

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**SEPTEMBER 14, 2015**

**Present:**

Rudy Durham, Mayor

**Council Members:**

R Neil Ferguson, Mayor Pro Tem  
Greg Tierney, Deputy Mayor Pro Tem  
Leroy Vaughn  
TJ Gilmore  
Brent Daniels

**City Staff:**

Donna Barron, City Manager (Absent)  
Steve Bacchus, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Eric Ferris, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, 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 Durham at 6:30 p.m. on Monday, September 14, 2015, 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 Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. 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 Durham reviewed Agenda Item C-1, Public Hearing: Consideration of an Ordinance Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-2, Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; Replacing the Mixed Use Thirty District (MU-30) With a New Mixed Use District (MU); and Revising Regulations Within the Various Mixed Use Districts. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-3, Public Hearing: Consideration of the Proposed FY 2015-2016 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item E-4, a) Approval of City Council Minutes of the August 3, 2015, Workshop Session and Regular Session; and b) City Council Minutes of the August 17, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-5, Approval of Waiving the Penalty and Interest on Property Tax Account 652742DEN for 2014. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-6, Approval of an Economic Development Agreement Between the City of Lewisville and Witherspoon Distillery; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-7, Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Eules, Texas (Primary Vendor) and Austin Asphalt LP, Irving, Texas (Secondary Vendor). 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 Durham reviewed Agenda Item E-8, Approval of Bid Award for Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line Replacement Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$1,906,478.70; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-9, Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner. Councilman Vaughn expressed his concern with waiving the alley requirement as requested when only .02 percent of the lots would meet the requirement. At the request of Mayor Durham, City staff advised that similar variances have been done in Castle Hills Villas I, II, and III. Assistant City Manager Eric Ferris referred to the 1996 Agreement with Castle Hills regarding this type of variance. Councilman Vaughn advised that while previous Councils; were okay with granting this type of variance, he held more respect for the people that came up with the section in the Code, and that regardless if approved in the past, he was not in favor of this variance now, or going forward. Discussion was held that the 10,000 square foot requirement was only triggered in Castle Hills and it was an automatic variance option for them. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-10, Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 Acre Tract Zoned PUD2 (Ordinance No. 4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-11, Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 Acre Tract Zoned PUD (Ordinance No. 4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Durham reviewed Agenda Item F-12, Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Special Event Fees for National Night Out Events on Tuesday, October 6, 2015. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G, Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:39 p.m. on Monday, September 14, 2015.

At the request of Councilman Vaughn, Mayor Durham reopened the workshop session at 6:39 p.m. to discuss Agenda Item C-1, Public Hearing: Consideration of an Ordinance Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08). Councilman Vaughn advised that he thought this was a great idea and he was very happy that they had decided to build a drive-in the City of Lewisville. He questioned, if in the lavatory facilities, would there be baby station or separate rooms for changing stations. Neighborhood Services Director Cleve Joiner indicated that the code would require some type of accommodation. Councilman Vaughn questioned what the restrictions on smoking at this location would be. Neighborhood Services Director Cleve Joiner advised that would be addressed in the smoking ordinance and handled similarly to restaurants. Councilman Vaughn stated that a smoker could get confused as to where they can and cannot smoke. Mr. Joiner advised that staff would need to look at the ordinance to determine if any changes needed to be made. Discussion was held regarding the permeable surface being ADA compliant and not creating a hazard for a handicapped person. Mr. Joiner advised that ADA was more concerned with accessibilities being provided for people with disabilities that was matched or similar in kind.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:43 p.m. on Monday, September 14, 2015.

**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 Durham at 7:00 p.m. on Monday, September 14, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Durham, Councilman Gilmore gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Public Hearing: Consideration of Ordinance  
No. 4205-09-2015 (Z) Granting an Amended  
Special Use Permit for a Drive-In Theater on  
a 34.529-Acre Tract of Land out of the S.M.  
Hayden Survey, Abstract No. 537; Zoned  
Light Industrial (LI), Located at the  
Southeast Corner of Midway Road and  
Holford's Prairie Road, as Requested by  
Coyote Theater, LLC (Case No. SUP-2015-  
08-08)**

**(Agenda Item C-1)**

A Special Use Permit (SUP) for a proposed five-screen drive-in theater was approved in January 2015. The purpose of the proposed SUP amendment is to add a sixth screen to the site and to relocate the main entry drive into the drive-in theater. All other aspects of the proposal remain as originally presented. The Planning and Zoning Commission recommended unanimous approval of the amended SUP by a vote of 6-0 at their meeting on August 18, 2015.

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

Nika Reinecke, Director of Economic Development/Planning and Glenn Solomon, Coyote Theater, LLC, both spoke briefly before the City Council regarding this item.

Mayor Durham opened the public hearing.

**Public Hearing: Consideration of Ordinance No. 4205-09-2015 (Z) Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08) (cont'd)**

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(Agenda Item C-1)

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

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas Amending the Zoning Ordinance of the City Council of the City of Lewisville, Texas Amending the Zoning Ordinance of the City of Lewisville, Texas by Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acres Tract of Land Out of the S.M. Hayden Survey, Abstract No. 537, Zoned Light Industrial (LI) District; Located at the Southeast Corner of Midway Road and Holford's Prairie Road; Providing for Severability; Providing a Penalty; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency."

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 4205-09-2015 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4206-09-2015 (Z) Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; Replacing the Mixed Use Thirty District (MU-30) With a New Mixed Use District (MU); and Revising Regulations Within the Various Mixed Use Districts**

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**(Agenda Item C-2)**

Over the years, amendments to the Zoning Ordinance have been adopted from time to time to respond to changes in the community and to provide more effective requirements and efficient processes. The proposed amendments will improve the development standards and provide needed changes that will greatly enhance our delivery of service to the development community and our citizens. The Planning and Zoning Commission recommended unanimous approval of the proposed amendments by a vote of 7-0 at their meeting on September 1, 2015.

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

Nika Reinecke, Director of Economic Development/Planning spoke briefly before the City Council regarding this item.

Mayor Durham opened the public hearing.

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

**Public Hearing: Consideration of Ordinance No. 4206-09-2015 (Z) Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; Replacing the Mixed Use Thirty District (MU-30) With a New Mixed Use District (MU); and Revising Regulations Within the Various Mixed Use Districts (cont'd)**

**(Agenda Item C-2)**

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting, and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District With a New Planned Development (PD) District; Replacing the Mixed Use Thirty (MU-30) District With a New Mixed Use (MU) District; Revising Regulations Within the Various Mixed Use Districts; Providing for Severability Providing a Penalty; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4206-09-2015 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of the  
Proposed FY 2015-2016 Budget, Property  
Tax Revenue Increase and Proposed  
Property Tax Rate**

**(Agenda Item C-3)**

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2015-16 budget, property tax revenue increase, and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2015-16 property tax rate is .436086, equal to the current .436086 tax rate. The proposed budget includes changes made by City Council at the budget workshop held on August 1st. The first public hearing was held on August 17<sup>th</sup>. Tonight's public hearing will be the second, and final, public hearing to be held. An agenda item to adopt the budget, property tax revenue increase, and property tax rate will be on the September 21, 2015 City Council meeting at 7:00 p.m. in the Council Chambers.

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

Mayor Durham opened the public hearing.

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

**Visitors/Citizens Forum**

**(Agenda Item D)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Gilmore, 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:

4. **APPROVAL OF MINUTES:**

- a. City Council Minutes of the August 3, 2015, Workshop Session and Regular Session; and
- b. City Council Minutes of the August 17, 2015, Workshop Session and Regular Session.

**CONSENT AGENDA (cont'd)**

**(Agenda Item E)**

5. Approval of Waiving the Penalty and Interest on Property Tax Account 652742DEN for 20145.
6. Approval of an Economic Development Agreement Between the City of Lewisville and Witherspoon Distillery; and Authorization for the City Manager to Execute the Agreement.
7. Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor) and Austin Asphalt LP, Irving, Texas (Secondary Vendor).
8. Approval of Bid Award for Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line Replacement Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$1,906,478.70; and Authorization for the City Manager to Execute the Contract.  
The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner**

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**(Agenda Item F-9)**

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The 1996 Bright Farms Agreement was amended to add the subject property into the ETJ by City Council on April 20, 2015. The subject property is being platted for the purpose of constructing a single-family residential development. The preliminary plat has two variances associated with its development: a) allow 41-foot street rights-of-way with 6-foot sidewalk and utility easements in lieu of the required 50 foot rights-of-way; and b) waive the alley requirement. The Planning and Zoning Commission recommended approval of the preliminary plat and all variances at their August 18, 2015, meeting (6-0).

**Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner (cont'd)**

**(Agenda Item F-9)**

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

Jeff Kelly, P.E., Assistant City Engineer and Aaron Ketchand, 2520 King Arthur Blvd, Castle Hills, Texas, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and one (1) "nays" cast by Councilman Vaughn, to approve a Preliminary Plat of Castle Hills Phase 9 Section A containing 177 residential lots and 15 common area lots, located on 34.367 acres, designated Estate Townhouse (ETH) located on the northeast corner of Standridge Drive and Hebron Parkway with the following two associated variances: a) allow 41-foot street rights-of-way with 6-foot sidewalk and utility easements in lieu of the required 50 foot rights-of-way; and b) waive the alley requirement, as requested by LandDesign Inc., representing the property owner. The motion carried.

**Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 Acre Tract Zoned PUD2 (Ordinance No. 4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner**

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(Agenda Item F-10)

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase A, Section 1 includes 60 lots covering 5.748 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

The City staff's recommendation was that the City Council that the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

Nika Reinecke, Director of Economic Development/Planning and Brian Umberger, 1800 Valley View, #140, Farmers Branch, Texas, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 acre tract zoned PUD2 (Ordinance No. 4128-10-2014), containing 60 residential lots and two HOA lots; located in the southwest corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as requested by Texas Development Services on behalf of CADG Windhaven LLC, the property owner. The motion carried.

**Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 Acre Tract Zoned PUD (Ordinance No. 4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner**

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(Agenda Item F-11)

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase B, Section 1 includes 90 lots covering 8.408 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

The City staff's recommendation was that the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

Nika Reinecke, Director of Economic Development/Planning and Brian Umberger, 1800 Valley View, #140, Farmers Branch, Texas, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 acre tract zoned PUD (Ordinance No. 4128-10-2014), containing 90 residential lots and eight HOA lots; located in the southeast corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as requested by Texas Development Services on behalf of CADG Windhaven LLC, the property owner. The motion carried.

**Consideration of a Variance to the Lewisville  
City Code, Section 2-201, Fee Schedule,  
Regarding a Waiver of Special Event Fees  
for National Night Out Events on Tuesday,  
October 6, 2015**

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**(Agenda Item F-12)**

Texas will observe National Night Out on October 6, 2015. The Police Department anticipates no more than 12 neighborhoods will hold a National Night Out event. Normal fees associated with a block party, such as a National Night Out event, are an administrative fee of \$15.50, a road closure fee of \$80 for two roadways and \$10 for each additional roadway closed. To encourage groups to hold a National Night Out event, the Police Department recommends that City Council waive these fees. The Police Department estimates that the waived fees could total \$1,146.

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

**MOTION:** Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Tierney the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Special Event Fees for National Night Out Events on Tuesday, October 6, 2015. The motion carried.

**Reports**

**(Agenda Item G)**

- Director of Public Services Carole Bassinger advised the lakes remained at conservation.
- Assistant City Manager Eric Ferris gave a brief update on the 35 Express Report.
- Councilman Gilmore advised that the Friends of the Library would be having their Fall Used Book Sale on September 25 & 27 at the Municipal Annex. He encouraged everyone to check out the City's website to find additional information.
- Mayor Pro Tem Ferguson advised of upcoming events at the MCL Grand Theatre.
- Mayor Durham thanked the Police Officer for his service and all the other officers and support staff.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:20 p.m. Monday, September 14, 2015, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item H)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:30 p.m. on Monday, September 15, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.071 (Consultation with Attorney/Pending Litigation):

2. *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B

Section 551.072 (Real Estate):

3. Property Acquisition

Section 551.074 (Personnel):

4. Annual Staff Reviews:
  - (1) City Secretary Julie Heinze
  - (2) City Attorney Lizbeth Plaster
  - (3) Chief Municipal Court Judge Brian Holman

Section 551.087 (Economic Development):

5. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 9:38 p.m. on Monday, September 14, 2015.

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

**(Agenda Item I)**

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 9:38 p.m. on Monday, September 15 2015, in the Council Chambers of the Lewisville City Hall. (Councilman Vaughn was not present at the dais.)

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session.

**MOTION:** Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Ferguson the Council voted four (4) “ayes” and no (0) “nays” to approve **Resolution 4207-09-2015(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Providing Compensation Increases for Fiscal Year 2015/2016 for Certain Employees Reporting Directly to the City Council; and to hold off on any decision for the Assistant Municipal Court Judges until a comparable City survey can be reviewed.. The motion carried.

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

**Adjournment**

**(Agenda Item L)**

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:41 p.m. on Monday, September 14, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 21<sup>st</sup> day of September 2015.

APPROVED

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Rudy Durham  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY