

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**NOVEMBER 5, 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:**

Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Julie Heinze, City Secretary  
Ronald J. Neiman, City Attorney

**WORKSHOP SESSION – 5:30 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 5:35 p.m. on Monday, November 5, 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.

**Briefing on Section 287(G) Program by  
Police Department (Requested by  
Councilman Tierney)**

**(Agenda Item A)**

Police Chief Russ Kerbow briefed the City Council using a PowerPoint Presentation regarding the Section 287(G) Program. Police Chief Kerbow compared Section 287(G) with Criminal Alien Program (CAP) Law Enforcement Support Center.

Discussion was held by the City Council and City staff that the City Council preferred to continue with the CAP. City Manager King advised that staff is working on fliers, handouts, and working with the media to get accurate information to the residents.

**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-1, 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 0.24 Acre Tract of Land Located on the South Side of West College Street Between Degan Avenue and Lynn Avenue; and Identified as Lot 11, Block B of the Westridge Park Addition, as Requested by the Property Owner, Anna McDonald (Case No. 20071023). There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-2, 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 Among 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 Among 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. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-3, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU) on a 286 Acre Tract Bounded by Railroad Street to the West, Business State Highway 121 to the North, the Elm Folk Trinity River and Future Corporate Drive to the East; as Requested by the City of Lewisville, the Current Property Owner (Case No. PZ20071024). There was no further discussion on this item.

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

Mayor Carey reviewed Agenda Item E-4, Approval of Acceptance of the Donation of a RES-Q-JACK Stabilization System From Firehouse Subs Public Safety Foundation of Jacksonville, Florida. Mayor Carey requested that this item be pulled from Consent Agenda and discussed in regular session. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Carey reviewed Agenda Item E-5, Approval of Amendment No. 1 in the Amount of \$63,975 to the Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P., for Design of the Midway Pump Station, Ground Storage Tank and Dallas Water Meter Station; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of an Amendment to Establish the Guaranteed Maximum Price of \$3,420,650 for the Construction of the Jail to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas; Approval of an Appropriation in the Amount of \$318,452 From General Capital Projects Available Cash; and Authorization for the City Manager to Execute the Contract Amendment. City Manager King advised that the City Council would see a charge order later for covered storage for the large vehicles; however, that a price had not been received. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of an Appropriation in the Amount of \$100,000 From Screening Wall Repair Available Cash for Maintenance and Repair to Screening Walls. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase 1A Project to W. R. Hodgson Company, L.P., Celina, Texas, in the Amount of \$320,056; Approval of a Total Project Budget of \$329,658; Which Includes \$9,602 for Contingencies; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$59,586; and Authorization for the City Manager or His Designee to Execute the Grant Document. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Approval of a Resolution Amending Authorized Representatives at Texpool, an Investment Service for Public Funds. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Carey reviewed Agenda Item E-11, Approval of a Resolution Supporting Proposition 12, on the November 6, 2007 State Election Ballot, Which Would Authorize the Texas Transportation Commission to Issue Five Billion Dollars in General Obligation Bonds to Provide Funding for Highway Improvement Projects. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-12, Approval of Revisions to Administrative Policy 3.2.1, Purchasing Procedures. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-13, Approval of a Parking Lot Agreement With Lake Vista Partners, L.P.; and Authorization for the City Manager to Execute the Agreement. City Manager King advised that the applicant has agreed to a parking lot agreement; however, they have requested instead of the agreement being until 2013, they would prefer it to be with a 90 days termination in the event they get a different vender in their facility. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-14, Approval of Three Nominees for the Waters Ridge Public Improvement District Board of Directors. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-15, Tabled Item: Approval of an Interlocal Cooperation Agreement for Library Services with Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-16, Consideration of a Request From Jack & Jill of America to Waive Fees for the Vista Ridge Amphitheater. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-17, Consideration of a Variance to the Lewisville City Code, Section 6-101(b) Private Utilities for Installation of a City-Owned Fiber Optic Network. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-18, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 11, Signs, Article X, Permissible Signs Located in the Old Town Design District that Require a Permit and Article XI, Permissible Signs Located in the Old Town Design District That Require a Permit, With Substantive Changes. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Carey reviewed Agenda Item F-19, Tabled Item 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. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-20, Consideration of an Ordinance Amending the Lewisville City Code By Adding Provisions for the Creation of a Juvenile Case Manager Fund and Collection of Fees. City Manager King requested that this item be tabled to allow Judge Holman time to make sure that the recommended fee structure is correct. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-21, Consideration of Nominations to the Denton and Dallas Central Appraisal District Appraisal Review Boards. Councilman Durham advised he would be abstaining from this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-22, Consideration of Dates for the Annual City Council Retreat. Discussion was held regarding if the salary survey could be ready by the first recommended dates. City Manager King advised that if the City Council preferred the first date suggested, the salary survey would probably have to be issued at a later date. There was no further discussion on this item.

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

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

**Items of Interest to the Council**

**(Agenda Item 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 6:41 p.m. on Monday, November 5, 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, November 5, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Carey, Councilman Watts gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

Mayor Carey gave the pledge to the flag.

**Public Hearing: Consideration of Ordinance No. 3506-11-2007(Z) for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.24 Acre Tract of Land Located on the South Side of West College Street Between Degan Avenue and Lynn Avenue; and Identified as Lot 11, Block B of the Westridge Park Addition, as Requested by the Property Owner, Anna McDonald (Case No. 20071023)**

**(Agenda Item C-1)**

Mayor Carey advised that the proposed zoning classification Old Town Mixed Use One (OTMU1) is in keeping with the recommendations of the Old Town Master Plan. The applicant 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 of 0, sides—6.5 feet and rear—20 feet for single family residential or 6.5 feet for single-family attached residential. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their October 2, 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.

**Public Hearing: Consideration of Ordinance**

**No. 3506-11-2007(Z) for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.24 Acre Tract of Land Located on the South Side of West College Street Between Degan Avenue and Lynn Avenue; and Identified as Lot 11, Block B of the Westridge Park Addition, as Requested by the Property Owner, Anna McDonald (Case No. 20071023) (cont'd)**

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(Agenda Item C-1)

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

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.24 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 Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3506-11-2007(Z)**, as previously captioned. The motion carried.

**Continued Public Hearing: Consideration of Ordinance No. 3486-11-2007 Renewing Reinvestment Zone Number 13; Consideration of Resolution No. 3487-11-2007 Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Among 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 Among 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 C-2)

Holt Lunsford is building a new 2-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 5 years with no provision to terminate the zone. A RZ may be renewed by Council action for additional periods, with each renewal valid for 5 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). The economic development agreement originally planned is no longer needed. A stand-alone parking agreement has been developed.

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 agreements.

Mayor Carey opened the public hearing.

**Continued Public Hearing: Consideration of Ordinance No. 3486-11-2007 Renewing Reinvestment Zone Number 13; Consideration of Resolution No. 3487-11-2007 Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Among 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 Among 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 C-2)

Dave Cartwright spoke before the City Council and advised he was available for any questions posed by the City Council.

**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 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, Renewing a Certain Area Within the City of Lewisville as Reinvestment Zone No. 13 for Lake Vista Partners, L.P., a Texas Limited Partnership; Renewing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman 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. 3486-11-2007(Z)**, as previously captioned and **Resolution No. 3487-11-2007(R)**. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3507-11-2007(Z) for a Zone Change Request From Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU) on a 286 Acre Tract Bounded by Railroad Street to the West, Business State Highway 121 to the North, the Elm Folk Trinity River and Future Corporate Drive to the East; as Requested by the City of Lewisville, the Current Property Owner (Case No. PZ20071024)**

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(Agenda Item C-3 )

Mayor Carey advised that the City of Lewisville owns two contiguous sites being rezoned in this request. One parcel is approximately 37 acres and fronts on Business SH 121. There are no immediate plans for this site. The second property is approximately 249 acres and fronts onto Railroad Street. There is currently a plat and an engineering site plan in review for a premier athletic complex containing four football fields, four baseball fields, ten soccer fields, a dog park, a skate park, natural areas, lakes, as well as a maintenance facility. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use facility. This is in keeping with other facilities in the City. The Planning and Zoning Commission voted 7-0 in favor of the zone change request at their October 2, 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 Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Bob Monaghan, Director of Parks and Leisure Services were both present to respond to any questions posed by the City Council.

**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.

**Public Hearing: Consideration of Ordinance No. 3507-11-2007(Z) for a Zone Change Request From Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU) on a 286 Acre Tract Bounded by Railroad Street to the West, Business State Highway 121 to the North, the Elm Folk Trinity River and Future Corporate Drive to the East; as Requested by the City of Lewisville, the Current Property Owner (Case No. PZ20071024) (cont'd)**

(Agenda Item C-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 286.04 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU) 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 Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3507-11-2007(Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

(Agenda Item D)

No one appeared to speak at this time.

**CONSENT AGENDA**

(Agenda Item E)

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

1. Consent Agenda Item No. 4: Approval of Acceptance of the Donation of a RES-Q-JACK Stabilization System From Firehouse Subs Public Safety Foundation of Jacksonville, Florida

**CONSENT AGENDA (cont'd)**

**(Agenda Item E)**

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

5. Approval of Amendment No. 1 in the Amount of \$63,975 to the Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P., for Design of the Midway Pump Station, Ground Storage Tank and Dallas Water Meter Station; and Authorization for the City Manager to Execute the Agreement.
6. Approval of an Amendment to Establish the Guaranteed Maximum Price of \$3,420,650 for the Construction of the Jail to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas.; Approval of an Appropriation in the Amount of \$318,452 From General Capital Projects Available Cash; and Authorization for the City Manager to Execute the Contract Amendment.
7. Approval of an Appropriation in the Amount of \$100,000 From Screening Wall Repair Available Cash for Maintenance and Repair to Screening Walls.
8. Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase 1A Project to W. R. Hodgson Company, L.P., Celina, Texas, in the Amount of \$320,056; Approval of a Total Project Budget of \$329,658; Which Includes \$9,602 for Contingencies; and Authorization for the City Manager to Execute the Contract.
9. Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$59,586; and Authorization for the City Manager or His Designee to Execute the Grant Document.
10. Approval of a Resolution Amending Authorized Representatives at Texpool, an Investment Service for Public Funds.

**CONSENT AGENDA (cont'd)**

**(Agenda Item E)**

11. Approval of **Resolution No. 3508-11-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas Supporting Proposition 12, on the November 6, 2007 State Election Ballot, Which Would Authorize the Texas Transportation Commission to Issue Five Billion Dollars in General Obligation Bonds to Provide Funding.
12. Approval of Revisions to Administrative Policy 3.2.1, Purchasing Procedures.
13. Approval of a Parking Lot Agreement With Lake Vista Partners, L.P.; and Authorization for the City Manager to Execute the Agreement.
14. Approval of Three Nominees for the Waters Ridge Public Improvement District Board of Directors.
15. Tabled Item: Approval of an Interlocal Cooperation Agreement for Library Services with Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Contract.

The motion carried.

**END OF CONSENT AGENDA**

**Approval of Acceptance of the Donation of a  
RES-Q-JACK Stabilization System From  
Firehouse Subs Public Safety Foundation of  
Jacksonville, Florida**

**(Consent Agenda Item E-4)**

The City of Lewisville Fire Department applied for safety equipment through Firehouse Subs Public Safety Foundation of Jacksonville, Florida. The City was approved for a RES-Q-JACK stabilization system valued at \$10,886.40.

That the City Council accept the donation of a RES-Q-JACK stabilization system from Firehouse Subs Public Safety Foundation.

At the request of Mayor Carey, City Manager King reviewed this agenda item for the City Council. Fire Chief Lasky advised that this device would allow them to stabilize vehicles and buildings that collapse.

**Approval of Acceptance of the Donation of a  
RES-Q-JACK Stabilization System From  
Firehouse Subs Public Safety Foundation of  
Jacksonville, Florida (cont'd)**

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**(Consent Agenda Item E-4)**

**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 acceptance of the donation of a RES-Q-JACK Stabilization System from Firehouse Subs Public Safety Foundation of Jacksonville, Florida. The motion carried.

**Consideration of a Request From Jack & Jill  
of America to Waive Fees for the Vista Ridge  
Amphitheater**

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**(Agenda Item F-16)**

Jack & Jill of America has requested the City Council to consider waiving fees for a Walk Against Child Abuse to be held at the Vista Ridge Amphitheater scheduled for April 26, 2008.

The City staff’s recommendation was that the City Council consider the request to waive fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse.

Myekye Hamilton, Chairperson-Jack & Jill of North Texas, 501 Purdue Drive, Lewisville, Texas. Ms. Hamilton handed the City Council paper copies of her presentation.

Alexandria Dilliard Teen Coordinator for Jack & Jill of North Texas, 401 Kyle Lane, Lewisville, Texas spoke before the City Council in support of this request

Gwen Gary, Treasure of Community Partners of Denton County, Inc., 3908 Vintage Place, Flower Mound, Texas, spoke before the City Council in support of this request.

Lorraine Perry, President of Community Partners of Denton County, Inc., spoke before the City Council in support of this request.

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

- Braesha Jolla, 144 Branchwood Trail, Coppell, Texas 75019
- Sandra Jolla, 144 Branchwood Trail, Coppell, Texas 75019
- Fan Dillard, 401 Kyle Lane, Lewisville, Texas 75067
- Calandra Gamble, 3512 Camara Court, Flower Mound, Texas 75022

**Consideration of a Request From Jack & Jill  
of America to Waive Fees for the Vista Ridge  
Amphitheater (cont'd)**

**(Agenda Item F-16)**

Michelle Ojukull, 1048 Stanford Lane, Lewisville, Texas 75067  
Terrenae Hamilton, 501 Purdue Drive, Lewisville, Texas 75067  
Mary Quinn, 6908 Elm Crest Court, Flower Mound, Texas 75022  
Carron Perry, 1505 Stone Bend Lane, Flower Mound, Texas 75028

Mayor Pro Tem Ueckert requested that City staff provide filming for this event and assist Jack and Jill of America in getting the information about the event to the public.

**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 the request to waive fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Section 6-101(b) Private Utilities  
for Installation of a City-Owned Fiber Optic  
Network**

**(Agenda Item F-17)**

Mayor Carey advised that the City’s voice and data network infrastructure backbone between our major campuses uses dark fiber leased through Time Warner. This five year lease will expire in June 2008. Funding for replacing this infrastructure was previously approved by City Council in a supplemental appropriation request. City Engineering staff has recommended an aerial route on the East IH 35 E in the Old Town area. The rights-of-way are narrow and contain many underground utilities. Adding a new underground utility was not advised. The route chosen has sufficient above ground poles and space to install the fiber on existing poles. The pole utility companies have been contacted and the poles can be leased annually for an estimated annual cost of \$3,750.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the requested variance to the Lewisville City Code, Section 6-101(b) to allow installation of the City owned fiber optic network.

**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 requested variance to the Lewisville City Code, Section 6-101(b) to allow installation of the City owned fiber optic network. The motion carried.

**Consideration of Ordinance No. 3509-11-2007 Amending the Lewisville City Code, Chapter 11, Signs, Article X, Permissible Signs Located in the Old Town Design District that Require a Permit and Article XI, Permissible Signs Located in the Old Town Design District That Require a Permit, With Substantive Changes**

(Agenda Item F-18)

Mayor Carey advised that City Council approved the Sign Ordinance in November, 2006 and amended it in March, 2007. Staff is recommending several additional changes and clarifications to the Old Town section of this ordinance.

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

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 11, Signs, Article X and Article XI, by Deleting the Current Language in Its Entirety and Replacing it With Substantive Changes; Providing for Severability; Providing a Penalty Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

**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 approve and adopt **Ordinance No. 3509-11-2007**, as captioned previously. The motion carried.

**Tabled Item Consideration of 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**

(Agenda Item F-19)

Mayor Carey advised this item was tabled at the October 15, 2007 City Council meeting at which time staff was directed to add allowances to the proposed ordinance for conversion, enclosure or alteration of existing garages when specific requirements are met. Staff is submitting new wording for a proposed ordinance that would allow conversion, enclosure or alteration of an existing garage if an equivalent garage is constructed on the lot prior to any changes being made to the existing garage.

**Tabled Item Consideration of 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 (cont'd)**

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**(Agenda Item F-19)**

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

Doug Killough, 709 Juniper Lane, Lewisville, Texas 75077, spoke before the City Council in opposition of the ordinance.

Steve Southwell, 995 Downey Drive, Lewisville, Texas 75067, spoke before the City Council in opposition of the ordinance.

Doris Hale, 406 High School, Lewisville, Texas 75057, spoke before the City Council in support of the ordinance.

Mayor Carey advised that Bob Hale, 406 High School Drive, Lewisville, Texas 75057, had filled out a card indicating his support of the ordinance.

Discussion was held by the City Council members regarding the proposed ordinance. Councilman Durham advised he was opposed to the proposed ordinance. Mayor Pro Tem Ueckert expressed concern about having an ordinance that requires a single family home be constructed with a garage and then allowing a conversion. Councilman Watts thanked City staff for making the changes he had requested at the prior meeting; however, after careful consideration he felt this ordinance would be unfair to property owners with a smaller lot. Councilman Watts advised he preferred dealing with this issue from a parking standpoint. Deputy Mayor Pro Tem Thornhill advised that he felt this ordinance was an infringement of property owners' rights. He further advised that after driving around town he felt that enclosed garages did not always create parking issues. Councilman Tierney reviewed other areas where the City Council passes ordinances that affect residents property owner rights. Councilman Tierney stated that one of the biggest complaints he receives from residents is about too many people living in single family housing and while passing this ordinance does not solve that or the City's parking problem, it would assist the City in both of those issues.

Councilman Tierney stated that he would like to look at other options to deal with parking issues regarding overcrowding of the streets, as he felt it lowers that quality of life and increases the dangers for children living in the neighborhood due to cars on both sides of the street.

**Tabled Item Consideration of 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 (cont'd)**

(Agenda Item F-19)

City Council requested that the parking issue be reviewed. City Manager King advised that was something that could be discussed during retreat.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Watts, the Council voted three (3) "ayes" and two (2) "nays," with Mayor Pro Tem Ueckert and Councilman Tierney casting the negative votes to deny the proposed ordinance. The motion carried.

**Consideration of an Ordinance Amending  
the Lewisville City Code By Adding  
Provisions for the Creation of a Juvenile  
Case Manager Fund and Collection of Fees**

(Agenda Item F-20)

The 79th Texas Legislature passed H.B. 1575 authorizing the creation a "juvenile case manager fund" ("Fund"). This fund allows local governments to collect a fee, not to exceed \$5.00, to pay for the salary and benefits of a juvenile case manager. The case manager will be responsible for all juvenile cases, including but not limited to teen court, with priority given to cases involving failure to attend school and parents contributing to the failure to attend school. Based on the needs of the court and considering the number of cases filed, it is recommended that a fee of \$4.00 be imposed at this time. This will allow for adequate funding of the position and is consistent with the municipal court technology fund fee which is also set at \$4.00. (This fee was adopted along with the other fee modifications as part of the FY 2007-2008 budget process). The fund will allow the position to be entirely self-funded by cost courts assessed against those persons for whom a judgment has been entered.

The City staff's recommendation was that the City Council approve the proposed ordinance.

**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 table this item to the November 19, 2007, City Council meeting. The motion carried.

**Consideration of Nominations to the Denton  
and Dallas Central Appraisal District  
Appraisal Review Boards**

**(Agenda Item F-21 )**

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

Mayor Carey advised that the Denton and Dallas Central Appraisal Districts have requested that the City nominate a candidate(s) to their Appraisal Review Boards. Both Appraisal Districts' Board of Directors will appoint Review Board members at their December Board of Directors meetings by majority vote recorded by resolution.

Mayor Carey stated that City staff's recommendation was that the City Council consider nominations to the Denton and Dallas Central Appraisal District Appraisal Review Boards.

No action was taken on this item.

Councilman Durham returned to his place on the dais.

**Consideration of Dates for the Annual City  
Council Retreat**

**(Agenda Item F-22)**

Mayor Carey advised that each year, the City Council retreat is normally held on a Thursday through Saturday timeframe during the first or second week of February. This year, the first set of dates proposed would be Thursday, January 31<sup>st</sup> through Saturday, February 2<sup>nd</sup>; and the second set of dates would be February 7<sup>th</sup> – 9<sup>th</sup>. The Worthington Hotel and the Ashton Hotel are available the 31<sup>st</sup> through the 2<sup>nd</sup>. The Worthington Hotel and the Hilton Garden Inn are available the 7<sup>th</sup> – 9<sup>th</sup>. The Hilton Garden Inn is also available the 14<sup>th</sup> – 16<sup>th</sup>).

Mayor Carey stated the City staff's recommendation was that the City Council review the available dates and locations, and direct City staff as to which date and location is preferred.

Discussion was held that it would be difficult to get the salary surveys for the first suggested week. Councilman Durham stated that while he had originally not been in favor of going out of town for retreat, after attending retreat for years he has found that when you stay in town you are not able to block the time off because it is in town. Councilman Durham used the example of a recent conference being held in Dallas/Fort Worth. Councilman Durham recommended the retreat be held February 7<sup>th</sup> – 9<sup>th</sup> at the Worthington Hotel. Mayor Pro Tem Ueckert concurred with Councilman Durham.

**Consideration of Dates for the Annual City  
Council Retreat (cont'd)**

**(Agenda Item F-22)**

Councilman Watts stated that this was taxpayers' money and although he had not been to a retreat and was not able to speak from experience as to what works best, he felt if we are going to go somewhere, the Hilton was the best choice as it was cheaper. Deputy Mayor Pro Tem Thornhill concurred with Councilman Watts.

Councilman Tierney advised he was in favor of the Worthington as it would allow the City Council to be submerged there for entire weekend away from personal business, home, and focus could be given to City business. Mayor Carey concurred with Councilman Tierney.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Ueckert, the Council voted three (3) "ayes" and two (2) "nays," with Councilman Watts and Deputy Mayor Pro Tem Thornhill casting the negative votes to hold the Annual City Council Retreat on February 7-9, 2007, at the Worthington Hotel. The motion carried.

**Reports**

**(Agenda Item G)**

- Councilman Durham reminded everyone of the Constitutional Amendment Election on November 6, 2007.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:16 p.m. Monday, November 5, 2007, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item H)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 8:28 p.m. on Monday, November 5, 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):

**Closed Session (cont'd)**

**(Agenda Item H)**

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 10:50 p.m. on Monday, November 5, 2007.

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

**(Agenda Item I)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 1050 p.m. on Monday, November 5, 2007, in the Council Chambers of the Lewisville City Hall.

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

**Adjournment**

**(Agenda Item J)**

Councilman Tierney was not present at the dais.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 10:50 p.m. on Monday, November 5, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 19<sup>th</sup> day of November, 2007.

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY