

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JANUARY 28, 2008**

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

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items
- B. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Ueckert
- C. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on Six Tracts of Land Totaling 1.94 Acres Identified as Lots 5, 6 and 9-12, Block 4 of the O.B. Dick Addition as Requested by Bennie Gaisson on Behalf of the Property Owner First Assembly of God (Case Nos. 20080101, 20080102, 20080103).

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use Two (OTMU2) 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. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0 feet, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single-family residential and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their January 8, 2008 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 Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

- D. **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.
- E. **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 Revisions to Administrative Policy 2.7.4 Employee Performance Evaluation/Compensation Plan.**

ADMINISTRATIVE COMMENTS:

The Human Resources Department proposes adding Public Safety Communications personnel to the Hiring Incentive Program. Covered employees may receive \$500 when they recruit an applicant who is hired and completes the training program for a Public Safety Communication positions.

RECOMMENDATION:

That the City Council approve the revisions to Administrative Policy 2.7.4 Employee Performance Evaluation/Compensation Plan.

- 2. Approval of a Supplemental Budget Appropriation in the Amount of \$159,885 From the Utility Fund Reserves to the Fiscal Year 2007-2008 Public Services Department; Approval of a Professional Services Agreement With Malcolm Pirnie, Inc., in the Amount of \$159,885 for a Comprehensive Water Quality Study; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

A comprehensive study is needed to evaluate distribution system water quality and operational practices and water treatment operations to identify any operational limitations and determine long-term water quality strategies and compliance requirements for future regulations. Engineering consultant, Malcolm Pirnie, Inc., of Dallas, Texas has been selected to perform the comprehensive study and has submitted a detailed scope of the proposed project. Malcolm Pirnie has conducted water quality studies for several surrounding cities facing the same challenges and with water systems similar to Lewisville.

RECOMMENDATION:

That the City Council approve a supplemental budget appropriation in the amount of \$159,885 from the Utility Fund Reserves to the Fiscal Year 2007-2008 Public Services Department; approve the Professional Services Agreement with Malcolm Pirnie, Inc., in the amount of \$159,885; and authorize the City Manager to execute the agreement.

- 3. Approval of a Bid Award for the Erosion Repairs to Prairie Creek Project to Erosion and Retaining Wall Structures, Inc., Lewisville, Texas, in the Amount of \$252,767.55; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-six (26) bid invitations were issued, including thirteen (13) downloaded from DemandStar.com. Six (6) bids were received and opened December 11, 2007. This project includes channel excavation, reestablishment of the embankment, and installation of rock berm, rock and concrete riprap and gabion walls and mattresses. These repairs will re-establish the creek bank and protect it from future erosion along the south border of the Wastewater Treatment Plant Sludge Field. The loss of embankment has encroached within yards of the sludge field creating the potential for contamination of surface waters. Funding is available in the Sludge Management capital project.

RECOMMENDATION:

That the City Council approve a bid award for the Erosion Repairs to Prairie Creek project to Erosion and Retaining Wall Structures, Inc., Lewisville, Texas, in the amount of \$252,767.55; and authorize the City Manager to execute the contract.

- 4. Approval of a Supplemental Budget Appropriation in the Amount of \$7,994 From the Municipal Court Security Fund Balance to Pay for Court Security, Prisoner Transport During Warrant Round Up, and for the Purchase of Various Security Devices to be Used by the Court.**

ADMINISTRATIVE COMMENTS:

The Municipal Court assesses a \$3 fee on each case to pay for courtroom security devices and related security services. During the month of February, the City will participate in a regional warrant round up which will provide a one-day concentrated effort to pursue and arrest persons who have failed to respond to citations or to pay fines. \$2,294 will be used to pay for officer overtime expenses during the focused round-up. In addition, \$5,700 will be used to purchase additional security cameras needed to provide adequate surveillance coverage in the cash handling areas within the court clerks' office, a gun locker, and to pay for the relocation of an electronic door lock and passcard reader for the Juvenile Case Manager's work area.

RECOMMENDATION:

That the City Council approve a supplemental budget appropriation in the amount of \$7,994 from the Municipal Court Security Fund Balance.

- 5. Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \$204,308; Hotel/Motel Fund - \$31,900; Recreation Fund - \$2,067; Old Town TIF Fund - \$6,091; Grant Fund - \$546,707; Water and Sewer Fund - \$179,281; Vehicle and Equipment Replacement Fund - \$345,214; Insurance Fund - \$9,800; Police Asset Forfeiture/State Fund - \$48,120; Health Fund - \$20,000; and Parks and Library Development Fund - \$2,121.**

ADMINISTRATIVE COMMENTS:

Each year a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year budget. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item account will be short at year-end.

RECOMMENDATION:

That the City Council approve the supplemental appropriation for prior year encumbrances in the following amounts: General Fund - \$204,308; Hotel/Motel Fund - \$31,900; Recreation Fund - \$2,067; Old Town TIF Fund - \$6,091; Grant Fund - \$546,707; Water and Sewer Fund - \$179,281; Vehicle and Equipment Replacement Fund - \$345,214; Insurance Fund - \$9,800; Police Asset Forfeiture/State Fund - \$48,120; Health Fund - \$20,000; and Parks and Library Development Fund - \$2,121.

- 6. Approval of a Contract With SimpleView in the Amount of \$84,525 for Redevelopment of the Lewisville Convention and Visitors Bureau Website; Approval of a Supplemental Appropriation From Hotel-Motel Fund Reserves in the Amount of \$84,525; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City's contract with USDM for maintenance and hosting of the Lewisville Convention and Visitors Bureau website expired in 2007 and has been continued on a month-to-month basis while city staff conducted an RFP process prior to awarding a new contract. After reviewing and ranking proposals received from three companies, the City opened negotiations with SimpleView out of Tucson, Arizona. A proposed contract has been developed that includes all website features included in the Tourism Strategic Plan and incorporates other new technologies that will improve efficiency of the site for visitors and bureau staff. One-time costs for the redevelopment is \$84,525 and a supplemental appropriation from reserves would be required. Ongoing maintenance costs can be absorbed in the existing budget.

RECOMMENDATION:

That the City Council approve a contract with SimpleView in the amount of \$84,525; approve a supplemental appropriation from Hotel-Motel Fund Reserves in the amount of \$84,525; and authorize the City Manager to execute the contract.

7. **Tabled Item: Approval of a Resolution Encouraging the Texas Legislature to Establish Statewide Residency Restrictions for Certain Convicted Sex Offenders no Longer on Probation or Parole.**

ADMINISTRATIVE COMMENTS:

The proposed resolution encourages the Texas Legislature to pass a uniform, statewide law extending the residency restrictions of certain sex offenders beyond the current requirements to include the period of time after certain convicted sex offenders have completed their sentence and probationary terms.

RECOMMENDATION:

That the City Council approve the resolution.

8. **Approval of an Election Calendar and a Resolution Calling the May 10, 2008 Lewisville City Council Election and Designating the City's Polling Places, the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order.**

ADMINISTRATIVE COMMENTS:

An election calendar has been prepared for May 10, 2008, City Council Election, which will include Place No. 1 and Place No. 3 on the ballot. State law requires that canvassing of the election be held between the 3rd and 11th day following an election. City staff recommends conducting the canvassing at the regularly scheduled meeting on May 19, 2008. The designated polling places are the Memorial Park Recreation Center for Precincts 301, 305, 312, 315, 318, 321 and, 327, and Dallas County Election Precincts 4705, 4707, 4708, and 4709; Lewisville Municipal Annex for Precincts 300, 308, 311, 324, and 329; and Lewisville City Hall for Precincts 113, 114, 138, 221, 227, and 309. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings.

RECOMMENDATION:

That the City Council approve the election calendar, approve the proposed resolution calling the May 10, 2008, City Council Election and designating the City's polling places and the early voting polling places and clerk; and authorize the Mayor to sign the election order.

- 9. Approval of a Wholesale Water Supply Agreement with Denton County Fresh Water Supply District No. 1-A; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In 2005, Council directed staff to proceed with development of a wholesale water agreement with the District to service the Castle Hills development north of FM 544. Castle Hills south of FM 544 is supplied with water through an agreement with the Upper Trinity Regional Water District. Staff recommends approval of the agreement due to the ability of the City to control future water cost when the development is annexed by the City. The term of the agreement is 25 years.

RECOMMENDATION:

That the City Council approve the wholesale water agreement with the Denton County Fresh Water Supply District No.1-A; and authorize the City Manager to execute the agreement.

F. REGULAR HEARINGS:

- 10. Consideration of a Variance to the Lewisville City Code for a Temporary Sales and Marketing Office at The Villas at Wellington Townhome Development Located at Bellaire and Valley Parkway, Requested by Portrait Homes.**

ADMINISTRATIVE COMMENTS:

Portrait Homes is currently developing a 225 unit townhome project on a 28.04 acre property zoned TH2, located at the northeast corner of Bellaire and Valley Parkway. A variance is being requested to place a temporary sales and marketing office on their site for the purpose of pre-sales before the project is completed. The City of Lewisville building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type. Council has previously approved similar requests, on a temporary basis, for Heritage Hill 2003, Rockbrook Place 2003, Settlers Village 2005 and Lynn Square 2006.

RECOMMENDATION:

That the City Council approve the request for variance provided that the temporary sales office be removed 12 months from the date of approval of the variance or after a Certificate of Occupancy is issued for the Villas at Wellington models, whichever date arrives first.

PRESENTATION: Kim S. Gilani, Marketing Coordinator, Portrait Homes

- 11. Consideration of Variances to the Lewisville City Code, Relating to Chapter 6, Land Use, Driveways, Streets, and Non Residential Landscape Requirements, Associated With the Proposed Site for Firehouse No. 7 Located at the Southeast Corner of Texas and McDonnell Streets as Requested by BRW Architects, Inc., the Architects for City of Lewisville Firehouse No. 7.**

ADMINISTRATIVE COMMENTS:

The property, the former Owens Family Restaurant site, is located at the southeast corner of Texas and McDonnell Streets, is approximately 1.7 acres in size and zoned Public Use (PU). The site is the proposed location for Firehouse No. 7. The former Owens Restaurant building has been cleared from the site; however, the original parking lot and much of the original landscaping remains with the intent to incorporate them into the site plan for the new firehouse. During a meeting with staff to review the proposed site plan, several variances were identified including: a) Driveway width; b) Control of Access; c) Street improvements; and d) Width of the landscape strip along McDonnell Street.

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: David Salmon, Assistant City Engineer

- 12. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental, Staffing and Deposit Fees of the Third Floor of City Hall per a Request by Michael Marco Representing Rebecca Binkey.**

ADMINISTRATIVE COMMENTS:

A Cinco de Mayo Scholarship Kick Off Event will be held on Friday, February 8th, from 5pm – 10pm. Michael Marco, representing Rebecca Binkey, is requesting that Council waive all fees and deposits for use of the third floor of City Hall for this event.

RECOMMENDATION:

That the City Council approve the request to waive facility rental, staffing and deposit fees.

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Article VI, Chapter 4 by Establishing a New Residential Rental Inspection Program.**

ADMINISTRATIVE COMMENTS:

Periodic workshops by staff and City Council have been held for consideration of inspection of residential rental properties. The City Council directed staff to prepare an ordinance regulating inspection of residential rental properties. The proposed ordinance, at the present time, will not require registration and will be free of charge. The program would be triggered by either proactive measures by the owner, transfer of water services by the tenant or owner, or by complaint basis by the tenant, owner, etc.

RECOMMENDATION:

That the City Council consider the proposed ordinance.

PRESENTATION: Eric Ferris, Director of Community Development

14. Consideration of an Ordinance Restricting Where Certain Convicted Sex Offenders can Reside.

ADMINISTRATIVE COMMENTS:

State laws restrict where convicted sex offenders can live and specifically states that they may not “go in, on, or within 1,000 feet of a premises where children commonly gather, including a school, day-care facility, playground, public or private youth center, public swimming pool, or video arcade facility”. State law does not restrict sex offender residency once the offender’s sentence and/or probation has expired. Many cities in Texas have passed ordinances that would have the affect of extending the State's sex offender residency restrictions beyond the period managed by the State. These ordinances vary in the distances and the classes of offender to which they apply.

RECOMMENDATION:

That the City Council consider the ordinance and exclusion zone distance.

15. Consideration of the Addition of a Public Safety Communications Manager Position.

ADMINISTRATIVE COMMENTS:

The Police Department had a civilian position in the mid 90's that supervised the 911 system, public safety dispatch operations, all city radio systems and associated technology. The position was converted to a lower level position after difficulty in recruitment at the then designated salary. Management recently conducted a review of dispatch operations and among the results was a recommendation that a civilian position with exclusive responsibilities for emergency communications management be restored. Because of the timeline for hiring, the costs of the position can be absorbed in the PD budget for the current fiscal year without a supplemental appropriation, but will need to be budgeted in FY 08-09.

RECOMMENDATION:

That the City Council approve the addition of a Public Safety Communications Manager position.

G. REPORTS:

H. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D,

1. Section 551.072 (REAL ESTATE): Property Acquisition
2. Section 551.087 (ECONOMIC DEVELOPMENT): Deliberation Regarding Economic Development Negotiations

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

J. 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).