

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JUNE 2, 2008

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts
Greg Tierney
Rudy Durham (arrived at 5:57 p.m.)

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, June 2, 2008, in the City Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

Timber Creek Erosion Study

(Agenda Item A)

City Manager King advised that the scope of the study was to evaluate erosion and the impacts on Timbercreek, not the flooding issues that have occurred over the years.

Assistant City Engineer David Solomon spoke before the City Council. He reviewed the history of this area and advised staff was seeking approval of the study and direction regarding the erosion.

Andrew Ickert from Halff and Associates spoke before the City Council regarding the Timber Creek Erosion Study. Mr. Ickert conducted a brief PowerPoint Presentation as follows:

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Study Overview

- **PURPOSE:**
 - Assess channel stability and erosion issues and evaluate, compare, and make recommendations regarding alternative channel improvements to help alleviate existing and potential erosion damages.
- **2-PHASE APPROACH:**
 - Phase I – Existing Conditions Assessment
 - Phase II – Alternatives Analysis & Recommendations
- **CONSULTING TEAM:**
 - Half Associates (H&H, Environmental Science, Survey)
 - CMJ Engineering (Geotechnical)
 - Dr. Peter Allen (Geomorphology – Baylor University)

Mr. Ickert then review a map of the study area.

Study Timeline

- September 10, 2007 – City Council approved funding for study
- December 2007 – Phase I Existing Conditions Assessment complete
- March 2008 – Phase II Alternatives Analysis complete
- April 17, 2008 – Public Information Meeting with homeowners
- May 2008 – Final Report delivered to City
- June 2, 2008 – City Council Workshop

Phase I – Existing Conditions Methodolgy

- Field Investigations –
 - Engineers, Geotechnical, Geomorphological, Environmental Scientists, Surveyors
- Hydraulic Model Updates
- Major Factors for assessing/prioritizing erosion:
 - Erosion Severity
 - Structure Setback

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Phase I – Existing Condition Results

- Highly erodible reach due to soil particle size, velocities, shear stress, and bank slopes.
- Majority of the reach is in a degrading state – beginning to downcut and widen.
- Stream will continue to try and reach an equilibrium state with meanders and downcutting.
- Identified 21 erosion “hot spots” with 12 “critical sites”

Mr. Eckert then reviewed an aerial view of the critical issue sites. He advised there were six priority sites.

Phase II – Alternatives Analysis Methodology

- Grouped & Prioritized the 12 “critical” sites into 6.
- Alternatives Analyzed:
 - Detention
 - By-Pass Channel
 - Buyouts
 - Structural Measures
 - Monitoring
- Several Factors for Analyzing/Screening Alternatives:
 - H&H Impacts
 - Environmental Issues
 - Maintenance Issues
 - Erosion Control Benefits
 - Estimated Costs

Mr. Ickert then reviewed Phase II – Alternatives Analysis Results and Recommendations

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Priority 1: Sites 11-13

Alternative	Estimated Design & Construction/Implementation Cost
Install Tieback Gabion Wall on right bank slope. Remove debris and fallen trees from channel.	\$907,700
Diversion Channel	\$3,574,500
Buyout Option (985 and 987 Regency Drive)	*

Priority 2: Sites 1-3

Alternative	Estimated Design & Construction/Implementation Cost
Install Tieback Gabion Wall on both slopes (left bank & right bank). Install Turf Reinforcement Mat on right bank. Remove existing failed concrete structure from reach to reduce turbulence.	\$560,000
Buyout Option (910 Timber Creek)	*
Monitoring Option (5-Year Contract)	\$20,700

Priority 3: Sites 20-21

Alternative	Estimated Design & Construction/Implementation Cost
Install Tieback Gabion Wall and Turf Reinforcement Mat on right bank slope.	\$515,100
Monitoring Option (5-Year Contract)	\$20,700

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Priority 4: Site 7

Alternative	Estimated Design & Construction/Implementation Cost
Install Tieback Gabion Wall and Turf Reinforcement Mat on left bank slope and rock rip rap on right bank slope.	\$267,500
Monitoring Option (5-Year Contract)	\$20,700
Buyout Option (926 Timbercreek Drive)	*

Priority 5: Site 8

Alternative	Estimated Design & Construction/Implementation Cost
Install Tieback Gabion Wall on left slope and Turf Reinforcement Mat on right slope. Remove fallen trees and debris from channel.	\$482,000
Buyout Option (1732 Milestone)	*
Monitoring Option (5-Year Contract)	\$20,700

Priority 6: Sites 14-15

Alternative	Estimated Design & Construction/Implementation Cost
Monitoring Option (5-Year Contract)	\$20,700
Buyout Option (1980 and 1984 Kenny Court)	*
Diversion Channel	\$3,574,500
Install a Tieback Gabion Wall on right slope.	\$870,800

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Discussion was held regarding the option to buy out the property owners. City Manager King advised that most of the locations are owned by private property owners and that they would have to agree to dedicate the property or allow for access. Further discussion was held if one property owner allowed access and dedicated property and another chose to not dedicate property. Mr. Ickert advised that in some cases it would still work; however, it would depend on which properties allowed and did not allow.

Mr. Ickert advised that the City would still have to meet the permitting requirements with the Corps of Engineers. He advised these requirements were not extensive for bank stabilization as if you realign.

John Dietchman, 910 Timbercreek, Lewisville, Texas, spoke before the City Council. He advised he was located in Site No. 2. Mr. Dietchman handed out photos that he had taken over the past six years. He advised they have lost about 14 feet over the past six years.

Mary Bogus 987 Regency, Lewisville, Texas, spoke before the City Council regarding damage to their backyard. She invited anyone who wanted to come and look at the damage. She stated that the damage to their property is jaw dropping. Ms. Bogus explained they have been there for 14 years and they are at a loss how to proceed without the help of the City. Ms. Bogus stated that the property owners appreciate that the City did the study and are willing to go forward and try to fix the problem. Ms. Bogus advised that there is a drainage pipe that goes under her property and empties into the creek that may have something to do with the damage.

(Councilman Durham arrived at 5:57 p.m.)

Mayor Pro Tem Ueckert asked if there was anyone that would not be interested in dedicating the right-of-way that would be needed to the City so the property could be repaired and if they would give permission to the City to access the creek area through their property. Ms. Bogus questioned if there were neighbors that did not agree to do that what would happen. City Manager King advised that it would depend on who they are and how they fit into the grand scheme of the project where the repairs are being made. Ms. Bogus advised they would be agreeable to a buy out also. Mr. Ickert advised that if only one or two neighbors did not agree to dedicate the right of way and grant access and the property owners that had agreed could probably be protected and the ones that did not probably would not be protected.

WORKSHOP SESSION – 5:30 P.M.

Timber Creek Erosion Study (cont'd)

(Agenda Item A)

Discussion was held regarding if any discussion had been held with property owners regarding property dedication. City Manager King advised that until the study was completed and the City knew what they are looking at it would be hard to make that determination.

City Manager King stated that this is a funding issue for City Council and it could be dealt with now or in August during the Budget Workshop. He stated the residents had been patient waiting for the study to be completed and speed may be of the essence. City Manager King reviewed funding sources such as the General Fund Reserves and some bonding authority from the 1993 program for drainage about \$900,000. He stated these funds could be combined and possibly phase the projects by priority over a period of time.

Mayor Carey questioned if the erosion was going to get any worse. Mr. Ickert advised that depending on the rainfall, it could continue to progress, especially at the most critical sites. Mr. Ickert stated most of the property damage is due from the creek flow from the watershed eroding away the slope, rather than just local drainage.

Deputy Mayor Pro Tem Thornhill questioned if anyone had expressed opposition to the wall. Mr. Solomon advised that there had not been they were more interested in how they will look and how much space it will take and the intrusion. Mr. Solomon stated that the property owners would just like the City to do something for the erosion but the jury was still out on the wall based on the details.

Councilman Tierney stated he would not be opposed to moving on this issue prior to budget as long as it is priority based, such as Priority 1 and 2. He further stated he would like to look at the buyout options so the City Council knows where we stand. He explained that while the City Council analyzes those they may be able to get a feel for what property owners would be willing to donate right of way that is needed and making sure that they are all agreeable to the wall.

City Manager King advised that he felt City staff could get the buyout information to the City Council. Mayor Pro Tem Ueckert stated that there are other cost associated with the buyout as the additional work still need to be done.

WORKSHOP SESSION – 5:30 P.M.

Naming of Park Located on Railroad Street

(Agenda Item B)

Discussion was held regarding ideas that the Park Board had submitted, such as Railyards and Railroad Sports Complex. Mayor Carey suggested calling it the Railroad Athletic Complex. The general consensus was to call the park Railroad Park.

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, Proclamation, Declaring June 1-8, 2008, as “National Fishing & Boating Week”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D, Presentation, Special Presentation to City Council by Denton County Commissioner Bobbie Mitchell. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-Closed Session. 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 Light Industrial (LI) to Mixed Use Ninety (MU-90), Including a Concept Plan With Variances, on a 90.08 Acre Tract Located North of State Highway 121, West of the D.G.N.O. Railroad, South of Lakeside Circle, and East of Timbercreek; Further Identified as McKinney & William Survey, Abstract 936, Tract 3A, A.J. Hitchcock Survey, Abstract 614, Tracts 2, 2A, 3, B.B.B. & C.R.R. Co. Survey, Abstract 144, Tracts 1A and 9, as Requested by Riverside DPH, LP., the Current Property Owner (Case No. PZ20080514). City Manager King advised that there were a number of issues related to this item not just zoning classification. He stated that they could opt to approve one thing and not another; however, it was all one case. City Manager King reviewed the backup material with the City Council and advised they would have to come back if they wanted to make any changes to what they had submitted. Mayor Pro Tem Ueckert advised that he would be abstaining from this item due to his business. Deputy Mayor

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item C)

Pro Tem Thornhill expressed his concern about allowing stucco for this project when the City Council has previously denied using this material. City Manager King advised that there were different requirements for this zoning compared to the area where the City Council had denied the use. City Manager King pointed out Economic Development Director Nika Reinekce's memo that referenced Tract 7 is actually Tract 12 on the requestor's exhibit. There was no further discussion on this item.

(Mayor Carey left the room.)

Deputy Mayor Pro Tem Thornhill reviewed Agenda Item F-2, Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number Twenty-One (21) for Ricos Products Company, Inc., Being All of Lot 1RA, Block B of the Austin Ranch Addition; Consideration of a Resolution Providing the Terms and Conditions of an Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Ricos Products Company, Inc.; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Ueckert reviewed Agenda Item F-3, Public Hearing: Consideration of a Request to Annex a Five Foot Strip Totaling 0.275 Acres of 23.820 Acres Belonging to the Castle Hills Property Company Situated in the R.P. Hardin Survey Abstract 613, B. Schoonover Survey Abstract 1209, and the T. Wilson Survey Abstract 1352, as Requested by Castle Hills Property Company, the Property Owner. There was no discussion on this item.

(Mayor Carey returned.)

Mayor Carey reviewed Agenda Item F-4, Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Adding the 400 Block of Hickory Street to the Sanitary Sewer Rehabilitation Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development. There was no discussion on this item.

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

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item C)

Mayor Carey reviewed Agenda Item H-5, Approval of Minutes: City Council Minutes of the May 19, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-6, Approval of Final Acceptance of the Valley Ridge Southeast Water Lines Line B; and Authorization to Make Final Payment to Texas United Excavators, L.L.C., in the Amount of \$35,750.75. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-7, Approval of Change Order No. 1 in the Amount of \$41,650 to Erosion and Retaining Wall Structures, Inc., for Additional Repairs to an Existing Concrete Retaining Wall in Prairie Creek. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-8, Approval of an Amendment to an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement Amendment. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-9, Approval of a Capital Budget Action Request Transferring \$1,202,804 From the North Old Town Streets Capital Project to a Newly Created Purnell Street Capital Project; and Approval of a Supplemental Appropriation in the Amount of \$200,000 From General Capital Projects Available Cash to the Purnell Street Capital Project. City Manager King pointed out that these funds were being reallocated to a different project; however if the City Council so desired, funds could be put back into this project. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-10, Approval of a Supplemental Appropriation From General Capital Projects Cash to the Valley Ridge Capital Project in the Amount \$1,262,903. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-11, Approval of a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount of \$263,820. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item C)

Mayor Carey reviewed Agenda Item H-12, Approval of the FY 2007-2008 Mid-Year Budget Status Report; and Approval of a Supplemental Appropriation in the Amount of \$80,000 to the Recreation Fund. City Manager King pointed out at the February 2008 City Council Retreat, the City Council had asked to look at additional funding for a Code Enforcement Officer for Community Development. He advised that due to the decline in sales tax he was not recommending that they proceed with that request. City Manager King advised that the City was fine; however, he was not comfortable with adding additional expenditures at this time as there may be higher priorities that the City Council has to look at in August. Discussion was held regarding why the sales tax had been negative over the past few months. City Manager King advised that nothing specific had been found; however there are businesses that are providing sales tax and the number of retail outlets has been down since January 1st. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-13, Approval of a Resolution Determining the Necessity of Acquiring Certain Property for Public Purposes and Authorization to Proceed With Eminent Domain Proceedings on the Dallas Water Supply Line No. 3, Phase 2 and Midway Pump Station, Project No. U60512. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-14, Consideration of an Ordinance Amending Chapters 2, 10, and 15 of the Lewisville City Code; by Revising the Duties of the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board; Changing the Number of Members Comprising the Park Board and Transportation Board and the Standard for Their Removal; and Making Minor Changes to Other Sections as Noted; and Consideration of a Resolution Dissolving the Waters Ridge PID #1 Board. City Manager King advised that there was a new ordinance for City Council review showing a correction removing the language that the Park Board also serves as the Tree Board. Mayor Carey clarified that this was just some clean up language that was being made. City Manager King advised that it was meant to clarify roles and the intent had been to make it clearer what the boards were doing and how they fit into the bigger pictures of the City Council and the City itself. Discussion held that the number was reduced from nine to seven to make it the same size as the library board. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-15, Consideration of a Resolution Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item C)

Mayor Carey reviewed Agenda Item I-16, Consideration of Designating a Voting Representative to the North Central Texas Council of Governments. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-17, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-18, Consideration of Naming of New Park Located at Railroad Street and Bennett Lane. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J-Reports. There was no discussion on this item.

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

Items of Interest to the Council

(Agenda Item D)

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 6:46 p.m. on Monday, June 2, 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, June 2, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

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

Pledge to the Flag

(Agenda Item B)

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

Proclamation: Declaring the Week of June 1-8, 2008, as “National Fishing & Boating Week”

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring the week of June 1-8, 2008, as “National Fishing & Boating Week” to Parks and Leisure Services Director Robert Monaghan.

PRESENTATION: Special Presentation to City Council by Denton County Commissioner Bobbie Mitchell

(Agenda Item D)

A presentation honoring Mayor Gene Carey for being the longest serving Mayor in the history of Lewisville was given by Denton County Commissioner Bobbie Mitchell and Mayor Pro Tem Dean Ueckert.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:10 p.m. Monday, June 2, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item E)

In accordance with Texas Government Code, Subchapter D, Section 551.074 (Personnel), the Lewisville City Council convened into Closed Session at 7:10 p.m. on Monday, June 2, 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. Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem

The Closed Session was adjourned at 7:30 p.m. on Monday, June 2, 2008.

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

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:30 p.m. on Monday, June 2, 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.

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 appoint Councilman David Thornhill as Mayor Pro Tem and Councilman Lathan Watts as Deputy Mayor Pro Tem. The motion carried.

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

Public Hearing: Consideration of Ordinance No. 3573-06-2008(Z) for a Zone Change Request From Light Industrial (LI) to Mixed Use Ninety (MU-90), Including a Concept Plan With Variances, on a 90.08 Acre Tract Located North of State Highway 121, West of the D.G.N.O. Railroad, South of Lakeside Circle, and East of Timbercreek; Further Identified as McKinney & William Survey, Abstract 936, Tract 3A, A.J. Hitchcock Survey, Abstract 614, Tracts 2, 2A, 3, B.B.B. & C.R.R. Co. Survey, Abstract 144, Tracts 1A and 9, as Requested by Riverside DPH, LP., the Current Property Owner (Case No. PZ20080514)

(Agenda Item F-1)

Councilman Ueckert 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 Ueckert moved away from the dais.

This request is the first under consideration using the relatively new Mixed-Use 90 Zoning District. The zoning district allows a mixture of residential, office and retail uses on tracts of at least 90 acres. The request under consideration is for 1,726 apartments and 20,000 square feet of office and retail space. The tract is located along the south side of Lakeside Circle and adjacent to the DCTA’s proposed South Lewisville Train Station. There are five variances being requested on the concept plan in conjunction with the zoning: (a) to utilize the smaller street sections allowed for Old Town streets; (b) to allow head-in parking in the right-of-way and to allow this “off-site” parking to count toward the required parking; (c) to allow 1.65 parking spaces per dwelling unit; (d) to allow the future rail crossing to be within the 25 year flood elevation; and (e) to allow two dead-end streets to exceed the 600 foot maximum. The Planning and Zoning Commission recommended approval of the zone change request with a 6-1 vote at their May 6, 2008 meeting.

The City staff's recommendation was that the City Council consider the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Mixed Use-90 (MU-90), including a concept plan with variances.

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Donald Huffiness, Huffines Communities both spoke before the City Council regarding this request.

Howard Porteous, Project Manager, Huffines Communities gave a brief presentation before the City Council regarding this item. Mr. Porteous and Mr. Huffines both reviewed the reasons that they had determined to build apartments versus townhomes or condos.

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

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

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 90.08 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 Mixed Use Ninety (MU-90) 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 Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3573-06-2008(Z)**, as previously captioned; and approve the concept plan with the following variances: (a) to utilize the smaller street sections allowed for Old Town streets; (b) to allow head-in parking in the right-of-way and to allow this "off-site" parking to count toward the required parking; (c) to allow 1.65 parking spaces per dwelling unit; (d) to allow the future rail crossing to be within the 25 year flood elevation; and (e) to allow two dead-end streets to exceed the 600 foot maximum. The motion carried.

Councilman Ueckert returned to his place on the dais.

Public Hearing: Consideration of Ordinance No. 3574-06-2008 Renewing Reinvestment Zone Number Twenty-One (21) for Ricos Products Company, Inc., Being All of Lot 1RA, Block B of the Austin Ranch Addition; Consideration of Resolution No. 3575-06-2008(R) Providing the Terms and Conditions of an Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Ricos Products Company, Inc.; and Authorization for the City Manager to Execute the Agreement

(Agenda Item F-2)

Ricos Products Company, Inc., a food products manufacturing company, currently operating in Carrollton has selected Austin Ranch Distribution Center in East Lewisville as a preferred site for its expansion plans. The company is proposing to occupy roughly 38,000 square feet in the facility, bringing 25 employees and \$3,000,000 in investment in business personal property. Given the economic indicators provided, it was determined that the prospect warrants an abatement of fifty percent (50%) of business personal property taxes for a period of five years, provided that the company occupy a minimum of 38,000 square feet of space in the Austin Ranch Distribution Center facility for the purposes of establishing a food product manufacturing operation, invest a minimum of \$3,000,000 in business personal property, and provide a community support donation in the amount of \$3,500 dollars per year.

The City staff's recommendation was that the City Council approve the ordinance renewing Reinvestment Zone Number Twenty-One (21); approve the resolution providing the terms and conditions of a Tax Abatement Agreement by and between the City of Lewisville, Texas, and Ricos Products Company, Inc.; and authorize the City Manager to execute the agreement.

Mayor Carey opened the public hearing.

Elizabeth Trospen, Economic Development Specialist and David Hart, Ricos Products Company, Inc. 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 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, Renewing a Certain Area Within the City of Lewisville as Reinvestment Zone No. 21 for a Tax Abatement for Ricos Products Company, Inc.; Renewing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3574-06-2008**, as previously captioned, and approved and adopted **Resolution No. 3575-06-2008** providing the terms and conditions of a Tax Abatement Agreement by and between the City of Lewisville, Texas, and Ricos Products Company, Inc. The motion carried.

Public Hearing: Consideration of a Request to Annex a Five Foot Strip Totaling 0.275 Acres of 23.820 Acres Belonging to the Castle Hills Property Company Situated in the R.P. Hardin Survey Abstract 613, B. Schoonover Survey Abstract 1209, and the T. Wilson Survey Abstract 1352, as Requested by Castle Hills Property Company, the Property Owner

(Agenda Item F-3)

Castle Hills Property Company has acquired a 23.82 acre tract which was located in the Town of Hebron and on the fringe of the City of Lewisville’s ETJ area. Castle Hills Property Company would like to add this property into the City of Lewisville’s ETJ area, thereby consolidating all of their property into Lewisville’s ETJ. The Town of Hebron de-annexed the property in November 2007. This public hearing represents the first of two public hearings necessary before the annexation can be formally approved.

The City staff’s recommendation was that the City Council conduct this first of two public hearings on the proposed annexation.

Mayor Carey opened the public hearing.

Gene Lewis, Planning & Community Services Manager and Eric Stanley, Castle Hills Property Company, were both present to respond to any questions posed by the City Council.

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

Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Adding the 400 Block of Hickory Street to the Sanitary Sewer Rehabilitation Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development

(Agenda Item F-4)

An Annual Action Plan was adopted by the City Council at the August 8, 2007 meeting and submitted to the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant (CDBG) funds beginning October 1, 2007. That plan included using prior year funds to add sanitary sewer line replacement to the Edna-Charles Street Rehabilitation Project. The plan submitted to HUD specified locations-the sewer project included Hatcher, Perry, and Elm and Hickory East of Cowan. Funding was not considered available for the 400 block of Hickory or the 200 block of South Milton. This Amendment adds the 400 block of Hickory to the scope of the project using existing funding. A 30 day public comment period, including this public hearing, is required before adoption. The CDBG Committee recommended this amendment at the April 15, 2008 meeting by a vote of 7 to 0.

The City staff’s recommendation was that the City Council approve the amendment to the 2007 Community Development Block Grant Annual Action Plan adding the 400 block of Hickory Street to the scope of the Sanitary Sewer Rehabilitation Project; and authorize the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve the amendment to the 2007 Community Development Block Grant Annual Action Plan adding the 400 block of Hickory Street to the scope of the Sanitary Sewer Rehabilitation Project; and authorize the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development. The motion carried.

Visitors/Citizens Forum

(Agenda Item G)

Kathy Lewis, 1613 Live Oak Drive, Lewisville, Texas, spoke before the City council to encourage them to include a girls fast pitch softball field at the athletic complex. Director of Parks and Leisure Services Robert Monaghan advised that City did want to build the past pitch softball fields and he felt the fields would be large enough to accommodate different types of softball and baseball. He stated that he was interested in speaking with Ms. Lewis.

Brian Garofalo, 228 Wildfire Drive, Lewisville, Texas, spoke before the City Council to request a variance to allow a basketball goal that a neighbor has been complaining about. Mr. Garofalo advised that Code Enforcement had told him he had to remove the basketball goal. Discussion was held that the basketball hoop may be located in the easement. City Manager King advised that he would have staff take a look at the situation as he was not familiar with the case.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item H)

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

5. APPROVAL OF MINUTES: City Council Minutes of the May 19, 2008, Workshop Session and Regular Session.
6. Approval of Final Acceptance of the Valley Ridge Southeast Water Lines Line B; and Authorization to Make Final Payment to Texas United Excavators, L.L.C., in the Amount of \$35,750.75.
7. Approval of Change Order No. 1 in the Amount of \$41,650 to Erosion and Retaining Wall Structures, Inc., for Additional Repairs to an Existing Concrete Retaining Wall in Prairie Creek.
8. Approval of an Amendment to an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement Amendment.

9. Approval of a Capital Budget Action Request Transferring \$1,202,804 From the North Old Town Streets Capital Project to a Newly Created Purnell Street Capital Project; and Approval of a Supplemental Appropriation in the Amount of \$200,000 From General Capital Projects Available Cash to the Purnell Street Capital Project.
10. Approval of a Supplemental Appropriation From General Capital Projects Cash to the Valley Ridge Capital Project in the Amount \$1,262,903.
11. Approval of a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount of \$263,820.
12. Approval of the FY 2007-2008 Mid-Year Budget Status Report; and Approval of a Supplemental Appropriation in the Amount of \$80,000 to the Recreation Fund.
13. Approval of **Resolution No. 3576-06-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Determining the Necessity of Acquiring Certain Property in the City for Public Purposes, and Directing That the Same be Acquired by Appropriate Eminent Domain Proceedings.

The motion carried.

END OF CONSENT AGENDA

Consideration of Ordinance No. 3577-06-2008 Amending Chapters 2, 10, and 15 of the Lewisville City Code; by Revising the Duties of the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board; Changing the Number of Members Comprising the Park Board and Transportation Board and the Standard for Their Removal; and Making Minor Changes to Other Sections as Noted; and Consideration of Resolution No. 3578-06-2008(R) Dissolving the Waters Ridge PID #1 Board

(Agenda Item G-14)

Per direction received from the City Council during the May 19th City Council meeting, staff has prepared an ordinance amending the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board duties. In addition, the proposed ordinance changes the number of members on the Park Board, changes the appointment process to the Transportation Board and changes the standard for removal from both boards to be at will. Other minor changes are included in the back up information provided. In addition, a resolution has been prepared dissolving the Waters Ridge PID #1 Board.

The City staff's recommendation was that the City Council adopt the proposed ordinance and resolution.

Ken Judkins spoke before the City Council regarding his opposition to the proposed ordinance as it pertains to changes to the Park Board.

Councilman Durham advised that he was in favor of the changes. He expressed his concern that some of the Park Board members feel they are the final word and this is an advisory board.

Deputy Mayor Pro Tem Watts concurred with Councilman Durham. He stated he understood Mr. Judkins concerns; however, he did not feel that any of the changes would reduce how effective the Park Board could be. Deputy Mayor Pro Tem Watts advised he felt these changes will make it more in line with the other boards and also reducing it to seven members will make it more in line.

Mayor Carey concurred with both Councilman Ueckert and Deputy Mayor Pro Tem Watts. He stated that originally discussion had been to join the Library Board and the Park Board; however, the City Council listened to the concerns of the members and had not joined the two boards.

Mayor Pro Tem Thornhill stated that he had served on the Park Board when they were working to get the bond election passed. Mayor Pro Tem Thornhill advised he was okay with the wording change as he felt it was clean up material; however, he was concerned about going from nine to seven members.

Councilman Tierney stated that he agreed with Mayor Pro Tem Thornhill and he did not feel he could justify going from nine to seven members. Councilman Tierney advised that he felt the Park Board had been operating fine as it has been and this was just to clean up the language. Councilman Tierney pointed out that this is an advisory board in all matters related to parks and leisure services; however, there are times that the City Council is working on projects that are involved with economic development or property acquisition and in those situations it is

beneficial for the projects that the park board not be involved in the early stages. Councilman Tierney stated that a couple of years ago when deliberating the Park Board had gotten extremely upset that they were not involved in a project where property acquisition was involved and when that information got out quicker than the City wanted that had a negative effect on the project. Councilman Tierney further stated that when the City Council needs to deliberate and move forward and it needs to be done in executive session and this change in the language allows for the City Council to do that without any argument or discussion as to the fine print. Councilman Tierney advised he had been copied on e-mails regarding the lack of responsibilities or duties that the Park Board felt they have received. Councilman Tierney requested that City Manager King address this concern. City Manager King stated that he could not speak to the reason that had occurred; however, there had been a change in leadership and what had been going on previous to that might have contributed. City Manager King further stated that staff had identified half a dozen things the Park Board should be dealing and those issues would be forthcoming to the Board.

After discussion was held regarding the change from seven to nine members the City Council determined to leave the number of members as it currently existed.

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 Chapters 2, 10, and 15 of the Lewisville City Code; by Revising the Duties of the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board; Changing the Number of Members Comprising the Transportation Board and the Standard for Their Removal; Making Minor Changes to Other Sections as Noted; Providing for a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3577-06-2008**, as previously captioned with the exception of leaving the number of members as it currently reads, and approve and adopt **Resolution No. 3578-06-2008** dissolving the Waters Ridge PID #1 Board. The motion carried.

Consideration of Resolution No. 3579-06-2008(R) Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors

(Agenda Item I-15)

The City has received correspondence from the Denco Area 9-1-1 District advising of the expiring term of office on their District Board of Managers. The District is requesting submission of any nominations by July 15, 2008. This position is currently held by Harlan Jefferson, Flower Mound Town Manager, and he is willing to serve an additional term. A resolution has been prepared concurring with the nomination of Harlan Jefferson, Flower Mound Town Manager.

The City staff's recommendation was that the City Council approve the resolution nominating one candidate to the Denco Area 9-1-1 District Board of Directors.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 3579-06-2008(R)**, nominating Harlan Jefferson to the Denco Area 9-1-1 District Board of Directors.

Consideration of Designating a Voting Representative to the North Central Texas Council of Governments

(Agenda Item I-16)

The City has received correspondence from the North Central Texas Council of Governments (NCTCOG) requesting certification of the City of Lewisville's voting representative. Under the Bylaws of the North Central Texas Council of Governments, each member government is entitled to one voting representative on the General Assembly. The voting representative must be an elected official from the governing body of the member government. This voting representative serves as a liaison between the local government and NCTCOG; receives publications and announcements from NCTCOG; and is eligible to vote on proposed Bylaws amendments and for candidates to serve on NCTCOG's Executive Board. A city of county official must be a designated voting representative in order to be considered for service on the Executive Board.

The City staff's recommendation was that that the City Council designate a voting representative to the North Central Texas Council of Governments.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to designate Councilman Ueckert as the City of Lewisville voting representatives to the North Central Texas Council of Governments.

**Discussion and Consideration of Appointments
to Various City Boards/Commissions/
Committees**

(Agenda Item I-17)

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

The City staff's recommendation was that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to have Mayor Carey and Councilman Ueckert to conduct the interviews.

**Consideration of Naming of New Park
Located at Railroad Street and Bennett Lane**

(Agenda Item I-18)

The City Council discussed the naming of the new park located at Railroad Street and Bennett Lane at the earlier work session. Staff is requesting approval of a name for the park due to the fact construction is close to commencing.

The City staff's recommendation was that the City Council proceed with naming the new park located at Railroad Street and Bennett Lane.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to name the new park located at Railroad Street and Bennett Lane "Railroad Park."

Reports

(Agenda Item J)

- Chief Lasky advised that Texas A&M Women's Softball Team were competing in against Arizona State in Women's Softball.
- Assistant Donna Barron advised that the 19th Summer Music Series would be kicked off June 3, 2008 in Old Town.

- Councilman Durham reminded everyone that school would be out soon and that summer school would be going on at Huffness and Lewisville High School. He also pointed out that a lot of kids would be attending the pools so be careful and watch for them.
- Councilman Ueckert thanked Majestic Realty who just had their grand opening. He advised that they gave \$20,000 to the Southern Denton County Neighbor to Neighbor Program.
- Deputy Mayor Pro Tem Watts congratulated Mayor Carey on being the longest tenured Mayor of Lewisville.
- Mayor Carey thanked the City Council and staff for surprising him and thanked them for the gesture.
- Councilman Tierney congratulated Mayor Carey.
- Director of Human Resources Melinda Galler invited the City Council to the Employee Picnic on June 13, 2008.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:29 p.m. Monday, June 2, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item K)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:30 p.m. on Monday, June 2, 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 9:18 p.m. on Monday, June 2, 2008.

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

(Agenda Item L)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:19 p.m. on Monday, June 2, 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 M)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by 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 9:19 p.m. on Monday, June 2, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 16th day of June, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY