

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
NOVEMBER 19, 2007**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION – 6:00 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 6:00 P.M.

- A. Financial Plan Review
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Ueckert
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Thornhill
- C. **PRESENTATION:** Kick-Off of the Salvation Army 2007 Red Kettle Season
- D. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on a 0.28 Acre Tract of Land Located on the South Side of Main Street Between Charles Street and Mill Street; and Identified as Tract 123, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner Majid “Mike” Karimi (Case No. 20071125).

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Center Business (OTC) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility regarding setbacks on the property. GB zoning allows setbacks of: front— 25 feet, sides—10 to15 feet, rear—0 to 25 feet. The new zoning states that the front façade of the buildings in OTC must be set at the front property line and the side façade of a building that is located on a lot adjoining a side street shall be located at the property line. There are no rear yard setbacks in the OTC zoning classification. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their November 6, 2007, meeting.

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 General Business (GB) to Old Town Center Business (OTC).

PRESENTATION: Sarah McLain, Economic Development Specialist

- E. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- F. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

1. APPROVAL OF MINUTES:

- a. **City Council Minutes of the October 15, 2007, Workshop Session and Regular Session; and**
 - b. **City Council Minutes of the November 5, 2007, Workshop Session and Regular Session.**
- 2. Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of April 1, 2007 Through September 30, 2007.**

ADMINISTRATIVE COMMENTS:

The Semi-Annual Report is to provide information on the progress of the Capital Improvements Plan associated with the Impact Fee Program and the Land Use Assumption Plan. In accordance with the Local Government Code, Section 395, the Capital Improvements Advisory Committee has reviewed the Semi-Annual Report and is recommending Council approval.

RECOMMENDATION:

That the City Council approve the Semi-Annual Report for the period of April 1, 2007 through September 30, 2007.

- 3. Approval of Second Amendment to the Memorandum of Agreement Between the City of Lewisville and Lewisville Landfill TX, L.P., Related to the Timeline Extension of Infrastructure Improvements; and Authorization for the City Manager to Execute the Amendment.**

ADMINISTRATIVE COMMENTS:

In October of 2003, a Memorandum of Agreement (MOA) was approved which required Lewisville Landfill TX, L.P., (Allied Waste) to provide improvements to Valley Ridge, College Street, and adjacent screening devices and sidewalks by June 2007. Due to the construction timeline for the City's water pipeline within the project area, the first amendment to extend the project time from June 2007 to June 2008 was approved by Council on June 5, 2006. Lewisville Landfill TX, L.P., is requesting an additional time extension to complete all construction activities to October 31, 2008 excluding the required trail system which shall be constructed concurrent with the installation of the City's Trail system associated with the Railroad Street Park south of SH 121 Business.

RECOMMENDATION:

That the City Council approve the second amendment to the Memorandum of Agreement by extending the time to complete all construction requirements to October 31, 2008, excluding the trail system which shall be completed in a timeframe concurrent with the installation of the City's Trail system associated with the Railroad Street Park south of SH 121 business; and authorize the City Manager to execute the second amendment.

- 4. Approval of a Resolution Authorizing the City Manager to Hire Up to Three (3) Additional Police Officers, One (1) Additional Community Service Officer, and Two (2) Additional Public Safety Dispatchers Over the FY 2007-2008 Authorized Number of Positions to Alleviate Understaffing Caused by Turnover.**

ADMINISTRATIVE COMMENTS:

In FY 2006-2007, the City Council authorized the overstaffing of police officers. While this was not achieved last year, it is still a goal that both the Human Resources and Police Departments wish to work towards. In addition to four vacant police officer positions at this time, there are also twelve vacant dispatcher positions and three vacant jailer positions. This results in overtime pay and limited time off for employees. Overstaffing of these positions when qualified applicants are available would help alleviate this problem.

RECOMMENDATION:

That the City Council approve the overstaffing of police officers, public safety dispatchers, and community service officers for fiscal year 2007-08.

G. REGULAR HEARINGS:

- 5. Consideration of a Variance to the Lewisville City Code, Chapter 6 Land Development Regulations, Screening Walls Between Commercial and Residential Uses, for Mulkey Mason Funeral Home Located at 740 Edmonds Lane, as Requested by G&A Consultants on Behalf of Mulkey Mason Funeral Home, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The variance being requested was previously approved in June of 2006 with the original site plan, however, the building was not built and the site plan with this variance expired. The owners are requesting a variance in conjunction with the engineering site plan for Lot 1 pertaining to the required screening wall between the commercial zoning on Lot 1 and the apartment zoning on Lot 2, both of which they own. A funeral home is proposed on Lot 1, fronting Edmonds Lane. No construction is proposed for Lot 2 at this time. The City's development regulations require a six-foot screening wall between the two lots, but the owner is requesting to substitute a living screen of shrubs.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Bobby Dollak, P.E., G&A Consultants

- 6. Consideration of a Proposed Change in Police Policy to Allow for Towing Vehicles of Motorists Who Fail to Provide Proof of Financial Responsibility (Requested by Councilman Tierney).**

ADMINISTRATIVE COMMENTS:

Current police policy allows for impounding of vehicles involved in accidents where the motorist is unable to provide proof of financial responsibility in accordance with state law at the scene of an accident. The police department would like to expand this policy to allow for towing upon all traffic contacts where proof of financial responsibility can not be established.

RECOMMENDATION:

That the City Council approve a change in police department policy to allow towing of vehicles when the motorist is unable to provide proof of financial responsibility.

- 7. Tabled Item: Consideration of an Ordinance Amending the Lewisville City Code By Adding Provisions for the Creation of a Juvenile Case Manager Fund and Collection of Fees.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the November 4, 2007, City Council meeting. The 79th Texas Legislature passed H.B. 1575 authorizing the creation a "juvenile case manager fund" ("Fund"). This fund allows local governments to collect a fee, not to exceed \$5.00, to pay for the salary and benefits of a juvenile case manager. The case manager will be responsible for all juvenile cases, including but not limited to teen court, with priority given to cases involving failure to attend school and parents contributing to the failure to attend school. A \$4.00 fee was approved in the fee schedule in September of 2007. This fee will allow for adequate funding of the position and is consistent with the municipal court technology fund fee which is also set at \$4.00. The fund will allow the position to be entirely self-funded by cost courts assessed against those persons for whom a judgment has been entered.

RECOMMENDATION:

That the council approve the proposed ordinance.

- 8. Tabled Item: Discussion of a Potential Ordinance to Prohibit Residency of Sex Offenders Within Certain Areas of the City (Requested by Councilman Watts).**

ADMINISTRATIVE COMMENTS:

This item was discussed and tabled at the August 21, 2006 and June 5, 2007, City Council meetings. Various cities in Texas have been enacting local ordinances that prohibit residency of certain sex offenders within certain locations. Typically, these ordinances define sexual offenders as persons registered on the Texas Department of Public Safety database due to violations involving persons under sixteen years of age. Most restrict residency from within 1000 feet of areas "frequented" by children such as public parks, public or private schools, or day care centers. There are often various "exceptions" or affirmative defenses provided as well. The pros/cons of such ordinances are many and range from protecting children from predators to unintended effects such as driving predators "underground," the cost of enforcement, and disproportionate relocation of offenders into certain communities or neighborhoods.

RECOMMENDATION:

That the City Council provide direction to staff regarding any desired research and ordinance options.

- 9. Acceptance of Resignation of Ron Aljoe From Place No. 7 on the Planning and Zoning Commission; Declare a Vacancy Exists; and Consideration of an Appointment to Place No. 7 on the Planning and Zoning Commission.**

ADMINISTRATIVE COMMENTS:

Ron Aljoe has submitted an e-mail advising that he is resigning from the Planning and Zoning Commission, effective December 31, 2007. The resignation of Ron Aljoe has created a vacancy in Place No. 7 of the Planning and Zoning Commission.

RECOMMENDATION:

That the City Council accept the resignation of Ron Aljoe from Place No. 7 on the Planning and Zoning Commission; declare a vacancy exists; and consider appointments to fill the vacancy on the Planning and Zoning Commission.

H. REPORTS:

- I. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):**

1. Property Acquisition

Section 551.074 (PERSONNEL):

2. Appointment to the Planning & Zoning Commission

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development Negotiations

- J. RECONVENE into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.**

**AGENDA
LEWISVILLE CITY COUNCIL
NOVEMBER 19, 2007**

Page 8

K. ADJOURNMENT

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).