

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MAY 18, 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, May 18, 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.

**Review of Corporate Identification Manual  
by Staff**

**(Agenda Item A)**

Director of Communication and Tourism James Kunke conducted a PowerPoint Presentation regarding the Corporate Identification Manual.

**WORKSHOP SESSION – 6:30 P.M.**

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

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, Presentation, Recognition of the 2009 Senior Teen Court Volunteers. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D, Consideration of Items Relating to the May 9, 2009, City of Lewisville General Election, a) Canvass of the Election Returns for the City Council General Election; and b) Consideration of a Resolution Declaring the Results of the City Council Election. There was no discussion on these items.

Mayor Carey reviewed Agenda Item E, Farewell Address by Mayor Gene Carey. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Public Use (PU) on a 4.91 Acre Tract, Located on the South Side of Midway Road, Approximately 600 Feet West of FM 544; Further Identified as the Midway Pump Station Addition, Lot 1, Block A; as Requested by the City of Lewisville, the Property Owner (Case No. PZ20090506). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item H-1, Approval of Minutes: a. City Council Minutes of the May 4, 2009, Workshop Session and Regular Session; and b. City Council Minutes of the May 11, 2009, Called Special Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-2, Approval of Administrative Policy 3.1.14, Identity Theft Prevention Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-3, Approval of Revisions to Administrative Policy 2.2.3 Drug and Alcohol Free Workplace. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

Mayor Carey reviewed Agenda Item H-4, Approval of Revisions to Administrative Policy 3.2.1, Purchasing. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-5, Approval of a Revision to Administrative Policy 1.12.0, Use of City Information Outlets, to Include Implementation of a New City Brand and Logo. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-6, Approval of a Professional Services Agreement With Allen & Ridinger Consulting, Inc., in the Amount of \$179,000 for Services Relating to the Waterline Replacements 2008 and 2009 Phase 2; Approval of a Total Project Design Amount of \$184,370; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-7, Approval of a Bid Award for Traffic Signal Improvements 2008 to Roadway Solutions, Inc., in the Amount of \$364,400; Approval of a Total Budget of \$375,332, and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-8, Recommendation for Award of a Construction Contract to JC Commercial, Inc., in the Amount of \$8,956,135; Approval of a Total Project Budget in the Amount of \$10,052,860; Approval of a Supplemental Appropriation in the Amount of \$1,544,860 and Transfers in the Amount of \$390,000; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-9, Approval of Revisions to the City of Lewisville's Water Conservation and Emergency Water Management Plan. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-10, Approval of the FY 2008-2009 Mid-Year Budget Report; Approval of a Supplemental Appropriation in the Amount of \$5,000 to the Fire and Police Training Fund; and Approval of a Supplemental Appropriation in the Amount of \$500,000 to the Health Fund. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

Mayor Carey reviewed Agenda Item I-11, Consideration of the Final Plat of Midway Pump Station Addition, a 4.905-Acre Parcel Zoned Public Use (PU) Located on the South Side of Midway Road and Immediately West of Fire Station #6, With a Requested Variance to the Lewisville City Code. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-12, Consideration of a Final Plat of the Elta Addition, Lot 1, Block A, a 0.184 Acre Parcel Zoned Light Industrial (LI) Located on the West Side of Red Bud Street, Midway Between SH 121 Business and Purnell Street With a Requested Variance and an Additional Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for an Office/Warehouse Development on the Lot as Requested by Homeyer Engineering Inc., Representing the Property Owner. Discussion held regarding that right of way width that will be required if DCTA utilizes this street and the additional impact that will have if this variance is granted. City Manager King stated that one option is for the City Council to table this item pending DCTA's decision which would not be until late June. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-13, Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric ("CoServ"); and Providing an Effective Date. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-14, Consideration of a Waiver of Lake Park Admission Fees for the BoatUS National Collegiate Bass Fishing Championship to be Held May 25-29, 2009. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-15, Consideration of Upcoming Meeting Dates for the City's Budget Process. City Manager King advised that if the recommended date did not work for the City Council, the August 8<sup>th</sup> date would be staff's preference. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item I-16, Consideration of an Election Calendar and Resolution Calling a Runoff Election to be Held on June 13, 2009, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman - Place No. 4 for a Period of One Year; Designating the City's Polling Places; Designating the Early Voting Clerk and Election Judges; and Authorization for the Mayor to Sign the Election Order. There was no discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

Mayor Carey reviewed Agenda Item I-17, Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the June 13, 2009, Runoff Election. There was no discussion on this item.

Mayor Carey reviewed Agenda Item J, Report, Quarterly Investment Report for Period Ending March 31, 2009. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:56 p.m. on Monday, May 18, 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, May 18, 2009, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

Mayor Carey gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

Mayor Carey gave the pledge to the flag.

**PRESENTATION: Recognition of the 2009  
Senior Teen Court Volunteers**

**(Agenda Item C)**

Mayor Carey presented certificates to the 2009 Senior Teen Court volunteers.

**Consideration of Items Relating to the  
May 9, 2009, City of Lewisville General  
Election: Canvass of the Election Returns for  
the City Council General Election.**

**(Agenda Item D-a)**

The City Council canvassed the following results of the City of Lewisville General Election held on May 9, 2009.

<b>Names</b>	<b>Early Voting</b>	<b>Memorial Park Rec. Ctr.</b>	<b>Municipal Annex</b>	<b>Lewisville City Hall</b>	<b>TOTAL</b>	<b>%</b>
<b>MAYOR</b>						
Dean Ueckert	760	208	284	61	1313	63.58%
Brandon L. Bertrand	35	6	19	8	68	3.29%
Winston Edmondson, Jr.	355	117	150	62	684	33.12%
<b>COUNCILMAN, PLACE NO. 2</b>						
David R. Thornhill	870	239	342	95	1546	100.00%
<b>COUNCILMAN, PLACE 4</b>						
John Gorena	468	141	200	66	875	44.26%
Thomas (TJ) Gilmore	347	79	126	24	576	29.14%
Margie Rochelle	304	81	106	35	526	26.61%
<b>TOTAL NUMBER OF VOTERS WHO VOTED AS INDICATED BY POLL LIST</b>	1165	336	468	143	2112	

**Consideration of Items Relating to the  
May 9, 2009, City of Lewisville General  
Election: Consideration of Resolution No.  
3675-05-2009(R) Declaring the Results of the  
City Council Election.**

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(Agenda Item D-b)

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted three “ayes” and no (0) “nays” to approve **Resolution No. 3675-05-2009(R)**: Resolution of the City Council of the City of Lewisville, Texas, Canvassing the Election Returns and Declaring the Results of the General and Special Elections of the City of Lewisville Held on Saturday, May 9, 2008, for the City of Lewisville’s Mayor and Councilman – Place No. 2, and Unexpired Councilman Place No. 4; and Declaring the Effective Date of this Resolution. The motion carried.

**Presentation of Certificates of Election by  
Mayor and Ceremonial Administration of  
Oath of Office to Re-Elected and Newly  
Elected Council Members.**

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(Agenda Item D-c)

Mayor Carey issued the Certificates of Election to Mayor Dean Ueckert and Councilman David Thornhill. Mayor Ueckert and Mayor Pro Tem Thornhill were sworn in by City Secretary Julie Heinze.

**Farewell Address by Mayor Gene Carey**

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(Agenda Item E)

Mayor Gene Carey gave his farewell address.

Mayor Ueckert advised that the Public Hearing would be moved to the end of the meeting in order to allow time for Councilman Durham to arrive as he had a scheduling conflict.

**Visitors/Citizens Forum**

(Agenda Item G)

City Council Members, City staff members and members of audience thanked Mayor Gene Carey for his service to the City of Lewisville.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item H)**

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

1. Consent Agenda Item No. 5 – Approval of a Revision to Administrative Policy 1.12.0, Use of City Information Outlets, to Include Implementation of a New City Brand and Logo.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES:
  - a. City Council Minutes of the May 4, 2009, Workshop Session and Regular Session; and
  - b. City Council Minutes of the May 11, 2009, Called Special Session.
2. Approval of Administrative Policy 3.1.14, Identity Theft Prevention Program.
3. Approval of Revisions to Administrative Policy 2.2.3 Drug and Alcohol Free Workplace.
4. Approval of Revisions to Administrative Policy 3.2.1, Purchasing.
6. Approval of a Professional Services Agreement With Allen & Ridinger Consulting, Inc., in the Amount of \$179,000 for Services Relating to the Waterline Replacements 2008 and 2009 Phase 2; Approval of a Total Project Design Amount of \$184,370; and Authorization for the City Manager to Execute the Agreement.
7. Approval of a Bid Award for Traffic Signal Improvements 2008 to Roadway Solutions, Inc., in the Amount of \$364,400; Approval of a Total Budget of \$375,332, and Authorization for the City Manager to Execute the Contract.

**CONSENT AGENDA (cont'd)**

**(Agenda Item H)**

8. Recommendation for Award of a Construction Contract to JC Commercial, Inc., in the Amount of \$8,956,135; Approval of a Total Project Budget in the Amount of \$10,052,860; Approval of a Supplemental Appropriation in the Amount of \$1,544,860 and Transfers in the Amount of \$390,000; and Authorization for the City Manager to Execute the Contract.
9. Approval of Revisions to the City of Lewisville's Water Conservation and Emergency Water Management Plan.
10. Approval of the FY 2008-2009 Mid-Year Budget Report; Approval of a Supplemental Appropriation in the Amount of \$5,000 to the Fire and Police Training Fund; and Approval of a Supplemental Appropriation in the Amount of \$500,000 to the Health Fund.

The motion carried.

**END OF CONSENT AGENDA**

**Approval of a Revision to Administrative  
Policy 1.12.0, Use of City Information  
Outlets, to Include Implementation of a New  
City Brand and Logo**

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**(Consent Agenda Item H-5)**

The Lewisville Convention and Visitors Bureau, as part of its Strategic Tourism Plan, worked with a professional design and marketing firm to develop a new branding theme and logo based on the tagline, "Deep Roots. Broad Wings. Bright Future." The branding theme has been successfully implemented by the CVB and now is being proposed for implementation citywide.

That the City Council approve a revision to Administrative Policy 1.12.0, Use of City Information Outlets, to include implementation of a new city brand and logo.

Winston Edmondson, Jr., 1292 Marchant Place, Lewisville, spoke before the City Council and stated that he wanted the citizens to have a say in the brand and the opportunity to speak about this issue.

John Gorena, 417 Creekwood Lane, Lewisville, Texas, spoke in opposition to this item. Mr. Gorena indicated that he felt \$150,000 to implement this branding could be better spent elsewhere due to the current condition of the economy.

**Approval of a Revision to Administrative Policy 1.12.0, Use of City Information Outlets, to Include Implementation of a New City Brand and Logo (cont'd)**

**(Consent Agenda Item H-5)**

Mayor Ueckert indicated that Amanda Ferguson had filled out a position card indicating her support of this item.

Discussion was held that the brand campaign has been out for two years and notice was published for the community to voice their opinions and that the committee that determined the selected branding was made up of Lewisville citizens. Further discussion was held that this would be phased in as items needed to be replaced, not purchased all at one time, thus incurring the \$150,000 cost.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and no (0) “nays” to approve the revision to Administrative Policy 1.12.0, Use of City Information Outlets, to include implementation of a new city brand and logo. The motion carried.

Mayor Ueckert advised that Agenda Item 11 would be moved to follow the public hearing at the end of the meeting.

**Consideration of a Final Plat of the Elta Addition, Lot 1, Block A, a 0.184 Acre Parcel Zoned Light Industrial (LI) Located on the West Side of Red Bud Street, Midway Between SH 121 Business and Purnell Street With a Requested Variance and an Additional Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for an Office/Warehouse Development on the Lot as Requested by Homeyer Engineering Inc., Representing the Property Owner**

**(Agenda Item I-12)**

The subject property is being platted for the purpose of constructing an office/warehouse structure for a building contractor. Red Bud Street is a substandard 12-15 foot wide asphalt street without curb and gutter adjacent to the proposed lot. In conjunction with the plat, the applicant has applied for a variance to waive the required street escrow based on street frontage for the subject lot. The Planning and Zoning Commission voted 6-0 to approve the final plat and deny

**Consideration of a Final Plat of the Elta Addition, Lot 1, Block A, a 0.184 Acre Parcel Zoned Light Industrial (LI) Located on the West Side of Red Bud Street, Midway Between SH 121 Business and Purnell Street With a Requested Variance and an Additional Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for an Office/Warehouse Development on the Lot as Requested by Homeyer Engineering Inc., Representing the Property Owner (cont'd)**

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**(Agenda Item I-12)**

the plat related street escrow variance. The applicant has also applied for three additional variances concerning the driveway and landscaping, which are associated with the proposed site plan: 1) to allow a 35-foot wide driveway in lieu of the maximum 30-foot wide driveway; 2) to allow a 24-foot stacking distance measured from the existing edge of Red Bud Street instead of the required 40 feet; 3) to reduce the required 10-foot landscape strip by 5 feet on the north end of the lot and 1.6 feet at the south end of the lot. The zoning for the property is Light Industrial (LI).

It was City staff's recommendation that the City Council approve the final plat of the Elta addition and deny the four requested variances.

David Salmon, P.E., Assistant City Engineer, spoke before the City Council regarding this item.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted three (3) "ayes" and no (0) "nays" to approve the plat. The motion carried.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) "ayes" and no (0) "nays" to accept the withdraw of the requested variances to allow a 35-foot wide driveway in lieu of the maximum 30-foot wide driveway; and, to reduce the required 10-foot landscape strip by 5 feet on the north end of the lot and 1.6 feet at the south end of the lot. The motion carried.

(Councilman Durham arrived at the dais at 9:00 p.m.)

**Consideration of a Final Plat of the Elta Addition, Lot 1, Block A, a 0.184 Acre Parcel Zoned Light Industrial (LI) Located on the West Side of Red Bud Street, Midway Between SH 121 Business and Purnell Street With a Requested Variance and an Additional Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for an Office/Warehouse Development on the Lot as Requested by Homeyer Engineering Inc., Representing the Property Owner (cont'd)**

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**(Agenda Item I-12)**

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) "ayes" and one (1) "nays," with Mayor Pro Tem Thornhill casting the negative vote to approve a variance to allow a 29-foot stacking distance measured from the existing edge of Red Bud Street instead of the required 40 feet. The motion carried.

Mayor Ueckert moved to the Public Hearing.

**Public Hearing: Consideration of Ordinance No. 3676-05-2009(Z) for a Zone Change Request From Agricultural Open Space (AO) to Public Use (PU) on a 4.91 Acre Tract, Located on the South Side of Midway Road, Approximately 600 Feet West of FM 544; Further Identified as the Midway Pump Station Addition, Lot 1, Block A; as Requested by the City of Lewisville, the Property Owner (Case No. PZ20090506)**

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**(Agenda Item F)**

Although public governmental agency uses are permitted in all zoning districts, the Public Use zoning district better reflects the actual proposed use for this site. This site will provide a new pump station and above ground water storage tank site in Lewisville. The proposed site will include a dual-header design to serve the 692.5 and 735 water pressure planes (Central/South and East Lewisville). The facility will be built in two phases. The Phase I station will have five pumps and a 3MG ground storage tank. At such time that additional storage is needed, there is room for an additional 3MG storage tank to be placed on-site. Phase I is expected

**Public Hearing: Consideration of Ordinance No. 3676-05-2009(Z) for a Zone Change Request From Agricultural Open Space (AO) to Public Use (PU) on a 4.91 Acre Tract, Located on the South Side of Midway Road, Approximately 600 Feet West of FM 544; Further Identified as the Midway Pump Station Addition, Lot 1, Block A; as Requested by the City of Lewisville, the Property Owner (Case No. PZ20090506) (cont'd)**

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(Agenda Item F)

to go on-line by 2011. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their May 5, 2009 meeting.

It is City staff's recommendation 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 Agricultural Open Space (AO) to Public Use (PU).

Mayor Ueckert opened the public hearing.

Gene Lewis, Planning & Community Services Manager, was available to address any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 4.91 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agricultural Open Space (AO) District Zoning to Public Use (PU) District 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."

**Public Hearing: Consideration of Ordinance No. 3676-05-2009(Z) for a Zone Change Request From Agricultural Open Space (AO) to Public Use (PU) on a 4.91 Acre Tract, Located on the South Side of Midway Road, Approximately 600 Feet West of FM 544; Further Identified as the Midway Pump Station Addition, Lot 1, Block A; as Requested by the City of Lewisville, the Property Owner (Case No. PZ20090506) (cont'd)**

(Agenda Item F)

**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 and adopt **Ordinance No. 3676-05-2009(Z)**, as previously captioned. The motion carried.

Councilman Durham requested that staff do some research on the name Midway Road to determine if that was the correct name.

Mayor Ueckert then moved on to Agenda Item I-11.

**Consideration of the Final Plat of Midway Pump Station Addition, a 4.905-Acre Parcel Zoned Public Use (PU) Located on the South Side of Midway Road and Immediately West of Fire Station #6, With a Requested Variance to the Lewisville City Code**

(Agenda Item I-11)

The subject City-owned property was recently acquired and is being platted for the purpose of constructing a new pump station as part of an overall project to provide sufficient water capacity for the build out of south and central Lewisville. Midway Road is a substandard 20-24 foot wide asphalt street without curb and gutter. The City is requesting a variance to waive the required street escrow based on street frontage for the subject lot, and due to existing public tax supported authorization to reconstruct Midway Road within the Denton County Transportation Road Improvement (TRIP-08) Bond Program. The Planning and Zoning Commission voted 6-0 to approve the plat and variance at their May 5 meeting.

It was City staff’s recommendation that the City Council approve the final plat and requested variance.

**Consideration of the Final Plat of Midway Pump Station Addition, a 4.905-Acre Parcel Zoned Public Use (PU) Located on the South Side of Midway Road and Immediately West of Fire Station #6, With a Requested Variance to the Lewisville City Code (cont'd)**

**(Agenda Item I-11)**

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

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve the Final Plat of Midway Pump Station Addition, a 4.905-Acre Parcel Zoned Public Use (PU) located on the south side of Midway Road and immediately west of Fire Station #6, with a requested variance to waive the required street escrow based on street frontage for the subject lot, and due to existing public tax supported authorization to reconstruct Midway Road within the Denton County Transportation Road Improvement (TRIP-08) Bond Program. The motion carried.

Mayor Ueckert then returned to Agenda Item I-13.

**Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date**

**(Agenda Item I-13)**

CoServ Electric's franchise with the City of Lewisville expired on March 1, 2009. It has been the City's practice to extend the term of the prior franchise until a new franchise is prepared and executed. The proposed ordinance provides for the continuation of the terms and conditions of Ordinance No. 1443 pending the execution of a new franchise. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between.

It was City staff's recommendation that the City Council approve the ordinance and conduct the first reading.

**Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date (cont’d)**

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**(Agenda Item I-13)**

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 Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve the first reading of this Ordinance, as captioned previously. The motion carried.

**Consideration of a Waiver of Lake Park Admission Fees for the BoatUS National Collegiate Bass Fishing Championship to be Held May 25-29, 2009**

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**(Agenda Item I-14 )**

The Collegiate Bass Fishing Championship will be held again in Lewisville on May 28-29, 2009. This event has been held in Lewisville all four years of its existence. Last year’s tournament produced more than 400 local hotel room-nights and generated extensive media coverage in outlets nationwide. The 2009 event has registered more than 120 two-person teams representing 63 colleges and universities from 26 states. 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 May 25-29, 2009, for participants and staff of the BoatUS National Collegiate Bass Fishing Championship.

**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 a waiver of Lake Park Admission Fees for the BoatUS National Collegiate Bass Fishing Championship to be held May 25-29, 2009. The motion carried.

**Consideration of Upcoming Meeting Dates  
for the City's Budget Process**

**(Agenda Item I-15)**

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City's budget process. The Budget Workshop is recommended to be scheduled for August 15, with August 17-19 reserved for evening workshops, if necessary.

The City staff's recommendation was that the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

**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 approve the proposed calendar, and set the Budget Workshop for August 8<sup>th</sup> at 9 a.m. and reserve August 10th - 11th for evening workshops if necessary. The motion carried.

**Consideration of an Election Calendar and  
Resolution No. 3677-05-2009(R): A  
Resolution of the City Council of the City of  
Lewisville, Texas, Ordering a Run-Off  
Election to be Held on June 13, 2009, for the  
Purpose of Electing a Member of the Council  
to Fill the Unexpired Term of Councilman –  
Place No. 4 on the City Council to Hold  
Office for a Period of One Year; Designating  
Location of Polling Place; Providing for  
Designation of Officers for Such Election;  
and Ordering Notice of Election to be Given  
as Prescribed by Law in Connection With  
Such Election**

**(Agenda Item I-16)**

Pursuant to no candidate receiving a majority of the legal votes in the May 9, 2009, Special Election for Councilman – Place No. 4, the City Council will need to call a runoff election to fill this position. The names of the two candidates receiving the highest number of votes at the special election were John Gorena and Thomas (TJ) Gilmore and their names shall be printed on the ballot and submitted to the qualified voters. City staff recommends the City Council call this election for June 13, 2009 as shown on the proposed election calendar. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing at a special called meeting on June 18, 2009 at a time to be determined by the City Council. The designated polling places will be the same as the May 9, 2009, General

**Consideration of an Election Calendar and Resolution No. 3677-05-2009(R): A Resolution of the City Council of the City of Lewisville, Texas, Ordering a Run-Off Election to be Held on June 13, 2009, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman – Place No. 4 on the City Council to Hold Office for a Period of One Year; Designating Location of Polling Place; Providing for Designation of Officers for Such Election; and Ordering Notice of Election to be Given as Prescribed by Law in Connection With Such Election (cont'd)**

(Agenda Item I-16)

and Special Elections. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings to be held June 1 – 5, 2009 from 8:00 a.m. to 5:00 p.m.; and June 8<sup>th</sup> and 9<sup>th</sup> from 7:00 a.m. to 7:00 p.m.

The City staff's recommendation was that the City Council approve the election calendar, approve the proposed resolution calling the June 13, 2009, Runoff Election and designating the City's polling places, early voting clerk and election judges; determine a time for the canvass on June 18, 2009; and authorize the Mayor to sign the election order.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 3677-05-2009(R)**, as previously captioned, and scheduled the canvass to be held on 7 p.m. on June 18, 2009. The motion carried.

City Manager King reminded the City Council of the Special-Called meeting on September 29<sup>th</sup>.

**Approval of Resolution No. 3678-05-2009(R)  
Authorizing an Agreement Between the City  
of Lewisville and Denton County for Rental  
of Voting Machines and Equipment for the  
June 13, 2009, Runoff Election**

(Agenda Item I-17)

Historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for rental of the voting machines and equipment, with the estimated associated costs of \$7,033.40. Funding for the rental expenses is available in the election account.

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

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 3678-05-2009(R)**: A Resolution of the City Council of the City of Lewisville, Texas, 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.

**Report**

(Agenda Item J)

- ◆ Quarterly Investment Report for Period Ending March 31, 2009.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 9:20 p.m. Monday, May 18, 2009, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

(Agenda Item J)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 9:27 p.m. on Monday, May 18, 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

(Agenda Item J)

**Closed Session (cont'd)**

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 9:47 p.m. on Monday, May 18, 2009.

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

**(Agenda Item L)**

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 9:50 p.m. on Monday, May 18, 2009, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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 M)**

(Councilman Tierney was absent from the dais.)

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted three (3) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:50 p.m. on Monday, May 18, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 15<sup>th</sup> day of June, 2009.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY