

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MARCH 15, 2010**

**Present:**

Dean Ueckert, Mayor

**Council Members:**

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

**City Staff:**

Claude King, City Manager  
Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Patricia Parra, Deputy 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 Ueckert at 6:30 p.m. on Monday, March 15, 2010, 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 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, Proclamation, Declaring March 27, 2010, as “Lewisville Baseball Association Day”. 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 A)**

Mayor Ueckert reviewed Agenda Item D, Presentations, 1.) Texas Public Pool Council 2010 Category 2 Agency of the Year Award to the City of Lewisville Aquatics Staff; and 2.) Recognition of the Lewisville Police Department with the Texas Police Chief's Association Best Practices Recognition Status Award. There was no 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-1, Approval of Minutes, a.) City Council Minutes of the February 4-6, 2010, Called-Special Retreat Workshop Session; b.) City Council Minutes of the March 1, 2010, Workshop Session and Regular Session; c.) City Council Minutes of the March 2, 2010, Called-Special Joint Session With the Lewisville Independent School District Board of Trustees; and d.) City Council Minutes of the March 2, 2010, Called-Special Session. Councilman Gorena pointed out a heading error on the Retreat Workshop Minutes. Deputy City Secretary Parra thanked him and stated that Councilman Thornhill had called earlier in the day and that this error had been corrected. There was no further discussion on these items.

Mayor Ueckert reviewed Agenda Item F-2, Approval of Final Acceptance of the Valley Ridge Southeast Water Lines, Line A Project; and Authorization to Make Final Payment to W. R. Hodgson Co., L.P., in the Amount of \$76,992.23. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-3, Approval of a Bid Award for an Annual Requirements Contract for Clamps, Fittings and Pipe to Ferguson Waterworks, McKinney, Texas, for an Estimated Amount of \$83,730.85. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-4, Approval of a Supplemental Appropriation in the Amount of \$6,000 to the Fiscal Year 2009-2010 Fire and Police Training Fund. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Approval of the Final Payment to Henkel's & McCoy, Inc., in the Amount of \$18,596.56 for the Construction of a 10 Gigabit Fiber Optic Network. 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 A)**

Mayor Ueckert reviewed Agenda Item F-6, Acceptance of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR). City Manager Claude King said that auditors are here from Grant Thornton. Brenda Martin, Finance Director introduced Angela Dunlap and Rusty Hale from Grant Thornton. Ms. Dunlap told Council that this is the first year that Grant Thornton is conducting the audit for the City of Lewisville. She gave a general overview of the overall audit process and how it relates to the City of Lewisville and explained that Grant Thornton's job is to insure that all financial statements are correct. She advised that her firm looks at the controls of the City and not the process that the City uses. She said that the results of the audit and financial statements and the unqualified clean opinion. Ms. Dunlap said that the auditors talked to City staff and were able to look at any documents that they needed. Auditors have comments to City staff that are related to the CDBG program, the one that was audited this year. Her firm verified that none of the vendors that were used in the CDBG program were unqualified or suspended. She also said that in the future, verification will be obtained ahead of time regarding the qualifications of the vendors. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item F-7, Approval of a Resolution Authorizing the City to Enter Into an Agreement With the Texas Product Stewardship Council to Become a Member, and to Promote and Support the Shift of Disposal Cost From the Local Government to the Producer Through State Legislation; 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 F-8, Approval of a Resolution Endorsing Certain Legislative Changes Relating to the Sunset Review of the Texas Public Utility Commission; and the Special Purpose Review of the Electric Reliability Council of Texas. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-9, Approval of a Resolution Endorsing Regional "Best Practices" Standards Calculated at Fostering Improved Intrastate Gas Utility- Municipal Relations With Regard to the Acquisition and Routing of Pipeline Rights-of-Way Through Incorporated Areas; and Providing an Effective Date. 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 A)**

Mayor Ueckert reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code - Section 6-54, Engineering Site Plan Requirements, Including Parking Lot Improvements, for the Existing Macs Sports Center Located at 200 Continental Drive as Requested by Jeff Crannell, Representing the Owner. Councilman Gorena asked about the drainage if the parking lot is built. Cleve Joiner, Building Official, said that the drainage issues will be addressed during the grading plan. City Manager King said that a variance is being requested to not do a site plan, but just a grading plan. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-11, Consideration of Two Variances to the Lewisville City Code - Section 4-27, International Building Code, Prohibiting Temporary Construction; and Section 2-201, Variance Fee, to Allow Construction of a Temporary Structure on the First United Methodist Church Property Located at 907 West Main Street for Use by Habitat for Humanity, as Requested by Don Lee, Pastor. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-12, Consideration of Two Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103, Access Management; and Section 6-148, Screening of Outside Storage, Related to the Engineering Site Plan for Tru-Green Company Warehouse Located on the North Side of Jones Street and East of North Mill Street, as Requested by Steve Homeyer P.E., on Behalf of the Owner. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-13, Consideration of Three Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103 Access Management; Section 6-98(d) Fire Protection Distribution Systems; and Section 6-123 Non-Residential Landscaping Requirements, Related to the Engineering Site Plan for the DCTA Lewisville Lake/Highland Village Train Station and Park & Ride Located at the Southeast Quadrant of I-35 and Garden Ridge Boulevard., as Requested by the HNTB Corporation, on Behalf of DCTA. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-14, Acceptance of Resignation of Stephanie Rogers From Place No. 2 on the Zoning Board of Adjustment; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 2 on the Zoning Board of Adjustment. Mayor Ueckert explained that the Council must accept the resignation and that there is an Alternate 1 and Alternate 2 to move up into that position. Then the Council can just replace the alternate position. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item G-15, Consideration of Upcoming Meeting Dates for the City's Budget Process. City Manager King said that the budget calendar calls for a special workshop on August 7<sup>th</sup>. He said that this date is dictated so that there is time for required publications. At the August 2<sup>nd</sup> Council meeting, the Water's Ridge PID assessment rates will be determined, again for the requirement of publishing public notices. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-16, Consideration of Options for Conducting 2010 "Sounds of Lewisville" Concerts. City Manager King said there are a few options for doing the series at minimal hard cost. There will be costs for personnel, clean up. There are three options submitted that Council can choose from. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-17, Discussion Regarding Section 3.02 Qualifications of the Lewisville Home Rule Charter in Regards to Councilman John Gorena as Requested by Councilman David Thornhill and Councilman Greg Tierney. Councilman Gorena said that this item concerns him and he was truly unaware of the requirement of paying personal property tax for business. He also stated that as soon as he heard about it, he called Denton County Appraisal District and was told that he could get on the rolls beginning at that time. Councilman Gorena said that he had no intent to deceive anyone and was honestly not aware of the requirement. Deputy Mayor Pro Tem Durham announced that he will be abstaining from this agenda item. There was no further 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.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:51 p.m. on Monday, March 15, 2010.

**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, March 15, 2010, 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, Deputy Mayor Pro Tem Durham gave the invocation.

**Pledge to the American and Texas Flags**

(Agenda Item B)

At the request of Mayor Ueckert, Girl Scout Troop #3230 gave the pledge to the American and Texas flags.

**Proclamation: Declaring March 27, 2010 as  
Lewisville Baseball Association Day**

(Agenda Item C)

Mayor Ueckert read and presented a proclamation declaring March 27, 2010 as Lewisville Baseball Association Day to John Lee of the Lewisville Baseball Association.

**Presentation: Texas Public Pool Council  
2010 Category 2 Agency of the Year Award  
to the City of Lewisville Aquatics Staff**

(Agenda Item D-1)

Mayor Ueckert presented the Texas Public Pool Council 2010 Category 2 Agency of the Year Award to the City of Lewisville Aquatics Staff. Hilary Boen, Aquatics Supervisor was present to accept the award on behalf of the City of Lewisville Aquatics Staff.

**Presentation: Recognition of the Lewisville  
Police Department with the Texas Police  
Chief's Association Best Practices  
Recognition Status Award**

(Agenda Item D-2)

Mayor Ueckert introduced Chief Mark Hafner from the Keller Police Department who presented a certificate in recognition of the Lewisville Police Department with the Texas Police Chief's Association Best Practices Recognition Status Award. Police Chief Kerbow accepted the certificate on behalf of the City of Lewisville's Police Department.

**Visitors/Citizens Forum**

**(Agenda Item E)**

Mr. Mark East, 2438 Antler Trail, Lewisville, Texas, 75077, gave Council an update on the DFW Friday Night Frights organization. He said to date; \$15,000 has been raised for charities. He also stated that this business backs up to a residential area and there is an issue regarding the noise in the area. Mr. East said that 52 homes are in the immediate sound area. He stated that he visited with surrounding homeowners regarding the noise issue. Mr. East said he did not receive any complaints from the surrounding neighbors. He feels that this was a proactive way to make sure that the neighbors are happy with the business being in the area. He expressed that he is glad to be in Lewisville.

Ms. Kimberly McCary, 331 West Walters, Lewisville, Texas, is a candidate for judge in Lewisville. She asked for the support of the council.

**CONSENT AGENDA**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES:
  - a. City Council Minutes of the February 4-6, 2010, Called-Special Retreat Workshop Session;
  - b. City Council Minutes of the March 1, 2010, Workshop Session and Regular Session;
  - c. City Council Minutes of the March 2, 2010, Called-Special Joint Session With the Lewisville Independent School District Board of Trustees; and
  - d. City Council Minutes of the March 2, 2010, Called-Special Session.
2. Approval of Final Acceptance of the Valley Ridge Southeast Water Lines, Line A Project; and Authorization to Make Final Payment to W. R. Hodgson Co., L.P., in the Amount of \$76,992.23.

CONSENT AGENDA (cont'd)

(Agenda Item F)

3. Approval of a Bid Award for an Annual Requirements Contract for Clamps, Fittings and Pipe to Ferguson Waterworks, McKinney, Texas, for an Estimated Amount of \$83,730.85.
4. Approval of a Supplemental Appropriation in the Amount of \$6,000 to the Fiscal Year 2009-2010 Fire and Police Training Fund.
5. Approval of the Final Payment to Henkel's & McCoy, Inc., in the Amount of \$18,596.56 for the Construction of a 10 Gigabit Fiber Optic Network.
6. Acceptance of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR).
7. Approval of **Resolution No. 3752-03-2010(R)**: Authorizing the City of Lewisville to Enter Into an Agreement With the Texas Product Stewardship Council to Become a Member, and to Promote and Support the Shift of Disposal Costs From the Local Government to Producers; and Authorizing the City Manager or his Designee to Act on Behalf of City of Lewisville in All Matters Related to the Agreement.
8. Approval of **Resolution No. 3753-03-2010(R)**: Endorsing Certain Legislative Changes Relating to the Sunset Review of the Texas Public Utility Commission and the Special Purpose Review of the Electric Reliability Council of Texas.
9. Approval of **Resolution No. 3754-03-2010(R)**: Endorsing Regional "Best Practices" Standards Calculated at Fostering Improved Intrastate Gas Utility-Municipal Relations With Regard to the Acquisition and Routing of Pipeline Rights-of-Way Through Incorporated Areas; and Providing an Effective Date.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Variance to the Lewisville City Code - Section 6-54, Engineering Site Plan Requirements, Including Parking Lot Improvements, for the Existing Macs Sports Center Located at 200 Continental Drive as Requested by Jeff Crannell, Representing the Owner**

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**(Agenda Item G-10)**

The Mac Sports Center is proposing to construct additional on-site parking spaces for the existing facility. The new parking lot would be built on the ball field that is located east of the existing building. Seventy-seven (77) proposed spaces will be constructed and will create a total of 166 spaces for the facility. There are 136 required spaces for this facility. The additional on-site parking area will necessitate a new engineering site plan; however, a variance is being requested to provide a full grading and paving plan in lieu of an engineering site plan.

The City staff's recommendation was that the City Council approve the requested variance as set forth in the caption above.

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

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to provide a full grading and paving plan in lieu of an engineering site plan. The motion carried.

**Consideration of Two Variances to the Lewisville City Code - Section 4-27, International Building Code, Prohibiting Temporary Construction; and Section 2-201, Variance Fee, to Allow Construction of a Temporary Structure on the First United Methodist Church Property Located at 907 West Main Street for Use by Habitat for Humanity, as Requested by Don Lee, Pastor**

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**(Agenda Item G-11)**

The First United Methodist Church of Lewisville, in partnership with Habitat for Humanity of Denton County, is proposing to partially construct a single family home on-site at the First United Methodist Church property at 907 West Main Street. The construction will be completed when the structure is enclosed, which is estimated to be in mid-April 2010. The structure would then be moved to a permanent site in Denton. This location was chosen to make it easier for the parishioners to participate due to the close proximity. The following variances

**Consideration of Two Variances to the Lewisville City Code - Section 4-27, International Building Code, Prohibiting Temporary Construction; and Section 2-201, Variance Fee, to Allow Construction of a Temporary Structure on the First United Methodist Church Property Located at 907 West Main Street for Use by Habitat for Humanity, as Requested by Don Lee, Pastor (cont'd)**

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**(Agenda Item G-11)**

are being requested: a) to allow the temporary partial construction of a single family home; and, b) to waive the \$350 variance fee associated with the variance request.

The City staff's recommendation was that the City Council approve the requested variances as set forth in the caption above.

Cleve Joiner, Building Official, Jeff Crannell, 810 Office Park Circle, Lewisville, Texas 75057, and Gary Liggett, 1308 Britney Court, Keller, Texas 76248, were available to respond to any questions posed by the City Council.

Karen Boenker, 376 High School Drive, Lewisville, Texas 75057, completed a card showing her support for this item.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) "ayes" and no (0) "nays" to allow the temporary partial construction of a single family home and to waive the \$350 variance fee associated with the variance request. The motion carried.

**Consideration of Two Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103, Access Management; and Section 6-148, Screening of Outside Storage, Related to the Engineering Site Plan for Tru-Green Company Warehouse Located on the North Side of Jones Street and East of North Mill Street, as Requested by Steve Homeyer P.E., on Behalf of the Owner**

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**(Agenda Item G-12)**

The revised engineering site plan is required to allow the owner to make a 1,000 square foot addition to the existing building. The revised engineering site plan complies with the GDO and Zoning requirements with the exception of the proposed variances: a) to allow 30-foot spacing between existing driveways on adjacent lots on a 2-lane collector to remain; and, b) to allow a 6-foot chain link fence with green plastic slats to remain in lieu of the required opaque screening. The zoning for the property is Light Industrial (LI). The same two variances were granted with previous versions of the engineering site plan: driveway spacing on December 16, 1996 and screening on November 21, 2005.

The City staff's recommendation was that the City Council approve the requested spacing variance and to consider the screening variance as set forth in the caption above.

David Salmon, P.E., Assistant City Engineer, and Steve Homeyer, P.E., Homeyer Engineering Inc., P.O. Box 294527, Lewisville, Texas 75029, were available to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gorena, the Council voted four (4) "ayes" and no (0) "nays" to approve the requested spacing variance and to approve the screening variance. The motion carried.

**Consideration of Three Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103 Access Management; Section 6-98(d) Fire Protection Distribution Systems; and Section 6-123 Non-Residential Landscaping Requirements, Related to the Engineering Site Plan for the DCTA Lewisville Lake/Highland Village Train Station and Park & Ride Located at the Southeast Quadrant of I-35 and Garden Ridge Blvd., as Requested by the HNTB Corporation, on Behalf of DCTA**

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**(Agenda Item G-13 )**

The Denton County Transportation Authority has submitted a site plan for the Lewisville Lake/Highland Village Station located at the southeast quadrant of Garden Ridge Boulevard and I-35. The associated commuter parking and right-of-way dedication are located on a contiguous 2.549-acre tract owned by the DCTA, previously Buxton Marine. The engineering site plan complies with the GDO with the exception of the proposed variances: a) to waive the 10-foot landscape strip adjacent to the dedicated street right-of-way, b) to allow 28 feet of driveway stacking in lieu of the required 40 feet, and c) to allow fire protection to the site from a dead end, 8-inch water main, 868 feet from the nearest looped water system. The zoning for the property is Public Use (PU).

The City staff's recommendation was that the City Council approve the requested variances as set forth in the caption above.

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

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to waive the 10-foot landscape strip adjacent to the dedicated street right-of-way; to allow 28 feet of driveway stacking in lieu of the required 40 feet; and to allow fire protection to the site from a dead end, 8-inch water main, 868 feet from the nearest looped water system. The motion carried.

**Acceptance of Resignation of Stephanie Rogers From Place No. 2 on the Zoning Board of Adjustment; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 2 on the Zoning Board of Adjustment**

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**(Agenda Item G-14)**

Stephanie Rogers has submitted an e-mail turning in her resignation from the Zoning Board of Adjustment due to business conflicts effective immediately. The City Council will need to consider a new appointment to fill the vacancy in Place No. 2.

The City staff's recommendation was that the City Council accept the resignation of Stephanie Rogers from Place No. 2 on the Zoning Board of Adjustment; declare a vacancy exists; and consider an appointment to Place No. 2 on the Zoning Board of Adjustment.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to accept the resignation of Stephanie Rogers from Place No. 2 on the Zoning Board of Adjustment; and declare a vacancy exists.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) "ayes" and no (0) "nays" to appoint Antonio Gallizzi to Place No. 2 on the Zoning Board of Adjustment. The motion carried.

**Consideration of Upcoming Meeting Dates for the City's Budget Process**

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**(Agenda Item G-15)**

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City's budget process. The Budget Workshop is recommended to be scheduled for August 7th.

The City staff's recommendation was that the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Gorena, the Council voted four (4) "ayes" and no (0) "nays" to adopt the proposed budget calendar. The motion carried.

**Consideration of Options for Conducting  
2010 “Sounds of Lewisville” Concerts**

**(Agenda Item G-16 )**

As a result of projected revenue shortfalls and other factors, funding for the 2010 “Sounds of Lewisville” concerts has been frozen. Staff is presenting three no-cost options for holding some version of “Sounds of Lewisville” during 2010.

The City staff’s recommendation was that the City Council give staff direction on options for 2010 “Sounds of Lewisville” concerts.

Councilman Tierney advised that after reviewing the options he asked about Battle of Bands option. Michael Roberts, 1505 Glencairn Lane, Lewisville, 75067, spoke to Council and said the costs would be about \$800 a night less at the amphitheatre because a stage is not needed as well as a generator for power. Discussion was held regarding Mr. Roberts’ comments. Councilman Tierney advised that he liked the idea of the concert series and battle of the bands. Jennifer Galante, Marketing and Events Coordinator, told Council that Old Town attendance last year was about 250 and attendance at Vista Ridge was quite substantially more. Mr. Roberts said that the group is looking into sponsorships from Old Town businesses. Councilman Tierney said he does not feel that that it is viable to have the battle of the bands in Old Town this year due to the plaza construction that will be taking place and the construction of the arts center. Mr. Roberts said that the competition can be held at Vista Ridge and the finals can be held in Old Town.

T. J. Gilmore, 724 Juniper Lane, Lewisville, Texas, completed a card showing his support for the Battle of the Bands option.

Councilman Gorena said he likes having the concerts at the Vista Ridge amphitheatre since more people are likely to attend. City Manager King said that dates are tentative depending on the sponsors that can be acquired. Mr. Roberts said that the ability to proceed depends on the sponsors. He is expecting to have all arrangements made by the end of April. He said there will not be a separate summer and fall series, but a battle of the bands.

Marketing and Events Coordinator Galante said that the acoustic series and roadshow series are only menus to choose from and that the acoustic series would take place on the same Tuesday night as the battle of the bands.

City Manager King advised that he felt the city should concentrate on only one series.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) “ayes” and no (0) “nays” to have the battle of the bands at the amphitheatre with no cover charge with a deadline of April 30 for staff to get back with Council with a schedule. The motion carried.

Mayor Ueckert asked Mr. Roberts to get with staff to work out the details, if he feels he will have trouble meeting the deadline of April 30<sup>th</sup>.

**Discussion Regarding Section 3.02  
Qualifications of the Lewisville Home Rule  
Charter in Regards to Councilman John  
Gorena as Requested by Councilman David  
Thornhill and Councilman Greg Tierney**

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**(Agenda Item G-17)**

Deputy Mayor Pro Tem Durham advised that he would be abstaining from discussion and consideration of this item since he works for the Denton Central Appraisal District. Deputy Mayor Pro Tem Durham stepped away from the dais.

Councilman Thornhill and Councilman Tierney have requested that discussion be held regarding portions of Section 3.02 Qualifications of the City Charter which state, in relevant part, as follows: "The mayor and each member of the city council ... shall not be in arrears in the payment of any taxes or other liabilities due to the city ...." and "The city council shall also have the power and authority to declare, and may at its next regular meeting declare a vacancy to exist in the office of mayor or any councilman if such mayor or councilman: a. lacks at any time during his term of office any qualifications for the office prescribed by this charter or by law; or b. violates any expressed prohibition of this charter ...." .

The City staff's recommendation was that the City Council conduct discussion as listed in the caption above.

City Attorney Neiman said this issue came from an internet website. He stated that he researched this item and found that the only other city where this came up was the City of Longview. He also stated that a court found that this clause is unconstitutional. In essence, as far as removing someone from office, that cannot be done, but this does not preclude the council discussing the item. City Attorney Neiman said that when a person files to run for office, the City Secretary's Office and Finance Office checks the Denton County records for the candidate being in arrears of taxes.

Councilman Tierney said he received many comments from residents regarding this item. He said that he was told that this was a "good ole boy" council and nothing would be done. He wanted to prove that Lewisville is transparent and there is nothing to hide. He also wanted the City Attorney to state what the legal ruling is on this item and to give Councilman Gorena a chance to explain his situation.

Councilman Thornhill said that he wanted to expose this charter statement as it is. He feels that if it is unconstitutional, then it should be removed from the charter.

**Discussion Regarding Section 3.02  
Qualifications of the Lewisville Home Rule  
Charter in Regards to Councilman John  
Gorena as Requested by Councilman David  
Thornhill and Councilman Greg Tierney  
(cont'd)**

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**(Agenda Item G-17)**

Mayor Ueckert read an e-mail statement from Mayor Pro Tem Watts "First let me begin by expressing my regrets for not being able to attend tonight's Council meeting. Since I was elected in 2007, I have rarely missed a meeting except when my responsibilities to my employer presented an unavoidable scheduling conflict. Tonight is no different, I am in Orlando representing my association at our National Convention an obligation which I have known about and informed the Council of back in October. I wanted to make that clear so that no one would misunderstand or read anything into my absence when this issue was discussed which is why I asked the Mayor to read this statement for the record.

Our City Attorney has reviewed thoroughly the pertinent sections of our charter and recent case law and brought to the attention of the Council two recent court decisions regarding cases with facts and city charters very similar to ours. In both cases the removal of the Councilmember was overturned by the court.

Let me conclude by noting that I have not spoken with Councilman Gorena or any other Council member on this matter. Councilman Gorena and I may not always agree on every issue but I know him to be an honest man. The power to elect, re elect, or remove any member of this Council rests appropriately in the hands of the voters, in whose judgment I place my trust."

Councilman Gorena apologized that he did not pay his taxes, but it was not intentional. He is self-employed. He said that he called the Denton County Appraisal District as soon as he found out that he had not paid past taxes. He said that he was immediately put on the tax rolls and he made arrangements to pay his personal property taxes. He thanked all his supporters for their comments and support. He feels that Councilman Thornhill and Councilman Tierney did nothing wrong in pointing out the fact that he (Councilman Gorena) had not paid personal property taxes.

Mayor Ueckert pointed out that Councilmen are serving the City because they care so much about Lewisville and all of its residents. Councilmen are not doing this because it is a well paid position, but they are doing what is best for the entire City. Councilmen take their work seriously and take the advice of City staff. Council depends on City staff to research facts and present them. Staff is in no way trying to cover up this issue, but trying to show that Lewisville's government is transparent.

**Discussion Regarding Section 3.02  
Qualifications of the Lewisville Home Rule  
Charter in Regards to Councilman John  
Gorena as Requested by Councilman David  
Thornhill and Councilman Greg Tierney  
(cont'd)**

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**(Agenda Item G-17)**

The following persons voiced their support for Councilman Gorena:

Susan Mosely, 245 Herod Street, Lewisville, Texas 75057  
Benita Fitzgerald, 341 West Purnell Street, Lewisville, Texas 75057  
Fred Muller, 2190 S. Uecker Lane, Lewisville, Texas 75067, handed out information to  
the Council regarding a man who owed \$.04 to the IRS  
Lanra Turner, 1220 Cloudy Sky Lane, Lewisville, Texas 75067  
Kimberly McCary, 331 West Walters, Lewisville, Texas, 75057  
Melanie Tsakonas, 325 West College Street, Lewisville, Texas 75057  
Francis Davis, 2197 South Uecker Lane, #711, Lewisville, Texas 75067  
Susan Davis-Duarte, 256 E. Corporate Drive #1201, Lewisville, Texas 75067  
Timothy Hillery, 118 Bowling Green Drive, Lewisville, Texas 75067

Mayor Ueckert advised the following individuals had filled out cards indicating their support for Councilman Gorena:

Yvonne Field, 422 Windwood Drive, Lewisville, Texas 75067  
Oscar Matthews, 849 Harbor Drive, Lewisville, Texas 75057

Mayor Ueckert advised the following individual had filled out a card indicating opposition to Councilman Gorena being removed from the City Council:

Florencio Bargas, 660 Hardy Street, Lewisville, Texas 75057

Mayor Ueckert expressed his appreciation for all the citizens who came out tonight to share their opinions with Council. He stated Councilman Thornhill and Councilman Tierney did a great thing by bringing this to the attention of the public and showing that Lewisville has a transparent government.

There was no motion on this item.

**Reports**

**(Agenda Item H)**

- Bob Monaghan, Parks and Leisure Services Director, told staff that on March 27<sup>th</sup> at Railroad Street Park there will be an Easter Egg Hunt and pancake breakfast. He also said that there will be a soccer tournament and a first event at the skate park.
- Carole Bassinger, Utilities Director, gave a report on the lake
- Councilman Gorena congratulated Police Chief Kerbow on his well-deserved award.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 8:45 p.m. Monday, March 15, 2010, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item I)**

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation With Attorney), the Lewisville City Council convened into Closed Session at 8:50 p.m. on Monday, March 15, 2010, 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. Contemplated Litigation Regarding Grande Communications and Verizon  
Section 551.072 (Real Estate):
2. Property Acquisition  
Section 551.087 (Economic Development):
3. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 10:10 p.m. on Monday, March 15, 2010.

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

**(Agenda Item J)**

Deputy Mayor Pro Tem Ueckert returned to the dias.

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 10:10 p.m. on Monday, March 15, 2010, 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 Councilman Tierney and seconded by Councilman Gorena, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 10:10 p.m. on Monday, March 15, 2010. The motion carried.

These minutes approved by the Lewisville City Council on the 5th day of April, 2010.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY