

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 7, 2008

Present:

Gene Carey, Mayor

Council Members:

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

City Staff:

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

WORKSHOP SESSION - 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:00 p.m. on Monday, January 7, 2008, 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 Castle Hills Public Improvement
District No. 4 by Glenn Opel**

(Agenda Item A)

Glen Opel, the City's Bond Counsel, briefly reviewed the items being discussed tonight regarding Castle Hills Public Improvement District No. 4.

WORKSHOP SESSION - 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item C-1, Proclamation: Declaring the Month of January, 2008, as “National Mentoring Month.” There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-2, Proclamation: Declaring the Month of January, 2008, as “Lewisville’s 83rd Birthday.” There was no discussion on this item.

Mayor Carey reviewed Agenda Item D, Presentation: Plaque of Appreciation to Ron Aljoe, Member of Planning and Zoning Commission. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-1, Continued 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). Councilman Tierney advised he would be abstaining from this item. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Townhouse Two Residential (TH-2) on Two Tracts Totaling 26.33 Acres; the First Tract is Located on the Northeast Corner of Oakbend Drive and Vista Ridge Mall Drive, Further Identified as Lot 5, Block B, Campbell Ranch Addition; the Second Tract is Located on the South Side of Vista Ridge Mall Drive Between Oakbend Drive and Club Ridge Road, Further Identified as a Portion of Tract 5, of the G.C. Woolsey Survey, Abstract 1402; as Requested by Portrait Homes, With Authorization From the Current Property Owner (Case No. PZ20071126). There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Public Hearing: Consideration of Two Ordinances for Zone Changes From General Business (GB) to Multifamily Two (MF-2) and Multifamily Two (MF-2) to General Business (GB) on Portions of Four Tracts of Land Totaling 28.85 Acres Identified as 3, 4, 5 & 6, J. Watkins Survey Abstract 1527; the Request Constitutes a Land Swap of 0.19 Acres Redistributing 0.19 Acres of GB and 0.19 Acres of MF-2 On-Site; as Requested by Crest Manor Apartments, the Current Property Owner (Case No. PZ20071228). There was no discussion on this item.

WORKSHOP SESSION - 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-4, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture-Open Space (AO) to Estate Townhouse (ETH) on a 2.94 Acre Tract of Land Located at 301 East Uecker Lane; Further Identified as Tract 9, L. Burgois Survey, Abstract A0052A; as Requested by Dan Matise, With Authorization From the Current Property Owner (Case No. PZ20071229). City Attorney Ron Neiman advised that due to the Planning and Zoning Commission's vote, it would require a 4/5ths vote to approve by the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Public Hearing: Consideration of a Proposed Supplemental Assessment Roll to Correct Boundaries of Public Improvement District No. 4; Consideration of Approval of a Resolution Correcting the Boundaries of Public Improvement District No. 4; and Consideration of an Ordinance Approving the Supplemental Assessment/Service Plan. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F, Visitor Citizens Forum. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-6, Approval of Minutes: City Council Minutes of the December 17, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-7, Approval of Final Acceptance of the CDBG Project, Rolling Ridge Addition Curb and Gutter; and Authorization to Make Final Payment to Ken-Do Contracting in the Amount of \$19,381.75. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Approval of an Amendment to the Contract With GoGo Creative in the Amount of \$6,500 for Creative Development Related to a Community Branding and Marketing Campaign; and Authorization for the City Manager to Execute the Amendment. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Approval of Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments. There was no discussion on this item.

WORKSHOP SESSION - 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item H-10, Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Relating to Off-Street Parking Requirements, as Requested by Nortex Modular Space Located at 555 Jubilee Lane. Discussion held regarding previous variances that have been granted. City Manager King reviewed this agenda item and advised this was a better ratio than what was done in 2004. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-11, Consideration of an Ordinance Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds. City Manager King reminded the City Council that staff's recommendation following Mr. Opel's presentation was to table this item indefinitely. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-12, Consideration of a Resolution Casting Lewisville's Runoff Vote for Director to the Dallas Central Appraisal District Board. Mayor Pro Tem Durham advised that he would be abstaining from this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-13, Acceptance of Resignation of Ken Judkins From Place No. 6 on the Park Board; Declare a Vacancy Exists; and Consideration of an Appointment to Place No. 6 on the Park Board. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-14, Consideration of a Request Submitted by Vista Ridge Mall for Funding of Maintenance of the Soft Play Area and Marketing Opportunities. City Manager King requested that the City Council table this item indefinitely to allow City staff time to work with the Vista Ridge Mall. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-15, Consideration of a Resolution Encouraging the Texas Legislature to Establish Statewide Residency Restrictions for Convicted Sex Offenders no Longer on Probation or Parole. Mayor Pro Tem Durham questioned if the restriction applied only to a school, or any place children gather. City Manager King advised that City staff had not gotten that specific about the language, that the resolution only requested a consistent approach at the State level for restrictions. Discussion was held regarding if this would encompass all sex offenders or just those that offend against a child. City Council advised that wanted to see the rules differentiate between the different type sex offenders. There was no further discussion on this item.

WORKSHOP SESSION - 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item H-16, Discussion of Report From Chief of Police on Local Jurisdiction's Sex Offender Residency Restriction Data. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item C)

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 6:42 on Monday, January 7, 2008.

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, January 7, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

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

Pledge to the Flag

(Agenda Item B)

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

Proclamation

(Agenda Item C)

Mayor Carey presented a proclamation declaring the month of January, 2008 as "National Mentoring Month to Melanie Barry.

Mayor Carey presented a proclamation declaring the month of January, 2008, as Lewisville's 83rd Birthday to City Manager King.

Presentation

(Agenda Item D)

Mayor Carey presented a plaque of appreciation to Ron Aljoe, former member of the Planning and Zoning Commission.

Continued Public Hearing: Consideration of Ordinance No. 3524-01-2008(Z) 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 E-1)

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

This public hearing is continued from the December 17, 2007, City Council meeting. 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.

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.

Mayor Carey advised that Wayne Ferguson, 320 West Main Street, Lewisville, Texas, had filled out a card indicating his support of this item.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, 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:

“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 0.79 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) 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 Ueckert and seconded by Councilman Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve **Ordinance No. 3524-01-2008(Z)**, as previously captioned. The motion carried.

Councilman Tierney returned to the dais.

Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Townhouse Two Residential (TH-2) on Two Tracts Totaling 26.33 Acres; the First Tract is Located on the Northeast Corner of Oakbend Drive and Vista Ridge Mall Drive, Further Identified as Lot 5, Block B, Campbell Ranch Addition; the Second Tract is Located on the South Side of Vista Ridge Mall Drive Between Oakbend Drive and Club Ridge Road, Further Identified as a Portion of Tract 5, of the G.C. Woolsey Survey, Abstract 1402; as Requested by Portrait Homes, With Authorization From the Current Property Owner (Case No. PZ20071126)

(Agenda Item E-2)

TH-2 zoning was created in 2003 to encourage some type of single family development on vacant multi-family tracts. The Portrait Homes representatives have been made aware that City staff typically recommends denial of requests for Townhouse Two unless the request involves the removal of Multi-Family zoning. This zone change request does not eliminate any apartment zoning, although Portrait is proposing voluntary deed restrictions to meet standards for Townhouse (TH) zoning except for setbacks. The applicant will also be seeking conceptual approval of three variances from the General Development Ordinance. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007 meeting. Staff has received a letter from the owners of the property asking that the public hearing be continued to the February 4, 2008 City Council meeting.

The City staff's recommendation was that the City Council continue the public hearing to the February 4, 2008 City Council meeting as requested by the owners of the property.

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Bruce Prine, Portrait Homes were both present to respond to any question posed by the City Council.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to continue the public hearing to the February 4, 2008, City Council meeting. The motion carried.

Public Hearing: Consideration of Ordinance No. 3525-01-2008(Z) and Ordinance No. 3526-01-2008(Z) for Zone Changes From General Business (GB) to Multifamily Two (MF-2) and Multifamily Two (MF-2) to General Business (GB) on Portions of Four Tracts of Land Totaling 28.85 Acres Identified as 3, 4, 5 & 6, J. Watkins Survey Abstract 1527; the Request Constitutes a Land Swap of 0.19 Acres Redistributing 0.19 Acres of GB and 0.19 Acres of MF-2 On-Site; as Requested by Crest Manor Apartments, the Current Property Owner (Case No. PZ20071228)

(Agenda Item E-3)

The property is located on the south side of FM 3040, just east of Ace Lane. This applicant owns the GB and MF-2 tracts which are currently vacant. This zone change request is

to address the existing zoning configuration and result in a change of 0.19 acres of land currently zoned GB along FM 3040 being rezoned to MF-2, while 0.19 acres of MF-2 located along the interior of the tracts being rezoned to 0.19 acres of GB. The resulting effect would be to give the apartment property access and signage at FM 3040 while still maintaining the same amount of GB and MF-2 property. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007, meeting.

The City staff's recommendation was that the City Council approve two ordinances amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone changes from General Business (GB) and Multi-Family Two (MF-2) and Multi-Family Two (MF-2) to General Business (GB).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Samuel Ng, KSNG Architects, Inc., were both present to respond to any questioned posed by the City Council.

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 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 25 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From General Business (GB) District Zoning to Multifamily Two (MF-2) 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."

and

"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 3.84 Acre Tract Of Land Fully And Completely Described In The Attached Exhibit "A", Ordering a Change in the Use of Said Property From Multifamily Two (MF-2) District Zoning to General Business (GB) 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 Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve **Ordinance No. 3525-01-2008(Z) and Ordinance No. 3526-01-2008(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture-Open Space (AO) to Estate Townhouse (ETH) on a 2.94 Acre Tract of Land Located at 301 East Uecker Lane; Further Identified as Tract 9, L. Burgois Survey, Abstract A0052A; as Requested by Dan Matisse, With Authorization From the Current Property Owner (Case No. PZ20071229)

(Agenda Item E-4)

The property is one of fifteen AO zoned tracts located north of FM 3040, west of Rockbrook and south and east of Oak Bend. The 15 AO tracts, which added together are just under 30 acres, have mostly older single family homes on tracts ranging from .75 acres to five acres. The 2.94 acre request under consideration is not adjacent to existing commercial zoning. Zoning this tract, or any of the tracts not already adjacent to commercial zoning, for any commercial use would not be consistent with the existing residential nature of the roughly 30 acres. The ETH requested by Mr. Matisse offers a compatible use, flexibility for individual property owners and a marketable zoning for someone wanting to sell. Three of the four residents who attended the meeting and spoke, were not in favor of residential zoning. These three were all long time residents of the area, waiting on selling for commercial development. The fourth resident, who has lived there since 2006, was in favor of the residential request. The Planning and Zoning Commission voted 6-0 in favor of recommending denial of the zone change request at their December 4, 2007, meeting.

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 Agriculture Open Space (AO) to Estate Townhouse (ETH).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Dan Matisse, Applicant both spoke before the City Council regarding this item.

Mayor Carey advised the following individuals had filled out cards indicating their opposition to this zoning change:

Montrecia Iiams, 2261 North Mill Street, Lewisville, Texas 75057
Charles Iiams, 2261 North Mill Street, Lewisville, Texas 75057
Mary E. Nejter, 2304 S. Uecker Lane, Lewisville, Texas 75067
Ruetta J. Paris, 2262 Uecker Lane, Lewisville, Texas 75067
Alton Rush, 2361 S. Uecker, Lewisville, Texas 75067
Jean Rush, 2361 S. Uecker, Lewisville, Texas 75067
Robert E. Todd, 2274 S. Uecker, Lewisville, Texas 75067
Patsy and Max Witmer, 2328 S. Uecker, Lewisville, Texas 75067

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

Discussion was held between the City Council and City staff regarding sending this item to the Zoning Board of Adjustment for their review of the zoning change request.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to table this item pending the outcome of this zoning changing request going before the Zoning Board of Adjustment. The motion carried.

Public Hearing: Consideration of a Proposed Supplemental Assessment Roll to Correct Boundaries of Public Improvement District No. 4; Consideration of Approval of Resolution No. 3528-01-2008(R): A Resolution of the City Council of the City of Lewisville, Texas, Correcting the Boundaries of Lewisville Castle Hills Public Improvement District No. 4 (The District); and Consideration of Ordinance No. 3529-01-2008 Approving the Supplemental Assessment/Service Plan

(Agenda Item E-5)

The City Council took various actions beginning in March 2007 to establish Castle Hills Public Improvement District (PID) No. 4. Due to several recent Attorney General's office directives, changes are now required to be made to the boundaries of the District and to the Assessment Service Plan. The public hearing considers a revised assessment roll and district boundaries.

The City staff's recommendation was that the City Council approve the proposed supplemental assessment roll correcting the boundaries of Public Improvement District No. 4; approve the resolution correcting the boundaries of Public Improvement District No. 4; and approve an ordinance establishing the supplemental assessment/service plan.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Tierney 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 Approving a Supplemental Assessment/Service Plan for Lewisville Castle Hills Public Improvement District No. 4 ("P.I.D. No. 4"), Levying Special Assessments Against Property Within the P.I.D., Providing for Special Assessments to be Paid Over a Period of Time in Accordance With the Public Improvement District Assessment Act, Specifying the Method and the Amount of Payment, Providing Penalties and Interest on Delinquent Special Assessments, Providing for Severability, and Providing an Effective Date (This "Ordinance")."

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3528-01-2008(R) and Ordinance No. 3529-01-2008**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

Billy Williams, 1419 Creekview Drive, Lewiville, Texas 75067, spoke before the City Council to encourage them to pass a non-smoking ordinance in the City of Lewisville.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

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

6. APPROVAL OF MINUTES: City Council Minutes of the December 17, 2007, Workshop Session and Regular Session.
7. Approval of Final Acceptance of the CDBG Project, Rolling Ridge Addition Curb and Gutter; and Authorization to Make Final Payment to Ken-Do Contracting in the Amount of \$19,381.75.
8. Approval of an Amendment to the Contract With GoGo Creative in the Amount of \$6,500 for Creative Development Related to a Community Branding and Marketing Campaign; and Authorization for the City Manager to Execute the Amendment.
9. Approval of Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments.

The motion carried.

Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Relating to Off-Street Parking Requirements, as Requested by Nortex Modular Space Located at 555 Jubilee Lane

(Agenda Item H-10)

Nortex Modular Space is a company that provides wheeled mobile offices and temporary classrooms for sale to the public. A new engineering site plan for their existing site on Jubilee Lane in the Riverview Industrial Park development has been submitted for staff review, which contains a new 2,352 square foot office building. A variance is being requested to provide a total of twenty (20) parking spaces in lieu of the thirty-six (36) parking space requirement. Due to the low parking demand of this specific facility, staff has no major objection should Council wish to approve this request. A variance was approved by the City Council on January 26, 2004 also related to parking for this particular site. At that time, a total of thirty-eight (38) were required and the development provided a total of thirteen (13).

The City staff's recommendation was that the City Council consider the variance request to the Lewisville City Code in regards to off street parking requirements, but restrict the variance to the modular sales use only.

Jim Attrell, Nortex Modular Space, 555 Jubilee Lane, Lewisville, Texas 75056, was present to respond to any questions posed by the City Council.

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 the variance request to the Lewisville City Code to provide a total of twenty (20) parking spaces in lieu of the thirty-six (36) parking space requirement, but restrict the variance to the modular sales use only. The motion carried.

**Consideration of an Ordinance Authorizing
the Issuance of \$20M City of Lewisville
Combination Contract Revenue and Special
Assessment Bonds**

(Agenda Item H-11)

A total of \$32M of bonds may be sold in PID No. 4. The initial sale is \$20M. The ordinance submitted for City Council consideration authorizes the Trust Agreement and the Preliminary Placement Memorandum. Due to unforeseen issues regarding this item, it is necessary this item be tabled indefinitely to allow for placement of the bond.

The City staff’s recommendation was that the City Council table this item indefinitely.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to table this item indefinitely. The motion carried.

**Consideration of a Resolution Casting
Lewisville's Runoff Vote for Director to the
Dallas Central Appraisal District Board**

(Agenda Item H-12)

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

By state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. The City of Lewisville is entitled to one vote. The voting which was submitted by December 15, 2007 requires a runoff. The results of the suburban cities election are: Scott Wheeler of Addison 9 votes, Dwayne Gentsch of Garland 6 votes, Michael Hurtt of Desoto 6 votes, Rita Burks of Balch Springs 4 votes, James Daniels of Lancaster 2 votes and Robert Thornton of Grand Prairie 1 vote. Two cities abstained from voting. Since there was no one candidate receiving 16 votes (majority of the 30 votes eligible), a runoff election is necessary. A coin flip between the two candidates who shared the second highest number of votes, Dwayne Gentsch and Michael Hurtt, resulted in Michael Hurtt securing a place on the ballot. The City of Lewisville cast its one vote for Michael Hurtt in the December election.

The City staff's recommendation was that the City Council consider casting a vote to the Dallas Central Appraisal District Review Board.

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to cast the City of Lewisville vote for Michael Hurtt. The motion carried.

Councilman Durham returned to the dais.

**Acceptance of Resignation of Ken Judkins
From Place No. 6 on the Park Board; Declare
a Vacancy Exists; and Consideration of an
Appointment to Place No. 6 on the Park
Board**

(Agenda Item H-13)

On December 19, 2007, staff received an e-mail from Ken Judkins advising that he is resigning from the Park Board effective immediately. The resignation of Ken Judkins has created a vacancy in Place No. 6 of the Park Board.

The City staff's recommendation was that the City Council accept the resignation of Ken Judkins from Place No. 6 on the Park Board; declare a vacancy exists; and consider appointments to fill the vacancy on the Park Board.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to accept the resignation of Ken Judkins from Place No 6 on the Park; declare a vacancy exists; and table the appointment to fill the vacancy on the Park Board to a later date. The motion carried.

**Consideration of a Request Submitted by
Vista Ridge Mall for Funding of
Maintenance of the Soft Play Area and
Marketing Opportunities**

(Agenda Item H-14)

The City Council previously shared with the Medical Center of Lewisville the funding of the design and construction of the soft play area located in Vista ridge Mall. The costs of design and construction were paid out over five years at \$35,000 per year with the final payment in fiscal year 2006-2007. Vista Ridge Mall is again requesting that the City and Medical Center continue support of the Soft Play Area and have added some enhanced marketing opportunities. The cost again would be \$35,000 per year for five years.

The City staff's recommendation was that the City Council consider the request submitted by Vista Ridge Mall for funding of maintenance of the Soft Play Area and marketing opportunities.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to table this item indefinitely. The motion carried.

**Consideration of a Resolution Encouraging
the Texas Legislature to Establish Statewide
Residency Restrictions for Convicted Sex
Offenders no Longer on Probation or Parole**

(Agenda Item H-15)

The proposed resolution encourages the Texas Legislature to pass a uniform, statewide law extending the residency restrictions of sex offenders beyond the current requirements to include the period of time after a convicted sex offender has completed their sentence and probationary terms.

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

Councilman Durham stated that he wanted to specifically limit the restrictions to those sex offenders that have committed sex offenses against children. City Manager King recommended that the City Council table this item to allow staff to change the language.

Councilman Ueckert stated that he would like to get one of the City's Representatives, such as Tan Parker to introduce the bill. Mayor Carey advised he would contact Mr. Parker and see if he would be interested in introducing a bill.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to table this item to allow City staff time to modify the wording of the resolution. The motion carried.

**Discussion of Report From Chief of Police on
Local Jurisdiction's Sex Offender Residency
Restriction Data**

(Agenda Item H-16)

At the November 19, 2007 City Council meeting, Council asked Chief Kerbow to look into data from several local cities with sexual offender residency restrictions. A report summarizing his findings is provided.

The City staff's recommendation was that the City Council discuss the report and provide any further direction to staff.

Police Chief Russ Kerbow reviewed the key points of his report. Chief Kerbow advised that since most of the neighboring cities had already created a residency restriction, he recommended that the City Council proceed with some type of restriction. Executive Director Dan Leal with the Children's Advocacy Center of Denton County advised that he was in agreement with Chief Kerbow.

No action was taken on this item.

Reports

(Agenda Item I)

- Fourth Quarter 2007 Boards/Commissions/Committees Attendance Reports

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:15 p.m. Monday, January 7, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 8:15 p.m. on Monday, January 7, 2008, 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 8:15 p.m. on Monday, January 7, 2008.

**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 8:15 p.m. on Monday, January 7, 2008, in the Council Chambers of the Lewisville City Hall.

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

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:23 p.m. on Monday, January 7 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 18th day of February, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY