

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**APRIL 19, 2010**

**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  
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, April 19, 2010, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**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-1 Proclamations, Declaring the Week of April 18–24, 2010, as “National Cleaning for a Reason Week” and C-2, Declaring the Week of April 18–24, 2010, as “Denton County Crime Victims’ Rights Week”. There was no discussion on these items.

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.27 Acre Tract Located at 527 South Kealy Avenue; Further Identified as Tract 215 of the J.W. King Survey Abstract 696; as Requested by Francisco Olivo, the Property Owner (Case No. PZ20100406). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 17, the Zoning Ordinance, Sections 17-22.8.1, 17-22.8.2 and 17-22.8.3 Amending the Mixed Use Zoning District Regulations. 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-3, Approval of Minutes: City Council Minutes of the April 5, 2010, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-4, Approval of an Agreement With FW Services, Inc., DBA Pacesetter Personnel Services, to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Approval of an Agreement With the City of Lewisville and Mitch Dudley Enterprises Inc., Regarding the Property Known as the 25.87 Acre Thompson Addition, Other Certain Adjacent Tracts, and the 8-Acre V.R. Sutton Tract 19; and Authorization for the Mayor to Sign the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-6, Approval of Final Acceptance of the Serendipity Village Improvements Project Including Change Order No. 1 for Willow Grove Park 30-Inch Waterline Replacement; and Authorization to Make Final Payment to Gilco Contracting, Inc., in the Amount of \$144,055.28. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-7, Approval of a Resolution Relating to Providing Proper and Adequate Funding for the Texas Department of Transportation to Perform Maintenance of Rights-of-Way and Infrastructure of Property Owned by the State Highway

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

**(Agenda Item A)**

System (Requested by Councilman Tierney). Councilman Tierney said that complaints were received about the sides of the highway not being mowed and having trash on the side of the roads. City Manager King said this resolution includes maintenance and signage. Councilman Tierney said budgets are tight now and everyone is cutting back. Councilman Tierney will request to pull this item for discussion. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Approval of a Memorandum of Understanding for City of Lewisville Participation in the Texas-New Mexico Power 2010 Texas CitySmart Program; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-9, Approval of Waiving the Penalty and Interest on Property Tax Accounts 526726DEN, 526727DEN, 526728DEN, 526729DEN and 526731DEN (Lakepointe Office Park Condominium, Building 7, Units 701 – 704 and Building 8, Unit 802, Respectively), for the 2008 Tax Year. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, for the LLELA Special Event on April 24, 2010, as Requested on Behalf of the Lewisville Lake Environmental Learning Area Consortium. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-11, Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, for Defenders of Freedom to Waive Fees for the Vista Ridge Amphitheater. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-12, Consideration of a Variance to the Lewisville City Code, Article V, Special Events, for the Parker House Located at 2301 North Stemmons Freeway, as Requested by Mark East of DFW Fright Nights (Requested by Councilman Gorena). Councilman Gorena discussed the complaints being received regarding noise and trash in the area. He said Mr. East confirmed that all the monies received go to non-profit organizations. Councilman Gorena said that a representative from the surrounding housing subdivision should be at the meeting tonight. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-13, Consideration of a Variance to the Lewisville City Code, Section 11-14 Prohibited Signs, Regarding an Off-Premise Sign to be Located on the Frontage Road of SH 121 at the Intersection of Cookie Lane, Just North of FM 544 as Requested by Sunridge Management Group on Behalf of Amaranth at 544, Active Senior Living Community. There was no discussion on this item.

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item G-14, Consideration of a Variance to the Lewisville City Code, Section 11-10, Permissible Signs Regarding a Wall Sign Located at 498 East SH 121 as Requested by National Indoor Storage and Reynolds Signs. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-15, Consideration of a Request for City In-Kind Support for the American Cancer Society Relay For Life Event, Located at the Killough LHS North Campus, 1301 Summit Avenue, as Requested by Laura Patrey, Event Chair Southeast Denton County Relay For Life. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-16, Consideration of Naming I-35E "Liberty Freeway" (Requested by Councilman Gorena). Councilman Gorena wants to either pass it or fail it. He is very much in favor of doing this item. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-17, Consideration of a Request for Variances to Lewisville City Code, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees; Section 11-14, Signs on Public Property; and Request for In-Kind Support, as Requested by Rebecca Behnke for the 2010 Cinco de Mayo Event. City Manager King said this event is now scheduled for May 1<sup>st</sup>. Ms. Behnke is still looking for in-kind support of the Cinco de Mayo event. Mayor Pro Tem Watts wants to know how this compares to other similar items. City Manager King said the in-kind support being requested is a little higher since it involves Police Officers. Councilman Tierney asked if it was necessary to barricade Church Street for the event. City Manager King said it is necessary to barricade Church Street because it is hard to determine the size of the crowd and therefore would be safer to have it closed. Mayor Pro Tem Watts asked about the staff recommendation. City Manager King said that each request has value of its own and staff must determine what has been done in the past years. Staff must also determine how much funding is being requested and whether or not the funds should come from the City. The amount of funds coming from the City depends on whether or not the City is a co-sponsor. City Manager King stated that, in this case, the City is not co-sponsoring the Cinco de Mayo event. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-18, Consideration of Declaring a Vacancy in Place No. 7 on the Park Board; and Consideration of an Appointment to Fill the Vacancy on the Park Board. Councilman Thornhill said he reviewed the data sheets of the candidates. Since he had been on the Park Board before, he feels that Michael Pope is the best candidate. Mayor Ueckert said that he reviewed recommendations from the previous interview process. Mr. Pope is one of the names that Chairman Jeff Pelletier recommended. There was no further discussion on this item.

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

**(Agenda Item A)**

Councilman Gorena went back to Item 13. He asked about the time line on a business having a sign. City Manager King said that the City had previously set a time frame of 18-24 months. He recommended that a time frame be set if the variance request is approved. Mayor Ueckert said that staff has concerns that the owner is using an undeveloped piece of land on SH 121 to have signs built on it. 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 6:50 p.m. on Monday, April 19, 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, April 19, 2010, 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)**

At the request of Mayor Ueckert, Councilman Gorena gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Week of April  
18-24, 2010, as "National Cleaning for a  
Reason Week"**

**(Agenda Item C-1)**

Mayor Ueckert read and presented a proclamation declaring April 18-24, 2010, as "National Cleaning for a Reason Week" to Executive Director Mike Farney.

**Proclamation: Declaring the Week of April 18-24, 2010, as “Denton County Crime Victims’ Rights Week”**

(Agenda Item C-2)

Mayor Ueckert read and presented a proclamation declaring April 18-24, 2010, as “Denton County Crime Victims Rights Week” to City of Lewisville Police Officer Charlene Collins.

**Public Hearing: Consideration of Ordinance No. 3760-04-2010(Z) for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.27 Acre Tract Located at 527 South Kealy Avenue; Further Identified as Tract 215 of the J.W. King Survey Abstract 696; as Requested by Francisco Olivo, the Property Owner (Case No. PZ20100406)**

(Agenda Item D-1)

The tract is located on the west side of Kealy Avenue just north of Purnell Street, which is the southern limit of the Old Town area. The property is currently zoned Light Industrial (LI) as is the majority of property in this area. The applicant would like to re-zone for the flexibility of uses and setbacks on the property. The requested change in zoning is in compliance with the Old Town Master Plan and staff is in favor of this request. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their April 6, 2010, 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, as set forth in the caption above.

Mayor Ueckert opened the public hearing.

Nika Reinecke, Director, Economic Development and Planning and Francisco Olivo, property owner, were both present to respond to any questions posed by the City Council.

Betty Jo Price Olivo, 527 Kealy Avenue, Lewisville, spoke in favor of the property being rezoned to OTMU2.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3760-04-2010(Z) for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.27 Acre Tract Located at 527 South Kealy Avenue; Further Identified as Tract 215 of the J.W. King Survey Abstract 696; as Requested by Francisco Olivo, the Property Owner (Case No. PZ20100406) (cont'd)**

(Agenda Item D-1)

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

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.27 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Light Industrial (LI) District Zoning to Old Town Mixed Use Two (OTMU2) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3760-04-2010(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No.3761-04-2010(Z) Amending the Lewisville City Code, Chapter 17, the Zoning Ordinance, Sections 17-22.8.1, 17-22.8.2 and 17-22.8.3 Amending the Mixed Use Zoning District Regulations**

(Agenda Item D-2 )

Three sections, MU-30, MU-90 and MU-SC, were adopted into the zoning ordinance in 2007. Since that time there has been one zone change requested for the mixed use zoning. Even with this one case staff has seen the need to make adjustments to the ordinance to address some of the issues that have arisen. The proposed changes to the ordinance address allowable uses and provide a list of information that is required in a concept plan and how changes to the plan are to be addressed. In each of the three zoning districts, the developer would still have to comply with all the provisions in the General Development Ordinance unless a variance is granted by the City Council. The Planning and Zoning Commission voted 6-0 in favor of the request at their March 23, 2010, meeting.

**Public Hearing: Consideration of Ordinance  
No.3761-04-2010(Z) Amending the Lewisville  
City Code, Chapter 17, the Zoning  
Ordinance, Sections 17-22.8.1, 17-22.8.2 and  
17-22.8.3 Amending the Mixed Use Zoning  
District Regulations (cont'd)**

(Agenda Item D-2)

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, as set forth in the caption above.

Mayor Ueckert opened the public hearing.

Nika Reinecke, Economic Development and Planning Director 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 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, by Amending Sections 17-22.8.1 Through 17-22.8.3, Regulating Mixed Use Developments; 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 Deputy Mayor Pro Tem Durham and seconded by Councilman Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3761-04-2010(Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

(Agenda Item E)

Matt McCormick, 551 North Valley Parkway, Lewisville expressed his thanks to the Fire Department and Police Department who helped put together a Public Safety Day for Leadership Lewisville class. The Chamber of Commerce is appreciative of the City for their time and effort in putting this class together.

**Visitors/Citizens Forum (cont'd)**

**(Agenda Item E)**

Linda Asbell, 1311 Carnation Drive, Lewisville, is requesting help from the Police Department to help with disturbances in the Kent Austin Park near her house on the basketball courts. She said the Police Department is aware of the problems, but she would like to have daily patrols in the park by the police. She expressed concern about the safety of children on the weekend in the middle of the day. Mayor Ueckert said that someone from the staff will contact her.

Tim Thompson, 1366 Forestglen Drive, Lewisville, expressed concerned about a City ordinance dictating that a trailer pad is required for any vehicle parking on residential property. He said there is an electronic sign on the grass in front of the Annex and the grass is dead. He said that since the pad is required for aesthetics, he inquired as to why the City does not have the electronic sign on a pad. Code Enforcement said that the City is exempt from having a concrete pad for the electronic sign. He did not feel that he as a citizen should be restricted and the City is not required to follow the same regulations. Mayor Ueckert stated that someone from staff will notify him and help him to work this issue out.

**CONSENT AGENDA**

**(Agenda Item F)**

Mayor Ueckert advised that the following item would be removed from the Consent Agenda for individual consideration and explanation, as requested by Councilman Tierney:

Consent Agenda Item No. – 7, Approval of Resolution No. 3762-04-2010(R): Approval of a Resolution Relating to Providing Proper and Adequate Funding for the Texas Department of Transportation to Perform Maintenance of Rights-of-Way and Infrastructure of Property Owned by the State Highway System (Requested by Councilman Tierney).

**MOTION:** Upon a motion made by Councilman Tierney 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, except Item No. 7, as recommended and as follows:

3. APPROVAL OF MINUTES: City Council Minutes of the April 5, 2010, Workshop Session and Regular Session.
4. Approval of an Agreement With FW Services, Inc., DBA Pacesetter Personnel Services, to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement.

**CONSENT AGENDA (cont'd)**

**(Agenda Item F)**

6. Approval of Final Acceptance of the Serendipity Village Improvements Project Including Change Order No. 1 for Willow Grove Park 30-Inch Waterline Replacement; and Authorization to Make Final Payment to Gilco Contracting, Inc., in the Amount of \$144,055.28.
8. Approval of a Memorandum of Understanding for City of Lewisville Participation in the Texas-New Mexico Power 2010 Texas CitySmart Program; and Authorization for the City Manager to Execute the Agreement.
9. Approval of Waiving the Penalty and Interest on Property Tax Accounts 526726DEN, 526727DEN, 526728DEN, 526729DEN and 526731DEN (Lakepointe Office Park Condominium, Building 7, Units 701 – 704 and Building 8, Unit 802, Respectively), for the 2008 Tax Year.

The motion carried.

**END OF CONSENT AGENDA**

**Approval of Resolution No. 3762-04-2010(R):  
Approval of a Resolution Relating to  
Providing Proper and Adequate Funding for  
the Texas Department of Transportation to  
Perform Maintenance of Rights-of-Way and  
Infrastructure of Property Owned by the  
State Highway System (Requested by  
Councilman Tierney)**

**(Consent Agenda Item F-7)**

In recent years, the Texas Department of Transportation (TxDOT) maintenance of state highways and IH35E appears to have deteriorated. Lack of maintenance to the roadways has increased traffic safety concerns as well as the negative appearance that the roadways exhibit. The prepared resolution is directed toward the Texas Legislature, Texas Transportation Commission and the regional and local offices of the TxDOT.

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

Councilman Tierney said that the reasoning behind this resolution is the lack of any attention given to certain matters in the City of Lewisville by TxDOT regarding trash and litter in

**Approval of Resolution No. 3762-04-2010(R):  
Approval of a Resolution Relating to  
Providing Proper and Adequate Funding for  
the Texas Department of Transportation to  
Perform Maintenance of Rights-of-Way and  
Infrastructure of Property Owned by the  
State Highway System (Requested by  
Councilman Tierney) (cont'd)**

(Consent Agenda Item F-7)

the state right-of-way, specifically on IH-35E. City staff was frustrated because the State owns the property but the City does not want to use their tax dollars to clean up the area. This also deals with maintenance issues, quality of streets, potholes, cracks, and improving the roadways. Staff put together a resolution to obtain increased funding to maintain the property like everyone else is expected to do.

Councilman Durham said that this is not just in Lewisville, but over the entire State. Funds for maintenance of highways are depleted all over the State. The legislature is not appropriating the funds to TxDOT and things may get worse before they get better.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3762-04-2010(R)**: Relating to Providing Proper and Adequate Funding for the Texas Department of Transportation to Perform Maintenance of Rights-of-Way and Infrastructure of Property Owned by the State Highway System. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Article VIII, Section 2-201, Fee  
Schedule, for the LLELA Special Event on  
April 24, 2010, as Requested on Behalf of the  
Lewisville Lake Environmental Learning  
Area Consortium**

(Agenda Item G-10)

LLELA is proposing an event known as "Celebrate Earth Day 2010" and is a general public awareness event. LLELA is requesting a variance to not pay special event and service fees as required by the Lewisville City Code. The event will be a one (1) day event on April 24, 2010 and is being held in conjunction with the Keep Lewisville Beautiful Clean up and Parks and Recreation Services Dam Run. Staff has determined that the event meets all the criteria for a special event permit. The total of the fee waiver including fire department services is \$1,223.12.

**Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, for the LLELA Special Event on April 24, 2010, as Requested on Behalf of the Lewisville Lake Environmental Learning Area Consortium (cont'd)**

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**(Agenda Item G-10)**

The City staff's recommendation was that the City Council approve the request to waive all special event fees as set forth in the caption above.

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

Mayor Ueckert said this is in conjunction with the annual Keep Lewisville Beautiful function this year and instead of having the Spring Clean-Up at Lewisville High School, it will be held at the LLELA event to remind people of Earth Day and make people aware of the beautiful facility at LLELA.

**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 the request to waive all special event fees for the LLELA Special Event on April 24, 2010. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, for Defenders of Freedom to Waive Fees for the Vista Ridge Amphitheater**

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**(Agenda Item G-11)**

Defenders of Freedom has requested the City Council to consider waiving fees for the Ride For Wounded Warriors to be held at the Vista Ridge Amphitheater tentatively scheduled for May 22, 2010.

The City staff's recommendation was that the City Council consider the request to waive rental and staffing fees for the Vista Ridge Amphitheater for the Ride For Wounded Warriors and require facility deposit and appropriate insurance.

Donna Cranston, Defenders of Freedom 706 Stratford Lane, Coppell, gave the Council background on the group. She started the organization as a result of going to the airport every day to welcome home U.S. troops. The ride on May 22<sup>nd</sup> is a biker ride and 100% proceeds will go to the U.S. Troops.

**Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, for Defenders of Freedom to Waive Fees for the Vista Ridge Amphitheater (cont'd)**

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**(Agenda Item G-11)**

**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 waive all rental and staffing fees for the Vista Ridge Amphitheater and that the applicant provide the deposit and insurance. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Article V, Special Events, for the Parker House Located at 2301 North Stemmons Freeway, as Requested by Mark East of DFW Fright Nights (Requested by Councilman Gorena)**

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**(Agenda Item G-12)**

Mark East, Owner of DFW Fright Nights, claiming a hardship, is requesting that the Parker House (Haunted House) located at 2301 North Stemmons Freeway remain on site as constructed with all equipment associated with the event. Mr. East is also requesting that the event take place from September 24, 2010 through October 31, 2010. After the event is over, Mr. East will return the property to the original condition by December 1, 2010. Mr. East further agrees to add an additional 60 feet of 8-foot solid wood fence on the northwest side of the property to screen the event from the adjacent neighborhood.

The City staff’s recommendation was that the City Council consider the requests to allow the event to be held from September 24, 2010 through October 31, 2010 and to allow the event materials and equipment to remain on the property until December 1, 2010.

Cleve Joiner, Building Official, and Marc East, 2438 Antler Trail, Lewisville, were present to respond to any questions posed by the City Council.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:40 p.m. Monday, April 19, 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 7:40 p.m. on Monday, April 19, 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. Consideration of a Variance to the Lewisville City Code, Article V, Special Events, for the Parker House Located at 2301 North Stemmons Freeway, as Requested by Mark East of DFW Fright Nights (Requested by Councilman Gorena)

The Closed Session was adjourned at 7:50 p.m. on Monday, April 19, 2010.

**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 7:50 p.m. on Monday, April 19, 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.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to table this item until the second meeting in June to allow staff time to provide additional information. The motion carried.

Mayor Ueckert thanked all of the people who filled out cards to speak and invited them back to the meeting in June when Council will consider the variance request.

**Consideration of a Variance to the Lewisville City Code, Section 11-14 Prohibited Signs, Regarding an Off-Premise Sign to be Located on the Frontage Road of SH 121 at the Intersection of Cookie Lane, Just North of FM 544 as Requested by Sunridge Management Group on Behalf of Amaranth at 544, Active Senior Living Community**

**(Agenda Item G-13 )**

A 96-square foot off-premise sign is being proposed at Highway 121 and Cookie Lane, to be located approximately just north of FM 544. The sign is twelve (12) feet in height and will be located approximately twenty (20) feet back from the curb. Due to the location of the Amaranth Active Senior Living Community, their staff feels that an off-premise sign would benefit them with early notification to possible clients traveling on Hwy 121 directing potential clients to the facility for lease. Amaranth at 544 has an agreement with Lakepointe Marina at 121, GP, LLC to allow this off-premise sign to be placed on their property. The request is similar to the Lakeside at 121 Apartments and the Bella Madera Apartment, which were approved by the City Council in October 2008 and January 2009 respectively which are in the same area. Staff has concerns over the amount of signage already in the area.

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

Cleve Joiner, Building Official, advised Council that this property is located on Cookie Lane at Windhaven Parkway. There are visibility issues since this property is located at the end of a currently dead-end street. Mr. Joiner advised that there is currently an off-premise real estate sign. Amaranth requested to have a banner variance. Staff denied this request. The CO for Amaranth was issued in March 2009.

Discussion followed.

Councilman Tierney asked about the expiration of the existing signage. Mr. Joiner said that Amaranth should have removed their sign 14 days after the CO was issued.

Lisa Prude, 727 Hawk Lane, Coppell, Sunridge Mangement Company, told Council that there was a banner on the apartment complex when her company came on board in August 2009. This is a 55 and over complex only. This community is only 33% leased after being constructed for a year and a half. Ms. Prude feels that this signage is needed in order to lease the apartments. She feels that this is hindering the complex in leasing their apartments. There is no drive-by traffic since the apartment is located at the end of a currently dead-end street.

**Consideration of a Variance to the Lewisville City Code, Section 11-14 Prohibited Signs, Regarding an Off-Premise Sign to be Located on the Frontage Road of SH 121 at the Intersection of Cookie Lane, Just North of FM 544 as Requested by Sunridge Management Group on Behalf of Amaranth at 544, Active Senior Living Community (cont'd)**

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**(Agenda Item G-13 )**

Mayor Ueckert said he is opposed to excess signage. He feels that businesses that develop off of main streets, must adapt to their location.

Mayor Pro Tem Watts feels that the area is already cluttered with signs and that the apartment complex is on target with leasing. He does not feel that having a sign on SH 121 will help their cause. Mayor Pro Tem Watts feels that there are other factors keeping the apartment complex from leasing. He feels that this is a bad time for people to be selling their homes to move into an apartment complex.

Councilman Gorena clarified that the owner of the land where the signs are located is not receiving any funds for having the signage on it. He does not feel that a sign makes that much difference in the leasing capabilities.

Councilman Durham is in favor of the variance with a time limit and the removal of the existing sign.

Councilman Tierney feels that the sign litter is getting bad in that area. He feels that the new Sign Ordinance is doing well in keeping sign litter to a minimum. He feels that the off-premise signage would not make a difference in the leasing capability of the apartment complex. The current sign is illegal. He is in favor of the business so he wants to see it do well. He wants to trim the time limit down to one year. Some of the businesses back by the marina must have off-premise signage to stay in business.

Councilman Thornhill has a concern regarding signage in that area. He doesn't feel it is fair to tell one business they can have a variance and tell the other they cannot. He feels that the time limit should be one year.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Gorena, the Council voted five (5) "ayes" and no (0) "nays" to approve the off-premise sign with a time limit of one year from today. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Section 11-10, Permissible Signs  
Regarding a Wall Sign Located at 498 East  
SH 121 as Requested by National Indoor  
Storage and Reynolds Signs**

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**(Agenda Item G-14)**

National Indoor Storage is requesting to alter the storefront signage at their business located at 498 East SH 121. They are requesting to erect a new wall sign that will exceed City of Lewisville Sign Ordinance provisions. They are requesting a variance to erect an additional wall sign of 51 square feet for a total of 354.07 square feet of wall signs. The ordinance only allows a maximum of 318.75 square feet of wall signage for this elevation. This is an overage of 35.32 square feet.

The City staff's recommendation was that the City Council consider the request for variance as set forth in the caption above.

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

Councilman Watts asked to hear from the owner about the 35 feet.

Hal Kendrick, 498 E Highway 121, Lewisville, gave a history of the development. Mr. Kendrick explained that the words "indoor storage" should have been placed on the building. The business has expanded and will be going through a name change and the signage on the building will be revised. The pole sign will reflect the revised name change.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) "ayes" and one (1) "nays," with Councilman Tierney casting the negative vote to approve the variance. The motion carried.

**Consideration of a Request for City In-Kind Support for the American Cancer Society Relay For Life Event, Located at the Killough LHS North Campus, 1301 Summit Avenue, as Requested by Laura Patrey, Event Chair Southeast Denton County Relay For Life**

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**(Agenda Item G-15 )**

The 2010 Southeast Denton County Relay for Life event will be held from Friday, May 14, 2010 at 7:00 p.m. to 7:00 a.m. Saturday, May 15, 2010. A request is being made to: a) provide City in-kind support of ten (10) tents and staff time to set up and take down tents related to the event; and, b) to waive any associated fees for the event including fees for personnel to put up and take down tents. City Council approved the request for the event last year.

The City staff's recommendation was that the City Council consider the request for in-kind support for the American Cancer Society Relay For Life event as set forth in the caption above.

Laura Patrey, 5221 Timber Creek Road, Flower Mound was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve the City in-kind support for the American Cancer Society Relay for Life Event, located at the Killough LHS North Campus, 1301 Summit Avenue. The motion carried.

**Consideration of Naming I-35E "Liberty Freeway" (Requested by Councilman Gorena)**

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**(Agenda Item G-16)**

The City of Farmers Branch recently passed a resolution attaching "Liberty Freeway" name to I35 within their corporate limits. It is technically a nickname because the official addressing along the corridor was not changed. There are various approaches to naming state highways depending on the purpose and intent, ranging from state official naming to local official naming to nicknaming. I35 in Lewisville currently does not have an official local designation; however, it has numerous other names that are recognized by addressing authorities such as the city, the post office, central appraisal district and Denco 911. In addition, the State of Texas currently recognizes all of I35 from north to south as the "Purple Heart Trail". Also, the City has recently commenced work on a master plan for I35 to address a wide spectrum of issues that will impact the corridor for many years into the future, including aesthetics, imagery,

**Consideration of Naming I-35E "Liberty  
Freeway" (Requested by Councilman  
Gorena) (cont'd)**

**(Agenda Item G-16)**

redevelopment, standards, infrastructure design, etc. Naming of the corridor (perhaps even officially) would be within the scope of issues for this committee to consider.

The City staff's recommendation was that the council include naming options in the scope of issues to be considered by the I35 Corridor Plan Steering Committee and not take any further action at this time.

Johnnie Bulen, 2121 N. Mill Street, Lewisville, spoke to Council telling them that he feels that "Armed Forces" is a better name because it includes everything. He also stated that IH35 is the "Purple Heart Trail" from the Red River to Laredo. He feels that "Armed Forces" is more appropriate to honor veterans than "Liberty".

Gilbert Brown, 1221 Quaker Lane, Lewisville, feels that "Armed Forces" or "Veteran's Highway" is more specific in honoring veterans because it is more encompassing. Mr. Brown feels that the signage should be on the feeder roads rather than the highway. The cost of one of the signs is about \$500-\$600 per sign and this may not include installation. He said that additional funds are needed for replacement of signs.

Discussion followed.

Mayor Ueckert said that Mayor Carey called and expressed his desire to call the highway "Purple Heart Trail". Mayor Ueckert asked staff to do research, but TxDOT has no plans on renaming the highway and has taken no steps to install signage.

Mayor Ueckert talked about appointing a committee to do a study survey on how to improve the image of IH-35E in Lewisville. He would like to see that committee have some input on naming or not naming the IH-35 in Lewisville.

Discussion followed.

Councilman Durham would like to see how much it would cost to put the toppers on the signs and put "Purple Heart Trail" on the signs along the highway. He feels that it would be beneficial to wait until all highway reconstruction is complete.

**Consideration of Naming I-35E "Liberty Freeway" (Requested by Councilman Gorena) (cont'd)**

**(Agenda Item G-16)**

Councilman Tierney said that the committee will study the issue of the reconfiguration of the highway and would like to see "Purple Heart Trail" signs used and would like to see that theme carried throughout the city.

Councilman Thornhill said that Lewisville should be independent of other cities with the name to be put on the signs and keep "Purple Heart Trail" and not have to follow other cities.

Mayor Pro Tem Watts said that the best way to honor servicemen and women is to provide signs. He also feels that the committee should have an input on the signage.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to take no action and send this issue to the committee as requested by staff. The motion carried.

Councilman Durham noted that he wants to keep the name of "Purple Heart Trail".

**Consideration of a Request for Variances to Lewisville City Code, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees; Section 11-14, Signs on Public Property; and Request for In-Kind Support, as Requested by Rebecca Behnke for the 2010 Cinco de Mayo Event**

**(Agenda Item G-17)**

Dallas Tortilla & Tamale Factory owner Rebecca Behnke intends to hold a public Cinco de Mayo event on Saturday, May 1, in Old Town Lewisville. She has asked the city to waive all event permit fees, provide staff support for the event, approve closing Church Street for the event, and allow event signage in City rights-of-way. City Council has approved these requests for this event in past years.

The City staff's recommendation was that the City Council consider the requested variances, requested road closure and requested in-kind support related to the 2010 Cinco de Mayo event.

Rebecca Behnke, 310 South Mill Street, Lewisville, encouraged the Council to continue supporting Cinco de Mayo.

**Consideration of a Request for Variances to Lewisville City Code, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees; Section 11-14, Signs on Public Property; and Request for In-Kind Support, as Requested by Rebecca Behnke for the 2010 Cinco de Mayo Event (cont'd)**

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**(Agenda Item G-17)**

Mayor Pro Tem Watts asked about the costs associated with the different requests. City Manager King said costs are similar, but the costs depend on the time frame for the event, staff impact, road closures impacts costs due to barricades needing to be installed, police officers needed for crowd control.

Rebecca Behnke wants to keep Church Street open, but the police recommend closing Church Street because of the location of the main stage and as a source of safety issues.

Mayor Pro Tem Watts talked about co-sponsoring the event. This is not a co-sponsored event, but the City is spending funds for this event. Ms. Behnke feels that there will be less impact on staff by having volunteers doing some of the work that had been done in the past by staff. Due to the diversity of the citizens in Lewisville, it helps having various events that appeal to that diverse group of people.

Discussion followed.

Ms. Behnke said that there are times that this event has supported itself in the past and can do so in the future.

Councilman Tierney congratulated Ms. Behnke for keeping this event going and is in support of the variances.

The following persons filled out cards expressing their support of the variance request:

Ismael Dela Rosa, 1305 Highway 121, Lewisville  
Juani Sorto, 1736 Big Canyon Trail, Lewisville

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to support the variance request and provide in-kind support by providing police officers. The motion carried.

**Consideration of Declaring a Vacancy in  
Place No. 7 on the Park Board; and  
Consideration of an Appointment to Fill the  
Vacancy on the Park Board**

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**(Agenda Item G-18)**

In accordance with the City Council's attendance policy, Patrick Booth has missed three consecutive meetings (during the months of December, January, and March – there was no scheduled meeting in February) of the Park Board and is automatically removed from membership on this committee.

The City staff's recommendation was that the City Council consider declaring a vacancy in Place No. 7 on the Park Board; and consider an appointment to fill the vacancy.

Councilman Thornhill thanked everyone who applied for vacant position. He feels that Michael Pope would make the best fit for the Park Board.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to declare a vacancy in Place No. 7 on the Park Board and to fill the vacancy with the appointment of Michael Pope. The motion carried.

Councilman Durham thanked Mr. Booth for his service on the Board over the years.

**Reports**

**(Agenda Item H)**

- ◆ Mayor Ueckert congratulated Parks Director Bob Monaghan on the running of Railroad Street Park
- ◆ Utilities Director Carole Bassinger reported that the lake level has increased due to the rain the last few days.
- ◆ Deputy City Secretary Pat Parra reminded everyone that early voting begins on Monday, April 26 through April 30<sup>th</sup> from 8 a.m. to 5 p.m. and again on Monday and Tuesday, May 3<sup>rd</sup> and 4<sup>th</sup> from 7 a.m. until 7 p.m. She also said that Election Day is Saturday, May 8<sup>th</sup>.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 9:04 p.m. Monday, April 19, 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 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 9:05 p.m. on Monday, April 19, 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. Property Acquisition  
Section 551.087 (Economic Development):
2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 9:35 p.m. on Monday, April 19, 2010.

**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 9:36 p.m. on Monday, April 19, 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 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 9:36 p.m. on Monday, April 19, 2010. The motion carried.

These minutes approved by the Lewisville City Council on the 3rd day of May, 2010.

APPROVED

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Dean Ueckert, MAYOR

ATTEST:

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**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
APRIL 19, 2010**

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Julie Heinze, CITY SECRETARY