

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 19, 2015

Present:

Rudy Durham, Mayor

Council Members:

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

City Staff:

Donna Barron, City Manager
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, October 19, 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.

Mayor Durham reviewed Agenda Item C, Proclamation: Declaring the Week of October 19-23, 2015, as “Texas Chamber of Commerce Week”. 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 D, Presentation: Texas Optimization Program 10 Year Award by the Texas Commission on Environmental Quality to the City of Lewisville's Water Treatment Plant. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item F-1, Approval of City Council Minutes of the October 5, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-2, Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; Between the City of Lewisville and City Social Service Agency Fund Recipients; and, Between the Neighborhood Services Department and Parks and Leisure Services Department for FY 2015-2016; and Authorization for City Officials to Execute the Agreements. City Manager Donna Barron reviewed this item with the City Council. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-3, Approval of a Motorola Contract for the Purpose of Procuring a New P-25 Compliant Radio System Through an Interlocal Cooperative Agreement With the County of Denton; Approval of a Supplemental Appropriation of \$7,608,463 From General Fund Reserves; and Authorization for the City Manager or her designee to execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-4, Approval of a Resolution Expressing the City's Intent to Reimburse Certain Expenditures From the Proceeds of Obligations to be Issued in the Future. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-5 Consideration of a Request From Commercial Bank of Texas, N.A. for Partial Reimbursement of Monthly Rent as Related to the Lease Agreement Dated February 5, 2014, and Provide Direction to Staff. Discussion was held by the City Council with City staff that the bank had not met the part of the agreement that allowed for any reimbursement. The consensus of the City Council was while it did not hurt to ask, they did not feel that as stewards of public funding they could approve this request. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H, Reports: Third Quarter 2015 Boards/Commissions/Committees Attendance Reports. 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 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 6:34 p.m. on Monday, October 19, 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, October 19, 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, Mayor Pro Tem Ferguson gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Week of
October 19-23, 2015, as “Texas Chamber of
Commerce Week”**

(Agenda Item C)

Mayor Pro Tem Ferguson read and presented a proclamation declaring October 19-23, 2015, as “Texas Chamber of Commerce Week” to representatives from the Lewisville Chamber of Commerce.

**Presentation: Texas Optimization Program
10 Year Award by the Texas Commission on
Environmental Quality to the City of
Lewisville's Water Treatment Plant**

(Agenda Item D)

Mason Miller with Texas Commission on Environmental Quality (TCEQ), presented Mayor Pro Tem Ferguson and the following Lewisville City staff with Texas Optimization Program 10 Year Award by the TCEQ to the City of Lewisville's Water Treatment Plant.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem 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: City Council Minutes of the October 5, 2015, Workshop Session and Regular Session.
2. Approval of Resolution No. 4218-10-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Contract With Budgeted Subrecipients Receiving Portions of the City of Lewisville’s U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Funding and City of Lewisville Social Service Funding; and Authorizing the Director of Neighborhood Services to Execute Letters of Agreement With City Departments Receiving CDBG Funding for FY 2015-2016.
3. Approval of a Motorola Contract for the Purpose of Procuring a New P-25 Compliant Radio System Through an Interlocal Cooperative Agreement With the County of Denton; Approval of a Supplemental Appropriation of \$7,608,463 From General Fund Reserves; and Authorization for the City Manager or her designee to execute the Contract.
4. Approval of Resolution No. 4219-10-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Approving a Resolution Expressing the City’s Intent to Reimburse Certain Expenditures From the Proceeds of Obligations to be Issued in the Future.

The motion carried.

END OF CONSENT AGENDA

**Consideration of a Request From
Commercial Bank of Texas, N.A. for Partial
Reimbursement of Monthly Rent as Related
to the Lease Agreement Dated February 5,
2014, and Provide Direction to Staff**

(Agenda Item G-5)

The City of Lewisville purchased the property located at 191 West Main Street in August 2012 for the development of the Wayne Ferguson Plaza. A lease to allow Commercial Bank of Texas (CBTx) to remain and operate within the building for 24 months was included in the purchase. A second lease was authorized to allow CBTx to remain in the building until a new building at 201 Mill Street was constructed. Special provisions were included that allowed for partial reimbursement of the monthly lease payment if a building permit was issued within 90 days of closing the new building site. CBTx did not receive the building permit within the 90 days, but is now requesting from April 2015 to September 2015.

The City staff's recommendation was that the City Council consider the request and provide direction to staff as set forth in the caption above.

Raymond "Rusty" Rust, CBTx President/Chief Executive Officer, spoke before the City Council in support of this item and advised that in good faith they had tried to meet the intent of the agreement.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to deny the request from Commercial Bank of Texas, N.A. for partial reimbursement of monthly rent as related to the Lease Agreement dated February 5, 2014. The motion carried.

Reports

(Agenda Item H)

- Third Quarter 2015 Boards/Commissions/Committees Attendance Reports
- Mayor Durham thanked City staff for all their hard work with the LHS Homecoming Parade.
- Councilman Gilmore advised that the Spooktacular Trails was being held at Railroad Park on Saturday, October 24th along with the Glow Run. He encouraged everyone to bring their children out.
- Mayor Pro Tem Ferguson advised that early voting had begun for the City's Bond Election and the Texas State Constitutional Amendment. He encouraged everyone to familiarize themselves with both elections they headed out to vote. He also gave an update on the upcoming events at the MCL Grand Theatre.
- Mayor Durham advised that Councilman Vaughn was absent due to an illness. Mayor Durham thanked the officer for his presence

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:29 p.m. Monday, October 19, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:29 p.m. on Monday, October 19, 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/Pending Litigation):

1. 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 551.071 (Consultation with Attorney):

2. Legal issues related to public receptacles

Section 551.072 (Real Estate),

3. Property Acquisition

Section 551.087 (Economic Development):

4. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 8:38 p.m. on Monday, October 19, 2015.

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

(Agenda Item K)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:38 p.m. on Monday, October 19, 2015, in the Council Chambers of the Lewisville City Hall.

Mayor Durham 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.

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Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:38 p.m. on Monday, October 19, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of November, 2015.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY