

LEWISVILLE CITY COUNCIL

REGULAR SESSION

SEPTEMBER 8, 2008

Present:

Gene Carey, Mayor

Council Members:

David Thornhill, Mayor Pro Tem
Lathan Watts, Deputy Mayor Pro Tem
Greg Tierney
Dean Ueckert
Rudy Durham (arrived at 6:07 p.m.)

City Staff:

Claude King, City Manager
Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:05 p.m. on Monday, September 8, 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.

**Status of Council Retreat Direction for Staff,
as Requested by Mayor Pro Tem Thornhill.**

(Agenda Item A)

City Manager King reviewed the 2008 Retreat – Potential Direction to City staff and the current status of the following:

Topic		Status
Priorities/Goals		
Priorities – OK		
Goals – Add:		The following goals were added to the strategic plan
	Facilitate funding for full length of I35 corridor (I635-SH380)	Work with ITS, TxDOT, and the RTC on an on-going basis. Continue to evaluate and provide input on highway design.
	Obtain funding for Windhaven Drive from Regional Toll Revenue sources	Included in the RTR Funding list.
	Develop I35 Corridor Comprehensive Plan overlay and incentive program	Consultant selection.
	Improve communication with LISD	Continue to communicate.
	Stimulate retail redevelopment (Existing shopping centers)	Will need more specific targets.
	Work with Vista Ridge Mall on long range market position	Initial meeting held.
	Develop major tourist attraction	On-going
	Develop sports-related tourist attraction	On-going
	Implement branding program	Branding Program will be implemented over time initially starting as a Tourism Initiative so that public reaction can be monitored.
	Improve communication with realtor community	Continue to communicate with realtor community.
	Relocate existing overhead utility lines when cost-effective and in high visibility areas	Funding was combined with corridor beautification funding in FY 2007-08 budget. There are no anticipated projects to date. May use funding in Old Town corridor/plaza.
35E Funding	Work with TxDOT (and others) to obtain full funding. Require construction of LV section as minimum <u>without delay</u>	Meeting with TxDOT in regards to lane configuration, ROW, and aesthetics.

35E Corridor Plan	Retain consultant to conduct planning process and recommendations	Consultant selection.
Bond Program	Reallocate existing bond funds from Richland Street project to Purnell project -Purnell – use asphalt option; existing width -Bond program – keep tax rate at existing	-Bond funds were reallocated to the Purnell Project. -Asphalt option used; existing width used -Tax rate lowered from .44050 to .44021.
Branding	Proceed with GoGo to develop marketing & phasing plan based on "Martin" concept	Draft marketing/phasing plan received from consultant and is being reviewed by staff.
Festivals	-Schedule workshop with consultant to discuss future festival priorities - City to assume Farmers Market if OTBA withdraws -Motorcycle Toy Run – stay exclusively in city	Workshop held on March 3, 2008 and festival budget for FY 2008-09 developed based on this discussion. - No requests received from OTBA to assume Farmers Market - Motorcycle Toy Run planned to stay exclusively in City for 2008 event.
VIC	Continue preliminary planning at "hospital" site	Meeting held with hospital CEO concerning VIC site. Currently developing MOU that states VIC will be constructed on remaining hospital property after current facility is demolished.
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	-Council added a full time code enforcement officer in the upcoming FY 2008-09 budget (to work Wednesday through Sunday). -Council funded ruggedized tablet pc's in the upcoming

	- Develop ad hoc committee to evaluate occupancy issues, street parking, neighborhood revitalization and strategies associated problems/issues	FY 2008-09 budget for Code Officers (6), Building Inspectors (4), and Animal Control Officers (7). -Notices soliciting committee members were sent to target area in July water bills with no response. Will be put into next Horizon newsletter.
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)	- \$9.4M in revenue bonds for lift station and force main will be issued in FY 2009-10. -\$36.4M plan developed for revenue bonds FY 2008-09 – FY 2012-13. -Water Reuse now planned for FY 2010-11 and 2011-12.
I35 Water Tower	Use IMG composite tower option on current site (est \$2.7M) unless TxDOT take does not impact tower	Dependent on TxDOT ROW and lane design.
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 to single board 4. Merge members of Transportation Board and P&Z (retain both boards but use same members to fill each) 5. "Clean up" duties as needed for various boards	1. Members of LIDC/HFC were not merged. Recommendation given to Council to leave as is at May 19 th workshop. 2. Resolution to dissolve PID board was approved on June 2, 2008. 3. Boards were not merged per Council direction received on June 2, 2008. 4. Members of T Board and P&Z were merged (both boards retained) through Ordinance approved by Council on June 2, 2008.

		5. Clean up of miscellaneous duties was approved by ordinance on June 2, 2008.
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 	<ul style="list-style-type: none"> - Overall staffing plan and compensation levels under review. Will be set in FY 2009-10 budget. Staff currently working on performance schedule, rental fee schedule, etc. for presentation at 2009 retreat. - Approximately \$90,000 is estimated in FY 2009-10 Hotel Motel on-going operating revenue for arts funding. -Currently \$320,000 is in FY 2008-09 General Fund operating budget to be used for Arts Center operations in FY 2009-10. <u>Project Status:</u> PU Zoning approved; plat, engineering site plan and architectural plan review process is on-going. Target opening date Spring 2010.
RR Street Park	<ul style="list-style-type: none"> -Use 4B for operations budget (FY 09/10) -Defer name decision to future agenda -Incorporate into "development" program 	<ul style="list-style-type: none"> - Planned FY 2009-10 budget has \$638,221 allocated to operating costs for Railroad Park. -Railroad Park was named on June 2, 2008. - A request for proposal for sponsorships/naming rights was sent out in May 2008. Staff has reviewed proposals, interviewed potential firms

		and will be bringing a recommendation to the City Council at the September 15 th meeting. <u>Project Status:</u> Park is under construction – Estimated Fall '09 opening.
Retiree Health	Develop budget recommendations for funding annual requirement and establishing substantive plan.	Annual Required Contribution budgeted in FY 2008-09 in new OPEB fund. Substantive Plan is basis of actuarial study and will be finalized in Admin Policy presented at Sept. 8 Council meeting.
TMRS Benefits	Develop budget recommendations (using 8 yr phase in) for options reducing annual impact	TMRS rate adopted for FY 2008-09 budget (13.96%) is first year of 8 year phased-in approach.
Compensation Plan	Budget Market/Merit according to budget availability	Budgeted for FY 2008-09: All general government employees (those not police or fire) will receive 3% increase on their anniversary date (merit based). Police will receive a 2% market increase and Fire will receive a 3% market increase; eligible police officers and firefighters will receive 4% step increase.

City Manager King concluded his review at 6:37 p.m.

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

(Agenda Item B)

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

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

(Agenda Item B)

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

Mayor Carey reviewed Agenda Item C, Proclamation, Declaring the month of September, 2008, as, "National Preparedness Month". There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Medical District (MD) on a 4.0 Acre Tract Located on the East Side of Summit Avenue, Approximately 1,000 Feet South of FM 407, Further Identified as Part of Tract 28A(1) in the Stephen Riggs Survey, Abstract 1088, as Requested By Alpha Republic Investments, LTD, the Current Property Owner (Case No. PZ20080819). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 17, Comprehensive Zoning Ordinance, by Deleting the Compliance Requirements in Section 17-38, Paragraphs (5) and (7). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Continued Public Hearing: Consideration of the Advisability of Improvements in the Proposed Castle Hills Public Improvement Districts (PIDs) #5 and #6. Assistant City Manager Donna Barron advised that a letter had been received from the Attorney General regarding concerns about how these elections had been held in the past due to the separate aspects in the code. She stated that the Attorney General wanted to require two separate elections. Ms. Barron further advised that the Attorney General wanted to take a closer look at PIDs. City Manager King pointed out that the Attorney General has advised that what had been done in the past may no longer work in the future. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item D-4, Public Hearing: Consideration of the FY 2008-2009 Waters Ridge Public Improvement District (PID) No. 1 Assessment and Five Year Service Plan. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-5, Public Hearing: Consideration of the Proposed FY 2008-2009 Budget, Property Tax Revenue Increase and Property Tax Rate. City Manager King pointed out that there was specific language that Mayor Carey would need to read during the Regular Session. There was no further discussion regarding this item.

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

(Agenda Item B)

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

Mayor Carey reviewed Agenda Item F-6, a) City Council Minutes of the Called-Special Budget Workshop Session on August 16, 2008; and b) City Council Minutes of the August 18, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of Final Acceptance of the 2007 CDBG Sanitary Sewer Project; and Authorization to Make Final Payment to Trenchless Methods, Inc., in the Amount of \$22,362.85. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of a Change Order to Henkels and McCoy in the Amount of \$69,142.00; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Approval of Total Supplemental Appropriation in the Amount of \$534,568, to Include \$110,851 From Various Available Bond Cash Balances and \$423,717 From General Capital Projects Available Cash Balance to the Valley Ridge Boulevard (South of SH 121 Business) Project; Approval of a Bid Award for the Valley Ridge Boulevard (South of SH 121 Business) Project and Valley Ridge Southeast Waterlines, Line A to Rodman, LLC, in the Amount of \$4,133,955.37; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Approval of a Trust Agreement With PFM Asset Management LLC, as Trust Administrator and US Bank, NA as Trustee for the Administration, Trustee and Custodial Services for the City of Lewisville's Other Post-Employment Benefits (OPEB) Liability Trust; and Authorization for the City Manager to Execute the Agreement; and Approval of the Administrative Investment Policy for OPEB Trust 3.3.0 and Revisions to Administrative Policy 2.15.1 Comprehensive Group Medical Plan; and Approval of a Supplemental Appropriation in the Amount of \$1,000,000 From the Self-Insurance Risk Fund and \$1,000,000 From the Health Insurance Trust Fund to the OPEB Liability Trust Fund; and Approval of a Supplemental Appropriation in the Amount of \$300,000 From the Health Insurance Trust Fund for Additional Claims Costs Incurred. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Approval of the Administrative Policy 3.3.1, Investment Policy. There was no discussion on this item.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-12, Approval of the Award to CIGNA for Individual and Aggregate Stop Loss Insurance in the Amount of \$428,897; and Authorization for the City Manager to Execute All Necessary Documents. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of the Final Plat of Settlers Village, Phase 2, a 9.02 Acre Parcel Zoned Townhouse (TH) and Bounded by Rockbrook Drive on the West, Vista Ridge Mall Drive on the South and Settlers Village Phase 1 on the East With Requested Variances to the Lewisville City Code. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of a Variance Request to the Lewisville City Code, Section 9.5-54, Regarding Old Town Development Plans for the Proposed Old Town South Parking Lot. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Consideration of Two Ordinances Amending the Lewisville City Code, Chapter 6, Section 6-30 Plat Required, Section 6-54 When an Engineering Site Plan is Required, Chapter 9, Section 9.5-29 Plat Required and Section 9.5-54 When An Old Town Development Plan is Required, Allowing a Building Permit to be Issued Under Certain Circumstances. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-17, Consideration of an Ordinance Amending the Lewisville City Code, Article XVIII, Sections 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping, Requiring Additional Setbacks, Changing Certain Fees, and Other Related Matters. City Manager King advised that Assistant City Manager Steve Bacchus and City Attorney Ron Neiman have been working on the proposed ordinance for City Council review. He further advised that nothing had to be done at this meeting, staff just wanted to get it in front of the City Council in the event that if changes were made to the ordinance they were done sooner rather than later as it was not known when applications might be received. City Manager King pointed out that the original ordinance had been done in April 2006 and most of the changes relate to similar ordinances in other locations following a trend to tighten up the requirements for well locations across the Barnett cities. City Manager King reviewed the changes in the proposed ordinance. Mayor Pro Tem Ueckert requested that City Manager King review during the regular

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

(Agenda Item B)

meeting that no one has filed an application to drill, nor has the City signed any agreement with anyone to drill in the City, and that the negotiations that are taking place now are between the mineral rights owners and the drilling company, and that the City is just determining where drilling is allowed. Deputy Mayor Pro Tem Watts requested that this item be tabled for more feedback. City Manager King recommended tabling it to the first meeting in October. Discussion held that anyone that filed now would fall under the existing ordinance. City Manager King stated that the existing ordinance was not bad, things were just evolving. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-18, Consideration of Waiving the Third Floor Rental Fee for the Lewisville Area Chamber of Commerce Women's Division Luncheon Event on September 10, 2008. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-19, Authorization for Tourism Staff to Purchase Alcohol on September 15-17, 2008, as Part of the Solicitation Process for the Texas Firefighter Olympics. City Manager King advised that while this item was somewhat different, under City policy, the City Council could allow this authorization for the Tourism Staff. City Manager King pointed out that the Tourism Department fell under different requirements than other departments. Councilman Durham pointed out that this is no different than when the Visitors Bureau was doing this prior to the City taking that over these duties. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item G-20, Consideration of Waiver of Lake Park Admission Fees for the Collegiate Bass Fishing Championship to be Held September 18-20, 2008. There was no discussion on this item.

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

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

Items of Interest to the Council

(Agenda Item B)

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:50 p.m. on Monday, September 8, 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, September 8, 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 Durham gave the invocation.

Pledge to the Flag

(Agenda Item B)

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

**Proclamation: Declaring the Month of
September, 2008, as "National Preparedness
Month"**

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring the month of September, 2008, as "National Preparedness Month" to City of Lewisville Emergency Management Coordinator Summer Wilhelm.

**Public Hearing: Consideration of Ordinance
No. 3596-09-2008(Z) for a Zone Change
Request From Light Industrial (LI) to
Medical District (MD) on a 4.0 Acre Tract
Located on the East Side of Summit Avenue,
Approximately 1,000 Feet South of FM 407,
Further Identified as Part of Tract 28A(1) in
the Stephen Riggs Survey, Abstract 1088, as
Requested By Alpha Republic Investments,
LTD, the Current Property Owner (Case No.
PZ20080819)**

(Agenda Item D-1)

Although this request appears similar to a Medical District request denied last month, there are substantial differences. This location is not in an existing industrial park along an industrial and distribution warehouse corridor, and no one will live in this short-term care rehabilitation facility. The City's Economic Development staff has been working with other property owners in this area to coordinate the development of a mix of retail and office complexes, possibly with a small number of apartments. This type of medical facility should generate other office and retail uses

along this portion of Summit Avenue. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 7-0 at their August 5, 2008, meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance, approving the requested zone change from Light Industrial (LI) to Medical District (MD).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Stephen Schattner, Renovo Healthcare, Inc., were both present to respond to any questions posed by the City Council.

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

City Manager Claude King pointed out that the proponent had submitted deed restrictions; however, they do need modified to meet the City Attorney's requirements. City Attorney Ron Neiman advised that they had agreed to change the deed restrictions per his requirements and requested that the City Council acknowledged in the motion that the proponent had offered the deed restrictions.

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

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 4.0 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Light Industrial (LI) District Zoning to Medical District (MD) Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3596-09-2008(Z)** as previously captioned, and acknowledged that they have offered deed restrictions to meet City staff requirements. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3597-09-2008(Z) Amending the
Lewisville City Code, Chapter 17,
Comprehensive Zoning Ordinance, by
Deleting the Compliance Requirements in
Section 17-38, Paragraphs (5) and (7)**

(Agenda Item D-2)

Since 1971, the Lewisville Zoning Ordinance has included requirements that new or altered buildings comply with parking requirements in the zoning ordinance and that property be platted before a building permit can be issued. When the City adopted the General Development Ordinance (GDO) in 1989, all parking requirements and the requirement to plat were moved to the GDO, but overlooked as a footnote but not removed in the zoning ordinance. Likewise, those requirements were included in the Old Town Development Ordinance (OTDO) created in 2002. Because the parking and platting standards are primarily development requirements, staff is recommending that the requirements be deleted from the zoning ordinance. The Planning and Zoning Commission recommended approval of the amendment on a vote of 7-0 at their meeting on August 5, 2008.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, Comprehensive Zoning Ordinance, by deleting the compliance requirements in Section 17-38, Paragraphs (5) and (7).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem 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 caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville City Code, Chapter 17, Comprehensive Zoning Ordinance, by Deleting the Compliance Requirements in Section 17-38, Paragraphs (5) and (7); Providing a Repealer; Providing for Severability; Providing for a Penalty; Providing an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3597-09-2008(Z)** captioned. The motion carried.

Continued Public Hearing: Consideration of the Advisability of Improvements in the Proposed Castle Hills Public Improvement Districts (PIDs) #5 and #6

(Agenda Item D-3)

Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of proposed improvements in public improvement districts. Notice of this hearing was published in a newspaper of general circulation and sent to owners of property in the PIDs. At this time, the City does not have the information necessary to proceed with this public hearing. Until such information is received, it is recommended that the public hearing be tabled indefinitely.

Mayor Carey opened the public hearing.

The City staff’s recommendation was that the City Council conduct the public hearing and table indefinitely.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to table this item indefinitely. The motion carried.

Public Hearing: Consideration of the FY 2008-2009 Waters Ridge Public Improvement District (PID) No. 1 Assessment and Five Year Service Plan

(Agenda Item D-4)

FY 2008-2009 expenditures from the Waters Ridge PID Fund are \$57,160 which represents an increase of \$47,359 over last year’s budget. This year’s budget increase is a result of the addition of an assessment study to analyze the necessity of the Water’s Ridge Public Improvement District No. 1 as a vehicle for maintaining the Water’s Ridge Levee as a flood protection measure. Typically the major portion of the budget includes expenditures for mowing four times during the growing season. The FY 2008-2009 assessment is recommended to be \$50.05 per acre of land which has remained stable for the past three years.

The City staff’s recommendation was that the City Council approve the FY 2008-2009 Waters Ridge Public Improvement District No. 1 assessment and five year service plan.

Mayor Carey opened the public hearing.

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve the FY 2008-2009 Waters Ridge Public Improvement District No. 1 assessment and five year service plan. The motion carried.

**Public Hearing: Consideration of the
Proposed FY 2008-2009 Budget, Property
Tax Revenue Increase and Property Tax
Rate**

(Agenda Item D-5)

In accordance with the City Charter and applicable state laws, a public hearing is being held on the proposed FY 2008-09 budget, property tax revenue increase and property tax rate to provide an opportunity for citizen comment. The proposed budget includes changes made by Council at the budget workshop held on August 16, 2008. A second public hearing is scheduled for September 15, 2008.

The City staff’s recommendation was that the City Council conduct the public hearing.

Mayor Carey opened the public hearing. He advised that the votes on the fiscal year 2008-09 property tax rate, property tax revenue increase, and budget will take place during the Special Called City Council meeting on September 29, 2008 beginning at 6:00 p.m. here in the City Council Chambers

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

Visitors/Citizens Forum

(Agenda Item E)

Larry Williams and Kathy Duke spoke before the City Council and expressed their appreciation to the City for their assistance during the water line break at Lakeland Elementary in August. They thanked the City of Lewisville on behalf of the School District to help get the renovations and repairs done in order to get the students and teachers both in on time for school to begin. He advised this was a great example of partnership between the City and the School District. Ms. Dukes also thanked the City Council and advised that Delay Middle School had

received the 2008 Intel National School of Distinction Award and would be receiving a \$10,000 Grant for winning the award, as well as \$160,000 worth of educational material.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

6. Approval of Minutes:
 - a. City Council Minutes of the Called-Special Budget Workshop Session on August 16, 2008; and
 - b. City Council Minutes of the August 18, 2008, Workshop Session and Regular Session.
7. Approval of Final Acceptance of the 2007 CDBG Sanitary Sewer Project; and Authorization to Make Final Payment to Trenchless Methods, Inc., in the Amount of \$22,362.85.
8. Approval of a Change Order to Henkels and McCoy in the Amount of \$69,142.00; and Authorization for the City Manager to Execute the Change Order.
9. Approval of Total Supplemental Appropriation in the Amount of \$534,568, to Include \$110,851 From Various Available Bond Cash Balances and \$423,717 From General Capital Projects Available Cash Balance to the Valley Ridge Boulevard (South of SH 121 Business) Project; Approval of a Bid Award for the Valley Ridge Boulevard (South of SH 121 Business) Project and Valley Ridge Southeast Waterlines, Line A to Rodman, LLC, in the Amount of \$4,133,955.37; and Authorization for the City Manager to Execute the Contract.
10. Approval of a Trust Agreement With PFM Asset Management LLC, as Trust Administrator and US Bank, NA as Trustee for the Administration, Trustee and Custodial Services for the City of Lewisville's Other Post-Employment Benefits (OPEB) Liability Trust; and Authorization for the City Manager to Execute the Agreement; and Approval of the

Administrative Investment Policy for OPEB Trust 3.3.0 and Revisions to Administrative Policy 2.15.1 Comprehensive Group Medical Plan; and Approval of a Supplemental Appropriation in the Amount of \$1,000,000 From the Self-Insurance Risk Fund and \$1,000,000 From the Health Insurance Trust Fund to the OPEB Liability Trust Fund; and Approval of a Supplemental Appropriation in the Amount of \$300,000 From the Health Insurance Trust Fund for Additional Claims Costs Incurred.

11. Approval of the Administrative Policy 3.3.1, Investment Policy.
12. Approval of the Award to CIGNA for Individual and Aggregate Stop Loss Insurance in the Amount of \$428,897; and Authorization for the City Manager to Execute All Necessary Documents.

The motion carried.

END OF CONSENT AGENDA

Consideration of the Final Plat of Settlers Village, Phase 2, a 9.02 Acre Parcel Zoned Townhouse (TH) and Bounded by Rockbrook Drive on the West, Vista Ridge Mall Drive on the South and Settlers Village Phase 1 on the East With Requested Variances to the Lewisville City Code

(Agenda Item G-13)

The subject property is proposed for 90 single family lots and a drainage right of way. A previous final plat for 96 single family lots and a drainage right of way was approved in July of 2006 and was subsequently vacated in April, 2008. The owner and builder, Ashton Dallas Residential has decided to change product type and has submitted the new plat with the same street layout but with fewer and wider lots to accommodate the new product type. There were 9 variances approved with the preliminary plat for Settlers Village in November of 2004, however because this plat is technically a new plat, the applicable variances need to be reconsidered. Out of the 9 original variances, 5 of them are not applicable to the new final plat for Phase 2. The remaining variances include (a) waiver of required alleys for single family subdivisions; (b) to allow a wooden screening fence adjacent to existing commercial development instead of a masonry wall; (c) to allow a maximum of 40% non masonry materials for the screening walls adjacent to thoroughfares where lots back to the thoroughfare; and, (d) to allow HOA maintenance of the screening walls adjacent to thoroughfares. The Planning and Zoning Commission voted 7-0 to recommend approval of the plat and variances at their August 19, 2008, meeting.

The City staff's recommendation was that the City Council approve the final plat and requested variances.

David Salmon, P.E., Assistant City Engineer and Jaison Stephens P.E., Jacobs Engineering Group, and Bryce Slade, Ashton Woods Homes were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to approve the Final Plat of Settlers Village, Phase 2, a 9.02 Acre Parcel Zoned Townhouse (TH) and Bounded by Rockbrook Drive on the West, Vista Ridge Mall Drive on the South and Settlers Village Phase 1 on the East with the following requested variances to the Lewisville City Code: (a) waiver of required alleys for single family subdivisions; (b) to allow a wooden screening fence adjacent to existing commercial development instead of a masonry wall; (c) to allow a maximum of 40% non masonry materials for the screening walls adjacent to thoroughfares where lots back to the thoroughfare; and, (d) to allow HOA maintenance of the screening walls adjacent to thoroughfares. The motion carried.

**Consideration of a Variance Request to the
Lewisville City Code, Section 9.5-54,
Regarding Old Town Development Plans for
the Proposed Old Town South Parking Lot**

(Agenda Item G-14)

A paved 120-space parking lot development is proposed for the area just south of Main Street between Mill Street to the east, Elm Street to the west and the Heath property to the west. Staff has prepared an in-house plan that addresses grading, drainage, paving, access and parking spaces. A variance is being requested to waive the Old Town Development Plan by providing an in-house plan.

The City staff's recommendation was that the City Council approve the requested variance.

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

City Manager Claude King reviewed this agenda item with the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve the variance request to the Lewisville City Code, Section 9.5-54, Regarding Old Town Development Plans for the Proposed Old Town South Parking Lot to waive the Old Town Development Plan by providing an in-house plan. The motion carried.

Consideration of Ordinance No. 3598-09-2008 and Ordinance No. 3599-09-2008 Amending the Lewisville City Code, Chapter 6, Section 6-30 Plat Required, Section 6-54 When an Engineering Site Plan is Required, Chapter 9, Section 9.5-29 Plat Required and Section 9.5-54 When An Old Town Development Plan is Required, Allowing a Building Permit to be Issued Under Certain Circumstances

(Agenda Item G-15)

At the present time, the General Development Ordinance and Old Town Development Ordinance each require property to be platted and have an approved engineering site plan or old town development plan before any building permit can be issued. The proposed amendments would allow an exception under certain circumstances when a new building or addition is no more than 10 percent of the size of the existing building or buildings, no more than 5,000 square feet in size, and there are no significant impacts to the property.

The City staff’s recommendation was that the City Council approve the proposed ordinances amending the Lewisville City Code, Chapter 6, Section 6-30 Plat Required, Section 6-54 When an Engineering Site Plan is Required and Chapter 9, Section 9.5-29 Plat Required, Section 9.5-54 When An Old Town Development Plan is Required, allowing a building permit to be issued under certain circumstances.

City Manager Claude King reviewed this agenda item with the City Council.

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 6, Land Development Regulations; Amending Section 6-30, Plat Requirements, and Section 6-54, Engineering Site Plan Requirements, When Only a Minor Change is Requested; Current Plat Requirements When Only a Minor Change is Requested; Providing a Repealer;

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

and

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Lewisville City Code, Chapter 9.5, Old Town Development, Amending Section 9.5-29, Plat Requirements, and Section 9.5-54, Old Town Development Plan Requirements, When Only a Minor Change is Requested; Providing a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance Nos. 3598-09-2008 and Ordinance No. 3599-09-2008**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3600-09-2008 Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction

(Agenda Item G-16)

The City, along with 150 other cities served by Atmos Energy Mid-Tex Division ("Atmos" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On April 14, 2008, Atmos filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the City earlier this year. The Company's April RRM filing seeks a \$33.5 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos to support its request to increase rates. The Ordinance and attached tariff approving rates that will increase the Company's revenues by \$20 million effective October 1, 2008, are the result of negotiation between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The monthly bill impact for the average residential customer is \$0.81. The ACSC Executive Committee recommends that all ACSC cities adopt the ordinance implementing the rate change.

The City staff's recommendation was that the City Council approve the ordinance.

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, (“City”) Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "The Company") Regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable; Approving Atmos' Proof of Revenues; 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; Requiring Delivery of This Ordinance to the Company and Legal Counsel; and Declaring an Emergency.”

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 and adopt **Ordinance No. 3600-09-2008**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3601-09-2008 Amending the Lewisville City Code, Article XVIII, Sections 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping, Requiring Additional Setbacks, Changing Certain Fees, and Other Related Matters

(Agenda Item G-17)

In April 2006, Council adopted an ordinance that provided specific guidelines and requirements related to the drilling and production of oil and gas wells within the City. Staff recommends the current ordinance be amended. The amendment will include modifications to the landscaping requirements, changes to the hours of operations from 7am to 10pm to 7am to 7pm; increase of well setback limits from a minimum of 400 feet to 500 feet; adjustment to the application fee from \$2,500 to \$10,000; and eliminating the pit type system for containment of water and byproducts in favor of a closed loop containment system.

The City staff’s recommendation was that the City Council approve the ordinance amending the Lewisville City Code Article XVIII Sections 7-601 through 7-619 regulating the drilling and production of oil and gas wells within the City.

City Manager Claude King reviewed this agenda item with the City Council. He advised that to date there have been no applications received for drilling within the City limits of Lewisville; however, that could change at any time. He stated that these changes were based on anticipation of those coming in and experiences of other cities. City Manager Claude King reviewed the items that were being changed and the reasoning behind those changes. City Manager Claude King stated that this has nothing to do with leasing of independently owned mineral rights of private property owners and the City has no involvement. He advised that the proposed ordinance would only apply after someone comes in for a drilling permit. He stated that the requirements of the City do not necessarily void any agreements between the property owner and company the City is just trying to regulate the conduct of the drilling operation itself.

Steve Southwell, 995 Downey Drive, Lewisville, Texas spoke before the City Council, in favor of the ordinance changes. Mr. Southwell also reviewed changes that he felt should be made to the proposed ordinance. Mr. Southwell requested that the City Council stand behind the citizens to counter some of the offers by the leasing companies. He concluded by stating that he appreciated the City Council standing behind citizens and that this will be a benefit to both the City and mineral rights owners.

Darrel Patterson, 1813 Water Oak Drive, Lewisville, Texas 75067, spoke before the City Council in favor of the proposed ordinance. He stated that the drilling is coming and the City needed to be sure it is done in a safe manner where everyone comes out in safe in the end. Mr. Patterson requested the City's assistance with the false information that is being given out by the land men to mineral right owners.

Sheila Mihelic, 938 Royal Oaks Drive, Lewisville, Texas spoke before the City Council in favor of the proposed ordinance. Ms. Mihelic addressed her concerns regarding safety and noise abatement with the drilling.

Dan Manning, 927 Silverstone Drive, Lewisville, Texas filled out a card indicating his support of the proposed ordinance.

Councilman Durham advised that he was in favor of the proposed ordinance.

Councilman Ueckert advised he was in favor of the proposed ordinance and expressed his appreciation for the citizens' involvement and for them all working together. Councilman Ueckert addressed Mr. Patterson's concerns regarding the companies verbally telling people incorrect information, that unfortunately the City does not have any authority to go and tell them what to say or do; however, the homeowners can file complaints with the Police Department or District Attorney's Office. Councilman Ueckert stated that what was being printed was being watched closely to make sure the companies are not saying that the City has done or said something, and should that happen it can and will be addressed. He encouraged anyone to bring

any printed documents to the City to handle those items. Councilman Ueckert indicated that the City was learning also and trying to make sure the citizens and surrounding cities were all protected. Councilman Ueckert pointed out that in order for people to gain something, sometimes things also have to be given up. He used the example of the freeway widening project where some property owners would be losing their property. Councilman Ueckert commended the City staff for their hard work on the proposed ordinance and stated that as the City gets more education, he felt there would be additions or deletions to the ordinance.

Deputy Mayor Pro Tem Watts echoed Councilman Ueckert's comments regarding City staff getting up to speed on this issue as it was a complex issue that was not understood a few years ago. He stated natural gas is vital and it is in the City and citizens best interest to get the gas out of the ground. Deputy Mayor Pro Tem Watts stated that the City is not an expert; however, the folks that do extract it from the ground are, and they are getting better at the process all the time. Deputy Mayor Pro Tem Watts stated that he appreciated the citizens that came out to voice their opinions. Deputy Mayor Pro Tem Watts further stated that he would like the chance to hear from some more residents that were not able to be present tonight along with the individuals that will be doing the excavation in order to get a balance from both sides. Deputy Mayor Pro Tem Watts clarified that he was not opposed to the ordinance, he would just like a bit more time before casting a vote since the City has not had anyone apply for a permit. Deputy Mayor Pro Tem Watts requested that this item be continued to allow for more input.

Mayor Pro Tem Thornhill agreed with Councilman Ueckert that this is an ongoing learning process and any changes made by the proposed ordinance could be changed as the process knowledge becomes more available. Mayor Pro Tem Thornhill advised that he would like to see the distance be 600 feet rather than 500; however, he would support 500 feet.

Councilman Tierney advised that he was in favor of the changes and would be willing to move on the proposed ordinance tonight since there are people out there that could file for a permit; however, out of respect for another City Council member he could be in support of tabling this item to another City Council meeting. Councilman Tierney addressed the misinformation that has been put out there that the City has something to do with the leasing of mineral rights. He stated that this is incorrect, along with information that the City is in a partnership and would be getting a bunch of money if these leases went through. Councilman Tierney stated that there is no additional taxation that the City will receive, unless the property value is increased. Councilman Tierney stated that the City is not working with drilling companies, with the exception of property that is owned by the City

Mr. Patterson addressed Deputy Mayor Pro Tem Watts' request to hear from the opposition. He advised that the only individuals involved currently are the land men who are dealing with the homeowners to get the leases signed. He explained that they put all the leases together for the drilling companies to bid on and whoever will end up with the drilling rights will

not be known, so it would be difficult to know who to invite. He further stated that the land men are going to show up and they are going to tell you anything you want to hear and that he did not feel a gas drilling representative would come in as they will not be the official drillers and could only give scenarios.

Mayor Carey stated that he was glad to see citizens getting involved and encouraged everyone to be careful. Mayor Carey further stated that he felt this was a good ordinance that staff has put together and that it addresses a lot of points. Mayor Carey advised he was willing to table this item; however, he did not want it dragged out.

Deputy Mayor Pro Tem Watts advised that it not intention to drag this item out and that he would have requested the next meeting, but due to it being the following Monday, that is not feasible. Deputy Mayor Pro Tem Watts stated that he felt the first meeting in October should allow enough time for more feedback from homeowners and someone from a drilling company. Councilman Ueckert advised that he would be willing to table it to the next meeting but he did not want to wait until the first meeting in October.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Ueckert, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Durham and Councilman Ueckert casting the negative votes to table this item to the September 15, 2008, City Council meeting. The motion failed.

Councilman Durham questioned what it was that they wanted to find out. He stated that it appeared everyone was happy with the ordinance as proposed and it was modeled after the Fort Worth ordinance. Councilman Durham questioned if anyone on the City Council was going to change their vote if 500 people came in that wanted changes that were better or worse, or stacked the audience. Councilman Durham stated that the ordinance had been on the books for two years, and City staff was just asking for it to be modified. Deputy Mayor Pro Tem Watts stated that he did not disagree what the requested modifications, he was just asking for one more week to get some more information and talk to more people. Councilman Durham stated that this meeting had been duly published and everyone had a right to attend, no one had been was prohibited from attending.

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, by Amending Article IXVIII, Section 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells within the City by Providing Additional Landscaping; Requiring Additional Setbacks, Changing Certain Fees, and Other Related Matters; Providing a Savings Clause;; Providing

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

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3601-09-2008**, as captioned previously. The motion carried.

Mr. Patterson addressed the City Council and commented that the owners of the land company Cherokee Horn were Jeff and Ryan Watts and questioned if that just a coincidence for the record. Deputy Mayor Pro Tem Watts advised it was absolutely a coincidence and indicated he was not related to either of them.

**Consideration of Waiving the Third Floor
Rental Fee for the Lewisville Area Chamber
of Commerce Women’s Division Luncheon
Event on September 10, 2008**

(Agenda Item G-18)

Councilman Tierney advised that he would be abstaining from discussion and consideration of this item for personal reasons. Councilman Tierney stepped away from the dais.

The Lewisville Area Chamber of Commerce Women’s Division conducts an alternating breakfast and lunch meeting every month. Their September luncheon is scheduled for September 10, 2008 and will include a “Tour of Old Town”, where the attendees will visit Chamber members who are located in Old Town. Rental of the third floor is \$150 an hour with a two hour minimum along with a \$500 deposit. They would like to conclude their tour by holding their luncheon on the third floor to showcase Lewisville City Hall and are requesting that the rental fee for this event be waived; however, they will be submitting payment for the deposit.

The City staff’s recommendation was that the City Council consider waiving the third floor rental fee for the Lewisville Area Chamber of Commerce Women’s Division Luncheon Event on September 10, 2008.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve waiving the Third Floor Rental Fee for the Lewisville Area Chamber of Commerce Women’s Division Luncheon Event on September 10, 2008. The motion carried

Councilman Tierney returned to the dais.

**Authorization for Tourism Staff to Purchase
Alcohol on September 15-17, 2008, as Part of
the Solicitation Process for the Texas
Firefighter Olympics**

(Agenda Item G-19)

Under Administrative Policies 1.4 Travel and 2.2.3 Drug Free Work Place, city employees are prohibited from purchasing or serving alcohol while on duty. However, the policy does contain a provision for City Council approval of the purchase of alcohol in relation to specific activities. On September 15-17, tourism bureau staff will travel to San Angelo to make a presentation to the selection committee for the Texas Firefighter Olympics in an effort to host the 2010 games. As part of the bid process, the bureau will pay for dinner one evening for the committee, which customarily does include alcoholic beverages for committee members and their guests.

The City staff's recommendation was that the City Council authorize the tourism staff to purchase alcohol on September 15-17, 2008, as part of the solicitation process for the Texas Firefighter Olympics.

James Kunke, Community Relations & Tourism Director, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to authorize the Tourism Staff to purchase alcohol on September 15-17, 2008, as part of the solicitation process for the Texas Firefighter Olympics. The motion carried

**Consideration of Waiver of Lake Park
Admission Fees for the Collegiate Bass
Fishing Championship to be Held
September 18-20, 2008**

(Agenda Item G-20)

The Collegiate Bass Fishing Championship will be held again in Lewisville on Sept. 18-20, 2008. This event has been held in Lewisville all three years of its existence, and is contracted to return in 2009. Last year's tournament produced more than 400 local hotel room-nights and generated extensive media coverage in outlets nationwide. The 2008 event has filled all 100 slots for two-person teams. By policy, participants in a permitted tournament are charged resident rates to enter Lake Park. However, City Council has voted to waive that \$3 fee for large tournaments in the past due to the overall economic and marketing impact of those events.

The City staff's recommendation was that the City Council approve a waiver of Lake Park admission fees on September 18-20, 2008, for participants and staff of the Collegiate Bass Fishing Championship.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve the waiver of Lake Park Admission Fees for the Collegiate Bass Fishing Championship to be held September 18-20, 2008. The motion carried

Reports

(Agenda Item H)

- Director of Public Services Carole Bassinger gave an update on the status of the lake.
- Assistant City Manager Donna Barron advised that the Fall Music Series would kick off tomorrow night in the Wayne Ferguson Plaza.
- Councilman Ueckert apologized to the City Council and Deputy Mayor Pro Tem Watts for seconding the motion regarding Oil and Gas Drilling Ordinance, as he was intending to vote to table the item and then after deliberation he changed his mind.
- City Manager Claude King recognized the following City staff members for their assistance with Hurricane Gustav: Emergency Management Coordinator Summer Wilhelm for getting the shelter up and running that housed over 130 at one point; various members of the Fire Department, Recreation Manager Wayne Pickett and various members of the Parks and Leisure Services; the Police Department for manning security, and the Red Cross and Salvation Army for their assistance. City Manager King stated hopefully this will not have to be done again in another day or two; however, the Fire Department is getting prepared to send another ambulance down.
- Mayor Carey advised that he and Mayor Costa had went out to the DCTA Park and Ride and served coffee to the riders on the DCTA bus. He stated that he had received tons of compliments from the riders for the service and that he was impressed with how far DCTA has come within six years.
- Mayor Pro Tem Thornhill advised he had gone out Monday to the shelter and ran into Wayne Pickett who had not slept all night. Mayor Pro Tem Thornhill stated that his hat was off to Wayne and the entire City staff, Red Cross, and Salvation Army. He further advised that the shelter appeared well run and everyone appeared to be happy.
- Councilman Durham stated that the Red Cross was looking for volunteers at this time.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:15 p.m. Monday, September 8, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:25 p.m. on Monday, September 8, 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
2. Section 551.074 (Personnel):
 - a. City Manager Claude King
 - b. City Secretary Julie Heinze
 - c. City Attorney Ronald J. Neiman
 - d. Chief Municipal Court Judge Brian Holman
 - e. Alternate Municipal Court Judges
3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 9:45 p.m. on Monday, September 8, 2008.

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

(Agenda Item J)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:54 p.m. on Monday, September 8, 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 Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 9:55p.m. on Monday, September 8, 2008. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 8, 2008**

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These minutes approved by the Lewisville City Council on the 6th day of October, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY