

LEWISVILLE CITY COUNCIL

REGULAR SESSION

SEPTEMBER 18, 2006

Present:

Gene Carey, Mayor

Council Members:

Greg Tierney

David Thornhill

Mike Nowels

Dean Ueckert, Deputy Mayor Pro Tem

Rudy Durham, Mayor Pro Tem

City Staff:

Donna Barron, Assistant City Manager

Steve Bacchus, Assistant City Manager

Julie Heinze, 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 Carey at 6:35 p.m. on Monday, September 18, 2006, 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 Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C, Visitors/Citizens Forum. 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 Carey reviewed Agenda Item D-1, Approval of an Appropriation in the Amount of \$186,390 From Various Available Bond Cash Balances to Various Capital Projects to Exhaust Bond Funding Prior to Year-End Arbitrage Calculations. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Approval of an Interlocal Agreement Between the City of Lewisville and Denton County to Share and Access Data on the Juvenile Information System (JIS); and Authorization for the City Manager, or His Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Approval of a Supplemental Budget Appropriation to the Grant Fund in the Amount of \$44,510; and Approval of the Purchase of Radio Communication Equipment in the Amount of \$116,310 From Motorola. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-4, Approval of a Contract With Impact Outdoor Advertising in the Amount of \$36,000 for One-Year Rental of an Outdoor Billboard; and Authorization for the City Manager, or His Designee, to Execute the Contract. Discussion was held regarding what type of artwork would be placed on the billboard. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item D-5, Approval of a Resolution Approving 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 Community Development Department and Public Services Department for FY 2006/2007; and Authorization for City Officials to Execute the Agreements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-6, Approval of the 2006 Land Use Assumption Report as Prepared by Stanland and Associates. Assistant City Manager Donna Barron pointed out that on Page 17 of the 2006 Land Use Assumption Report the Huffines property that is currently zone commercial use. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Consideration of an Ordinance Amending the 2005/2006 Adopted Budget. Assistant City Manager Donna Barron referenced the revised form that had been handed out to the City Council. She explained that revisions had been made to reflect the Utility and Grand Fund changes. 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 Carey reviewed Agenda Item E-8, Consideration of an Ordinance Adopting the FY 2006/2007 Tax Rate. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Consideration of an Ordinance Adopting the FY 2006/2007 Operating Budget. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Consideration of an Ordinance Amending the Code of Ordinances, Chapter 2, Article VIII, Section 2-201; Increasing the Minimum Retail Water Rates; Increasing the Industrial Surcharge Rates; Decreasing the Denton County Fresh Water Supply District No. 1-A Wholesale Sewer Rate; and Increasing the Treated Wastewater Effluent Rate for the Upper Trinity Regional Water District. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-11, Tabled Item: Consideration of a Resolution Expressing Local Preference and Support for Specific DCTA Commuter Rail Station Concepts Within the City of Lewisville. Discussion was held that the City of Highland Village appreciated the City of Lewisville supporting the Garden Ridge site instead of the FM 407 site. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F, Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-Executive Session. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:41 p.m. on Monday, September 18, 2006.

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 Carey at 7:00 p.m. on Monday, September 18, 2006, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Councilman Tierney gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Councilman Nowels gave the pledge to the flag.

Visitors/Citizens Forum

(Agenda Item C)

Elaine Bass, 1841 Tucson Drive, Lewisville, Texas 75077, spoke before the City Council regarding the illegal immigration issues that is currently being discussed in the City of Farmers Branch. Ms. Bass requested that the City Council follow Farmers Branch current position regarding illegal immigrants. She further requested that the City of Lewisville implement an ordinance making English the official language of the city, eliminate day labor camps, find employers that hire illegal immigrants, find landlords who rent to illegal immigrants, stop printing city documents in multiple languages, and investigate and impound vehicles driven by illegal immigrants. Mayor Carey advised that he and Assistant City Manager Donna Barron were traveling to Washington, D.C. later this month to address those types of concerns.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item D)

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, 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:

1. Approval of an Appropriation in the Amount of \$186,390 From Various Available Bond Cash Balances to Various Capital Projects to Exhaust Bond Funding Prior to Year-End Arbitrage Calculations.
2. Approval of an Interlocal Agreement Between the City of Lewisville and Denton County to Share and Access Data on the Juvenile Information System (JIS); and Authorization for the City Manager, or His Designee, to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item D)

3. Approval of a Supplemental Budget Appropriation to the Grant Fund in the Amount of \$44,510; and Approval of the Purchase of Radio Communication Equipment in the Amount of \$116,310 From Motorola.
4. Approval of a Contract With Impact Outdoor Advertising in the Amount of \$36,000 for One-Year Rental of an Outdoor Billboard; and Authorization for the City Manager, or His Designee, to Execute the Contract.
5. Approval of Resolution No. 3382-10-2006(R) Approving 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 Community Development Department and Public Services Department for FY 2006/2007; and Authorization for City Officials to Execute the Agreements.
6. Approval of the 2006 Land Use Assumption Report as Prepared by Stanland and Associates.

The motion carried.

END OF CONSENT AGENDA

Consideration of Ordinance No. 3374-09-2006 Amending the 2005/2006 Adopted Budget

(Agenda Item E-7)

Mayor Carey advised that the purpose of this ordinance is to amend the FY 2005/2006 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Others relate to actions taken to fund unbudgeted items during the year. This ordinance will also authorize two new supplements, one to the Utility Fund for \$1,250,000 to cover increases in raw water, treated water and electricity costs as well as to increase revenue projections for water and sewer sales, and a supplement to the Grant Fund for \$10,512 for the Loan Star Library Grant. This ordinance encompasses the \$44,500 supplement to the Grant Fund also on tonight's agenda.

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance amending the FY 2005/2006 budget.

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

**Consideration of Ordinance No. 3374-09-
2006 Amending the 2005/2006 Adopted
Budget (cont'd)**

(Agenda Item E-7)

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Previously Adopted and Approved Budget Ordinance for the Fiscal Year October 1, 2005 to September 30, 2006 by Providing Supplemental Appropriations to the Various Funds; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3374-09-2006**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3375-09-
2006 Adopting the FY 2006/2007 Tax Rate**

(Agenda Item E-8)

Mayor Carey advised that this action will adopt the City's annual ad valorem tax rate upon all taxable property at \$0.45679 per \$100 of assessed valuation. The rate combines the following: Maintenance and Operation \$0.32184 and Principal and Interest on Debt \$0.13495 for a total tax rate of \$0.45679. The tax rate for FY 2006/2007 remains the same as the current fiscal year.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance adopting the FY 2006/2007 Tax Rate.

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, Establishing the Tax Rate and Tax Levy for the City of Lewisville, Texas for the Year 2006-2007, Upon all Taxable Property in Said City in Conformity With the Laws of the State of Texas, and the Charter Provisions and all Ordinances of Said City; Providing a Repealer; Providing for Severability; Providing for an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3375-09-2006**, as previously captioned. The motion carried.

Consideration of Ordinance No. 3376-09-2006 Adopting the FY 2006/2007 Operating Budget

(Agenda Item E-9)

Mayor Carey advised that the proposed operating budget for all funds has been prepared by staff and reviewed by the City Council. Approval of this ordinance adopts an operating budget for all funds beginning October 1, 2006 and ending September 30, 2007. A draft document is available for public review at the City Secretary’s Office, the Library, and on the City website.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the proposed ordinance adopting the FY 2006/2007 Operating Budget.

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, Adopting and Approving a Budget for the City of Lewisville, Texas for the Year Beginning October 1, 2006, and Ending September 30, 2007; Providing for an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Thornhill and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3376-09-2006**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3377-09-2006 Amending the Code of Ordinances, Chapter 2, Article VIII, Section 2-201; Increasing the Minimum Retail Water Rates; Increasing the Industrial Surcharge Rates; Decreasing the Denton County Fresh Water Supply District No. 1-A Wholesale Sewer Rate; and Increasing the Treated Wastewater Effluent Rate for the Upper Trinity Regional Water District

(Agenda Item E-10)

Mayor Carey advised that City staff had completed a review of retail water and sewer rates, the industrial surcharge rates, the wholesale sewer rate for the Denton County Fresh Water Supply District No. 1-A, and the treated wastewater effluent rate for the Upper Trinity Regional Water District. The proposed rates will provide revenues to fund the 2006-2007 water and sewer operating budget as well as provide revenues to pay debt service requirements. Approval of the

Consideration of Ordinance No. 3377-09-2006 Amending the Code of Ordinances, Chapter 2, Article VIII, Section 2-201; Increasing the Minimum Retail Water Rates; Increasing the Industrial Surcharge Rates; Decreasing the Denton County Fresh Water Supply District No. 1-A Wholesale Sewer Rate; and Increasing the Treated Wastewater Effluent Rate for the Upper Trinity Regional Water District (cont'd)

(Agenda Item E-10)

retail rates as presented provides an increase in the existing retail minimum water rates, resulting in an increase of 1.19% to the average residential customer, a (1.95%) decrease in the existing Denton County Fresh Water Supply District No. 1-A wholesale sewer rate, an increase in the BOD and TSS industrial surcharge rates of \$0.000423 and \$0.001014, respectively, and an increase in the treated wastewater effluent rate per 1,000 gallons from \$0.12 to \$0.13 for the Upper Trinity Regional Water District.

Mayor Carey stated the City staff's recommendation was that the City Council approve an ordinance increasing the minimum retail water rates; increasing the industrial surcharge rates, decreasing the Denton County Fresh Water Supply District No. 1-A wholesale sewer rate; and increasing the treated wastewater effluent rate for the Upper Trinity Regional Water District.

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 Code of Ordinances Chapter 2, Article VIII, Section 2-201; Increasing the Minimum Retail Water Rate; Increasing the Industrial Surcharge Rates; Decreasing the Wholesale Sewer Rate; Increasing the Treated Wastewater Effluent Rate; Providing for a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and

adopt **Ordinance No. 3377-09-2006,** as captioned previously. The motion carried.

**Tabled Item: Consideration of Resolution
No. 3378-09-2006(R) Expressing Local
Preference and Support for Specific DCTA
Commuter Rail Station Concepts Within the
City of Lewisville**

(Agenda Item E-11)

Mayor Carey advised that the Denton County Transportation Authority (DCTA) has been conducting an environmental assessment for a proposed commuter rail line from Denton to North Carrollton. As part of the process, various alternatives for station locations in Lewisville have been developed by DCTA. The process has advanced to the point where a local preferred alternative for each location should be expressed by Lewisville and made part of the record by no later than September 18.

Mayor Carey stated the City staff's recommendation was that the City Council select the preferred station location for each of the three planned stops; and approve the resolution supporting them.

Deputy Mayor Pro Tem Ueckert advised that he had spoken with Mayor Diane Costa from the City of Highland Village and they had expressed their appreciation for the City of Lewisville's support of Garden Ridge as the site for the north station.

Councilman Nowels advised that the Lakeside site will be the best area for the southern site as the infrastructure is already in place.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3378-09-2006(R)**, supporting Garden Ridge as the northern site, Main Street as the downtown site, and Lakeside as the southern site. The motion carried.

Reports

(Agenda Item F)

- Director of Public Services Carole Bassinger updated the City Council on the status of the Lewisville Lake.
- Deputy Mayor Pro Tem Ueckert thanked Mayor Carey for giving him the opportunity to attend Sail Fair. He advised that this was a great event truly and he truly enjoyed the evening and the sail. Deputy Mayor Pro Tem Ueckert thanked The Colony for hosting the event and for inviting the City to attend.

Reports (cont'd)

(Agenda Item F)

- Mayor Carey thanked Assistant City Manager Donna Barron for the great job she had done at the meeting.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Executive Session at 7:19 p.m. Monday, September 18, 2006, in accordance with the requirements of the Open Meetings Law.

Executive Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (CONSULTATION WITH ATTORNEY), the Lewisville City Council convened into Executive Session at 7:20 p.m. on Monday, September 18, 2006, 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. Pending Litigation - Cause 2001-20763-158, Desoto Wildwood Development, Inc., vs. City of Lewisville District Court Denton County, Texas

Section 551.072 (REAL ESTATE):

2. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Executive Session was adjourned at 7:35 p.m. on Monday, September 18, 2006.

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

(Agenda Item H)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:33 p.m. on Monday, September 18, 2006, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Executive Session.

Property Acquisition

(Executive Session Item G-2)

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 earnest money contract for the purchase of property from CNLRS BEP, L.P., and authorize the City Manager or his Designee to sign all necessary documents on behalf of the City. The motion carried.

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

Adjournment

(Agenda Item I)

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:33 p.m. on Monday, September 18, 2006. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of October, 2006.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY