

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MAY 19, 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 (Absent)
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, May 19, 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.

Boards and Commissions Structure

(Agenda Item A)

Assistant City Manager Barron conducted a PowerPoint Presentation regarding the Boards and Commission Structure.

The consensus of the City Council was to dissolve the Waters Ridge Public Improvement District Board of Directors.

Discussion was then held regarding the Housing Finance Corporation and Industrial Development Corporation. The consensus of the City Council was to place these two boards in a hold over status and not appoint new members.

WORKSHOP SESSION – 5:30 P.M.

Boards and Commissions Structure (cont'd)

(Agenda Item A)

Discussion was held regarding the merging of the Library Board and Park Board. Mayor Carey advised that these were the only two boards that he had received feedback from the members about keeping separate. The consensus of the City Council was to keep the two boards separate.

Discussion was then held regarding cleaning up the language contained in the ordinances regarding the duties of both the Library Board and Park Board. Assistant City Manager Barron explained that the language changes were to provide clarification that these were advisory boards to the City Council and prior language had indicated that they had to be involved in all matters of parks and leisure. She further explained that the changes would make the role of the boards more in line with the policies associated with the department. The general consensus of the City Council was they were in support of the language changes.

Discussion was then held regarding merging the duties of the Transportation Board with the Planning and Zoning Commission. Councilman Tierney questioned if the Transportation Board could become more involved in the Denton County Transportation Authority and public transportation by getting more community involvement. Assistant City Manager Barron advised that would be more of a marketing issue that could be better handled by staff effort to increase education about these programs. Councilman Durham advised that he had been to a number of DCTA meetings and the only people attending the public hearings were individuals that were interested in a specific item. The general consensus of the City Council was to merge the duties of the Transportation Board with the Planning and Zoning Commission.

Discussion was then held regarding cleaning up the language contained in the Community Development Block Committee. The consensus of the City Council was to clean up the language.

WORKSHOP SESSION – 6:00 P.M.

Arts Center Design

(Agenda Item B)

Assistant City Manager Barron explained that the estimator had looked at the current Arts Center Design and had advised that even after staff had reviewed the design and had moved \$500,000 as listed in their backup memo as add alternatives, the facility was \$1.1 million over what had been budgeted. Ms. Barron advised that if the City Council agreed with staff's recommendation when the project goes out to bid, those items listed as add alternates could be added back if the bidding process allows. She stated that staff was not asking for direction at this time; however wanted the City Council to see the changes that had been made this far and to make sure that they would be willing to appropriate funds once this item has gone out to bid.

WORKSHOP SESSION – 6:00 P.M.

Arts Center Design (cont'd)

(Agenda Item B)

Discussion was held regarding the reason for the project being over budget. Assistant City Manager Barron advised that it was due to the increased construction costs. Ms. Barron pointed out areas where Milton Powell had shown where cuts could be made; however, she cautioned if the City Council started reducing certain aspects of the facility, they would reduce the flexibility of the facility. Assistant City Manager Barron reviewed the current design and pointed out the wooden floor had been cut in the multipurpose room and was listed on the add back list.

At the City Council's request, Milton Powell reviewed what the arts groups had wanted to see added as follows: stage was increased in depth and width given the anticipation of the various performance groups that would be in there and the equipment they would need to store; seam shop and storage was increased; two green rooms were added and some prop storage. Mr. Powell advised that you can never have enough back stage but he had tried to make a responsible accommodation.

Mr. Powell then reviewed potential cuts as follows: taking the seam shop and storage area out and sliding the building down, look at taking two feet out of the stage area and six feet out of the art gallery, lobby and multipurpose room and two feet out of the lobby through another section, taking out two corridors, and looked at taking all the folding walls out and taking half of the large classroom and one of the studio out. Discussion was held regarding these potential cuts.

Discussion was held regarding if the arts center would accommodate the Nutcracker. Mr. Powell advised that it will; however, they may need to use a recording rather than the orchestra and have four performances of 250 instead of one of 1,000. Discussion was held regarding how to accommodate an orchestra pit. Assistant City Manager Barron advised that this would be ideal for the ballet performance of Dracula. Director of Community Relations and Tourism James Kunke advised that when staff had met with the ballet they had advised they would only have live music in for the Nutcracker and Dracula and while not perfect, they would make it work.

Councilman Teirney questioned if Mr. Powell knew what the cost would be to accommodate the symphony. Mr. Powell advised that it is not a clear cut number; however, he could work up numbers if needed.

WORKSHOP SESSION – 6:00 P.M.

Arts Center Design (cont'd)

(Agenda Item B)

Mayor Pro Tem Ueckert questioned how much larger the facility would have to be to accommodate another 100 seats. Mr. Powell advised it would probably need to be an additional 15 feet; however, he explained that in terms of royalties there is a cut off at 300 seats and if there were more seats, the groups would have to pay a higher amount. Mr. Powell recommended keeping the current seating numbers.

Discussion was held regarding a basement in the facility for storage. Mr. Powell advised that in reality, most of the equipment needs to roll on the stage and a major lift would be needed. He stated he did not see utilizing basement storage as a major advantage for the facility.

Discussion was held regarding potential expansion in the future. Assistant City Manager Barron advised that if the City Council decided they want to expand in the future it could be done by adding certain features, such as a music hall that would be close to the facility and share a parking lot but not have to be part of this facility. Discussion was held regarding property located around this facility that could possibly be utilized.

Assistant City Manager Barron questioned if the City Council was in agreement to move forward with this project even with the additional cost. The consensus of the City Council was to move forward.

WORKSHOP SESSION – 6:30 P.M.

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

(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, Consideration of Items Relating to the May 10, 2008, City of Lewisville General Election, a) Canvass of the Election Returns for the City Council General Election; b) Consideration of a Resolution Declaring the Results of the City Council Election. 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-1, Presentation, Presentation of Certificates of Election by Mayor and Ceremonial Administration of Oath of Office to Re-Elected Council Members. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Presentation, Recognition of Mr. Don Thayer With Psychiatric Solutions, Inc., for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E, Proclamation, Declaring the Week of May 18-24, 2008, as “Emergency Medical Services Week”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) and Old Town Mixed Use Two (OTMU2) to Public Use (PU) on a 2.257 Acre Tract Located at 201 West Main Street; and Identified as Parts of Lots 1, 2, 3, 9, 11 and All of Lots 4, 10, 12; Block 2 of O.T. Lewisville, as Requested by the Property Owner, The City of Lewisville (Case No. 20080512). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.31 Acre Tract of Land Located at 115 Leonard Street; and Identified as Lots 7 and 8, Block 14 of the Kealy Addition, as Requested by Tim Garvey, on Behalf of the Property Owner, Garvey Homes, Ltd. (Case No. 20080515). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on Two Tracts of Land Totaling 0.15 Acres Located at 136 and 138 West Main Street; and Identified as Tracts 120 and 121, Abstract 696 of the J.W. King Survey as Requested by Michelle Grote, on Behalf of the Property Owner, Thirteen Fevers, LLC (Case No. 20080513). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item H-4, Approval of Minutes: City Council Minutes of the May 5, 2008, Workshop Session and Regular Session. 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 H-5, Approval of Revisions to Administrative Policy 1.12.0, “Use of City Information Outlets”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-6, Approval of an Award for the Construction of the Railroad Street Athletic Complex to Core Construction Services of Texas, Inc., Frisco, Texas, in the Amount of \$20,118,190; Approval of a Total Construction Budget in the Amount of \$20,178,190; Approval of a Supplemental Appropriation in the Amount of \$2,677,954 From Various Funds; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-7, Approval of a Supplemental Appropriation in the Amount of \$150,000 From Screening Wall Developer Fees to the Screening Wall Repair Capital Project for Maintenance and Repair of Screening Walls. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-8, Approval of a Resolution Authorizing the City Manager to Prepare, File and Prosecute With Texas Commission on Environmental Quality an Application for Amendments to Certificates of Adjudication Nos. 08-2349 and 08-2350 to Combine Same and to Amend the Diversion Points for, and the Places of Use of Water Under, the Certificates. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-9, Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. Bond Counsel Boyd London reviewed this item for the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-10, Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. Bond Counsel Boyd London reviewed this item for the City Council. 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 C)

Mayor Carey reviewed Agenda Item I-11, Consideration of the Preliminary Plat of UNICLA Addition, Lots 1-4, Block B and Lot 1, Block C, Zoned Light Industrial (LI), Generally Located North and East of the Intersection of FM 407 (Justin Road) and Archer Way, With a Requested Variance to the Lewisville City Code, as Requested by Mark Sutherland, Attorney, Representing UNICLA of America, Inc. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-12, Tabled Item: Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign, and to Chapter 2, Fees, Waiver of Variance Request Fee as Requested by Rebecca Behnke of Dallas Tortilla and Tamale at 310 South Mill Street. Assistant City Manager Barron advised that Ms. Behnke had requested that this item be tabled indefinitely. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-13, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on Round Grove Road (FM 3040) From Old Orchard Lane to Interstate Highway 35E of 50 MPH Within the City of Lewisville. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-14, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-36; Maximum Speed Limits Near Schools; Establishing a School Zone on Windhaven Parkway and Establishing a Summer School Zone for Huffines Middle School. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-15, Consideration of an Ordinance Amending the Existing Gas Franchise Between the City and Atmos Energy Corporation to Provide an Increase to City Franchise Payments. Assistant City Manager Barron advised that at this time the City of Carrollton does not plan to do this and that the Town of Flower Mound was waiting to see what area cities do. Assistant City Manager Bacchus advised that about 2/3 of the cities are doing this and that it would be an increase of approximately \$6 to \$7 per year for the consumer. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item I-16 Discussion of the City of Lewisville Sign Ordinance as it Relates to Political Signs, as Requested by Councilman Tierney. Councilman Tierney advised that he had requested this be placed on the agenda to determine where the rest of the City Council stood on this topic. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item J Reports. 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 K 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 6:50 p.m. on Monday, May 19, 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, May 19, 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.

**Consideration of Items Relating to the May
10, 2008, City of Lewisville General Election:
Canvass of the Election Returns for the City
Council General Election**

(Agenda Item C-a)

The City Council canvassed the following results of the City of Lewisville General Election held on May 10, 2008.

Names	Early Voting	Memorial Park Rec. Ctr.	Municipal Annex	Lewisville City Hall	TOTAL
COUNCILMAN, PLACE 1					
Greg Tierney	522	85	124	65	796
John Gorena	228	116	111	51	506
COUNCILMAN, PLACE 3					
Lathan Watts	453	142	155	61	811
David Fogle	277	62	76	46	461
TOTAL NUMBER OF VOTERS WHO VOTED AS INDICATED BY POLL LIST	786	213	251	148	1398

Consideration of a Resolution Declaring the Results of the City Council Election

(Agenda Item C-b)

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 3564-05-2008(R)**, as previously captioned. The motion carried.

PRESENTATION OF CERTIFICATES OF ELECTION BY MAYOR AND CEREMONIAL ADMINISTRATION OF OATH OF OFFICE TO RE-ELECTED COUNCIL MEMBERS

(Agenda Item D-1)

Mayor Carey issued the Certificates of Election to Councilman Greg Tierney and Councilman Lathan Watts. Councilman Tierney and Councilman Watts were sworn in by City Secretary Julie Heinze.

**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)

Mayor Carey presented a plaque of appreciation to Beth Coff on behalf of Mr. Don Thayer of Psychiatric Solutions, Inc., in recognition of his donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program.

**Proclamation: Declaring the Week of May
18-24, 2008, as "Emergency Medical Services
Week"**

(Agenda Item E)

Mayor Carey read and presented a proclamation declaring the week of May 18-24, 2008, as "Emergency Medical Services Week" to Jon Whitener and Jim Byers of the Lewisville Fire Department.

**Public Hearing: Consideration of Ordinance
No. 3565-05-2008(Z) for a Zone Change
Request From Office District (OD) and Old
Town Mixed Use Two (OTMU2) to Public Use
(PU) on a 2.257 Acre Tract Located at 201
West Main Street; and Identified as Parts of
Lots 1, 2, 3, 9, 11 and All of Lots 4, 10, 12;
Block 2 of O.T. Lewisville, as Requested by
the Property Owner, The City of Lewisville
(Case No. 20080512)**

(Agenda Item F-1)

The proposed zoning classification Public Use (PU) is in keeping with the recommendations of the Old Town Master Plan. The property is vacant land (previously Temple Baptist Church) that is planned for the City Cultural Arts and Activities Center. The City of Lewisville wishes to rezone to Public Use (PU) to be in compliance with the Old Town Master Plan. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their May 6, 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 Old Town Mixed Use Two (OTMU2) and Office District (OD) to Public Use (PU).

Mayor Carey opened the public hearing.

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

MOTION: Upon a motion made by Councilman Durham and seconded by 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 a Tract of Land Totaling 2.257 Acres Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Office District (OD) and Old Town Mixed Use Two (OTMU2) District Zoning to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3565-05-2008(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3566-05-2008(Z) for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.31 Acre Tract of Land Located at 115 Leonard Street; and Identified as Lots 7 and 8, Block 14 of the Kealy Addition, as Requested by Tim Garvey, on Behalf of the Property Owner, Garvey Homes, Ltd. (Case No. 20080515)

(Agenda Item F-2)

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant has plans to build an office building on the property and would like to re-zone for better flexibility of setbacks on the property. Light Industrial (LI) zoning allows setbacks of: front 25 feet, sides 10 to 15 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 May 6, 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

Mayor Carey opened the public hearing.

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

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

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

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.31 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 Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3566-05-2008(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3567-05-2008(Z) for a Zone Change
Request From General Business (GB) to Old
Town Center Business (OTC) on Two Tracts
of Land Totaling 0.15 Acres Located at 136
and 138 West Main Street; and Identified as
Tracts 120 and 121, Abstract 696 of the J.W.
King Survey as Requested by Michelle Grote,
on Behalf of the Property Owner, Thirteen
Fevers, LLC (Case No. 20080513)**

(Agenda Item F-3)

The proposed zoning classification Old Town Center Business (OTC) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better future flexibility of setbacks on the property. GB zoning allows setbacks of: front 25 feet, sides 10 to 15 feet, rear 0 to 25 feet. The new zoning states that the front façade of the buildings in OTC must be set at the front property line and the side façade of a building that is located on a lot adjoining a side street shall be located at the property line. There are no rear yard setbacks in the OTC zoning classification. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their May 6, 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 Old Town Center Business (OTC).

Mayor Carey opened the public hearing.

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

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on Two Tracts of Land Totaling 0.15 Acres 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 Old Town Center Business (OTC) 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 Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3567-05-2008(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

Bill Holcombe advised of the 3rd World Model A Ford Meet being held on June 22 – 27, 2008. Mr. Holcome advised he would be working with Events Coordinator Jennifer Galante regarding the City’s sign ordinance so they would hopefully be able to use directional signs that are currently prohibited.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

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

4. **APPROVAL OF MINUTES:** City Council Minutes of the May 5, 2008, Workshop Session and Regular Session.
5. Approval of Revisions to Administrative Policy 1.12.0, “Use of City Information Outlets”.

6. Approval of an Award for the Construction of the Railroad Street Athletic Complex to Core Construction Services of Texas, Inc., Frisco, Texas, in the Amount of \$20,118,190; Approval of a Total Construction Budget in the Amount of \$20,178,190; Approval of a Supplemental Appropriation in the Amount of \$2,677,954 From Various Funds; and Authorization for the City Manager to Execute the Contract.
7. Approval of a Supplemental Appropriation in the Amount of \$150,000 From Screening Wall Developer Fees to the Screening Wall Repair Capital Project for Maintenance and Repair of Screening Walls.
8. Approval of **Resolution No. 3568-05-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Prepare, File and Prosecute With Texas Commission on Environmental Quality an Application for Amendments to Certificates of Adjudication Nos. 08-2349 and 08-2350 to Combine Same and to Amend the Diversion Points for, and the Places of Use of Water Under, the Certificates.

The motion carried.

END OF CONSENT AGENDA

Consider and Take Action on Ordinance No. 3569-05-2008 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

(Agenda Item G-9)

The issuance of an aggregate principal amount of \$8,715,000 of City of Lewisville, Texas General Obligation Bonds, Series 2008 will provide new funding of \$8,620,000 for the construction of street and drainage improvements.

The City staff's recommendation was that the City Council approve the ordinance authorizing the issuance and sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008 in the aggregate principal amount of \$8,715,000; levying a tax in payment thereof;

authorizing the execution and delivery of a bond purchase contract, and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

Boyd London, First Southwest Company was available to answer any questions posed by the City Council.

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, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008, in the Aggregate Principal Amount of \$8,715,000; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto”

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 and adopt **Ordinance No. 3569-05-2008**, as previously captioned. The motion carried.

Consider and Take Action on Ordinance No. 3570-05-2008 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

(Agenda Item I-10)

The issuance of an aggregate principal amount of \$10,300,000 of City of Lewisville, Texas Waterworks and Sewer System Revenue Bonds, Series 2008 will provide funding of \$5,500,000 for the Sewer Meter and Lift Station project as well as sewer line replacements of \$4,650,000.

The City staff’s recommendation was that the City Council approve the ordinance of the City Council of the City of Lewisville, Texas, authorizing the issuance and sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008 in the aggregate principal amount of \$10,300,000; providing for the security for and payment of said bonds;

authorizing the execution and delivery of a bond purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

Boyd London, First Southwest Company was available to answer any questions posed by the City Council.

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, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008, in the Aggregate Principal Amount of \$10,300,000; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.”

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 approve and adopt **Ordinance No. 3570-05-2008**, as previously captioned. The motion carried.

Consideration of the Preliminary Plat of UNICLA Addition, Lots 1-4, Block B and Lot 1, Block C, Zoned Light Industrial (LI), Generally Located North and East of the Intersection of FM 407 (Justin Road) and Archer Way, With a Requested Variance to the Lewisville City Code, as Requested by Mark Sutherland, Attorney, Representing UNICLA of America, Inc.

(Agenda Item I-11)

The subject 9.05-acre tract is located along the east side of Archer Way and north of FM 407. The future extension of Moccasin Trail as shown on the City Thoroughfare Plan will divide the tract into two separate parcels. The original owners of the property have sold a 1.03-acre tract south of the Moccasin Trail extension fronting on Archer Way (proposed lot 1, Block B) so the entire 9-acre property is being preliminary platted before the 1.03 acre parcel can be final platted. The General Development Ordinance will require dedication of right-of-way and the construction of Moccasin Trail through the 9-acre property and requires a proportionate cost share between all lots when the property is final platted. The variance will allow Lot 1, Block B to be excluded from participating in the road improvements with the cost being proportionately

shared by the remaining lots. The Planning & Zoning commission recommended approval of the plat and variance with a vote of 7-0 at their May 6, 2008 meeting.

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

David Salmon, Assistant City Engineer was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the Preliminary Plat of UNICLA Addition, Lots 1-4, Block B and Lot 1, Block C, Zoned Light Industrial (LI), generally located North and East of the Intersection of FM 407 (Justin Road) and Archer Way, and approve the requested variance to the Lewisville City Code, as requested by Mark Sutherland, Attorney, representing UNICLA of America, Inc. to allow Lot 1, Block B to be excluded from participating in the road improvements with the cost being proportionately shared by the remaining lots. The motion carried.

Tabled Item: Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign, and to 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 I-12)

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 which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to reface part of the sign and obtain a sign permit, both tenants would need to remove and reinstall a separate sign together. 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. At the April 21, 2008 City Council meeting, this item was tabled until May 19 by request of the applicant.

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 Watts, the Council voted five (5) "ayes" and no (0) "nays" to table this item indefinitely at the request of Ms. Behnke. The motion carried.

Consideration of Ordinance No. 3571-05-2008 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on Round Grove Road (FM 3040) From Old Orchard Lane to Interstate Highway 35E of 50 MPH Within the City of Lewisville

(Agenda Item I-13)

In accordance with standard engineering practice and state law, TxDOT has provided a speed study for Round Grove Road (FM 3040) from Old Orchard to I-35E. The study indicates the 85th percentile speed ranged from 48 to 52 miles per hour and recommends a speed limit of 50 miles per hour. The Transportation Board considered this item at the January 17, 2008 meeting and voted to table the item requesting further information. At the April 17, 2008 meeting the Transportation Board approved the 50 mph speed limit recommendation with a 4-2 vote. Members in opposition indicated safety concerns over raising the speed limit on the section from SH 121 Business to I-35E.

The City staff's recommendation was that the City Council adopt the ordinance amending the maximum speed limit on Round Grove Road from Old Orchard Lane to I-35E.

T.S. Kumar, City Engineer spoke before the City Council regarding the proposed ordinance.

John Gorena, Transportation Board Member, spoke before the City Council regarding his opposition to this item.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-35 of the Lewisville City Code by Establishing the Speed Limit on Round Grove Road From Old Orchard Lane to Interstate Highway 35E; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted four (4) “ayes” and one (1) “nays,” with Deputy Mayor Pro Tem Thornhill casting the negative vote to approve and adopt **Ordinance No. 3571-05-2008**, as previously captioned. The motion carried.

Consideration of Ordinance No. 3572-05-2008 Amending the Lewisville City Code, Section 15-36; Maximum Speed Limits Near Schools; Establishing a School Zone on Windhaven Parkway and Establishing a Summer School Zone for Huffines Middle School

(Agenda Item I-14)

The Lewisville Independent School District will be opening Elementary School No. 39 on Windhaven Parkway this fall. This item will establish a school speed zone on Windhaven Parkway for this campus. Additionally, the current ordinance describes the Lewisville High School campus as the only campus specially designated for upper level summer school speed zones. This item will amend the ordinance by adding the Huffines Middle School as an additional campus for upper level summer school speed zones. The Transportation Board unanimously approved these items with a 6-0 vote at the April 17, 2008 meeting.

The City staff’s recommendation was that the City Council adopt the ordinance amending maximum speed limits near schools; establishing a school zone on Windhaven Parkway and establishing a summer school zone for Huffines Middle School.

T.S. Kumar, City Engineer was present to respond to any questions posed by the City Council.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Article II, Section 15-36 of the Lewisville City Code, Establishing a School Speed Zone on Windhaven Parkway From 570 Feet North of Cookie Lane to 500 Feet South of Cookie Lane; and Section 15-36.3 of the Lewisville City Code, Adding Streets Serving Huffines Middle School as a Special Exception for Summer School Speed Zone Operation; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3572-05-2008**, as previously captioned. The motion carried.

Consideration of Ordinance No. 3573-05-2008 Amending the Existing Gas Franchise Between the City and Atmos Energy Corporation to Provide an Increase to City Franchise Payments

(Agenda Item I-15)

As a result of the settlement agreement regarding the 2007 Atmos Gas rate request, Texas cities may increase the city franchise payments from the current 4% rate to 5% effective May 1, 2008. The 1% increase would yield approximately \$142,000 in general fund revenue. In accordance with the City’s Charter, it is necessary to have two readings of the ordinance. The second reading will take place at the July 7, 2008, City Council meeting.

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

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Existing Gas Franchise Between the City and Atmos Energy Corporation to Provide for Different Consideration; Providing an Effective Date; Providing for Acceptance by Atmos Energy Corporation; Providing a Repealer; and Providing for Severability.”

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

**Discussion of the City of Lewisville Sign
Ordinance as it Relates to Political Signs, as
Requested by Councilman Tierney**

(Agenda Item I-16)

Councilman Tierney has requested a discussion regarding the City's policy on the posting of political signs.

The City staff's recommendation was that the City Council provide direction to staff.

Councilman Tierney indicated that he had requested this item be placed on the agenda as the current ordinance does not put much of a restriction on political signs and he wanted to see if there was any action the City Council wanted to take on this topic.

John Gorena, 417 Creekwood Lane, Lewisville, Texas spoke before the City Council and proposed that not more than one sign per street corner be allowed and if a sign was placed in front of someone's property permission be obtained. He also stated that he would like to see a limit of the amount of signs that can be placed within certain footage of each other and not more than 20 signs allowed in one block.

Councilman Watts stated that he did not have a problem with way the ordinance is written and felt the amount of signs posted was just par for the course around election time. He stated that these signs are temporary in nature and he felt this was political speech and was protected.

Mayor Pro Tem Ueckert advised that while he had several people say thing to him regarding their opposition to the numerous signs, he felt the City had done a good job contacting the candidates when the signs were improperly placed. He reminded everyone that the candidates normally have help putting out signs and sometimes they get put in a place that they are not supposed to be placed. Mayor Pro Tem Ueckert stated that a property owner has a right to remove a sign on their property. He further stated that the only thing would be to limit signs every 50 feet with the exception of the polling locations during polling time.

Councilman Durham stated that this issue comes up periodically and he was not in favor of placing any restrictions on signs. He advised that he felt the current system works and the signs go away after the election.

Mayor Carey advised he felt this was a colorful time of the year when the signs come out and concurred with Mayor Pro Tem Ueckert that sometimes the signs get put in the wrong spot and staff calls and the signs are moved. Mayor Carey reminded everyone that a lot of the problem had been the wind and most all the signs were taken down following the election. Mayor Carey stated that it would be difficult to police political signs.

Reports

(Agenda Item J)

- Police Chief Russ Kerbow invited the City Council to their next Cook Out from 5 p.m. – 8 p.m.
- Director of Public Services Carole Bassinger advised the lake level was good.
- Director of Communication and Tourism James Kunke advised of the upcoming Summer Series starting June 3rd for eight consecutive weeks.
- Mayor Pro Tem Ueckert and Mayor Carey congratulated Councilman Watts and Councilman Tierney on their re-election.
- Deputy Mayor Pro Tem Thornhill encouraged everyone to be responsible and have a safe Memorial Weekend.
- City Attorney Neiman invited everyone to the Southern Denton County Neighbor to Neighbor Victory Party at 4:30 p.m. on the 3rd floor of City Hall.

There were no additional reports or items for closed session at this time.

Adjournment

(Agenda Item M)

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 adjourn the Regular Session of the Lewisville City Council at 8:15 p.m. on Monday, May 19, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of June, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY