

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 3, 2011

Present:

Dean Ueckert, Mayor

Council Members:

Rudy Durham, Deputy Mayor Pro Tem

Leroy Vaughn

TJ Gilmore

John Gorena

City Staff:

Claude King, City Manager (Absent)

Donna Barron, Assistant City Manager

Steve Bacchus, Assistant City Manager

Julie Heinze, City Secretary

Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:33 p.m. on Monday, October 3, 2011, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

(Agenda Item A)

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

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C, Proclamations: 1) Declaring October 3, 2011, as “Make a Difference Day” and “Keep Lewisville Beautiful Day”; and 2) Declaring the Week of October 9-15, 2011, as “Fire Prevention Week”. 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 A)

Mayor Ueckert reviewed Agenda Item D, Presentation: 2011 Texas Amateur Athletic Federation Contributors Award to Teresa Merrill. There was no discussion on this item.

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

Mayor Ueckert reviewed Agenda Item F-1, Approval of Minutes: a) City Council Minutes of the September 12, 2011, Workshop Session and Regular Session; and b) City Council Minutes of the September 19, 2011, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-2, Approval of a Change to the Term of the Cooperation Agreement and Intent Memo With TVPUG Entertainment Related to Marketing of the "Teen Court Texas" Program to Discovery Studios; and Authorization for the City Manager to Execute the Document. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-3, Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-4, Approval of Acceptance of a Texas Criminal Justice Division Victims of Crime Act Grant Award of \$75,155; and Authorization for the City Manager to Execute the Grant Document. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Approval of Acceptance of a Texas Criminal Justice Division Prevention of Violence Against Women Grant Award in the Amount of \$62,443; and Authorization for the City Manager to Execute the Grant Document. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-6, Approval of Acceptance of a Texas Criminal Justice Grant Award of \$26,881 for the Sex Offender Adherence Program; Approval of a Supplemental Appropriation in the Amount of \$26,881 to the FY 2011/2012 Grant Fund; and Authorization for the City Manager to Execute the Grant Document. 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 A)

Mayor Ueckert reviewed Agenda Item F-7, Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$296,244.06 for Phase 2 of a Sanitary Sewer Evaluation Study; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; Between the City of Lewisville and City Social Service Agency Fund Recipients; and Authorization for City Officials to Execute the Agreements. Councilman Gorena requested that this item be pulled from the Consent Agenda. He explained why he would be voting against this item due to the spending of \$35,000 to build a patio and renovate a bathroom at the Adult Day Stay and the funding for CCA to fix up offices and renovate training rooms. Councilman Gorena explained his concerns regarding these types of expenses. Discussion was held that this funding was Category I which was related to sticks and bricks. Assistant City Manager Donna Barron advised that the funding given to Adult Day Stay was only for the patio which was being required by State, not the bathroom renovations. Discussion was held among the City Council what the Category I Funding should be spent on and the direction the Community Development Block Grant Committee went regarding this funding. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-9, Consideration of Declaring a Vacancy in Place No. 2 of the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Fill the Vacancy on the Lewisville Parks and Library Development Corporation. Mayor Ueckert advised that he had spoken with Councilman Gorena and he was willing to serve. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-10, Consideration of Acceptance of the Resignation From Doug Welch as the Medical Center of Lewisville Representative Position on the Ad Hoc I-35 Corridor Plan Advisory Committee; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-11, Consideration of a Resolution Nominating Candidates to the Denton Central Appraisal District Board of Directors. Deputy Mayor Pro Tem Durham advised that he would be abstaining from both this item and the following item as he is employed by the Denton Central Appraisal District and through this work he works with the Dallas Central Appraisal District. Mayor Ueckert advised that both Lee Baker and Michael Roe

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

do not wish to be reappointed to this Board. Discussion was held that there are currently no Lewisville residents serving on this board. Assistant City Manager Donna Barron advised that Betty McCrary, a former Lewisville Independent School District Trustee had contacted City staff regarding her interest in serving on this Board. Discussion was held regarding the qualifications of the existing Board Members and Ms. McCrary. Assistant City Manager Barron advised that action would have to be taken at tonight's meeting due to the October 17th deadline. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-12, Consideration of a Resolution Nominating a Candidate to the Dallas Central Appraisal District Board of Directors. (Deputy Mayor Pro Tem Durham will be abstaining from this item.) Assistant City Manager Barron advised that this item sometimes is put on an Agenda for City Council consideration and sometimes is not as the City has only a small role. She explained how the City's nomination would be handled by the Dallas Central Appraisal District. Discussion was held regarding if any of the City Council knew of someone located in this area that would be interested in serving. Councilman Vaughn advised that he would like for someone's name to be submitted in order to show interest in that particular area regardless if they were be selected. Discussion was held that there is a lot of time required to serve on these type of Board. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H, Reports, Third Quarter 2011 Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Ueckert 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 6:57 p.m. on Monday, October 3, 2011.

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 Ueckert at 7:00 p.m. on Monday, October 3, 2011, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Ueckert, Deputy Mayor Pro Tem Durham gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

Mayor Ueckert gave the pledge to the American and Texas flags.

**Proclamation: Declaring October 22, 2011, as
“Make a Difference Day” and “Keep
Lewisville Beautiful Day”**

(Agenda Item C-1)

Due to know one being present to receive this proclamation, City Secretary Julie Heinze will coordinate getting this proclamation to the appropriate individual.

**Proclamation: Declaring the Week of
October 9-15, 2011, as “Fire Prevention
Week”**

(Agenda Item C-2)

Mayor Ueckert read and presented a proclamation declaring the Week of October 9-15, 2011, as “Fire Prevention Week” to City of Lewisville Fire Department Division Chief Steve Carter.

**Presentation: 2011 Texas Amateur Athletic
Federation Contributors Award to Teresa
Merrill**

(Agenda Item D)

Mayor Ueckert, along with the assistance of City of Lewisville Athletics Director Teddy Gibbs, presented the 2011 Texas Amateur Athletic Federation Contributors Award to Teresa Merrill.

Visitors/Citizens Forum

(Agenda Item E)

The Actors Conservatory Theatre, 1720 South Edmonds Lane, Lewisville, Texas, performed a song from their upcoming presentation of “Honk”. They advised that performances were scheduled to be held October 7th – 16th, with Friday evening performances at 7 p.m.; Saturday performances at 2 p.m. and 7 p.m.; and Sunday performances at 2 p.m.

Visitors/Citizens Forum (cont'd)

(Agenda Item E)

Keshava R. Khawderad, 308 Enid Drive, Castle Hills, Texas representing the following Castle Hills residents: Anil Thagordur, Urmu Bolleni, Raj Bangarukathi, Srinivas Malla, Chittibau, Shanmuaas Lakshmanan, Giridha Akula, spoke before the City Council to request that the stop light on the corner of Windhaven and Josey Lane be fast tracked due to safety concerns they had. Mr. Khawderad submitted a petition signed by residents in this area supporting this request. Assistant City Manager Donna Barron advised that a study has been conducted that showed the traffic light is warranted. She explained that District 1A has been contacted as they are required to pay for this light up front and that the City of Lewisville is aware of this need and is moving forward with getting this accomplished.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

1. Consent Agenda Item No. 8 – Approval of a Resolution Authorizing the City Manager to Contract With Budgeted Subrecipients Receiving Portions of the City of Lewisville’s U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Funding and City of Lewisville Social Service Funding

MOTION: Upon a motion made by Councilman Vaughn and seconded by Councilman Gorena, 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 MINUTES:
 - a. City Council Minutes of the September 12, 2011, Workshop Session and Regular Session;
 - b. City Council Minutes of the September 19, 2011, Workshop Session and Regular Session.
2. Approval of a Change to the Term of the Cooperation Agreement and Intent Memo With TVPUG Entertainment Related to Marketing of the "Teen Court Texas" Program to Discovery Studios; and Authorization for the City Manager to Execute the Document.

CONSENT AGENDA (cont'd)

(Agenda Item F)

3. Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.
4. Approval of Acceptance of a Texas Criminal Justice Division Victims of Crime Act Grant Award of \$75,155; and Authorization for the City Manager to Execute the Grant Document.
5. Approval of Acceptance of a Texas Criminal Justice Division Prevention of Violence Against Women Grant Award in the Amount of \$62,443; and Authorization for the City Manager to Execute the Grant Document.
6. Approval of Acceptance of a Texas Criminal Justice Grant Award of \$26,881 for the Sex Offender Adherence Program; Approval of a Supplemental Appropriation in the Amount of \$26,881 to the FY 2011/2012 Grant Fund; and Authorization for the City Manager to Execute the Grant Document.
7. Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$296,244.06 for Phase 2 of a Sanitary Sewer Evaluation Study; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

**Approval of Resolution No. 3895-10-2011(R):
Authorizing Agreements Between the City of
Lewisville and Community Development
Block Grant Sub-Recipients; Between the
City of Lewisville and City Social Service
Agency Fund Recipients; and Authorization
for City Officials to Execute the Agreements**

(Agenda Item F-8)

The City of Lewisville, a U.S. Department of Housing and Urban Development (HUD) Entitlement City, has submitted its 2011 Annual Action Plan as required by HUD to receive Community Development Block Grant (CDBG) funds. A contract is forthcoming from HUD and funds will be appropriated soon for FY 2011-2012. Additional funds are allocated from the

**Approval of Resolution No. 3895-10-2011(R):
Authorizing Agreements Between the City of
Lewisville and Community Development
Block Grant Sub-Recipients; Between the
City of Lewisville and City Social Service
Agency Fund Recipients; and Authorization
for City Officials to Execute the Agreements
(cont'd)**

(Agenda Item F-8)

General Fund. Agreements have been prepared for the City Manager to execute with each of the non-profit entities for funds under the approved CDBG budget.

The City staff's recommendation was that the City Council approve the resolution and authorize appropriate City officials to execute the agreements as set forth in the caption above.

Councilman Gorena explained the reason that he had requested this item be pulled from the Consent Agenda and why he would be voting no.

Discussion was held between Councilman Gilmore and Councilman Gorena regarding how Councilman Gorena had voted for the Denton County Children's Advocacy Center item for \$90,000 for their building. Councilman Gilmore reviewed his reasoning for voting yes on this item. Discussion was held that the funding for Adult Day Stay was to fund a patio that was required by the State.

MOTION: Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted three (3) "ayes" and one (1) "nays," with Councilman Gorena casting the negative vote to approve and adopt **Resolution No. 3895-10-2011(R)**: Authorizing the City Manager to Contract With Budgeted Subrecipients Receiving Portions of the City of Lewisville's U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Funding and City of Lewisville Social Service Funding. The motion carried.

Consideration of Declaring a Vacancy in Place No. 2 of the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Fill the Vacancy on the Lewisville Parks and Library Development Corporation

(Agenda Item G-9)

Due to the passing of Mayor Pro Tem David Thornhill, a vacancy now exists on the Lewisville Parks and Library Development Corporation. The Articles of Incorporation for this board state that the Board of Directors be composed of seven (7) persons appointed by the City Council who are residents of the City and that no more than four (4) of the seven (7) members may be city employees, officers, or members of the City Council. Currently, the members serving on this corporation are Ken Judkins, Jeff Pelletier, Dean Ueckert, Rudy Durham, Lathan Watts, and Doug Killough. When this Corporation was first formed, the City Council wanted to have four Council Members serve on this Corporation. Staff strongly recommends appointing another City Council Member to fill this vacancy.

The City staff's recommendation was that the City Council declare a vacancy in Place No. 2 of the Lewisville Parks and Library Development Corporation; and consider a new appointment to Place No. 2 of the Lewisville Parks and Library Development Corporation.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to declare a vacancy in Place No. 2 of the Lewisville Parks and Library Development Corporation; and appoint Councilman Gorena to Place No. 2 of the Lewisville Parks and Library Development Corporation. The motion carried.

Consideration of Acceptance of the Resignation From Doug Welch as the Medical Center of Lewisville Representative Position on the Ad Hoc I-35 Corridor Plan Advisory Committee; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy

(Agenda Item G-10)

Doug Welch, Chief Executive Officer for Medical Center of Lewisville was appointed to serve as the hospital's representative on the Ad Hoc I-35 Corridor Plan Advisory Committee in May 2010. He has submitted a letter of resignation effective immediately from this committee as he has accepted another position. Rob DiBernardo, Assistant Vice President of Facility Operations for Medical Center of Lewisville has submitted an application to serve in this position.

Consideration of Acceptance of the Resignation From Doug Welch as the Medical Center of Lewisville Representative Position on the Ad Hoc I-35 Corridor Plan Advisory Committee; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy (cont'd)

(Agenda Item G-10)

The City staff's recommendation was that the City Council accept the resignation, declare a vacancy exists; and consider an appointment to fill the vacancy of the Medical Center of Lewisville Representative position on the Ad Hoc I-35 Corridor Plan Advisory Committee.

MOTION: Upon a motion made by Councilman Gorena and seconded by Councilman Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to accept the resignation of Doug Welch, declare a vacancy exists; and appoint Rob DiBernardo to the Medical Center of Lewisville Representative position on the Ad Hoc I-35 Corridor Plan Advisory Committee. The motion carried.

Consideration of Resolution No. 3896-10-2011(R) Nominating Candidates to the Denton Central Appraisal District Board of Directors

(Agenda Item G-11)

Deputy Mayor Pro Tem Durham advised that he would be abstaining from discussion and consideration of this item as he works for the Denton County Central Appraisal District. He further advised that he will also be abstaining from Agenda Item G-12 as he also works with the Dallas County Central Appraisal District in his capacity as a Denton County Appraisal District employee. Deputy Mayor Pro Tem Durham stepped away from the dais.

The Denton Central Appraisal District has requested that the City nominate up to five individuals to serve as the DCAD Board of Directors prior to October 15th. After all entities have made their nominations and votes have been cast, the five candidates that receive the most votes become the Board of Directors as of January 1st. Board members serve a two-year term. All board members are up for reelection and wish to be re-elected, with the exception of Lee Baker. Denton Central Appraisal District's current Board of Directors include Michael Roe, Steve Mossman, John Mahalik, Rick Woolfolk, Lee Baker, and Charles Stafford.

The City staff's recommendation was that the City Council approve the resolution as set forth in the caption above.

Consideration of Resolution No. 3896-10-2011(R) Nominating Candidates to the Denton Central Appraisal District Board of Directors (cont'd)

(Agenda Item G-11)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Councilman Vaughn, the Council voted four (4) “ayes” and no (0) “nays” to approve **Resolution No. 3896-10-2011(R)**: Nominating Steve Mossman, John Mahalik, Rick Woolfolk, Charles Stafford, and Betty McCrary as candidates to be Member(s) of the Board of Directors of the Denton Central Appraisal District. The motion carried.

Consideration of Resolution No. 3897-10-2011(R) Nominating a Candidate to the Dallas Central Appraisal District Board of Directors

(Agenda Item G-12)

(Note: Deputy Mayor Pro Tem Durham abstained from this item—see Agenda Item G-11).

The Dallas Central Appraisal District has requested that the City nominate one individual to serve on the Dallas CAD Board of Directors prior to October 17th. Each of the cities (with the exception of Dallas, which on its own appoints one member) shall, from the nominations received, elect by majority vote with each City being entitled to one vote, a member of the Board of Directors.

The City staff’s recommendation was that the City Council approve the resolution as set forth in the caption above.

A motion was made by Councilman Vaughn to approve the resolution. Discussion was held that none of the City Council had an individual in mind to nominate to the Dallas County Appraisal Board of Directors. No second was made. The motion failed.

As the City Council did not have any recommendations, there was no action taken on this item.

Deputy Mayor Pro Tem Durham returned to the dais.

Reports

(Agenda Item H)

- Third Quarter 2011 Boards/Commissions/Committees Attendance Reports
- Fire Chief Tim Tittle advised that the Open House was another successful event this year and had been well attended.
- Director of Public Services gave an update on the status of the Lake.
- Director of Communications and Tourism James Kunke recapped the Western Days Festival and advised that there were 24,630 in attendance at the event which is about 50% increase from last year with revenue to the City of almost \$73,000.
- Deputy Mayor Pro Tem Durham advised that he had attended Heroes of Denton County last week to honor the police and firefighters within Denton County.
- At the request of Councilman Gorena, Police Chief Russ Kerbow advised that Tuesday night is National Night Out and encouraged everyone to come out and join Crime Watch and get to know their neighbors.
- Councilman Gorena advised that he had attended a Wounded Warriors Gun Match.
- Councilman Gilmore advised that Friday, October 7th was homecoming. He verified that City staff would have a float in the parade on October 6th at 6 p.m.
- Councilman Vaughn advised that he had attended the historical marker placement that was placed at the Hebron A-Train Station over the weekend. He advised it had been placed there due to a concert that had been held in 1969 in this area.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:52 p.m. Monday, October 3, 2011, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:52 p.m. on Monday, October 3, 2011, 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 9:05 p.m. on Monday, October 3, 2011.

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

(Agenda Item J)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 9:05 p.m. on Monday, October 3, 2011, 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 K)

MOTION: Upon a motion made by Councilman Gorena and seconded by Councilman Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:05 p.m. on Monday, October 3, 2011. The motion carried.

These minutes approved by the Lewisville City Council on the 17th day of October, 2011.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY