

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**APRIL 21, 2008**

**Present:**

Gene Carey, Mayor

**Council Members:**

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

**City Staff:**

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 – 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, April 21, 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.

**Health Insurance Presentation by Mayor Pro  
Tem Ueckert**

**(Agenda Item A)**

Mayor Pro Tem Ueckert reviewed a 20/20 Presentation of “Sick in America – Whose Body Is It, Anyway?”

Mayor Pro Tem Ueckert reviewed various clinics that have walk in features and advised that he felt more of these clinics would be popping up in the area. Mayor Pro Tem Ueckert stated these clinics were very similar to what staff has proposed; therefore, he questioned if the City of Lewisville really wanted to open a free clinic where people thought it did not cost anything. Mayor Pro Tem Ueckert advised that he was not suggesting that employees replace their family doctor; however, for little things like a sore throat or sinus infection they could visit one of these clinics. Mayor Pro Tem Ueckert stated that he felt utilizing one of these types of

**WORKSHOP SESSION – 5:30 P.M.**

**Health Insurance Presentation by Mayor Pro  
Tem Ueckert (cont'd)**

**(Agenda Item A)**

clinics in conjunction with a Health Savings Account or Health Reimbursement Account would give employees a choice so they can save for a big event. Mayor Pro Tem Ueckert questioned again if the City of Lewisville wanted to go with a “free” clinic where employees do not worry about what health care costs, or to a plan where the employees are responsible for their own health care costs and give incentives to employees to shop around and let them determine how to spend their health care dollars.

Councilman Durham questioned if the insurance company currently negotiates costs for employees. Assistant City Manager Donna Barron advised that was correct. Councilman Durham questioned Mayor Pro Tem Ueckert how, under that system could employees get cheaper health care. Discussion was held regarding the Enhanced Plan and the negotiated rates Cigna obtains for that plan. Councilman Durham stated that he did not feel there was an incentive for employees to negotiate as the insurance pays what it is going to pay. Mayor Pro Tem Ueckert stated that with a Health Savings Account or Health Reimbursement Account that would not be the case, the employee would be able to negotiate and look for cheaper costs.

Mayor Pro Tem Ueckert advised that a number of these clinics are starting up in this area as doctors do not want to deal with insurance as they realize that can do more volume without having to deal with insurance. Mayor Pro Tem Ueckert stated that the clinics would be to just deal with minor issues. Councilman Durham expressed concern with an employee having to go to the back of Walgreen’s to be told they need a CAT scan.

Mayor Pro Tem Ueckert stated that he would like for the employees to have a plan that would allow them to have a savings account supplied by the City and, if they do not use the funds, then they get to keep them for future use. Mayor Pro Tem Ueckert referenced the Enhanced Plan that currently has 300 to 400 employees that have to pay a co-pay that is not tax free unless funds were put into a flexible spending account that has a “use it or lose it” concept. Mayor Pro Tem Ueckert recommended the funds instead be put into an account that the City employees will also be allowed to add extra funds into and make this account tax free. Discussion was held regarding the amount of funds the City of Lewisville would put into a Health Savings Account. Mayor Pro Tem Ueckert recommended the Health Savings Account where the City would put \$800 in for the employee only, and \$1,600 for a family. He stated that if the funds are not used, the employee would be able to keep the funds in the account and not lose them. In addition, he recommended that employees be allowed to put additional funds into this account and allow it to build up. Mayor Pro Tem Ueckert stated that the only time anyone asks you about the Health Savings Account is in the event the employee was audited by the IRS.

**WORKSHOP SESSION – 5:30 P.M.**

**Health Insurance Presentation by Mayor Pro  
Tem Ueckert (cont'd)**

---

**(Agenda Item A)**

Mayor Pro Tem Ueckert recommended some of the savings from dropping the Enhanced Plan could be given back to the employee to help with the cost of this type of deal. Mayor Pro Tem Ueckert questioned if the City Council wanted to get into the opening our own clinic over which there would be limited control and limited staff. He stated that he did not think the clinic's prices would be any better. Mayor Pro Tem Ueckert stated that he wanted to add incentives and programs for wellness and disease prevention which in the long run keeps costs down. Discussion was held regarding the City's Catastrophic Plan and Gap Plan available to employees that cannot afford the Enhanced Plan or Health Reimbursement Account. Mayor Pro Tem Ueckert suggested that perhaps the City of Lewisville could help these employees by doing a tiered structured cost savings for employees based on the salary. Human Resource Director Melinda Galler advised that the Catastrophic Plan does pay for 100% for employee and dependent wellness.

Mayor Carey questioned if Carrollton and Coppell were both still moving forward. Assistant City Manager Donna Barron advised that was correct; however, they would probably look at different locations for their site if Lewisville was not going to participate.

Mayor Pro Tem Ueckert stated that the primary concern is getting employees primary care and the question is are we doing the best thing so people can get better care at the lowest cost. Mayor Pro Tem Ueckert reiterated that he felt the best thing was to give the employees the funds and let them decide where they want to go for health care.

Discussion held regarding the 125 Plan. Mayor Pro Tem Ueckert advised that the 125 Plan is a use it or lose it and people have a negative stigma of that concept. Discussion was held regarding how many employees had signed up for the flexible spending account and that the number was very low. Mayor Pro Tem Ueckert stated that if the City offers the Flexible Spending Account as part of the Health Savings Account there would be no administrative costs.

City Manager King stated that largely the premise of the City staff's recommendation and Mayor Pro Tem Ueckert's recommendation to handle the clinic issue is the same, the City wants to get employees to see a doctor and hopefully the market place will drive those costs down. City Manager King advised that the premise with the City clinic was to get employees into the doctor as soon as possible so they can get back on their feet and that would mean less sick time; however, whether that materialized in the form of savings remained to be seen. Mayor Pro Tem Ueckert advised he agreed that no matter which clinic the City Council decided to utilize there needed to be incentives for employees to make sure physicals, exams, etc., were accomplished.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

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

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

Mayor Carey reviewed Agenda Item C, Proclamations, 1) Declaring April 25, 2008, as “Red Hat Society Day”; 2) Declaring the Week of April 13-19, 2008, as “Denton County Crime Victims’ Rights Week”; and 3) Declaring the Month of May, 2008, as “Motorcycle Safety and Awareness Month”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Presentations, 1) Teen Court Volunteer Senior Recognition; 2) Recognition of Mr. Don Thayer With Psychiatric Solutions, Inc., for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program; and 3) Presentation of the Texas Recreation and Parks Society Outstanding Service to Aging Award to Hearthstone Assisted Living Center. There was no discussion on these items.

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

Mayor Carey reviewed Agenda Item F-1, Approval of Minutes: City Council Minutes of the April 7, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of a Professional Services Agreement With the Beck Group, in the Amount of \$55,000 Plus \$4,000 in Reimbursable Expenses, to Develop a Master Plan for the North Lewisville Area Relative to the Proposed Garden Ridge Rail Station; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$59,000; and Authorization for the City Manager to Execute the Agreement. Economic Development Director Nika Reinecke advised that Michael Murray was present to answer any questions posed by the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Carey reviewed Agenda Item F-4, Approval of a Resolution Extending the Current Delinquent Tax Collection Contract for an Additional Two-Year Term. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-5, Consideration of a Final 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, as Requested by Lawrence A. Cates & Associates, LLP, Representing the Developer. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-6, Consideration of Variances to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-92 Paving (L) (2) Median Openings and Article IX, Section 6-181 (d) (1), Exterior Finish Requirements, Relating to the Proposed Crest Manor Apartment Site Located Near the Southeast Corner of FM 3040 and Ace Lane, as Requested by Crest Property Development, the Developer. Councilman Watts advised that he would be abstaining from discussion on this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-7, Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street. City Manager King advised that staff was recommending denial of the variance fee waiver, unless it was for a charitable organization. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by the Elizabeth Toon Foundation. Mayor Pro Tem Ueckert stated that he did not have a problem with waiving the fees; however, he would prefer that the deposit not be waived as they would get that back as long as there was no damage. 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 B)**

Mayor Carey reviewed Agenda Item G-9, Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding a Roof Sign at the Sonic Drive-In Located at 1413 West FM 407, as Requested by Bobby Esh of CPE Sign Services, Representing the Owner. Discussion was held that they already had a pole sign on this location. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding the Size of a Wall Sign; Consideration of a Variance to Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee as Requested by Rebecca Behnke of Dallas Tortilla and Tamale at 310 South Mill Street. Staff advised that Ms. Behnke had requested that this item be tabled to the May 19, 2008, City Council meeting. There was no further discussion on this item.

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

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

**Items of Interest to the Council**

**(Agenda Item B)**

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:45 p.m. on Monday, April 21, 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, April 21, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

Mayor Carey gave the invocation.

**Pledge to the Flag**

(Agenda Item B)

Mayor Carey, Mayor Pro Tem Ueckert gave the pledge to the flag.

**Proclamation: Declaring April 25, 2008, as  
“Red Hat Society Day”.**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring April 25, 2008, as “Red Hat Society Day” to the following members of the Red Hat Society: Linda Ward, Jeri Estelle, Nancy Brown, Sallye Garner, Jannie Tolbert, Rosa Henderson, Gerdean Criner, Talmadge Jacques, Jewel Hudson, Queenie Fininen, Kitty Gibson, Pauela Gibson, Mary Sharp, Dorothy King, Kelly Hamilton, Miriam Gruens, Tommie Masscogale, and Kathy Daniels.

**Proclamation: Declaring the Week of April  
13-19, 2008, as “Denton County Crime  
Victims’ Rights Week”.**

(Agenda Item C-2 )

Mayor Carey read and presented a proclamation declaring the week of April 13-19, 2008, as “Denton County Crime Victims’ Rights Week” to Lewisville Police Officer Charlene Collins.

**Proclamation: Declaring the Month of May,  
2008, as “Motorcycle Safety and Awareness  
Month”**

(Agenda Item C-3)

Mayor Carey read and presented a proclamation declaring the month of May, 2008, as “Motorcycle Safety and Awareness Month” to Lisa Melton.

**Presentations: Teen Court Volunteer Senior  
Recognition**

(Agenda Item D-1 )

Mayor Carey read and presented Certificates of Appreciation to the following Teen Court Volunteers: Robert Aguilar, Marissa Barrow, Jamie Boyle, Kyle Evora, Jill Picardi, Moshe Redmon, and Lisa Ott.

**Presentations: Recognition of Mr. Don Thayer With Psychiatric Solutions, Inc., for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program**

(Agenda Item D-2 )

Mr. Thayer was not able to present at the meeting. This presentation will occur at the May 19, 2008, City Council meeting.

**Presentations: Presentation of the Texas Recreation and Parks Society Outstanding Service to Aging Award to Hearthstone Assisted Living Center**

(Agenda Item D-3 )

Mayor Carey presented a plaque to representatives from Hearthstone Assisted Living Center.

**Visitors/Citizens Forum**

(Agenda Item E)

No one appeared to speak at this time.

**CONSENT AGENDA**

(Agenda Item F)

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

1. APPROVAL OF MINUTES: City Council Minutes of the April 7, 2008, Workshop Session and Regular Session.
2. Approval of a Professional Services Agreement With the Beck Group, in the Amount of \$55,000 Plus \$4,000 in Reimbursable Expenses, to Develop a Master Plan for the North Lewisville Area Relative to the Proposed Garden Ridge Rail Station; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$59,000; and Authorization for the City Manager to Execute the Agreement.
3. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item F)

4. Approval of **Resolution No. 3561-04-2008(R)**: A Resolution of the City Council of the City of Lewisville Extending the Current Delinquent Tax Collection Contract for an Additional Two-year Term; and Providing an Effective Date.

The motion carried.

END OF CONSENT AGENDA

**Consideration of a Final 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, as Requested by Lawrence A. Cates & Associates, LLP, Representing the Developer**

(Agenda Item G-5)

Castle Hills is located in Lewisville's Extra Territorial Jurisdiction (ETJ) and by the 1996 Agreement, is subject to be developed according to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. The developer of the commercial project proposes a large retail development and has applied for a variance regarding the placement of public water mains in easements underneath private pavement instead of "grass only" easements along with the final plat. Staff is in support of this request due to the fact that there are numerous platted lots for retail uses, thus making it difficult to design a "grass only" easement for waterline distribution within the tract. The Planning & Zoning commission recommended approval of the plat and variance with a vote of 6-0 at their April 15, 2008 meeting.

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

David Salmon, Assistant City Engineer and Zane Miller, Castle Hills General Manager, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve the Final 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, as Requested by Lawrence A. Cates & Associates, LIP, Representing the Developer. The motion carried.

**Consideration of Variances to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-92 Paving (L) (2) Median Openings and Article IX, Section 6-181 (d) (1), Exterior Finish Requirements, Relating to the Proposed Crest Manor Apartment Site Located Near the Southeast Corner of FM 3040 and Ace Lane, as Requested by Crest Property Development, the Developer**

---

**(Agenda Item G-6 )**

Councilman Watts 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 Watts moved away from the dais.

Crest Property Development is proposing a 600-unit apartment complex with a “differentiation architectural design”. An engineering site plan has been submitted for staff review, which includes two requested variances: (a) to allow full median openings on FM 3040 at 620 feet apart in lieu of the required 1320 foot spacing in order to provide full access to the property: and, (b) to allow 35% stone and 65% stucco in lieu of the 80% brick veneer required.

The City staff’s recommendation was that the City Council approve the median opening spacing variance and deny the variance request relating to exterior finish requirement.

Mayor Carey advised that Cleve Joiner, Building Official; David Salmon, Assistant City Engineer; and Samuel Ng and Matt Sneed, 10440 N. Central Expressway, #1210, Dallas, Texas; were all present to respond to any questions posed by the City Council.

Samuel Ng spoke before the City Council regarding this request and reviewed the reasons that they had requested a variance to use stucco. Mr. Ng advised that they felt it was a more appropriate material for their design. He reviewed a cost comparison of using stucco and advised that it would actually cost the developer more.

**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 the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-92 Paving (L) (2) Median Openings to allow full median openings on FM 3040 at 620 feet apart in lieu of the required 1320 foot spacing in order to provide full access to the property The motion carried.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and one (1) “nays,” to deny the variance request to allow 35% stone and 65% stucco in lieu of the 80% brick veneer required. The motion carried.

Councilman Watts returned to his place on the dais.

**Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street**

---

**(Agenda Item G-7)**

The Medical Center of Lewisville is hosting its Second Annual Health & Safety Fair on May 17 from 8 a.m. to 1 p.m. to benefit the Lewisville, Flower Mound and Highland Village Communities. In an effort to increase awareness of the event, the Medical Center is requesting to be granted variances to allow for two temporary banners to be placed on the wall of the existing monument sign at the southeast corner of Main Street and IH-35E Service Road. The banners will be up for approximately twenty-six days and will be removed on May 17 after the event has concluded. The variances to the Sign Ordinance requested are to allow a) two banner signs larger than twenty square feet in area; b) allow two banner signs to be placed on the wall of the monument sign. The Medical Center of Lewisville is also requesting that the variance request fee of \$350 be waived.

The City staff’s recommendation was that the City Council approve the variance to the Lewisville City Code, Chapter 11 Signs for the size and location of temporary banners to be located at 500 West Main Street; and deny waiving the variance request fee.

Sarah McLain, Economic Development Specialist and Courtney Kennedy, Medical Center of Lewisville were both present to respond to any questions posed by the City Council. Ms. Kennedy briefly reviewed what this event would do for the community.

**MOTION:** Upon a motion made by Councilman Watts and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve the variance to the Lewisville City Code, Chapter 11 Signs for the size and location of temporary banners to be located at 500 West Main Street; and deny waiving the variance request fee. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by the Elizabeth Toon Foundation**

---

**(Agenda Item G-8)**

Larry Toon, Executive Vice President of The Staubach Company and representative of the Elizabeth Toon Foundation, will be hosting a day-long charity event on May 9, 2008 comprised of a Jack Ingram concert at the Vista Ridge Amphitheater following a skeet shoot at the Dallas Gun Club. This event has garnered significant attention from the Dallas/Fort Worth real estate community and is anticipated to draw roughly 800 industry leaders from across the metroplex. The City Council has accommodated fee waiver and heightened cleaning requests for a LEDF/Holt Lunsford sponsored event held at the Vista Ridge Amphitheater in 2007. However, last year’s event was not for charity, as is this year. It is staff’s opinion that the potential exposure and benefit of the event would warrant waiver of the deposit and fees. The various other requests for incentives outlined in the letter provided by the Foundation cannot be accommodated.

The City staff’s recommendation was that the City Council approve the variance regarding the waiver of facility rental fees and deposits at the Vista Ridge Amphitheater, as requested by the Elizabeth Toon Foundation.

Elizabeth Trospen, Economic Development Specialist and Larry Toon, 3800 Southwest, Dallas, Texas, were both present to respond to any questions posed by the City Council. Mr. Toon briefly reviewed what this event for the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve the variance regarding the waiver of facility rental fees at the Vista Ridge Amphitheater, and deny waiving the deposit, as requested by the Elizabeth Toon Foundation. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding a Roof Sign at the Sonic Drive-In Located at 1413 West FM 407, as Requested by Bobby Esh of CPE Sign Services, Representing the Owner**

---

**(Agenda Item G-9)**

The Sonic Drive-In located at 1413 West FM 407 is currently going through renovation. A variance request is proposed to install a sign, above the roof line, to enable view from both east and west elevations. The sign ordinance does not allow roof signs to project above the highest point of the building. This location already has a permitted 30-foot pole sign.

The City staff’s recommendation was that the City Council deny the requested variance.

Cleve Joiner, Building Official and Bobby Esh, CPE Sign Services, 2415 Executive Drive, Garland, Texas both spoke before the City Council regarding this request.

Discussion was held regarding this request. Consensus of the City Council was they did not want an elevated sign on this location due to the existing pole sign. City Council requested that Mr. Esh contact Sonic to see if they would be willing to remove their pole sign in order to place their requested signage. Councilman Durham advised that he was in support of allowing the requested signage without removing the pole sign.

**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 to the May 5, 2008, City Council meeting. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding the Size of a Wall Sign; Consideration of a Variance to Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee as Requested by Rebecca Behnke of Dallas Tortilla and Tamale at 310 South Mill Street**

**(Agenda Item G-10 )**

Rebecca Behnke of Dallas Tortilla and Tamale is proposing to re-face part of the existing wall sign at 310 South Mill. The existing sign is legal nonconforming for Old Town and is shared between Ms. Behnke and another tenant. However, refacing a portion of the sign triggers a sign permit and compliance with the current Sign Ordinance. The wall sign is currently larger than 50 square feet (at 78 square feet) which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to obtain a sign permit, the two tenants would need to be on a new sign of equal to or less than 50 square feet. Instead, Ms. Behnke is requesting a variance to allow her portion of the sign to be refaced and reinstalled. This change will not alter the dimensions of the sign and therefore, will not proliferate additional signage in Old Town. The variance to the sign ordinance requested is to allow a wall sign on a primary façade larger than fifty square feet in area. Ms. Behnke is also requesting that the variance request fee of \$350 be waived.

The City staff's recommendation was that the City Council approve the variance to the Lewisville City Code, Chapter 11, Signs, for Ms. Behnke at 310 South Mill Street; and deny waiving the variance request fee.

**MOTION:** Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the May 19, 2008, City Council meeting, at Ms. Behnke's request. The motion carried.

**Reports**

**(Agenda Item H)**

- Director of Public Services Carole Bassinger gave an update on the status of Lake Lewisville.
- Director of Community Development Eric Ferris reminded the City Council the City Golf Tournament was being held on April 27, 2008, and encouraged anyone who would like to participate to contact either him or Wayne Pickett.
- Assistant City Manager Steve Bacchus reminded the City Council of the FM 407 Bridge Closure on Saturday, April 26, 2008.
- Fire Chief Rick Lasky advised the City Council of the upcoming Pipes and Drum Event coming up on May 1, 2008 to be held in front of City Hall.
- City Secretary Julie Heinze reminded everyone that Early Voting was starting on April 28, 2008 for the May 10, 2008 City Council Election.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:55 p.m. Monday, April 21, 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 8:00 p.m. on Monday, April 21, 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 8:45 p.m. on Monday, April 21, 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 8:45 p.m. on Monday, April 21, 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 Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, April 21, 2008. The motion carried.

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
APRIL 21, 2008**

**Page 16**

These minutes approved by the Lewisville City Council on the 5th day of May, 2008.

APPROVED

---

Gene Carey  
MAYOR

ATTEST:

---

Julie Heinze  
CITY SECRETARY