

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 15, 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

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PRESENTATION:** Presentation of “Certificate of Achievement for Excellence in Financial Reporting” Award
- D. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 0.189 Acre Tract Located at Auto Expo, 857 East Main Street; Further Identified as A. G. King Survey, Abstract 698; as Requested by Sami Hamed on Behalf of Charlie Waite, the Property Owner (Case No. PZ20081123).

ADMINISTRATIVE COMMENTS:

The property is located at 857 East Main Street south of SH 121. The property is currently zoned General Business (GB) which allows automotive display, sales and repair, but does not allow a body shop which is what the applicant wishes to do at that location. The area is currently a mix of predominantly Light Industrial zoning with a little bit of General Business zoning. The property is blocked from view from SH 121 by the building directly in front of it. The requested zoning would be in keeping with the surrounding area along SH 121. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their November 18, 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 General Business (GB) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Sami Hamed, Applicant

- 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:** City Council Minutes of the December 1, 2008, Workshop Session and Regular Session.
 - 2. **Approval of Acceptance of the 2008 Homeland Security Grant Program's UASI Grants; Approval of a Supplemental Appropriation in the Amount of \$35,000 to the FY 2008-2009 Grant Fund to Fund Regional Interoperability and Video Conferencing Technology; and Authorization for Mayor Carey to Execute the Sub-Recipient Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Fire Department received notification of two subrecipient awards from the Division of Emergency Management, Office of the Governor. The City has been awarded \$35,000 for radio upgrades and improvements in regional videoconferencing technology. There is no matching amount required, with reimbursement requested after procurement of approved items.

RECOMMENDATION:

That the City Council approve acceptance of the 2008 Homeland Security Grant Program-UASI Grants; approval of a supplemental appropriation in the amount of \$35,000 to the FY 2008-2009 Grant Fund; and authorize Mayor Carey to execute the sub-recipient agreement.

- 3. Approval of a Bid Award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the Amount of \$774,348.13; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-eight (38) bid invitations were issued, including five (5) downloaded from DemandStar.com. Fifteen (15) bids were received and opened November 25, 2008. This project consists of constructing approximately 4000 linear feet of new 42-Inch sanitary sewer line from SH 121 Toll to Timber Creek Lift Station along the west side of the D.A.R.T. railroad. Funding is available in the Lakeside Circle Sewer Line Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to S. J. Louis Construction of Texas Ltd, Mansfield, Texas, in the amount of \$774,348.13; and authorize the City Manager to execute the contract.

- 4. Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500.**

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 changes, 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 - \$152,429; Hotel/Motel Fund - \$41,813; Public Improvement District Fund - \$850; Court Technology Fund - \$34,432; Grant Fund - \$469,876; Water & Sewer Fund - \$156,739; Maintenance and Replacement Fund - \$241,731; Self Insurance Fund - \$27,412; and Parks & Library Development Fund - \$1,500.

- 5. Approval of an Agreement for Street Lighting Service With Oncor Electric Delivery Company.**

ADMINISTRATIVE COMMENTS:

Oncor Electric has installed street lights in Austin Ranch along Windhaven Drive. The basic agreement form was approved in 2003 by the TXU/Oncor Steering Committee of Cities and serves as the standard agreement between the company and cities.

RECOMMENDATION:

That the City Council approve the agreement for street lighting service with Oncor Electric Delivery.

- 6. Approval of a Change Order in the Amount of \$27,225 for Architectural Work Related to Space Reallocation for a Black Box Theatre and Other Related Design Changes.**

ADMINISTRATIVE COMMENTS:

At the December 1, 2008, City Council workshop, staff presented design changes related to the reallocation of space from general classrooms to a Black Box Theatre. In order to complete construction drawings needed for the construction bid process, additional architectural work is required. As presented at the workshop, this additional cost is \$27,225. Change orders in excess of \$25,000 require City Council approval. Bidding of this project is planned for February, 2009. Funding is available in the Arts Activity Center Capital Project.

RECOMMENDATION:

That the City Council approve a change order in the amount of \$27,225 for architectural work related to space reallocation for a Black Box Theatre and other related design changes.

G. REGULAR HEARINGS:

- 7. Tabled Item: Consideration of a Variance to the Lewisville City Code, Section 6-95(b) Regarding Water and Sanitary Sewer Easement Setbacks; and Consideration of a Conceptual Variance to the Lewisville City Code, Section 6-98(d)(2)(b) Regarding Paving Over a Waterline Easement For a Project Located on Both Sides of Vista Drive North of Round Grove Road, as Requested by Steve Homeyer, P.E., Representing the Owner.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the December 1, 2008 City Council meeting. City staff met with Mr. Homeyer and the property owner on December 3, 2008 and the property owner indicated that he would comply with the ordinance.

RECOMMENDATION:

That the City Council table this item indefinitely.

- 8. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3, Animals, Regarding Definitions, Prohibited Sales, Animal as Prizes, Promotions and Novelties, Transportation of an Animal in an Open Bed of a Vehicle, and Unlawful Restraint of Dogs.**

ADMINISTRATIVE COMMENTS:

In early 2007, the Animal Services Advisory Committee began receiving and discussing requests for ordinance revisions to enhance public safety and the quality of life for animals in the city. Requests specifically received include a ban on tethering dogs in the city, a prohibition on transporting unrestrained/unconfined animals in the open bed of vehicles, a prohibition on auctioning pets or using animals as incentives to enter a business, and a prohibition on selling animals along the roadside and in business parking lots. The proposed ordinance revisions reflect the recommendations of the Committee for consideration by Council. The Animal Services Advisory Committee voted unanimously 7-0 at their April 29, 2008 meeting to develop ordinance revisions for presentation for Council consideration.

RECOMMENDATION:

That the City Council consider the proposed ordinance revisions.

PRESENTATION: Sherry Harper, Health and Code Manager

- 9. Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104(a) Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street.**

ADMINISTRATIVE COMMENTS:

At the December 1, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

RECOMMENDATION:

That the City Attorney provide the second reading of the ordinances.

- 10. Third and Final Reading: Consideration of Three Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets.**

ADMINISTRATIVE COMMENTS:

At the November 17, 2008, City Council meeting, the Council approved the subject ordinances. However, due to the lack of a 4/5's vote by the Council to adopt the ordinances on an emergency basis, the ordinances have to be read on three separate days to meet the City Charter requirements. This will be the third and final reading. The ordinances will become effective December 29, 2008.

RECOMMENDATION:

That the City Attorney provide the third and final reading of the ordinances.

- 11. Tabled Item: Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the November 17, 2008, City Council meeting in order to give Council adequate time to review applications for the vacant position. The resignation of Sarah Jo Jackson has created a vacancy in Place No. 1 of the Old Town Design Review Committee.

RECOMMENDATION:

That the City Council consider an appointment to fill the vacancy on the Old Town Design Review Committee.

- 12. Consideration of a Resolution Finding That Texas-New Mexico Power Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel.**

ADMINISTRATIVE COMMENTS:

Texas-New Mexico Power Company (TNMP) filed an application on or about August 29, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. The company asks the City to approve a 24% increase in residential rates and a 79% increase in street lighting rates. The Company is also proposing significant (i.e. 24-33%) decreases for commercial customers. According to TNMP, annual rates would increase by approximately \$78 for an average residential customer. On September 15, 2008 Council approved a resolution suspending the effective date for the requested rate change for 90 days. The resolution denies the Company's requested rate increase and requires that the Company's current rates be maintained for all customers within the City.

RECOMMENDATION:

That the City Council approve the resolution.

H. REPORTS:

1. Quarterly Investment Report for Period Ending September 30, 2008.
2. Follow-up to Holiday at the Hall Event.

I. 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

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

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).