

LEWISVILLE CITY COUNCIL

REGULAR SESSION

SEPTEMBER 15, 2008

Present:

Gene Carey, Mayor

Council Members:

David Thornhill, Mayor Pro Tem (Absent)

Lathan Watts, Deputy Mayor Pro Tem

Greg Tierney (Arrived at 6:11 p.m.)

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 – 6:00 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 6:00 p.m. on Monday, September 15, 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 Lewisville Truck Prohibition

Study

(Agenda Item A)

City Manager King advised that this was a follow up item that dated back to the February 2007 Retreat where discussion had been held pursuant to a request the City Council had received regarding the issue to eliminate truck traffic on Garden Ridge and FM 407. He stated that the question had come up how to deal with truck prohibition for streets that are adjacent to I35. City Manager King advised that the City had to identify whether there were legitimate reasons to ban truck traffic on those location and the City Council had given City staff direction to proceed with a study. City Manager King stated that this presentation was the result of that study.

Wayne Kurfees, from Kimley-Horn conducted the following PowerPoint Presentation:

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Lewisville Truck Prohibition
Study (cont'd)**

(Agenda Item A)

Prohibitions in Lewisville

- First restriction enacted in 1985
- Additional streets subsequently added
- All done on a complaint basis

Current Definition (of Prohibited Trucks)

- Commercial vehicles with more than 2 axles
- Exemptions include pick-up trucks and passenger vans towing trailers

Legal Considerations

- Court cases in other cities (e.g. Lancaster TX)
- Truck prohibitions must be supported by engineering studies

Truck Routes vs. Selective Truck Prohibitions

- Disadvantages of establishing truck routes
 - Would require legally supportable study on every city street connecting to Interstate 35E
 - Extensive number of signs required
- Therefore, Council decided to continue practice of selective prohibition

Basis For This Study

- At Retreat in February 2007:
 - City Council identified 11 candidate streets to be evaluated for possible truck prohibition
 - Kimley-Horn selected to perform the study
 - Notice to proceed in February 2008
 - 11 candidate streets broken into 14 segments for purposes of analysis

Mr. Kurfees reviewed the candidate street segments using an Aerial Map showing the areas for the study.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Lewisville Truck Prohibition
Study (cont'd)**

(Agenda Item A)

(Councilman Tierney arrived)

Field Reconnaissance

- Character or roadway
 - Pavement width
 - Pavement type and conditions
 - Number of lanes

- Other factors
 - Abrupt curvature
 - Clearance limitations (structures, trees)
 - Turning radius limitation

- Abutting land uses
 - Uses needing regular access by large trucks
 - Sensitive land uses
 - Schools
 - Parks
 - Residential

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Lewisville Truck Prohibition
Study (cont'd)**

(Agenda Item A)

Background on Thru-Truck Prohibitions in Lewisville

- Vehicle Classification Counts
 - Pneumatic-type machine counters
 - Vehicles classified based on number

Street	Location	24-hour Two-Way Volume	Heavy Vehicle Percentage
Corporate	Between Southwest Pkwy and Ueckers	16,130	3.3%
Corporate	Between SH 121B and Teakwood	9,032	1.4%
Bellaire	Between SH 121 Bus and Oakwood	11,993	3.4%
Bellaire	Approx 500 feet east of Valley Pkwy	13,124	2.1%
Fox	Between Edmonds and Tahoe	9,682	2.3%
College Pkwy	IH 35E SBFR and Tablerock Way	2,992	1.0%
McGee East	Between IH 35E SBFR and N-S segment of McGee	1,000	0.4%
McGee	Approx 500 feet north of FM 407 (Justin)	2,251	2.7%
Purnell	Between Mill and Charles	3,451	1.8%
Purnell(West)	Between IH 35E SBFR and Edmonds	1,306	0.3%

Recommendations

- Truck prohibition recommended on 13 of the 14 candidate segments (Aerial Map)

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Lewisville Truck Prohibition
Study (cont'd)**

(Agenda Item A)

Mr. Kurfees then reviewed the results of the study as follows:

Street	Segment		Recommended for Prohibition?
Bellaire Boulevard	IH 35E	West City Limits	Yes
Church Street*	Herod Street	Mill Street	Yes
College Street (East)*	IH 35E	Mill Street	Yes
College Parkway (West)	West City Limits	IH 35E	Yes
Corporate Drive	IH 35E	SH 121 Business	No
	SH 121 Business	West City Limits	Yes
Fox Avenue	Purnell Street	West City Limits	Yes
High School Drive	IH 35E	Mill Street	Yes
Lake Park Road*	IH 35E	Mill Street	Yes
Main Street (East)*	IH 35E	Mill Street	Yes
McGee Lane	IH 35E	Bogard Street	Yes
Pine Drive*	IH 35E	Yates Street	Yes
Purnell Street	IH 35E	Manco Road	Yes

*Note: Thru trucks are currently prohibited on these street segments by ordinance.

- Truck prohibition NOT recommended on one street segment (Aerial Map)
 - Corporate between IH 35E and SH 121 Bus.
 - Important link for truck circulation

Discussion was held regarding enforcement on the streets that currently have an ordinance in place prohibiting truck traffic. City Manager King advised that most of the streets with current truck prohibition in place are a result of a complaint received. Further discussion was held regarding the reason some of these complaints had been received in the past and if the prohibition should be continued.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Lewisville Truck Prohibition
Study (cont'd)**

(Agenda Item A)

City Manager King advised that the various streets could be reviewed and now the City has an engineering study available should someone challenge the truck prohibition on a certain street. City Manager King stated that the streets reviewed were the streets with I35 intersections that the City Council had requested be reviewed for possible truck prohibition; however, it was not all streets on their original list. Discussion was held regarding if these streets had been receiving complaints regarding truck prohibition. City Manager King advised that he could not say that the City was getting numerous complaints.

Mayor Pro Tem Ueckert advised he did not have any problem with the recommendation. Mayor Carey advised that the City had hired Kimley-Horn to conduct the study and these were the results. Councilman Durham advised that he did not feel the City Council should do any of the recommended street truck prohibitions, and some of the current street truck prohibitions should be removed.

Discussion was held regarding how much signage would be required should the City Council approve the recommended street truck prohibition. City Manager King advised that it would be somewhat extensive and that signs posted would be symbol signs. City Manager King reminded the City Council that the engineering study to back up streets that already have a truck prohibition.

The consensus of the City Council was to review the study before making any decision regarding street truck prohibition. They requested that this item be brought back at a future date.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

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, Proclamations, 1) Declaring the Week of October 5-11, 2008, as “Fire Prevention Week”; and 2) Declaring the Month of October, 2008, as “National Employment Disability Month”. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item D, Public Hearing: Consideration of the Proposed FY 2008-2009 Budget, Property Tax Revenue Increase and Property Tax Rate. City Manager King reminded the City Council of the Special Called Meeting being held on September 29th at 6:00 p.m. Councilman Durham advised he would not be present at this meeting. There was no further discussion regarding this item.

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

Mayor Carey reviewed Agenda Item F-1, Approval of a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount \$314,940. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-2, Approval of an Annual Contract for Custodial Services for Various City-Owned Buildings to Commercial Building Maintenance, Inc., Dallas, Texas, in the Amount of \$370,632.90. City Manager King advised that the incumbent service has provided pretty good service; however, they were being out priced by a large margin. City Manager King further advised that the new company has been reviewed quite extensively and City staff feels they could do the job. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item F-3, Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$125,311; Approval of a Total Budget Amount of \$129,071; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-4, Approval of a Bid Award for the Official City of Lewisville Newspaper to the Southern Denton County Neighbors Go Newspaper, Effective October 1, 2008; and Adopt the Resolution Designating the Southern Denton County Neighbors Go Newspaper as the City's Official Newspaper. Discussion was held regarding this change was only for legal posting requirements. Purchasing Manager Todd White advised that the change would save the City approximately \$25,000. Deputy Mayor Pro Tem Watts requested clarification that if there was not a legal requirement, the City have to have an official newspaper. City Secretary Julie Heinze advised that was correct. There was no further discussion regarding this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-5, Approval of a Bid Award for the Sludge Disposal and Piping Modifications to Associated Construction Partners, Boerne, Texas, in the Amount of \$208,303.05; Approval of a Total Budget Amount of \$214,553; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Approval of a Resolution Suspending the October 3, 2008 Effective Date of Texas-New Mexico Power Company's ("TNMP's") Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Other TNMP Cities; Hiring Lloyd Gosselink Attorneys and Consulting Services to Negotiate With the Company and Direct any Necessary Litigation and Appeals; 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. Mayor Carey requested that this item be pulled and discussed in regular session. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item F-7, Approval of a Five-Year Contract for the Marketing Kiosk Program at Vista Ridge Mall Effective October 1, 2008, at a Cost of \$35,000 Per Year. Assistant City Manager Donna Barron advised that there were two kiosks and one of them from the Visitors Center could be moved to this location. There was no further discussion regarding this item.

Mayor Carey reviewed Agenda Item G-8, Consideration of Waiver of Lake Park Admission Fees for the Ego Energy North Texas Big Bass Classic to be Held September 27-28, 2008. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item G-9, Consideration of Waiver of Special Event Fees for OTBA 5K Fun Run on Saturday, September 27, 2008, as Requested by the Old Town Business Association. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of a Variance to the Fee Ordinance Related to Pet Registration Fees During the Western Day Festival; Consideration of a Variance to the Special Events Ordinance Related to Overnight Housing of Stock Animals; and Consideration of Sale and Consumption of Alcohol on City Property as Required by Administrative Policy 4.1.1, City Facilities. There was no discussion regarding this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item G-11, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of an Ordinance to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of an Ordinance Discontinuing Participation in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System. There was no discussion regarding this item.

Mayor Carey reviewed Agenda Item G-14, Consideration of an Ordinance Amending the FY 2007-2008 Adopted Budget. There was no discussion regarding this item.

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

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

Items of Interest to the Council

(Agenda Item C)

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 6:45 p.m. on Monday, September 15, 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, September 15, 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 Tierney gave the invocation.

Pledge to the Flag

(Agenda Item B)

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

**Proclamation: Declaring the Week of
October 5-11, 2008, as "Fire Prevention
Week"**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring the week of October 5-11, 2008, as "Fire Prevention Week" to Public Education Division Chief Steve Carter.

**Proclamation: Declaring the Month of
October, 2008, as "National Employment
Disability Month"**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring the month of October, 2008, as "National Employment Disability Month" to Cathy Parkard with the Alliance of Agency Executives Serving People of Disabilities.

**Public Hearing: Consideration of the
Proposed FY 2008-2009 Budget, Property
Tax Revenue Increase and Property Tax
Rate**

(Agenda Item D)

The first public hearing on the proposed FY 2008-09 budget, property tax revenue increase and property tax rate to provide an opportunity for citizen comment was held on September 8, 2008 in accordance with the City Charter and applicable state laws. The proposed budget includes changes made by Council at the budget workshop held on August 16, 2008. This will be the second and final public hearing on the FY 2008-2009 budget. The votes on the fiscal year 2008-2009 property tax rate, property tax revenue increase, and budget will take place during the special-called City Council meeting on September 29, 2008, beginning at 6:00 p.m. in the Council Chambers.

The City staff's recommendation was that the City Council conduct the public hearing.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

Frank Vaughn, 311 Herod, Lewisville, Texas spoke before the City Council regarding volunteering at the shelters over the weekend. He thanked the City and all the workers for all the help that they gave.

Steve Southwell, 995 Downey Drive, Lewisville, Texas spoke before the City Council regarding the oil and gas ordinance. He thanked the City Council for passing the ordinance and pointed out a letter to the editor over the weekend that mentioned the ordinance. Mr. Southwell reviewed several of his concerns regarding the ordinance such as companies could find ways around not being allowed to drill at night due to the wording; that this ordinance be looked at and rewritten such that the certain decimal amount be measured from the nearest habitation; and if they exceed that noise then make them put a muffler on it; and that the companies should be ticketed or get shut down for the night if they are drilling when they are not permitted.

Dan Manning, 927 Silverstone Drive, Lewisville, Texas requested that the City Council put a moratorium on any gas drilling permits and create a citizens board from the north and south side of town to hash over what is affecting the entire community. He recommended that this be approached from a city wide standpoint and that everyone should stand together on this entire issue. He stated that he felt one City policy, and one plan for the financial outcome for the entire City, as a group united together, would help have better control of the entire situation for the financial outcome.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

1. Consent Agenda Item No. 4 – Approval of a Bid Award for the Official City of Lewisville Newspaper to the Southern Denton County Neighbors Go Newspaper, Effective October 1, 2008; and Adopt the Resolution Designating the Southern Denton County Neighbors Go Newspaper as the City's Official Newspaper.

2. Consent Agenda Item No. 6 - Approval of Resolution of the City Council of the City of Lewisville, Texas, Suspending the October 3, 2008 Effective Date of Texas-New Mexico Power Company's ("TNMP's") Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Other TNMP Cities; Hiring Lloyd Gosselink Attorneys and Consulting Services to Negotiate With the Company and Direct any Necessary Litigation and Appeals; 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

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, 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 a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount \$314,940.
2. Approval of an Annual Contract for Custodial Services for Various City-Owned Buildings to Commercial Building Maintenance, Inc., Dallas, Texas, in the Amount of \$370,632.90.
3. Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$125,311; Approval of a Total Budget Amount of \$129,071; and Authorization for the City Manager to Execute the Contract.
5. Approval of a Bid Award for the Sludge Disposal and Piping Modifications to Associated Construction Partners, Boerne, Texas, in the Amount of \$208,303.05; Approval of a Total Budget Amount of \$214,553; and Authorization for the City Manager to Execute the Contract.
7. Approval of a Five-Year Contract for the Marketing Kiosk Program at Vista Ridge Mall Effective October 1, 2008, at a Cost of \$35,000 Per Year.

The motion carried.

END OF CONSENT AGENDA

Approval of a Bid Award for the Official City of Lewisville Newspaper to the Southern Denton County Neighbors Go Newspaper, Effective October 1, 2008; and Adopt the Resolution Designating the Southern Denton County Neighbors Go Newspaper as the City's Official Newspaper

(Consent Agenda Item F-4)

A total of four (4) bid invitations were issued and three (3) bids were received and opened July 31, 2008. Consideration for the award of the bid was given to cost, circulation, publication dates, and deadline dates. Newspapers must also meet the requirements of Section 2051 of the Texas Government Code to be the official newspaper. Based on these criteria, staff's recommendation is to award the bid to the Southern Denton County Neighbors Go Newspaper, which is an insert of the Dallas Morning News every Friday.

That the City Council approve a bid award for the official City of Lewisville newspaper to the Southern Denton County Neighbors Go Newspaper, effective October 1, 2008; and adopt the resolution designating the Southern Denton County Neighbors Go Newspaper as the City's official newspaper.

Councilman Tierney stated that after discussion in workshop it was determined that by changing the official newspaper the City could see a savings \$25,000. Councilman Tierney stressed that this was being done simply for posting legal ads for the City and that the local Lewisville Leader was still the paper that covered the local news.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve a bid award for the official City of Lewisville newspaper to the Southern Denton County Neighbors Go Newspaper, effective October 1, 2008; and adopt the resolution designating the Southern Denton County Neighbors Go Newspaper as the City's official newspaper. The motion carried.

**Approval of Resolution No. 3602-09-2008(R):
A Resolution of the City Council of the City
of Lewisville, Texas, Suspending the
October 3, 2008 Effective Date of Texas-New
Mexico Power Company's ("TNMP's")
Requested Rate Change to Permit the City
Time to Study the Request and to Establish
Reasonable Rates; Approving Cooperation
With Other TNMP Cities; Hiring Lloyd
Gosselink Attorneys and Consulting Services
to Negotiate With the Company and Direct
any Necessary Litigation and Appeals;
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**

(Consent Agenda Item F-6)

Texas-New Mexico Power Company ("TNMP" or "the Company") filed an application on 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. Annual rates would increase by approximately \$78 for an average residential customer. The resolution suspends the October 3, 2008 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

That the City Council approve the resolution

At the request of Mayor Carey, City Manager King reviewed this item for the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to adopt and approve Resolution No. 3602-09-2008(R), as captioned previously. The motion carried

**Consideration of Waiver of Lake Park
Admission Fees for the Ego Energy North
Texas Big Bass Classic to be Held
September 27-28, 2008**

(Agenda Item G-8)

The Big Bass Tournament will hold its first North Texas event on September 27-28, 2008, at Lewisville Lake. A similar event is held annually on Lake Conroe and has grown to nearly 1,000 participants in 2007. A smaller number is expected for the inaugural Lewisville event, estimated at between 150 and 400 individual anglers. This event is not receiving direct funding or in-kind support from the Convention and Visitors Bureau because it has no proven track record of drawing overnight visitors. However, City Council is being asked to consider waiving park entry fees for tournament participants.

The City staff's recommendation was that the City Council approve a waiver of Lake Park admission fees on September 27-28, 2008, for participants and staff of the Ego Energy North Texas Big Bass Classic.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve a waiver of Lake Park Admission Fees for the Ego Energy North Texas Big Bass Classic to be Held September 27-28, 2008. The motion carried.

**Consideration of Waiver of Special Event
Fees for OTBA 5K Fun Run on Saturday,
September 27, 2008, as Requested by the Old
Town Business Association**

(Agenda Item G-9)

The Old Town Business Association (OTBA) will hold a 5K Fun Run on Saturday, September 27, 2008. The City of Lewisville will provide police and fire support and street closure coordination. OTBA is asking for a waiver of special events fees.

The City staff's recommendation was that the City Council waive Special Event fees as requested by OTBA for the 5K Fun Run on Saturday, September 27, 2008.

James Kunke, Community Relations & Tourism Director was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve a waiver of Special Event Fees for OTBA 5K Fun Run on Saturday, September 27, 2008, as requested by the Old Town Business Association. The motion carried.

Consideration of a Variance to the Fee Ordinance Related to Pet Registration Fees During the Western Day Festival; Consideration of a Variance to the Special Events Ordinance Related to Overnight Housing of Stock Animals; and Consideration of Sale and Consumption of Alcohol on City Property as Required by Administrative Policy 4.1.1, City Facilities

(Agenda Item G-10)

Western Day 2008 will be held on Saturday, September 27, in Old Town. Staff is asking for Council approval of three items that were approved as part of last year's festival. Specifically, staff is seeking variances to allow free pet registration at the Tailwaggers Ranch portion of the festival, allow the sale and consumption of alcohol on city property, and allow overnight housing of the Longhorn herd on the city-owned property west of City Hall.

The City staff's recommendation was that the City Council approve these variances for September 27, 2008, as well as for all future Western Day events, since these items are expected to be a part of future Western Day festivals.

James Kunke, Community Relations & Tourism Director was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Fee Ordinance related to pet registration fees during the Western Day Festival; approve a variance to the Special Events Ordinance related to overnight housing of stock animals; and approve the sale and consumption of alcohol on City property as required by Administrative Policy 4.1.1, City Facilities, and approve these variances for all future Western Day events. The motion carried.

Consideration of Ordinance No. 3603-09-2008 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule

(Agenda Item G-11)

As part of the annual budget process, Council approved changes to the fee schedule that were based on an analysis of current charges as compared to cost recovery goals, authorized

charges that may no longer be applicable, and new fees. Proposed changes are in the attached Exhibit A.

The City staff's recommendation was that the City Council approve an ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

Johnnie Bulen, 2121 North Mill, Lewisville, Texas spoke before the City Council and requested that the fees be changed to allow any active military free access to the City of Lewisville parks.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville Code of Ordinances, Chapter 2, Section 2-201 Fee Schedule With Various Fees Charged by Several Departments of the City; Providing s Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3603-09-2008**, as captioned previously. The motion carried.

Councilman Durham requested that City staff come back with something on Mr. Bulen's request regarding active military personnel.

Consideration of Ordinance No. 3604-09-2008 to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation

(Agenda Item G-12)

The TMRS Act allows any city to enact an ordinance that removes the statutory maximum rate cap. Based on the benefits approved through budget for Fiscal Year 2008-09, the City of Lewisville's contribution rate will be 14.16%. In order to utilize this rate, the City is required to adopt an ordinance to lift the statutory maximum limit as provided for in the TMRS Act. This change will allow the City to impose its own “limit” on future contribution rates by using its discretion in determining which potential plan improvements to adopt, or not adopt,

based on the calculated contribution rate. Many cities in Texas of our size and larger have already lifted the statutory cap.

The City staff's recommendation was that the City Council approve the ordinance adopting the Texas Municipal Retirement System provision to lift the statutory maximum rate for the City of Lewisville's contribution to the Texas Municipal Retirement System.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 3604-09-2008, as captioned previously. The motion carried.

Consideration of Ordinance No. 3605-09-2008 Discontinuing Participation in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System

(Agenda Item G-13)

One of the benefits provided under TMRS is supplemental life insurance for active employees equal to one times their annual salary and a \$7,500 life insurance benefit for all retirees. The cost of the supplemental life insurance benefit is .19% of total annual compensation. Staff recommends that the City drop the supplemental death benefit through TMRS and add an additional one times life insurance benefit through the City's group policy. This change will reduce the City's annual contribution rate for TMRS and result in an annual savings to the City of \$49,000.

The City staff's recommendation was that the City Council approve the ordinance terminating the Supplemental Death Benefits for active and retired employees provided through the Texas Municipal Retirement System.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Discontinuing Participation in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3605-09-2008**, as captioned previously. The motion carried.

**Consideration of an Ordinance Amending
the FY 2007-2008 Adopted Budget**

(Agenda Item G-14)

The purpose of this ordinance is to amend the FY 2007-08 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Others relate to actions taken to fund unbudgeted items during the year. This ordinance will also authorize two new supplements, one to the Grant Fund to cover a transfer to the General Fund in the amount of \$102,715 (excess funding not needed in the Grant Fund) and a supplement to the Recreation Fund in the amount of \$60,000, due to the overwhelming response related to offering the Boot Camp this fiscal year. Revenue related to the Boot Camp more than offsets this supplement.

The City staff’s recommendation was that the City Council approve the ordinance amending the FY 2007-08 budget.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Previously Adopted and Approved Budget Ordinance for the Fiscal Year October 1, 2007 to September 30, 2008; by Providing Supplemental Appropriations to the Various Funds; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Ueckert and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3606-09-2008**, as captioned previously. The motion carried.

Reports

(Agenda Item I)

- Library Manager Ann Wiegand updated the City Council regarding the Library celebrating 40 years of service to the residents of Lewisville.
- Human Resource Director Melinda Galler invited everyone out to the Southern Denton County Neighbor to Neighbor picnic western style from 11:30 – 1:30 p.m. at Memorial Park Recreation Center on September 19th.
- Public Services Director Carole Bassinger advised that the City did not have any issues regarding the lake over the weekend.
- Assistant City Manager Donna Barron gave an update regarding the Fall Music Series being held at Wayne Ferguson Plaza. She also encouraged everyone to come out on September 27th for Western Days.
- Councilman Ueckert echoed Frank Vaughn's comments earlier regarding the evacuees due to Hurricane Ike.
- Deputy Mayor Pro Tem Watts echoed Councilman Ueckert comments and encouraged everyone to keep the temporary residents in their prayers and Mayor Pro Tem Thornhill due to a health issue and hoped he was doing better. He stated that he echoed what had been said regarding the changing of the official newspaper, that it was not any reflection on the Lewisville Leader and their coverage of Lewisville, that this change is just regarding the legal publication requirement for what is posted.
- City Manager Claude King gave an update on the status of the City's efforts regarding the recent hurricane.
- Mayor Carey advised he was extremely proud of the City and staff for their hard work.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:40 p.m. Monday, September 15, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item J)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:40 p.m. on Monday, September 15, 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. Property Acquisition

2. 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

3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 8:00 p.m. on Monday, September 15, 2008.

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

(Agenda Item K)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:12 p.m. on Monday, September 15, 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 Durham and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 3607-09-2008(R)**, approving the following increases: City Manager King – 3%; City Attorney Ron Neiman – 3%, Municipal Court Judge Brian Holman – 3%; and City Secretary Julie Heinze – 11.24%. The motion carried.

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

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Ueckert, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:13 p.m. p.m. on Monday, September 15, 2008. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 15, 2008**

Page 22

These minutes approved by the Lewisville City Council on the 6th day of October, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY