

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MAY 7, 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 – 6:00 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 6:00 p.m. on Monday, May 7, 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.

**Briefing on Official Statement**

**(Agenda Item A)**

Boyd London from First Southwest Company reviewed the Official Statement with the City Council by going page by page and explaining what was contained in each of the various sections. Mr. London advised the City Council that they needed to review this document in detail and use their knowledge as City Council Members to make sure that anything that needs disclosed has been included. He gave some example of other cities that had not disclosed information that they should have, and advised the consequences can result in jail time.

**WORKSHOP SESSION – 6:30 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items**

**(Agenda Item B)**

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, Proclamations: (1) Declaring the Week of May 13-19, 2007, as “National Police Week” and May 15, 2007, as “Police Memorial Day”; (2) Declaring the Week of May 14-20, 2007, as “National Salvation Army Week”; (3) Declaring the Week of May 20-26, 2007, as “Emergency Medical Services Week”; and, (4) Declaring the Week of May 6-12, 2007, as “National Drinking Water Week” and the Week of May 20-26, 2007, as “National Public Works Week”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Public Hearing: Consideration of an Ordinance, Amending Ordinance Number 2762-12-2001 by Extending the Duration of the Tax Increment Reinvestment Zone, Number One. 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 of Minutes: (a) City Council Minutes of the February 1-3, 2007, Special Called Council Retreat; and (b) City Council Minutes of the April 16, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of Final Acceptance of the McGee Lane and the Waterline Replacement 2006 Projects; and Authorization to Make Final Payment to McMahan Contracting, L.P., in the Amount of \$160,982.68. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-3, Approval of a Bid Award for an Annual Requirements Contract for Asphalt Paving to Jagoe-Public Company, Denton, Texas, in the Estimated Annual Amount of \$286,325. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of a Bid Award for an Annual Requirements Contract for Police Ammunition to GT Distributors, Austin, Texas, in the Estimated Annual Amount of \$34,779. 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 B)**

Mayor Carey reviewed Agenda Item F-5, Acceptance of Unsolicited Donations; and Authorization to Solicit Donations to the 2007 Lewisville Public Library Summer Reading Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Approval of a Contract for Architectural Services With Brown Reynolds Watford Architects, Inc., Dallas, Texas, to Serve as Architects for the Design and Construction of Fire House #7 in the Amount of \$228,000; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of an Appropriation in the Amount of \$40,000 From General Capital Projects Available Cash for Drainage Repairs. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of an Appropriation of Southwest Lewisville Developer Escrow Funding in the Amount of \$1,000,000; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$500,000; Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$831,700 for Services Related to the Southwest Lewisville Infrastructure Project; Approval of a Total Project Design Budget of \$856,650, Which Includes \$24,950 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase a Digital Live Scan Fingerprint System; and Authorization for the City Manager to Execute the Grant Application Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager to Execute the Grant Application Documents. 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 B)**

Mayor Carey reviewed Agenda Item F-11, Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2007-2008; and Authorization for the City Manager to Execute the Agreement. Mayor Pro Tem Durham questioned since he was not an employee of the County if he needed to abstain on this item. City Attorney Ron Neiman advised he did not need to abstain. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Approval of an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement. City Manager King reviewed this agenda item with the City Council. He advised that the City would own and maintain the pedestrian bridge. Deputy Mayor Pro Tem Ueckert questioned if they would have to build the bridge to the City's specifications. Economic Development Director Zane Miller advised that the City would definitely have input on how the bridge was built and that it would have to pass all City inspections. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of Variances to the Lewisville City Code, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements and Section 6-124 Screening Walls, Requested by Texas Ice Express to be Located at 1019 Fox Avenue and Represented by Joni Martinez, Project Manager of Texas Ice Express. Councilman Nowels advised he had problems with this item. City Manager King advised that this property had a variance issued back in 2000, that those were the same set of variances that are being considered at this time. Discussion was held regarding where these type of variances had been approved throughout the City. The City Council reviewed the photo of a similar Texas Ice Express structure located at the Christian Community Action. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees; 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property to Run for a Longer Duration Than Fourteen Days; and Consideration of Providing In-Kind Support Through City Staff and Equipment. 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 B)**

Mayor Carey reviewed Agenda Item G-15, Consideration of an Ordinance Adopting a New Finance Plan of the Tax Increment Reinvestment Zone, Number One by Extending the Duration and Adding Facilities as an Anticipated Capital Cost; Consideration of an Ordinance Adopting a New Project Plan of the Tax Increment Reinvestment Zone, Number One by Adding Facilities as an Anticipated Capital Cost; Approval of the First Amendment to the Participation Agreement Between the City of Lewisville and Denton County by Extending the Duration of the Agreement; Approval of an Agreement Between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One, Allowing for the Payment of Debt Using TIRZ Funds; and Authorization for the City Manager to Execute the Agreements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Adopting the 2004 North Central Texas Council of Governments' Public Works Construction Standards. City Manager King advised that the new standards which are most recent were the ones proposed to be adopted by the City Council. 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 6:47 p.m. on Monday, May 7, 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, May 7, 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 the Week of May  
13-19, 2007, as “National Police Week” and  
May 15, 2007, as “Police Memorial Day”**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring the week of May 13-19, 2007, as “National Police Week” and May 15, 2007, as “Police Memorial Day” to Officer Christopher Butterworth.

**Proclamation: Declaring the Week of May  
14-20, 2007, as “National Salvation Army  
Week”**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring the week of May 14-20, 2007, as “National Salvation Army Week” to representatives from the Salvation Army.

**Proclamation: Declaring the Week of May  
20-26, 2007, as “Emergency Medical Services  
Week”**

(Agenda Item C-3)

Mayor Carey advised of a proclamation declaring the week of May 20-26, 2007, as “Emergency Medical Services Week.” He requested that City Secretary Heinze make sure the Fire Department received this proclamation as they were unable to attend the meeting due to an emergency.

**Proclamation: Declaring the Week of May 6-  
12, 2007, as “National Drinking Water  
Week” and the Week of May 20-26, 2007, as  
“National Public Works Week”**

(Agenda Item C-4)

Mayor Carey read and presented a proclamation declaring the week of May 6-12, 2007, as “National Drinking Water Week” and the Week of May 20-26, 2007, as “National Public Works Week” to Public Services Foreman Ronnie Tredway.

**Public Hearing: Consideration of Ordinance  
No. 3438-05-2007, Amending Ordinance  
Number 2762-12-2001 by Extending the  
Duration of the Tax Increment Reinvestment  
Zone, Number One**

**(Agenda Item D)**

Mayor Carey advised that the Lewisville Tax Increment Reinvestment Zone, Number One, (TIRZ) for Old Town was created in December, 2001, with zone duration until 2021. The purpose of the TIRZ is to provide a dedicated funding source for public improvement projects within the district. This public hearing extends the duration of the zone to match the existence of the outstanding debt. The County has approved the same ordinance extending their participation to also match the existence of the debt.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing; and approve the ordinance.

Mayor Carey opened the public hearing.

Zane Miller, Economic Development Director, was present to respond to any questions posed by the City Council.

**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 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 Amending Ordinance Number 2762-12-2001 by Extending the Duration of Tax Increment Reinvestment Zone Number One, Lewisville, Texas; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency."

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3438-05-2007**, as previously captioned. The motion carried.

**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 Mayor Pro Tem Durham and seconded by Councilman Thornhill, 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 MINUTES:
  - a. City Council Minutes of the February 1-3, 2007, Special Called Council Retreat; and,
  - b. City Council Minutes of the April 16, 2007, Workshop Session and Regular Session.
2. Approval of Final Acceptance of the McGee Lane and the Waterline Replacement 2006 Projects; and Authorization to Make Final Payment to McMahon Contracting, L.P., in the Amount of \$160,982.68.
3. Approval of a Bid Award for an Annual Requirements Contract for Asphalt Paving to Jagoe-Public Company, Denton, Texas, in the Estimated Annual Amount of \$286,325.
4. Approval of a Bid Award for an Annual Requirements Contract for Police Ammunition to GT Distributors, Austin, Texas, in the Estimated Annual Amount of \$34,779.
5. Acceptance of Unsolicited Donations; and Authorization to Solicit Donations to the 2007 Lewisville Public Library Summer Reading Program.
6. Approval of a Contract for Architectural Services With Brown Reynolds Watford Architects, Inc., Dallas, Texas, to Serve as Architects for the Design and Construction of Fire House #7 in the Amount of \$228,000; and Authorization for the City Manager to Execute the Contract.
7. Approval of an Appropriation in the Amount of \$40,000 From General Capital Projects Available Cash for Drainage Repairs.

CONSENT AGENDA (cont'd)

(Agenda Item F)

8. Approval of an Appropriation of Southwest Lewisville Developer Escrow Funding in the Amount of \$1,000,000; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$500,000; Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$831,700 for Services Related to the Southwest Lewisville Infrastructure Project; Approval of a Total Project Design Budget of \$856,650, Which Includes \$24,950 for Contingencies; and Authorization for the City Manager to Execute the Agreement.
9. Approval of **Resolution No. 3439-05-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Purchase of a Digital Live Scan Fingerprint System.
10. Approval of a **Resolution No. 3440-05-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Family Violence Investigation and Prevention Investigator.
11. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2007-2008; and Authorization for the City Manager to Execute the Agreement.
12. Approval of an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of Variances to the Lewisville City Code, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements and Section 6-124 Screening Walls, Requested by Texas Ice Express to be Located at 1019 Fox Avenue and Represented by Joni Martinez, Project Manager of Texas Ice Express**

---

**(Agenda Item G-13)**

Mayor Carey advised that Texas Ice Express has requested the placement of a building to do business on the property located at 1019 Fox Avenue. The property currently has Terry's Supermarket as the primary business on site. Due to the addition of a building on the site, a new engineering site plan for the property is now required. The same variances requested were allowed by City Council on a previous engineering site plan done in 2000. The variances being requested are, a) to waive a deceleration lane requirement on Fox Avenue; b) to waive the overall 10% interior landscape requirement; and c) to allow modified screening wall on a portion of the property.

Mayor Carey stated the City staff's recommendation was that the City Council approve the variances.

At the request of Mayor Carey, City Manager King reviewed this agenda item for the City Council.

Larry Finney, Building Official was present to respond to any questions posed by the City Council.

Joni Martinez, Project Manager, Texas Ice Express, 2600 FM 2946, Emory, Texas 75440, spoke before the City Council regarding the request. She advised that they have proposed to put in two more trees to make the current landscaping match, along with some new shrubs.

Discussion was held regarding the history of this property and that the City Council had originally granted the three variances to aide the property owner to get this business up and running. Councilman Nowels stated that he found the similar Ice Express location on State Highway 121 to be offensive and did not feel it was the type of business that depicted the quality community the City wanted in this area. Councilman Nowels stated that based upon previous discussion they property owner has the ability to comply with all the items they are requesting a variance for.

**Consideration of Variances to the Lewisville City Code, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements and Section 6-124 Screening Walls, Requested by Texas Ice Express to be Located at 1019 Fox Avenue and Represented by Joni Martinez, Project Manager of Texas Ice Express (cont'd)**

**(Agenda Item G-13)**

Deputy Mayor Pro Tem Ueckert advised that he concurred with Councilman Nowels' statements; however, he would not have an issue if it was set back further and it met all the landscaping requirements. He stated that he did not know that it warranted a right turn lane.

Mayor Pro Tem Durham stated that he was in favor of the variance. He reviewed the areas in the City there were not right turn lanes present at this time and advised that when new businesses come in the City cannot keep requiring they install right turn lanes or redevelopment will stop. He advised he did not have a problem with throwing in some more landscaping; however, he reminded the City Council this was an ice machine that would be unmanned.

Councilman Thornhill requested information on the size of the building. The requestors advised it would be approximately 200 square feet. Councilman Thornhill stated since the variances had been previously approved he would be voting in favor of granting the requested variances.

At the request of Councilman Tierney discussion was held regarding similar approved variances.

Councilman Nowels encouraged the City Council to look at the request from the point if this would enhance or take away from this neighborhood. He added that the City had gotten into this situation because the Council had approved variances to help a property owner get his business up off the ground; however, that had been done and he did not feel to approve the requested variances again would enhance this area. Councilman Tierney advised he was in favor of granting the variance for the turn lane and concurred with Councilman Nowels' on the remaining variances.

Discussion was held regarding that the property owner should be the one handling the landscaping requirement, not the lessee. Councilman Nowels respectfully stated that he felt the property owner needed to step up and improve the property.

**Consideration of Variances to the Lewisville City Code, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements and Section 6-124 Screening Walls, Requested by Texas Ice Express to be Located at 1019 Fox Avenue and Represented by Joni Martinez, Project Manager of Texas Ice Express (cont'd)**

---

**(Agenda Item G-13)**

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the May 21, 2007, City Council meeting to allow City staff, the property owner, and new tenant to get together and find a workable solution. The motion carried.

**Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees; 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property to Run for a Longer Duration Than Fourteen Days; and Consideration of Providing In-Kind Support Through City Staff and Equipment**

---

**(Agenda Item G-14)**

Mayor Carey advised that the Old Town Business Association (OTBA) will again produce a Farmers Market event to be held every Saturday from May 19 through October 27. OTBA has requested City Council waive the special event fees and grant a variance to the limitation of 14 consecutive days for a single event to allow the Farmers Market to run under one special event permit for 24 consecutive Saturdays. In 2006, the City provided tents and parks personnel to set up and take down the tents as in-kind support; OTBA is requesting the same support this year. Additionally, OTBA is requesting a variance to the sign ordinance to allow off-premise directional signage on city streets to promote the event.

Mayor Carey stated the City staff's recommendation was that the City Council approve the request to waive permit fees; approve the request to waive length and duration of the event; approve the request to provide in-kind support through city staff and equipment; and approve the request to place off-premise event signage along city streets.

Mayor Carey advised that Marvin Jackson, 1708 Milestone Ridge, Lewisville, Texas, had filled out a card indicating his support of this item.

**Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees; 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property to Run for a Longer Duration Than Fourteen Days; and Consideration of Providing In-Kind Support Through City Staff and Equipment (cont'd)**

**(Agenda Item G-14)**

Dianne McDonald, Old Town Business Association, spoke before the City Council and reviewed the history of this event. She thanked the City for all their prior years of support and offered to answer any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted five (5) “ayes” and no (0) “nays” to approve the request to waive permit fees; approved the request to waive length and duration of the event; approved the request to provide in-kind support through City staff and equipment; and approved the request to place off-premise event signage along city streets. The motion carried.

Mayor Carey acknowledged the members of the Old Town Business Association for all their hard work. Assistant City Manager Donna Barron advised that on May 26<sup>th</sup> the City will have an extra area for the children to go along with this event.

**Consideration of Ordinance No. 3441-05-2007 Adopting a New Finance Plan of the Tax Increment Reinvestment Zone, Number One by Extending the Duration and Adding Facilities as an Anticipated Capital Cost; Consideration of Ordinance No. 3442-05-2007 Adopting a New Project Plan of the Tax Increment Reinvestment Zone, Number One by Adding Facilities as an Anticipated Capital Cost; Approval of the First Amendment to the Participation Agreement Between the City of Lewisville and Denton County by Extending the Duration of the Agreement; Approval of an Agreement Between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One, Allowing for the Payment of Debt Using TIRZ Funds; and Authorization for the City Manager to Execute the Agreements**

**(Agenda Item G-15)**

Mayor Carey advised that the Lewisville Tax Increment Reinvestment Zone, Number One, (TIRZ) for Old Town was created in December, 2001, with a zone duration until 2021. The purpose of the TIRZ is to provide a dedicated funding source for public improvement projects within the district. The ordinances are needed to adopt the new finance plan which matches the outstanding debt obligations and adopt the new project plan which includes the Arts Activity Center. The amendment to the agreement with the County extends the duration of the agreement, and the agreement between the City and TIRZ allows the payment of debt utilizing TIRZ funds.

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance adopting a new Finance Plan; approve the ordinance adopting a new project plan; approve the first amendment to the agreement between the City of Lewisville and Denton County; approve the agreement between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One; and authorize the City Manager to execute the agreements.

Zane Miller, Economic Development Director, was present to respond to any questions posed by the City Council.

**Consideration of Ordinance No. 3441-05-2007 Adopting a New Finance Plan of the Tax Increment Reinvestment Zone, Number One by Extending the Duration and Adding Facilities as an Anticipated Capital Cost; Consideration of Ordinance No. 3442-05-2007 Adopting a New Project Plan of the Tax Increment Reinvestment Zone, Number One by Adding Facilities as an Anticipated Capital Cost; Approval of the First Amendment to the Participation Agreement Between the City of Lewisville and Denton County by Extending the Duration of the Agreement; Approval of an Agreement Between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One, Allowing for the Payment of Debt Using TIRZ Funds; and Authorization for the City Manager to Execute the Agreements**

---

(Agenda Item G-15)

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

“An Ordinance of the City Council of the City of Lewisville, Texas Approving a Finance Plan of the Tax Increment Reinvestment Zone Number One, Lewisville, Texas; Repealing Previously Approved Finance Plan; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

and,

“An Ordinance of the City Council of the City of Lewisville, Texas Approving a Project Plan of the Tax Increment Reinvestment Zone Number One, Lewisville, Texas; Repealing Previously Approved Project Plan; 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. 3441-05-2007 and Ordinance No. 3442-05-2007, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3443-05-2007 Amending the Lewisville City Code, Chapter 6, Adopting the 2004 North Central Texas Council of Governments' Public Works Construction Standards**

(Agenda Item G-16)

Mayor Carey advised that the Standard Specifications for Public Works Construction currently in use by the City of Lewisville were based on the North Central Texas Council of Governments Standard Specifications – 1998 Edition and amendments thereto. Although staff has kept up with all the changes and revisions and has incorporated those into the City projects, it is essential to formally adopt the most current edition of the standard specifications; the 2004 edition.

Mayor Carey stated the City staff's recommendation was that the City Council adopt the ordinance regarding the adoption of the North Central Texas Council of Governments' Public Works Construction Standards.

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

“ An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 6, Article V, Public Improvements, of the Code of Ordinances of the City of Lewisville, Texas, by Adopting North Central Texas Council of Governments' Public Works Construction Standards and Deleting the Current Language in Section 6-91.(b) and Replacing With New Language, Providing a Repealer; Providing a Severability Clause; Providing for a Penalty; Providing for an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Nowels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3443-05-2007**, as captioned previously. The motion carried.

**Reports**

(Agenda Item H)

- Human Resource Director Melinda Galler encouraged the City Council to get into the loop for the Wellness Program.
- Public Services Director Carole Bassinger advised that the lake was full and that it had stayed above conservation since last Thursday. She also advised that it had been 14 months since the lake had been at conservation.
- Mayor Pro Tem Durham pointed out that the warning sirens have been going off more than they have in the past.

**Reports (cont'd)**

**(Agenda Item H)**

- Deputy Mayor Pro Tem Ueckert advised it had been nice to see the Public Services Department receive a proclamation recognizing their hard work. He stated that it is very easy to take for granted being able to reach over and turn the water on.
- Deputy Mayor Pro Tem Ueckert thanked PALS Recreation Manager Wayne Pickett and Director of Community Development Eric Ferris for doing such a wonderful job with the recent Employee Golf Tournament.
- Councilman Nowels thanked staff and everyone who participated in Cinco de Mayo on May 5, 2007.
- Councilman Nowels and Councilman Thornhill both encouraged everyone to get out and vote.
- City Secretary Julie Heinze reminded everyone that Tuesday, May 8, 2007, was the last day to early vote. She advised the early voting hours would be 7:00 a.m. – 7:00 p.m. She also stated that Election Day was May 12, 2007, and the voting hours were 7:00 a.m. – 7:00 p.m. and voters would be required to vote in their own polling locations on Election Day.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:55 p.m. Monday, May 7, 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 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 8:00 p.m. on Monday, May 7, 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. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 8:21 p.m. on Monday, May 7, 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 8:21 p.m. on Monday, May 7, 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 Closed Session. There was no action taken on the items discussed during the Closed Session.

**Adjournment**

**(Agenda Item K)**

**MOTION:** Upon a motion made by Councilman Thornhill 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 8:21 p.m. on Monday, May 7, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 21<sup>st</sup> day of May, 2007.

APPROVED

---

Gene Carey  
MAYOR

ATTEST:

---

Julie Heinze  
CITY SECRETARY