillwood, 5430 LBJ Fwy, #800, Dallas, Texas 75240
Wayne Ferguson, 320 West Main, Lewisville, Texas 75057
Mack Rogers, 6247 Deloache, Dallas, Texas 75225

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

Public Hearing: Consideration of Ordinance No. 3465-07-2007(Z) for a Zone Change Request From Agriculture-Open Space (AO)/Light Industrial (LI) to Light Industrial on a 119.52 Acre Tract Located at the West Side of Railroad Street Between Bennett Lane and Business State Highway 121; as Requested by Hillwood Enterprises L.P., With the Consent of the Current Property Owners (Case No. PZ20070512) (cont'd)

(Agenda Item D-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 119.52 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agricultural Open-Space (AO)/Light Industrial (LI) to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3465-07-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3466-07-2007(Z) Amending the Lewisville City Code, Chapter 17 Zoning, Creating Three New Sections 17-22.8.1, Mixed Use-Shopping Center; 17-22.8.2, Mixed Use-30; and 17-22.8.3, Mixed Use-90, To Regulate Mixed Use Developments

(Agenda Item D-3)

Mayor Carey advised that since the City adopted mixed use regulations for the Old Town redevelopment area, there has been discussion about having mixed use regulations for other parts of Lewisville. The two areas of most interest in these discussions have been for existing shopping centers which may need a vehicle for new investment as well as for larger undeveloped tracts that

**Public Hearing: Consideration of Ordinance
No. 3466-07-2007(Z) Amending the Lewisville
City Code, Chapter 17 Zoning, Creating Three
New Sections 17-22.8.1, Mixed Use-Shopping
Center; 17-22.8.2, Mixed Use-30; and 17-
22.8.3, Mixed Use-90, To Regulate Mixed Use
Developments (cont'd)**

(Agenda Item D-3)

might be suitable for a true mixed use layout. The MU-30 and MU-90 districts are proposed as a way to provide viable mix-use developments on tracts of at least 30 or 90 acres. The MU-SC regulations are designed primarily to offer more options for existing shopping centers with vacant or underused space. The biggest difference in the MU-30 and MU-90 zoning districts from all other zoning districts is the requirement for submitting a concept plan with the zoning request to identify the layout, size and percentage of each use and the maximum number of residential units being requested. If the developer deviates from the number of units or amount of commercial space by more than 10 percent on his plat or engineering site plan, a rezoning would be required. These two districts are designed specifically for the developer who knows what he wants to build and not for a speculator who just wants to zone and sell the land. The Planning and Zoning Commission recommended approval of the ordinance 5-0 at their meeting on June 5.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinances creating three new sections 17-22.8.1, Mixed Use-Shopping Center; 17-22.8.2, Mixed Use-30; and 17-22.8.3, Mixed Use-90.

Mayor Carey opened the public hearing.

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

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem 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, Amending the Lewisville City Code, Chapter 17, Comprehensive Zoning Ordinance, Creating Three New Sections 17-22.8.1, Mixed Use-Shopping Center; 17-22.8.2, Mixed Use-30; and 17-22.8.3, Mixed Use-90, to Regulate Mixed Use Developments; Providing a Repealer; Providing a Severability Clause; Providing for a Penalty; Providing for an Effective Date; and Declaring an Emergency."

Public Hearing: Consideration of Ordinance No. 3466-07-2007(Z) Amending the Lewisville City Code, Chapter 17 Zoning, Creating Three New Sections 17-22.8.1, Mixed Use-Shopping Center; 17-22.8.2, Mixed Use-30; and 17-22.8.3, Mixed Use-90, To Regulate Mixed Use Developments (cont'd)

(Agenda Item D-3)

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3466-07-2007(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

1. Consent Agenda Item No. 6 – Approval of a Resolution by the City of Lewisville, Texas Suspending the July 30, 2007 Effective Date of the Proposal by Atmos Energy Corp., Mid-Tex Division to Implement Interim GRIP Rate Adjustments for Gas Utility Investment in 2006; Authorizing Participation With the Atmos Cities Steering Committee (“ACSC”) in a Review and Inquiry Into the Sufficiency of the Filing and the Basis of the Proposed Rate Adjustments; Authorizing Intervention in Administrative and Court Proceedings Involving the Proposed GRIP Rate Adjustments; Requiring Reimbursement of Reasonable Legal and Consultant Ratemaking Costs; and Requiring Delivery of This Resolution to the Company and Legal Counsel.

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

4. **APPROVAL OF MINUTES:** City Council Minutes of the June 18, 2007, Workshop Session and Regular Session.

CONSENT AGENDA (cont'd)

(Agenda Item F)

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.
7. Approval of Administrative Policy 1.7.3 Park Memorial Program.
8. Termination of Historic Preservation Agreements for Costs Associated With Façade Improvements by and Between the City of Lewisville and Michael Noyes at 122 West Main Street; by and Between the City of Lewisville and Janice James at 102 West Main Street; by and Between the City of Lewisville and Kenneth and Carol Lancaster at 112 West Main Street; by and Between the City of Lewisville and Kenneth and Carol Lancaster at 116 West Main Street; and Authorization for the City Manager to Execute the Agreement Terminations.

The motion carried.

END OF CONSENT AGENDA

**Approval of Resolution No. 3467-07-2007(R):
A Resolution by the City of Lewisville, Texas
Suspending the July 30, 2007 Effective Date of
the Proposal by Atmos Energy Corp., Mid-Tex
Division to Implement Interim GRIP Rate
Adjustments for Gas Utility Investment in
2006; Authorizing Participation With the
Atmos Cities Steering Committee ("ACSC") in
a Review and Inquiry Into the Sufficiency of
the Filing and the Basis of the Proposed Rate
Adjustments; Authorizing Intervention in
Administrative and Court Proceedings
Involving the Proposed GRIP Rate
Adjustments; Requiring Reimbursement of
Reasonable Legal and Consultant Ratemaking
Costs; and Requiring Delivery of This
Resolution to the Company and Legal Counsel**

(Consent Agenda Item F-6)

**Approval of Resolution No. 3467-07-2007(R):
A Resolution by the City of Lewisville, Texas
Suspending the July 30, 2007 Effective Date of
the Proposal by Atmos Energy Corp., Mid-Tex
Division to Implement Interim GRIP Rate
Adjustments for Gas Utility Investment in
2006; Authorizing Participation With the
Atmos Cities Steering Committee (“ACSC”) in
a Review and Inquiry Into the Sufficiency of
the Filing and the Basis of the Proposed Rate
Adjustments; Authorizing Intervention in
Administrative and Court Proceedings
Involving the Proposed GRIP Rate
Adjustments; Requiring Reimbursement of
Reasonable Legal and Consultant Ratemaking
Costs; and Requiring Delivery of This
Resolution to the Company and Legal Counsel
(cont’d)**

(Consent Agenda Item F-6)

The law mandates that a Gas Reliability Infrastructure Program (GRIP) surcharge request cannot become effective until sixty (60) days following the filing. The effective date may be suspended by a city for 45 days. If the City does not take action to suspend the filing, the Company may begin implementing a monthly surcharge (\$0.59 on all residential customers, \$1.47 for commercial customers, and \$28.74 for industrial customers) after July 30, 2007. The resolution suspends the effective date to the maximum extent permitted by law to allow the cities time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy to pursue. Additionally, Atmos has just received a rate increase of approximately \$5 million and should be collecting sufficient revenues to earn its allowed return without the necessity for a surcharge to recover incremental investment.

The City staff’s recommendation was that the City Council approve the resolution.

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

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 **Resolution No. 3467-07-2007(R)**, as previously captioned. The motion carried.

Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign; Consideration of a Variance to the Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee, as Requested by Kathie Gautille on Behalf of Christian Community Action at 200 South Mill Street

(Agenda Item G-9)

Mayor Carey advised that Christian Community Action (CCA) is proposing to reface part of the existing wall sign on 200 South Mill. The existing sign is legal nonconforming for Old Town. However, refacing a portion of the sign triggers a sign permit and compliance with the current Sign Ordinance. The wall sign is currently larger than 50 square feet which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to reface part of the sign and obtain a sign permit, the sign would need to be removed and redesigned to be smaller. Instead, CCA is requesting a variance to allow the sign to remain as it is with the exception of replacing the heart portion of the sign. This change will not alter the dimensions of the sign. The variance to the sign ordinance requested is to allow a wall sign on a primary façade larger than fifty square feet in area. CCA is also requesting that the variance request fee of \$350 be waived.

Mayor Carey stated the City staff's recommendation was that the City Council consider the variance to the Lewisville City Code, Chapter 11 Signs for Christian Community Action at 200 South Mill Street; and consider waiving the variance request fee.

Kathie Gautille, Vice President of Marketing for CCA, 200 South Mill Street, Lewisville, Texas 75057, reviewed and explained that they were only requesting to change the logo on their sign. Ms. Gautille offered to answer any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variance to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign, to allow the sign to remain as it is with the exception of replacing the heart portion of the sign.; approved the variance to the Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee, as requested by Kathie Gautille on behalf of Christian Community Action at 200 South Mill Street. The motion carried.

Consideration of Ordinance No. 3468-07-2007 Amending the Lewisville City Code, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Fees for the Placement of Memorial Trees, Benches, and Bricks in City Owned Parks

(Agenda Item G-10)

Mayor Carey advised that the purpose of the memorial policy is to provide a methodology for the control and management of memorial requests in parks owned and operated by the City. The ordinance provides for fees that will cover the cost for the Parks Division to install the memorials.

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance amending the fee schedule.

Mayor Pro Tem Ueckert questioned if the fee was enough to cover upkeep and maintenance. Parks and Leisure Services Director Robert Monaghan advised that it was and that the policy stipulated who was responsible for maintenance and the length of time of the maintenance.

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, Article VIII, Section 2-201 Fee Schedule, by Adding Fees for the Placement of Memorial Trees, Benches and Bricks in City Owned Parks; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

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 approve and adopt **Ordinance No. 3468-07-2007**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3469-07-2007 Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages

(Agenda Item G-11)

Mayor Carey advised that the Texas Alcoholic Beverage Code allows the holder of a mixed beverage late hours permit to sell or offer to sell mixed beverages until 2 a.m. on any day if the governing body of the municipality adopts an ordinance authorizing the extended hours.

**Consideration of Ordinance No. 3469-07-
2007 Amending Chapter 7 of the Lewisville
City Code Concerning Sale of Alcoholic
Beverages (cont'd)**

(Agenda Item G-11)

The proposed ordinance would allow the holder of a mixed beverage late hours permit to sell or offer to sell mixed beverages until 2 a.m. on any day.

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

The following individuals spoke in favor of this proposed ordinance:

Joe Avezzano, 101 E. Corporate Drive, Lewisville, Texas 75067
Steve Piland, 1409 Copper Drive, Irving, Texas 75061
Gary Judd, 7373 Plainview Road, Krum, Texas 76249
David Clevenger, 359 Lake Park Road, Lewisville, Texas 75013
Yvonne Covelli, 785 SH 121, Lewisville, Texas 7506

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

Fernando Varela, 1640 S. Stemmons, Lewisville, Texas 75057
Rhonda Falk, 359 Lake Park, Lewisville, Texas 75057
Brett Bourgeois, 359 Lake Park, Lewisville, Texas 75057
Matthew Clevenger, 359 Lake Park, Lewisville, Texas 75057
Connie Spradley, 560 East Jernigan Road, Copper Canyon, Texas 75077
Michael Corley, 2104 Sierra Drive, Lewisville, Texas 75077
Deborah Wade, 506 Willow Way, Highland Village, Texas 75077
Greg Moore, 117 Villa Park, Highland Village, Texas 75077
Clifford Tew, 111 N. Poydras Street, Lewisville, Texas 75057
Adam Bakonas, 247 West Walters Street, Lewisville, Texas 75057
Amberlynn Hunnicutt, 1000 Columbia Drive, Lewisville, Texas 75067
Lisa Starritt, 1554 Glenmore Drive, Lewisville, Texas 75077
Dennis Starritt, 1554 Glenmore Drive, Lewisville, Texas 75077
David Simmons, #2 Eagle Point Drive, Lewisville, Texas 75077
Donna Corde4iro, 1000 Columbia Drive, Lewisville, Texas 75067
Jason Edwards, 119 Bluebonnet Drive, Highland Village, Texas 75077
Katrina Lewis, 209 Turpin Drive, Highland Village, Texas 75077.
John Wade, 506 Willow Way, Highland Village, Texas 75077
Lori Britton, 624 Ferguson Drive, Lewisville, Texas 75057

**Consideration of Ordinance No. 3469-07-
2007 Amending Chapter 7 of the Lewisville
City Code Concerning Sale of Alcoholic
Beverages (cont'd)**

(Agenda Item G-11)

Ed Levack, 624 Ferguson Drive, Lewisville, Texas 75077
Scott Macy, 213 Malibu Drive, Highland Village, Texas 75077
Elle Macy, 213 Malibu Drive, Highland Village, Texas 75077

Councilman Tierney advised that at the City Council Retreat in February of 2007 there had been a presentation about what the economic impact regarding the expansion of Interstate 35 would be for the City of Lewisville. He stated that due to those concerns, the City Council had discussed how to retain as much of that retail tax base as possible due to a number of those bars wanting to relocate and this had been addressed as a way to handle that issue. Councilman Tierney stated that the foremost concern was the public safety issue and that when other cities had gone to 2:00 a.m. there has not been any concrete evidence that produces additional activity detrimental to public safety.

Councilman Tierney reviewed Mothers Against Drunk Driver's (MADD) position on bars staying open until 2:00 a.m. He stated that they preferred uniformity in the operating hours for all bars. He further stated that surrounding cities allow their bars to stay open 2:00 a.m. Councilman Tierney stated he was perfectly comfortable in making the decision to allow late hours and moving forward from a public safety aspect.

Deputy Mayor Pro Tem Thornhill advised he was not in favor of allowing late hours. He further advised that he had also contacted MADD and confirmed Councilman Tierney's statements about their position.

Councilman Watts advised he was also not in favor of allowing late hours. He stated he was not sure how the City could cure a problem by increasing the amount of time to drink.

Mayor Pro Tem Ueckert and Councilman Durham both advised they were in favor of approving this ordinance.

Mayor Carey questioned Police Chief Russ Kerbow on his opinion of this proposed ordinance. Chief Kerbow advised that he had discussed this topic with some of his colleagues in Denton County and they had all concurred that the trouble is when individuals leave after midnight to go to an area that allows late hours.

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

Consideration of Ordinance No. 3469-07-2007 Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages (cont'd)

(Agenda Item G-11)

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 7 of the Lewisville City Code; by Providing for Extended Hours for the On-Premise Sale of Mixed Beverages; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted three (3) “ayes” and two (2) “nays” to approve and adopt **Ordinance No. 3469-07-2007**, as captioned previously. The motion carried.

City Attorney Ron Neiman advised that due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements.

Consideration of Ordinance No. 3470-07-2007 Amending Chapters 2 and 7 of the Lewisville City Code Concerning Administration and Sale of Alcoholic Beverages

(Agenda Item G-12)

Mayor Carey advised that the Texas Alcoholic Beverage Code allows municipalities to collect up to one-half of the state fee for certain alcohol-related permits. Currently, the City collects one-half of the state fee for off-premise alcohol sales permits and mixed beverages in restaurants by food and beverage certificate holders only permits. In addition, the City collects a \$200 processing fee at the time of submission for these permits. On May 9, 2007, the Director of Licensing for the TABC issued a letter opinion stating that municipalities do not have the authority to assess additional fees, such as service fees, in relation to an application for a permit. Therefore, our office recommends that the City Code be amended to repeal the processing fee for both types of permits and that the City refund processing fees that were collected from May 9, 2007, to date. Moreover, the proposed ordinance provides for the collection of a late hours permit fee.

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

Consideration of Ordinance No. 3470-07-2007 Amending Chapters 2 and 7 of the Lewisville City Code Concerning Administration and Sale of Alcoholic Beverages (cont'd)

(Agenda Item G-12)

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 Chapters 2 and 7 of the Lewisville City Code; by Adding a Fee for a Late Hours Permit; by Repealing the Processing Fee for Certain Alcohol-Related Permits; by Making Minor Changes to Other Sections as Noted; Providing for a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Watts and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3470-07-2007**, as captioned previously. The motion carried.

Tabled Item: Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees

(Agenda Item G-13)

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 Tierney, the Council voted five (5) “ayes” and no (0) “nays” to appoint the following individuals:

Animal Services Advisory Committee

Place No. 1 – Term Expiring 6/30/2009 - Gene Carey
Place No. 3 – Term Expiring 6/30/2009 - Judy Cromwell
Place No. 5 – Term Expiring 6/30/2009 – Nick Rudolph
Place No. 7 – Term Expiring 6/30/2009 – Pam Henricks

**Tabled Item: Discussion and Consideration
of Appointments to Various City
Boards/Commissions/Committees (cont'd)**

(Agenda Item G-13)

Community Development Block Grant Advisory Committee

- Place No. 1 – Term Expiring 6/30/2009 – Tamela Bowie
- Place No. 3 – Term Expiring 6/30/2009 – T. J. Gilmore
- Place No. 5 – Term Expiring 6/30/2009 – Mary Scruggs
- Place No. 7 – Term Expiring 6/30/2009 – Sunny Ugochukwu

Library Board

- Place No. 1 – Term Expiring 6/30/2009 – Joel Battle
- Place No. 3 – Term Expiring 6/30/2009 – Marcia DeAlvia
- Place No. 4 – Term Expiring 6/30/2008 – Ericka Lowery
- Place No. 5 – Term Expiring 6/30/2009 – Toby Faber
- Place No. 7 – Term Expiring 6/30/2009 – Carolyn Richard

Old Town Design Review Committee

- Place No. 1 – Term Expiring 6/30/2009 – Sarah Jo Jackson
- Place No. 3 – Term Expiring 6/30/2009 – Sharon Ellis
- Place No. 5 – Term Expiring 6/30/2009 – Michael Duval
Architect – Term Expiring 6/30/2009 – Bill Peck

Park Board

- Place No. 1 – Term Expiring 6/30/2009 – Patrick Shovlin
- Place No. 3 – Term Expiring 6/30/2009 – Becky Bell
- Place No. 5 – Term Expiring 6/30/2009 – Robert Solete
- Place No. 7 – Term Expiring 6/30/2009 – Patrick Booth
- Place No. 9 – Term Expiring 6/30/2009 – Cally Browning

Planning and Zoning Commission

- Place No. 2 – Term Expiring 6/30/2009 – Jim Gallegos
- Place No. 4 – Term Expiring 6/30/2009 – Alvin Turner
- Place No. 5 – Term Expiring 6/30/2008 – Bill Price
- Place No. 6 – Term Expiring 6/30/2009 – Joy Townsend

**Tabled Item: Discussion and Consideration
of Appointments to Various City
Boards/Commissions/Committees (cont'd)**

(Agenda Item G-13)

Transportation Board

Place No. 1 – Term Expiring 6/30/2009 – Ken Lannin
Place No. 3 – Term Expiring 6/30/2009 – Coleen Davis
Place No. 5 – Term Expiring 6/30/2009 – Gloria Johnson
Place No. 7 – Term Expiring 6/30/2009 – Leroy Vaughn, Jr.

Zoning Board of Adjustment

Place No. 1 – Term Expiring 6/30/2009 – James Davis
Place No. 3 – Term Expiring 6/30/2009 – Joy Bunnell
Alt. No. 1 – Term Expiring 6/30/2009 – Tom Jensen

The motion carried.

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

(Agenda Item G-14)

Mayor Carey advised that on June 4, 2007, Council nominated Councilman Rudy Durham to fill the remainder of former Councilman Mike Nowels' term on the North Central Texas Council of Governments Regional Transportation Council (RTC). Following Council's nomination, the NCTCOG re-evaluated the procedure for filling an unexpired term. They have now concluded that all cities in a "cluster group" (our cluster group includes Lewisville, Flower Mound, Highland Village, Corinth, Lake Dallas, Little Elm, and The Colony) should select the representative to fill the remainder of the term by the standard, weighted vote, which is the procedure used when a seat is originally filled. The number of votes per city is based on the maximum of the daytime or nighttime population of the cities represented. A nominee needs 127,975 votes to win. A representative is required to be selected by July 6, 2007.

Mayor Carey stated the City staff's recommendation was that the City Council designate Councilman Rudy Durham as their nominee to the North Central Texas Council of Governments Regional Transportation Council.

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

(Agenda Item G-14)

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 designate Councilman Rudy Durham as their nominee to the North Central Texas Council of Governments Regional Transportation Council. The motion carried.

**Consideration of Approval of the Southern
Denton County Neighbor to Neighbor
Program as the Exclusive Fund Raising
Federation for the City of Lewisville**

(Agenda Item G-15)

Mayor Carey advised that the Southern Denton County (SDC) Neighbor to Neighbor is a newly established fund raising federation representing Lewisville area social service agencies. The Greater Lewisville United Way has previously been the exclusive fund raising federation for the City of Lewisville. Staff is requesting City Council direction in appointing a fund raising federation.

Mayor Carey stated the City staff's recommendation was that the City Council consider this issue.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve the Southern Denton County Neighbor to Neighbor Program as the exclusive Fund Raising Federation for the City of Lewisville. The motion carried.

Reports

(Agenda Item H)

- Second Quarter Boards/Commissions/Committees Attendance Reports
- Official state designation of Lewisville Lake as "Urban Bass Fishing Capital of Texas"
- Director of Public Services Carole Bassinger gave an update on the status of the lake.
- Assistant City Manager Donna Barron reviewed the schedules for the following events: 4th of July, Great American Race, and the Summer Music Series.

Reports (cont'd)

(Agenda Item H)

- Councilman Durham wished everyone a safe holiday.
- Director of Parks and Leisure Services Robert Monaghan advised that a portion of the campgrounds was still opened; however it is at capacity due to other closures.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:15 p.m. Monday, July 2, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 8:20 p.m. on Monday, July 2, 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 8:30 p.m. on Monday, July 2, 2007.

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

(Agenda Item J)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:33 p.m. on Monday, July 2, 2007, in the Council Chambers of the Lewisville City Hall.

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

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman 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 8:33 p.m. on Monday, July 2, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 6th day of August, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY