

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 15, 2007

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts
Greg Tierney
Rudy Durham

City Staff:

Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney
Liz Plaster, Assistant 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, October 15, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance, with the exception of Assistant City Manager Donna Barron.

Smoking Prohibition

(Agenda Item A)

City Manager King reviewed the information contained in the backup with the City Council. He advised that staff had tried to keep this as simple as possible. City Manager King referenced the ballot information contained on the Abilene ballot.

Discussion was held regarding how the voters would be able to determine what was considered a bar and what was considered a restaurant. Further discussion was held regarding the requirements for determining a bar and restaurant.

WORKSHOP SESSION – 6:00 P.M.

Smoking Prohibition (cont'd)

(Agenda Item A)

City Manager King reminded the City Council that the more they add to the ballot, the more complicated it could become for the voter. Mayor Pro Tem Durham advised he was only interested in the smoking ban for restaurants, not bars. Deputy Mayor Pro Tem Ueckert expressed concern that some restaurants have bars in them and voters may think they are included or excluded when they may not.

Further discussion was held regarding how the Texas Alcohol and Beverage Commission define a bar and a restaurant. Ms. Plaster advised that it was determined by the amount of alcohol sales and the amount of sales that are not alcohol related (food, shirts, etc.)

Mayor Carey advised that he had received 19 cards from individuals indicating their opposition to a smoking ban. Deputy Mayor Pro Tem Ueckert stated that the City Council is just trying to find out what the public wants, similar to the Local Option Election that was held a few years ago.

Ms. Plaster proposed the following language for the ballot: 1. Should the City Council adopt an ordinance that prohibits smoking in restaurants? *A restaurant means an establishment which has less than 50% of its annual gross sales from alcoholic beverages.* and 2. Should the City Council adopt an ordinance that prohibits smoking in bars, bowling centers and billiard halls? *A bar means an establishment which has 50% or more of its annual gross sales from alcoholic beverages.*

The consensus of the City Council was they liked the proposed wording for the ballot. City Manager King advised that City staff could bring an ordinance with the recommended language to the City Council in time to call an election; however, direction would need to be given for which election date they preferred.

Discussion was held regarding holding an election in November. Councilman Watts preferred to hold the election during the scheduled City Council Election so it there would not be an additional cost to the taxpayers. Mayor Pro Tem Durham advised he did not feel an election was needed as this was a topic the City Council could decide. Deputy Mayor Pro Tem Ueckert advised a number of people had expressed their opinion that the residents should be allowed to vote on this topic.

Discussion was held regarding called the election for May. City Manager King advised that an ordinance calling the election would be brought to the City Council in mid February and if they decided to not hold the election, they could do so at that time.

WORKSHOP SESSION – 6:30 P.M.

**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.

Mayor Carey reviewed Agenda Item C, Proclamation Declaring the Week of October 15-19, 2007, as “Chamber of Commerce Week”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-1, Continued Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number 13; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager to Execute the Agreements. City Attorney Ron Neiman requested that this item be continued to allow staff time to work with the applicant. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.25 Acre Tract of Land Located on the South Side of Temple Avenue Between Degan Avenue and Lynn Avenue; and Identified as Lot 14, Block A of the Westridge Park Addition, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070917). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.55 Acre Tract of Land Located on the East Side of Hatcher Avenue Between Main Street and Walters Street and Identified as Lot 13 (N 108’) of the Rawlings Addition and Also Includes A0696 Tract 101, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070919). 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 B)

Mayor Carey reviewed Agenda Item D-4, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2 Acre Tract of Land Located on the South Side of Richland Street Between North Edna Avenue and North Cowan Avenue; and Identified as Lot 1 (W82'), Block D of the W.B. Cowan Addition, as Requested by the Property Owners, Robert and Hazel Gregory (Case No. 20070921). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-5, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.226 Acre Tract of Land Located on the Southwest Corner of Milton Street and Main Street; and Identified as Tract 143, Abstract 696 of the J.W. King Survey, as Requested by Alex Buck With the Permission of Bob Jackson, Representing the Property Owner Jackson Family Trust (Case No. 20070922). 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-6, Approval of Minutes: City Council Minutes of the October 1, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of a Bid Award for an Annual Requirements Contract for Chemical Analysis to ERMI Environmental Laboratories, Allen, Texas, in the Estimated Amount of \$88,130.41. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of Interlocal Agreements Between the City of Lewisville and Participating Users for Use of the City of Lewisville Radio System; and Authorization for the City Manager to Execute the Agreements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Approval of an Economic Development Agreement Between the City of Lewisville and Brookfield Asset Management and Authorization for the City Manager to Execute the Agreement; Approval of an Appropriation From Available General Capital Projects Cash to Reimburse Brookfield Asset Management in an Amount Not to Exceed \$436,538, Contingent Upon the Satisfactory Completion of the Provisions of the Economic Development Agreement. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Development, for Huffines and Hedrick Middle Schools, as Requested by G&A Consultants Inc., on Behalf of the Lewisville Independent School District (LISD), the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of Variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business; as Requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of Variances to Lewisville City Code, Chapter 7-177 Special Events, to Extend the Duration of Farmers Market and to Continue to Allow Farmers Market to Run for a Longer Duration Than 14 Days and Chapter 2-201 Fees, Waiver of Special Event Permit Fees, as Requested by the Old Town Business Association. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of an Ordinance Amending the Lewisville City Code Chapter 6, Land Development Regulations by Prohibiting the Conversion, Enclosure or Alteration of a Garage for Non-Parking Use in Single Family Dwellings. Discussion was held regarding why the proposed ordinance was drafted. City Manager King advised that this was coming from a staff level as a tool to deal with neighborhoods and houses packing in more people than they were designed to accommodate. He further advised that this causes vehicles to end up on streets that are substandard, according to today's standards, which then create a narrow space for vehicles and emergency vehicles. City Manager King stated that there was no rush and the City Council could table and talk about this issue at their leisure. Discussion was held regarding in certain circumstances variances could be granted by adding a provision that if the property owner had the space and would build an additional garage this could be granted. Further discussion was held regarding how this would be enforced. There was no further discussion on this item.

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

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

Items of Interest to the Council

(Agenda Item B)

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:50 p.m. on Monday, October 15, 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, October 15, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Carey gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Girl Scout Troop 620 gave the pledge to the flag.

**Proclamation: Declaring the Week of
October 15-19, 2007, as "Chamber of
Commerce Week"**

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring October 15-19, 2007 as "Chamber of Commerce Week" to Don Smith and Matt McCormick from the Lewisville Chamber of Commerce.

Continued Public Hearing: Consideration of Ordinance No. 3486-10-2007 Renewing Reinvestment Zone Number 13; Consideration of Resolution No. 3487-10-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager to Execute the Agreements

(Agenda Item D-1)

Mayor Carey advised that Holt Lunsford is building a new two-story, 37,000 square foot office building directly east of the City Amphitheater for the corporate headquarters of Jamex, Inc. Jamex is an oil and gas exploration company operating approximately 100 wells in and around Texas, primarily in south Texas. They will initially occupy the ground floor with 16 employees and sub-lease the second floor to small office users. A RZ, once created, is in existence for five years with no provision to terminate the zone. A RZ may be renewed by Council action for additional periods, with each renewal valid for five years. RZ 13, as created, covers the entire 23 acre site which is now owned by Opus with Horizon Health as a tenant (6 acres), Holt Lunsford (11 acres) and Jamex (3 acres). State law requires that all tax abatements that are granted within a single reinvestment zone contain identical terms (percentage and duration). Staff is recommending tabling the Economic Development Agreement indefinitely because of a change in circumstances regarding tree mitigation fees.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the renewal of Reinvestment Zone #13; approve the ordinance renewing Reinvestment Zone #13; approve the resolution to enter into the Tax Abatement Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; table indefinitely the Economic Development Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; and authorize the City Manager to execute the agreement.

Continued Public Hearing: Consideration of Ordinance No. 3486-10-2007 Renewing Reinvestment Zone Number 13; Consideration of Resolution No. 3487-10-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager to Execute the Agreements (cont'd)

(Agenda Item D-1)

Mayor Carey opened the public hearing.

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 continue the public hearing to the November 5, 2007, City Council meeting. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3502-10-2007(Z) for a Zone Change
Request From Single-Family Residential
(R7.5) to Old Town Mixed Use One
(OTMU1) on a 0.25 Acre Tract of Land
Located on the South Side of Temple Avenue
Between Degan Avenue and Lynn Avenue;
and Identified as Lot 14, Block A of the
Westridge Park Addition, as Requested by
the Property Owner, Miguel R. Cortez (Case
No. 20070917)**

(Agenda Item D-2)

Mayor Carey advised that the proposed zoning classification OTMU1 is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility of use and setbacks on the property should he choose to redevelop it in the future. R7.5 zoning allows setbacks of: front-30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet, rear—20 feet for single family residential, 6.5 feet for single-family. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 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 Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1).

Mayor Carey opened the public hearing.

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

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 close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3502-10-2007(Z) for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.25 Acre Tract of Land Located on the South Side of Temple Avenue Between Degan Avenue and Lynn Avenue; and Identified as Lot 14, Block A of the Westridge Park Addition, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070917) (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 0.25 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 (R-7.5) District Zoning to Old Town Mixed Use One (OTMU1) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3502-10-2007(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3503-10-2007(Z) for a Zone Change
Request From Office District (OD) to Old
Town Mixed Use Two (OTMU2) on a 0.55
Acre Tract of Land Located on the East Side
of Hatcher Avenue Between Main Street and
Walters Street and Identified as Lot 13 (N
108') of the Rawlings Addition and Also
Includes A0696 Tract 101, as Requested by
the Property Owner, Miguel R. Cortez (Case
No. 20070919)**

(Agenda Item D-3)

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility of use and setbacks on the property should he chose to redevelop it in the future. OD zoning allows setbacks of: front— 30 feet, sides—10 feet, rear— 25 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property which includes residential, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 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 Office District (OD) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist 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 Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3503-10-2007(Z) for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.55 Acre Tract of Land Located on the East Side of Hatcher Avenue Between Main Street and Walters Street and Identified as Lot 13 (N 108') of the Rawlings Addition and Also Includes A0696 Tract 101, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070919) (cont'd)

(Agenda Item D-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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.55 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.”

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. 3503-10-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3504-10-2007(Z) for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2 Acre Tract of Land Located on the South Side of Richland Street Between North Edna Avenue and North Cowan Avenue; and Identified as Lot 1 (W82'), Block D of the W.B. Cowan Addition, as Requested by the Property Owners, Robert and Hazel Gregory (Case No. 20070921)

(Agenda Item D-4)

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicants would like to re-zone for better flexibility of use and setbacks on the property. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property for the future which includes office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 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 Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

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

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

Public Hearing: Consideration of Ordinance No. 3504-10-2007(Z) for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2 Acre Tract of Land Located on the South Side of Richland Street Between North Edna Avenue and North Cowan Avenue; and Identified as Lot 1 (W82'), Block D of the W.B. Cowan Addition, as Requested by the Property Owners, Robert and Hazel Gregory (Case No. 20070921) (cont'd)

(Agenda Item D-4)

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 0.2 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 (R-7.5) 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 Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3504-10-2007(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3505-10-2007(Z) for a Zone Change
Request From Office District (OD) to Old
Town Mixed Use Two (OTMU2) on a 0.226
Acre Tract of Land Located on the Southwest
Corner of Milton Street and Main Street; and
Identified as Tract 143, Abstract 696 of the
J.W. King Survey, as Requested by Alex Buck
With the Permission of Bob Jackson,
Representing the Property Owner Jackson
Family Trust (Case No. 20070922)**

(Agenda Item D-5)

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicants would like to re-zone for better flexibility of use and setbacks on the property. OD zoning allows setbacks of: front— 30 feet, sides—10 feet, rear— 25 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property which includes residential, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 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 Office District (OD) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

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

Mayor Carey advised that Amanda Ferguson, 937 Timbercreek Drive, Lewisville, Texas 75067, had submitted a card indicating her support of this item.

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 close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3505-10-2007(Z) for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.226 Acre Tract of Land Located on the Southwest Corner of Milton Street and Main Street; and Identified as Tract 143, Abstract 696 of the J.W. King Survey, as Requested by Alex Buck With the Permission of Bob Jackson, Representing the Property Owner Jackson Family Trust (Case No. 20070922) (cont'd)

(Agenda Item D-5)

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 0.226 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.”

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 and adopt **Ordinance No. 3505-10-2007(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

Billy Williams spoke before the City Council regarding an upcoming opinion that was to be issued by the Attorney General regarding second hand smoke. He recommended that the City Council wait until after October 28, 2007, to make the determination regarding a smoking ban as this could potentially influence their decision.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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 items on the Consent Agenda, as recommended and as follows:

6. APPROVAL OF MINUTES: City Council Minutes of the October 1, 2007, Workshop Session and Regular Session.
7. Approval of a Bid Award for an Annual Requirements Contract for Chemical Analysis to ERMI Environmental Laboratories, Allen, Texas, in the Estimated Amount of \$88,130.41.
8. Approval of Interlocal Agreements Between the City of Lewisville and Participating Users for Use of the City of Lewisville Radio System; and Authorization for the City Manager to Execute the Agreements.
9. Approval of an Economic Development Agreement Between the City of Lewisville and Brookfield Asset Management and Authorization for the City Manager to Execute the Agreement; Approval of an Appropriation From Available General Capital Projects Cash to Reimburse Brookfield Asset Management in an Amount Not to Exceed \$436,538, Contingent Upon the Satisfactory Completion of the Provisions of the Economic Development Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Development, for Huffines and Hedrick Middle Schools, as Requested by G&A Consultants Inc., on Behalf of the Lewisville Independent School District (LISD), the Property Owner

(Agenda Item G-10)

Mayor Carey advised that LISD is constructing weight rooms that are approximately 2,300 square feet in size in all of their middle schools as part of their bond project. There are five middle schools in Lewisville (Delay, Killian, Durham, Huffines and Hedrick). A site plan for both the Huffines and Hedrick campuses revealed that these two school properties abut residential properties and by ordinance require screening. There is some screening on the

Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Development, for Huffines and Hedrick Middle Schools, as Requested by G&A Consultants Inc., on Behalf of the Lewisville Independent School District (LISD), the Property Owner (cont'd)

(Agenda Item G-10)

Huffines site, although it doesn't fully comply with the GDO's current requirement for brick columns and wrought iron fencing. The proposed weight room additions are small in comparison to the overall campus and existing facilities and in most cases will not even be visible to the adjacent residential properties. Staff is of the opinion that the weight room additions will have a minimal impact on the site and its neighbors, and, therefore, staff is not opposed to the requested variance for the two sites in question.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance to waive the required screening wall.

Gene Lewis, Planning & Community Services Manager and Von Beougher, G&A Consultants, Inc., were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Chapter 6, Land Development, for Huffines and Hedrick Middle Schools, to waive the required screening, as requested by G&A Consultants Inc., on Behalf of the Lewisville Independent School District (LISD), the Property Owner to waive the required screening wall. The motion carried.

Consideration of Variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business; as Requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the Property Owner

(Agenda Item G-11)

Mayor Carey advised that about a year ago, Brookfield Asset Management bought the 185 acre site originally developed by Texas Instruments at the southwest corner of SH 121

Consideration of Variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business; as Requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the Property Owner (cont'd)

(Agenda Item G-11)

Business and FM 3040, and known today as the ConVergence campus. Brookfield has now completed the first portion of their planning process for redevelopment of the site but due to the size of the property, which is platted as a single lot, they are asking for variances to allow them to develop the 185 acres in phases without having to submit a new engineering site plan for the entire site. Brookfield Asset Management would submit an engineering site plan for each phase when required for that phase. The following variances are being requested: (a) to waive the engineering site plan process for the entire platted lot by providing engineering site plans for each phase as depicted on the Master Phasing Plan dated September 28, 2007; (b) for Texas Instruments to add a 900 square foot metal electrical equipment building without a brick veneer and an engineering site plan; (c) to waive the requirement for a sidewalk along Business SH 121; and, (d) to allow monument signs of 10 feet and 18 feet in height instead of the six foot maximum permitted by the sign ordinance.

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

Gene Lewis, Planning & Community Service Manager and Ashley Lawrence, Capstar Commercial Real Estate Services, Ltd., were both present to respond to any questions posed by the City Council.

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 the following variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business: (a) to waive the engineering site plan process for the entire platted lot by providing engineering site plans for each phase as depicted on the Master Phasing Plan dated September 28, 2007; (b) for Texas Instruments to add a 900 square foot metal electrical equipment building without a brick veneer and an engineering site plan;

Consideration of Variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business; as Requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the Property Owner (cont'd)

(Agenda Item G-11)

(c) to waive the requirement for a sidewalk along Business SH 121; and, (d) to allow monument signs of 10 feet and 18 feet in height instead of the six foot maximum permitted by the sign ordinance, as requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the property owner:
The motion carried.

Consideration of Variances to Lewisville City Code, Chapter 7-177 Special Events, to Extend the Duration of Farmers Market and to Continue to Allow Farmers Market to Run for a Longer Duration Than 14 Days and Chapter 2-201 Fees, Waiver of Special Event Permit Fees, as Requested by the Old Town Business Association

(Agenda Item G-12)

Mayor Carey advised that the Old Town Business Association (OTBA) coordinates a Farmers Market that is held every Saturday from mid-May through October. Because of the success of Farmers Market, OTBA is requesting that City Council grant a variance to allow the Farmers Market to continue until November 17, 2007, and to waive the special events permit fees that would be associated with the event extension.

Mayor Carey stated the City staff's recommendation was that the City Council approve the request to allow the extension in duration of the event to November 17, 2007, and approve the request to waive the additional permit fees associated with this extension.

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 request to allow the extension in duration of the event to November 17, 2007, and approve the request to waive the additional permit fees associated with this extension. The motion carried.

Consideration of Ordinance No. 3506-10-2007 Amending the Lewisville City Code Chapter 6, Land Development Regulations by Prohibiting the Conversion, Enclosure or Alteration of a Garage for Non-Parking Use in Single Family Dwellings

(Agenda Item G-13)

Mayor Carey advised that currently, the Lewisville City Code does not specifically prohibit conversion, enclosure or alteration of any garage for any purpose. Due to increasing traffic loads and inadequate off-street parking, staff is recommending that an amendment to the existing ordinance regulating parking be implemented. Staff is recommending an ordinance change that will prohibit conversion, enclosure or alteration of a one or two-car garage for non-parking use.

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

Larry Finney, Building Official spoke before the City Council regarding this agenda item.

Councilman Watts advised that during the Workshop Session it had been discussed to allow language that if a property owner had enough property and they wished to enclose their garage, if they agreed to build an additional garage to allow for sufficient parking prior to enclosing the existing garage, they would be allowed to enclose their attached garage.

City Attorney Ron Neiman recommended if that was how the City Council wanted to proceed they would need to table this item to the November 5, 2007, City Council meeting.

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

Reports

(Agenda Item H)

- Director of Public Services Carole Bassinger updated the City Council on the status of Lake Lewisville.
- Fire Chief Rick Lasky advised the investigator was still looking into the recent fires; however, it was believed they were lighting related.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:27 p.m. Monday, October 15, 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 7:30 p.m. on Monday, October 15, 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, October 15, 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 8:30 p.m. on Monday, October 15, 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)

(Councilman Tierney and Deputy Mayor Pro Tem Thornhill were not present at the dais.)

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted three (3) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:30 p.m. on Monday, October 15, 2007. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
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These minutes approved by the Lewisville City Council on the 19th day of November, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY