

LEWISVILLE CITY COUNCIL

REGULAR SESSION

SEPTEMBER 17, 2007

Present:

Gene Carey, Mayor

Council Members:

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

City Staff:

Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Pat Parra, Deputy City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:30 p.m. on Monday, September 17, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-1, Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Allocating an Additional \$40,500 to the Children's Advocacy Center New Facility Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development. There was no discussion on this item

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item C-2, Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P., on Lot 1, Block L of the Vista Ridge Addition; Consideration of an Ordinance Creating Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P.; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Vista 121 Business Center, L.P., at 2777 Lake Vista Drive; and Authorization for the City Manager, or his Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-3, Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number 13; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager, or his Designee, to Execute the Agreements. Assistant City Manager Donna Barron asked that this public hearing be continued to October 15, 2007. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item C-4, Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Three Ordinances Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Three Resolutions Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C-5, Public Hearing: Consideration of the Proposed FY 2007-2008 Budget, Property Tax Revenue Increase and Property Tax Rate. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

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

Mayor Carey reviewed Agenda Item E-6, Approval of a Contract Award to Midwest Employers Casualty Company for Excess Workers' Compensation Insurance in the Amount of \$64,778; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of a Contract Award for Group Life Insurance, Retiree Life Insurance and Long Term Disability Insurance With Standard Insurance Company for a Three Year Period; Approval of a Contract for Accidental Death and Dismemberment Insurance With Zurich for a Three Year Period; and Authorization for the City Manager, or his Designee, to Execute all Necessary Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of a Contract Award to UNUM for Long Term Care Insurance in the Amount of \$52,104; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents. Assistant City Manager Donna Barron asked that this item be pulled from the agenda because there are issues that must be addressed. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of a Contract Award to CIGNA for Individual and Aggregate Stop Loss Insurance for the Employee Health Plan in the Amount of \$479,074; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Approval of an Economic Development Agreement Between the City of Lewisville and Vantage Development #42, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-11, Approval of Historic Preservation Agreements by and Between the City of Lewisville and Mike Karimi for Costs Associated With Façade and Rear Façade Improvements at 150 West Main Street; and Authorization for the City Manager, or his Designee, to Execute the Agreements. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item E-12, Approval of Final Acceptance of Waterline Replacements 2001 Project; and Authorization to Make Final Payment to Municipal Utilities, Inc., in the Amount of \$83,226.77. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-13, Approval of a Resolution for the Acceptance of a \$59,998.50 Grant From the Texas Department of Transportation for the Traffic Safety Program; and Authorization for the City Manager, or his Designee, to Execute the Grant Document. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-14, Approval of a Construction, Maintenance and Operation of Improvements Agreement with the Lewisville Parks and Library Development Corporation; and Authorization for the City Manager, or his Designee, to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-15, Tabled Item: Consideration of the Final Plat for Bulloch Addition, an Addition to the City of Lewisville Located at the Southeast Corner of Purnell Street and Hardy Street, Which Includes a Request for Two Plat Related Variances; and Consideration of two Engineering Site Plan Related Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Scott Bulloch, the Owner of Bulloch Fabricating. Community Development Director Eric Ferris advised that staff had met with Scott Bulloch and his engineer, Steve Homeyer. The developer agreed to sprinkler the building and construct a masonry screening wall. Mayor Pro Tem Dean Ueckert said there is an issue with the screening wall, fire sprinkler and exterior masonry building. Community Development Director Eric Ferris said that the developer said that the linear footage of the streets would require beefing up the exterior walls. The developer said he could do it, but the disruption would be too much for his business and also the cost too great. Community Development Director Eric Ferris reviewed his meeting with the developer. Mayor Pro Tem Dean Ueckert asked if the developer would be receptive to doing additional landscaping around the building in lieu of doing the masonry building exterior. This would dress up the building a great deal. Community Development Director Eric Ferris said that the developer would agree to this. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-16, Consideration of a Variance to the Lewisville City Code, Section 11-10 (N) Real Estate Signs as Requested by John Combs of Capstar Commercial Real Estate Services, Ltd. on Behalf of Convergence Office Center. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Carey reviewed Agenda Item F-17, Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by Holt Lunsford Commercial. Assistant City Manager Donna Barron said staff has received a letter from Holt Lunsford Commercial requesting that this item be withdrawn. They are also asking that security costs be absorbed by the City. Police Chief Russ Kerbow said the security costs depend on the type of event. Assistant City Manager Barron advised that there should be about 500 people at the event. This party is to bring brokers to Lewisville for a party to introduce them to the City. A letter should be received in the near future with costs identified. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-18, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-19, Consideration of an Ordinance Amending the 2006/2007 Adopted Budget. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-20, Second Reading: Consideration of an Ordinance Amending Chapter 8 of the Lewisville City Code Concerning Miscellaneous Offenses by Adding Clauses to Prohibit the Public Display of Facsimile Firearms and Making Other Minor Changes to Simplify the Ordinance. There was no discussion on this item.

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

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

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:40 p.m. on Monday, September 17, 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, September 17, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Councilman Watts gave the invocation.

Pledge to the Flag

(Agenda Item B)

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

Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Allocating an Additional \$40,500 to the Children's Advocacy Center New Facility Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development

(Agenda Item C-1)

Mayor Carey advised an Annual Action Plan was adopted by the City of Lewisville at its August 8, 2007 meeting and submitted to the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant (CDBG) funds beginning October 1, 2007. That plan left \$40,500 unallocated that had been made available by the cancellation of prior year projects. This amendment would allocate these remaining funds to the Children's Advocacy Center of Denton County's New Facility Project (in addition to \$30,000 already funded in the plan). The project ranked first out of three Community Development projects in the CDBG Advisory Committee's scoring. This amendment 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 this amendment/allocation at its August 21, 2007 meeting by a vote of 7 to 0.

Mayor Carey stated the City staff's recommendation was that the City Council approve the amendment to the 2007 Community Development Block Grant Annual Action Plan allocating an additional \$40,500 to the Children's Advocacy Center New Facility Project; and authorize the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development.

Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Allocating an Additional \$40,500 to the Children's Advocacy Center New Facility Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development (cont'd)

(Agenda Item C-1)

Mayor Carey opened the public hearing.

Dan Leal, 1960 Archer Avenue, Lewisville, was present to answer any question posed by the City Council. Mr. Leal handed out booklets to the Council members showing the rendering of the proposed new facility of the Children's Advocacy Center for Denton County.

Dan Leal, Executive Director of Children's Advocacy Center, thanked the Council for their continued support for the Children's Advocacy Center. He advised that the support of the CDBG Committee and the staff that works in that department is appreciated. Mr. Leal stated that the Children's Advocacy Center is on pace to move forward with construction of the new facility with a prospective groundbreaking date of May 1, 2008. Mr. Leal advised that the new facility to be constructed on Cain Drive will be 14,000 square feet, compared to the current 5,000 square foot building. Mr. Leal explained that the Center would be over the \$1 million mark with the \$40,500 from the City of Lewisville. He stated that the goal is to start construction by May 1, 2008. He further stated that the total project cost including the building, furnishings, the land that is already paid for, is \$2.5 million. Mr. Leal stated that the County and the children the Children's Advocacy Center for Denton County serve, deserve a facility of dignity where they can come and receive the services that they need. Mr. Leal continued by advising that in Collin County there is a 30,000 square foot building where their children can receive services that they require.

Mr. Leal invited Council members and audience members to come and see the Advocacy Center in person, both the current facility and what they do and the plans for the future building and also see what they hope to do by the end of 2008.

MOTION: Upon a motion made by Councilman Lathan Watts and seconded by Councilman Rudy Durham, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Allocating an Additional \$40,500 to the Children's Advocacy Center New Facility Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development (cont'd)

(Agenda Item C-1)

Mayor Pro Tem Dean Ueckert thinks this is a wonderful cause and would like to commend Mr. Leal and his staff for all the long hours they devote to the children at the Advocacy Center. Mayor Pro Tem Ueckert also commended Jamey Kirby and City staff for all their wonderful work with the CDBG Committee and all the long hours the members put in working on this committee.

MOTION: Upon a motion made by Mayor Pro Tem Dean Ueckert, and seconded by Councilman Greg Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the amendment to the 2007 Community Development Block Grant Annual Action Plan allocating an additional \$40,500 to the Children's Advocacy Center new facility project. The motion carried.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P., on Lot 1, Block L of the Vista Ridge Addition; Consideration of Ordinance No. 3484-09-2007 Creating Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P.; Consideration of Resolution No. 3485-09-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Vista 121 Business Center, L.P., at 2777 Lake Vista Drive; and Authorization for the City Manager, or his Designee, to Execute the Agreement

(Agenda Item C-2)

Mayor Carey advised that City staff has been working with Myers & Crow for the past several months to finalize the construction of a new speculative office building at 2777 Lake

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P., on Lot 1, Block L of the Vista Ridge Addition; Consideration of Ordinance No. 3484-09-2007 Creating Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P.; Consideration of Resolution No. 3485-09-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Vista 121 Business Center, L.P., at 2777 Lake Vista Drive; and Authorization for the City Manager, or his Designee, to Execute the Agreement (cont'd)

(Agenda Item C-2)

Vista Drive in Vista Ridge. This new building will be the largest single office building in Lewisville at 240,000 square feet, twice the size of the other four buildings which face SH 121 Toll road. A public hearing is required under Section 312.201 of the Texas Tax Code.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the creation of Reinvestment Zone #29; approve the ordinance creating Reinvestment Zone #29; approve the resolution to enter into the Tax Abatement Agreements with Vista 121 Business Center, L.P.; and authorize the City Manager, or his designee, to execute the agreement.

Mayor Carey opened the public hearing.

Mr. Mark Myers with Myers & Crow Company spoke to the Council. He showed the Council an aerial of the future building being the sixth office building to be constructed. He stated that this building will be 240,000 square feet and is looking for businesses to relocate here from other cities. Mr. Myers reviewed past abatements approved for TIAA (the largest pension fund managers in the country). Mr. Myers advised that the site is 17 acres and backs up to the Dallas Gun Club. Mr. Myers showed City Council a conceptual drawing of the building. He advised that the building is expected to be completed by the second quarter of 2008 and occupied by the end of 2008. Mr. Myers stated that the partnership between Myers & Crow and the City of Lewisville has been very successful in the past.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P., on Lot 1, Block L of the Vista Ridge Addition; Consideration of Ordinance No. 3484-09-2007 Creating Reinvestment Zone Number Twenty-Nine (29) for Vista 121 Business Center, L.P.; Consideration of Resolution No. 3485-09-2007(R) Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Vista 121 Business Center, L.P., at 2777 Lake Vista Drive; and Authorization for the City Manager, or his Designee, to Execute the Agreement (cont'd)

(Agenda Item C-2)

MOTION: Upon a motion made by Councilman Rudy Durham and seconded by Councilman Greg Tierney, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Designating a Certain Area Within the City of Lewisville as Reinvestment Zone No. 29 for a Tax Abatement for Vista 121 Business 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 Rudy Durham and seconded by Mayor Pro Tem Dean Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3484-09-2007**, as previously captioned and **Resolution No. 3485-09-2007(R)**. The motion carried.

Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number 13; Consideration of a Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager, or his Designee, to Execute the Agreements

(Agenda Item C-3)

Mayor Carey advised Holt Lunsford is building a new 2-story, 37,000 square foot office building directly east of the City Amphitheater for the corporate headquarters of Jamex, Inc. Jamex is an oil and gas exploration company operating approximately 100 wells in and around Texas, primarily in south Texas. They will initially occupy the ground floor with 16 employees and sub-lease the second floor to small office users. A Reinvestment Zone, once created, is in existence for 5 years with no provision to terminate the zone. A Reinvestment Zone may be renewed by Council action for additional periods, with each renewal valid for 5 years. Reinvestment Zone 13, as created, covers the entire 23 acre site which is now owned by Opus with Horizon Health as a tenant (6 acres), Holt Lunsford (11 acres) and Jamex (3 acres). State law requires that all tax abatements that are granted within a single reinvestment zone contain identical terms (percentage and duration). As part of the incentive discussions in the past with both Horizon Health and Holt, a reduction of the tree mitigation fee was included in the Economic Development Agreement. This agreement is essentially the same as it was with Horizon providing a 50% rebate of tree mitigation costs by the City in exchange for the owner granting an Amphitheater Parking Agreement.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing on the renewal of Reinvestment Zone #13; approve the ordinance renewing Reinvestment Zone #13; approve the resolution to enter into the Tax Abatement Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; approve the Economic Development Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; and authorize the City Manager, or his designee, to execute the agreements.

Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number 13; Consideration of a Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager, or his Designee, to Execute the Agreements (con'td)

(Agenda Item C-3)

MOTION: Upon a motion made by Mayor Pro Tem Dean Ueckert and seconded by Deputy Mayor Pro Tem David Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to continue this item at the October 15, 2007, City Council meeting. The motion carried.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements

(Agenda Item C-4)

Mayor Carey advised City staff has been working with Majestic Realty Co., as well as other property owners in southwest Lewisville, in the development of a new office/industrial area of Lewisville. Majestic is the first to finalize their plans and is quickly moving forward with the construction of 1.3 million square feet of speculative industrial/warehouse space. Each lot will have a separate Reinvestment Zone created for that specific lot. This helps with the administration and monitoring of the incentive agreements and provides flexibility to the City in the future should other incentive terms be desired. A public hearing is required under Section 312.201 of the Texas Tax Code to be held prior to the adoption of an ordinance creating a reinvestment zone to allow for tax abatement.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing and approve ordinances for the creation of Reinvestment Zones #30, #31 and #32; approve the resolutions to enter into the Tax Abatement Agreements with DFW Lewisville Partners, G.P., a general Partnership; and authorize the City Manager, or his designee, to execute the agreements.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Deputy Mayor Pro Tem David Thornhill and seconded by Councilman Lathan Watts, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Mr. John Gorena stepped up to the podium and asked to be recognized by the Council. Mayor Carey apologized to Mr. Gorena for having overlooked the speaker cards that Mr. Gorena completed in order to speak on these issues.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to reopen the public hearing. The motion carried.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

John Gorena, 417 Creekwood Lane, Lewisville, Texas 75067, advised the City Council that he is against the tax abatements of 0.46% that are being considered. He advised he felt that Lewisville has major amenities, such as a major highway running through the city, and large companies should invest their money in Lewisville. Mr. Gorena stated that if the City does not have adequate funds to cover items in the budget that these developments will generate, such as police protection, water service, new roads, then the City Council will raise property taxes to provide for these things. Mr. Gorena further stated that it is wrong that he has to pay taxes for necessities for these big companies to come to Lewisville and enjoy all of the amenities in the City. He advised that not all of the people who work at these large companies will be residents of Lewisville. Mr. Gorena stated that IH-35E is going to be rebuilt and there should be no tax abatements given to any company that has to relocate because of the widening. Mr. Gorena advised that he felt businesses will come to Lewisville and invest their money to be able to locate on IH-35E. Mr. Gorena concluded by thanking the City Council for stopping the funding for the Day Labor Site and that he felt that big companies can afford the money that it takes to pay Lewisville taxes.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

Councilman Rudy Durham questioned if Mr. Gorena understands that he gets an abatement on his house taxes. Mr. Gorena advised he did not feel that this is the same thing because he is paying what is required by law. Councilman Durham explained that someone must make up the difference that the abatement creates.

Mayor Pro Tem Ueckert stated that his record speaks for the fact that he is very tight with offering tax abatements to large companies because this company has large payrolls and has employees that will spend their money in Lewisville. Mayor Pro Tem Ueckert advised that he has learned through experience that tax abatements must be given in order to be competitive in the market place with other communities around you, or the companies will not come here. Mayor Pro Tem Ueckert advised that during the September 10th City Council meeting, the City Council voted down a tax abatement proposal by a vote of 4-1. He reminded Mr. Gorena that he had spoken against the City Council voting down the tax abatement policy in order to have an incentive for people to move to Lewisville. Mr. Gorena advised that he did not speak against the tax abatement, all he had spoken against was the smoking ban. Mr. Gorena stated that the reputation of Lewisville speaks for itself and the City does not have to give away the tax abatement.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

Councilman Greg Tierney stated that he recalled Mr. Gorena speaking against taxes. Mayor Carey said that the tax rate has gone from .58 cents in 1993 when he first served on Council and is now .44 cents. Councilman Greg Tierney said that property values are going up and taxes are going down and Mr. Gorena is criticizing the Council for high taxes.

Mary Carey stated that tax abatements are not always supported by the City Council and it is only Mr. Gorena's opinion that we are giving away the house. Mayor Carey advised he feels that this City is very well managed. Mr. Gorena stated that even though the rates may be low, the taxes are still high and he did not feel the City needs to be giving the abatements away.

Mayor Pro Tem Dean Ueckert stated that property values are going up on an average. If one would look at surrounding cities, Lewisville has low tax rates and also water rates comparable to other cities statewide, of comparable size.

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

Wayne Ferguson, 320 West Main Street, Lewisville spoke before the City Council to address Mr. Gorena's comments regarding tax abatements. Mr. Ferguson advised that for every dollar that citizens pay on their house, it takes \$1.25-\$1.35 to serve the house, fire water sewer trash. For every business, for every dollar they pay, it costs the City .60 cents to serve them. The employment base that these companies bring to the City is tremendous. The tax dollars are spent 4-6 times to secure the quality of development that the City wants. The large companies tax the system less than residents. Mr. Ferguson stated that he felt more people are shopping here in Lewisville and paying associated sales taxes.

MOTION: Upon a motion made by Mayor Pro Tem Dean Ueckert and seconded by Deputy Mayor Pro Tem David Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

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

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

“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. 30 for a Tax Abatement for DFW Lewisville Partners, GP, a General Partnership; Establishing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

and

“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. 31 for a Tax Abatement for DFW Lewisville Partners, GP, a General Partnership; Establishing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency.”

and

Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership, on Lots 1, 2 and 3, Block A of the Majestic Addition; Consideration of Ordinance No. 3488-09-2007, Ordinance No. 3489-09-2007, and Ordinance No. 3490-09-2007 Creating Reinvestment Zone Number Thirty (30), Thirty-One (31) and Thirty-Two (32) for DFW Lewisville Partners, G.P., a General Partnership; Consideration of Resolution No. 3491-09-2007(R), Resolution No. 3492-09-2007(R), and Resolution No. 3493-09-2007(R) Approving the Terms and Conditions of Three Agreements and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and DFW Lewisville Partners, G.P., a General Partnership; at 2710, 2670 and 2730 Edmonds Lane; and Authorization for the City Manager, or his Designee, to Execute the Agreements (cont'd)

(Agenda Item C-4)

“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. 32 for a Tax Abatement for DFW Lewisville Partners, GP, a General Partnership; 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 Greg Tierney and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 3488-09-2007, Ordinance 3489-09-2007, and Ordinance No. 3490-09-2007 as previously captioned and Resolution No. 3491-09-2007(R), Resolution 3492-09-2007(R), and Resolution No. 3493-09-2007(R). The motion carried.

**Public Hearing: Consideration of the
Proposed FY 2007-2008 Budget, Property
Tax Revenue Increase and Property Tax
Rate**

(Agenda Item C-5)

Mayor Carey stated the first public hearing on the proposed FY 2007-2008 budget, property tax revenue increase and property tax rate to provide an opportunity for citizen comment was held on September 10, 2007 in accordance with the City Charter and applicable state laws. The proposed budget includes changes made by Council at the budget workshop held on August 18, 2007. This is the second and final public hearing on the FY 2007-2008 budget.

Mayor Carey advised the City staff's recommendation was that the City Council conduct the Public Hearing.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Finance Director Lauren Crowley reminded the City Council that there must be special wording read during the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to reopen the public hearing. The motion carried.

Mayor Carey advised that the votes on the Fiscal Year 2007-2008 property tax rate, property tax revenue increase, and budget will take place during the special called City Council meeting on September 24, 2007 also beginning at 7:00 p.m. here in the Council Chambers.

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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

1. Consent Agenda Item 8: Approval of a Contract Award to UNUM for Long Term Care Insurance in the Amount of \$52,104; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, 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:

6. Approval of a Contract Award to Midwest Employers Casualty Company for Excess Workers' Compensation Insurance in the Amount of \$64,778; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents.
7. Approval of a Contract Award for Group Life Insurance, Retiree Life Insurance and Long Term Disability Insurance With Standard Insurance Company for a Three Year Period; Approval of a Contract for Accidental Death and Dismemberment Insurance With Zurich for a Three Year Period; and Authorization for the City Manager, or his Designee, to Execute all Necessary Documents.
9. Approval of a Contract Award to CIGNA for Individual and Aggregate Stop Loss Insurance for the Employee Health Plan in the Amount of \$479,074; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents.
10. Approval of an Economic Development Agreement Between the City of Lewisville and Vantage Development #42, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreement.
11. Approval of Historic Preservation Agreements by and Between the City of Lewisville and Mike Karimi for Costs Associated With Façade and Rear Façade Improvements at 150 West Main Street; and Authorization for the City Manager, or his Designee, to Execute the Agreements.

CONSENT AGENDA (cont'd)

(Agenda Item E)

12. Approval of Final Acceptance of Waterline Replacements 2001 Project; and Authorization to Make Final Payment to Municipal Utilities, Inc., in the Amount of \$83,226.77.
13. Approval of **Resolution No. 3494-09-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, to Approve the Texas Department of Transportation Grant Agreements for the Fiscal Year 2008 Selective Traffic Enforcement Program and Authorizing the City Manager or his Designee to Execute the Agreement.
14. Approval of a Construction, Maintenance and Operation of Improvements Agreement with the Lewisville Parks and Library Development Corporation; and Authorization for the City Manager, or his Designee, to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Approval of a Contract Award to UNUM for Long Term Care Insurance in the Amount of \$52,104; and Authorization for the City Manager, or his Designee, to Execute All Necessary Documents

(Agenda Item E-8)

Mayor Carey advised that the City sent out a Request for Proposals for long term care insurance. One provider responded for the requested services. UNUM provides the program for \$52,104. Funding is available in the Insurance Risk Fund.

Mayor Carey stated the City Council award the Long Term Care Insurance contract to UNUM; and authorize the City Manager to execute all necessary documents.

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

Tabled Item: Consideration of the Final Plat for Bulloch Addition, an Addition to the City of Lewisville Located at the Southeast Corner of Purnell Street and Hardy Street, Which Includes a Request for Two Plat Related Variances; and Consideration of two Engineering Site Plan Related Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Scott Bulloch, the Owner of Bulloch Fabricating

(Agenda Item F-15)

Mayor Carey advised this item was tabled by the City Council on August 20, 2007, with direction to staff to meet with the owner and work out additional solutions related to fire protection and screening wall issues. The owner of the property intends to expand the existing metal fabricating business from 48,450 square feet to 71,030 square feet. As a result of a meeting held on August 29, 2007, between staff, Mr. Scott Bulloch and his engineer, Mr. Bulloch has agreed to comply with the fire protection and screening wall issues. However, Mr. Bulloch is seeking the following variances: a) to allow dedication of a 5-foot sidewalk and utility easement along Hardy Street on Lot 1, Block A in lieu of dedicating an additional 5 (five) feet of right-of-way; b) to waive the requirement to improve both Hardy Street and McKenzie Street; c) to allow four (4) 12'x80' and three (3) 12'x60' loading spaces in lieu of the required six 12'x 80' loading spaces; and d) to waive the requirement to provide an 80% masonry exterior finish on the proposed building.

Mayor Carey stated the City staff's recommendation was that the City Council approve the final plat and requested variances a-d.

David Salmon P.E., Assistant City Engineer; Steve Homeyer, P.E., Homeyer Engineering, Inc.; and Scott Bulloch, 3459 County Road 323, Valley View, Texas, business is located at 450 East Purnell Street, Lewisville, were present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the Final Plat for Bulloch Addition, an addition to the City of Lewisville; located at the southeast corner of Purnell Street and Hardy Street, which includes a request for two plat related variances; and approve two engineering site plan related variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as requested by Scott Bulloch, the owner of Bulloch Fabricating, the requested variances are as follows: a) allow dedication of a 5-foot sidewalk and utility

Tabled Item: Consideration of the Final Plat for Bulloch Addition, an Addition to the City of Lewisville Located at the Southeast Corner of Purnell Street and Hardy Street, Which Includes a Request for Two Plat Related Variances; and Consideration of two Engineering Site Plan Related Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Scott Bulloch, the Owner of Bulloch Fabricating (cont'd)

(Agenda Item F-15)

easement along Hardy Street on Lot 1, Block A in lieu of dedicating an additional 5 feet of right-of-way; b) waive the requirement to improve both Hardy and McKenzie Streets; c) allow four 12'x80' and three 12'x60" in lieu of the required six 12'x80' loading spaces; and d) waive the requirement to provide an 80% masonry exterior finish on the existing and proposed building. The motion carried.

Consideration of a Variance to the Lewisville City Code, Section 11-10 (N) Real Estate Signs as Requested by John Combs of Capstar Commercial Real Estate Services, Ltd. on Behalf of Convergence Office Center

(Agenda Item F-16)

Mayor Carey advised Capstar Commercial Real Estate Services is requesting a variance to allow two real estate signs that exceed the allowable square footage. The Lewisville City Code allows a maximum of two signs, each being no more than thirty-two (32) square feet in size on parcels greater than five (5) acres. The Convergence Office Center, located at 2501 South State Highway 121, is approximately 185 acres in size. Sign A, to be located along SH 121, will be a 200-square foot v-shaped sign. Sign B, to be located along FM 3040, will be a 51-square foot v-shaped sign. These signs are to be used for leasing and marketing purposes only.

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

Larry Finney, Building Official; John W. Combs, General Manager, Capstar Commercial Real Estate Services, Ltd.; and Les Combs, were available for questions from the City Council.

Consideration of a Variance to the Lewisville City Code, Section 11-10 (N) Real Estate Signs as Requested by John Combs of Capstar Commercial Real Estate Services, Ltd. on Behalf of Convergence Office Center (cont'd)

(Agenda Item F-16)

MOTION: Upon a motion made by Councilman Watts and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve the following variances to the Lewisville City Code, Section 11-10 (N) Real Estate Signs as requested by John Combs of Capstar Commercial Real Estate Services, Ltd., on behalf of Convergence Office Center: Sign A, to be located along SH 121, will be a 200-square foot v-shaped sign; Sign B, to be located along FM 3040, will be a 51-square foot v-shaped sign; signs to be used for leasing and marketing purposes only. The motion carried.

Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by Holt Lunsford Commercial

(Agenda Item F-17)

Mayor Carey advised Holt-Lunsford Commercial, a real estate services firm, will be hosting a day-long showcase of development activity in the Vista Ridge area for major metroplex real estate brokers on October 11, 2007 and would like to include evening musical entertainment at the Vista Ridge Amphitheater. The firm is requesting that Council waive all fees and deposits for use of the amphitheater as their event is aimed at promoting economic development within the city.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the request to waive facility rental and deposit fees.

Assistant City Manager Donna Barron advised that John Hctor with Holt-Lunsford asked that this item be withdrawn and that they would be submitting a new request for the first City Council meeting in October.

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

Consideration of Ordinance No. 3495-09-2007 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule

(Agenda Item F-18)

Mayor Carey advised that as part of the annual budget process, Council approved changes to the fee schedule that were based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees. Proposed changes are in the attached exhibit A.

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

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

“An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule With Various Fees Charged by Several Departments of the City; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3495-09-2007**, as previously captioned. The motion carried.

Consideration of Ordinance No. 3496-09-2007 Amending the 2006/2007 Adopted Budget

(Agenda Item F-19)

Mayor Carey advised the purpose of this ordinance is to amend the FY 2006/2007 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Others relate to actions taken to fund unbudgeted items during the year. This ordinance will also authorize four new supplements in the Grant Debt Service, Old Town TIF and 4B Sales Tax Funds. \$300,000 in excess reserves in the Grant Fund is being transferred to the General Fund. The Debt Service, Old Town TIF and 4B Sales Tax Funds need to be amended to include debt payments related to the bonds/CO's sold this fiscal year.

Consideration of Ordinance No. 3496-09-2007 Amending the 2006/2007 Adopted Budget (cont'd)

(Agenda Item F-19)

Mayor Carey stated the City staff's recommendation was that the City Council approve the ordinance amending the FY 2006/2007 budget.

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Previously Adopted and Approved Budget Ordinance for the Fiscal Year October 1, 2006 to September 30, 2007; by Providing Supplemental Appropriations to the Various Funds; 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 five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3496-09-2007**, as previously captioned. The motion carried.

Second Reading: Consideration of an Ordinance Amending Chapter 8 of the Lewisville City Code Concerning Miscellaneous Offenses by Adding Clauses to Prohibit the Public Display of Facsimile Firearms and Making Other Minor Changes to Simplify the Ordinance

(Agenda Item F-20)

Mayor Carey advised at the September 10, 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. This will be the second reading of the ordinance. No Council action is necessary.

Mayor Carey stated the City staff's recommendation was that the City Attorney provide the second reading of the ordinance.

Second Reading: Consideration of an Ordinance Amending Chapter 8 of the Lewisville City Code Concerning Miscellaneous Offenses by Adding Clauses to Prohibit the Public Display of Facsimile Firearms and Making Other Minor Changes to Simplify the Ordinance (cont'd)

(Agenda Item F-20)

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 8 of the Lewisville City Code; by Prohibiting the Display of Facsimile Firearms; by Deleting Section 8-2, Firearms in City Buildings, and Incorporating Said Section Into Section 8-1, Control of Weapons, Making Minor Changes to Other Sub-Sections as Noted; Providing for Defenses; Providing for a Repealer; Providing for Severability; Providing a Penalty; and Providing an Effective Date and Declaring an Emergency.”

No action was necessary on this item.

Reports

(Agenda Item G)

- ◆ Quarterly Investment Report Ending June 30, 2007
- ◆ Economic Development Activity Report
- ◆ Councilman Durham advised he will be out of town for the September 24, 2007, Called-Special Session.
- ◆ Mayor Pro Tem Ueckert thanked Human Resource Director Melinda Galler and her staff for their efforts in getting the benefits package together. He advised it is a tremendous job to do all the costs comparisons and the shopping to be assured that the City is providing the best benefits for the staff. Mayor Pro Tem Ueckert stated that the team members that work for the City of Lewisville should appreciate their efforts and know that there is a true benefit for working for the City of Lewisville.

Reports (cont'd)

(Agenda Item G)

- ◆ Councilman Watts commended Dan Leal and his staff at the Children's Advocacy Center of Denton County for all the great work they do for the children. He stated that he wished there would be a day when their services were not needed, but he felt that the work that they do there borders on miraculous. He stated that the Advocacy Center is a great asset to not only Lewisville, but all of Denton County.
- ◆ Councilman Watts stated that business owners today are faced with taxation, litigation and regulation that make it tough to keep a business afloat and he was glad to see the City work with businesses here in town. He explained that the City competes with areas around us and when we do have a chance to give a break to a business. It has been shown that when taxes go down, revenues go up and our taxes are going down and the City will reap the benefit of granting tax abatements.
- ◆ Assistant City Manager Barron advised of the great turnout at the Fall Music Series and reminded everyone that the second show would be held on Tuesday
- ◆ Mayor Carey thanked Wayne Ferguson for filling in for him at the beginning of the Fall Music Series on Tuesday night.
- ◆ Councilman Tierney thanked Assistant City Manager Donna Barron and Deputy City Secretary Pat Parra for filling in and doing an outstanding job tonight.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:50 p.m. Monday, September 17, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 7:50 p.m. on Monday, September 17, 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 H)

Section 551.087 (ECONOMIC DEVELOPMENT):

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

The Closed Session was adjourned at 8:20 p.m. on Monday, September 17, 2007.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:20 p.m. on Monday, September 17, 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 J)

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:20 p.m. on Monday, September 17, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 1st day of October, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY