

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 19, 2007

Present:

Gene Carey, Mayor

Council Members:

Greg Tierney
David Thornhill
Mike Nowels
Dean Ueckert, Deputy Mayor Pro Tem

Absent:

Rudy Durham, Mayor Pro Tem

City Staff:

Claude King, City Manager
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 6:30 p.m. on Monday, February 19, 2007, 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.

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 C, Proclamation: Declaring March 4-10, 2007, as “Severe Weather Awareness Week”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Presentation. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item F-1, Approval and Final Acceptance of the Wastewater Treatment Plant Expansion Project; Approval of a Resolution Accepting the Project; and Authorization for Final Payment to Gracon Construction, Inc., in the Amount of \$137,186.82. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Acceptance of a North Central Texas Council of Governments Grant in the Amount of \$82,000 to Construct a Permanent Hazardous Waste/Residential Convenience Center; and Approval of a Supplemental Appropriation in the Amount of \$82,000 to the Grant Fund to Complete the Project. Director of Public Services Carole Bassinger advised that it would take about two months to complete this project. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of a Supplemental Budget Appropriation in the Amount of \$26,214 to the Internal Services Fund for the Denton County Transportation Authority (DCTA) Building Site Preparation and Lease. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of a Resolution Supporting Proposed Legislation to Expand the Authority of the Denton County Levy Improvement District No. 1. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of Supplemental Arbitrage Rebate Reports From First Southwest Company Showing a Total Arbitrage Liability of \$54,835; Approval of Appropriations in the Utility Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$40,995, and in the General Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$44,166; and Authorization of Payment for Service Fees to First Southwest Company in the Amount of \$49,325 for Twenty-One 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 Carey reviewed Agenda Item F-6, Approval of the Administrative Policy 3.3.1, Investment Policy. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of an Appropriation in the Amount of \$84,408 from Utility Capital Project Available Cash for the Participation in the Oversizing of a Water Line in the Crossroads Center South Subdivision; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Consideration of an Ordinance Extending the 2006 Water and Sewer Impact Fees Through April 2007. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Consideration of Acknowledgement of a Letter of Resignation From Mike Nowels, Councilman – Place No. 3; Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 12, 2007, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 3, Designating Locations of the Polling Places, and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Approval of a Resolution of the City Council of the City of Lewisville, Texas Endorsing the “Dallas-Fort Worth Regional Transportation Council Transportation Legislative Package” as Approved by the North Central Texas Council of Governments Regional Transportation Council. City Manager King referenced the material contained in the City Council’s backup. There was no further discussion on this item.

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

Mayor Carey reviewed Agenda Item I-Closed 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 6:40 p.m. on Monday, February 19, 2007.

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, February 19, 2007, 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 Nowels gave the invocation.

Pledge to the Flag

(Agenda Item B)

Mayor Carey gave the pledge to the flag.

**Proclamation: Declaring March 4-10, 2007,
as "Severe Weather Awareness Week".**

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring March 4-10, 2007, as "Severe Weather Awareness Week" to Steve Carter from the Lewisville Fire Department. Chief Carter thanked the City Council for recognizing this week.

**Presentation: Life Saving Award to
Lieutenant Dan Rochelle.**

(Agenda Item D)

Mayor Carey presented a life saving award to Lieutenant Dan Rochelle.

Visitors/Citizens Forum

(Agenda Item E)

John Hedrick, DCTA, spoke before the City Council regarding the rider ship numbers for the connect service. He advised that this began mid-November. Advised all the route signage is up with the assistance of the city and that they are working to develop a shelter for these stops.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, 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:

CONSENT AGENDA (cont'd)

(Agenda Item F)

1. Approval and Final Acceptance of the Wastewater Treatment Plant Expansion Project; Approval of **Resolution No. 3413-02-2007(R)**: A Resolution of the City Council of the City of Lewisville, Denton County, Texas Declaring That the Wastewater Treatment Plant Expansion Project Improvements Have Been Completed; and Authorization for Final Payment to Gracon Construction, Inc., in the Amount of \$137,186.82.
2. Acceptance of a North Central Texas Council of Governments Grant in the Amount of \$82,000 to Construct a Permanent Hazardous Waste/Residential Convenience Center; and Approval of a Supplemental Appropriation in the Amount of \$82,000 to the Grant Fund to Complete the Project.
3. Approval of a Supplemental Budget Appropriation in the Amount of \$26,214 to the Internal Services Fund for the Denton County Transportation Authority (DCTA) Building Site Preparation and Lease.
4. Approval of **Resolution No. 3414-02-2007(R)**: A Resolution of the City Council of the City of Lewisville, Supporting Proposed Legislation Related to Expanded Authority of the Denton County Levy Improvement District No. 1 of Denton County and Dallas County, Texas; and Providing an Effective Date.
5. Approval of Supplemental Arbitrage Rebate Reports From First Southwest Company Showing a Total Arbitrage Liability of \$54,835; Approval of Appropriations in the Utility Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$40,995, and in the General Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$44,166; and Authorization of Payment for Service Fees to First Southwest Company in the Amount of \$49,325 for Twenty-One Reports.
6. Approval of the Administrative Policy 3.3.1, Investment Policy.
7. Approval of an Appropriation in the Amount of \$84,408 from Utility Capital Project Available Cash for the Participation in the Oversizing of a Water Line in the Crossroads Center South Subdivision; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of Ordinance No. 3415-02-2007 Extending the 2006 Water and Sewer Impact Fees Through April 2007

(Agenda Item G-8)

Texas Local Government Code Chapter 395.052(a) requires a political subdivision imposing an impact fee shall update the land use assumption and capital improvement plans at least every five years. The last update was adopted in December 2001. The land use assumption portion of the review was completed and accepted by Council in November 2006. The water and sewer review was completed January 2007 and was scheduled to take affect March 1, 2007. Texas Local Government Code Chapter 395.044(b) requires a Public Notice be published thirty (30) days prior to adoption of revised fees. Due to insufficient time to coordinate the thirty day notice with the February 19, 2007 City Council Meeting, an extension is required.

Mayor Carey stated the City staff's recommendation was that the City Council approve an ordinance extending the 2006 Water and Sewer Impact Fees through April 2007.

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 Chapter 2, Article VIII, Section 2-201 of the Lewisville City Code by Extending the 2006 Schedule of Capital Recovery Fees Per Living Unit Equivalent for Water and Sewer Through April 30, 2007, Providing a Repealer; Providing for Severability; Providing an Effective Date and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3415-02-2007**, as previously captioned. The motion carried.

Consideration of Acknowledgement of a Letter of Resignation From Mike Nowels, Councilman – Place No. 3; Consideration of Resolution No. 3416-02-2007(R) Ordering a Special Election to be Held in Conjunction With the May 12, 2007, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 3, Designating Locations of the Polling Places, and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election

(Agenda Item G-9)

Mayor Carey advised that Councilman Nowels has submitted his letter of resignation as Councilman – Place No. 3 effective February 12, 2007. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election to fill the unexpired term of Place No. 3, which is up for election in 2008, can be held in conjunction with the May 12, 2007, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 20 through March 6, 2007. Councilman Nowels will continue to serve in Place 3 until his successor is duly qualified.

Mayor Carey stated the City staff's recommendation was that the City Council acknowledge the resignation of Mike Nowels, Councilman – Place No. 3; and approve the proposed resolution calling the special election to be held in conjunction with the May 12, 2007, City Council Election and designating the City's polling places and ordering notices of election to be given.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to acknowledge the resignation of Mike Nowels, Councilman – Place No. 3; and to approve and adopt Resolution No. 3416-02-2007(R). The motion carried.

Approval of Resolution No. 3417-02-2007(R)
of the City Council of the City of Lewisville,
Texas Endorsing the “Dallas-Fort Worth
Regional Transportation Council
Transportation Legislative Package” as
Approved by the North Central Texas
Council of Governments Regional
Transportation Council

(Agenda Item G-10)

Mayor Carey advised that the North Central Texas Council of Governments Regional Transportation Council (NCTCOG-RTC), of which the city is a member, has issued its “Dallas Fort-Worth Regional Transportation Council Transportation Legislative Package” which encourages the 80th Texas Legislature, currently in session, to adopt legislation that would achieve specific transportation funding, regional mobility, regional control and air quality measures as described in the attached legislative package.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the resolution.

Councilman Nowels reviewed this item and advised that this was guidance by the various transportation agencies that work in this area asking that the legislatures in Austin considered this concepts and basic rules as they make the laws that affect the transportation in this area.

MOTION: Upon a motion made by Councilman Nowels and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 3417-02-2007(R)**. The motion carried.

Reports

(Agenda Item H)

- Quarterly Investment Report for Quarter Ending December, 2006
- Mayor Carey thanked Chief Lasky and his crew along with the Police Department and Public Services for their hard work during the recent spill.
- Director of Public Services Carole Bassinger gave an update on the status of the lake.
- Deputy Mayor Pro Tem Ueckert acknowledged Chief Lasky for all he had done for the City.

Reports (cont'd)

(Agenda Item H)

- City Manager King advised that tonight marked Police Chief Steve McFadden's last City council meeting. He stated that the community, residents and citizens should be grateful for the consistency in the Police Department and the leadership that Chief McFadden brought. City Manager King stated the reception would be on the February 28th at 2:00 in the Community Room at the Municipal Annex
- Mayor Carey thanked Police Chief McFadden for all he had done for the community.
- Mayor Carey encouraged everyone to go visit the library and acknowledge a former City Council's good planning on for buying the extra land to expand this facility.
- Councilman Thornhill reiterated the Mayor's comments.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:30 p.m. Monday, February 19, 2007, 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 7:30 p.m. on Monday, February 19, 2007, 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. Anticipated Litigation (RE Cause No. D-1-GV-06-001823, City of Webster, Texas and the Webster Economic Development Corporation v. Carole Keeton Strayhorn, in her Official Capacity as Comptroller of Public Accounts for the State of Texas, In the 261st Judicial District Court of Travis County, Texas)

Section 551.072 (REAL ESTATE)

2. Property Acquisition

Closed Session (cont'd)

(Agenda Item I)

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 8:00 p.m. on Monday, February 19, 2007.

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

(Agenda Item J)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:00 p.m. on Monday, February 19, 2007, 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.

Anticipated Litigation (RE Cause No. D-1-GV-06-001823, City of Webster, Texas and the Webster Economic Development Corporation v. Carole Keeton Strayhorn, in her Official Capacity as Comptroller of Public Accounts for the State of Texas, In the 261st Judicial District Court of Travis County, Texas)

(Executive Session Item I-1)

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to authorize intervention in the Webster vs. Strayhorn case as part of the coalition of cities. The motion carried.

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

Adjournment

(Agenda Item K)

MOTION: Councilman Nowels and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:01 p.m. on Monday, February 19, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 19th day of March, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY