

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JULY 6, 2009

Present:

Dean Ueckert, Mayor

Council Members:

David Thornhill, Mayor Pro Tem
Lathan Watts, Deputy Mayor Pro Tem
Greg Tierney
Rudy Durham
John Gorena

City Staff:

Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:00 p.m. on Monday, July 6, 2009, 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 Regarding Gateway Signs

(Agenda Item A)

Parks and Leisure Services Robert Monaghan conducted a PowerPoint Presentation regarding Gateway Signs.

Discussion was held regarding the PowerPoint and staff requested City Council review the presentation and let them know their top five picks and then this would come back at a later date.

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

(Agenda Item B)

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

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

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C, Proclamation, Declaring the Month of July, 2009, as "Parks and Recreation Month". There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-1, Presentation, Texas Municipal Library Directors Association 2008 Award Presented to Library Manager Ann Wiegand; and, D-2, 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 these items.

Mayor Ueckert reviewed Agenda Item E, Closed Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-1, Public Hearing: Consideration of a Strategic Partnership Agreement Between the City of Lewisville and Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-2, Public Hearing: Consideration of an Ordinance Amending Lewisville City Code, Chapter 17 the Comprehensive Zoning Ordinance, Section 17-20 (a) Medical District Zoning Use Regulations. There was no discussion on this item.

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

Mayor Ueckert reviewed Agenda Item H-3, Approval of Minutes (a) City Council Minutes of the June 15, 2009, Workshop Session and Regular Session; and (b) City Council Minutes of the June 18, 2009, Called-Special Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-4, Approval of Final Acceptance of the Waterline Replacements 2006, Phase 2 Project; and Authorization to Make Final Payment to RKM Utility Services, Inc., in the Amount of \$17,210.04. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-5, Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company,

Eules, Texas (Primary Vendor); and Austin Asphalt, L.P., Irving, Texas (Secondary Vendor). There was no discussion on this item.

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

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item H-6, Approval of a Professional Services Agreement for Arts Center Materials Testing Services to GME Consulting Services, Inc., in the Amount of \$63,201; and Authorization for the City Manager, or his Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-7, Approval of a Professional Services Agreement With PageSoutherlandPage Architects in the Amount of \$163,180 for Architectural Services to Remodel the Police Station; and Authorization for the City Manager, or his Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-8, Approval of a Resolution Approving the Fiscal Year 2010 Financial Plan of the Denco Area 9-1-1 District. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-9, Acceptance of a Donation of a Weather Station and Software Valued at \$3,700 From Interspec LLC for the Railroad Park Irrigation System. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item I-10, Consideration of Two Variances to Lewisville City Code for a Commercial Development Located at 169 Lake Park Road; as Requested by Vilbig & Associates Inc., on Behalf of the Property Owner. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item I-11, Consideration of a Linear Park Option for the Highland Lakes Park Mitigation Related to the Texas Department of Transportation's IH-35E Widening Improvements. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item I-12, Second and Final Reading: Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric ("CoServ"); and Providing an Effective Date. There was no discussion on this item.

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

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item I-13, Consideration of Appointments to the City's 2009/2010 Charter Review Commission. Mayor Ueckert advised that he had spoken to Barbara Carey, Judy Kay Ferguson, Steve Griffin, Alvin Turner, and Jeff Pelletier regarding possibly being appointed to this commission. Mayor Ueckert advised that these individuals had established their integrity and loyalty to the City and at the City Council discretion; they had all agreed to serve. Mayor Ueckert pointed out that Steve Griffin had previously served on this Commission and would be a good choice with his prior experience. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H, Report, Second Quarter 2009 Attendance Report for Boards/Commissions/Committees. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item J-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:30 p.m. on Monday, July 6, 2009.

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 Ueckert at 7:00 p.m. on Monday, July 6, 2009, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Ueckert, Mayor Pro Tem Thornhill gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Ueckert, Deputy Mayor Pro Tem Watts gave the pledge to the American and Texas flags.

Proclamation: Declaring the Month of July, 2009, as “Parks and Recreation Month”

(Agenda Item C)

Mayor Ueckert read and presented a proclamation declaring the month of July, 2009, as “Parks and Recreation Month” Wayne Picket.

Presentation: Texas Municipal Library Directors Association 2008 Award Presented to Library Manager Ann Wiegand

(Agenda Item D-1)

Mayor Ueckert read and presented the Texas Municipal Library Directors Association 2008 Award to Library Manager, Ann Wiegand.

Presentation: Certificates of Appointment and Oaths-of-Office to Reappointed and Newly Appointed Members of the City’s Boards/Commissions/Committees

(Agenda Item D-2)

Mayor Ueckert read and presented certificates of appointment to reappointed and newly appointed members of the City’s Boards/Commissions/Committees to the following individuals: Nick Rudolph - Animal Control Advisory Committee, Tamela Bowie - CDBG Advisory Committee, Michael Duval - Old Town Design Review Committee, Bill Peck - Old Town Design Review Committee, Cally Browning - Park Board, Alvin Turner - Planning and Zoning Commission, Jim Gallegos - Planning and Zoning Commission, TJ Gilmore - CDBG Advisory Committee, Dean Ueckert - Animal Services Advisory Committee, Laura Wise - Animal Services Advisory Committee, Leroy Vaughn - CDBG Advisory Committee, Joy Bunnell - Library Board, Margie Rochelle - Park Board, Tom Jensen - Zoning Board of Adjustment.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:17 p.m. Monday, July 6, 2009, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item J)

In accordance with Texas Government Code, Section 551.074 (PERSONNEL) the Lewisville City Council convened into Closed Session at 7:17 p.m. on Monday, July 6, 2009, 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 7:20 p.m. on Monday, July 6, 2009.

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

(Agenda Item K)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:20 p.m. on Monday, July 6, 2009, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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.

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 appoint Councilman Lathan Watts as Mayor Pro Tem Watts and Councilman Rudy Durham as Deputy Mayor Pro Tem. The motion carried.

There was no further action taken.

**Public Hearing: Consideration of a Strategic
Partnership Agreement Between the City of
Lewisville and Denton County Fresh Water
Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F,
1-G, and 1-H**

(Agenda Item F-1)

The Strategic Partnership Agreement provides for a limited annexation, by the City, for sales tax purposes, of designated tracts of land including commercially zoned properties as well as all public rights of way in the specified Districts. A map delineating these areas is included for consideration. Public rights-of-way are included in the limited annexation to achieve contiguity between all commercial tracts. The agreement authorizes the imposition of a Sales and Use Tax within the annexed areas. Texas Local Government Code, Section 43.0751, requires the

Public Hearing: Consideration of a Strategic Partnership Agreement Between the City of Lewisville and Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H (cont'd)

(Agenda Item F-1)

governing bodies of the municipality and the specified Districts, to hold two public hearings regarding the limited annexation. The City will hold the second public hearing at the July 20 meeting and consider the Strategic Partnership Agreement for Council approval. All the Districts have held the required public hearings and approved the agreement.

The City staff's recommendation was that the City Council conduct the public hearing.

Mayor Ueckert opened the public hearing.

Mayor Ueckert advised that Zane Miller, 2560 King Arthur, #220, Lewisville, Texas, had filled out a card indicating his support of this item.

MOTION: Upon a motion made by Mayor Pro Tem Watts 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 Ordinance No. 3692-07-2009(Z) Amending Lewisville City Code, Chapter 17 the Comprehensive Zoning Ordinance, Section 17-20 (a) Medical District Zoning Use Regulations

(Agenda Item F-2)

The list of allowable uses in Medical District currently includes, "Nursing Home or convalescent home" as well as "Uses similar to the above mentioned permitted uses". The proposed amendment to the ordinance clarifies that Medical District also allows "Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for Senior Citizens". The Planning and Zoning Commission recommended approval of the zoning ordinance amendment by a vote of 6-0 at their June 16, 2009 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 Section 17-20 (a) Medical District Zoning Use Regulations.

**Public Hearing: Consideration of Ordinance
No. 3692-07-2009(Z) Amending Lewisville
City Code, Chapter 17 the Comprehensive
Zoning Ordinance, Section 17-20 (a) Medical
District Zoning Use Regulations (cont'd)**

(Agenda Item F-2)

Mayor Ueckert opened the public hearing.

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

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, 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, Amending the Lewisville City Code, Chapter 17, Comprehensive Zoning Ordinance, Amending Section 17-20 (a), Medical District, to Regulate Allowable Uses; Providing a Repealer; Providing a Severability Clause; Providing for a Penalty; Providing for an Effective Date; 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. 3692-07-2009(Z)**, as captioned previously. The motion carried.

Visitors/Citizens Forum

(Agenda Item G)

The Actors Conservatory, 1720 South Edmonds, Lewisville, Texas performed a song from their current production of the King and I. Kendall Lannin and Ray Kimbrell spoke before the City Council and invited them to attend the performance.

Gene Carey, 1373 Evergreen, Lewisville, Texas, spoke before the City Council and wished them best of luck in the upcoming season. He advised that he was very proud of all the City Council and encouraged them to all continuing working together.

Lathan Watts, 1412 Berne Lane, Lewisville, Texas, spoke before the City Council and explained he had a business conflict for the same time the canvass or the Run Off Election was

Visitors/Citizens Forum (cont'd)

(Agenda Item G)

scheduled. He apologized for not being able to attend and thanked Councilman Tierney who had originally advised he could not attend the meeting for arranging to be in attendance.

John Gorena, 417 Creekwood Lane, Lewisville, Texas, thanked the City Council for the teamwork to get him sworn in and get his orientation done prior to his first meeting. He thanked Councilman Tierney for saving the day and stated that there was no reason for Mayor Pro Tem Watts to apologize.

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 Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. **APPROVAL OF MINUTES:**
 - a. City Council Minutes of the June 15, 2009, Workshop Session and Regular Session.
 - b. City Council Minutes of the June 18, 2009, Called-Special Session.
4. Approval of Final Acceptance of the Waterline Replacements 2006, Phase 2 Project; and Authorization to Make Final Payment to RKM Utility Services, Inc., in the Amount of \$17,210.04.
5. Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor); and Austin Asphalt, LP., Irving, Texas (Secondary Vendor).
6. Approval of a Professional Services Agreement for Arts Center Materials Testing Services to GME Consulting Services, Inc., in the Amount of \$63,201; and Authorization for the City Manager, or his Designee, to Execute the Agreement.
7. Approval of a Professional Services Agreement With PageSoutherlandPage Architects in the Amount of \$163,180 for Architectural Services to Remodel the Police Station; and Authorization for the City Manager, or his Designee, to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item H)

8. Approval of **Resolution No. 3693-07-2009(R)** Approving the “Draft” Fiscal Year 2010 Financial Plan of the Denco Area 9-1-1 District, Pursuant to the Texas Health and Safety Code, Chapter 772.
9. Acceptance of a Donation of a Weather Station and Software Valued at \$3,700 From Interspec LLC for the Railroad Park Irrigation System.

The motion carried.

END OF CONSENT AGENDA

**Consideration of Two Variances to Lewisville
City Code for a Commercial Development
Located at 169 Lake Park Road; as
Requested by Vilbig & Associates Inc., on
Behalf of the Property Owner**

(Agenda Item I-10)

The subject property is zoned Medical District (MD), is platted and currently being used for a nursing and rehabilitation center. The owners are providing a new engineering site plan to facilitate the addition of a new rehabilitation building just west of the existing nursing facility, and additions to the existing nursing facility. The developers are requesting two variances: a) to allow an encroachment into the minimum 50 ft separation between driveways on adjacent properties; and b) to allow the continued use of a wooden fence with metal posts in lieu of the required masonry screening wall.

The City staff’s recommendation was that the City Council approve the two variances to the Lewisville City Code for a commercial development located at 169 Lake Park Road; as requested by Vilbig & Associates Inc., on behalf of the property owner.

David Salmon P.E., Assistant City Engineer, Chris Walton, 1324 Belaire Drive, Richardson, Texas, were both present to respond to any questions posed by the City Council. Victor Nelson, 5415 Maryn Avenue, Los Angeles, California and Bill Krabacher, 800 West Airport Frwy, Irving, Texas, both filled out position cards indicating their support of this item.

**Consideration of Two Variances to Lewisville
City Code for a Commercial Development
Located at 169 Lake Park Road; as
Requested by Vilbig & Associates Inc., on
Behalf of the Property Owner (cont'd)**

(Agenda Item I-10)

MOTION: Upon a motion made by Councilman Thornhill and seconded by Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve the following two variances to Lewisville City Code for a Commercial Development Located at 169 Lake Park Road: a) to allow an encroachment into the minimum 50 ft separation between driveways on adjacent properties; and b) to allow the continued use of a wooden fence with metal posts in lieu of the required masonry screening wall, as requested by Vilbig & Associates Inc., on behalf of the property owner. The motion carried.

**Consideration of a Linear Park Option for
the Highland Lakes Park Mitigation Related
to the Texas Department of Transportation's
IH-35E Widening Improvements**

(Agenda Item I-11)

At the June 1, 2009 Workshop Session, City Council directed staff to contact six property owners on Spenrock Court and seek input on the Highland Lakes Park Mitigation issues and potential acquisition of their properties. Staff held a meeting on June 10, 2009, at which all owners supported acquisition of their properties by TxDOT. A petition confirming same was received on June 17, 2009.

The City staff's recommendation was that the City Council approve a linear park option for the Highland Lakes Park mitigation related to the Texas Department of Transportation's IH-35E widening improvements.

MOTION: Upon a motion made by Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve a linear park option for the Highland Lakes Park mitigation related to the Texas Department of Transportation's IH-35E widening improvements. The motion carried.

Second and Final Reading: Consideration of Ordinance No. 3694-07-2009 of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date

(Agenda Item I-12)

CoServ Electric's franchise with the City of Lewisville expired on March 1, 2009. It has been the City's practice to extend the term of the prior franchise until a new franchise is prepared and executed. The proposed ordinance provides for the continuation of the terms and conditions of Ordinance No. 1443 pending the execution of a new franchise. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between. This is the second and final reading of this ordinance.

The City staff's recommendation was that the City Council conduct the second reading and approve the ordinance.

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

An Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date.

MOTION: Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3694-07-2009**, as captioned previously. The motion carried.

Consideration of Appointments to the City's 2009/2010 Charter Review Commission

(Agenda Item I-13)

Per the requirements of City Charter, the Council should appoint members to the City's Charter Review Commission at the first Council meeting in July. A list of the 2003/2004 Charter Review Commission has been provided to the Council. The Charter Review Commission must be comprised of five citizens.

The City staff's recommendation was that the City Council review the information and appoint members to the Charter Review Commission.

**Consideration of Appointments to the City's
2009/2010 Charter Review Commission
(cont'd)**

(Agenda Item I-13)

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 appoint the following members to the Charter Review Commission: Barbara Carey, Judy Kay Ferguson, Steve Griffin, Alvin Turner, Jeff Pelletier. The motion carried.

**Report: Second Quarter 2009 Attendance
Report for Boards/Commissions/Committees**

(Agenda Item J)

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:49 p.m. Monday, July 6, 2009, 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 7:52 p.m. on Monday, July 6, 2009, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 8:25 p.m. on Monday, July 6, 2009.

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

(Agenda Item K)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 8:25 p.m. on Monday, July 6, 2009, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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 L)

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 adjourn the Regular Session of the Lewisville City Council at 8:25 p.m. on Monday, July 6, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of July, 2009.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY