

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MARCH 3, 2008**

**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 – 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 5:30 p.m. on Monday, March 3, 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.

**Discussion of Special Events Planning With  
Jerry Thompson of Promoter Line Inc.**

**(Agenda Item A )**

Jerry Thompson of Promoter Line, the event planning company currently under contract with the City spoke before the City Council. Mr. Thompson reviewed ways to improve advertising and marketing of events, and specific changes to current events such as Western Day so that the City could grow the event and budget considerations.

Mr. Thompson addressed the Cinco de Mayo event and advised that there is already a celebration held in Dallas on the same weekend that is much larger with more funding. Mr. Thompson explained that the Hispanic radio stations and television stations sponsor the event and control all of the marketing for that weekend which makes it a struggle for other municipalities to be successful. Mr. Thompson questioned if there was an alternative weekend

**WORKSHOP SESSION – 5:30 P.M.**

**Discussion of Special Events Planning With  
Jerry Thompson of Promoter Line Inc.  
(cont'd)**

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**(Agenda Item A )**

that could be utilized. City Manager King pointed out the immigration concerns surrounding this event and having to translate our documents into Spanish could result in some backlash.

Mr. Thompson then addressed the American Race event and advised that these types of events are more successful when they are a part of existing festivals. Mr. Thompson used the example of the car show on the east side of City Hall during Western Days. Discussion was held regarding having two car shows since they tend to not run the entire day. Marketing and Events Manager Jennifer Galante advised that a second car show was being worked on to be brought in; however, the car shows like to be there in the morning Deputy Mayor Pro Tem Ueckert questioned if the Great American Race could be tied into a festival. Discussion was held regarding if that could be done.

Mr. Thompson then addressed the Red White and Lewisville event. Mr. Thompson reviewed similar local events and those that had discontinued their fireworks festivals. Mr. Thompson stated that in his personal experience, from an event standpoint, he did not know other than fireworks what a city or town gets out of this event. Mr. Thompson reviewed the budget for this event from a marketing standpoint and advised that the City was spending money to bring people to the mall that gets overcrowded where no vendors are brought in to supply the people in attendance with food and beverage due to the mall requirements. He advised that he felt this created a challenge and a negative connotation for the City. Mr. Thompson encouraged the City Council to try and find more places to create budgeting funds and possibly bringing in a headliner for approximately \$75,000, to Western Days. Mr. Thompson advised the City Council if they do not have the marketing dollars to spend, it does not do anyone any good.

Mr. Thompson again recommended that the City Council spend advertising dollars on fewer events, such as Holiday at the Hall and Western Days. He stated that the City has outgrown the space at the mall for the 4<sup>th</sup> of July event and at some point the City of Lewisville would be challenged to find a place for this event. Mr. Thompson advised that the funds allocated to this event could be spent better in other areas while still having just the fireworks show.

Mr. Thompson then addressed Western Day and recommended moving this event to later in September due to the heat. Mr. Thompson stated that while it would be the weekend for the kick off of the State Fair of Texas, not everyone wants to be there on opening weekend and there are no other festivals scheduled for that weekend. Discussion was held if this event had ever been

**WORKSHOP SESSION – 5:30 P.M.**

**Discussion of Special Events Planning With  
Jerry Thompson of Promoter Line Inc.  
(cont'd)**

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**(Agenda Item A )**

held later in the year and that it was currently held to coincide with the rodeo; however, the City Council was open to moving this event to later in September to make it more successful. Mayor Carey stated that he wanted to see this event be the City's signature event.

Discussion was held regarding hold the fireworks show on a weekend night so people did not have to work the next day and would possibly utilize the hotels. Director of Community Relations and Tourism James Kunke advised that the hoteliers had requested the City put the event on a weekend. Assistant City Manager Donna Barron advised that a meeting was going to be held with Fire Chief Lasky and the fireworks company regarding shooting off compacted shells. Discussion was held regarding changing the shell size to deal with the development around the mall. Ms. Barron stated that if this event becomes more of a fireworks show than entertainment, then it would change the limitations. Discussion was held regarding shooting the shells from a higher area.

Mr. Thompson then returned to discussion regarding Western Days. He advised that he felt this event has the ability to be the signature event for the City of Lewisville; however, the City Council would need to have the budget to market the event. He reviewed the requirements for TABC fencing and other financial and licensing issues. Discussion was held regarding making changing to the layout to be able to have a Beer Garden on Main Street. Mr. Thompson reviewed concerns where the stage could be located if this was done. Further discussion was held regarding closing Mill Street and putting the stage there.

Mr. Thompson stated that Holiday at the Hall was a great event and that there had been a lot of success with using local entertainment. He recommended expanding this event down to Kealy.

Mayor Pro Tem Durham questioned if there were any events Mr. Thompson would recommend the City not continue. Mr. Thompson advised that he recommended that the City look at the July 4<sup>th</sup> event and the summer and fall concert series due to the amount of attendance. He further advised if the City wanted to have a key signature event they would need to quit doing the smaller events to free up more marketing money.

Discussion was held having a community event similar to the movie done in Sundance Square once a month cost.

**WORKSHOP SESSION – 5:30 P.M.**

**Discussion of Special Events Planning With  
Jerry Thompson of Promoter Line Inc.  
(cont'd)**

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**(Agenda Item A )**

Councilman Tierney questioned obtaining sponsorships for these events. Mr. Thompson advised that the cities and organizations that are successful at obtaining sponsorship funds have one person that does that full time and not part time. He explained that this position would need to spend every day meeting with corporate America to be successful. Councilman Tierney questioned if this position would pay for itself. Mr. Thompson advised that absolutely, after some time they would and referenced the success in Grapevine and Southlake.

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

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**(Agenda Item C)**

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 General Business (GB) to Light Industrial (LI) on a 2.0 Acre Tract Located at 335 McDonnell Street; Further Identified as Tract 66 of the J.W. King Survey, Abstract 695; as Requested by Michael Sandefur, the Current Property Owner (Case No. PZ20080205). There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open-Space (AO) to Light Industrial (LI) on a 2.82 Acre Tract Located on Business State Highway 121; Further Identified as Tract 13 of the V.R. Sutton Survey, Abstract 1153 As Requested by Wilbarger Street, LP, With Authorization From the Current Property Owner Ray H. Wright (Case No. PZ20080206). There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-3, Continued 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). 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 C)**

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 Minutes: City Council Minutes of the February 18, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of an Award for the Purchase of Two Electronic Fingerprint Systems From Mentalix, Inc., Plano, Texas in the Amount of \$81,030. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of Change Order No. 1 to the Elm Fork Sanitary Sewer Phase IA Project to Construct Sanitary Sewer Improvements in the Amount of \$59,162.05; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of a Resolution Authorizing a Joint Agreement Between the City of Lewisville and the Lewisville Independent School District for a Joint Election Process for the May 10, 2008, General Election; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the May 10, 2008, General Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Approval of a Resolution Appointing the Election Officials for the May 10, 2008, the City of Lewisville City Council Election, Setting the Rate of Pay, and Establishing the Maximum Number of Clerks for Polling Places. 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 C)**

Mayor Carey reviewed Agenda Item E-11, Approval of a Resolution Establishing a Time Limit on the Amount of Time City Personnel are Required to Spend Responding to Public Information Requests Without Recovering Costs Attributable to Those Requests, in Addition to any Other Charges Permitted by Law, From the Requestor. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Consideration of an Amending Plat for Castle Hills Phase IV, Section C, a 62.57 Acre Tract Designated Estate Towne House (ETH) With 275 Residential Lots and 4 Common Area Lots, Bounded by FM 544 to the North, Castle Hills Drive (Abandoned) to the West, Castle Hills Golf Course to the East and Lady of the Lake Boulevard to the South; and a Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville City Code, as Requested by TRC Hunter, on Behalf of the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Consideration of a Preliminary Plat of Lewisville Towne Crossing, a 54.61 Acre Tract Designated Light Industrial (LI) With Nine (9) Commercial Lots, Bounded by Highway 121 to the North, Josey Lane on the West and Windhaven Parkway to the South, With a Variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, Article V, Section 2(J), Turning Lanes, as Requested by Lawrence A. Cates & Associates, LLP Representing the Developer. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-14, Consideration of a Request for Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Multi-Tenant Sign to be Located at 2589 MacArthur Boulevard Known as Vista Ridge Office Park Addition, Lots 3R & 4, Block A, as Requested by Robert Pearson of Cedar Creek Development, LLC. City Manager King reviewed the back up information with the city council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-15, Consideration of the Final Acceptance of the Garden Ridge Boulevard-Phase II Improvements Constructed by Site Concrete, Inc.; Approval of the Final Cost Accounting Submitted by the Town of Flower Mound; and Authorization for the City Manager to Proceed With Boundary Adjustments in Accordance With the Interlocal Agreement. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item C)**

Mayor Carey reviewed Agenda Item F-16, Consideration of a Nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC). Mayor Carey reminded the City Council that Councilman Watts had been interested in this nomination. 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 D)**

There were no other 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 6:54 p.m. on Monday, March 3, 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, March 3, 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, Mayor Pro Tem Ueckert gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

At the request of Mayor Carey, Deputy Mayor Pro Tem Thornhill gave the pledge to the flag.

**Public Hearing: Consideration of Ordinance  
No. 3546-03-2008(Z) for a Zone Change  
Request From General Business (GB) to  
Light Industrial (LI) on a 2.0 Acre Tract  
Located at 335 McDonnell Street; Further  
Identified as Tract 66 of the J.W. King  
Survey, Abstract 695; as Requested by  
Michael Sandefur, the Current Property  
Owner (Case No. PZ20080205)**

**(Agenda Item C-1)**

The existing building has been on the property for more than thirty (30) years and has served as home to a variety of restaurants and private clubs. All but three of the other tracts along McDonnell Street are zoned Light Industrial (LI). The three tracts include the former Owens Restaurant site, now owned by the City for use as Fire House #7, a small portion of a mobile home park and a lot shown as Agricultural-Open Space on the zoning map. While the owner could lease the building as a private club or restaurant again, there has been some interest in using the building as an office/warehouse, a use that is not allowed in the General Business zoning district. The LI zoning would be consistent with other zoning in the area. The property would still be required to comply with applicable code requirements if the zoning is approved and a new use moves into the building. The Planning and Zoning Commission unanimously recommended approval of the zone change request at their February 5, 2008 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 General Business (GB) to Light Industrial (LI).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Michael Sandefur, Owner, 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:

“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 2.0 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 Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3546-03-2008(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3547-03-2008(Z) for a Zone Change Request From Agriculture Open-Space (AO) to Light Industrial (LI) on a 2.82 Acre Tract Located on Business State Highway 121; Further Identified as Tract 13 of the V.R. Sutton Survey, Abstract 1153 As Requested by Wilbarger Street, LP, With Authorization From the Current Property Owner Ray H. Wright (Case No. PZ20080206)**

**(Agenda Item C-2)**

The majority of the property along Business SH 121 in this area is zoned either Light Industrial or Heavy Industrial. The proposed zoning and use would be consistent with what has been located in this area for several decades, although a new business would be required to comply with many development standards that were not in place at the time most of the existing businesses were established. The zoning is consistent with the East Lewisville Plan. The Planning and Zoning Commission voted 6-0 in favor of approving the zone change request at their February 5, 2008, 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 Light Industrial (LI).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Steve Homeyer, Homeyer Engineering, Inc., were both 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 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 2.82 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agriculture Open-Space (AO) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by 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. 3547-03-2008(Z)**, as previously captioned. The motion carried.

**Continued 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 C-3)**

Mr. Matisse requested ETH zoning for the property at the January 7, 2008 City Council meeting. Council opted to continue the request and allow Mr. Matisse an opportunity to go before the Zoning Board of Adjustment to request relief from the 100 ft setbacks. Mr. Matisse’s case was heard by the Zoning Board of Adjustment on February 6, 2008. The Zoning Board of Adjustment

unanimously granted Mr. Matisse a variance to the 100 ft front, side and rear yard setbacks allowing him to have 50 ft front and rear setbacks and 25 ft side yard setbacks, thereby allowing Mr. Matisse the necessary room to construct a home on the 2.94 acres. With this variance obtained, Mr. Matisse no longer requires the ETH zoning, and is therefore asking that this item be withdrawn from consideration.

The City staff's recommendation was that the City Council approve the request to withdraw this item from consideration.

Mayor Carey opened the public hearing.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**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 the request to withdraw this item from consideration.

**Visitors/Citizens Forum**

**(Agenda Item D)**

A video tribute to recently passed former Mayor Wayne Ferguson was shown honoring his years of service to the City of Lewisville.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

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

4. APPROVAL OF MINUTES: City Council Minutes of the February 18, 2008, Workshop Session and Regular Session.
5. Approval of an Award for the Purchase of Two Electronic Fingerprint Systems From Mentalix, Inc., Plano, Texas in the Amount of \$81,030.
6. Approval of Change Order No. 1 to the Elm Fork Sanitary Sewer Phase IA Project to Construct Sanitary Sewer Improvements in the Amount of \$59,162.05; and Authorization for the City Manager to Execute the Change Order.

7. Approval of **Resolution No. 3548-03-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Family Violence Investigation and Prevention Investigator.
8. Approval of **Resolution No. 3549-03-2008(R)**: A Resolution of the City Council of the City of Lewisville, Approving a Joint Election Agreement With the Lewisville Independent School District for Elections to be Held on May 10, 2008.
9. Approval of **Resolution No. 3550-03-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing an Agreement Between the City of Lewisville, Texas, and the County of Denton, Texas, for Rental of Voting Machines and Equipment and Supplies; Providing a Severability Clause; and Providing an Effective Date.
10. Approval of **Resolution No. 3551-03-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Appointing the Election Officials for the May 10, 2008, City Council Election, Setting the Rate of Pay For the Election Officials, the Maximum Number of Election Clerks for the Polling Places, and Designation of the Early Voting Ballot Board.
11. Approval of **Resolution No. 3552-03-2008(R)**: A Resolution of the City Council of the City of Lewisville Establishing a Limit on the Amount of Time City Personnel are Required to Spend Responding to Public Information Requests Without Recovering Costs Attributable to Those Requests, in Addition to Any Other Charges Permitted by Law, From the Requestor; and Providing an Effective Date.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of an Amending Plat for Castle Hills Phase IV, Section C, a 62.57 Acre Tract Designated Estate Towne House (ETH) With 275 Residential Lots and 4 Common Area Lots, Bounded by FM 544 to the North, Castle Hills Drive (Abandoned) to the West, Castle Hills Golf Course to the East and Lady of the Lake Boulevard to the South; and a Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville City Code, as Requested by TRC Hunter, on Behalf of the Property Owner**

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**(Agenda Item F-12)**

Castle Hills is located in Lewisville's Extraterritorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to Lewisville's General Development Ordinance and Zoning Ordinance. Four variances were approved by the City Council on February 20, 2006 at the time of the preliminary plat and a fifth variance was approved by the City Council at their November 6, 2006 meeting. The developer has submitted an amended plat of Section 4C which includes a sixth variance to the Castle Hills Development Ordinance regarding clear vision areas at intersections. The Planning and Zoning Commission considered the amending plat and variance at their February 19, 2008 meeting and voted 4-0 to recommend in favor of the amended plat and the requested variance.

The City staff's recommendation was that the City Council consider the final plat and the requested variance.

David Salmon, P.E., Assistant City Engineer and Doug Walker, Castle Hills Development Company, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve amending the Plat for Castle Hills Phase IV, Section C, a 62.57 acre tract designated Estate Towne House (ETH) with 275 Residential Lots and 4 Common Area Lots, bounded by FM 544 to the North, Castle Hills Drive (abandoned) to the West, Castle Hills Golf Course to the East and Lady of the Lake Boulevard to the South; and approve a variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, based on the 1996 Lewisville City Code, as requested by TRC Hunter, on behalf of the property owner regarding clear vision areas at intersections. The motion carried.

**Consideration of a Preliminary Plat of Lewisville Towne Crossing, a 54.61 Acre Tract Designated Light Industrial (LI) With Nine (9) Commercial Lots, Bounded by Highway 121 to the North, Josey Lane on the West and Windhaven Parkway to the South, With a Variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, Article V, Section 2(J), Turning Lanes, as Requested by Lawrence A. Cates & Associates, LLP Representing the Developer**

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**(Agenda Item F-13)**

Castle Hills is located in Lewisville's Extra Territorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. Additionally, the City Council granted several variances to the Castle Hills Development based on the 1996 General Development Ordinance, which was incorporated into the 1996 Agreement. The developer of the commercial project proposes a large retail development with at least two anchors and several pad sites and has applied for a variance regarding right-of-way dedication for a proposed right-turn deceleration lane on Josey Lane along with the preliminary plat. The Planning and Zoning commission voted 4-0 to recommend approval of the plat and variance at their February 19, 2008 meeting.

The City staff's recommendation was that the City Council approve the preliminary plat and requested variance.

David Salmon, Assistant City Engineer and Larry Cates, P.E., Lawrence A. Cates & Associates, LLP, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve a Preliminary Plat of Lewisville Towne Crossing, a 54.61 acre tract designated Light Industrial (LI) with Nine (9) Commercial Lots, bounded by Highway 121 to the North, Josey Lane on the West and Windhaven Parkway to the South, with a variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, Article V, Section 2(J), Turning Lanes regarding right-of-way dedication for a proposed right-turn deceleration lane on Josey Lane, as requested by Lawrence A. Cates & Associates, LLP representing the developer. The motion carried.

**Consideration of a Request for Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Multi-Tenant Sign to be Located at 2589 MacArthur Boulevard Known as Vista Ridge Office Park Addition, Lots 3R & 4, Block A, as Requested by Robert Pearson of Cedar Creek Development, LLC.**

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**(Agenda Item F-14)**

Vista Ridge Office Park Addition is a Multi-Tenant mix of retail and office buildings located on three lots identified as 2585 (Lot 1R), 2589 (Lot 3R) & 2597 (Lot 4) MacArthur Boulevard. Lot 1R has 237 feet of street frontage on MacArthur Boulevard. Lots 3R and 4 sit directly behind Lot 1R, however Lot 3R has a flag lot to MacArthur Boulevard for signage. Cedar Creek Development is requesting that Lots 3R and 4, which are located behind Lot 1R, be allowed to share a sign on MacArthur Boulevard, thereby maintaining a cleaner appearance to the Office Park and eliminates the cluttered look of signage in a short frontage area. In order to accomplish this, City Council action is required to allow Lot 4 to have off-premise signage by sharing Lot 3R's sign.

The City staff's recommendation was that the City Council approve the requested variance with the stipulation that no pole signs shall be allowed on Lot 4.

Cleve Joiner, Interim Building Official and Robert Pearson, Cedar Creek Development, LLC., 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 request for a variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Multi-Tenant Sign to be Located at 2589 MacArthur Boulevard Known as Vista Ridge Office Park Addition, Lots 3R & 4, Block A, as Requested by Robert Pearson of Cedar Creek Development, LLC. The motion carried.

**Consideration of the Final Acceptance of the Garden Ridge Boulevard-Phase II Improvements Constructed by Site Concrete, Inc.; Approval of the Final Cost Accounting Submitted by the Town of Flower Mound; and Authorization for the City Manager to Proceed With Boundary Adjustments in Accordance With the Interlocal Agreement.**

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(Agenda Item F-15)

The Garden Ridge Boulevard-Phase II improvements, between Bellaire Boulevard and Corporate Drive, was constructed as a four-lane divided roadway. This project is a jointly-funded project between the City of Lewisville and the Town of Flower Mound. The project was completed with a final acceptance by the Town of Flower Mound on October 15, 2007. The final construction cost to the City of Lewisville is in the amount of \$2,210,495.43. In accordance with the approved Interlocal Agreement, the City of Lewisville can proceed with the boundary adjustments.

The City staff's recommendation was that the City Council approve the final acceptance of the Garden Ridge Boulevard-Phase II Improvements constructed by Site Concrete, Inc.; approve the final cost accounting submitted by the Town of Flower Mound; and authorize the City Manager to proceed with boundary adjustments in accordance with the Interlocal Agreement.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Thornhill seconded by Councilman Tierney, Council voted four (4) "ayes" and no (0) "nays" to approve the final acceptance of the Garden Ridge Boulevard-Phase II Improvements constructed by Site Concrete, Inc.; approve the final cost accounting submitted by the Town of Flower Mound; and authorize the City Manager to proceed with boundary adjustments in accordance with the Interlocal Agreement. The motion carried.

**Consideration of a Nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC)**

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(Agenda Item F-16)

The North Central Texas Council of Governments (NCTCOG) recently notified the City that there is a vacancy on the Regional Emergency Preparedness Planning Council. This Council is composed of elected official from participating cites and counties. Cities are grouped into population brackets in accordance with current population estimates. Due to the two-year term limitations of the council members, there is currently a vacancy in the 80,000-119,000

population, for which the City of Lewisville is eligible. The nomination form needs to be returned to the NCTCOG Executive Board no later than March 12, 2008.

The City staff's recommendation was that the City Council consider a nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council.

**MOTION:** Upon a motion made by Councilman Durham seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to nominate Councilman Watts to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council. The motion carried.

**Reports**

**(Agenda Item G)**

- Quarterly Investment Report – October 1, 2007 – December 31, 2007

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:26 p.m. Monday, March 3, 2008, 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 7:30 p.m. on Monday, March 3, 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 7:50 p.m. on Monday, March 3, 2008.

**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 7:53 p.m. on Monday, March 3, 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 J)**

**MOTION:** Upon a motion made by Councilman Tierney 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 7:53 p.m. on Monday, March 3, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 17<sup>th</sup> day of March, 2008.

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY