

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MARCH 5, 2007**

**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:**

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, March 5, 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.

Mayor Carey reviewed Agenda Item C, Mayor's State of the City Address. 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, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Multi-Family Two (MF-2) on a 6.58 Acre Tract Located Along the West Side of Rockbrook Drive Approximately 320 Feet South of Round Grove Road (FM 3040); and Further Identified as Lot 1A-R2, Block A, Vista Ridge Square Addition, Phase IV; as Requested by Jason Rose With Authorization From GDC Vista Pointe, Ltd., the Property Owner (Case No. PZ20070203). 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-2, Approval of a Bid Award for a Pre-Constructed Communications Building to Mobile Mini, LLP, Dallas, Texas in the Amount of \$43,962. City Manager King advised that this item needed to be pulled due to the necessity to evaluate the criteria for the bid award. There was no discussion on this item. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of an Appropriation in the Amount of \$280,000 From Park Development Fund Available Cash to Various Capital Projects for the Improvement of Parks. Discussion was held between City Manager King and Councilman Thornhill regarding the different zones and the spending of funds for each zone. City Manager King advised that the modification of the way fund disbursement was handled being worked on at this time. There was no further discussion held on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of an Agreement With Zambelli Fireworks International, New Castle, PA, to Provide a Fireworks Display Show for the Red, White, and Lewisville July Fourth Event in the Amount of \$35,000; and Authorization for the City Manager to Execute the Agreement. Assistant City Manager Donna Barron advised that the date for the testing had been set for March 30<sup>th</sup>. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$437,700 for Design Services Relating to the Westwood Estates I Project; Approval of a Total Project Design Amount of \$450,831; and Authorization for the City Manager to Execute the Agreement. 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 a Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P. in the Amount of \$356,000 for Design Services Relating to the Westwood Estates II Project; Approval of a Total Project Amount of \$366,680; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$119,552 for a Collection System Flow Monitoring Study; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Acknowledgement of Receipt of a Petition to Establish Lewisville Castle Hills Public Improvement District Number 4; and Approve a Resolution Calling for a Public Hearing to Consider the Advisability of Proposed Improvements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Approval of a Contract With Promoter Line, Inc., in the Amount of \$30,000 to Provide Logistical and Production Support Services Related to the 2007 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of the Preliminary Plat for Majestic-Cobb Addition, an Addition to the City of Lewisville Located North of Highway 121, West of Edmonds Lane, and South of Round Grove Road (FM 3040), Which Includes a Request for Three Variances to the Lewisville Code of Ordinances Chapter 6, Land Development Regulations; as Requested by the Developer. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of a Joint Request by Lakepointe Marina at 121, Ltd. and Amaranth II L.P. for a Three Party Escrow Agreement to Allow Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute the Escrow Agreement. 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 G-12, Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 11, Signs, With Non-Substantive Changes. There was no 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 6:37 p.m. on Monday, March 5, 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, March 5, 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, Deputy Mayor Pro Tem Ueckert gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

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

**MAYOR'S STATE OF THE CITY  
ADDRESS**

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(Agenda Item C)

Mayor Carey gave the State of the City Address.

**Public Hearing: Consideration of Ordinance No. 3418-03-2007(Z) for a Zone Change Request From General Business (GB) to Multi-Family Two (MF-2) on a 6.58 Acre Tract Located Along the West Side of Rockbrook Drive Approximately 320 Feet South of Round Grove Road (FM 3040); and Further Identified as Lot 1A-R2, Block A, Vista Ridge Square Addition, Phase IV; as Requested by Jason Rose With Authorization From GDC Vista Pointe, Ltd., the Property Owner (Case No. PZ20070203)**

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(Agenda Item D-1)

Mayor Carey advised that the site is located at the southwest quadrant of Round Grove Road and Rockbrook Drive. It sits between the large Chapel Hill Apartments development and retail commercial businesses along the major traffic carrier Round Grove Road. To the east, across the street, are more retail and restaurant businesses and the new Settler's Village townhome development by Ashton Woods. The character of the area lends itself to the zoning request. The proposed development will be zoned multi-family which will allow it some flexibility in design, but is planned to be developed to have the look and feel of a townhome condominium product. The developer is proposing deed restrictions which are attached and provide living units that double the average unit size required by multi-family zoning and exceed the minimum unit size required by townhome zoning. The property seems better suited for residential uses considering it is not directly on a major traffic carrier and would match the surrounding uses. There has been some resistance in the past to converting commercially zoned property to residentially zoned property, but this appears to be a reasonable request considering the size and location of the property. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their February 6, 2007, meeting.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from General Business (GB) to Multi-Family Two (MF-2); and acknowledge receipt of the proposed deed restrictions.

Mayor Carey opened the public hearing.

**Public Hearing: Consideration of Ordinance No. 3418-03-2007(Z) for a Zone Change Request From General Business (GB) to Multi-Family Two (MF-2) on a 6.58 Acre Tract Located Along the West Side of Rockbrook Drive Approximately 320 Feet South of Round Grove Road (FM 3040); and Further Identified as Lot 1A-R2, Block A, Vista Ridge Square Addition, Phase IV; as Requested by Jason Rose With Authorization From GDC Vista Pointe, Ltd., the Property Owner (Case No. PZ20070203) (cont'd)**

**(Agenda Item D-1)**

Gene Lewis, Planning & Community Services Manager and Jason Rose, JR Rose Development Companies, were both present to respond to any questions posed by the City Council.

Deputy Mayor Pro Tem Ueckert questioned City staff if the streets shown on the last page of the exhibit would be public or private. Mr. Lewis advised that they would be private streets.

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, 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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 6.58 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From General Business (GB) District Zoning to Multi-Family Two (MF-2) 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 Mayor Pro Tem Durham, and seconded by Councilman Nowels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3418-03-2007(Z)**, as previously captioned and acknowledged receipt of the proposed deed restrictions. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item E)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

Mayor Carey advised that the following item would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 2 – Approval of a Bid Award for a Pre-Constructed Communications Building to Mobile Mini, LLP, Dallas, Texas in the Amount of \$43,962.

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

3. Approval of an Appropriation in the Amount of \$280,000 From Park Development Fund Available Cash to Various Capital Projects for the Improvement of Parks.
4. Approval of an Agreement With Zambelli Fireworks International, New Castle, PA, to Provide a Fireworks Display Show for the Red, White, and Lewisville July Fourth Event in the Amount of \$35,000; and Authorization for the City Manager to Execute the Agreement.
5. Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$437,700 for Design Services Relating to the Westwood Estates I Project; Approval of a Total Project Design Amount of \$450,831; and Authorization for the City Manager to Execute the Agreement.
6. Approval of a Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P. in the Amount of \$356,000 for Design Services Relating to the Westwood Estates II Project; Approval of a Total Project Amount of \$366,680; and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item F)

7. Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$119,552 for a Collection System Flow Monitoring Study; and Authorization for the City Manager to Execute the Agreement.
8. Acknowledgement of Receipt of a Petition to Establish Lewisville Castle Hills Public Improvement District Number 4; and Approve **Resolution No. 3419-03-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Denton/Dallas Counties Texas, Calling a Public Hearing as to the Advisability of Proposed Improvements in the Proposed Lewisville Castle Hills Public Improvement District No. 4.
9. Approval of a Contract With Promoter Line, Inc., in the Amount of \$30,000 to Provide Logistical and Production Support Services Related to the 2007 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract.

The motion carried.

END OF CONSENT AGENDA

**Approval of a Bid Award for a Pre-Constructed Communications Building to Mobile Mini, LLP, Dallas, Texas in the Amount of \$43,962**

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(Consent Agenda Item G-2)

Mayor Carey advised that a total of sixteen (16) bid invitations were issued, including three (3) downloaded from DemandStar.com. Three (3) bids were received and opened February 20, 2007. This building is needed to house public safety communication equipment required for the Simulcast Expansion Project. Mobile Mini, LLP, is being recommended for award in accordance with Section 2252.002 of the Texas Government Code, which is the reciprocal preference ruling which allows a 5% preference to be given to the Texas bidder. In addition, Mobile Mini has provided the existing two communications buildings and the purchase from Mobile Mini will allow the new building to match the existing buildings, thus creating the best value for award to Mobile Mini. Funding is available in the Radio Communications System Project.

Mayor Carey stated that the City Council approve a bid award for a pre-constructed communications building to Mobile Mini, LLP., Dallas, Texas, in the amount of \$43,962.

**Approval of a Bid Award for a Pre-Constructed Communications Building to Mobile Mini, LLP, Dallas, Texas in the Amount of \$43,962 (cont'd)**

**(Consent Agenda Item G-2)**

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to table this item indefinitely. The motion carried.

**Consideration of the Preliminary Plat for Majestic-Cobb Addition, an Addition to the City of Lewisville Located North of Highway 121, West of Edmonds Lane, and South of Round Grove Road (FM 3040), Which Includes a Request for Three Variances to the Lewisville Code of Ordinances Chapter 6, Land Development Regulations; as Requested by the Developer**

**(Agenda Item G-10)**

Mayor Carey advised that the zoning for this 226.138 acre piece of property is currently Light Industrial (LI) and Agricultural Open (AO). Large scale office/warehouse use is proposed for the property south of Spinks Road. The developer has submitted the preliminary plat including proposed right of way dedication for the extension of Spinks Road and Valley Parkway and is requesting the following three variances to their preliminary plat: a) to relocate existing overhead electric lines as overhead in a new location; b) to waive required improvements to ACE Lane where it abuts the property; c) to allow construction of detention ponds offsite of the property on separate lots and prior to final plat and engineering site plan approval. The Planning and Zoning Commission, at their February 20, 2007 meeting, voted 5-1 to recommend in favor of the preliminary plat and the requested variances with Commissioner Fowler voting in opposition.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the preliminary plat of Majestic-Cobb Addition and the requested variances.

David Salmon, P.E., Assistant City Engineer and Al Sorrels, Majestic Realty were both present to respond to any questions posed by the City Council.

**Consideration of the Preliminary Plat for Majestic-Cobb Addition, an Addition to the City of Lewisville Located North of Highway 121, West of Edmonds Lane, and South of Round Grove Road (FM 3040), Which Includes a Request for Three Variances to the Lewisville Code of Ordinances Chapter 6, Land Development Regulations; as Requested by the Developer (cont'd)**

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**(Agenda Item G-10)**

**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 the Preliminary Plat for Majestic-Cobb Addition, an addition to the City of Lewisville located north of Highway 121, west of Edmonds Lane, and south of Round Grove Road (FM 3040); and approved the following variances to the Lewisville Code of Ordinances Chapter 6, Land Development Regulations as requested by the Developer: a) to relocate existing overhead electric lines as overhead in a new location; b) to waive required improvements to ACE Lane where it abuts the property; c) to allow construction of detention ponds offsite of the property on separate lots and prior to final plat and engineering site plan approval. The motion carried.

**Consideration of a Joint Request by Lakepointe Marina at 121, Ltd. and Amaranth II L.P. for a Three Party Escrow Agreement to Allow Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute the Escrow Agreement**

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**(Agenda Item G-11)**

Mayor Carey advised that Lakepointe Marina at 121, Ltd. is in the process of developing the Crossroads Centre South Project, a multi-use commercial and residential project site. The developers are seeking a variance to obtain a building permit and begin simultaneous construction of public and private on-site improvements including building construction. The General Development Ordinance allows a developer to enter into an escrow agreement between the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. Similar agreements have been approved on other developments, most recently for the Opus West development in June 2003.

**Consideration of a Joint Request by Lakepointe Marina at 121, Ltd. and Amaranth II L.P. for a Three Party Escrow Agreement to Allow Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute the Escrow Agreement (cont'd)**

**(Agenda Item G-11)**

Mayor Carey stated the City staff's recommendation was that the City Council approve the Three-Party Escrow Agreement; authorize the City Manager to execute the agreement and stipulate that all public improvements be completed and accepted by the City prior to issuance of any certificate of occupancy.

David Salmon, Assistant City Engineer was present to respond to any questions posed by the City Council.

**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 a joint request by Lakepointe Marina at 121, Ltd. and Amaranth II L.P. for a Three Party Escrow Agreement to allow simultaneous construction of public and private infrastructure improvements; and authorized the City Manager to execute the escrow agreement. The motion carried.

**Consideration of an Ordinance No. 3420-03-2007 Amending the Lewisville Code of Ordinances, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools**

**(Agenda Item G-12)**

Mayor Carey advised that the Parks and Leisure Services Department is requesting City Council to expand special activities of the Sun Valley and Old Town Aquatic Centers. Currently, the fee ordinance allows for Lewisville Baseball Association Appreciation Day; one dollar off of regular price to players wearing an LBA jersey. Based on response, staff is requesting Council approval to expand that program to become "Group Recognition Days." The groups proposed for 2007 would be marketed to affiliated youth sports programs, public service agency employees and youth scouting programs.

**Consideration of an Ordinance No. 3420-03-2007 Amending the Lewisville Code of Ordinances, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools (cont'd)**

(Agenda Item G-12)

Mayor Carey stated the City staff's recommendation was that the City Council approve and adopt the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 2, Administration Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools.

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 Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule, by Providing Certain Discounts for Swimming Pool Usage; Providing 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. 3420-03-2007**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3421-03-2007 Amending the Lewisville Code of Ordinances, Chapter 11, Signs, With Non-Substantive Changes**

(Agenda Item G-13)

Mayor Carey advised that the City Council approved the Sign Ordinance in November, 2006. Upon review, staff has identified minor errors and omissions that need to be corrected in the ordinance. Staff is asking City Council to approve the corrections by repealing the existing sign ordinance and approving the new sign ordinance with non-substantive changes.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance.

**Consideration of Ordinance No. 3421-03-2007 Amending the Lewisville Code of Ordinances, Chapter 11, Signs, With Non-Substantive Changes (cont'd)**

(Agenda Item G-13)

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 11, Signs, of the Lewisville City Code, by Deleting the Current Language in its Entirety and Replacing it With No Substantive Changes; Providing for Severability; Providing a Penalty Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted four (4) “ayes” and one (1) “nays,” with Mayor Pro Tem Durham casting the negative vote to approve and adopt **Ordinance No. 3421-03-2007**, as captioned previously. The motion carried.

Mayor Pro Tem Durham advised that he voted against approval of this ordinance as he had voted against the sign ordinance in the beginning.

**Reports**

(Agenda Item H)

- Interim Police Chief Russ Kerbow thanked the City Council and City Manager for naming the new jail facility after retired Police Chief Steve McFadden. He advised that Chief McFadden had been surprised.
- Director of Public Services Carole Bassinger gave an update on the status of the lake and advised that we were in need of spring rains.
- Deputy Mayor Pro Tem Ueckert referenced Agenda Item No. 12 and complimented City staff on their continued efforts and research to make the City pools affordable to the citizens.
- Councilman Nowels advised that last Tuesday, the Texas Department of Transportation (TxDOT) had opened the bids for the Comprehensive Agreement regarding State Highway 121 and that the bids had come in higher than expected which meant that Denton County will have around one billion in new money coming to this area that should help reconstruct Interstate 35E and also help reduce the congestion in this area.
- Mayor Carey thanked City staff for their hard work in putting together all the information used at Denton County Days.
- Mayor Carey introduced Matt McCormick the new Lewisville Chamber Director and advised he was excited to have him here.

**Reports (cont'd)**

**(Agenda Item H)**

- Councilman Tierney reiterated Mayor Carey comments regarding Denton County Days and specifically acknowledged Program Coordinator Jason Kirkland for all his hard work.

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, March 5, 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, March 5, 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. Pending Litigation: City of Lewisville vs. Lawyers Title Insurance Corporation.

Section 551.072 (REAL ESTATE)

2. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 8:20 p.m. on Monday, March 5, 2007.

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

**(Agenda Item J)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:20 p.m. on Monday, March 5, 2007, in the Council Chambers of the Lewisville City Hall.

**Reconvene into Regular Session and  
Consider Action, if any, on Items Discussed  
in Closed Session (cont'd)**

(Agenda Item J)

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

**Pending Litigation: City of Lewisville vs.  
Lawyers Title Insurance Corporation**

(Executive Session Item I-1)

(Councilman Durham was not present at the dais.)

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Councilman Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to authorize the dismissal of the lawsuit against Lawyers Title Insurance Corporation. The motion carried.

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

**Adjournment**

(Agenda Item K)

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:20 p.m. on Monday, March 5, 2007. The motion carried.

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

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY