

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MAY 21, 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 – 5:30 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 5:30 p.m. on Monday, May 21, 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 including Assistant Fire Chief Darrell Brown and Assistant Fire Chief Tim Tittle, Projects Coordinator Jason Kirkland, and Assistant City Attorney Liz Plaster,

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change**

**(Agenda Item A)**

Assistant Fire Chief Tim Tittle presented the following PowerPoint Presentation regarding Boat Towing Fees:

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

(Agenda Item A)

**Lake Calls**

Emergency

- Drownings
- Boat Fires
- Personal watercraft accidents
- Boat dock fires
- Medical emergencies

Non-Emergency

- Dead Battery
- Out of fuel
- Mechanical breakdown
- Run aground
- Operator inexperience

**Lewisville Lake Public Assistance Calls**

<u>Year</u>	<u>Total</u>
2003	37
2004	68
2005	80
2006	100

**Current Available Services...for boaters on Lake Lewisville**

Sea Tow – Pier 121 Marina

Services

- Towing of disabled vessels
- Trailing assistance
- Jump Starts
- Soft ungroundings
- DOES NOT INCLUDE REFUELING

Service Plans

- Basic lake plan - \$119 (per year)
- Nationwide - \$149 (per year)
- Projected plan - \$10 additional (per year)

BoatU.S. / Tow BoatU.S. – Eagle Point Marina

Services

- Towing
- Tow to Fuel Island
- Jump Starts
- Salvage
- Ungroundings

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

(Agenda Item A)

Service Plans

- Unlimited towing - \$120 (per year)
- \$500 per incident - \$70 (per year)
- \$350 per incident – \$52 (per year)
- \$150 per incident - \$18 (per year)
- Basic membership - \$19  
(per year, pays up to \$50 per incident)

Boater's Insurance

*Most policies pay up to \$500 for the reasonable cost incurred resulting from the following services:*

- Mechanical labor
- Towing
- Ungrounding
- Delivery of fuel, oil, or battery (plus cost item)
- Jump starts

City of Lewisville Fire Department

*Services we have provided to date*

- Towing
- Ungrounding
- Fuel delivery
- Jump start
- Recoveries
- Inexperienced boater assistance

Cost of Services Provided by LFD

Cost to taxpayers

- Manpower cost @ 2 hr.  
Minimum - \$132
- Apparatus cost @ 2 hr.  
Minimum - \$100
- Boat cost @ 2 hr.  
Minimum - \$100
- Miscellaneous cost @ 2 hr./equipment, fuel, etc. - \$100

Cost of service

Provided to boater: \$432

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

**(Agenda Item A)**

Discussion was held that based upon the proposed costs, the number of non-emergency calls would have cost \$43,200. Assistant Chief Tittle advised that these calls can be very time consuming and explained the amount of time involved starting with the initial call made to dispatch. He reminded the City Council that while the crew is on the lake, an engine is out of service for the north end of town.

Discussion was then held regarding the only times the Fire Department patrols the lake is on Memorial Day, Fourth of July, and Labor Day due to manpower issues. Councilman Nowels questioned if Chief Lasky felt there would come a time when the City will have to staff a boat and keep a crew on the lake. Chief Lasky advised that he did not feel that would be necessary as the crew was only minutes away from the Marina; however, he reminded them that a call would take the crew out of service. Chief Lasky advised that sometimes the boaters can be abusive and rude to the crews, because at this time, they are under the impression that they can just call the Fire Department for anything.

Mayor Carey questioned if the boaters would be charged for an emergency. Assistant Chief Tittle advised no, just for the non-emergency calls. He stated that the crews manning the boats would be trained to get the necessary information, staff would determine how frequently those calls need to be billed, and then ambulance billing would invoice the boaters. Chief Lasky stated that once word gets out about the services currently on the lake, boaters will be calling the services instead of the Fire Department if the City has fees.

Mayor Pro Tem Durham questioned if staff had contacted any other departments around the lake to see what they charge. Chief Tittle advised the City of Lewisville is one of the few departments that have been in the business of providing boat towing services; however, staff could contact those area cities.

Deputy Mayor Pro Tem Ueckert expressed concern that the City was trying to make the lake a destination point and charging fees for these services.

Discussion was held regarding insurance companies paying for this type of service. Assistant Chief Tittle advised that he had contracted some of the insurance companies and they had indicated the boater could pay a small fee for the year and it would cover a maximum of \$500 per occurrence. Chief Lasky advised that most people do not realize that when they make the non-emergency call they are pulling a fire engine out of service that is protecting the community.

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

**(Agenda Item A)**

Discussion was held regarding that the private sector now has businesses that will perform this service 24 hour/7 days a week. Assistant Chief Tittle stated the concern of getting out of the business is that boaters will start making calls that are non-emergency and claiming they are an emergency; therefore, they recommended charging the fees for non-emergency services to encourage them to use the private sector services.

This concluded the discussion regarding Boat Towing Fees.

Assistant Fire Chief Darrell Brown presented the following PowerPoint Presentation regarding Fee Schedule Changes for Ambulance Services:

Background

- September 13, 1993, increased Ambulance charges from \$100 to \$150 for residents and \$150 to \$300 for non-residents.
- September 19, 1999 changed Ordinance to reflect a mileage charge of \$4.00/mile to a patient selected hospital outside of Lewisville
- February 2001 Ordinance change to increase Ambulance base rates. Increased to reflect current Medicare Fee Schedule ALS2 rate for residents. This began itemized ambulance billing
  - ALS2 rate plus 25% for non-residents
  - Added provisions to charge for supplies and medications at cost plus 15%
  - Added Oxygen charge of \$30
  - Additional crew member charge of \$25 for patient care
  - Definitive therapy charge of \$50
- Let mileage at \$4 per loaded mile when patient requested transport outside of 2 Denton hospitals, MCL, Trinity, and Baylor Grapevine
- January 2005 revised Ambulance fee schedule and Ordinance to charge mileage on all transports regardless of hospital destination.
- Mileage charge stayed at \$4/loaded mile

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

**(Agenda Item A)**

Analysis

- The City of Lewisville should amend charges to reflect current costs of Ambulance Service. This will account for:
  - Fuel cost increases
  - Allowable mileage increases
  - Drug/medication and supply charges
  - Definitive therapy charge
  - Oxygen therapy charge
  - Additional personnel for Patient Care Charge

Recommendations

- Increase mileage charge to reflect the Medicare allowable mileage charge
- Currently \$6.25/loaded mile

Comparison of EMS Ambulance Mileage Rates February 21, 2007

Allen	\$7.00	Bedford	\$15.00
Carrollton	\$9.00	Coppell	\$0
Denton	\$15.00	Farmers Br	\$8.00
Flower Mo	\$5.50	Frisco	\$7.00
Garland	\$8.21	Grand Pr	\$ N/A
Grapevine	\$15.00		
Hurst	\$10.00	Keller	\$15.00
Lewisville	\$4.00	McKinney	\$8.00
Mesquite	\$10.00	N R Hills	\$8.00
Plano	\$10.00	Richardson	\$10.00
Rowlett	\$10.00	The Colony	\$7.00

Average \$9.08

Assistant Fire Chief Brown advised that the cities that are charging \$15 are using a third party company.

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

**(Agenda Item A)**

Recommendation (cont'd)

The following recommendations are based on the cost of storage, handling, shipping of supplies, and the loss of medications due to shelf life expiration dates.

- Increase oxygen charge to \$50
  - From \$30
- Increase charge for drug/medication therapy including IV fluids to cost plus 150%
  - From cost plus 15%
    - Example currently our cost on an IV bag of fluid is 88 cents,  $.88 * 15\% = \$1.01$ , if increased to cost + 150%  $.88 * 150\% = \$2.20$
- Disposable supplies to cost plus 150%
  - From cost plus 15%
- Increase additional crew member charge to base pay overtime rate for a Fire Captain
  - From \$25
    - This bring personnel charge in line with fee schedule
- Increase Definitive therapy charge to \$150 plus supply cost when patient is not transported
  - From \$50
    - Definitive therapy is anytime we puncture the skin.
    - This charge accounts for calls where we provide service and the patient refuses transport to hospital.

Billing Comparison

LFD current price for one resident transport using 1 IV bag and tubing, 1 cath, 1 IV starter kid, 1 non rebreather oxygen mask, transported 2 miles is: \$580.15

With new increase is:	\$618.72
Mesquite would be:	\$623.78
Flower Mound would be:	\$432.18

Neither Flower Mound nor Carrollton does itemized billing. Cities that use Intermedix billing services would not share billing rates.

**WORKSHOP SESSION – 5:30 P.M.**

**Fire – Boat Towing Fee and Ambulance  
Ordinance Change (cont'd)**

**(Agenda Item A)**

Mayor Carey questioned why Carrollton was \$200 cheaper. Assistant Fire Chief Brown advised that they do not do itemized billing.

Deputy Mayor Pro Tem Ueckert questioned how staff came up with the amount for the cost increase. Assistant Chief Brown advised that they had looked at the cost of fuel, salary costs, time spent on the scenes and did some cost comparisons. He stated that some of the medical suppliers costs are going up 30% and those figures have not been changed in some time. Discussion was held regarding what Medicare/Medicaid allows for charges. City Manager King stated that staff could get a quote from a Medicare/Medicaid reimbursement to see what they pay. Deputy Mayor Pro Tem Ueckert recommended utilizing the amounts allowable by Medicare/Medicaid.

This concluded the discussion regarding Fee Schedule Charges for Ambulance Billing.

**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-a, Canvass of the Election Returns for the City Council General and Special Elections. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-b, Consideration of a Resolution Declaring the Results of the City Council Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D, Proclamation Declaring the Month of May, 2007, as “Motorcycle Safety and Awareness Month”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E, Presentation of Certificates of Election by Mayor and Ceremonial Administration of Oath of Office to Re-Elected Council Members.

**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, Public Hearing: Consideration of Service/Assessment Plan for Lewisville Public Improvement District No. 4. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item H-1, Approval of Minutes: a) City Council Minutes of the April 11, 2007, Special Called Joint Session; and b) City Council Minutes of the May 7, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-2, Approval of a Change Order to Hunt Construction Group for Renovation of the Annex Atrium in the Amount of \$136,477; and Approval of a Supplemental Appropriation in the Amount of \$136,477 From General Capital Projects Available Cash. City Manager King referred to the rendering contained in the City Council's backup material. He advised there were samples of the colors and materials along with the proposed chairs for City Council review. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-3, Approval of a Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract. City Attorney Ron Neiman advised that City staff was requesting this item be tabled to the June 4, 2007, City Council meeting. He explained that approval from the Federal Government was required for this area prior to the bid being awarded. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-4, Approval of an Extension of an Economic Development Agreement Between the City of Lewisville and Avedis and Hasmig Minassian for the Rehabilitation of the Building at 124 North Mill Street; and Authorization for the City Manager to Execute the Agreement Extension. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-5, Approval of the FY 2006-2007 Mid-Year Budget Status Report. Mayor Carey advised he would like for to be pulled and for City Manager King to review this item. He stated he wanted to do this because he was proud of the way the City runs and wanted to highlight this report. 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 B)**

Mayor Carey reviewed Agenda Item H-6, Approval of Form of Notice to Purchasers Relating to Castle Hills Public Improvement District No. 4. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-7, Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. Jason Hughes, First Southwest Company gave a brief overview of the three debt issuance for the next three items. Mr. Hughes pointed out and reviewed the page regarding “Summary of Bond Ratings.” There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-8, Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-9, Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-10, Tabled Item: Consideration of Variances to the Lewisville City Codes, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements, 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. City Manager King clarified that the applicant was requesting to withdrawal their entire request. 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 B)**

Mayor Carey reviewed Agenda Item I-11, Consideration of Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When An Old Town Development Plan is Required for the Property Located at 325 N. Mill Street as Requested by Porter Tire Company and Represented by Bill Ridinger, Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-12, Consideration of a Variance to Lewisville City Code, Article 5 Special Events, Chapter Section 7-150(1), 7-150(5); Church Street Road Closure on May 26 During 7:00 am – 3:00 pm for the Farmers Market Kickoff. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-13, Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Internal Sign Illumination, Sign Materials; Number and Locations of Signs; Size and Height of Directional Signs; and Size and Height of Monument Sign as Requested by Matthew Davis on Behalf of the Medical Center of Lewisville at 500 West Main Street. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-14, Consideration of a Variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District and an Amendment to Administrative Policy 5.2.1 to Adopt a Real Estate Sign Program in the Old Town Center District. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-15, Consideration of an Ordinance Approving the Assessment/Service Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 4. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-16, Consideration of an Ordinance Establishing the Joint Utility Contract Between the City of Lewisville, Denton County Freshwater Supply District No. 1-A, and Denton County Freshwater Supply District 1-F. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-17, Consideration of an Election Calendar and Resolution Calling a Runoff Election to be Held on June 9, 2007, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman - Place No. 3 for a Period of One Year; and Designating the City's Polling Places; the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order. 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 I-18, Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the June 9, 2007, Run-Off Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-19, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item K-Closed Session. There was no discussion on this item.

**Items of Interest to the Council**

**(Agenda Item C)**

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 6:45 p.m. on Monday, May 21, 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 21, 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.

**Consideration of Items Relating to the  
May 12, 2007, City of Lewisville General and  
Special Election: Canvass of the Election  
Returns for the City Council General and  
Special Elections**

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**(Agenda Item C-a)**

Mayor Carey requested that City Secretary Julie Heinze conduct the May 12, 2007, City Council election canvass.

City Secretary Julie Heinze read the election results into record as follows:

<b>Names</b>	<b>Early Voting</b>	<b>Memorial Park Rec. Ctr.</b>	<b>Municipal Annex</b>	<b>Lewisville City Hall</b>	<b>TOTAL</b>	<b>%</b>
<b>COUNCILMAN, PLACE NO. 4</b>						
Dean Ueckert	496	112	135	50	793	100.00%
<b>COUNCILMAN, PLACE NO. 5</b>						
Rudy Durham	496	113	134	52	795	100.00%
<b>COUNCILMAN, PLACE 3</b>						
Jim Mundt	48	9	16	1	74	6.72%
Lathan Watts	194	68	62	28	352	31.94%
Ron Aljoe	174	44	53	13	284	25.77%
Leroy Vaughn	137	24	24	12	197	17.88%
Patrick Booth	139	22	24	10	195	17.70%
<b>TOTAL NUMBER OF VOTERS WHO VOTED AS INDICATED BY POLL LIST</b>	765	186	205	75	1231	

**Consideration of Items Relating to the May 12, 2007, City of Lewisville General and Special Election: Consideration of Resolution No. 3444-05-2007(R) A Resolution of the City Council of the City of Lewisville, Texas, Canvassing the Election Returns and Declaring the Results of the General and Special Election of the City of Lewisville Held on Saturday, May 12, 2007, for the City of Lewisville's Councilman - Place No. 4, Councilman - Place No. 5, and Unexpired Councilman Place No. 3; and Declaring the Effective Date of this Resolution**

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(Agenda Item C-b)

**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 Resolution No. 3444-05-2007(R), as previously captioned. The motion carried.

**PRESENTATION OF CERTIFICATES OF ELECTION BY MAYOR AND CEREMONIAL ADMINISTRATION OF OATH OF OFFICE TO RE-ELECTED COUNCIL MEMBERS.**

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(Agenda Item D)

Mayor Carey issued Certificates of Election to Councilman Ueckert and Councilman Durham. Both members were sworn in by City Secretary Julie Heinze.

**PROCLAMATION: Declaring the Month of May, 2007, as “Motorcycle Safety and Awareness Month”.**

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(Agenda Item E)

Mayor Carey read and presented a proclamation declaring the Month of May, 2007, as “Motorcycle Safety and Awareness Month” to Connie Thompson.

**Public Hearing: Consideration of  
Service/Assessment Plan for Lewisville  
Public Improvement District No. 4**

**(Agenda Item F)**

Mayor Carey advised that at the April 2, 2007 meeting, the City Council called for a public hearing to consider the Service/Assessment Plan and the Assessment Roll. The plan defines the annual indebtedness and projected costs of the improvements and sets assessments against each parcel of property in the PID payable at a specified time and rate. During the public hearing, the City Council is required to hear and rule on any objections to the plan.

Mayor Carey stated the City staff's recommendation was that the City Council approve the Service/Assessment Plan for Lewisville Public Improvement District No. 4.

Mayor Carey opened the public hearing.

**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.

**Visitors/Citizens Forum**

**(Agenda Item G)**

Rebecca Behnke, 122 Campbell, Lewisville, Texas, spoke before the City Council. Ms. Behnke thanked Mayor Carey and the City Council for allowing her to speak on behalf of the sponsors of the recent Cinco de Mayo event held in Old Town. She thanked Richard Gonzalez for the boxing event and for all the work he does with the kids. She also acknowledged the City's Teen Court for their volunteer work along with CCA. Ms. Behnke also acknowledged the hard work of City staff members Jennifer Galante, Melinda Stephens, James Kunke, Eric Ferris, Joni Eddy, and everyone else who contributed to event. Ms. Behnke advised that they are continuing to accept applications and donations for the scholarship to award before the end of summer. Ms. Behnke stated that she would have a financial statement for Assistant City Manager Donna Barron shortly.

Nathanial Torson, 1428 Drake, Lewisville, Texas spoke before the City Council regarding a rise in noise and anti-social behavior around his neighborhood. He stated that you could hear the cars with music so loud coming from miles away. He advised that recently several teenage kids had caused a literal obstruction on FM 3040 when they were intentionally walking in the street and looking at him. He stated that he has lived in Lewisville for six years and only sees the problem getting worse. Mr. Torson advised that he did not want to have to call the police every other night and wondered if there was a way to more strongly enforce or enhance the fines. City Manager King advised that he would send an officer from the Police Department to his home to visit with him and check the files and reports for this area. He further

**Visitors/Citizens Forum (cont'd)**

**(Agenda Item G)**

advised that the City recently passed some changes to the noise ordinances and some specifically relate to vehicle noise that he thought may be of some help. In addition, City Manager King advised that the City can look at increased patrols; however, this can be tough to deal with because it is a moving target. City Manager King concluded by stating that a Neighborhood Resource Officer should be able to help in this situation and one could be reallocated to this area.

David Clevenger, 3915 Wichita Trail, Flower Mound, thanked the City Council for allowing him to speak. He stated that he recently purchased a Sports Bar in Lewisville and would like to request that the City Council take action to allow late hour alcohol sales. Mr. Clevenger advised that he owns another bar in Allen that is able to serve alcohol until 2:00 a.m. Mr. Clevenger stated that he has more control over how much those patrons consume as they do not leave to go to another bar to continue drinking. He further stated that it is easier to monitor drinking in areas that have late hours. Mr. Clevenger concluded by urging the City Council to follow up on their discussion during their retreat in February to allow for late hours.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item H)**

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

1. Consent Agenda Item No. 3 – Approval of a Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract.
2. Consent Agenda item No. 5 - Approval of the FY 2006-2007 Mid-Year Budget Status Report. 6.

**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 remaining items on the Consent Agenda, as recommended and as follows:

CONSENT AGENDA (cont'd)

(Agenda Item H)

1. APPROVAL OF MINUTES:
  - a. City Council Minutes of the April 11, 2007, Called Special Joint Session; and
  - b. City Council Minutes of the May 7, 2007, Workshop and Regular Session.
2. Approval of a Change Order to Hunt Construction Group for Renovation of the Annex Atrium in the Amount of \$136,477; and Approval of a Supplemental Appropriation in the Amount of \$136,477 From General Capital Projects Available Cash.
4. Approval of an Extension of an Economic Development Agreement Between the City of Lewisville and Avedis and Hasmig Minassian for the Rehabilitation of the Building at 124 North Mill Street; and Authorization for the City Manager to Execute the Agreement Extension.
6. Approval of Form of Notice to Purchasers Relating to Castle Hills Public Improvement District No. 4.

The motion carried.

**END OF CONSENT AGENDA**

**Approval of a Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract**

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(Consent Agenda Item H-3)

Mayor Carey advised that a total of forty-eight (48) bid invitations were issued, including six (6) downloaded from DemandStar.com. Six (6) bids were received and opened May 3, 2007. This project involves the rehabilitation of concrete curb, gutter, and drive approaches of three

**Approval of a Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract (cont'd)**

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**(Consent Agenda Item H-3)**

streets in the Rolling Ridge Addition: Rolling Ridge, Ridgecrest and University Drive. Currently, funding is available in the CDBG Block Grant Budget in the amount of \$311,000.

Mayor Carey stated City staff's recommendation was that the City Council approve a supplemental appropriation in the amount of \$82,063 to the Grant Fund; approve a bid award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the amount of \$389,574.15; approve of a total budget of \$393,063; and authorize the City Manager to execute the contract.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to table this item to the June 4, 2007, City Council meeting. The motion carried.

**Approval of the FY 2006-2007 Mid-Year Budget Status Report**

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**(Consent Agenda Item H-5)**

Mayor Carey advised that staff had completed an analysis of the financial position of the operating funds at the mid year point. All operating funds are performing at or above expectations. It is anticipated that a supplemental appropriation may be needed in the Utility Fund prior to the end of the fiscal year, however, it is too early to determine actual amounts as revenue and expenditures in that fund are heavily dependent on the weather. At this time, a supplemental of approximately \$300,000 would be anticipated.

Mayor Carey stated City staff's recommendation was that the City Council accept the FY 2006-2007 Budget Status report.

At the request of Mayor Carey, City Manager King reviewed the highlights of the various funds and advised the City was in very good shape at mid year.

**Approval of the FY 2006-2007 Mid-Year  
Budget Status Report (cont'd)**

**(Consent Agenda Item H-5)**

**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 FY 2006-2007 Mid-Year Budget Status Report. The motion carried.

**Consider and Take Action on Ordinance No. 3445-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto**

**(Agenda Item I-7)**

Mayor Carey advised that the issuance of an \$18,725,000 of "City of Lewisville, Texas General Obligation Refunding and Improvement Bonds, Series 2007" will provide funds for refunding a portion of the City's Series 2001 and 2002 General Obligation Bonds, and will provide estimated new funding of \$14,055,000 for the construction of street improvements and jail facilities.

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance authorizing the issuance and sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract, a paying agent/registrar agreement and an escrow agreement; calling certain bonds for redemption; approving the official statement; and enacting other provisions relating thereto.

Jason Hughes, First Southwest Company, summarized the bond sales using the handout material he had given to the City Council during the workshop session. Mr. Hughes advised that three ratings had been received this time and that the City now has two AA ratings.

**Consider and Take Action on Ordinance No. 3445-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto (cont'd)**

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**(Agenda Item I-7)**

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, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007, in the Aggregate Principal Amount of \$18,725,000; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.”

**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 **Ordinance No. 3445-05-2007**, as captioned previously. The motion carried.

**Consider and Take Action on Ordinance No. 3446-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto**

**(Agenda Item I-8)**

Mayor Carey advised that the Parks and Library Development Corporation plans to construct an athletic park complex, including athletic fields, a skate park, a dog park and related improvements. It has been determined that the most economical means of providing financing for this complex is for the City to issue Certificates of Obligation with the agreement of the Lewisville Park and Library Development Corporation to make payments in an amount sufficient to pay the debt service on the Certificates. The Certificates of Obligation are to be issued in an estimated amount of \$18,180,000.

Mayor Carey stated the City staff's recommendation was that the City Council approve an ordinance authorizing the issuance and sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, levying a tax and providing for the payment thereof; authorizing the execution and delivery of a purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

Jason Hughes, First Southwest Company, was present to respond to any questions posed by the City Council.

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, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, in the Aggregate Principal Amount of \$18,180,000; Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.”

**Consider and Take Action on Ordinance No. 3446-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto (cont'd)**

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**(Agenda Item I-8)**

**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. 3446-05-2007**, as captioned previously. The motion carried.

**Consider and Take Action on Ordinance No. 3447-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto**

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**(Agenda Item I-10)**

Mayor Carey advised that within the Lewisville Tax Increment Reinvestment Zone Number One (the "TIRZ"), the City of Lewisville is planning the acquisition, construction and equipment of a community arts and activities center located at 201 West Main Street and related improvements as well as the acquisition and development of land for a parking lot. It has been determined that the most economical means of providing financing for these projects is for the City to issue Certificates of Obligation in an estimated amount of \$8,190,000.

Mayor Carey stated the City staff's recommendation was that the City Council approve an ordinance authorizing the issuance and sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, levying a tax and providing for the

**Consider and Take Action on Ordinance No. 3447-05-2007 of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto (cont'd)**

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**(Agenda Item I-10)**

payment thereof; authorizing the execution and delivery of a purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

Jason Hughes, First Southwest Company, was present to respond to any questions posed by the City Council.

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, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, in the Aggregate Principal Amount of \$8,190,000; Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.”

**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 **Ordinance No. 3447-05-2007**, as captioned previously. The motion carried.

**Tabled Item: Consideration of Variances to the Lewisville City Codes, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements, 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 I-10)**

Mayor Carey advised that this item was tabled at the May 7, 2007 City Council meeting in order for the applicant to address the aesthetics of the building and landscaping for the entire lot. The applicant has now requested that the landscape variance request be rescinded.

Mayor Carey stated the City staff's recommendation was that the City Council accept the withdrawal of the variance request.

**MOTION:** Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to accept the withdrawal of the variance request. The motion carried.

**Consideration of Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When An Old Town Development Plan is Required for the Property Located at 325 N. Mill Street as Requested**

**(Agenda Item I-11 )**

Mayor Carey advised that Porter Tire Company is requesting two variances to the Lewisville City Code. The variances are to waive the \$350.00 variance filing fee and the Old Town Development Plan requirement for the property located at 325 N. Mill Street. Porter Tire Company is requesting that the City Council allow the lot to be paved with crushed concrete, in lieu of permanent concrete or asphalt for a period of 24 months. The lot is approximately 9,000 square feet. The frontage of the property on Mill Street and a portion of the south property line will have screening shrubs provided. The owners have indicated that being allowed to use this lot for temporary parking will allow them time to make plans for permanent facilities. Porter Tire has indicated that the lot can be utilized for parking purposes during Old Town special events. Porter Tire Company is in need of the lot immediately for temporary parking.

Mayor Carey stated the City staff's recommendation was that the City Council consider waiving the \$350 variance filing fee and consider waiving the request for a crushed concrete parking lot for a 24-month period.

**Consideration of Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When An Old Town Development Plan is Required for the Property Located at 325 N. Mill Street as Requested (cont'd)**

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**(Agenda Item I-11)**

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

Bill Ridinger, Porter Tire Company, spoke before the City Council regarding this request. He advised they were starved for parking and this was a temporary solution.

**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 following variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When an Old Town Development Plan is Required for the Property Located at 325 N. Mill Street: waiving the \$350 variance filing fee and waiving the request for a crushed concrete parking lot for a 24-month period, as requested. The motion carried.

**Consideration of a Variance to Lewisville City Code, Article 5 Special Events, Chapter Section 7-150(1), 7-150(5); Church Street Road Closure on May 26 During 7:00 am – 3:00 pm for the Farmers Market Kickoff**

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**(Agenda Item I-12)**

Mayor Carey advised that the City of Lewisville Community Relations and Tourism department will stage a Farmers Market Kickoff event on Saturday, May 26. This event will take place along with the Farmers Market produced by the Old Town Business Association in an effort to promote the beginning of the weekly farmers market.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the road closure request for Church Street between Mill Street and Charles Street between the hours of 7:00 am and 3:00 pm on Saturday, May 26, 2007.

**MOTION:** Upon a motion made by Mayor Pro Tem Durham and seconded by Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve a variance to Lewisville City Code, Article 5 Special Events, Chapter Section 7-150(1), 7-150(5); Church Street Road Closure on May 26 During 7:00 am – 3:00 pm for the Farmers Market Kickoff. The motion carried.

**Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Internal Sign Illumination, Sign Materials; Number and Locations of Signs; Size and Height of Directional Signs; and Size and Height of Monument Sign as Requested by Matthew Davis on Behalf of the Medical Center of Lewisville at 500 West Main Street**

**(Agenda Item I-13 )**

Mayor Carey advised that the Medical Center of Lewisville is replacing eight existing signs with re-designed signs for the hospital. On May 14, the Old Town Design Review Committee, by a vote of 3 to 0, approved the issuance of Letters of Design Approval for these signs, contingent upon City Council's approval. Because of certain requirements by the Society for Chest Pain Accreditation and the unique nature of the signs that direct the public to the Emergency Room, variances to the sign ordinance are necessary to allow: a) the signs to be internally lit; b) plexi-glass material on the signs; c) more than one directional sign per exit/entrance driveway and to allow directional signs to be located internally on the hospital campus; d) the seven directional signs to be larger in size and taller in height; and e) the monument sign to be larger in size and taller in height.

Mayor Carey stated the City staff's recommendation was that the City Council approve the variances to the Lewisville Code of Ordinances, Chapter 11 Signs for the Medical Center of Lewisville at 500 West Main Street.

Sarah McLain, Economic Development Specialist, was present to respond to any questions posed by the City Council.

Mayor Carey advised that the following individuals had filled out cards indicating their support for this item: Matt Davis, 500 West Main Street, Lewisville, Texas; and Wayne Ferguson, 320 West Main Street, Lewisville, Texas

**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 following variances to the Lewisville City Code, Chapter 11, Signs: a) the signs to be internally lit; b) plexi-glass material on the signs; c) more than one directional sign per exit/entrance driveway and to allow directional signs to be located internally on the hospital campus; d) the seven directional signs to be larger in size and taller in height; and e) the monument sign to be larger in size and taller in height, as requested by Matthew Davis on behalf of the Medical Center of Lewisville at 500 West Main Street. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District and an Amendment to Administrative Policy 5.2.1 to Adopt a Real Estate Sign Program in the Old Town Center District**

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**(Agenda Item I-14 )**

Mayor Carey advised that historically, properties for lease or sale in the Old Town Center District have been individually represented and not typically listed with a brokerage service. This has led to a disjointed appearance due to the numerous vacant properties in the District with varying real estate signage. In working with other retail properties in the City, staff has observed the importance of a perception of continuity. The aesthetics impact occupancy due to perceptions of quality held by visiting prospective tenants. As Old Town Center is not owned or operated by an individual management company, staff is proposing that the City of Lewisville implement a program to unify real estate signs throughout the various properties in the District.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance; and approve the amendment to Administrative Policy 5.2.1 to adopt the proposed Real Estate Sign Program.

Sarah McLain, Economic Development Specialist, was present to respond to any questions posed by the City Council.

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

**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 a variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District and an Amendment to Administrative Policy 5.2.1 to Adopt a Real Estate Sign Program in the Old Town Center District. The motion carried.

**Consideration of Ordinance No. 3448-05-2007 Approving the Assessment/Service Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 4**

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(Agenda Item I-15)

Mayor Carey advised that the City Council conducted a public hearing to hear comments on the Assessment/Service Plan at this meeting. Based on information provided at the public hearing, the City Council must now consider adoption of the plan. This plan defines the annual indebtedness and projected costs of the improvements. The plan also includes the assessment roll and method of apportionment of the costs.

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

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, Approving an Assessment/Service Plan and an Assessment Roll for Lewisville Castle Hills Public Improvement District No. 4, Levying Special Assessments Against Property Within the District, Providing for Assessments to be Paid Over a Period of Time in Accordance With the Public Improvement District Assessment Act, Specifying the Method and the Amount of Payment, Providing Penalties and Interest on Delinquent Assessments, 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. 3448-05-2007**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3449-05-2007 Establishing the Joint Utility Contract Between the City of Lewisville, Denton County Freshwater Supply District No. 1-A, and Denton County Freshwater Supply District 1-F**

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(Agenda Item I-16)

Mayor Carey advised that the Joint Utility Agreement establishes the methodology by which the District will repay the debt and any associated administrative expenses. The District is obligated to pay 90% of the debt obligation through an assessment on property in the district. The remaining 10% of the costs must be paid from an assessment levied by the City on this same

**Consideration of Ordinance No. 3449-05-2007 Establishing the Joint Utility Contract Between the City of Lewisville, Denton County Freshwater Supply District No. 1-A, and Denton County Freshwater Supply District 1-F**

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(Agenda Item I-16)

property. Previous Joint Utility Agreements approved in relation to the other three existing PIDs required the district to pay 100% of the debt payment. This change in percentage is due to a requirement made by the Attorney General's Office that the City levy a 10% assessment. A letter is included from Tom Leonard stating that the City will not incur any costs associated with this 10% assessment and that the District will contract with either the Denton County Tax Office or another third party for collection of the assessment.

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

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

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, Approving a 2007 Joint Utility Contract Between the City of Lewisville, Texas, Denton County Fresh Water Supply District No. 1-A and Denton County Fresh Water Supply District No. 1-F (the "2007 Joint Utility Contract"); Providing for Severability, Providing an Effective Date, and Declaring an Emergency."

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3449-05-2007**, as captioned previously. The motion carried.

**Consideration of an Election Calendar and Resolution No. 3450-05-2007(R) Calling a Runoff Election to be Held on June 9, 2007, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman - Place No. 3 for a Period of One Year; and Designating the City's Polling Places; the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order**

(Agenda Item I-17)

Mayor Carey advised that pursuant to no candidate receiving a majority of the legal votes in the May 12, 2007, Special Election for Councilman – Place No. 3, the City Council will need to call a run off election to fill this position. The names of the two candidates receiving the highest number of votes at the special election were Lathan Watts and Ron Aljoe and their names shall be printed on the ballot and submitted to the qualified voters. City staff recommends the City Council call this election for June 9, 2007 as shown on the proposed election calendar. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing at the regularly scheduled meeting on June 18, 2007. The designated polling places will be the same as the May 12, 2007, General and Special Elections. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings to be held May 29<sup>th</sup> – June 1<sup>st</sup> from 8:00 a.m. to 5:00 p.m.; and June 4<sup>th</sup> and 5<sup>th</sup> from 7:00 a.m. to 7:00 p.m.

Mayor Carey advised the City staff's recommendation was that the City Council approve the election calendar, approve the proposed resolution calling the June 9, 2007, Run-Off Election and designating the City's polling places and the early voting polling places and clerk; and authorize the Mayor to sign the election order.

**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 **Resolution No. 3450-05-2007(R)**. The motion carried.

**Approval of Resolution No. 3451-05-2007(R) Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the June 9, 2007, Run-Off Election**

(Agenda Item I-18)

Mayor Carey advised that historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for

**Approval of Resolution No. 3451-05-2007(R)  
Authorizing an Agreement Between the City  
of Lewisville and Denton County for Rental  
of Voting Machines and Equipment for the  
June 9, 2007, Run-Off Election (cont'd)**

**(Agenda Item I-18)**

rental of the voting machines and equipment, with the estimated associated costs of \$6,990.50. Funding for the rental expenses is available in the election account.

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

**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 **Resolution No. 3451-05-2007(R)**. The motion carried.

**Discussion and Consideration of  
Appointments to Various City  
Boards/Commissions/Committees**

**(Agenda Item I-19)**

Mayor Carey advised that the Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee. Historically, the City Council has handled the reappointment process first and then addressed new appointments at their next scheduled meeting.

Mayor Carey stated the City staff's recommendation was that the City Council proceed with the reappointment of the current members who want to continue to serve; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to have Mayor Carey and Deputy Mayor Pro Tem Ueckert handle the interview process for the board and commission appointments. The motion carried.

**Reports**

**(Agenda Item J)**

- ◆ Quarterly Investment Report Ending March 31, 2007
- ◆ Parks and Leisure Services Director Robert Monaghan advised that the City's summer recreation program started on Thursday. He also reminded everyone about water safety whether they were at the lake or a swimming pool.
- ◆ Public Services Director Carole Bassinger advised the first event at the Household Hazard Waste and Residential Convenience Center had been very successful with approximately 75 residents attending. She stated that they had received several compliments. Ms. Bassinger also advised that they would be holding an open house soon.
- ◆ Public Services Director Carole Bassinger advised that currently at a foot above normal levels.
- ◆ Mayor Pro Tem Durham reminded everyone of the Memorial Day Holiday coming up and encouraged them to remember the reason for the holiday.
- ◆ Deputy Mayor Pro Tem Ueckert thanked everyone that did get out and vote and encouraged everyone to get out and vote for the run off election
- ◆ Councilman Nowels echoed Deputy Mayor Pro Tem Ueckert comments.
- ◆ Mayor Carey advised of the first home game of the Lewisville Lizards would be on Saturday night at Lewisville High School.
- ◆ Councilman Thornhill echoed earlier comments on Memorial Day. He reminded everyone if they get out onto the lake to be safe.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:58 p.m. Monday, May 21, 2007, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item K)**

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 21, 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

**Closed Session (cont'd)**

**(Agenda Item K)**

Section 551.074 (PERSONNEL)

2. Appointments to the Zoning Board of Adjustment, Planning and Zoning Commission.

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 9:30 p.m. on Monday, May 21, 2007.

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

**(Agenda Item L)**

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:33 p.m. on Monday, May 21, 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 M)**

**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 adjourn the Regular Session of the Lewisville City Council at 9:33 p.m. on Monday, May 21, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 4th day of June, 2007.

APPROVED

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Gene Carey  
MAYOR

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
MAY 21, 2007**

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ATTEST:

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Julie Heinze  
CITY SECRETARY