

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 18, 2008

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
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 5:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 5:30 p.m. on Monday, February 18, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

Retreat Recap/Direction

(Agenda Item A)

City Manager King recapped the February 7-9, 2008, Retreat based on discussion as follows:

Topic	
Priorities/Goals	
Priorities – OK	
Goals – Add	Facilitate funding for full length of I35 corridor (I635-SH380)
	Obtain funding for Windhaven Drive from Regional Toll Revenue sources
	Develop I35 Corridor Comprehensive Plan overlay and incentive program
	Improve communication with LISD?
	Stimulate retail redevelopment (Existing shopping centers)
	Work with Vista Ridge Mall on long range market position
	Develop major tourist attraction
	Develop sports-related tourist attraction
	Implement branding program
	Improve communication with realtor community
– Subtract	?
35E Funding	Work with TxDOT (and others) to obtain full funding. Require construction of LV section as minimum <u>without delay</u>
35E Corridor Plan	Retain consultant to conduct planning process and recommendations
Bond Program	Reallocate existing bond funds from Richland Street project to Purnell project -Purnell – asphalt option; width?

	-Bond program – keep tax rate at existing – City Manager King reviewed this item in more detail at the request of Deputy Mayor Pro Tem Ueckert.
Branding	Proceed with GoGo to develop marketing & phasing plan based on "Martin" concept
Festivals	-Schedule workshop with consultant to discuss future festival priorities. Director of Communications and Tourism. James Kunke advised that Diane from Dats' Good Bar-b-Que had advised she would still be running this event. - City to assume Farmers Market if OTBA not interested -Motorcycle Toy Run – stay exclusively in City
Visitor Information Center	Continue preliminary planning at "hospital" site
Code Enforcement	-Add part time or contractual funding at mid year for weekend/after hours coverage -Evaluate technology options and develop funding within technology plan budget cycle - Development of committee to establish guidelines for occupancy limits
East Side Sanitary Sewer	-Use lift station & "bypass" option -Develop funding (est \$21.3M) in Utility Fund/Revenue Bond program (delay water re-use as necessary)
I35 Water Tower	Use IMG composite tower option on current site (est \$2.7M) City Manager King questioned what the City Council would want to do if TxDOT can or does avoid tower in ROW take. City Council consensus was to wait and see what happened.
Boards/Commissions	Develop ordinances or other documentation for workshop? 1. Merge members of LIDC/HFC or use council members as appointees (if allowed by state law) 2. P.I.D. #1 Dissolve board – Council will review budget directly 3. Merge Library Board/Park Board 4. Assign Transportation Board role to members of P&Z (retain board but use P&Z members to fill it) 5. "Clean up" duties as needed

Arts Center	<ul style="list-style-type: none"> -Review "manager" compensation level -Review need for crew leader position -Fund operations to extent possible in H/M fund (within cap). Rest in General Fund. -Develop consultant-run "development" program -FY 09/10 Budget impact
RR Street Park	<ul style="list-style-type: none"> -Use 4B for operations budget (FY 09/10) -Use "Rail Yards" (Rail Yards by itself?) as name. Mayor Carey and Mayor Pro Tem Durham advised that they did not like Rail Yards as this area was never a rail yard. City Manager King reviewed what the options had been. Councilman Tierney advised that he liked Option 3 – Railroad Athletic Complex. Councilman Watts advised he liked The Rail Yards because he liked the term “The Yards” for the play on words. Mayor Carey stated that he felt it needed to have the words “athletic complex” in the name. City Manager King advised that the various fields could be sponsored. Mayor Pro Tem Durham recommended that this item be a workshop item. City Manager King advised that the trigger needed to be pulled fairly quickly on the naming of the facility due to it going out on bid shortly. Discussion was held on what this area of town may have been known of and how soon the name needed to be known. City Manager King advised that he would find out and put this back on the agenda when it needed to be done. City Manager King advised that the City Council could always name it honorary after someone or just called it the Athletic Complex. -Incorporate into "development" program
Retiree Health	Develop budget recommendations for funding annual requirement and establishing substantive plan.
TMRS Benefits	Develop budget recommendations (using 8 yr phase in) for options reducing annual impact
Compensation Plan	Budget Market/Merit according to budget availability

Mayor Pro Tem Durham requested underground utilities be added as a goal. Deputy Mayor Pro Tem Ueckert questioned what was involved in renaming a street if there was only a

few business were located. City Manager King reviewed what would be involved, he advised that the few businesses or homes that were located the better.

Deputy Mayor Pro Tem Ueckert advised that he did not care for the branding concept. Mayor Carey questioned Code Enforcement and the part-time position and that he was okay with trying for awhile to see if it worked. City Manager King advised that it would be done incrementally and would be brought back to the City Council. Councilman Tierney requested that a goal regarding focusing on the older neighborhoods in regard to Code Enforcement issues be added. City Manager King reviewed some of the existing goals that may encompass this request. Discussion was held regarding a presentation that had been made several years ago about cities such as Farmers Branch and Richardson was doing to encourage revitalization the older neighborhoods.

City Manager King advised that an item would be brought back to the City Council for them to provide direction regarding discussion held during the retreat.

**Briefing on Castle Hills Public Improvement
District No. 4 Combination Contract
Revenue and Special Assessment Capital
Improvement Bonds**

(Agenda Item B)

Boyd London and Lori Sullivan were both present for a brief discussion regarding the Castle Hills Public Improvement District No. 4.

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

(Agenda Item C)

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

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

Mayor Carey reviewed Agenda Item C, Proclamations, 1.) Declaring February 22, 2008, as "Christian Community Action" Day; and 2.) Declaring the week of February 24 – March 1, 2008, as "Severe Weather Awareness Week". There was no discussion on this item.

Mayor Carey reviewed Agenda Item D, Presentation, Statement of Appointment of Aretha as Explosives Detection Canine.

Mayor Carey reviewed Agenda Item E, Public Hearing: Consideration of Condemnation of a Structure Located on Cowan Street, Rawlings Addition, Lot 10 (S98.66' of W198'), 0.450 Acres, Lewisville, Texas. City Manager King advised that Fire Marshall Cleve Joiner was present to respond to any questions posed by the City Council. Mr. Joiner advised of the steps that had been done over the past three years regarding this location. He further advised that the owner of the property had contacted him and advised he would be present at the meeting. There was no discussion on this item.

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

(Agenda Item C)

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

Mayor Carey reviewed Agenda Item G-1, Approval of Minutes: a.) City Council Minutes of the January 7, 2008, Workshop Session and Regular Session; b.) City Council Minutes of the January 28, 2008, Workshop Session and Regular Session; and c.) City Council Minutes of the February 4, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-2, Approval of a Bid Award for Concrete and Gutter Rehab Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$568,962.50; Approval of a Total Budget of \$586,031.37; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-3, Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to DPC Industries in the Amount of \$159,200, General Chemical in the Amount of \$100,650, Chemical Lime Company in the Amount of \$23,000, Pencco, Inc., in the Amount of \$15,262, Chemrite in the Amount of \$13,400, Univar in the Amount of \$3,000, Ashland in the Amount of \$81,152, and Airgas in the Amount of \$20,720 for a Total Annual Estimated Amount of \$416,384. City Manager King advised that there was a change in the agenda recommendation due to one of the bidders withdrawing their bid. Assistant City Manager Steve Bacchus advised the following change had been made: award chemicals as stated except for vendor Ashland with award amount to be \$62,540; add Polydine as a vendor and approve award amount of \$23,900; and approve the total annual estimated amount of \$421,672.

Mayor Carey reviewed Agenda Item G-4, Authorization to Solicit Donations for the 2008 Lewisville Public Library Summer Reading Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-5, Approval of a Resolution Determining the Necessity of Acquiring Certain Property for Public Purposes and Authorization to Proceed With Eminent Domain Proceedings on the Valley Ridge Boulevard South of SH-121 Project No. G10650 and Elm Fork Sanitary Sewer Phase I Project No. U95362. There was no discussion on this item.

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

(Agenda Item C)

Mayor Carey reviewed Agenda Item H-6, Consideration of Variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Underground Utilities, Procedures for Issuance of a Building Permit, Off Street Parking and Loading Requirements and Drainage; and Chapter 11, Signs, Relating to Applicability, Associated With the Railroad Street Athletic Complex as Requested by There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-7, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing a Posted Speed Limit on Garden Ridge Boulevard From Bellaire Boulevard to Corporate Drive of 40 Miles Per Hour, Establishing a Posted Speed Limit on Windhaven Parkway From Josey Lane to Trinity Drive of 40 Miles Per Hour, and Establishing a Posted Speed Limit on FM 544 From State Highway 121 Business to the East City Limit of 50 Miles Per Hour. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-8, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II Speed Limits; Adding Section 15-36.2-a, Maximum Speed Limits for Special School Zone Areas; Establishing a School Speed Zone on FM 544 From 400 Feet East of Windhaven Parkway to 2,414 Feet East of Windhaven Parkway of 35 Miles Per Hour. City Manager King reviewed this item at Mayor Carey's request. Discussion was held that this was a school zone. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-9, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104; Repealing the Prohibition of Truck Traffic on Jones Street From Interstate Highway 35E to Mill Street. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-10, Consideration of an Ordinance to Endorse the Settlement Agreement Between the Atmos Cities Steering Committee (ACSC) and Atmos Regarding the Company's Statement of Intent to Increase Rates to Approve Tariffs That Implement the Terms of the Settlement Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-11, Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Article VI, Chapter 4 by Establishing a New Residential Rental Inspection Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-12, Tabled Item: Consideration of an Ordinance Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds. There was no discussion on this item.

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

(Agenda Item C)

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

Items of Interest to the Council

(Agenda Item D)

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:45 p.m. on Monday, February 18, 2008.

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, February 18, 2008, 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, Boy Scout Troops 162 and 9168 gave the pledge to the flag. The following members were present: Cody Pilgreen, Nicholas Munsch, Sean Conran and Lonnie Conran.

**Proclamation: Declaring February 22, 2008,
as "Christian Community Action" Day.**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring February 22, 2008, as “Christian Community Action” Day to Tom Black, Chairman of the Christian Community Action.

**Proclamation: Declaring the Week of
February 24-March 1, 2008 as “Severe
Weather Awareness Week”.**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring the week of February 24-March 1, 2008, as “Severe Weather Awareness Week” to Lewisville Emergency Management Coordinator Summer Wilhelm.

**PRESENTATION: Statement of Appointment
of Aretha as Explosives Detection Canine.**

(Agenda Item D)

Mayor Carey read and presented a Statement of Appointment of Aretha as Explosives Detection Canine.

**PUBLIC HEARING: Consideration of
Condemnation of a Structure Located on
Cowan Street, Rawlings Addition, Lot 10
(S98.66' of W198'), 0.450 Acres, Lewisville,
Texas**

(Agenda Item E)

The Acting Building Official has deemed the structure located at the property known by the legal description of Cowan Rawlings Addition, Lot 10 (S98.66' of W198') as substandard. The property has no known street address according to City records. The owner of record is Jana D. Christy. The structure is currently vacant and is an old garage that has deteriorated significantly over time. Proper notification and procedures by the City have not produced acceptable responses. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structure is substandard.

The City staff’s recommendation was that the City Council deem the structure located at legal address Cowan Rawlings Addition, Lot 10 (S98.66' of W198') substandard and order that the structure be repaired or demolished in 30 days.

Mayor Carey opened the public hearing.

Cleve Joiner, Fire Marshal/Acting Building Official, was present to respond to any questions posed by the City Council.

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

**PUBLIC HEARING: Consideration of
Condemnation of a Structure Located on
Cowan Street, Rawlings Addition, Lot 10
(S98.66' of W198'), 0.450 Acres, Lewisville,
Texas (cont'd)**

(Agenda Item E)

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve the condemnation of a structure located on Cowan Street, Rawlings Addition, Lot 10 (S98.66' of W198'), 0.450 Acres, Lewisville, Texas. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

Philip Stuckey, 2980 Muirfield Drive, Lewisville, Texas 75067, spoke before the City Council to express his unhappiness that the City Council had not called a non-smoking election.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

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

1. Consent Agenda Item No. 3 – Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to DPC Industries in the Amount of \$159,200, General Chemical in the Amount of \$100,650, Chemical Lime Company in the Amount of \$23,000, Pencco, Inc., in the Amount of \$15,262, Chemrite in the Amount of \$13,400, Univar in the Amount of \$3,000, Ashland in the Amount of \$81,152, and Airgas in the Amount of \$20,720 for a Total Annual Estimated Amount of \$416,384.

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 approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES:

- a. City Council Minutes of the January 7, 2008, Workshop Session and Regular Session;

CONSENT AGENDA (cont'd)

(Agenda Item G)

- b. City Council Minutes of the January 28, 2008, Workshop Session and Regular Session; and

- c. City Council Minutes of the February 4, 2008, Workshop Session and Regular Session.

2. Approval of a Bid Award for Concrete and Gutter Rehab Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$568,962.50; Approval of a Total Budget of \$586,031.37; and Authorization for the City Manager to Execute the Contract.

4. Authorization to Solicit Donations for the 2008 Lewisville Public Library Summer Reading Program.

5. Approval of **Resolution No.3539-02-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Determining the Necessity of Acquiring Certain Property in the City for Public Purposes, and Directing That the Same be Acquired by Appropriate Eminent Domain Proceedings.

The motion carried.

END OF CONSENT AGENDA

Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to DPC Industries in the Amount of \$159,200, General Chemical in the Amount of \$100,650, Chemical Lime Company in the

Amount of \$23,000, Pencco, Inc., in the Amount of \$15,262, Chemrite in the Amount of \$13,400, Univar in the Amount of \$3,000, Ashland in the Amount of \$81,152, and Airgas in the Amount of \$20,720 for a Total Annual Estimated Amount of \$416,384

(Consent Agenda Item G-3)

A total of thirty-six (36) bid invitations were issued, including twenty-eight (28) downloaded from DemandStar.com. Thirteen (13) bids were received and opened on January 22, 2008. These chemicals are used for the treatment and disinfection processes for both

Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to DPC Industries in the Amount of \$159,200, General Chemical in the Amount of \$100,650, Chemical Lime Company in the Amount of \$23,000, Pencco, Inc., in the Amount of \$15,262, Chemrite in the Amount of \$13,400, Univar in the Amount of \$3,000, Ashland in the Amount of \$81,152, and Airgas in the Amount of \$20,720 for a Total Annual Estimated Amount of \$416,384 (cont'd)

(Consent Agenda Item G-3)

water and wastewater. The term of the contracts will be twelve months, with options to extend for up to two (2) additional twelve month periods. Funding is available in the Public Services Utility Fund budget.

The City staff's recommendation was that the City Council approve bid awards for annual requirements contracts for water and wastewater treatment chemicals for Public Services to DPC Industries in the amount of \$159,200, General Chemical in the amount of \$100,650, Chemical Lime Company in the amount of \$23,000, Pencco, Inc., in the amount of \$15,262, Chemrite in the amount of \$13,400, Univar in the amount of \$3,000, Ashland in the amount of \$81,152, and Airgas in the amount of \$20,720 for a total annual estimated amount of \$416,384.

City Manager King advised that there was a change in the agenda recommendation due to one of the bidders withdrawing their bid. He advised the following change had been made: award chemicals as stated except for vendor Ashland with award amount to be \$62,540; add Polydine as a vendor and approve award amount of \$23,900; and approve the total annual estimated amount of \$421,672

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 bid awards for annual requirements contracts for water and wastewater treatment chemicals for Public Services to DPC Industries in the amount of \$159,200, General Chemical in the amount of \$100,650, Chemical Lime Company in the amount of \$23,000, Pencco, Inc., in the amount of \$15,262, Chemrite in the amount of \$13,400, Univar in the amount of \$3,000, Ashland in the amount of \$62,540, Polydine in the amount of \$23,900, and Airgas in the amount of \$20,720 for a total annual estimated amount of \$421,672. The motion carried.

Consideration of Variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Underground Utilities, Procedures for Issuance of a Building Permit, Off Street Parking and Loading Requirements and Drainage; and Chapter 11, Signs, Relating to Applicability, Associated With the Railroad Street Athletic Complex as Requested by Dunkin Sims Stoffels Inc., Landscape Architects for the Railroad Street Athletic Complex

(Agenda Item H-6)

The mass grading work, including the flood control lakes, is nearing completion by Sinacola and Sons. Staff has reviewed the proposed engineering site plan prepared by Halff Associates, the engineering firm selected by the City’s consulting firm, Dunkin Sims Stoffels, Inc., for the Railroad Street Athletic complex and has identified the following variances: a) to provide overhead electric service to the river pump station for irrigation; b) to allow the early release of a construction trailer prior to issuance of a building permit; c) to waive the requirement for a paved surface and allow a gravel surface for the maintenance driveway to the river pump station; d) to allow a 25-year design for storm drains in lieu of 100-year design; and e) exempt the Railroad Street Athletic Complex from the Sign Ordinance in conjunction with the engineering site plan.

The City staff’s recommendation was that the City Council approve the requested variances.

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 the following variances: a) to provide overhead electric service to the river pump station for irrigation; b) to allow the early release of a construction trailer prior to issuance of a building permit; c) to waive the requirement for a paved surface and allow a gravel surface for the maintenance driveway to the river pump station; d)

to allow a 25-year design for storm drains in lieu of 100-year design; and e) exempt the Railroad Street Athletic Complex from the Sign Ordinance in conjunction with the engineering site plan. The motion carried.

Consideration of Ordinance No. 3540-02-2008 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing a Posted Speed Limit on Garden Ridge Boulevard From Bellaire Boulevard to Corporate Drive of 40 Miles Per Hour, Establishing a Posted Speed Limit on Windhaven Parkway From Josey Lane to Trinity Drive of 40 Miles Per Hour, and Establishing a Posted Speed Limit on FM 544 From State Highway 121 Business to the East City Limit of 50 Miles Per Hour

(Agenda Item H-7)

Speed studies were conducted on three major arterial streets of the City to include a) Garden Ridge Boulevard; b) Windhaven Parkway; and, c) FM 544. The 85th percentile speed limit on Garden Ridge Boulevard was determined to be 43 miles per hour and, therefore, a recommended speed limit of 40 miles per hour is consistent with the section north of Bellaire Boulevard. On Windhaven Parkway, the 85th percentile speed was 43 miles per hour and, therefore, a recommended speed limit of 40 miles per hour is consistent with the 40 mile per hour speed limit east of Trinity Parkway between Trinity Parkway and Plano Parkway. On FM 544, TxDOT completed a speed study resulting in an 85th percentile speed of 50 miles per hour. The existing ordinance needs to be amended to explicitly indicate the limits associated with State Highway 121 Business as opposed to State Highway 121. On October 18, 2007, the Transportation Board unanimously approved the speed limits of 40 miles per hour for Garden Ridge Boulevard and Windhaven Parkway. On January 17, 2008, the Transportation Board unanimously approved the speed limit for 50 miles per hour on FM 544.

The City staff's recommendation was that the City Council adopt the ordinance amending the maximum speed limits on Garden Ridge Boulevard from Bellaire Boulevard to Corporate Drive to 40 mph, Windhaven Parkway from Josey Lane to Trinity Drive to 40 mph and FM 544 from State Highway 121 Business to the East City Limit to 50 mph.

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 15, Section 15-35 of the Lewisville City Code by Establishing the Speed Limits on Certain Streets; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3540-02-2008**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3541-02-2008 Amending the Lewisville City Code, Chapter 15, Article II Speed Limits; Adding Section 15-36.2-a, Maximum Speed Limits for Special School Zone Areas; Establishing a School Speed Zone on FM 544 From 400 Feet East of Windhaven Parkway to 2,414 Feet East of Windhaven Parkway of 35 Miles Per Hour

(Agenda Item H-8)

Lewisville ISD opened Killian Middle School in August 2007. It is located on the north side of FM 544, east of Windhaven Parkway. At that time TxDOT allowed the installation of an advisory school zone of 35 miles per hour due to the limited visibility along FM 544 in front of the school. TxDOT has reviewed the conditions and has now agreed to the establishment of a regulatory school zone at the same speed of 35 miles per hour. Presently, all sections of the City of Lewisville City Code dealing with school zones explicitly designate the school zone speed of 20 miles per hour. To establish a school zone of 35 miles per hour will require a new section be created. The Transportation Board unanimously approved this item with a 7-0 vote at the January 17, 2008 meeting and approved recommending the measure with a request that staff petition TxDOT to allow the speed to be set to 20 miles per hour in the future.

The City staff’s recommendation was that the City Council adopt the ordinance establishing a school speed zone on FM 544 from 400 feet east of Windhaven Parkway to 2,414 feet east of Windhaven Parkway of 35 miles per hour.

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 15, Article II of the Lewisville City Code by Adding Section 15-36.2-a, Maximum Speed Limits for Special School Zone Areas; Establishing a School Speed Zone on FM 544 From State Highway 121 Business to the East City Limit;

Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency”

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 approve and adopt **Ordinance No. 3541-02-2008**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3542-02-2008 Amending the Lewisville City Code, Section 15-104; Repealing the Prohibition of Truck Traffic on Jones Street From Interstate Highway 35E to Mill Street

(Agenda Item H-9)

Jones Street presently has a prohibition of truck traffic from IH-35E to Mill Street. The original Jones Street, in its two-lane alignment, was located directly in front of residential properties from Westway to Mill Street. The roadway has been changed to a couplet configuration with commercial properties located along the north side. The City Council, at their 2007 Retreat, directed staff to repeal the ordinance. The Transportation Board approved this item at the January 17, 2008 meeting with a vote of 6-1.

The City staff’s recommendation was that the City Council adopt the ordinance amending Section 15-104 to repeal the prohibition of truck traffic on Jones Street from IH-35E to Mill Street.

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 15, Section 15-104 of the Lewisville City Code by Repealing the Prohibition of Truck Traffic on Jones Street From Interstate Highway 35E to Mill Street; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3542-02-2008**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3543-02-

**2008 to Endorse the Settlement Agreement
Between the Atmos Cities Steering
Committee (ACSC) and Atmos Regarding
the Company's Statement of Intent to
Increase Rates to Approve Tariffs That
Implement the Terms of the Settlement
Agreement**

(Agenda Item H-10)

On September 20, 2007, Atmos filed with the City the Company's Statement of Intent to increase natural gas rates system wide by approximately \$52 million. The City suspended the **Consideration of Ordinance No. 3543-02-2008 to Endorse the Settlement Agreement Between the Atmos Cities Steering Committee (ACSC) and Atmos Regarding the Company's Statement of Intent to Increase Rates to Approve Tariffs That Implement the Terms of the Settlement Agreement (cont'd)**

(Agenda Item H-10)

October 25, 2007 effective date to work with other ACSC members to explore options to resolve Atmos' pending \$52 million rate increase without a costly contested case proceeding. To facilitate an agreement, Atmos agreed to extend the deadline for final action until March 1, 2008. This Settlement Agreement is the result of this effort and reduces Atmos' rate increase by more than 80%. The ACSC Executive Committee recommends approval of the settlement agreement because it provides rate certainty, represents an outcome equal to or better than the outcome of a contested case proceeding, and maintains cities' role as a regulator of natural gas rates.

The City staff's recommendation was that the City Council approve the ordinance to endorse the Settlement Agreement between the Atmos Cities Steering Committee (ACSC) and Atmos regarding the company's statement of intent to increase rates and to approve tariffs that implement the terms of the Settlement Agreement.

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

“An Ordinance of the City Council of Lewisville, Texas, ("City") Approving a Settlement Agreement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the Company") Regarding the Company's Statement of Intent to Change Gas Rates in All Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Settlement Agreement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable;

Adopting a Savings Clause; Determining That This Ordinance was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of This Ordinance to the Company and Legal Counsel.”

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Ueckert =, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3543-02-2008**, as captioned previously. The motion carried.

Third and Final Reading: Consideration of Ordinance No. 3544-02-2008 Amending the Lewisville City Code, Article VI, Chapter 4 by Establishing a New Residential Rental Inspection Program

(Agenda Item H-11)

At the January 28, 2008, 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 had to be read on three separate days to meet the City Charter requirements. This will be the third and final reading.

The City staff's recommendation was that the City Attorney provide the third and 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 4, Article VI of the Lewisville City Code by Establishing a Residential Rental Inspection Program; Providing a Repealer; Providing a Severability Clause; Providing a Penalty; Providing an Effective Date.”

This was the final reading of the ordinance. No motion was necessary.

Tabled Item: Consideration of Ordinance No. 3545-02-2008 Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds

(Agenda Item H-12)

This item was tabled at the January 7, 2008, City Council meeting. A total of \$32M of bonds may be sold in PID No. 4. The initial sale is \$20M. The ordinance submitted for City

Council consideration authorizes the Trust Agreement and the Preliminary Placement Memorandum.

The City staff's recommendation was that the City Council approve the ordinance authorizing the issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds.

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3545-02-2008**, as captioned previously. The motion carried.

Reports **(Agenda Item I)**

There were no reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:50 p.m. Monday, February 18, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session **(Agenda Item J)**

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, February 18, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.074 (Personnel Matters):

2. City Council Performance (Requested by Mayor Carey)

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 8:30 p.m. on Monday, February 18, 2008.

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

(Agenda Item K)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, February 18, 2008, 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 L)

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 adjourn the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, February 18, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 3rd day of March, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY