

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MARCH 2, 2009

Present:

Gene Carey, Mayor

Council Members:

David Thornhill, Mayor Pro Tem
Lathan Watts, Deputy Mayor Pro Tem
Greg Tierney
Dean Ueckert
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 – 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 6:00 p.m. on Monday, March 2, 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)

2009 Retreat Direction to Staff

TOPIC

ACTION

- | | |
|---|---|
| Ad Hoc Committee for
Neighborhood Preservation | - April agenda for Council appointments
- 5 member board
- Draft assignment/purpose |
| Naming Rights Contract | - Proceed with CSL contract and terms |
| Branding Campaign | - Continue phase-in |

- Park Vending Operations
 - Use GLASA for RR Park baseball stand.
 - 25% gross sales fee to City for "city event" concessions
 - Encourage all associations to set aside 25% of their gross revenue for scholarships
 - LFA to "deed" building at Lake Park to City
 - Each assoc runs concession stands for events in their areas

- Park Advertising
 - Phase out Association advertising of all parks
 - City to be exclusive holder of advertising rights

- RR Park Alcohol
 - None, except by variance
- RR Park Security
 - Fencing, Ranger, etc. budget issue for 4B Fund

- Arts Center Operations
 - Minimum staffing plan for 09/10
 - Hours proposed ok
 - Budget: 320K General Fund
 - 35K Reallocation from Music Series (H/M)
 - 55K "new" H/M (if possible)
 - 9K GF (or more if H/M is not available)
 - (Keeps \$9K in H/M for Music Series)
 - Rental Rates ok
 - Develop facility use policy

Due to time constraints; the remaining items discussed at retreat will be brought back to a future workshop session.

**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, Visitors/Citizens Forum. There was no discussion on this item.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item D-1, Approval of Minutes (a). City Council Minutes of the February 2, 2009, Workshop Session and Regular Session and (b) City Council Minutes of the February 16, 2009, Workshop Session and Regular Session. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D-2, Approval of a Resolution Declaring That the Elm Fork Sanitary Sewer Phase IA Project Improvements Have Been Completed; and Authorization for the Mayor to Execute the Resolution. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D-3, Approval of a Professional Service Agreement With Freese & Nichols Inc., in the Amount of \$204,027 for Professional Engineering Services for the Design and Construction of a Belt Press; and a Comprehensive Sludge Study for the Wastewater Treatment Plant. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D-4, Approval of a Supplemental Appropriation in the Amount of \$18,720 to the Court Technology Fund for a Part-Time, Document Imaging Clerk/Typist. Assistant City Manager Donna Barron advised that this position would be budgeted until the end of the Fiscal Year from the Court Technology Fund and may come back to City Council during Budget Retreat. City Manager King explained that the Court Technology Fund can only be used for Court technology and the fund has sufficient funds to cover this position. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Tabled Item: 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. Director of Community Development Eric Ferris reviewed this item with the City Council. He explained that staff along with LISD had attempted to work with Mr. and Mrs. Howard regarding Mr. Howard's statement that there were those in the neighborhood that did not want the fence; however, they had not been successful in this attempt. Mr. Ferris advised that LISD has reassessed their issues and elected to meet code. Discussion was held regarding where LISD planned on putting new landscaping. Further discussion was held regarding why they had to submit a site plan. Councilman Durham expressed concern that the City will halt redevelopment if we require a site plan every time someone wants to redevelop. Mr. Ferris advised that there were revisions being added to the ordinance to help alleviate that from happening. Councilman Ueckert questioned why LISD was willing to meet all the requirements but the decal lane on the Agenda Item 6, but not on this item.

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

(Agenda Item B)

Mr. Ferris advised that Middle and Elementary Schools have different needs and that the School District felt they had adequate parking. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Consideration of a Variance Request to the Lewisville City Code - Chapter 6, Land Development Relating to a Deceleration Lane on Country Ridge Road for LISD Elementary School #40, Located on the West Side of Business 121, and North of McCartt Drive, as Requested by G&A Consultants Representing Lewisville Independent School District. Councilman Ueckert requested clarification that the School District was willing to meet all General Development Ordinances except the turn lane requirement. City staff advised that was correct. There was no discussion on these items.

Mayor Carey reviewed Agenda Item E-7, Consideration of an Ordinance Amending the Lewisville City Code - Chapter 11, Relating to Prohibited Signs, Free Standing Signs, Low Profile/Monument Signs, and Definitions. There was no discussion on these items.

Mayor Carey reviewed Agenda Item E-8, Consideration of an Ordinance Amending the Lewisville City Code-Chapter 4, Relating to Temporary Structures and Uses; Regulating Personal on Demand Storage Units and Dumpsters on Residential Properties. Councilman Ueckert requested clarification that these were not permanent storage units. City Manager King advised it only related to temporary storage units. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-9, Consideration of an Ordinance Amending the Lewisville City Code, Article XVIII, Section 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping and Fencing Requirements, Changing Noise Regulations, and Other Related Matters. City Manager King advised that some of the revisions had come from reviewing Fort Worth's ordinance and also to address items that have come up during past meetings. He advised that the bulk of the changes address some of the things that were either confusing at the time the last ordinance was passed or that were not addressed such as: hours of operation, definitions to make that fit; added new restrictions/enhancements related to fencing and landscaping; modified section related to road usage to require an agreement in advance which is on a case by case basis depending on their usage needs to pay for wear and tear; more complicated issues have to do with noise restrictions and what is allowable and what is not. Deputy Mayor Pro Tem Watts questioned if the changes would apply to the well in current operation. City Manager King advised that it would not. City Manager King pointed out that drilling is something the companies have to do 24 hours a day and City staff had tried to deal with flow back and other site related issues. City Manager King advised the City Council they did not have to pass the ordinance tonight if they wanted more time to review. Deputy Mayor

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

(Agenda Item B)

Pro Tem Watts questioned if any of the drilling companies had provided feedback to the City. City Manager King stated that they had not and City staff had brought it to the City Council to let them decide how they wanted to proceed. Discussion was held regarding if the City Council wanted a group of individuals to review the ordinance and who should be notified. Deputy Mayor Pro Tem Watts advised that he was not looking to create a committee, he just wanted the company that was drilling to provide feedback on the City's ordinance to prevent the ordinance from getting more restrictive and causing companies to not want to drill in Lewisville. Deputy Mayor Pro Tem Watts further advised that he would like this item to be tabled and feedback provided from the companies. There was no further discussion on this item.

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

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 7:00 p.m. on Monday, March 2, 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, March 2, 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, Councilman Ueckert gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Mayor Pro Tem Thornhill gave the pledge to the flag.

Visitors/Citizens Forum

(Agenda Item D)

Charlene Hlathy, 921 Azalia Drive, Lewisville, Texas, spoke before the City Council to complain about her neighbors doing field dressing within her view. She requested that the City Council have the City Health Department investigate due to the smell and her concerns when it rains due to runoff. Ms. Hlathy left photographs and a video for the City Council to review.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item D)

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

1. **APPROVAL OF MINUTES:**
 - a. City Council Minutes of the February 2, 2009, Workshop Session and Regular Session;
 - b. City Council Minutes of the February 16, 2009, Workshop Session and Regular Session.
2. Approval of **Resolution No. 3661-03-2009(R)**: A Resolution of the City Council of the City of Lewisville, Denton County, Texas Declaring That the Elm Fork Sanitary Sewer Phase IA Project Improvements Have Been Completed.
3. Approval of a Professional Service Agreement With Freese & Nichols Inc., in the Amount of \$204,027 for Professional Engineering Services for the Design and Construction of a Belt Press; and a Comprehensive Sludge Study for the Wastewater Treatment Plant.
4. Approval of a Supplemental Appropriation in the Amount of \$18,720 to the Court Technology Fund for a Part-Time, Document Imaging Clerk/Typist.

The motion carried.

END OF CONSENT AGENDA

Tabled Item: 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 E-5)

This item was tabled at the February 16, 2009 Council meeting to allow LISD to resolve issues with regard to the screening along the north property line as well as landscaping issues. LISD has now agreed to comply with the General Development Ordinance regarding the north screening fence requirement, thus narrowing the variance count from five to four for this project: 1) to waive some of the street trees and the parking lot trees; 2) to waive the additional required parking spaces for the site; 3) to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane; and, 4) 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, reviewed this item with the City Council. Mr. Salmon offered to answer any questions posed by the City Council.

Patrick J. Elverum, 3216 Galahad Drive, Dallas, Texas, spoke on behalf of SHW Group and LISD. He respectfully requested that the variance be approved and offered to answer any question posed by the City Council.

Discussion was held regarding where additional parking could be placed. Mr. Patrick advised that the existing football field is surrounded by an asphalt track and irrigation system. Discussion was held regarding the concerns about the additional parking producing drainage issues. City Manager Claude King advised that the ordinance does not allow negative impacts to the existing residents, and LISD would have to take measures to ensure that would not happen.

Discussion was held regarding if the School District was not adding the weight room would they have had to ask for variances. City Manager King advised that the addition is what is kicking off the requirements and causing the variance requests. Councilman Durham pointed out that this building is 32 years old and expressed concern that the City wants redevelopment and needs to stop looking at when buildings are remodeled for reuse requiring them to comply with the new requirements. He stated that if the City is going to keep doing this, most developers

cannot afford to do this, and in relation to the School District, if they want it there bad enough they will, however, that is a bad way to be spending our tax money.

Tamela Bowie, 1636 Niagara Boulevard, Lewisville, Texas 75077, spoke before the City Council requesting that they not approve the variance request.

Paige Shoven, 617 Price Drive, Lewisville, Texas 75067, spoke before the City Council requesting that they not approve the variance request.

Brenda Lathan, 1553 Parkside Trail, Lewisville, Texas 75077, spoke before the City Council requesting that they not approve the variance request.

Discussion was held regarding rumors mentioned that the building was uninhabitable. City Manager King advised that he had not heard anything about that, and that if that was the case, the School District will be required to mitigate any concerns.

Mayor Carey advised the following individuals had submitted cards indicating their opposition to the variance:

Sheva Vanderpoel, 133 Laguna Bay, Lewisville, Texas 75067
Richard Shoven, 617 Price Drive, Lewisville, Texas 75067

Councilman Ueckert stated that he appreciated how the landscaping issue was handled; however, he was concerned that they were only having a third of the required parking. He questioned how many employees would be employed at this school. Mr. Elverum advised that there would be about 70 teachers. Councilman Ueckert pointed out that they were only showing 99 parking spaces and there would be visitors and this would not be enough parking. Discussion was held where additional parking could be located.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) “ayes” and two (2) “nays,” with Mayor Pro Tem Thornhill and Councilman Tierney casting the negative votes to approve a variance 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 to waive some of the street trees and parking lot trees. The motion carried.

MOTION: Upon a motion made by Councilman Durham to waive the additional required parking spaces for the site. The motion died due to the lack of a second.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and two (2) “nays,” with Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to deny a variance 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 to waive the additional required parking space for this site. The motion carried.

MOTION: Upon a motion made by Councilman Durham to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane. The motion died due to the lack of a second.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted three (3) “ayes” and two (2) “nays,” with Councilman Durham and Deputy Mayor Pro Tem Watts casting the negative votes to deny a variance 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 to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane. The motion carried.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) “ayes” and two (2) “nays,” with Mayor Pro Tem Thornhill and Councilman Tierney casting the negative votes to approve a variance 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 to waive the required deceleration lanes at the driveways to the site. The motion carried.

**Consideration of a Variance Request to the
Lewisville City Code - Chapter 6, Land
Development Relating to a Deceleration Lane
on Country Ridge Road for LISD
Elementary School #40, Located on the West
Side of Business 121, and North of McCartt
Drive, as Requested by G&A Consultants
Representing Lewisville Independent School
District**

(Agenda Item E-6)

The Lewisville Independent School District (LISD) intends to construct a new elementary school on Country Ridge Road west of Business 121 and north of McCartt Drive. The property is 13.459 acres in size and is currently zoned Public Use. The property is being platted and site planned 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 one variance: to waive the required deceleration lane at the driveway to the site.

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

David Salmon, P.E., Assistant City Engineer, spoke before the City Council regarding this request and offered to answer any questions posed by the City Council.

John Mills, 111 Hillside Drive, Lewisville, Texas, 75057, on behalf of G & A Consultants, Inc., spoke before the City Council regarding this request and offered to answer any questions posed by the City Council.

Christian Gournay, 5924 Logan Drive, Plano, Texas 75094, was available to answer any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) "ayes" and two (2) "nays," with Councilman Ueckert and Mayor Pro Tem Thornhill casting the negative votes to approve a variance request to the Lewisville City Code - Chapter 6, Land Development Relating to a Deceleration Lane on Country Ridge Road for LISD Elementary School #40, Located on the West Side of Business 121, and North of McCartt Drive, as requested by G&A Consultants representing Lewisville Independent School District to waive the required deceleration lane at the driveway to the site. The motion carried.

Consideration of Ordinance No. 3662-03-2009 Amending the Lewisville City Code - Chapter 11, Relating to Prohibited Signs, Free Standing Signs, Low Profile/Monument Signs, and Definitions

(Agenda Item E-7)

At the February 7, 2009 Council Retreat, staff was advised to present the option allowing variable message electronic reader boards on low profile monument signs to the City Council at a regularly scheduled meeting for consideration of adoption.

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

Eric Ferris, Director of Community Development, reviewed this item with the City Council and offered to answer any questions posed by the City Council.

Councilman Durham advised while he is not in favor of the sign ordinance, he felt the changes allow more room and he would be in favor of these changes to the ordinance.

Councilman Ueckert advised that he was not in agreement with this ordinance as he felt it would be difficult for City staff to enforce.

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 11, Signs, of the Lewisville City Code, by Adding Regulations Regarding the Use of Variable Message Electronic Reader Boards; Providing for Severability; Providing a Penalty Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

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 one (1) “nays,” with Councilman Ueckert casting the negative vote to approve and adopt **Ordinance No. 3662-03-2009**, as captioned previously. The motion carried.

Consideration of Ordinance No. 3663-03-2009 Amending the Lewisville City Code - Chapter 4, Relating to Temporary Structures and Uses; Regulating Personal on Demand Storage Units and Dumpsters on Residential Properties

(Agenda Item E-8)

City code enforcement staff has determined that some persons in residential neighborhoods are utilizing portable storage containers on their residential properties for an extended period of time despite the fact that such containers are intended and designed for temporary use and that such uses are incompatible with the aesthetic concerns of surrounding residents. Similarly, while the Building Code requires that a contractor or homeowner provide dumpsters during construction, units are also being left on site for extended periods of time and are incompatible with the aesthetics of a residential neighborhood. Staff is proposing an ordinance which establishes guidelines and time limits for use of portable storage units and dumpsters in residential zoned districts.

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

Cleve Joiner, Building Official reviewed this item with the City Council and offered to answer any questions posed by the City Council.

Councilman Durham expressed concern about the City being able to come onto a piece of property and inspecting the property. City Attorney Neiman reviewed that the City would have to have probable cause to inspect and advised that if someone did not want the City to inspect then the City would have to get a warrant. He further expressed concern that Portable On Demand is the name of a business. City Manager Claude King recommended deleting the word "On" or calling them "Demand Portable" units. Councilman Durham wants the section that allows the City to come onto a resident's property taken out. City Manager Claude King advised City staff would review removing that section.

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 table this item to the March 16, 2009, City Council meeting and for City staff to look at generic verbiage for the portable storage unit and rewording the reasonable notice section. The motion carried.

Consideration of Ordinance No. 3664-03-2009 Amending the Lewisville City Code, Article XVIII, Section 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping and Fencing Requirements, Changing Noise Regulations, and Other Related Matters

(Agenda Item E-9)

The City of Lewisville originally adopted an ordinance regulating oil and gas drilling in 2006, revising it last September. Since that time the first permit has been issued for a natural gas well and staff has done additional research on ordinances adopted by other cities, especially Fort Worth. Based on this research, staff is proposing amendments to our current drilling ordinance. Proposed changes include new definitions, changing the wording of the Road Maintenance Agreement to a Road Usage agreement, adding a 30 foot landscape buffer for all pad sites, adding additional landscape and fence requirements, adding a provision requiring a Road Usage agreement for using city roads to access wells outside the city, expanding noise regulations, increasing the setback distance for gas venting and adding paint color requirements for tanks, buildings and related facilities.

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 spoke before the City Council and gave a brief history of this topic and explained that it was back before the City Council to address several items that had been brought up several months ago and due to changes to the City of Fort Worth ordinance. He further advised that they did not have to take any action on this item tonight.

Councilman Durham questioned if any City Council Member had signed an agreement did they need to abstain. City Attorney Neiman advised that this ordinance was generic and they would not be precluded from taking action.

Eric Ferris, Director Community Development Department, reviewed this agenda item with the City council and offered to answer any questions posed by the City Council.

(Councilman Durham left the dais at 9:04 p.m. and returned at 9:07 p.m.)

(Mayor Pro Tem Thornhill left the dais at 9:08 p.m. and returned at 9:11 p.m.)

Greg Macksool, 100 Energy Way, Fort Worth, Texas 76110 and Woody Sandlin, 3761 Grapevine Mills Parkway, Grapevine, Texas 7605, representing Chesapeake Energy, both spoke before the City Council regarding this item. They advised they were not necessarily in opposition to the ordinance changes; however, they would like the opportunity to try and work with the City. They respectfully requested that the City Council table these amendments so they could provide some comments and give an industry stance on how they can affect the industry.

Mayor Carey advised that Paul Arduini, 921 Plantation Drive, Lewisville, Texas 75067, had submitted a card indicating his support of this item.

Councilman Durham and Councilman Ueckert both advised they were in favor of the amendments; however, they willing to talk with the industry and get their input. Councilman Ueckert advised that also wanted to give citizens the opportunity to provide input. Deputy Mayor Pro Tem Watts stated that anytime an ordinance is passed to regulate an industry, he felt the City should get their input. He further stated that does not mean that the City has to agree with everything they say, just take it into consideration. Deputy Mayor Pro Tem Watts advised that he also wanted to give more time if citizens want to comment on the proposed ordinance.

Councilman Tierney expressed concern about the lack of comments from both the business and residential community and that he wanted to offer everyone the ability to offer their opinion. Councilman Tierney questioned if a committee should be created to review this topic or if it simply should put it out there for a certain time period that would allow all parties interested to provide feedback through staff. He stated it would take time to absorb all the feedback received from all sides and that it could be open up for public comment for 30 or 60 days. City Manager Claude King advised that the more workable solution would be a public comment period that is done similar to other areas of the government, such as Federal Government. City Manager King stated that would give all parties some period of time to provide their feedback directly and that can be incorporated by City staff into back up material. He further stated that this might be a good mechanism to use in the future as changes are made.

Discussion was held regarding creating a committee. City Manager Claude King stated that one of the big problem is the administrative portion, who is on the committee and who votes and how do you balance the views on the committee, do you give the producing companies as much votes.

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 table this item to the March 16, 2009, City Council meeting; and directed City staff to present options for a public comment period on all future regulations of the oil and gas industry in the City of Lewisville. The motion carried.

Reports

(Agenda Item F)

- ◆ State of the City.
- ◆ Quarterly Investment Report for Period October 1, 2008 Through December 31, 2008.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 9:38 p.m. Monday, March 2, 2009, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 9:45 p.m. on Monday, March 2, 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:

1. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 10:50 p.m. on Monday, March 2, 2009.

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

(Agenda Item H)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 10:52 p.m. on Monday, March 2, 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. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item I)

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
MARCH 2, 2009**

Page 16

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 adjourn the Regular Session of the Lewisville City Council at 10:52 p.m. on Monday, March 2, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 16th day of March, 2009.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY