

LEWISVILLE CITY COUNCIL

REGULAR SESSION

AUGUST 6, 2007

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts
Greg Tierney

Absent:

Rudy Durham

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 – 5:35 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 5:55 p.m. on Monday, August 6, 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.

Review of Health Plan

(Agenda Item A)

Human Resource Director Melinda Galler began her PowerPoint Presentation regarding a Review of the Health Plan as follows:

City of Lewisville Group Health Plan

- The City of Lewisville has had a partially self-insured program since 1990.
- The City contracts with a Third Party Administrator (TPA) to adjudicate claims and to provide discounted contracts with network providers.

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

- The City purchases stop loss insurance through a third party.
 - Aggregate stop loss insurance provides overall plan protection by assuring that insurance coverage is provided when total claim payments exceed a specified amount.
 - Individual stop loss provides coverage for all claims costs exceeding \$100,000 per individual per plan year.

City of Lewisville Group Health Plan (Cont.)

- Currently the City uses Cigna for TPA services, provider contracts and stop loss insurance.
- Plan year runs October 1 – September 30
- City provides employees with medical, dental and vision coverage.

Group Medical Plan Design

- The City of Lewisville currently offers its employees a choice between three health plans:
 - Enhanced Plan
 - 396 employees currently enrolled
 - Basic Plan
 - 196 employees currently enrolled
 - HRA Plan (consumer driven health plan)
 - 13 employees currently enrolled

Ms. Galler reviewed two charts showing the Current Plan Comparison.

Ms. Galler reviewed a chart showing the Prescription Drug Benefit.

Plan Design

- Staff sets the rates charged to employees for various levels of coverage as well as the “employer rate” the City charges itself per budgeted position.
- Rates are based on administrative costs (stop loss coverage and TPA services), actual claims cost and medical inflation.
- Claim and administrative cost are paid through a Health Trust.

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

- City now contributes a “blended rate” of \$5,632 per budgeted position (This will change with GASB 45)

Ms. Galler reviewed a chart showing the Current Rates.

Health Trust

- In 2002, City established the health fund as a risk pool under Chapter 172 of the Local Government Code.
- Pools are exempt from legislative mandates to the Texas Insurance Code.
- Pool is a trust for the collection and investment of revenues and payments related to health care.
- The Health Trust is managed through a board of trustees that carries additional fiduciary responsibility. Current trustees include:
 - Assistant City Manager – Donna Barron
 - Director of Human Resources – Melinda Galler
 - Director of Finance – Lauren Crowley
- In the last three years, claim costs have been below what was expected and revenue has exceeded actual costs leaving a fund balance in the Health Trust at the end of Fiscal Year 2005/06 at \$3,484,894.

Ms. Galler reviewed a chart showing the 2006 -07 Projected Plan Costs Comparison.

Vehicles to Reduce Claim Costs

- DISEASE MANAGEMENT
- WELLNESS INITIATIVES
- CONSUMER DRIVEN HEALTH PLANS

Disease Management

- Designed to improve the health of persons with chronic conditions and to reduce costs associated with avoidable complications.
 - Diabetes
 - Cardiac Conditions
 - Chronic Obstructive Pulmonary Disease

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

- Cigna has a program that includes:
 - Telephonic nurse outreach
 - Condition specific support tools and information for participants and their physicians to help them make effective decisions about care and treatment.
 - Integrated on-line Health Risk Assessments

Lewisville Wellness Initiatives

- Preventative benefits through the medical plan
 - 100% coverage of preventative health care up to \$500
- Annual Benefits Fair
 - On-site nurses to administer preventative testing
 - Other wellness vendors

Lewisville Wellness Initiatives (cont'd)

- For FY 2006-07, Cigna provided \$16,000 to be used for wellness initiatives
- Human Resources staff used the money to kick off a program entitled “Get in the LEWP” (Lewisville Employee Wellness Program)
- Program includes:
 - 10,000 steps program
 - Weekly exercise classes
 - Nutrition and weight loss classes
 - Tobacco cessation program

LEWISVILLE WELLNESS PROGRAMS RESULTS TO DATE

- 10,000 Steps a Day
 - First eight weeks, 121 participants walked a total of 8,098 miles, burned 1,058,830 calories and lost an average of two pounds.
- Fitness Club Memberships
 - Over 400 employees have memberships with 24 Hour Fitness and LA Fitness
- City sponsored exercise classes
 - Over 60 employees regularly attend either Boot Camp or Yoga classes
- Naturally Slim
 - After six weeks of a ten week program, 30 employees have lost a total of 394 pounds or an average of over 13 pounds per person.

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

Consumer Driven Health Plans (CDHP's)

- Plan to encourage employees to become more involved in making health care decisions
- City's HRA (Health Reimbursement Account) plan has a higher deductible partnered with an HRA account with a gap between the HRA contribution and the deductible amount.
- City contribution to the HRA is \$333 annually for employee only or \$666 for employee plus dependents.
- Unused dollars can be rolled over up to 5 years capped at \$1,665 for employee only and \$3330 for employee plus dependent.
- Staff chose the HRA over the HSA (Health Savings Account) due to the fact that the City owns the HRA so that when an employees leaves employment, the funds remain with the City as opposed to an HSA where the money remains with the employee.

2007-08 PLAN DESIGN OPTIONS AND CONSIDERATIONS

2007-08 Plan Design Changes

Plan Design changes made to better control costs especially with GASB 45 liability impacts; goal to move more employees to HRA plan (consumer driven)

- ENHANCED PLAN
 - Individual Deductible increases from \$350 to \$500
 - Family Deductible increases from \$1,050 to \$1,500
 - Individual Out-of-Pocket Maximum increases from \$1500 to \$2000
 - Family Out-of-Pocket Maximum increases from \$4500 to \$6000
 - Specialist Co-payment increases from \$20 to \$35

2007-08 Plan Design Changes

- CAT PLAN (Replaces the Basic Plan)
 - Goal is to offer an affordable plan for employees who can't afford to cover dependents.
 - New catastrophic Plan Design with reduced premiums
 - Indemnity Plan (fee for service like the HRA but with higher deductibles)

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

- Individual Deductible is \$5000 with an additional \$5000 necessary to meet the Out-of-Pocket
- Incorporates a Flexible Spending Account (FSA) with Employee- Only coverage with \$480 deposited annually into a FSA account as an incentive to offset the small reduction in premium in moving from the Basic or HRA Plan.
- Employees will be offered voluntary Gap Insurance through fully insured providers to offset the high deductible and out-of-pocket costs.

2007-08 Plan Design Changes

■ HRA Plan

- Actuarially equivalent to the Basic Plan which will no longer be offered.
- Only change will be an increase in the contribution to the HRA from \$333 to \$500 for employee only coverage and \$666 to \$1000 for employee plus dependents.
- Cigna is working to provide additional comparative cost information to make the “consumer” model more effective.
- HRA account can roll over annually up to five years with the 2007-08 employee account limited to \$2,500 and the family account limited to \$5,000.
- Benefit to the City is that City owns HRA account (Employee owns Health Savings Accounts).

Ms. Galler reviewed a chart showing the Proposed Premiums for 2007-08.

Gap Plan

- First dollar benefits to help lower out-of-pocket expenses; pays the difference (up to the maximum) between the benefits paid by the plan and the actual expenses incurred
 - Out-Patient Benefit – Up to \$2,000 per condition per calendar year (maximum 4 family members or \$8,000 per year)
 - Emergency Room – Accident or Sickness
 - Outpatient Surgery, Radiation or Chemotherapy
 - X-ray, lab, MRI’s, physical therapy or diagnostic testing
 - In-Hospital Benefit – Up to \$5,000 per calendar year
 - Surgery, Physician’s charges, hospital misc. charges
 - X-ray, lab, diagnostic testing
 - 15 hours as bed patient qualifies for inpatient benefits

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

Ms. Galler reviewed a chart showing the Gap Plan Premiums.

Flexible Spending Accounts (FSA)

- Plans that reimburse employees for specified medical expenses.
- Allowed under section 125 of the Internal Revenue Code and are also referred to as "cafeteria plans" or "125 plans."
- Employee contributes funds to the account through a salary reduction agreement and is able to withdraw the funds to pay for medical bills.
- Employers may also contribute to FSA.
- Funds are tax exempt.
- There is no statutory limit on the amount of money that can be contributed to health care flexible spending accounts.
- Once the amount of contribution has been designated during the open enrollment period that occurs once each year, the employee is not allowed to change the amount or drop out of the plan during the year unless he or she experiences a change of family status.
- By law, the employee forfeits any unspent funds in the account at the end of the year.
- Can be used to reimburse all qualified expenses under 213(d).

Health Reimbursement Accounts (HRA)

- Health reimbursement accounts are a type of health insurance plan that reimburses employees for qualified medical expenses.
- There is no statutory limit on the amount of money that can be contributed to a HRA.
- HRA's consist of funds set aside by employers to reimburse employees for qualified medical expenses
- A HRA "first-dollar" medical coverage until funds are exhausted. For example, if an employee has a \$500 qualifying medical expense, then the full amount will be covered by the health reimbursement arrangement if the funds are available in the account.
- Employer provides funds, not the employee.
- All unused funds are rolled over at the end of the year.
- HRA's remain with the originating employer and do not follow an employee to new employment.
- Can be used to reimburse all qualified expenses under 213(d) plus certain premiums.

WORKSHOP SESSION – 5:35 P.M.

Review of Health Plan (cont'd)

(Agenda Item A)

Ms. Galler reviewed a chart showing the Section 213(d) Eligible Expenses.

RETIREE HEALTH CARE/GASB 45

RETIREE HEALTH CARE – Retirees under 65

- Retirees have the option of maintaining health coverage under the self-funded health plan as required by state law.
- Retirees and their dependents may continue to be insured under the City's plan as long as they maintain their monthly premium payments.
- The cost to the retiree for coverage is based on the number of years the employee worked for the City of Lewisville.

Ms. Galler reviewed a chart showing the 2006-07 Retiree Premiums.

GASB 45

- Requires cities to calculate and book their post employment unfunded health insurance liability beginning in Fiscal Year 2008-2009.
- Cities must establish a "Substantive Health Benefit Plan" which states the future funding policy for retiree health care. Any change in substantive plan that increases City funding will increase liability.
- Retiree rates for 2007-08 are based on a flat employer rate to be paid for all retirees based on years of service. Assumes flat rate will not increase over time.
- Annual Required Contribution – Dollar amount must book as the annual liability: \$895,900
 - Assumes the following:
 - 7.5% discount rate (will require establishment of Retiree Risk Pool/Trust and separate investment strategy)
 - 30 year amortization
 - \$2,000,000 plan assets.

Ms. Galler reviewed a chart showing the City's Monthly Contribution to Retiree Health Care Premiums for Future Years.

Due to time limitations, this concluded the Review of the Health Plan Presentation at 6:41 p.m.

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, Proclamation: Declaring August 154, 2007, as “Denco Area 9-1-1 District Day”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-18) to Single-Family Residential (R-12) on a 1.02 Acre Tract Located at 1033 Corporate Drive, Along the North Side of Corporate Drive Just East of Valley Parkway; and Further identified as Lot 1, Block A, Mike Nowels Addition; as Requested by Michael and Jacque Nowels, the Current Property Owners (Case No. PZ20070713). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH) on a 76.49 Acre Tract Located on the East Side of Railroad Street, South of East Main Street; as Requested by Capform Incorporated, ARTX Incorporated and Diversicon Incorporated, the Current Property Owners (Case No. PZ20070714). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America, on Lot 4RA, Block J of the Vista Ridge Addition; Consideration of an Ordinance Creating Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; Consideration of a Resolution Approving the Terms and Conditions of Two Agreements and Providing for Commercial Tax Abatement By and Among the City of Lewisville, Texas, and Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America at 2850 Lake Vista Drive; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Carey reviewed Agenda Item D-4, Public Hearing: Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant (CDBG) 2007 Annual Action Plan and 2007-2012 Consolidated Plan; and Authorization for the City Manager to Submit the Plans to the U.S. Department of Housing and Urban Development. 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-5, Approval of Minutes: a).City Council Minutes of the July 2, 2007, Workshop Session and Regular Session; b) City Council Minutes of the July 16, 2007, Workshop Session and Regular Session; and c) City Council Minutes of the July 30, 2007, Called Special Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Approval of a Bid Award for the Purchase of a Breathing Air Station and Purification System (With a Trade-in Allowance of \$6,530 for Two Compressors) to August Industries, Carrollton, Texas, in the Amount of \$46,990. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of Final Acceptance of the Mesquite Creek Pedestrian Bridge Project; and Authorization for Final Payment to Jim Bowman Construction Co., L.P. in the Amount of \$16,493.95. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2006 Through March 31, 2007. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Acceptance of the 2007 Certified Tax Roll in Accordance with Section 26.04(b) of the State Property Tax Code. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Certification of the 2007 Anticipated Collection Rate for the Period of July 1, 2007 Through June 30, 2008, and Certification of Excess Debt Collection During the Period of July 1, 2006 Through June 30, 2007, as Required by the State Property Tax Code Section 26.04. 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, Acceptance of the Report Identifying the Calculation of the 2007 Effective and Rollback Tax Rates; and Authorization to Publish Notices as Required by the Property Tax Code Section 26.04(e). City Manager King advised that the roll back rate had changed. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bente on Behalf of Miracle Home Health at 571 West Main Street. Discussion was held regarding other options for the requestor. Economic Development Specialist Sarah McLain advised that it had been recommended they place this sign on the west side of the building as a secondary façade sign; however, the requestor had not found that recommendation acceptable. Ms. McLain advised that the only precedent where this had been allowed had been the North Bank; however, they have their own entrance where as in this case they have the same entrance. Discussion was held regarding removing the monument sign and allowing this sign. Ms. McLain pointed out that there would be other tenants in this building who would need signage. Barry Bente, owner of Miracle Home Health spoke before the City Council and explained that they have been serving this community for ten years and what this business provides. He stated that they had been sensitive to the Old Town Theme and it is a nice sign that carries that theme. He explained the variance request is to allow them to be able to have the elderly folks and their family members leaving the hospital see that sign, as a recent survey showed that 62% did not know this service existed. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Third and Final Reading: Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of an Ordinance Amending Chapter 2 of the Lewisville City Code Concerning Administration of Fees by Adding a Fee for a Late Hours Permit for Private Clubs. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Consideration of Resignation of Coleen Davis From Place No. 3 on the Transportation Board; Declare Vacancies Exist; and Consideration of Appointment to Place No. 3 on the Transportation Board. 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-16, Consideration of a Request by the Medical Center of Lewisville for Street Closures in Association With the First Annual Health and Safety Fair. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-17, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 5, Article III, Fire Prevention Standards, Removing the Attic Fire Sprinkler Protection in Townhouse and Requiring Class A Roof Coverings in All Townhouse Applications Defined in Chapter 17 of the Lewisville City Code. City Manager King reviewed recent events that this ordinance may have helped prevent. Fire Marshal Cleve Joiner explained this proposed ordinance and the reason for the change. He also advised that due to legal issues not within the City of Lewisville, the installer will lose their license if they do not install how that acronym group wants it done. 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 6:59 p.m. on Monday, August 6, 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, August 6, 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, Council Watts gave the invocation.

Pledge to the Flag

(Agenda Item B)

Mayor Carey gave the pledge to the flag.

**Proclamation: Declaring August 14, 2007, as
“Denco Area 9-1-1 District Day”**

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring August 14, 2007, as Denco Area 9-1-1 District Day to Mark Payne from Denco 9-1-1. Mr. Payne thanked the City on behalf of Director Mike Pedigo who was unable to attend the meeting due to a conference. Mr. Payne stated that Denco 9-1-1 is happy to be located in Lewisville and thanked the Fire Department for all their assistance.

**Public Hearing: Consideration of Ordinance
No. 3470-08-2007(Z) for a Zone Change
Request From Single-Family Residential (R-
18) to Single-Family Residential (R-12) on a
1.02 Acre Tract Located at 1033 Corporate
Drive, Along the North Side of Corporate
Drive Just East of Valley Parkway; and
Further identified as Lot 1, Block A, Mike
Nowels Addition; as Requested by Michael
and Jacque Nowels, the Current Property
Owners (Case No. PZ20070713)**

(Agenda Item D-1)

Mayor Carey advised that the 1.012 acre site is located in the northeast quadrant of Corporate Drive and Valley Parkway. This property is currently vacant. The current R-18 zoning requires a 2400 square foot minimum dwelling unit while the R-12 zoning requires a minimum 2000 square foot dwelling unit, a difference of 400 square feet. The zoning in the area varies as follows: Timber Creek Acres located to the north of the site and the residential home to the west of the site are zoned R-18; the properties to the east are zoned Townhouse; and, there is R-9 zoning to the south of this property. There was recently a zone change requested for Estate Townhouse at the southeast corner of Corporate Drive and Valley Parkway. Staff recommended denial, but was in favor of zoning that was R-12 or larger. This property, being 1.012 acres in size, is over four times the size of R-12 lot size minimums. The request is in keeping with staff's recommendation of zoning for that general area. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their July 3, 2007 meeting.

Public Hearing: Consideration of Ordinance No. 3470-08-2007(Z) for a Zone Change Request From Single-Family Residential (R-18) to Single-Family Residential (R-12) on a 1.02 Acre Tract; and Further identified as Lot 1, Block A, Mike Nowels Addition; as Requested by Michael and Jacque Nowels, the Current Property Owners (Case No. PZ20070713) (cont'd)

(Agenda Item D-1)

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Single-Family Residential (R-18) to Single-Family Residential (R-12).

Mayor Carey opened the public hearing.

Eric Ferris, Community Development Director and Jacque Nowels, Owner, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

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

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 1.01 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R-18) to Single-Family Residential (R-12) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3470-08-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3471-08-2007(Z) for a Zone Change Request From Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH) on a 76.49 Acre Tract Located on the East Side of Railroad Street, South of East Main Street; as Requested by Capform Incorporated, ARTX Incorporated and Diversicon Incorporated, the Current Property Owners (Case No. PZ20070714)

(Agenda Item D-2)

Mayor Carey advised that this general area is industrial in nature. This property serves as the manufacturing facility for Capform Inc., which produces pre-cast concrete structures such as staircases. The company is doing well and needs to expand and would like to do so, at their Lewisville location. The zone change request is, to some extent, a redistribution of the zoning on the property to make it more usable to the owners. It also involves converting some of the LI and HI zoning into WH zoning. The Railroad Street Athletic Complex is located east of this site. The zone change request would move the HI away from the park and instead have LI and WH zoning buffering it. The park would have to be screened by the industrial user with a living irrigated screen. All outside storage in the industrial area would have to be screened. The LI and WH zoning would be a better buffer to the park. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their July 3, 2007, meeting.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH).

Mayor Carey opened the public hearing.

Eric Ferris, Community Development Director was present to respond to any questions posed by the City Council.

Bobby Dollak, G&A Consultants, Inc., 111 Hillside Drive, Lewisville, Texas 75067, spoke before the City Council and reviewed this request. Mr. Dollak also reviewed some aerial locations map of this area. Discussion was held regarding the living screen and that would not have to be installed until they came in to use this area. City Manager King reminded the City Council that, if approved, this would add a more intense use within Warehouse Zoning than

Public Hearing: Consideration of Ordinance No. 3471-08-2007(Z) for a Zone Change Request From Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH) on a 76.49 Acre Tract Located on the East Side of Railroad Street, South of East Main Street; as Requested by Capform Incorporated, ARTX Incorporated and Diversicon Incorporated, the Current Property Owners (Case No. PZ20070714) (cont'd)

(Agenda Item D-2)

Light Industrial which would increase the amount of outside storage; however, it would relocate the Heavy Industrial away from the park area.

Mayor Carey advised the following individuals were available to respond to any questions posed by the City Council:

Charles Turner, 2410 Briarhill, Highland Village, Texas 75077
John Grimes, 2601 Sir Percival Lane, Lewisville, Texas 75056

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Change on the 76.49 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3471-08-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America, on Lot 4RA, Block J of the Vista Ridge Addition; Consideration of Ordinance No. 3472-08-2007 Creating Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; Consideration of Resolution No. 3473-08-2007(R) Approving the Terms and Conditions of Two Agreements and Providing for Commercial Tax Abatement By and Among the City of Lewisville, Texas, and Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America at 2850 Lake Vista Drive; and Authorization for the City Manager to Execute the Agreement

(Agenda Item D-3)

Mayor Carey advised that City staff has been working with Teachers Insurance Annuity Association of America (TIAA) for the past several months to finalize the location of this new customer service operations center into a new building located at 2850 Lake Vista Drive in Vista Ridge. TIAA meets the eligibility requirements by having a lease of five years or more and creating more than twenty-five full time jobs. Employment characteristics of TIAA are strong in that they do employ jobs that are higher than our policy goal, 97% making more than \$30,000. There are two tax abatements being proposed; one for the building owner and one for the tenant.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the creation of Reinvestment Zone #28, approve the ordinance creating Reinvestment Zone #28; approve the resolution to enter into two Tax Abatement Agreements with Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; and authorize the City Manager to execute the agreements.

Mayor Carey opened the public hearing.

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

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America, on Lot 4RA, Block J of the Vista Ridge Addition; Consideration of Ordinance No. 3472-08-2007 Creating Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; Consideration of Resolution No. 3473-08-2007(R) Approving the Terms and Conditions of Two Agreements and Providing for Commercial Tax Abatement By and Among the City of Lewisville, Texas, and Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America at 2850 Lake Vista Drive; and Authorization for the City Manager to Execute the Agreement (cont'd)

(Agenda Item D-3)

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “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, Designating a Certain Area Within the City of Lewisville as Reinvestment Zone No. 28 for a Tax Abatement for Lakeside Office Center, L.P.; Establishing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Watts and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 3472-08-2007(Z), as previously captioned, and Resolution No. 3473-08-2007(R). The motion carried.

Public Hearing: Consideration of Resolution No. 3474-08-2007(R) Authorizing the Adoption of the Community Development Block Grant (CDBG) 2007 Annual Action Plan and 2007-2012 Consolidated Plan; and Authorization for the City Manager to Submit the Plans to the U.S. Department of Housing and Urban Development

(Agenda Item D-4)

An Annual Action Plan must be adopted by the City of Lewisville and submitted to the U.S. Dept. of Housing and Urban Development (HUD) as a requirement to receive Community Development Block Grant (CDBG) funds of \$583,141 in FY 2007-2008. A Consolidated Plan for Housing and Community Development must be submitted every three to five years. The Plan outlines priorities, goals and objectives for the program. The CDBG Advisory Committee reviewed proposals submitted by non-profit agencies and City Departments for projects that address HUD national objectives as well as local priority needs. Committee recommendations are submitted in a draft budget for inclusion in the Plan. The Plan was made available for a 30 day Public Comment period and is now ready for a Public Hearing before adoption. The CDBG Advisory Committee recommended adoption of both plans at its July 17, 2007 meeting by a vote of 6 to 0. They also recommended amendments and re-allocations adding \$293,600 to Action Plan projects and leaving another \$40,499 unallocated. The Consolidated Plan and Annual Action Plan must be submitted to HUD by August 15, 2007.

Mayor Carey stated the City staff's recommendation was that the City Council approve the resolution adopting the 2007 Community Development Block Grant Annual Action Plan and 2007-2012 Consolidated Plan; and authorize the City Manager to submit the plans to the U.S. Department of Housing and Urban Development.

Mayor Carey opened the public hearing.

Jamey Kirby, Grants Coordinator, and Barbara Judkins representing the Community Development Block Grant Committee were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 3474-08-2007(R)**. 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 Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

5. APPROVAL OF MINUTES:
 - a. City Council Minutes of the July 2, 2007, Workshop Session and Regular Session;
 - b. City Council Minutes of the July 16, 2007, Workshop Session and Regular Session; and
 - c. City Council Minutes of the July 30, 2007, Called Special Session.
6. Approval of a Bid Award for the Purchase of a Breathing Air Station and Purification System (With a Trade-in Allowance of \$6,530 for Two Compressors) to August Industries, Carrollton, Texas, in the Amount of \$46,990.
7. Approval of Final Acceptance of the Mesquite Creek Pedestrian Bridge Project; and Authorization for Final Payment to Jim Bowman Construction Co., L.P. in the Amount of \$16,493.95.
8. Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2006 Through March 31, 2007.
9. Acceptance of the 2007 Certified Tax Roll in Accordance with Section 26.04(b) of the State Property Tax Code.
10. Certification of the 2007 Anticipated Collection Rate for the Period of July 1, 2007 Through June 30, 2008, and Certification of Excess Debt Collection During the Period of July 1, 2006 Through June 30, 2007, as Required by the State Property Tax Code Section 26.04.

CONSENT AGENDA (cont'd)

(Agenda Item F)

11. Acceptance of the Report Identifying the Calculation of the 2007 Effective and Rollback Tax Rates; and Authorization to Publish Notices as Required by the Property Tax Code Section 26.04(e).

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bentle on Behalf of Miracle Home Health at 571 West Main Street

(Agenda Item G-12)

Mayor Carey advised that the proposed sign is a wall sign to be installed on the primary façade (the south elevation) of the building at 571 West Main Street. According to the Sign Ordinance, in the Old Town Design District “there shall be only one of the following sign types: a Wall Sign; a Low Profile/Monument Sign; or a Projecting Sign” on the primary building façade. Currently, this building has an existing monument sign which prevents this sign from being installed without a variance granted by City Council. The sign is proposed to be located on the south elevation. The dimensions of the wall sign is 17.5’ x 2’. These dimensions are within the maximum allowed square footage of 50 square feet for a wall sign on the primary façade.

Mayor Carey stated the City staff’s recommendation was that the City Council deny the variance to the Lewisville City Code, Chapter 11 Signs for Miracle Home Health at 571 West Main Street.

Sarah McLain, Economic Development Specialist spoke before the City Council and reviewed this request. Ms. McLain reviewed the Sign Ordinance for the Old Town Area and stated that this sign already has a monument sign that displays the names of the tenants. She explained that staff had a concern that this building has space for eight and granting this variance would potentially allow all future tenants to request their own signs. Deputy Mayor Pro Tem Thornhill questioned if this came before the Old Town Review Committee. Ms. McLain advised that they had approved this request with some modifications; however, they only approve the design of the sign, not the variance.

Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bentle on Behalf of Miracle Home Health at 571 West Main Street (cont'd)

(Agenda Item G-12)

Barry Bentle, 571 West Main, Lewisville, Texas 75057, spoke before the City Council and explained their variance request. Mr. Bentle advised that they were the second tenant in this building and they had an agreement with the owner, that if a variance could be granted, they would be the only ones allowed utilize this signage. Mr. Bentle explained that their services were vital to the citizens of Lewisville. He further explained that due to federal regulations they cannot solicit business; therefore, this sign is very important. Discussion was held regarding the agreement with the owner of the building. City Attorney Ron Neiman advised that agreement would have no bearing on whether someone would come back and ask for another variance, unless the property was deed restriction. Councilman Watts questioned if the agreement was written or verbal. Mr. Bentle advised it was a verbal agreement.

Deputy Mayor Pro Tem Thornhill questioned if Mr. Bentle would be in agreement to take the monument sign down. Mr. Bentle advised that he could not agree to that as that sign would list the other tenants. Mr. Bentle pointed out that the bank does have the type of signage they are requesting.

Discussion was held regarding the owner deed restricting to allow for this signage. The consensus of the City Council was that the difference between this building and the bank was the separate entrance that was located in the building the bank occupies. Further discussion was held that allowing this variance would create additional requests for similar variances when the spirit of the ordinance had been to reduce excessive wall signage.

Grant Iunes, 571 West Main Street, Lewisville, Texas 75057, spoke before the City Council. Mr. Iunes advised that the ordinance did allow for a wall sign on the west side of the building; however, that is obscured by the building located next to them. Discussion was held regarding signage on the west wall.

Councilman Watts stated that he felt if the owner would deed restrict the property for this sign it would allow the business to have some type of advertising. Councilman Tierney stated he would also be okay with a deed restriction.

Mayor Pro Tem Ueckert recommended tabling this item to allow the requestor to speak with the owner of the property and come back and with some voluntary restrictions.

Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bente on Behalf of Miracle Home Health at 571 West Main Street (cont'd)

(Agenda Item G-12)

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted four (4) “ayes” and no (0) “nays” to table this item to the August 20, 2007, City Council Meeting.. The motion carried.

Third and Final Reading: Consideration of Ordinance No. 3475-08-2007 Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages

(Agenda Item G-13)

At the July 2, 2007, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. The second reading was held at the July 16, 2007, City Council meeting. This will be the final reading of the ordinance.

The City staff’s recommendation was that the City Attorney provide the final reading of 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, Amending Chapter 7 of the Lewisville City Code by Providing for Extended Hours for the On-Premise Sale of Alcoholic Beverages; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date.”

No action was necessary on this item.

Consideration of Ordinance No. 3476-08-2007 Amending Chapter 2 of the Lewisville City Code Concerning Administration of Fees by Adding a Fee for a Late Hours Permit for Private Clubs

(Agenda Item G-14)

Consideration of Ordinance No. 3476-08-2007 Amending Chapter 2 of the Lewisville City Code Concerning Administration of Fees by Adding a Fee for a Late Hours Permit for Private Clubs (cont'd)

(Agenda Item G-14)

The proposed amendment to the fee ordinance provides for the collection of a late hours permit fee for private clubs. The permit fee will be one-half of the amount of the state fee for the permit issued for the premises, except when the fee is waived by state law.

The City staff's recommendation was that the City Council adopt the proposed 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, Amending Chapter 2 of the Lewisville City Code; by Adding a Fee for a Private Club Late Hours Permit; Providing for a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3476-08-2007**, as captioned previously. The motion carried.

Consideration of Resignation of Coleen Davis From Place No. 3 on the Transportation Board; Declare Vacancies Exist; and Consideration of Appointment to Place No. 3 on the Transportation Board

(Agenda Item G-15)

Mayor Carey advised that Coleen Davis has submitted an e-mail advising that she is resigning from the Transportation Board as she is returning to Oregon to operate a family business. The resignation of Coleen Davis has created a vacancy in Place No. 3 on the Transportation Board.

Mayor Carey stated the City staff's recommendation was that the City Council accept the resignation of Coleen Davis from Place No. 3 on the Transportation Board; declare a vacancy exists; and consider an appointment to fill the vacancy on the Transportation Board.

**Consideration of Resignation of Coleen Davis
From Place No. 3 on the Transportation
Board; Declare Vacancies Exist; and
Consideration of Appointment to Place No. 3
on the Transportation Board (cont'd)**

(Agenda Item G-15)

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to accept the resignation of Coleen Davis from Place No. 3 on the Transportation Board; declare a vacancy exists; and table the appointment to fill the vacancy on the Transportation Board to a later date. The motion carried.

**Consideration of a Request by the Medical
Center of Lewisville for Street Closures in
Association With the First Annual Health
and Safety Fair**

(Agenda Item G-16)

Mayor Carey advised that the Medical Center of Lewisville is requesting closure of Edna Street from Main Street to Elm Street on Saturday, August 11, 2007 from 8 a.m. to 2 p.m. The purpose of the street closures is to conduct a special event, the First Annual Health & Safety Fair on Saturday, August 11. All other requirements of the special event permit have been complied with. The barricades will be manned by Medical Center Staff so that emergency vehicles can enter and exit the hospital.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the request to close Edna Street from Main Street to Elm Street, on Saturday, August 11, 2007 from 8 a.m. to 2 p.m.

Karen Leeper, 500 West Main, Lewisville, Texas 75067, representing the medical Center of Lewisville spoke before the City Council and reviewed events included in the First Annual Health and Safety Fair..

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve the request to close Edna Street from Main Street to Elm Street, on Saturday, August 11, 2007 from 8 a.m. to 2 p.m. The motion carried.

Consideration of Ordinance No. 3477-08-2007 Amending the Lewisville City Code, Chapter 5, Article III, Fire Prevention Standards, Removing the Attic Fire Sprinkler Protection in Townhouse and Requiring Class A Roof Coverings in All Townhouse Applications Defined in Chapter 17 of the Lewisville City Code

(Agenda Item G-17)

Mayor Carey advised that NFPA standards do not provide design criteria for the installation of attic protection in individually owned townhome residences. The only standard that is applicable is a commercial building installation that is cost prohibitive. The NFPA will not consider design criteria for these attic spaces due to agreements within the fire sprinkler industry disciplines. The attic spaces are required to have two-hour firewall separations between each residence. In addition, by adding the requirement of Class A roof coverings there is a reasonable degree of fire protection to the exterior roofs. The Fire Chief, Fire Marshal and Building Official are in agreement that until industry standards change or new technology is allowed as part of the standards it is acceptable to remove the required attic fire sprinkler protection. The residences will still be required to fire sprinkler according to NFPA 13R.

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

Cleve Joiner, Fire Marshal and Scot Whitwer, 4949 Hedgcoxe Road, Plano, Texas were present to respond to any questions posed by the City Council.

Bruno Pasquinelli, 4949 Hedgcoxe Road, Plano, Texas 75024, spoke before the City Council. Mr. Pasquinelli advised that he support staff recommendation regarding this 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, Amending Chapter 5, Article III, Fire Prevention Standards, of the Lewisville City Code, by Replacing With New Text Regarding Automatic Sprinklers in Townhomes; 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 Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3477-08-2007**, as captioned previously. The motion carried.

Reports

(Agenda Item H)

- Assistant City Manager Donna Barron advised that the final design of the Steve McFadden Law Enforcement Center was included in the City Council packet.
- Director of Parks and Leisure Services Robert Monaghan reminded everyone that National Night Out was being held at Memorial Park on August 7, 2007. Mr. Monaghan reviewed all the safety events that would be going on for the family.
- Director of Parks and Library Services Robert Monaghan advised that there was still a lot of water over the roadways at the Park. He advised that it would be at least four weeks before the extent of the damage of those roads could be determined.
- Fire Chief Rick Lasky advised that the old drive truck been refurbished and a great job had been done.
- Director of Public Services Carole Bassinger advised that the lake levels are gradually getting back to normal.
- Assistant City Manager Donna Barron reminded everyone that the annual Western Day Event would be held on Saturday, September 1st.
- Mayor Pro Tem Ueckert thanked Director of Human Resources Melinda Galler, Assistant City Manager Donna Barron, and Finance Director Lauren Crowley for all their hard work on getting the health insurance program lined up for this year. He stated this was an excellent plan for the team members working for the City and at a very reasonable cost.
- Councilman Watts echoed Mayor Pro Tem Ueckert comments and reminded everyone that the budget season was coming up and invited anyone interested to attend the Budget Workshop on August 18th.
- City Manager King advised that work has commenced on the temporary parking on the corner of Church and Charles.
- City Manager King advised that it was his understanding that FEMA had made a determination that the City could be eligible for disaster recovery assistance for damage suffered or work the City had done. He stated City staff would be meeting with them next week.
- Mayor Carey encouraged everyone to come watch the work on the budget a week from this Saturday.
- Deputy Mayor Pro Tem Thornhill encouraged everyone to come to Old Town on Saturday for the Health Fair and the Farmers Market.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:06 p.m. Monday, August 6, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (CONSULTATION WITH ATTORNEY) the Lewisville City Council convened into Closed Session at 8:15 p.m. on Monday, August, 2007, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Anticipated Litigation

Section 551.072 (REAL ESTATE):

2. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 9:20 p.m. on Monday, August 6, 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 9:20 p.m. on Monday, August 6, 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.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Watts, the Council voted four (4) “ayes” and no (0) “nays” to authorize the City Manager to execute any and all documents related to the De-Certification of a Certificate of Convenience and Necessity (CCN) held by the City of Carrollton within the Castle Hills Development, Legacy Property and areas east of the Trinity River located within the City limits of the City of Lewisville. The motion carried.

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

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:21 p.m. on Monday, August 6, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of August, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY