

LEWISVILLE CITY COUNCIL

REGULAR SESSION

DECEMBER 17, 2007

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts (absent)
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 – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:30 p.m. on Monday, December 17, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item C-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'),7(W25'),8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227). Due to Councilman Tierney having a conflict of interest on this item and Councilman Watts absence, City Manager King recommended this item be continued to the January 7, 2008, City Council meeting.

Mayor Carey reviewed Agenda Item C-2, Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC, for a 100.7 Acre Property out of Abstract 541, J.W. Haven Survey, Tracts 15, 22, 23, 23A, 24, 25, and Abstract 11, E. Aday Survey, Tracts 1A, 34, 37, 38, 40, 46, 49, 49A; Consideration of an Ordinance Creating Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; Consideration of an Economic Development Agreement by and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreements. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item E-3, Approval of Minutes: City Council Minutes of the December 3, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of an Appropriation in the Amount of \$145,014 From Park Development Fund Available Cash to General Capital Projects for the Improvement of Vista Ridge and Lake Park Athletic Fields. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item E-5, Approval of a Supplemental Appropriation in the Amount of \$48,500 to the General Fund for the Fire House Station #7 Project; Approval of a Change Order to the Architectural Contract With Brown Reynolds Watford Architects, Inc., Dallas, Texas in the Amount of \$48,500; and Authorization for the City Manager to Execute the Contract. Mayor Carey questioned if these funds would take care of everything. City Manager King advised that this was for the architect work that was beyond the scope of the contract and would take care of the costs, up to the bidding point. Discussion was held regarding the tower and that a bell had been included in the design. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Acknowledgement of the Waste Management 2008 Cost of Service Rates for Residential Solid Waste/Recycling and Commercial Solid Waste Collection and Disposal Services. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 414 North Kealy Avenue, As Requested by Homeyer Engineering Representing the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of a Request for a Variance to the Lewisville City Code, Chapter 3, Animals as Requested by Dr. Kyle Jones, Located at 816 Sylvan Creek. Discussion was held regarding if there had ever been a variance granted for a prohibited animal. City staff advised that there had been a requested variance for a bobcat that had been denied and one for the excess number of rabbits that had been approved. Deputy Mayor Pro Tem Ueckert stated that he felt each request should stand on their own merit. Further discussion was held if any other cities allowed kangaroos. Health and Code Manager Sherry Harper advised that none of the cities staff had checked with allowed kangaroos. Ms. Harper reviewed discussions that had been held with Dr. Jones that he was trying to rehab the kangaroo and that some of the citizens and workers had become attached. Ms. Harper advised that according to Dr. Jones, the kangaroo had pneumonia and that it needed to graze. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item F-9, Consideration of Ordinances Amending the Lewisville City Code, Chapter 4, Adopting the 2006 International Construction Codes With North Central Texas Council of Government Amendments and Standards, Including the Building Code, Residential Building Code, Plumbing and Fuel Gas Code, Mechanical Code, Energy Code; and Chapter 5, Fire Code. Discussion was held if any changes had been regarding attic sprinklers. Fire Marshall Cleve Joiner advised that there had not been any changes to that particular issue. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule Related to Solid Waste Rates. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Consideration of an Appointment to Place No. 1 on the Zoning Board of Adjustment. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Consideration of Reappointment of Tourism Strategic Planning Committee. City Manager King advised they this committee has not been active for some time due to their activities ceasing; however, with the branding program coming along staff felt it was important for the committee to reconvene and make recommendations to the strategic plan that they think are necessary. Assistant City Manager Donna Barron advised that staff would like for the committee to evaluate the work that has been done this far and develop future plans. 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 6:48 p.m. on Monday, December 17, 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, December 17, 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 Tierney gave the pledge to the flag.

Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'),7(W25'),8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227)

(Agenda Item C-1)

Councilman Tierney 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 Tierney moved away from the dais.

Mayor Carey advised that the proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility setbacks on the property. Light Industrial (LI) zoning allows setbacks of: front— 25 feet, sides—10 to15 feet, rear—0 to 50 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 to 6.5 feet for residential and 10 feet for commercial. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their December 4, 2007 meeting.

Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'),7(W25'),8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227) (cont'd)

(Agenda Item C-1)

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) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

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

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the January 7, 2008, City Council meeting. The motion carried.

Councilman Tierney returned to his place on the dais.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC, for a 100.7 Acre Property out of Abstract 541, J.W. Haven Survey, Tracts 15, 22, 23, 23A, 24, 25, and Abstract 11, E. Aday Survey, Tracts 1A, 34, 37, 38, 40, 46, 49, 49A; Consideration of Ordinance No. 3517-12-2007 Creating Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC; Consideration of Resolution No. 3518-12-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; Consideration of an Economic Development Agreement by and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreements

(Agenda Item C-2)

Mayor Carey advised that Hillwood Development Company and City staff have been working together on a speculative industrial development called Waters Ridge North in the area west of Railroad Street and north of Bennett Lane. The proposed development consists of two buildings, totaling 1,265,000 square feet of industrial building space. This development pursues reclamation and development of environmentally contaminated sites north of Bennett Lane and south of Business Highway 121. This version excludes the Berry, Corona and Harrison tracts, while moving forward with development on parcels to the south. Hillwood's proposal meets the City's economic incentive policy criterion. Thus, the proposed Tax Abatement Agreement contains provisions for a standard speculative agreement by policy of seventy-five percent (75%) for a period of five (5) years. The main points of the economic development agreement include waiving escrow fees; 100% of the impact fees being paid; 50% of all other building fees being paid except for the construction plan review, which is waived; Hillwood pays for the relocation of an existing sanitary sewer line, and the City grants an access easement from City property on Bennett Lane to the Hillwood development.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC, for a 100.7 Acre Property out of Abstract 541, J.W. Haven Survey, Tracts 15, 22, 23, 23A, 24, 25, and Abstract 11, E. Aday Survey, Tracts 1A, 34, 37, 38, 40, 46, 49, 49A; Consideration of Ordinance No. 3517-12-2007 Creating Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC; Consideration of Resolution No. 3518-12-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; Consideration of an Economic Development Agreement by and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-2)

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the creation of Reinvestment Zone #33; approve the ordinance creating Reinvestment Zone #33; approve the resolution to enter into the Tax Abatement Agreement with Hillwood Development Company, LLC; approve the Economic Development Agreement with Hillwood Development Company, LLC; and authorize the City Manager, or his designee, to execute the agreements.

Mayor Carey opened the public hearing.

Nika Z. Reinecke, Economic Development Director and Dan Tatsch, Hillwood Development Company 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 four (4) "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:

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC, for a 100.7 Acre Property out of Abstract 541, J.W. Haven Survey, Tracts 15, 22, 23, 23A, 24, 25, and Abstract 11, E. Aday Survey, Tracts 1A, 34, 37, 38, 40, 46, 49, 49A; Consideration of Ordinance No. 3517-12-2007 Creating Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC; Consideration of Resolution No. 3518-12-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; Consideration of an Economic Development Agreement by and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-2)

“An Ordinance of the City Council of the City of Lewisville, Texas, Designating a Certain Area Within the City of Lewisville as Reinvestment Zone No. 33 for a Tax Abatement for Hillwood Development Company, LLC; Establishing the Boundaries of Such Zone; Providing For Other Matters Relating Thereto; Providing For Severability; Providing a Repealer; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3517-12-2007**, as previously captioned and **Resolution No. 3518-12-2007(R)**. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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

3. APPROVAL OF MINUTES: City Council Minutes of the December 3, 2007, Workshop Session and Regular Session.
4. Approval of an Appropriation in the Amount of \$145,014 From Park Development Fund Available Cash to General Capital Projects for the Improvement of Vista Ridge and Lake Park Athletic Fields.
5. Approval of a Supplemental Appropriation in the Amount of \$48,500 to the General Fund for the Fire House Station #7 Project; Approval of a Change Order to the Architectural Contract With Brown Reynolds Watford Architects, Inc., Dallas, Texas in the Amount of \$48,500; and Authorization for the City Manager to Execute the Contract.
6. Acknowledgement of the Waste Management 2008 Cost of Service Rates for Residential Solid Waste/Recycling and Commercial Solid Waste Collection and Disposal Services.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 414 North Kealy Avenue, As Requested by Homeyer Engineering Representing the Property Owner

(Agenda Item F-7)

Mayor Carey advised that the property is located at 414 North Kealy Avenue, just north of College Street. The site is 0.934 acres and zoned Light Industrial (LI). The existing single-family residence on the site is being converted into an office for an evacuation company. As part of the engineering site plan, the developer is requesting a variance to waive the required 50-foot driveway spacing requirement and allow an existing driveway on Kealy Avenue to remain approximately 20 feet from an existing commercial driveway on an adjacent property. A similar variance was approved by the City Council on August 7, 2006 for a project located at 528 North Cowan Avenue.

Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 414 North Kealy Avenue, As Requested by Homeyer Engineering Representing the Property Owner (cont'd)

(Agenda Item F-7)

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

David Salmon, P.E., Assistant City Engineer and Steve Homeyer, P.E., Homeyer Engineering 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 four (4) "ayes" and no (0) "nays" to approve a variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, located at 414 North Kealy Avenue to waive the required 50-foot driveway spacing requirement and allow an existing driveway on Kealy Avenue to remain approximately 20 feet from an existing commercial driveway on an adjacent property as requested by Homeyer Engineering representing the property owner. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Chapter 3, Animals as Requested by Dr. Kyle Jones, Located at 816 Sylvan Creek

(Agenda Item F-8)

Mayor Carey advised that on December 9, 2007, Veterinarian Dr. Kyle Jones submitted a letter to the Health and Code Division requesting to occasionally keep a kangaroo at his residence, located at 816 Sylvan Creek. According to Dr. Jones, the kangaroo, which has been under his care for seven (7) to eight (8) weeks, is required to graze on grass (in Dr. Jones' backyard) to restore it's health. City Code prohibits kangaroos from being kept within the city limits. Dr. Jones is requesting to keep the kangaroo at his residence located at 816 Sylvan Creek. Should the Council wish to consider this request, staff would recommend a period not to exceed ninety (90) days.

Mayor Carey stated the City staff's recommendation was that the City Council consider the requested variance for a period not to exceed ninety (90) days, allowing Dr. Jones to keep the kangaroo at his residence located at 816 Sylvan Creek with the following stipulations proposed by staff: a) Animal Services shall be allowed to inspect the premises at 816 Sylvan Creek at least once every thirty (30) days or as needed for public safety and for the welfare of the animal;

**Consideration of a Request for a Variance to
the Lewisville City Code, Chapter 3, Animals
as Requested by Dr. Kyle Jones, Located at
816 Sylvan Creek (cont'd)**

(Agenda Item F-8)

b) the number of prohibited animals cannot increase during the 90-day period; c) the animal must be secured in such a manner as to protect public safety and to prevent escape; and, d) the City Council may revoke the variance if the animal on the premises presents a public safety concern or threat, or causes a nuisance as defined by code.

Sherry Harper, Health and Code Manager, reviewed this variance request before the City Council. She advised that staff is willing to work with Dr. Jones; however, there was some concern regarding containment of the kangaroo if it was to be spooked.

Mayor Carey advised that he had received a card from Don Smith, 4801 Crossvine Court, Denton, indicating he was in favor of this variance request. Mayor Carey also advised that he had received a card from Becky Kerbow, 1890 Tree Crest, Lewisville, Texas indicating her opposition to this variance request.

Dr. Kyle Jones, 816 Sylvan Creek, Lewisville, Texas spoke before the City Council regarding this variance request. Dr. Jones apologized for having to come before the City Council regarding this variance request and explained that the the ideal situation was to move the kangaroo named Maynard out of the municaplity and into a zoo; however, at the time he came to Dr. Jones he was not healthy enough to do that. Dr. Jones explained that Maynard come to his home on Saturday or Sunday afternoons to graze and would not be residing in the City of Lewisville.

Discussion was held whether Dr. Jones knew that kangaroos were not allowed within the City limits. Dr. Jones advised that he did not specifically know that; however, he assumed that was probably the case. He stated that if there had been grass located around his office in Denton, then he would not have been in the City of Lewisville. Dr. Jones explained the importance of a joey grazing for their digestive system. He further advised that the gate has been padlocked and explained the strength and height of the fence would prevent him from getting out another way. Dr. Jones advised that this request for a variance was strictly for Maynard. He further advised that Maynard is microchiped and it could be seen that it was him. Dr. Jones stated that Maynard is very docile.

Dr. Jones advised he could not answer when Maynard would be prepared to go to a zoo due to his medical condition. He gave kudos to Ms. Harper, Animal Control, and the Lewisville Police Department who were great. He stated that no one did anything crazy and they followed his instructions. Dr. Jones stated that he was disappointed when all the media showed up to get

**Consideration of a Request for a Variance to
the Lewisville City Code, Chapter 3, Animals
as Requested by Dr. Kyle Jones, Located at
816 Sylvan Creek (cont'd)**

(Agenda Item F-8)

photos of Maynard they cut out all the good things he had said about the Police Department and Animal Control. Dr. Jones reiterated his previous statement that this variance was only for Maynard, not for exotic animals.

Discussion was held regarding if Maynard could carry rabies. Dr. Jones advised that there had never been a case of marsupial rabies.

Councilman Durham questioned if 90 days would be enough time. Dr. Jones stated that he honestly did not know; however, he was willing to accept 90 days and hoped that Maynard would be improved by then. He further stated that he would like a year; however, he could also come back in three weeks and say that Maynard is gone because he got well. Dr. Jones advised that if Maynard is at all sickly and is placed in a herd situation then they would be back to square one.

Discussion held regarding the freeze and what that will do for him to graze. Dr. Jones advised he could be supplemented with hay; however, he will not do as well. The City Council questioned if Dr. Jones was agreeable to all the terms set out by Animal Control. He advised that he was and requested that Animal Control let them know when they were coming over.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve a request for a variance to the Lewisville City Code, Chapter 3, Animals as requested by Dr. Kyle Jones, located at 816 Sylvan Creek to: a) Animal Services shall be allowed to inspect the premises at 816 Sylvan Creek at least once every thirty (30) days or as needed for public safety and for the welfare of the animal; b) the number of prohibited animals cannot increase during the 90-day period; c) the animal must be secured in such a manner as to protect public safety and to prevent escape; and, d) the City Council may revoke the variance if the animal on the premises presents a public safety concern or threat, or causes a nuisance as defined by code, to not to exceed ninety (90) days. The motion carried.

Consideration of Ordinance No. 3519-12-2007 (Building Code); Ordinance No. 3520-12-2007 (Mechanical Code); Ordinance No. 3521-12-2007 (Plumbing Code); and Ordinance No. 3522-12-2007 (Fire Code), Amending the Lewisville City Code, Chapter 4, Adopting the 2006 International Construction Codes With North Central Texas Council of Government Amendments and Standards, Including the Building Code, Residential Building Code, Plumbing and Fuel Gas Code, Mechanical Code, Energy Code; and Chapter 5, Fire Code

(Agenda Item F-9)

Mayor Carey advised that staff is submitting the 2006 edition of the International Codes to the City Council for adoption. The new codes are necessary to insure that the Building Division and Fire Prevention Division for the City keep pace with State laws, changing technology and practices of the construction industry.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinances regarding the adoption of the 2006 International Codes with North Central Texas Council of Government amendments and standards.

Larry Finney, Building Official was present to respond to any questions posed by the City Council.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 4, Article II, Building Standards of the City Code of the City of Lewisville, Texas, by Adopting International Building Code, International Residential Code, International Energy Conservation Code, Appendix Chapters E, F, J, K, of the International Residential Code, and the ASTM Standards, 2006 Edition and Deleting the Current Language in Section 4-26 and 4-27 and Replacing With New Language; Providing a Repealer; Providing a Severability Clause; Providing For a Penalty; Providing For an Effective Date; and Declaring an Emergency.”

and

Consideration of Ordinance No. 3519-12-2007 (Building Code); Ordinance No. 3520-12-2007 (Mechanical Code); Ordinance No. 3521-12-2007 (Plumbing Code); and Ordinance No. 3522-12-2007 (Fire Code), Amending the Lewisville City Code, Chapter 4, Adopting the 2006 International Construction Codes With North Central Texas Council of Government Amendments and Standards, Including the Building Code, Residential Building Code, Plumbing and Fuel Gas Code, Mechanical Code, Energy Code; and Chapter 5, Fire Code (cont'd)

(Agenda Item F-9)

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Article V, Mechanical Standards; Section 4-131 and 4-132 of the Lewisville City Code by Adopting the International Mechanical Code 2006 Edition and Related Matters; Providing a Repealer; Providing a Severability Clause; Providing For a Penalty; Providing For an Effective Date; and Declaring an Emergency.”

and

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Article IV, Sections 4-111 Through 4-114 of the Lewisville City Code of the City of Lewisville, Texas, by Adopting the 2006 International Plumbing and Fuel Gas Code Standards and Related Matters; Providing a Repealer; Providing a Severability Clause; Providing For a Penalty; Providing For an Effective Date; and Declaring an Emergency.”

and

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 5, Article III, Fire Prevention Standards, of the Lewisville City Code, by Deleting Section 5-91 and 5-94, and Replacing With New Text, and Adding New Text to Section 5-92, Providing a Repealer; Providing a Severability Clause; Providing For a Penalty; Providing For an Effective Date; and Declaring an Emergency.”

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 approve and adopt **Ordinance No. 3519-12-2007, Ordinance No. 3520-12-2007, Ordinance No. 3521-12-2007, and Ordinance No. 3522-12-2007**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3523-12-2007 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule Related to Solid Waste Rates

(Agenda Item F-10)

Mayor Carey advised that on January 26, 2004 Waste Management entered into an agreement to provide residential and commercial solid waste collection. The agreement allows for cost of service increase based upon the Dallas Fort Worth Urban Consumer Price Index, which is 1.5%. The rate increase is effective January 1, 2008. Although the rate increase to Waste Management is by contract, the City must set the customer rates for residential and commercial customers. Staff recommends that the commercial customer rates be increased to correspond to the CPI cost of service increase of 1.5%.

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

City Attorney Ron Neiman read the ordinance captions 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 For Solid Waste Collection; Providing a Repealer; Providing For Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3523-12-2007**, as captioned previously. The motion carried.

Consideration of an Appointment to Place No. 1 on the Zoning Board of Adjustment

(Agenda Item F-11)

Mayor Carey advised that at the November 19, 2007, City Council meeting James Davis was appointed to Place No. 7 on the Planning and Zoning Commission to replace a member who had resigned effective January 1, 2008. The appointment of James Davis on the Planning and Zoning Commission has created a vacancy in Place No. 1 of the Zoning Board of Adjustment.

Mayor Carey stated City staff's recommendation was that the City Council consider appointments to fill the vacancy on the Zoning Board of Adjustment.

Mayor Carey advised that the City Council would be discussing this item in Closed Session.

**Consideration of Reappointment of Tourism
Strategic Planning Committee**

(Agenda Item F-12)

Mayor Carey advised that City staff is requesting reappointment of the Tourism Strategic Planning Committee to assist with assessing current plan status, planning for future years, and providing input on existing projects including reviewing branding campaign alternatives.

Mayor Carey stated the City staff's recommendation was that the City Council reappoint the Tourism Strategic Planning Committee, as requested.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve the reappointment of the Tourism Strategic Planning Committee. The motion carried.

Reports

(Agenda Item I)

- Chief Lasky advised that Santa has a few more streets to hit and then he would be off.
- Community Development Director Eric Ferris advised that Building Official Larry Finney was retiring effective January 1, 2008.
- Mayor Pro Tem Ueckert wished everyone a Merry Christmas, Happy Hanukah, and holiday season.
- Mayor Carey advised of his ride with Santa and the emergency call he went on. He advised that he was very impressed with the Fire Department.
- Deputy Mayor Pro Tem Thornhill wished everyone a happy holiday and safe travels.
- Councilman Tierney wished everyone a happy festivs.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:39 p.m. Monday, December 17, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item J)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 7:50 p.m. on Monday, December 17, 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

Closed Session

(Agenda Item J)

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 9:10 p.m. on Monday, December 17, 2007.

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

(Agenda Item K)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:10 p.m. on Monday, December 17, 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.

**Consideration of an Appointment to Place
No. 1 on the Zoning Board of Adjustment**

(Agenda Item F-11)

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 appoint Leroy Vaughn to Place No. 1 on the Zoning Board of Adjustment. The motion carried.

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

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 9:10 p.m. on Monday, December 17, 2007. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
DECEMBER 17, 2007**

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These minutes approved by the Lewisville City Council on the 7th day of January, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY