

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 16, 2009

Present:

Gene Carey, Mayor

Council Members:

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

Absent:

Rudy Durham

City Staff:

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

WORKSHOP SESSION – 5:45 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 6:33 p.m. on Monday, February 16, 2009, 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 advised that retreat recap would be put off until the next meeting as Councilman Durham was unable to attend the meeting due to a work related issue.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

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

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

Mayor Carey reviewed Agenda Item C, Proclamation, Declaring the Week of February 22 – February 28, 2009, as “Severe Weather Awareness Week” and . There was no discussion on these items.

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

Mayor Carey reviewed Agenda Item E-1, Approval of Administrative Policy 2.7.1, Volunteers. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of a Bid Award for Painting of City-Owned Pools to Sunbelt Pools, Inc., Dallas, Texas in the Amount of \$83,972; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Approval of Final Acceptance of CDBG Concrete Curb & Gutter Rehab 2008; and Authorization to Make Final Payment in the Amount of \$5,960.21 to Ken-Do Contracting. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to W.R. Hodgson Company, L.P. in the Amount of \$15,198.42. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of Realignment of the Railroad Park Soccer Fields. Director of Parks and Leisure Services Robert Monaghan advised that in working with the Soccer Association it was determined that they need the larger fields to accommodate the older age groups in the association. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-6, Approval of a Resolution for an Interlocal Agreement Between the City of Lewisville and the City of Highland Village for Traffic Signal Maintenance; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Approval of Resolutions Amending the Authorized Representatives Used to Access the City's Accounts with Texpool and Amending the Health Trust Agreements Designating Officers by Position as Opposed to by Name of Individual. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Victim Assistance Officer; and Authorization for the City Manager or his Designee to Execute the Grant Application. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager or his Designee to Execute the Grant Application. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-10, Approval of a Resolution Authorizing a Joint Agreement Between the City of Lewisville and the Lewisville Independent School District for a Joint Election Process for the May 9, 2009, General Election; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-11, Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the May 9, 2009, General Election; and Authorization for the Mayor to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-12, Approval of a Resolution Appointing the Election Officials for the May 9, 2009, City of Lewisville City Council Election, Setting the Rate of Pay, and Establishing the Maximum Number of Clerks for Polling Places. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-13, Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$232,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of a Supplemental Appropriation From General Fund Reserves in the Amount of \$199,300; and Authorization for the City Manager to Execute the Contract. Mayor Pro Tem Ueckert thanked City staff and especially Director of Economic Development Nika Reineke, for getting the price reduced. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-14, Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-15, Approval of a Contract With Promoter Line, Inc., in the Amount of \$100,000 to Provide Logistical and Production Support Services Related to the 2009 and 2010 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-16, Approval of a Consignment Agreement With Sculptureworks, Inc., of Hurst, Texas, Regarding the Placement of a Bronze Sculpture at City Hall. Mayor Carey advised that he would like this item pulled off of the consent agenda and discussed in open session. City Manager King stated that this sculpture was currently being stored at Kealy. He advised that there were 90 day increments set in the contract if the City or Sculptureworks, Inc., decided that the sculpture was not working here for whatever reason it would be removed. He further advised that there was no guarantee how long it would be here, as it could sell at anytime. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-17, Consideration of a Request for Five Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for the New Delay Middle School (Formerly Milliken), Located on the West Side of Savage Drive, North of Lake Park Road as Requested by G&A Consultants Representing Lewisville Independent School District. Councilman Ueckert pointed out that if all five variances were granted this would save the School District a lot of money. He advised that he would like to see them offer some additional landscaping down Savage where it is just a bare strip so this school looks as nice as some of the other schools in other cities. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-18, Consideration of a Request for Two Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for National Switchgear Systems, Located on the North Side of Franklin Street, East of I-35 as Requested by Steve Homeyer, P.E. Representing the Property Owners. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-19, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on College Street From the Northbound Frontage Road of Interstate Highway 35E to Mill Street Within the City of Lewisville. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-20, Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 9, 2009, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 4, Designating Locations of the Polling Places, and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-21, Consideration of a Conditional Waiver of any Conflict of Interest Regarding the Lloyd Gosselink Law Firm's Potential Representation of the City of Farmers Branch for a Permit Amendment to Expand the Camelot Landfill. City Attorney Ron Neiman advised that he would like to discuss this item in closed session, under Consultation with Attorney, prior to any action being taken. There was no further discussion on this item.

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

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:45 p.m. on Monday, February 16, 2009.

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 16, 2009, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Deputy Mayor Pro Tem Watts gave the invocation.

Pledge to the Flag

(Agenda Item B)

Mayor Carey gave the pledge to the flag.

**Proclamation: Declaring February 22 –
February 28, 2009, as Severe Weather
Awareness Week**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring February 22 – February 28, 2009, as Severe Weather Awareness Week to Emergency Management Coordinator Summer Wilhelm.

**Proclaiming Special Recognition and Present
Bailey Allen With “Honorary Firefighter”
for her Bravery and Ability to Act in the
Proper Manner During an Emergency**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation Bailey Allen.

Visitors/Citizens Forum

(Agenda Item D)

Alan Harris, 4572 Shadow Ridge Drive, The Colony, President of TML Region 8, invited the City Council to attend the next scheduled meeting.

Gene Carey, Mayor, advised that he would not be seeking reelection in May and that this would be his last term. He stated that it had been a great ride and a lot of fun. Mayor Carey advised that Councilman Ueckert had filed to run for the Mayor position and that he had his full support in his endeavor to achieve being the Mayor of Lewisville. Mayor Carey advised that he would comment more at a later date.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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

1. Consent Agenda Item No. 13 – Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$232,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of a Supplemental Appropriation From General Fund Reserves in the Amount of \$199,300; and Authorization for the City Manager to Execute the Contract
2. Consent Agenda item No. 16 - Approval of a Consignment Agreement With Sculptureworks, Inc., of Hurst, Texas, Regarding the Placement of a Bronze Sculpture at City Hall.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. Approval of Administrative Policy 2.7.1, Volunteers.
2. Approval of a Bid Award for Painting of City-Owned Pools to Sunbelt Pools, Inc., Dallas, Texas in the Amount of \$83,972; and Authorization for the City Manager to Execute the Contract.
3. Approval of Final Acceptance of CDBG Concrete Curb & Gutter Rehab 2008; and Authorization to Make Final Payment in the Amount of \$5,960.21 to Ken-Do Contracting.
4. Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to W.R. Hodgson Company, L.P. in the Amount of \$15,198.42.
5. Approval of Realignment of the Railroad Park Soccer Fields.
6. Approval of a **Resolution No. 3651-02-2009(R)**: Authorizing the City Manager to Enter Into an Interlocal Agreement With the City of Highland Village for Maintenance of Signal Lights Located at Highland Shores/Brazos Boulevard and Highland Village Road, and Providing an Effective Date.

CONSENT AGENDA (cont'd)

(Agenda Item E)

7. Approval of **Resolution No. 3652-02-2009(R)**: Texpool Resolution Amending Authorized Representatives; and **Resolution No. 3653-02-2009(R)**: Amending the City of Lewisville Health Benefit Trust.
8. Approval of a **Resolution No. 3654-02-2009(R)**: Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Victim Services Program (Grant Number 2128101).
9. Approval of a **Resolution No. 3655-02-2009(R)**: Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for the Family Violence Investigation and Prevention Investigator (Grant Number 1341912).
10. Approval of a **Resolution No. 3656-02-2009(R)**: Approving a Joint Election Agreement With the Lewisville Independent School District for Elections to be Held on May 9, 2009.
11. Approval of a **Resolution No. 3657-02-2009(R)**: Authorizing an Agreement Between the City of Lewisville, Texas, and the County of Denton, Texas, for Rental of Voting Machines and Equipment; and Supplies; Providing a Severability Clause; and Providing an Effective Date.
12. Approval of a **Resolution No. 3658-02-2009(R)**: Appointing the Election Officials for the May 9, 2009, City Council Election, Setting the Rate of Pay for the Election Officials, the Maximum Number of Election Clerks for the Polling Places, and Designation of the Early Voting Ballot Board.
14. **Tabled Item**: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract.
15. Approval of a Contract With Promoter Line, Inc., in the Amount of \$100,000 to Provide Logistical and Production Support Services Related to the 2009 and 2010 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract.

The motion carried.

END OF CONSENT AGENDA

Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$232,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of a Supplemental Appropriation From General Fund Reserves in the Amount of \$199,300; and Authorization for the City Manager to Execute the Contract

(Consent Agenda Item E-13)

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The Old Town TIF Board also directed staff to look at developing a Transit Oriented Development Plan (TOD) for future developments around the new rail station and the Mill Street Corridor. A comprehensive scope of services is proposed to create a cohesive urban design plan for the larger downtown area and engage all stakeholders in the process. Funding related to the plaza portion of this project (\$32,700) is available in the Old Town Plaza Capital Improvements Project. This item was tabled at the last meeting so that staff could work with the consultant to reduce the contract amount by 10%. The contract has been reduced by \$26,000 without changing the contract terms or services.

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$232,000; approval of a supplemental appropriation from the General Fund in the amount of \$199,300; and authorize the City Manager to execute the contract.

Councilman Ueckert congratulated City staff for getting a discount on this item following the last meeting. He stated that this was a great revitalization project for the City and hopefully the City will be able to get some of the stimulus money.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$232,000; approval of a supplemental appropriation from the General Fund in the amount of \$199,300; and authorize the City Manager to execute the contract. The motion carried.

**Approval of a Consignment Agreement With
Sculptureworks, Inc., of Hurst, Texas,
Regarding the Placement of a Bronze
Sculpture at City Hall**

(Consent Agenda Item E-17)

Sculptureworks, Inc. has an agreement with the Adam's Mark Hotel (Sheraton) to sell the bronze art work known as "Slicker Shy," an eighteen foot casting of a bucking horse and rider. The consignment agreement allows Sculptureworks, Inc. to display the artwork on City property and assume all liabilities, including damage to the artwork. Sculptureworks, Inc. will also be responsible for the installation, placement and maintenance of the structure during the consignment period. The value of the piece is estimated at \$450,000. Sculptureworks, Inc. has several smaller art exhibits on consignment in the Lewisville library.

That the City Council approve the consignment agreement

At the request of Mayor Carey, City Manager Claude King reviewed this item with the City Council. He advised that the sculpture would be located in front of City Hall and would bring a lot of attention to the City and be here for as long as it does not sell. City Manager King pointed out that this was at no cost to the City.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted three (3) “ayes” and one (1) “nays,” with Mayor Pro Tem Thornhill casting the negative vote to approve the consignment agreement. The motion carried.

**Consideration of a Request for Five
Variances to the Lewisville City Code -
Chapter 6, Land Development Relating to a
Proposed Engineering Site Plan for the New
Delay Middle School (Formerly Milliken),
Located on the West Side of Savage Drive,
North of Lake Park Road as Requested by
G&A Consultants Representing Lewisville
Independent School District**

(Agenda Item F-17)

The Lewisville Independent School District (LISD) intends to renovate, construct an addition, build a detached weight room building, and re-open the former Milliken Middle School replacing Delay Middle School. A new engineering site plan is required to construct the additions and add pavement so the entire site will be required to comply with the current General Development Ordinance. LISD intends to comply with the GDO with the exception of five variances: 1) to allow a 6' wood screening fence with metal posts in lieu of the required screening fence along the north property line; 2) to waive the required street and parking lot trees; 3) to waive the additional required parking spaces for the site; 4) to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane; and, 5) to waive the required deceleration lanes at the driveways to the site. The zoning for the property is Public Use (PU).

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

David Salmon, P.E., Assistant City Engineer, was available to respond to any questions posed by the City Council.

Michael Perry, Executive Director of Construction, 1170 Lloyd Road, Little Elm, Texas was available to answer any questions. Councilman Ueckert advised that he would like to see additional landscaping, especially from the north end of the building. Mr. Perry recommended that they line Savage Street with a line of Oaks and Maples about every 30 feet, something majestic in the area of 20 to 30 trees.

Discussion was held regarding the fence on the north end of the property and the School District's plan to take down the southern end of those residences' fences and replace all the fences with one continuous fence at no cost to the homeowners and to be maintained by the School District in future years.

Councilman Ueckert questioned Mr. Perry if it would be a problem for this item to be tabled to next meeting to allow them to submit the tree selection to City staff and working out a stipulation on the fence issue. Mr. Perry advised that he was agreeable to this item being tabled; however, they have visited with the homeowners on several occasions and he felt they had come to as much of an agreement as they possible could.

Discussion was held regarding that the school district wanted this fence due to security issues for the children. Mr. Perry advised that this particular school has been on “moth balls” for a number of years and the concerns today are far different from when it was an active school. He advised that they were not opposed to a wrought iron fence; however, they had thought the privacy fence made the most sense for the residents. Mr. Perry stated that if the residents do not want the privacy fence then they will follow code and put up the required six foot wrought iron fence.

Dan Howard, 414 Sandra Drive, Lewisville, Texas advised that he had a petition signed by 9 or 10 of the homeowners that did not want the privacy fence. He stated that he understands and agrees that the school district has the right to erect a fence on the property and we are not trying to destroy or abridge their rights. He proposed that the wrought iron fence be selected. Mr. Howard advised he was willing to work with school district.

Councilman Ueckert requested City staff and the School District get together with the homeowners and make sure everyone can reach an agreement.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to table this item to the March 2, 2009, City Council meeting. The motion carried.

**Consideration of a Request for Two
Variances to the Lewisville City Code -
Chapter 6, Land Development Relating to a
Proposed Engineering Site Plan for National
Switchgear Systems, Located on the North
Side of Franklin Street, East of I-35 as
Requested by Steve Homeyer, P.E.
Representing the Property Owners**

(Agenda Item F-18)

The subject 5.4-acre property contains a 35,725 square foot warehouse and a separate office building. The owners intend to subdivide their property into two lots and construct an additional 23,360 square foot office/warehouse building on Lot 2, Block A. In order to do so, they propose to add additional parking and fire lanes, upgrade the public water system and fire protection to the site, and make drainage improvements, some of which will overlap onto Lot 1R.

The owners have applied for two variances in conjunction with their site plan: a) to waive the site plan requirement for Lot 1R, Block A; and b) to provide a reduced number of parking spaces on Lot 2, the site of the new building. The property is zoned Light Industrial (LI).

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

David Salmon, P.E., Assistant City Engineer, Steve Homeyer, P.E., Homeyer Engineering, Inc., and Doug Powell (owner) were all available to answer any questions posed by the City Council.

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 the following two variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for National Switchgear Systems, located on the north side of Franklin Street, east of I-35 as requested by Steve Homeyer, P.E. representing the property owners: a) to waive the site plan requirement for Lot 1R, Block A; and b) to provide a reduced number of parking spaces on Lot 2, the site of the new building. The motion carried.

Consideration of Ordinance No. 3659-02-2009 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on College Street From the Northbound Frontage Road of Interstate Highway 35E to Mill Street Within the City of Lewisville

(Agenda Item F-19)

Staff performed a speed survey on the section of College Street that connects between Interstate Highway 35E and Mill Street to determine the 85th percentile speed. The results indicated that 85 percent of the vehicles using this roadway travel 32 miles per hour or less. Considering the residential nature of the roadway and in accordance with standard engineering practices, staff is recommending reducing the posted speed limit, which is 35 miles per hour, to a new revised 30 miles per hour. The Transportation Board considered this item during the January 20, 2009 meeting and voted 6-0 to recommend changing the speed limit to 30 miles per hour.

The City staff's recommendation was that the City Council adopt the ordinance amending the maximum speed limit on College Street from the northbound frontage road of Interstate Highway 35E to Mill Street to 30 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, Section 15-35 of the Lewisville City Code by Establishing the Speed Limit on College 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 Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3659-02-2009**, as captioned previously . The motion carried.

Consideration of Resolution No. 3660-02-2009(R) Ordering a Special Election to be Held in Conjunction With the May 9, 2009, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 4, Designating Locations of the Polling Places, and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election

(Agenda Item F-20)

On January 26, 2009, the City Council called an election for the Mayor’s position and Place No. 2. Councilman Dean Ueckert submitted an Application to run for the Mayor position on February 7, 2009. Per Election law, by submitting this application, Councilman Ueckert has automatically resigned from Place No. 4. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election can be held in conjunction with the May 9, 2009, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 17 through March 3, 2009. Councilman Ueckert will continue to serve in Place 4 until the election results are canvassed and his successor is sworn into office pursuant to Article 16, Section 17, of the Texas Constitution.

The City staff’s recommendation was that the City Council approve the proposed resolution calling the special election to be held in conjunction with the May 9, 2009, City Council Election and designate the City’s polling places and ordering notices of election to be given.

MOTION: Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve **Resolution No. 3660-02-2009(R)**, ordering a special election to be held in conjunction with the May 9, 2009, City Council Election, for the purpose of electing one (1) member to the City Council to fill the unexpired term of Councilman – Place No. 4; designating locations of the polling places; and ordering Notices of Election to be given as prescribed by law in connection with such election. The motion carried.

Reports

(Agenda Item G)

- Appointment of Fire Marshal – Brenda Martin
- Appointment of Fire Marshal – Tim Ippolito

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:45 p.m. Monday, February 16, 2009, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney), the Lewisville City Council convened into Closed Session at 7:45 p.m. on Monday, February 16, 2009, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.072 (Real Estate):

1. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 8:45 p.m. on Monday, February 16, 2009.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, February 16, 2009, 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.

**Consideration of a Conditional Waiver of
any Conflict of Interest Regarding the Lloyd
Gosselink Law Firm's Potential
Representation of the City of Farmers
Branch for a Permit Amendment to Expand
the Camelot Landfill**

(Agenda Item F-21)

The Lloyd Gosselink law firm (Geoffrey Gay, partner) has represented the City of Lewisville for many years on utility rate issues before various administrative agencies in Austin. The City of Farmers Branch has requested that the law firm represent them in a permit application to expand the Camelot Landfill. The firm has requested a waiver of any conflict of interest, with the specific condition that the firm would not represent Farmers Branch in any dispute with Lewisville regarding any aspect of the landfill expansion. City staff does not object to the conditional waiver of conflict of interest.

The City staff's recommendation was that the City Council approve the conditional waiver of conflict of interest; and authorize the City Attorney to sign the letter agreement relating thereto.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve the conditional waiver of conflict of interest; and authorize the City Attorney to sign the letter agreement relating thereto. The motion carried.

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

Adjournment

(Agenda Item J)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, February 16, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of March, 2009.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY