

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**JULY 7, 2008**

**Present:**

Gene Carey, Mayor

**Council Members:**

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

**City Staff:**

Claude King, City Manager  
Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Julie Heinze, City Secretary  
Ronald J. Neiman, City Attorney

**WORKSHOP SESSION – 6:30 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 6:30 p.m. on Monday, July 7, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

**(Agenda Item A)**

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 the Month of July, 2008, as “Parks and Recreation Month”. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Carey reviewed Agenda Item D-1, Presentation, Certificates of Appointment and Oaths-of-Offices to Reappointed and Newly Appointed Members of the City's Boards/Commissions/ Committees. There was no discussion on this item

Mayor Carey reviewed Agenda Item D-2, Presentation, Texas Municipal Library Directors Association 2007 Achievement of Excellence in Libraries Award. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Medical District (MD) on a 4.0 Acre Tract Located at the Northwest Corner of Highpoint Oaks Drive and Vista Ridge Mall Drive, and Further Identified as Part of Lot 1, Block A of the Highpoint Oaks Addition; as Requested by Churchill Residential, Inc., With Authorization of the Current Property Owner Highpoint Oaks, Ltd. (Case No. PZ20080408). There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Public Use (PU) on a 6.06 Acre Tract Located at 900 South Mill Street; Further Identified as Lot 1, Block A of the Payless Cashways Addition, Section One, as Requested by the Lewisville Independent School District, the Current Property Owner (Case No. PZ20080616). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item G-3, Approval of Minutes: City Council Minutes of the June 16, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-4, Approval of Change Order No. 1 to Trenchless Methods, Inc., West Monroe, Louisiana, in the Amount of \$37,119.50 for the 2007 CDBG Sanitary Sewer Rehab Project; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Carey reviewed Agenda Item G-5, Approval of a Change Order to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas, in the Amount of \$95,598 for the Construction of a Vehicle Storage Shelter for the Police Department; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-6, Approval of a Professional Services Agreement With PFM Asset Management LLC for Consulting, Investment Advisory and Management Services in Connection With the Creation of a Post-Employment Health Benefits Liability Management Program; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-7, Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$229,958 for a Sanitary Sewer Evaluation Study; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Approval of a Supplemental Appropriation in the Amount of \$5,500 to the Fiscal Year 2007-2008 Fire Training Fund. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Approval of a Resolution Suspending the August 8, 2008, Effective Date of Oncor Electric Delivery Company Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Oncor Cities Steering Committee to Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel for the Steering Committee. Mayor Carey advised that he wanted to pull this item from the Consent Agenda and be discussed in open session. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Approval of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Judy Kay Ferguson. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Carey reviewed Agenda Item H-11, Consideration of a Variance to the Lewisville City Code, Section 11-14(B), Prohibited Signs, Regarding an Electronic Message Center Sign to be Located at the CVS Pharmacy Located at 100 West Corporate Drive as Requested by Kaliki Mendoza With Southwest Signs, Representing the Owner. Discussion was held that a similar variance had been granted to the Walgreens; however, they were not currently in compliance with the stipulation that the sign only be changed every 24 hours. City Manager King reviewed the variances that had been granted to allow electronic message center signs were for public or semi-public entities. He reviewed where they had been granted and where they had been denied. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item H-12, Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Use, Relating to Street Design Criteria; Associated With the Texas New Mexico Power Substation Site on Garden Ridge Boulevard as Requested by G&A Consultants Inc., Representing the Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-13, Consideration of a Variance to the Lewisville City Code, Chapter 9, Section 9.5-29 Plat Required, Allowing a Building Permit to be Issued for a Smoker Shelter at 136 West Main Street. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-14, Consideration of a Variance to Lewisville City Code, Article 5, Special Events, Chapter Section 7-150(1), 7-150(5); Church Street and Charles Street Temporary Road Closures on July 10 and July 24, 2008, for “Reel Lewisville” Outdoor Movie Nights. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-15, Consideration of the FY 2008-2009 Community Development Block Grant (CDBG) Draft Budget in the Amount of \$569,895; and Acknowledge Receipt of the Recommended FY 2008-2009 City Social Service Agency Fund Budget of \$173,250 From the CDBG Advisory Committee. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-16, Consideration of an Ordinance Disannexing a Five Foot Strip Totaling 0.3668 Acres 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.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Carey reviewed Agenda Item H-17, Consideration of an Ordinance Annexing 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 H-18, Declare a Vacancy Exists in Place No. 7 on the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Place No. 7 on the Lewisville Parks and Library Development Corporation. Mayor Carey advised that this item would be discussed during Closed Session. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-19, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-20, 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 advised that City staff was still trying to get some more answers related to this item due to information that had come to light after the meeting regarding the boundary of the property line. Mayor Carey advised that this item would need to be tabled. There was no further discussion.

Mayor Carey reviewed Agenda Item I, Reports, Second Quarter Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J, 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 6:46 p.m. on Monday, July 7, 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, July 7, 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 Thornhill gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

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

**Proclamation: Declaring the Month of July,  
2008, as "Parks and Recreation Month"**

**(Agenda Item C)**

Mayor Carey read and presented a proclamation declaring the month of July, 2008, as "Parks and Recreation Month" to Athletic Supervisor Teddy Gibbs and Recreation Manager Wayne Picket.

**Presentation: Certificates of Appointment  
and Oaths-of-Offices to Reappointed and  
Newly Appointed**

**(Agenda Item D-1)**

Mayor Carey read and presented Certificates of Appointment to Katy Morris, Park Board; Karen Locke, Library Board; Erika Lowery, Library Board; Bill Price, Planning and Zoning Commission; Marshan Naragon, Planning and Zoning Commission; Rodney Russell, Planning and zoning Commission; James Davis, Planning and Zoning Commission.

City Secretary Julie Heinze conducted the oaths of office for the following individuals: Katy Morris, Park Board; Karen Locke, Library Board; Erika Lowery, Library Board; Bill Price, Planning and Zoning Commission; Marshan Naragon, Planning and Zoning Commission; Rodney Russell, Planning and zoning Commission; James Davis, Planning and Zoning Commission.

**Presentation: Texas Municipal Library Directors Association 2007 Achievement of Excellence in Libraries Award**

(Agenda Item D-2)

Mayor Carey presented the Texas Municipal Library Directors Association 2007 Achievement of Excellence in Libraries Award to Library Director Ann Wiegand and Library Board Members Karen Locke and Erika Lowery.

**Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Medical District (MD) on a 4.0 Acre Tract Located at the Northwest Corner of Highpoint Oaks Drive and Vista Ridge Mall Drive, and Further Identified as Part of Lot 1, Block A of the Highpoint Oaks Addition; as Requested by Churchill Residential, Inc., With Authorization of the Current Property Owner Highpoint Oaks, Ltd. (Case No. PZ20080408)**

(Agenda Item E-1)

The site is currently zoned Light Industrial and is part of a larger lot in the Highpoints Oaks Addition, an industrial park located at the southwest corner of SH 121 Business and Denton Tap Road. In order for senior apartments to qualify under Medical District zoning the apartments must have an age restriction allowing only senior citizens as well as provide a level of senior programs not typically found in apartments. Churchill Residential has a good reputation for building a quality retirement community including their facility on Garden Ridge Boulevard just south of Main Street, one of at least seven independent living, assisted living or nursing home facilities in Lewisville. Three of the existing senior housing projects are adjacent to Light Industrial zoning, but in each of these situations the senior apartments are at least on the outskirts of a residential neighborhood. Unlike the other senior projects, however, all of the land adjacent to or across the street from this proposed project is in an industrial park, giving this request the appearance of spot zoning. The Planning and Zoning Commission recommended approval of the request on a vote of 4-3 at their June 3, 2008, meeting. The applicant has asked for the public hearing to be continued to the July 21, 2008 meeting to allow time to prepare a legal description of the tract.

The City staff's recommendation was that the City Council continue the public hearing until July 21 on the requested zone change from Light Industrial (LI) to Medical District (MD).

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 continue the public hearing to the July 21, 2008, City Council meeting. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3582-07-2008(Z) for a Zone Change Request From General Business (GB) to Public Use (PU) on a 6.06 Acre Tract Located at 900 South Mill Street; Further Identified as Lot 1, Block A of the Payless Cashways Addition, Section One, as Requested by the Lewisville Independent School District, the Current Property Owner (Case No. PZ20080616)**

**(Agenda Item E-2 )**

This property was originally the location of the Payless Cashways store, which later became 84 Lumber and is currently zoned General Business. General Business has a limitation on outdoor storage of 10 percent of the platted lot. The LISD is planning on using this facility primarily for book storage and supplemental parking for school buses. If there is surplus bus parking on the lot for vehicles not in use on a regular basis, such as during the summer months, that use is typically counted as storage. The change in zoning will allow LISD to use more than 10 percent of the lot for this type of bus parking, although any “storage” will still have to be screened from view. Were this case to be denied, the LISD would have to operate under the parking regulations in General Business. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 7-0 at their June 3, 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 Public Use (PU).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Michael Perry, 1170 Lloyd Road, Little Elm, Texas 75068, were both available to respond to any questions posed by the City Council.

**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 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 6.06 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From General Business (GB) District Zoning to 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 Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3582-07-2008(Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item F)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item G)**

Mayor Carey advised that the following item would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 9 – Approval of a Resolution Suspending the August 8, 2008, Effective Date of Oncor Electric Delivery Company Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Oncor Cities Steering Committee to Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel for the Steering Committee.

**MOTION:** Upon a motion made by Councilman Ueckert 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:

3. APPROVAL OF MINUTES: City Council Minutes of the June 16, 2008, Workshop Session and Regular Session.
4. Approval of Change Order No. 1 to Trenchless Methods, Inc., West Monroe, Louisiana, in the Amount of \$37,119.50 for the 2007 CDBG Sanitary Sewer Rehab Project; and Authorization for the City Manager to Execute the Change Order.
5. Approval of a Change Order to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas, in the Amount of \$95,598 for the Construction of a Vehicle Storage Shelter for the Police Department; and Authorization for the City Manager to Execute the Change Order.
6. Approval of a Professional Services Agreement With PFM Asset Management LLC for Consulting, Investment Advisory and Management Services in Connection With the Creation of a Post-Employment Health Benefits Liability Management Program; and Authorization for the City Manager to Execute the Agreement.
7. Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$229,958 for a Sanitary Sewer Evaluation Study; and Authorization for the City Manager to Execute the Agreement.
8. Approval of a Supplemental Appropriation in the Amount of \$5,500 to the Fiscal Year 2007-2008 Fire Training Fund.
10. Approval of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Judy Kay Ferguson.

The motion carried.

**END OF CONSENT AGENDA**

Mayor Carey advised that the following individuals had filled out position cards indicating their support of Consent Agenda Item No 10:

Tracy Perkins, 159 West Main Street, #100, Lewisville, Texas 75067  
Amanda Ferguson, 937 Timber Creek Drive, Lewisville, Texas 75067  
Sharon Ellis, 340 Waters, Lewisville, Texas 75057  
Judy Kay Ferguson, 320 West Main Street, Lewisville, Texas 75067

**Approval of Resolution No. 3583-07-25008(R): A Resolution of the City Council of the City of Lewisville, Texas, Suspending the August 8, 2008, Effective Date of Oncor Electric Delivery Company Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Oncor Cities Steering Committee to Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel for the Steering Committee**

**(Consent Agenda Item G-9)**

Oncor Electric Delivery Company (formerly TXU Electric Delivery) filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. The Company asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. The resolution suspends the August 8, 2008 effective date of the Company's rate increase for a period of 90 days to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing. The City has approximately 500 customers in isolated pockets throughout the City.

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

**MOTION:** Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 3583-07-2008(R)**, as previously captioned. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Section 11-14(B), Prohibited Signs, Regarding an Electronic Message Center Sign to be Located at the CVS Pharmacy Located at 100 West Corporate Drive as Requested by Kaliki Mendoza With Southwest Signs, Representing the Owner**

**(Agenda Item H-11)**

CVS Pharmacy is requesting a variance to upgrade the existing free-standing sign by replacing the upper sign of 62.4 sf., which is allowable according to the ordinance, and replacing the lower informational sign with an electronic message board at a reduced size of 40 sf. The Lewisville City Code prohibits electronic message boards that display any message beyond the time, date and temperature. Southwest Signs is requesting the electronic message board for the purpose of advertisement. City staff has reviewed the request and recommends denial.

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

Cleve Joiner, Building Official, was available for any question posed by the City Council.

John Von Rosenberg, Southwest Signs, 1000 Post & Paddock, Grand Prairie, Texas 75050, spoke before the City Council in support of this item.

Discussion was held that the City Council, with the exception of Councilman Durham, were not in favor of granting this variance. Councilman Durham questioned Mr. Von Rosenberg if his client would be interested in the same option the Walgreens on 3040 and Valley Parkway had been allowed for a variance to be granted with the stipulation that the image could not change for a 24 hour period. Mr. Von Rosenberg advised that he could contact his client to determine if they would be interested in this stipulation.

Discussion was held that the Walgreens has not been in compliance. City Manager King advised that staff was currently working with them to come into compliance with the original stipulation to not change the sign for a 24 hour period.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the July 21, 2008, City Council meeting. The motion carried.

City Manager King clarified that the City Council were fine with whatever the message was on the board, regardless of length; however, it could not change more than once a day nor could it scroll or flash. The City Council advised that was correct.

**Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Use, Relating to Street Design Criteria; Associated With the Texas New Mexico Power Substation Site on Garden Ridge Boulevard as Requested by G&A Consultants Inc., Representing the Owner**

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**(Agenda Item H-12)**

Texas New Mexico Power is expanding their office building at the Garden Ridge Boulevard substation located south of College Parkway. Therefore, a new engineering site plan is being prepared for the property. Staff has reviewed the proposed engineering site plan prepared by G&A Consultants, Inc., and has identified a variance to allow dedication of a street, sidewalk and utility easement instead of additional right-of-way on Garden Ridge Boulevard for a proposed deceleration lane.

The City staff's recommendation was that the City Council approve 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 Mayor Pro Tem Thornhill and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Chapter 6, Land Use, Relating to Street Design Criteria; associated with the Texas New Mexico Power Substation Site on Garden Ridge Boulevard as requested by G&A Consultants Inc., representing the owner to allow dedication of a street, sidewalk and utility easement instead of additional right-of-way on Garden Ridge Boulevard for a proposed deceleration lane. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Chapter 9, Section 9.5-29 Plat Required, Allowing a Building Permit to be Issued for a Smoker Shelter at 136 West Main Street**

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**(Agenda Item H-13 )**

At the present time, the General Development Ordinance and Old Town Development Ordinance each require property to be platted and have an approved Engineering Site Plan or Old Town Development Plan before a building permit can be issued. Staff is currently working on an amendment to allow an exception under certain circumstances when the new building or add-on is small enough to not significantly impact the site. An Old Town Development Plan is in review for

this site, which has long been used for a restaurant and adjoining patio, but it was discovered that the two tracts have never been platted. The tracts are currently identified as Tracts 120 and 121 of the J.W. King Survey, Abstract 696. The expense and time necessary to plat the property are out of proportion for a small smoker shelter as proposed. Staff feels this is a good example of circumstances when a plat provides little direct benefit.

The City staff's recommendation was that the City Council approve the variance to the Lewisville City Code, Chapter 9, Section 9.5-29 Plat Required, allowing a building permit to be issued for a smoker shelter at 136 West Main Street.

Gene Lewis, Planning and Community Services Manager, was present to respond to any questions posed by the City Council.

Bill Peck, 105 West Main Street, Lewisville, Texas 75057, spoke before the City Council in favor of this request.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to allow a Building Permit to be issued for a Smoker Shelter at 136 West Main Street. The motion carried.

**Consideration of a Variance to Lewisville City Code, Article 5, Special Events, Chapter Section 7-150(1), 7-150(5); Church Street and Charles Street Temporary Road Closures on July 10 and July 24, 2008, for "Reel Lewisville" Outdoor Movie Nights**

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**(Agenda Item H-14)**

The City of Lewisville Community Relations and Tourism department will present Reel Lewisville on Thursday, July 10, and Thursday, July 24 on the City-owned vacant property located at the corner of Church Street and Charles Street. Reel Lewisville will be a free outdoor movie series designed to enhance development of Old Town Lewisville as a local and regional entertainment destination.

The City staff's recommendation was that City Council approve temporary road closures on Church Street, between Mill Street and Herod Street, and on Charles Street, between Walters Street and Main Street, from 8 to 11:30 p.m. on Thursday, July 10, and Thursday, July 24.

**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 a variance to Lewisville City Code, Article 5, Special Events, Chapter Section 7-150(1), 7-150(5) to approve temporary road closures on Church Street, between Mill Street and Herod Street, and on Charles Street, between Walters Street and Main Street, from 8 to 11:30 p.m. on Thursday, July 10, and Thursday, July 24, for “Reel Lewisville” Outdoor Movie Nights. The motion carried.

**Consideration of the FY 2008-2009  
Community Development Block Grant  
(CDBG) Draft Budget in the Amount of  
\$569,895; and Acknowledge Receipt of the  
Recommended FY 2008-2009 City Social  
Service Agency Fund Budget of \$173,250 From  
the CDBG Advisory Committee**

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**(Agenda Item H-15 )**

The U.S. Department of Housing and Urban Development (HUD) has announced that \$569,895 is available for funding eligible Community Development Block Grant projects for FY 2008-2009 (down from \$583,141 this year and a high of \$676,110 in 04/05). The CDBG Advisory Committee evaluated and prioritized proposals and prepared a Draft Budget. Grant Administration is capped at \$113,979. The Draft Budget is a step in preparing an Annual Action Plan to submit to HUD as required for receipt of CDBG entitlement funding. Additionally, the Committee is recommending \$173,250 in City Social Service Agency Funds. All currently funded Category II agencies applied this year for renewal funding. The CDBG Advisory Committee, at their June 17, 2008 meeting voted 7-0 to adopt a proposed budget allocating a total of \$743,145 from the CDBG and City Social Service Agency programs.

The City staff’s recommendation was that the City Council approve the FY 2008-2009 Community Development Block Grant (CDBG) Draft Budget in the amount of \$569,895; and acknowledge receipt of the recommended FY 2008-2009 City Social Service Agency Fund Budget of \$173,250 from the CDBG Advisory Committee.

Jamey Kirby, Grants Coordinator, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve the FY 2008-2009 Community Development Block Grant (CDBG) Draft Budget in the amount of \$569,895; and acknowledge receipt of the recommended FY 2008-2009 City Social Service Agency Fund Budget of \$173,250 from the CDBG Advisory Committee. The motion carried.

**Consideration of Ordinance No. 3584-07-2008 Disannexing a Five Foot Strip Totaling 0.3668 Acres 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 H-16)**

Castle Hills Property Company has acquired a 23.82 acre tract which was located in the Town of Hebron and is on the fringe of the City of Lewisville's ETJ area. The Town of Hebron disannexed the property in November 2007. 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. Prior to annexing this new property, the City must disannex the current five foot strip in this area, which will allow for a new five foot strip to take its place which incorporates the 23.82 acre addition. The City of Lewisville held two public hearings on the requested annexation in June 2008.

The City staff's recommendation was that the City Council approve the proposed ordinance disannexing the five foot strip totaling 0.3668 acres from the City of Lewisville as requested by Castle Hills Property Company.

Gene Lewis, Planning & Community Services Manager, 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, Disannexing the Hereinafter Described Tract of Land From the City of Lewisville, Providing a Severability Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency."

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3584-07-2008**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3585-07-2008 Annexing 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 H-17)

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. The City of Lewisville held two public hearings on the requested annexation in June 2008.

The City staff's recommendation was that the City Council approve the proposed ordinance annexing this new five foot strip totaling 0.275 acres into the City of Lewisville as requested by Castle Hills Property Company.

Gene Lewis, Planning & Community Services Manager, 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, Annexing 0.275 Acres Adjacent and Contiguous Territory to the City of Lewisville, Texas, Finding That all Necessary and Required Legal Conditions Have Been Satisfied; Providing That Such Area Shall Become a Part of the City and That the Owners and Inhabitants Thereof Shall be Entitled to the Rights and Privileges of Other Citizens and be Bound by the Acts and Ordinances Now in Effect and to be Hereinafter Adopted; Providing a Severability Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency."

**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 approve and adopt **Ordinance No. 3585-07-2008**, as previously captioned. The motion carried.

Mayor Carey advised that Agenda Item H-18 would be discussed in Closed Session.

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

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**(Agenda Item H-19 )**

At the June 16, 2008 City Council meeting, Board/Commission/Committee members who had indicated their desire to continue serving were reappointed. Four members had indicated they no longer were able to continue to serve. Those vacancies exist on the following: Animal Services Advisory Committee – 2; Zoning Board of Adjustment -1; and Old Town Design Review Committee – 1.

The City staff's recommendation was that the City Council proceed with the appointment process to the vacancies on the Animal Services Advisory Committee, Zoning Board of Adjustment, and Old Town Design Review Committee.

**MOTION:** Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to appoint the following individuals with terms to expire June 2010:

Denise Jeffery, Place No. 2, Animal Control Advisory Committee  
Janice Magrini, Place No. 6, Animal Control Advisory Committee  
Amanda Ferguson, Place No. 2, Old Town Design Review Committee  
Reuben Retzlaff, Alt Place No. 2, Zoning Board of Adjustment

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 H-20)**

At the last Council meeting, Staff incorrectly advised you that the variance request was approved by your 2-1 vote. Actually, the City Charter requires that all actions must receive at least 3 affirmative votes. Accordingly, the agenda item is still open for some action to be taken. Since that meeting several issues have arisen and a survey is being prepared for the applicant to determine with certainty if the lines will be in the Lewisville city limits. Therefore, it is recommended that this item be tabled until the July 21, 2008 meeting

The City staff's recommendation was that the City Council table this issue until the July 21, 2008 meeting.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the July 21, 2008, City Council meeting. The motion carried.

**Reports**

**(Agenda Item I)**

- Second Quarter Boards/Commissions/Committees Attendance Reports.
- Director of Parks and Leisure Services Robert Mongahan advised that the City would be hosting the North Texas Lifeguard Games at Sun Valley and College Street Pools.
- Police Chief Kerbow advised of the upcoming Neighborhood Community Hot Dog Cookouts.
- Assistant City Manager Donna Barron advised of the upcoming Summer Music Series.
- Director of Community Development Eric Ferris advised that the City had hired Tom Black as the new Traffic Engineer.
- Deputy Mayor Pro Tem Watts sent condolences to the families that lost family members over the weekend at the Lake.
- Mayor Carey thanked the Fire and Police Chiefs for their respective Departments hard work over the weekend.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:57 p.m. Monday, July 7, 2008, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item J)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:00 p.m. on Monday, July 7, 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 to the Lewisville Parks and Library Development Corporation

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 9:35 p.m. on Monday, July 7, 2008.

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

**(Agenda Item K)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:40 p.m. on Monday, July 7, 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.

**Declare a Vacancy Exists in Place No. 7 on  
the Lewisville Parks and Library  
Development Corporation; and  
Consideration of an Appointment to Place  
No. 7 on the Lewisville Parks and Library  
Development Corporation**

**(Agenda Item H-18 )**

Due to the passing of Wayne Ferguson there is a vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation. The City Council will need to consider a new appointment to fill the vacancy in Place No. 7.

The City staff's recommendation was that the City Council declare a vacancy exists; and consider an appointment to fill the vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation.

**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 table this item to the July 21, 2008, City Council meeting. The motion carried.

**Property Acquisition**

**(Closed Session Agenda Item J-1 )**

**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 authorize the City Manager to sign the Real Estate contract with Mulkey Mason Funeral Home and all related documents. The motion carried.

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

**Adjournment**

**(Agenda Item L)**

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:40 p.m. on Monday, July 7, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 21<sup>st</sup> day of July, 2008.

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY