

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**OCTOBER 19, 2009**

**Present:**

Dean Ueckert, Mayor

**Council Members:**

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

**City Staff:**

Claude King, City Manager  
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 6:02 p.m. on Monday, October 19, 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 of Resolution Designating I35E as  
Liberty Freeway as Presented by the City of  
Farmers Branch (requested by Mayor  
Ueckert and Councilman Gorena)**

**(Agenda Item A)**

Discussion was held regarding the Resolution designating I35E as Liberty Freeway. City Manager King reviewed the information received thus far from the City of Farmers Branch and status of this in both Carrollton and Denton. He pointed out that this would not change any of the addresses along this road. Mayor Ueckert advised that no feedback has been received to date from the Texas Department of Transportation (TxDOT) regarding whether they will allow signage to be placed on the right of way. City Manager King advised that the right-of-way is subject to TxDOT approval; however, this would be merely a nickname and not an actual name change.

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion of Resolution Designating I35E as  
Liberty Freeway as Presented by the City of  
Farmers Branch (requested by Mayor  
Ueckert and Councilman Gorena) (cont'd)**

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**(Agenda Item A)**

Councilman Gorena pointed out that it would be similar to the Tom Landy Highway where there are just signs that have been placed on top of the actual highway name. Discussion was held that the City could design different signage and names than Farmers Branch or stay with the same theme. Further discussion was held regarding the cost of signage. City Manager King advised that the cost would depend on what decisions the City Council made. Councilman Thornhill questioned if the City of Carrollton had decided on Liberty Freeway. City Manager King confirmed that was correct. Mayor Pro Tem Watts advised that he did not have a problem staying with uniformity and following Farmers Branch and Carrollton's decision of Liberty Freeway.

Councilman Gorena advised that he preferred to remain consistent with the signage and naming that Farmers Branch has selected. Deputy Mayor Pro Tem Durham stated that the road was not uniform right now as it is known by various names in both Sanger and Denton. City Manager King advised that this situation would be much different if it was affecting addresses; however, that was not the case. Councilman Thornhill stated that he felt it was a good idea. Discussion was held regarding various highways having multiple names throughout the State of Texas.

Mayor Ueckert advised that he had citizens ask about naming this stretch of I35E the Freedom Freeway or Armed Forces Freeway, which was why he brought it to the City Council for consideration. Deputy Mayor Pro Tem Durham pointed out that the City of Lewisville has a memorial in front of City Hall that is just important as the memorial in Farmers Branch and the City did not go and rename the streets. Discussion was held regarding why this was not going south into Dallas. Councilman Gorena advised he thought that it possibly would in the future; however, at this time Farmers Branch was directing it north only. Deputy Mayor Pro Tem Durham expressed concern that this will be the third name this road is named.

Mayor Ueckert advised that he would like to take this to the citizens to determine their preference. Deputy Mayor Pro Tem Durham expressed concern with soliciting this input on the internet and referenced a similar situation in Dallas awhile back. Discussion was held that this could be done similar to how the Arts Center inscriptions were being done.

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion of Resolution Designating I35E as  
Liberty Freeway as Presented by the City of  
Farmers Branch (requested by Mayor  
Ueckert and Councilman Gorena) (cont'd)**

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**(Agenda Item A)**

City Manager King questioned if the City Council wanted a resolution put on a future agenda or they preferred to wait for a decision from TxDOT. Discussion was held regarding naming the road prior to a TxDOT decision. City Manager King advised he felt the City Council you could designate a nickname and just not put up signage pending their decision.

Councilman Thornhill recommended the City staff get with TxDOT and then the City could go from there. Mayor Pro Tem Watts advised that he was fine with getting with TxDOT; however, he did not have a problem with voting on a Resolution that is drafted even if nothing can be done. Councilman Gorena advised that he agreed. Deputy Mayor Pro Tem Durham advised that he was not in agreement.

John Bulen stated that he thought it was an honor that the City wanted to consider remembering the veterans when so many people and organizations have forgotten where their freedom came from. He recommended Freedom Freeway or Armed Forces Freeway would be a better designation.

Discussion was held regarding how far the Purple Heart Trail stretches. City staff researched this through the internet and determined that it stretches from the Red River to the on the north end of I35 and possibly up to Kansas. Discussion was held that the designation of Purple Heart Trail was done through the State in 2005.

Mayor Ueckert questioned if the City Council wanted this item put on the next agenda with the suggested topper or have City staff research more with TxDOT. Councilman Gorena recommended continuing with what Farmers Branch and Carrollton have started and hopefully it will continue up as far north as possible. Deputy Mayor Pro Tem Durham advised that he wanted to see what TxDOT has in mind. Councilman Thornhill agreed with Deputy Mayor Pro Tem Durham and stated that he did not want to put out a Resolution and then not be able to follow through. City Manager King advised that the difference is if you wanted to name it something other than Purple Heart Trail. Discussion was held regarding continuing the Purple Heart Trail on the signage or if they should go with Liberty Freeway, or another suggestion.

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion of Resolution Designating I35E as  
Liberty Freeway as Presented by the City of  
Farmers Branch (requested by Mayor  
Ueckert and Councilman Gorena) (cont'd)**

**(Agenda Item A)**

Benita Fitzgerald advised that she would like to see the different City Councils communicate with each other and go along with each other to memorialize the memories of our veterans and soldiers. She indicated that she felt if TxDOT was approached with this concept, they would see that there is a unity of the cities and the City Councils. She further stated that she depended on the City Council to communicate with area cities and felt it would be pretty to see an idea that flowed.

City Manager King clarified that the City Council in Farmers Branch has already directed their staff to contact TxDOT. He advised that he thought they were of the opinion that they can put the toppers on the street signs and are also requesting that TxDOT allow them to put the larger signs in the right of way.

**WORKSHOP SESSION – 6:30 P.M.**

**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.

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, Proclamations, 1) Declaring October 24, 2009, as “Keep Lewisville Beautiful Day in Conjunction With Make a Difference Day”; and 2) Declaring the Week of October 19-23, 2009, as “Texas Chamber of Commerce Week”. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-1, Public Hearing: Consideration of Deeming Substandard a Structure Located at 301 Uecker Lane, Lewisville, Texas. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Ueckert reviewed Agenda Item D-2, Public Hearing: Consideration of the Removal of Deed Restrictions on a 6.158 Acre Tract of Land Located at the Northeast Corner of Rockbrook Drive and Highland Drive; Further Identified as The Manors at Vista Ridge II in its Entirety and Formerly Known as Lot 2A, Block A of Rockbrook Elementary School Addition; as Requested by Churchill Residential, Inc. (Case No. PZ20091012). City Manager King advised that this area was zoned medical district a few meetings ago and this item just removes the deed restrictions that make no sense for this location. There was no further discussion on this item.

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

Mayor Ueckert reviewed Agenda Item F-3, Approval of Minutes: City Council Minutes of the October 5, 2009, Workshop Session and Regular Session. There was no discussion on this item. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-4, Approval of Bid Awards for Annual Requirements Contracts for HVAC Repairs to CBS Mechanical Services, Denton, Texas (Primary Contractor) and DMI Corporation, Cedar Hill, Texas (Secondary Contractor). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Acceptance of a Loan Star Libraries FY2010 Grant in the Amount of \$29,634 to Purchase Equipment, Supplies, Automation Upgrade, Furniture Repair and Staff Training; Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$29,634; and Authorization for the City Manager to Execute the Texas State Libraries and Archives Commission Contract. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-6, Approval of a Second Amendment to an Economic Development Agreement Between the City of Lewisville and Venus Leasing, Inc.; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-7, Consideration of a Request for a Variance to the Lewisville General Development Ordinance (GDO), Article IX, Section 6-181 Exterior Finish Requirements, Subsection (b) Residential, Regarding Exterior Standards for Residential 80% Brick Veneer Required at 1007 Timber Creek Drive, Blue Horizon Addition, Lot 2, Block A, as Requested by Michael and Laura Burgess, Owners. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Ueckert reviewed Agenda Item G-8, Consideration of Two Variances to Lewisville City Code, Chapter 6, Land Development, Section 6-144, Screening Between Commercial and Residential Uses and Section 6-57(f), Three Party Contracts Relating to an Engineering Site Plan for LISD High School South Requested by G&A Consultants; and Authorization for the City Manager, or His Designee, to Execute the Three Party Contract. Discussion was held regarding that the variance request was due to the fence being located over a drainage ditch. City Engineer T.S. Kumar advised that the only other option would be to put an underground system in and tubular fence on top of that location. Councilman Gorena questioned if the School District would not have been aware of this issue prior to purchasing the property. City staff explained that a site plan would not have been done at that time. City Manager King advised that the School District is meeting City Code in how they are dealing with the drainage issue. Further discussion was held regarding where this area was located and what it looked like and the limitations. City Manager King advised that it was a large ditch that they would be crossing. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-9, Consideration of a Request for a Variance to the Lewisville City Code, Chapter 11, Regarding Banner Signs for Amaranth Senior Living Apartments to be Located at 2500 Windhaven Parkway, as Requested by Carmelita Dolores, Limited Partner. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code, Chapter 11 Signs to Allow an Awning Sign as a Secondary Entrance Sign, as Requested by Bill Thorne of the Greater Lewisville Community Theater at 160 West Main Street. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-11, Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule. There was no discussion on this item.

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

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

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
OCTOBER 19, 2009**

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With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:49 p.m. on Monday, October 19, 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, October 19, 2009, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

Mayor Ueckert gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

Mayor Ueckert, Councilman Gorena gave the pledge to the flag.

**Proclamation: Declaring October 24, 2009, as  
“Keep Lewisville Beautiful Day in  
Conjunction With Make a Difference Day”**

**(Agenda Item C-1)**

Mayor Ueckert read and presented a proclamation declaring October 24, 2009, as “Keep Lewisville Beautiful Day in Conjunction With Make a Difference Day” to Coralee Lennert with Keep Lewisville Beautiful, 2197 S Uecker Lane, #1237, Lewisville, Texas.

**Proclamation: Declaring the Week of  
October 19-23, 2009, as “Texas Chamber of  
Commerce Week”**

**(Agenda Item C-2)**

Mayor Ueckert read and presented a proclamation declaring the Week of October 19-23, 2009, as “Texas Chamber of Commerce Week” to Lewisville Chamber of Commerce President Matt McCormick.

**Public Hearing: Consideration of Deeming  
Substandard a Structure Located at 301  
Uecker Lane, Lewisville, Texas**

(Agenda Item D-1)

The Building Official has deemed the structure as substandard. The owner of record is Sharon M. Vault. The main structure is a single-family ranch style house built in 1977 and has been abandoned for several years. The structure is in extreme disrepair and law enforcement has visited this site on occasion to remove transients. Proper notification and procedures by the City has been accomplished.

The City staff's recommendation was that the City Council deem the structure as substandard.

Mayor Ueckert opened the public hearing.

Cleve Joiner, Building Official was present to respond to any questions posed by the City Council.

**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 close the public hearing. The motion carried.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Councilman Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to deem the structure as substandard. The motion carried.

**Public Hearing: Consideration of the  
Removal of Deed Restrictions on a 6.158  
Acre Tract of Land Located at the Northeast  
Corner of Rockbrook Drive and Highland  
Drive; Further Identified as The Manors at  
Vista Ridge II in its Entirety and Formerly  
Known as Lot 2A, Block A of Rockbrook  
Elementary School Addition; as Requested  
by Churchill Residential, Inc. (Case No.  
PZ20091012)**

(Agenda Item D-2)

The property was zoned Townhouse Two in 2006, was platted but was never developed. At that time voluntary deed restrictions were put in place that would require greater minimum home sizes to be built on the property than what was required by ordinance. The intent of the deed restrictions was to regulate the size of single family homes on the site. The property has

**Public Hearing: Consideration of the Removal of Deed Restrictions on a 6.158 Acre Tract of Land Located at the Northeast Corner of Rockbrook Drive and Highland Drive; Further Identified as The Manors at Vista Ridge II in its Entirety and Formerly Known as Lot 2A, Block A of Rockbrook Elementary School Addition; as Requested by Churchill Residential, Inc. (Case No. PZ20091012) (cont'd)**

(Agenda Item D-2)

since been rezoned to Medical District and Office District. A new plat and site plan proposing a senior living facility have been submitted to staff for review on the Medical District portion of the property. The new zoning and proposed use make the deed restrictions irrelevant and an encumbrance to the property. The Planning and Zoning Commission voted 5-0 in favor of the request to release deed restrictions on the property.

The City staff's recommendation was that the City Council approve the release of deed restrictions as requested by the applicant.

Mayor Ueckert opened the public hearing.

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

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

**MOTION:** Upon a motion made by Mayor Pro Tem Watts and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to remove the Deed Restrictions on a 6.158 acre tract of land located at the northeast corner of Rockbrook Drive and Highland Drive; further identified as The Manors at Vista Ridge II in its entirety and formerly known as Lot 2A, Block A of Rockbrook Elementary School Addition. The motion carried.

**Visitors/Citizens Forum**

(Agenda Item E)

Winston Edmonson, 1292 Marchant Place, Lewisville, Texas, spoke before the City Council requesting that an item be added to the next agenda to discuss a proposal to record the workshop meetings.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Mayor Pro Tem Watts, 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: City Council Minutes of the October 5, 2009, Workshop Session and Regular Session.
4. Approval of Bid Awards for Annual Requirements Contracts for HVAC Repairs to CBS Mechanical Services, Denton, Texas (Primary Contractor) and DMI Corporation, Cedar Hill, Texas (Secondary Contractor).
5. Acceptance of a Loan Star Libraries FY2010 Grant in the Amount of \$29,634 to Purchase Equipment, Supplies, Automation Upgrade, Furniture Repair and Staff Training; Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$29,634; and Authorization for the City Manager to Execute the Texas State Libraries and Archives Commission Contract.
6. Approval of a Second Amendment to an Economic Development Agreement Between the City of Lewisville and Venus Leasing, Inc.; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Request for a Variance to the Lewisville General Development Ordinance (GDO), Article IX, Section 6-181 Exterior Finish Requirements, Subsection (b) Residential, Regarding Exterior Standards for Residential 80% Brick Veneer Required at 1007 Timber Creek Drive, Blue Horizon Addition, Lot 2, Block A, as Requested by Michael and Laura Burgess, Owners**

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(Agenda Item G-7)

Michael and Laura Burgess own and reside at 1007 Timber Creek Drive which is a 4.230 acre lot zoned Residential (R-18). The property is secluded and in addition to their private residence is used as pasture for their horses. The owners desire to construct a barn of 1152 square feet. The barn meets the city setback and use requirements; however, the barn is required by the GDO to be 80% brick. The owners are requesting a variance from the brick requirement to allow them to build the barn which is proposed to be metal exterior matching two existing loafing sheds and the color of the residence.

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

Cleve Joiner, Building Official and Laura Burgess, Owner, were present to respond to any question posed by the City Council.

Discussion held regarding what kicked off the requirement for brick for a residential area.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville General Development Ordinance (GDO), Article IX, Section 6-181 Exterior Finish Requirements, Subsection (b) Residential, Regarding Exterior Standards for Residential 80% Brick Veneer Required at 1007 Timber Creek Drive, Blue Horizon Addition, Lot 2, Block A, as requested by Michael and Laura Burgess, owners, to allow them to build the barn which is proposed to be metal exterior matching two existing loafing sheds and the color of the residence. The motion carried.

**Consideration of Two Variances to Lewisville City Code, Chapter 6, Land Development, Section 6-144, Screening Between Commercial and Residential Uses and Section 6-57(f), Three Party Contracts Relating to an Engineering Site Plan for LISD High School South Requested by G&A Consultants; and Authorization for the City Manager, or His Designee, to Execute the Three Party Contract**

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**(Agenda Item G-8 )**

The Lewisville Independent School District is planning to construct a 9<sup>th</sup> and 10<sup>th</sup> grade center at the southeast corner of Round Grove Road (FM 3040) and Duncan Lane. LISD is seeking two variances: a) to provide 6-foot chain link fencing in lieu of the required screening fence along a 175 foot portion of the east property line of the site; and b) to obtain engineering site plan approval, a building permit and simultaneous construction of public offsite and private onsite improvements including building construction. No building permit will be issued for vertical construction beyond the foundation until fire access lanes and functional fire hydrants are completed and pass inspection.

The City staff's recommendation was that the City Council approve the variances and a Three-Party Escrow Agreement to allow simultaneous construction of public and private infrastructure improvements; and, if approved, authorize the City Manager, or his designee, to execute the agreement.

Mayor Ueckert advised that the following individuals were in support of this item and were present to respond to any questions posed by the city Council:

David Salmon P.E., Assistant City Engineer  
Von Beougher P.E, G&A Consultants, Inc., 111 Hillside Drive, Lewisville, Texas  
Bradley Moss, 12700 Park Central Drive, Dallas, Texas,  
Robert Payne, 3520 Drexel Drive, Dallas, Texas

Mayor Ueckert advised the following individuals had filled out cards indicating their opposition to this item; however, they did not wish to speak:

Joseph D. McClanahan, 1438 College Parkway, Lewisville, Texas  
Amy Grimes, 1438 College Parkway, Lewisville, Texas

Von Beougher, G&A Consultant gave a brief presentation regarding this item.

**Consideration of Two Variances to Lewisville City Code, Chapter 6, Land Development, Section 6-144, Screening Between Commercial and Residential Uses and Section 6-57(f), Three Party Contracts Relating to an Engineering Site Plan for LISD High School South Requested by G&A Consultants; and Authorization for the City Manager, or His Designee, to Execute the Three Party Contract (cont'd)**

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**(Agenda Item G-8 )**

**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 two variances to Lewisville City Code, Chapter 6, Land Development, Section 6-144, Screening Between Commercial and Residential Uses and Section 6-57(f), Three Party Contracts Relating to an Engineering Site Plan for LISD High School South requested by G&A Consultants as follows: a) to provide 6-foot chain link fencing in lieu of the required screening fence along a 175 foot portion of the east property line of the site; and b) to obtain engineering site plan approval, a building permit and simultaneous construction of public offsite and private onsite improvements including building construction; and authorized the City Manager, to execute the Three Party Contract. The motion carried.

**Consideration of a Request for a Variance to the Lewisville City Code, Chapter 11, Regarding Banner Signs for Amaranth Senior Living Apartments to be Located at 2500 Windhaven Parkway, as Requested by Carmelita Dolores, Limited Partner**

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**(Agenda Item G-9 )**

Amaranth Senior Living is a large apartment complex in east Lewisville south of State Highway 121 north of the intersection of Cookie Lane and Windhaven. The building is 850 feet from State Highway 121 which is the primary exposure for potential customers attempting to visit the location. Amaranth is requesting to display a 450 square foot banner, which exceeds the minimum of 50 square feet, until such time that Windhaven is connected at the railroad tracks which is undetermined. City Code allows the display of banner signs for thirty (30) consecutive days, four (4) times per year. City Council action is required to allow a banner sign in excess of size requirements and extension of display time.

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

**Consideration of a Request for a Variance to the Lewisville City Code, Chapter 11, Regarding Banner Signs for Amaranth Senior Living Apartments to be Located at 2500 Windhaven Parkway, as Requested by Carmelita Dolores, Limited Partner (cont'd)**

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**(Agenda Item G-9)**

Cleve Joiner, Building Official, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to deny a request for a variance to the Lewisville City Code, Chapter 11, regarding banner signs for Amaranth Senior Living Apartments to be located at 2500 Windhaven Parkway, as requested by Carmelita Dolores, Limited Partner. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Chapter 11 Signs to Allow an Awning Sign as a Secondary Entrance Sign, as Requested by Bill Thorne of the Greater Lewisville Community Theater at 160 West Main Street**

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**(Agenda Item G-10)**

In conjunction with renovation plans on the rear façade of the building, the Greater Lewisville Community Theater (GLCT) has plans for a secondary entrance sign to be installed on the awning to be located at the rear façade. A secondary entrance sign is allowed for an entrance that is accessible by the public and facing an alley, right-of-way, or parking lot. However, the Sign Ordinance requires such signs to be projecting signs or wall signs. The GLCT is requesting a variance to allow an awning sign as a secondary entrance sign. On July 13, 2009 the Old Town Design Review Committee voted 4-0 to approve the design of the sign subject to City Council’s approval of a variance. The proposed sign meets all other criteria in the Sign Ordinance for a secondary entrance sign and for a sign in the Old Town Center District.

The City staff’s recommendation was that the City Council approve the variance to the Lewisville City Code, Chapter 11 Signs for the Greater Lewisville Community Theater at 160 West Main Street.

Sarah McLain, Economic Development Specialist and Bill Peck, 105 West Main Street, Lewisville, Texas were both present to respond to any questions posed by the City Council.

**Consideration of a Variance to the Lewisville City Code, Chapter 11 Signs to Allow an Awning Sign as a Secondary Entrance Sign, as Requested by Bill Thorne of the Greater Lewisville Community Theater at 160 West Main Street (cont'd)**

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**(Agenda Item G-10)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code, Chapter 11 Signs to allow an awning sign as a secondary entrance sign to be located at the rear façade, as requested by Bill Thorne of the Greater Lewisville Community Theater at 160 West Main Street. The motion carried.

**Third and Final Reading: Consideration of Ordinance No. 3716-10-2009 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule**

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**(Agenda Item G-11)**

At the September 21, 2009, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the third and final reading. This ordinance will become effective October 20, 2009.

The City staff's recommendation was that the City Attorney provide the third and final reading of the ordinance.

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

An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule With Various Fees Charged by Several Departments of the City; Providing a Repealer; Providing for Severability; Providing an Effective Date

No additional action was necessary.

**Reports**

**(Agenda Item H)**

- Mayor Ueckert thanked both Fire Chief Lasky and Police Chief Russ Kerbow for the Open House at the Fire Department. He stated that it was great to see both Departments work so closely.
- Police Chief Kerbow reminded the City Council and visitors that the final two block parties would be this week.
- Public Services Director Carole Bassinger advised that Lewisville Lake was one foot above conservation
- Councilman Gorena advised that the Open House had been a great event.
- Mayor Pro Tem Watts advised he was wearing his "I Voted" sticker and encouraged everyone to get out and vote for the Constitutional Amendments
- Councilman Thornhill reminded everyone to be aware of the Tricker Treaters and to slow down for kids that may be darting out.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:32 p.m. Monday, October 19, 2009, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item I)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:36 p.m. on Monday, October 19, 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 8:34 p.m. on Monday, October 19, 2009.

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

**(Agenda Item J)**

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 8:34p.m. on Monday, October 19, 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 K)**

**MOTION:** Upon a motion made by Mayor Pro Tem Watts and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:34 p.m. on Monday, October 19, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 2<sup>nd</sup> day of November, 2009.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY