

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**JUNE 16, 2008**

**Present:**

Gene Carey, Mayor

**Council Members:**

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

**City Staff:**

Claude King, City Manager  
Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, Assistant 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 5:47 p.m. on Monday, June 16, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Wrecker Service**

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**(Agenda Item A )**

Police Chief Russ Kerbow gave the following PowerPoint Presentation regarding Lewisville Abandoned Vehicle Auctions as follows:

**Problem**

- Too much staff time spent on issues surrounding the abandoned vehicle auctions and police pulls
  - Owner notification
  - Stolen Vehicle Verification
  - Finance staff involvement in accounting for auction proceeds
  - Maintenance of wrecker-rotation schedule

**Background**

- “Police pulls” are non-consent tows that occur as defined by city ordinance or state law and include when an arrest is made or when a vehicle is declared “abandoned”
- Non-consent tows from other sources (contracts between tow companies and apartment complexes or other property owners) can also be declared “abandoned”

**Background (cont’d)**

- City Ordinance
  - Provides authority and a definition for “police pulls” only
  - Regulates tow companies who can perform “police pulls” for the PD
    - Must meet certain requirements (19 specific requirements)
    - Maintenance of records
    - Any company with a lot in the city (or less than 1 mile outside the city) can be on police rotation list if they meet the ordinance criteria
    - Sets fees for police pulls to include the initial tow, storage and mileage charges; reviewed every 2 yrs
  - “Police pulls” can become abandoned vehicles

**Background (cont’d)**

- State Law
  - Governs conditions for declaring an “abandoned vehicle” to a local law enforcement agency where the storage facility is located for purposes of disposition

**Background (cont’d)**

**What are abandoned vehicles?**

Motor vehicles are declared “abandoned” if the motor vehicle:

1. is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
2. has remained illegally on public property for more than 48 hours;
3. has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
4. has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
5. has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas

6. Turnpike Authority division of the Texas Department of Transportation or a controlled access highway; or
7. is considered an abandoned motor vehicle under Section 644.153(r).  
Sec. 683.002 Texas Transportation Code

**Background (cont'd)**

- Abandoned also means when a vehicle towed for “non-consent” remains in a storage facility under circumstances prescribed by law (Sec. 683.031 TTC)
- “48 hour” parking ordinance – any vehicle that parks or remains on a city street in excess of 48 hours without moving (often referred to as our abandoned vehicle ordinance) is subject to tow

**Background (cont'd)**

- Two companies currently on rotation list (Brad’s and Pro-Tow)
- City makes notification in accordance with law for police pulls and after a vehicle is declared “abandoned” by any vehicle storage facility
  - One notification by City for each – for police pulls a notice also goes to the lien holder
- City contracts with an auctioneer to auction vehicles not claimed or “abandoned”

**Background (cont'd)**

- Dispatch manages rotation list
- PD and Purchasing staff attend/referee vehicle auctions
- Purchasing accounts for all proceeds
- Auctions occur every 6 weeks

Discussion was held regarding how the City of Lewisville receives 2% of the auction proceeds, regardless of where the vehicle was from, plus \$10 per vehicle; the auctioneer received 7%; and the towing company received the remaining funds. Police Chief Kerbow advised those fees were prescribed by State statute.

**Other Cities**

- No uniform process
  - Some cities use multiple companies
  - Some contract with a single vendor
  - City staff is not usually as involved in notifications or auctions when a single vendor is involved

**Revenue**

- State law requires companies to pay to the city:
  - \$10 per vehicle to be auctioned
  - 2% of the sale price of each vehicle auctioned

**Revenues**

\$10 fee per vehicle to be auctioned (was \$5 up to FY 2006)	\$24,070
2% of auction proceeds (offsets postage and advertising accounts in PD)	\$10,223
<b>FY 2007 TOTAL</b>	<b>\$34,293</b>

**Possibilities**

- Consider transferring abandoned vehicle auction responsibilities to wrecker companies on rotation, to include:
  - City's Notification Responsibilities under law (registered owner and lien holder)
  - Hiring an auctioneer or use city's auctioneer
  - Vehicle auctions

**Possibilities (cont'd)**

- Revenues would not change and might even increase\*
- State law still requires the \$10 per vehicle and 2% of auction proceeds amount to be paid to the city no matter who is sending notifications or doing the auction
  - \* RFP process might include "incentives" by the winning bidder

**Sales Receipts**

- State law requires the PD to issue a sales receipt for auctioned vehicles
- Auction sales receipts would be brought to the PD after the auction to be signed (rather than having a PD employee physically present at the auction – an affidavit would be required of the wrecker service/agent)
- All other paperwork processes currently in place to check for stolen vehicles prior to auction remain in place along with records to Finance

**Risks**

- Contracting with a wrecker service to act as the city's agent increases the risk of impropriety if few or no on-site inspections take place, i.e. stolen vehicles are inadvertently sold instead of returned to the owner/lien holder
- "Under-the-table" deals could occur if the wrecker service owner or operator also conducted the auction without hiring a professional
- City may not be able to avoid mediating disputes between parties involved in the auction process – the sales receipt is signed by police department

**Options**

- A. Contract with each wrecker company on the rotation list to act as the city's agent for the abandoned vehicle auction to include making official notifications and oversight of the auction
  - City could still contract with an auctioneer and require the wrecker company to use that service
  - Wrecker company can employ their own auctioneer
  - Wrecker company will provide an affidavit to the police department verifying purchase price for the sales receipt
  
- B. Contract with a single wrecker service to act as the city's agent for the auction process (could also include conducting all police pulls)
  - RFP would be issued; Majority of existing ordinance would be repealed
  - Contract could include incentives such as additional revenue to the city in addition to fees required by statute, free towing and road service of city vehicles, fees waived for citizens whose vehicles are stolen and recovered in Lewisville, and fees waived for occasional "mis-tows"
  - Single vendor handles all arrangements with other storage facilities or tow companies for abandoned vehicles
  
- C. Contract with a 3<sup>rd</sup> party to act as the city's agent to conduct abandoned vehicle auction - no cities contacted in survey operate this way

Discussion was held regarding the benefits of having the wrecker company handling the abandoned vehicles. Police Chief Kerbow advised that the Police Department would not have to send someone out to the lot to check the VIN numbers or be present at the auction site, thus saving staff time. In addition, it would save staff time for the Purchasing Department as they would not have to handle all the money and follow through requirements. Chief Kerbow

concluded by advising it would save a couple of hours of staff time for each auction every six weeks.

**Result if No Action Taken**

- If no change is desired, an additional property room technician is needed to assist in managing the property and evidence inventory. Time saved through contracting outside to manage the abandoned vehicle auction helps avoid the need for additional staff – there's likely an impact on staff in Finance

**Recommendation**

- Consider Option B
- Questions?

City Manager King advised that it was pretty rare where an ordinance specifies how a service is going to be obtained. He stated that normally that is done through a Request for Proposal (RFP) to review the best possible deal. Discussion was held regarding what could be included in the contract. City Manager King stated that each vendor could list their best deal and possibilities to be considered.

Councilman Tierney questioned if the tows would still rotate between the two towing companies. Chief Kerbow advised that no, it would just be one company for the Dispatchers to notify when pulls are needed. Discussion was held regarding if one company could handle all the tows. Brad Benson, Jr., from Brad's Towing advised he did not feel one towing company could handle all the tows at the rate Lewisville was growing. City Manager King advised that Lewisville has slowed down as we are almost built out. David Fowler from Pro Tow advised that he felt one company could handle all the tows as long as it is right one; however, the RFP would have to stipulate the requirements. Councilman Durham questioned if there could be more than two vendors submitting an RFP. Chief Kerbow advised that he anticipated there will be a number of vendors submitting an RFP.

Mr. Benson, Jr., referenced five insurance pulls that had been handled within 45 minutes on the past Friday. He advised that during the weeks they are on call they also pull City of Lewisville equipment. City Manager King stated that currently the towing companies are handling all the pulls during their week; however he acknowledged that there will be exceptions such as ice storm that may make it difficult for just one company. Chief Kerbow stated that there can be provisions in the ordinance that if the primary wrecker service cannot make the call then another is contacted. Further discussion was held that situation does happen currently if the towing company that has that week's rotation cannot respond to a towing pull.

Councilman Tierney clarified that the benefit of having only one company was to save the dispatchers confusion. Chief Kerbow stated that along with that, the City could also then contact out for auctioning service to save staff time. JoAnn Benson with Brad's Towing questioned if the auctions were something the towing companies could do to help the City. Chief Kerbow indicated that he did not feel there was anything they could do to alleviate staff time.

The consensus of the City Council present was to go out for an RFP and make a decision based on the results of the RFPs.

Mr. Benson, Jr. questioned what would happen to the current contract. Chief Kerbow advised that they have a certificate not a contract at this time and it will depend on what comes back on an RFP whether the current ordinance needs modified. Mayor Carey questioned how long it would take to get the RFP done. Chief Kerbow advised that it would not take very long as staff has been working on this process; however, everything will continue as it is now with no changes until RFP process is completed.

This portion of the workshop was concluded at 6:16 p.m.

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

**(Agenda Item B)**

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

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

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

Mayor Carey reviewed Agenda Item E-1, Approval of Minutes: City Council Minutes of the June 2, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Authorization to Solicit a Donation for the 2008 Lewisville Public Library Summer Reading Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2008-2009; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of a Resolution Approving the Fiscal Year 2009 Financial Plan of the Denco Area 9-1-1 District. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of Acceptance of the 2007 Homeland Security UASI Grant; and Approval of a Supplemental Appropriation in the Amount of \$32,500 to the FY 2007-2008 Grant Fund. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of Final Acceptance of the Traffic Signal Improvements 2007 Project; and Authorization to Make Final Payment to Roadway Solutions Inc., in the Amount of \$17,869.34. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Consideration of the Final Plat of Windhaven Parkway, a 10.01-Acre Tract Designated as Right-of-Way, Generally Located South of SH 121, East of Standridge Boulevard and West of Josey Lane With a Requested Variance to the Castle Hills Development Agreement, as Requested by TRC Solutions, Inc., Representing the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of Variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Exterior Finish, Driveway Stacking, Driveway Spacing, and Street Design Criteria; Associated With the J.D. Morris Facility Expansion as Requested by G&A Consultants Inc., Representing the Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Consideration of a Variance to the Lewisville City Code Chapter 11, Signs, to Allow Size of a Wall Sign as Requested by Barbara Mebane of Dancers Workshop at 190 West Main Street. City Manager King referenced the rendering for this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Consideration of a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric for Proposed Overhead Service Located East of Holford's Prairie Road on a Segment of Future Corporate

Drive Right-of-Way. City Manager King reviewed this item for the City Council. City Manager King advised that practically speaking the utility company works with the developer and the developer defrays the additional costs; however, if there is no developer or they are unwilling to defray costs there is no authority a city to require they be put underground based on the City of Allen case. City Manager King stated that there is an offsite case in the City of Carrollton that is bringing this about and CoServ and the developer will not pay for the utilities to be placed underground. City Manager King stated he would not recommend the City spend funds on putting these utilities underground as there are more locations within the city limits that would be better to spend funds putting utilities underground. Discussion was held regarding whether this portion of the ordinance is enforceable and if it should continue to be included. City Manager King advised he would not recommend changing the ordinance. Further discussion was held regarding if the City Council denied the request the City would be required to pay for the utilities to go underground. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Consideration of Approval of Establishment of an Ad Hoc Neighborhood Preservation Committee; and Appointment of Committee Members. Discussion was held regarding how to get individuals for this committee. City Manager King advised that they would have to determine the number of members and who these individuals would need to represent or what constituents residents and business. He further advised that it would also depend on the objectives for this group for neighborhood preservation. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. Mayor Carey recommend that the reappointments be made this evening. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Consideration of a Resolution Urging the North Central Texas Council of Governments Regional Transportation Council and the North Texas Tollway Authority to Support the Original Alignment and Plans for the Dallas North Tollway Extension Along the Denton County and Collin County Border. Councilman Durham reviewed the Collin County vote to rescind their agreement with Denton County on the alignment of Dallas North Tollway. He explained the only reason they want to make this change was they want the whole thing in their area because it is a revenue generator. Councilman Durham advised the proposed resolution was just asking the North Texas Toll Authority and the Regional Transportation Commission to keep the agreement as it was to run the Dallas North Tollway along the Denton/Collin County line as it had originally been proposed. There was no further discussion regarding this item.

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

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City Manager King advised that on Tuesday, June 24<sup>th</sup>, the Denton County Transportation Authority is having a stakeholder public input meeting at the Municipal Annex at 3:30 p.m. Mayor Carey requested that Mayor Pro Tem Thornhill and Councilman Tierney attend this meeting.

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

**Items of Interest to the Council**

**(Agenda Item C)**

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:51 p.m. on Monday, June 16, 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 16, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

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

**Pledge to the Flag**

**(Agenda Item B)**

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

**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 C)**

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 disannexed the property in November 2007. This public hearing represents the second of two public hearings necessary before the annexation can be formally approved.

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

Mayor Carey opened the public hearing.

Eric Ferris, Director of Community Development and Eric Stanley, Castle Hills Property Company were both present to respond to any questions posed by the City Council.

The second public hearing was held.

**Visitors/Citizens Forum**

**(Agenda Item D)**

Dianne Holiday, Director of Occupational Health Services, 500 West Main Street, Lewisville, Texas, spoke before the City Council to advised that effective January 1, 2009 the Medical Center of Lewisville would become a non-smoking campus. She encouraged the City Council to also consider a smoke free ordinance for all businesses.

Raul Abundis, 142 Eastwood, Lewisville, Texas, spoke before the City Council regarding the immigration issue. He advised that he supported law allowing any working illegal immigrant to become a temporary legal resident. He stated the right solution was the positive one caught up with love and consideration that favored God's will. He requested that the City Council help him with a new movement that pertained to peace and consideration and everything that is wholly and godly. He advised he wanted to start a movement and requested that everyone have his back.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

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

1. APPROVAL OF MINUTES: City Council Minutes of the June 2, 2008, Workshop Session and Regular Session.

2. Authorization to Solicit a Donation for the 2008 Lewisville Public Library Summer Reading Program.
3. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2008-2009; and Authorization for the City Manager to Execute the Agreement.
4. Approval of **Resolution No. 3580-06-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Approving the "Draft" Fiscal Year 2009 Financial Plan of the Denco Area 9-1-1 District, Pursuant to the Texas Health and Safety Code, Chapter 772, as Amended; and Providing an Effective Date.
5. Approval of Acceptance of the 2007 Homeland Security UASI Grant; and Approval of a Supplemental Appropriation in the Amount of \$32,500 to the FY 2007-2008 Grant Fund.
6. Approval of Final Acceptance of the Traffic Signal Improvements 2007 Project; and Authorization to Make Final Payment to Roadway Solutions Inc., in the Amount of \$17,869.34.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of the Final Plat of Windhaven Parkway, a 10.01-Acre Tract Designated as Right-of-Way, Generally Located South of SH 121, East of Standridge Boulevard and West of Josey Lane With a Requested Variance to the Castle Hills Development Agreement, as Requested by TRC Solutions, Inc., Representing the Property Owner**

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**(Agenda Item F-7)**

The subject plat will establish and dedicate the right-of-way for Windhaven Parkway west of Josey Lane and east of Castle Hills Phase 6. This section of Windhaven Parkway is within Castle Hills located in the City of Lewisville Extra Territorial Jurisdiction (ETJ). By the development agreement approved in 1996, Castle Hills is to be developed in accordance to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. The

developer proposes to construct Windhaven Parkway and associated utility improvements within the proposed right-of-way; and has applied for a variance to allow a lower design speed for Windhaven Parkway along with the final plat. The Planning and Zoning Commission voted 7-0 recommending in favor of the final plat and additional variances.

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

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

**MOTION:** Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) "ayes" and no (0) "nays" to approve the Final Plat of Windhaven Parkway, a 10.01-acre tract designated as right-of-way, generally located south of SH 121, east of Standridge Boulevard and west of Josey Lane and approved a variance to the Castle Hills Development Agreement, as requested by TRC Solutions, Inc., representing the property owner to construct Windhaven Parkway and associated utility improvements within the proposed right-of-way and allow a lower design speed for Windhaven Parkway. The motion carried.

**Consideration of Variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Exterior Finish, Driveway Stacking, Driveway Spacing, and Street Design Criteria; Associated With the J.D. Morris Facility Expansion as Requested by G&A Consultants Inc., Representing the Owner**

**(Agenda Item F-8)**

The J.D. Morris manufacturing facility located on Valley Ridge Boulevard west of North Mill Street is planning an expansion to the existing building. Staff has reviewed the proposed engineering site plan prepared by G&A Consultants, Inc. and has identified the following variances: a) to waive the brick veneer requirement and allow the addition to match the exterior finish on the existing building; b) to waive the 40-foot stacking requirement at each driveway allowing the existing 20-30 feet of stacking at the existing driveways to remain; c) to allow existing driveways to remain with less than minimum spacing between adjacent driveways; and d) to allow dedication of a 5-foot wide street and utility easement instead of 5 feet of additional right-of-way on Valley Ridge Boulevard.

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

David Salmon, P.E., Assistant City Engineer, Cleve Joiner, Building Official, and R. Von Beougher, P.E., G&A Consultants Inc., were all 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 three (3) “ayes” and no (0) “nays” to approve the following variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Exterior Finish, Driveway Stacking, Driveway Spacing, and Street Design Criteria; Associated with the J.D. Morris Facility Expansion as requested by G&A Consultants Inc., representing the owner: a) to waive the brick veneer requirement and allow the addition to match the exterior finish on the existing building; b) to waive the 40-foot stacking requirement at each driveway allowing the existing 20-30 feet of stacking at the existing driveways to remain; c) to allow existing driveways to remain with less than minimum spacing between adjacent driveways; and d) to allow dedication of a 5-foot wide street and utility easement instead of 5 feet of additional right-of-way on Valley Ridge Boulevard. The motion carried.

**Consideration of a Variance to the Lewisville City Code Chapter 11, Signs, to Allow Size of a Wall Sign as Requested by Barbara Mebane of Dancers Workshop at 190 West Main Street**

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**(Agenda Item F-9 )**

The proposed sign is a tenant wall sign to be located on the north elevation of the building at 190 W. Main Street, Suite 103-105. According to the Sign Ordinance, in the Old Town Center District the maximum allowable size for a tenant sign is twelve square feet. The dimensions of the proposed wall sign are 16’ x 2’ at a total area of 32 square feet. Ms. Mebane is requesting a variance to the Sign Ordinance to allow the sign to exceed the maximum allowable area for a tenant sign because of the large area of façade for the space that her business occupies.

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

Sarah McLain, Economic Development Specialist and Barbara Mebane, Owner, Dancers Workshop were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and no (0) “nays” to approve a variance to allow the sign to exceed the maximum allowable area for a tenant sign with dimensions of the wall sign to be 16’ x 2’ at a total area of 32 square feet because of the large area of façade for the space that her business occupies. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric for Proposed Overhead Service Located East of Holford’s Prairie Road on a Segment of Future Corporate Drive Right-of-Way**

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**(Agenda Item F-10)**

CoServ Electric applied for a permit on May 15, 2008 to upgrade existing and extend new overhead distribution lines in East Lewisville to provide a looped feed serving a proposed apartment complex within the Carrollton City Limits. Staff denied the permit for the overhead extensions citing the requirement that new distribution lines are required to be installed underground. CoServ Electric is requesting a variance to install overhead electric lines along the south boundary of Oak Point Mobile Home Park and adjacent to the right-of-way for the future extension of Corporate Drive.

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

City Manager Claude King advised the bottom line was if the City Council wanted to require the underground utilities then the City would have to fund the underground utilities in this area. City Manager King further advised that this area would have no visibility and he would recommend that the funds for underground utilities be spent in another area that does have visibility.

Councilman Durham stated he was opposed to this as either the City has the right to require underground utilities or there is no need to have a variance. He stated that the City of Lewisville has to start somewhere and he doubted that when this development gets in the City of Carrollton the utilities would be aboveground. Councilman Durham further stated that if the developer and CoServ does not want to pay for underground utilities then they do not need to build the development.

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

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted two (2) “ayes” and one (1) “nays,” with Councilman Durham casting the negative vote to approve the variance. The motion was declared passed; however, upon further review it was determined by the City Attorney Liz Plaster that the motion failed due to lack of three votes.

**Consideration of Approval of Establishment  
of an Ad Hoc Neighborhood Preservation  
Committee; and Appointment of Committee  
Members**

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**(Agenda Item F-11)**

At the February 2008 retreat, the City Council requested that an Ad Hoc Neighborhood Preservation Committee of residents and other stakeholders be formed to examine issues such as street parking, occupancy limits, revitalization strategies, code enforcement, etc. Staff is recommending that an Ad Hoc Neighborhood Preservation Committee be appointed to define specific goals and action steps. The recommended committee could be composed of seven to nine members with suggested representatives from older neighborhoods and/or businesses, if possible. If City Council establishes this ad hoc committee, staff will need direction on how they wish to proceed with the appointment process of the members.

The City staff’s recommendation was that the City Council consider the establishment of an Ad Hoc Neighborhood Preservation Committee, and if established, consider appointments.

Discussion was held regarding how many members would comprise this committee. The general consensus of the City Council was that there should be seven members. Two members should be homeowners and two business owners. The City Council also discussed what topics this committee would examine. The general consensus was that the committee could examine issues such as street parking, occupancy limits, revitalization strategies, code enforcement, etc; however, they wanted to wait to make an exact determination when all City Council members were present. The target area for this committee was also discussed.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and no (0) “nays” to create a Ad Hoc Neighborhood Preservation Committee comprised of seven members, five homeowners and two business owners, and to make contact with homeowner organizations or crime watch organizations, and to advertise to develop a pool of candidates to choose from to examine issues such as street parking, occupancy limits, revitalization strategies, code enforcement, etc. The motion carried.

Raul Abundis, 142 Eastwood, Lewisville, Texas spoke again before the City Council to express his interest in serving on this committee. Mayor Carey advised that Mr. Abundis that this would be a voluntary position.

**Consideration of Resolution No. 3581-06-2008(R) Urging the North Central Texas Council of Governments Regional Transportation Council and the North Texas Tollway Authority to Support the Original Alignment and Plans for the Dallas North Tollway Extension Along the Denton County and Collin County Border.**

**(Agenda Item F-13 )**

On January 10, 2005 the Collin County Commissioners Court adopted a resolution accepting a "County Line" alignment between FM 428 and the Collin-Denton County lines as the alignment for the construction of a future extension of the Dallas North Tollway. The Collin County Commissioners Court has now revoked their original acceptance of this agreement and favors an alignment that brings the future road completely within their borders with no part traversing Denton County. The attached resolution urges the North Central Texas Council of Governments Regional Transportation Council and the North Texas Tollway Authority to support the original proposed alignment of the future Dallas North Tollway.

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

Councilman Durham reviewed this item for the City Council.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted three (3) "ayes" and no (0) "nays" to approve **Resolution No. 3581-06-2008(R)**. The motion carried.

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

**(Agenda Item F-12)**

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.

The City staff's recommendation was that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) "ayes" and no (0) "nays" to reappoint the following members with term limits to expire June 2010:

Animal Services Advisory Committee

Pat Jackson            Place No. 4

Community Development block Grant Advisory Committee

Barbara Judkins      Place No. 2  
Carol Rooney        Place No. 4  
Kevin Davis          Place No. 6

Library Board

Karen Locke          Place No. 2  
Erika Lowery         Place No. 4  
Christina Lancaster   Place No. 6

Old Town Design Review Committee

James Crockett      Place No. 4

Park Board

Jeff Pelletier        Place No. 2  
Tippi Sorensen      Place No. 4  
Katy Morris          Place No. 6  
David Adkisson      Place No. 8

Planning and Zoning Commission

Karen Boenker        Place No. 1  
Rodney Russell      Place No. 3  
Bill Price             Place No. 5  
James Davis          Place No. 7

Zoning Board of Adjustment

Stephanie Rogers Place No. 2  
Marshan Naragon Place No. 4

and tabled the appointment of vacancies to the July 7, 2008, City Council meeting. The motion carried.

**(Agenda Item G)**

**Reports**

- Police Chief Russ Kerbow invited everyone to come out and see the Battle of the Badge this weekend. He also invited everyone out to a cook out at Castlehills for the new Crime Watch Group from 5 to 9
- Director of Community Development Eric Ferris announced on July 1<sup>st</sup> the kick off of the Single Family Rental Program that came out of the City Council retreat would happen.
- Mayor Pro Tem David Thornhill encouraged everyone to carry on with prayers for the Midwest for all the flooding damage and the four Boy Scouts and their families.
- Councilman Tierney referenced the Single Family Rental Inspection Program and advised that the Greater Lewisville Area Realtors have been very complimentary of City staff and they are taking what the City of Lewisville has done to other communities so they can do similar programs in their area.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:44 p.m. Monday, June 16, 2008, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item H)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:45 p.m. on Monday, June 16, 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 551.074 (Personnel):

2. Appointment of City Health Officer

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 8:30 p.m. on Monday, June 16, 2008.

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

**(Agenda Item I)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:36 p.m. on Monday, June 16, 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.

**Adjournment**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted three (3) “ayes” and no (0) “nays” to appoint Stewart Coffman, MD as the City Health Officer. The motion carried.

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

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:36 p.m. on Monday, June 16, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 7th day of July, 2008.

APPROVED

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Gene Carey  
MAYOR

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
JUNE 16, 2008**

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ATTEST:

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Julie Heinze  
CITY SECRETARY