

LEWISVILLE CITY COUNCIL

REGULAR SESSION

AUGUST 18, 2008

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 – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:33 p.m. on Monday, August 18, 2008, 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 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, Public Hearing: Consideration of the Advisability of Improvements in the Proposed Castle Hills Public Improvement Districts (PIDs) #5 and #6. Mayor Carey advised this item could be discussed in close session. There was no further 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 Carey reviewed Agenda Item D, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-1, Approval of Minutes: City Council Minutes of the August 4, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of Revisions to Administrative Policy 2.7.5 Compensation – Hours Worked. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item E-3, Approval of the Award of Third Party Administrator Services for the City of Lewisville Workers' Compensation Program to York Insurance Services Group, Inc., in the Amount of \$160,283 Over a Three Year Period; and Authorization for the City Manager to Execute all Required Contracts. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of Final Acceptance of the Dallas Water Supply Line No. 3 Phase 1; and Authorization to Make Final Payment to Wright Construction Company in the Amount of \$25,531.60. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of an Agreement With Promoter Line, Inc., in the Amount of \$49,900 to Provide Consulting Services and Production Support Services for FY 2007-08 Holiday at the Hall and Western Day Festivals. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-6, Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2007 Through March 31, 2008. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Adoption of the Tourism Strategic Plan 2008 Update. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of a Variance Request to the Lewisville City Code, Section 2-201 Regarding Waiving the Special Event Permit Fees for the Annual Masonic Lodge Race for the Children 5K Run. 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 Carey reviewed Agenda Item F-9, Consideration of a Variance Request to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1600 South Stemmons, Requested by Studio Movie Grill and Represented by Deborah Moltz of Chandler Signs. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Discussion of Policy Related to Translations of City Publications and Communications (Requested by Councilman Watts). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Consideration of Renaming Certain Park and Leisure Services Facilities. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G, Reports. There was no discussion on this item.

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

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:36 p.m. on Monday, August 18, 2008.

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, August 18, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Councilman Ueckert gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Mayor Pro Tem Thornhill gave the pledge to the flag.

**Public Hearing: Consideration of the
Advisability of Improvements in the
Proposed Castle Hills Public Improvement
Districts (PIDs) #5 and #6**

(Agenda Item C)

Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of proposed improvements in public improvement districts. Notice of this hearing was published in a newspaper of general circulation and sent to owners of property in the PIDs. This notice included information on the estimated cost of improvements, boundaries of the proposed district, the proposed method of assessment and the proposed apportionment of cost between the improvement district and the municipality. Detailed information concerning assessment methodology has not been received to date. For this reason, the public hearing should be continued until adequate information needed to reach a decision on the advisability of the PID has been received.

The City staff's recommendation was that the City Council conduct the public hearing and continue the public hearing to September 8, 2008.

Mayor Carey opened the public hearing.

Drew Keith, 4228 North Central Expressway, Dallas, Texas 75206, spoke before the City Council in support of the formation of PID Nos. 5 and 6. Mr. Keith conducted a PowerPoint Presentation supporting this formation.

Ross Martin, 201 Main, Suite 2500, Fort Worth, Texas 761402, advised he was in support and available for any questions posed by the City Council regarding this item.

Mayor Carey acknowledged an e-mail received from Guy Harris, 2605 Merlin Drive, Lewisville, Texas 75056, indicating his opposition to the amount of debt this would create; however, he was not opposed to the development of the land. Mr. Harris was present to answer any questions posed by the City Council.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:17 p.m. Monday, August 18, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development), the Lewisville City Council convened into Closed Session at 7:15 p.m. on Monday, August 18, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following: Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 7:55 p.m. on Monday, August 18, 2008.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:59 p.m. on Monday, August 18, 2008, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to continue the public hearing to the September 8, 2008, City Council meeting. The motion carried.

There was no further action taken on the items discussed during the Closed Session.

Visitors/Citizens Forum

(Agenda Item D)

Rebecca Behnke 310 South Mill Street, Lewisville, Texas 75057, spoke before the City Council to update them regarding the Cinco de Mayo Event. She gave two scholarships from Cinco de Mayo to the following individuals: Cristina Castanon and Benjamin Romo. Mr. Romo before the City Council and thanked them for supporting Cinco de Mayo and giving him the ability to receive this scholarship. Ms. Castanon's Father spoke before the City Council and thanked them on behalf of his daughter who was studying architecture at SMU.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “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: City Council Minutes of the August 4, 2008, Workshop Session and Regular Session.
2. Approval of Revisions to Administrative Policy 2.7.5 Compensation – Hours Worked.
3. Approval of the Award of Third Party Administrator Services for the City of Lewisville Workers’ Compensation Program to York Insurance Services Group, Inc., in the Amount of \$160,283 Over a Three Year Period; and Authorization for the City Manager to Execute all Required Contracts.
4. Approval of Final Acceptance of the Dallas Water Supply Line No. 3 Phase 1; and Authorization to Make Final Payment to Wright Construction Company in the Amount of \$25,531.60.
5. Approval of an Agreement With Promoter Line, Inc., in the Amount of \$49,900 to Provide Consulting Services and Production Support Services for FY 2007-08 Holiday at the Hall and Western Day Festivals.
6. Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2007 Through March 31, 2008.
7. Adoption of the Tourism Strategic Plan 2008 Update.

The motion carried.

END OF CONSENT AGENDA

**Consideration of a Variance Request to the
Lewisville City Code, Section 2-201
Regarding Waiving the Special Event Permit
Fees for the Annual Masonic Lodge Race for
the Children 5K Run**

(Agenda Item F-8)

The Lewisville Masonic Lodge No 201 is requesting City Council to waive permit fees in the amount of \$1,399.75 for the Annual Masonic Lodge Race for The Children 5K Run. The event will be held on Saturday, September 13, 2008. All requested City services are the same as last year's race. The fees were paid in full at the 2005 event and a variance to all special event fees for the event was granted in 2006 and 2007.

The City staff's recommendation was that the City Council consider waiving the special event permit fees in the amount of \$1,399.75

Cleve Joiner, Building Official was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance request to the Lewisville City Code, Section 2-201 Regarding Waiving the Special Event Permit Fees for the Annual Masonic Lodge Race for the Children 5K Run to waive the special event permit fees in the amount of \$1,399.75. The motion carried.

**Consideration of a Variance Request to the
Lewisville City Code, Section 11-14(C),
Prohibited Signs, Regarding an Off-Premise
Sign to be Located at 1600 South Stemmons,
Requested by Studio Movie Grill and
Represented by Deborah Moltz of Chandler
Signs**

(Agenda Item F-9)

The Studio Movie Grill is located at 1600 South Stemmons Freeway. This location is the old United Artist theatre building, which was granted a sign variance on October 17, 1994 for an off-premise free standing sign which was 400 sf and 25 feet in height. The Studio Movie Grill was granted a variance on April 16, 2007, to replace the existing off-premise sign with a new sign which is 127 sf and 75 feet in height. The Studio Movie Grill is proposing a 246 sf sign and reducing the height to 72 feet. In order for them to maintain an off-premise sign with the new dimensions, a variance must be granted by City Council. Staff review of the proposal supports approval of this variance request.

The City staff's recommendation was that the City Council consider the requested variance.

Cleve Joiner, Building Official and Deborah Molte were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve a Variance Request to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1600 South Stemmons, Requested by Studio Movie Grill and Represented by Deborah Moltz of Chandler Signs to allow the proposed 246 sf sign and reducing the height of the sign to 72 feet. The motion carried.

**Discussion of Policy Related to Translations
of City Publications and Communications
(Requested by Councilman Watts)**

(Agenda Item F-10)

The City does not currently have a policy that would guide staff regarding which of its many publications and communications should be translated into other languages. Decisions about translations are generally made by the various departments with City Manager review unless they are required by some other law (for example, ballot language, disabled persons, etc.). A formal policy could provide direction to staff on when translations should be performed.

The City staff's recommendation was that the City Council provide direction to staff.

Deputy Mayor Pro Tem Watts advised that he had a lot of folks approach him regarding wanting an official declaration from the City of Lewisville making English the official language. Deputy Mayor Pro Tem Watts explained his reasoning for bringing this item to the City Council and advised that he would prefer for it to be a communication policy.

John Gorena 417 Creekwood Lane. Lewisville, Texas, advised he agreed with Deputy Mayor Pro Tem Watts's comments. He stated he was here on behalf of citizens on the immigration reform and he requested that the City Council make a proclamation that English is the official language to do business within the City of Lewisville. He further requested that the City of Lewisville not to translate anything beyond what is legally required and that if an individual needed someone to translate then they should bring a translator with them. Mr. Gorena further stated that it was not against the law to be in the United States and not speak English; however, to become an American citizen it was required that an individual read and write English.

Susan Davis 256 East Corporate Drive, #1201, Lewisville, Texas spoke before the City Council and advised that she was an accredited translator and that she seconded Mr. Gorena's comments. Ms. Davis advised of her experience with having four children and coming to the United States as a legal immigrant and the work and situations that were involved. Ms. Davis stated that she did not feel the new wave of immigrants wanted to become integrated and that it was not a matter of race but a matter of mentality. She further stated that the individuals that came through Ellis Island did not have that sense of entitlement. Ms. Davis concluded by stating she did not want her tax dollars spent translating.

Mayor Carey advised that Francis Davis, 2197 South Uecker, #711, Lewisville Texas had filled out a position card indicating opposition to the translation

Councilman Ueckert stated that he felt the City of Lewisville has done a good job over the years although he agreed that the times were changing as well as the demographics. He further stated that staff has done an excellent job make these judgments and he did not have a problem with way it was currently being handled. Councilman Ueckert concurred that it may at times put a burden on the City Manager that has to make those decision; however, as a City Manager he does report to the City Council and he had no problem with a policy that would give the City Manager something to fall back on.

Councilman Durham questioned City staff how many pieces of paper are currently translated into any language that is not required to by the State. City Manager Claude King advised that there was more than none and less than a 1,000 and referred the City Council to the list contained in the backup material which is shows translation is fairly limited. City Manager Claude King reviewed items and situations were verbally and/or written translation is done. Councilman Durham pointed out that those items are primarily health and safety issues. City Manager Claude King further advised that the City's website is translatable through a Google tool into five different languages. Councilman Durham expressed his opposition to a policy or any other document limiting translations.

Mayor Pro Tem Thornhill advised that he was not proposed to a resolution to make changes if it would make it easier on City staff. He pointed out that there are quite a few documents that are required to be translated by law. Mayor Pro Tem Thornhill stated that he was also comfortable with leaving the situation the way it is currently.

Councilman Tierney advised that he agreed with Mayor Pro Tem Thornhill in making a change if it would be easier for staff and more efficient for City operations. Councilman Tierney stated that if City staff felt the current system was working then he would be in support of taking a look at it and developing a policy that is more concrete than coming down to the City Manager decision.

Discussion was held regarding applications that were currently translated into Spanish. Mayor Carey questioned City staff regarding how many birth certificates applicants utilized the Spanish form. City Secretary Julie Heinze advised that she would estimate probably half of the applicants utilized the Spanish form.

Discussion was held regarding minimizing costs and consistency issues surrounding translations. City Manager King pointed out that City staff was trying to keep a handle on the amount of material translated strictly from a standpoint of cost. Further discussion was held that some items, such as the Storm Water Information is no longer translated into Spanish but residents with questions can contact the City if they have questions. Discussion was held regarding items that were currently being translated such as signage to advise of no dumping in drainage systems, etc., in order to prevent the City and/or citizens from being fined.

City Manager Claude King pointed out that the immigration issue is completely separate from the translation issue. Further discussion was held that some of the translated documents while not legally required are done so from a health and safety issue. Councilman Tierney pointed out that some individuals, whether illegal or legal do not speak English. Councilman Tierney questioned City staff how this could be done from a policy. City Manager Claude King advised that the policy could be developed by looking at those things that you are not going to do for starters, like ordinances, minutes, meetings, contracts, official documents of the City that are not transaction based or public safety. He recommended starting with those items and giving City staff some flexibility to work with other things.

Deputy Mayor Pro Tem Watts advised that he had brought this issue to the City Council because it may not be a major issue right this minute but it could become on in the future and he felt if the City Manager and City staff have a policy this will give them a net and puts the accountability on the City Council. Deputy Mayor Pro Tem Watts stated that if the residents do not like the policy they can vote on the City Council. Deputy Mayor Pro Tem Watts further stated that this issue had nothing to do with his personal views on immigration or racial bias and that he felt it is prudent for the City Council to set forth a policy that gives direction to the City staff. Deputy Mayor Pro Tem Watts pointed out that there were numerous such documents floating around that could help draft such a policy. Deputy Mayor Pro Tem Watts stated that he did not feel anything other than what was required to be translated or documents for public health and safety should be translated. Deputy Mayor Pro Tem Watts further stated that this policy would not preclude any employees who are bilingual from translating on the job.

Councilman Ueckert pointed out the recent Olympics and how amazing it had been to see the unity of 1,000 of athletes even though they speak different language. He stated that he felt staff had done a great job keeping the cost at a minimum. He further stated that translating items that would protect both citizens and the City from paying a fine is well worth putting it in more

than one language. He pointed out that the Police and Fire Departments personnel have to deal with situations where a person does not speak English and the City needs to make sure that information is provided to the community so you show that you want to welcome people and be known as a good home community.

Mayor Carey recommended the City Council table this item for a meeting or two to allow discussion with the City Manager.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to table this item to the October 6, 2008, City Council meeting. The motion carried.

Deputy Mayor Pro Tem Watts advised he would have a resolution to consider at the meeting in October.

**Consideration of Renaming Certain Park
and Leisure Services Facilities**

(Agenda Item F-11)

Staff is recommending that the City Council consider renaming certain park facilities.

The City staff’s recommendation was that the City Council consider renaming certain park facilities.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to change the of Civic Circle Recreation Center the Frederick P. Herring Recreation Center. The motion carried.

Reports

(Agenda Item G)

- Second Quarter Investment Report Ending June 30, 2008
- Police Chief Russ Kerbow reminded everyone that Monday, August 25th was the start of school. He advised the both Fire and Police Officers will be in the school zones to remind everyone not to speed. Police Chief Kerbow further advised of the upcoming child safety seats event.
- Director of Public Services Carole Bassinger gave an update on the status of the lake.
- Mayor Carey thanked staff for the recent Budget Workshop and the great budget the City Manager put together. He also thanked the City Council for their great job and the ability to low the tax rate just a little bit and still do some extra things.

- Mayor Carey thanked Lewisville Chamber of Commerce President Matt McCormick for helping finish out the Tourism Strategic Plan. Mayor Carey acknowledged Wayne Ferguson for all the work he did on this prior to his passing.
- Councilman Tierney echoed Mayor Carey's comments regarding the Budget Workshop and advised he liked the format the City Manager used having staff members do part of the presentation.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:52 p.m. Monday, August 18, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation With Attorney), the Lewisville City Council convened into Closed Session at 8:55 p.m. on Monday, August 18, 2008, 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. Pending Litigation: Desoto Wildwood Development, Inc., vs. City of Lewisville – Cause No. 2001-20763-158.
2. Section 551.072 (Real Estate): Property Acquisition
3. Section 551.074 (Personnel):
 - a. City Manager Claude King
 - b. City Secretary Julie Heinze
 - c. City Attorney Ronald J. Neiman
 - d. Chief Municipal Court Judge Brian Holman
 - e. Alternate Municipal Court Judges
4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 10:22 p.m. on Monday, August 18, 2008.

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

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 10:27 p.m. on Monday, August 18, 2008, in the Council Chambers of the Lewisville City Hall.

Mayor Carey 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 J)

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 10:27 p.m. on Monday, August 18, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 8th day of September, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY