

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 25, 2010

Present:

Dean Ueckert, Mayor

Council Members:

Lathan Watts, Mayor Pro Tem
Rudy Durham, Deputy Mayor Pro Tem
Greg Tierney
David Thornhill
John Gorena

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 Ueckert at 6:30 p.m. on Monday, January 25, 2010, 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 Ueckert recognized the members of Leadership Lewisville that were attending the meeting and thanked them for their attendance. He encouraged them to stay involved in their community.

Mayor Ueckert reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. 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 Ueckert reviewed Agenda Item C-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on a 0.17 Acre Tract Located at 326 North Hatcher Avenue: Further Identified as Lot 1 (SW PT) of the Rawlings Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100101). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on a 0.24 Acre Tract Located at 522 Edna Avenue; Further Identified as Lot 7, Block 4 of the O.B. Dick Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100102). There was no discussion on this item.

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

Mayor Ueckert reviewed Agenda Item E-3, Approval of Minutes: City Council Minutes of the January 4, 2010, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-4, Approval of a Bid Award for Installation of Lighting at 83 Traffic Signals to Republic, ITS of Grand Prairie, Texas, in the Amount of \$109,924; Approval of a Total Budget of \$113,222; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-5, Approval of an Interlocal Cooperation Agreement Between the City of Lake Dallas and the City of Lewisville to Maintain One Off-System Traffic Signal; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-6, Approval of the Old Town Plaza Conceptual Design Preferred Alternative; Approval of an Amendment to the Professional Services Agreement With Design Workshop Inc., in the Amount of \$532,780 for Services Related to Design, Engineering and Construction Administration for the Old Town Plaza; and Authorization for the City Manager to Execute the Contract. 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 Ueckert reviewed Agenda Item E-7, Approval of Acceptance of the FY 2009-2010 Edward Byrne Memorial Justice Assistance Grant; and a Supplemental Budget Appropriation in the Amount of \$23,704 to the FY 2009-2010 Grant Fund. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-8, Approval of Acceptance of the FY 2009-2010 Texas Criminal Justice Division Justice Assistance Grant; and a Supplemental Budget Appropriation in the Amount of \$659,546 to the FY 2009-2010 Grant Fund. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-9, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase Digital Cameras and Accessories; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-10, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35; Adding New Language, and Adding One Section 15-35.3 to Establish the Maximum Speed Limit in Lewisville Railroad Park at 20 Miles Per Hour. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-11, Consideration of Acceptance of a Report From the 2009/2010 Charter Review Commission; and Provide Direction to City Staff. Mayor Pro Tem Watts questioned if the City Council accepted the report would that bind them to the recommendation. City Attorney Ron Neiman advised that they were just receiving the report; acceptance did not compel the City Council to do anything. Mayor Ueckert pointed out that the City Council could act on the report at a later date if they so chose. There was no further discussion on this item.

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

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

City Manager King advised that the Retreat Agenda and packets would be delivered to them tomorrow. City Secretary Julie Heinze advised of a Meet and Greet for the new Election Administrator on Thursday, January 28, 2010 on the 3rd floor of City Hall.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Ueckert acknowledged the retirement of Planning and Zoning Manager Gene Lewis. He stated there would be a tribute reception to honor Mr. Lewis' 35 years of dedicated hard work, labor and service to the City of Lewisville.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:37 p.m. on Monday, January 25, 2010.

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 Ueckert at 7:00 p.m. on Monday, January 25, 2010, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

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

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Ueckert, Boy Scout Troop 62 gave the pledge to the American and Texas flags.

**Public Hearing: Consideration of Ordinance
No. 3736-01-2010(Z) for a Zone Change
Request From Single-Family Residential (R-
7.5) to Old Town Mixed Use One (OTMU1)
on a 0.17 Acre Tract Located at 326 North
Hatcher Avenue: Further Identified as Lot 1
(SW PT) of the Rawlings Addition; as
Requested by Kristie and Jerry Steed, the
Property Owners (Case No. PZ20100101)**

Agenda Item C-1)

The property is located on the east side of Hatcher Avenue between College Street and Walters Street. The property is currently zoned Single-Family Residential (R-7.5). The majority of properties on this block are zoned Old Town Mixed Use One (OTMU1) with the remainder being Single-Family Residential (R-7.5). It is directly across the street from College Street Elementary

Public Hearing: Consideration of Ordinance No. 3736-01-2010(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on a 0.17 Acre Tract Located at 326 North Hatcher Avenue: Further Identified as Lot 1 (SW PT) of the Rawlings Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100101) (cont'd)

Agenda Item C-1)

School. The tract is currently occupied by a single-family residence. The change in zoning is in compliance with the Old Town Master Plan and staff is in favor of this request. The Planning and Zoning Commission voted 7-0 in favor of the zone change request at their January 5, 2010, meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, as set forth in the caption above.

Mayor Ueckert opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Kristie Steed, Applicant were both 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 Durham, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.17 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R-7.5) District Zoning to Old Town Mixed Use One (OTMU1) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency

Public Hearing: Consideration of Ordinance No. 3736-01-2010(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on a 0.17 Acre Tract Located at 326 North Hatcher Avenue: Further Identified as Lot 1 (SW PT) of the Rawlings Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100101) (cont'd)

Agenda Item C-1)

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3736-01-2010(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3737-01-2010(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on a 0.24 Acre Tract Located at 522 Edna Avenue; Further Identified as Lot 7, Block 4 of the O.B. Dick Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100102)

(Agenda Item C-2)

The change in zoning is in compliance with the Old Town Master Plan and staff is in favor of this request. The Planning and Zoning Commission voted 7-0 in favor of the zone change request at their January 5, 2010, meeting.

The City staff’s recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, as set forth in the caption above.

Mayor Ueckert opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Kristie Steed, Applicant were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3737-01-2010(Z) for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on a 0.24 Acre Tract Located at 522 Edna Avenue; Further Identified as Lot 7, Block 4 of the O.B. Dick Addition; as Requested by Kristie and Jerry Steed, the Property Owners (Case No. PZ20100102) (cont'd)

(Agenda Item C-2)

City Attorney Ron Neiman read the ordinance caption into the record as follows:

An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.24 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R-7.5) District Zoning to Old Town Mixed Use Two (OTMU2) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency

MOTION: Upon a motion made by Mayor Pro Tem Watts and seconded by Councilman Gorena, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3737-01-2010(Z)**, as previously captioned. The motion carried.

Mayor Ueckert recognized the members of Leadership Lewisville in attendance.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:06 p.m. Monday, January 25, 2010, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:06 p.m. on Monday, January 25, 2010, 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

Closed Session (cont'd)

(Agenda Item H)

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 7:38 p.m. on Monday, January 25, 2010.

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

(Agenda Item I)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:38 p.m. on Monday, January 25, 2010, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. APPROVAL OF MINUTES: City Council Minutes of the January 4, 2010, Workshop Session and Regular Session.
4. Approval of a Bid Award for Installation of Lighting at 83 Traffic Signals to Republic, ITS of Grand Prairie, Texas, in the Amount of \$109,924; Approval of a Total Budget of \$113,222; and Authorization for the City Manager to Execute the Contract.
5. Approval of an Interlocal Cooperation Agreement Between the City of Lake Dallas and the City of Lewisville to Maintain One Off-System Traffic Signal; and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item E)

6. Approval of the Old Town Plaza Conceptual Design Preferred Alternative; Approval of an Amendment to the Professional Services Agreement With Design Workshop Inc., in the Amount of \$532,780 for Services Related to Design, Engineering and Construction Administration for the Old Town Plaza; and Authorization for the City Manager to Execute the Contract.
7. Approval of Acceptance of the FY 2009-2010 Edward Byrne Memorial Justice Assistance Grant; and a Supplemental Budget Appropriation in the Amount of \$23,704 to the FY 2009-2010 Grant Fund.
8. Approval of Acceptance of the FY 2009-2010 Texas Criminal Justice Division Justice Assistance Grant; and a Supplemental Budget Appropriation in the Amount of \$659,546 to the FY 2009-2010 Grant Fund.
9. Approval of **Resolution No. 3738-01-2010(R)**: Authorizing the City to Apply for a Grant From the Office of the Governor, Texas Criminal Justice Division for Combating Violence Against Women.

The motion carried.

END OF CONSENT AGENDA

Consideration of Ordinance No. 3739-01-2010 Amending the Lewisville City Code, Section 15-35; Adding New Language, and Adding One Section 15-35.3 to Establish the Maximum Speed Limit in Lewisville Railroad Park at 20 Miles Per Hour

(Agenda Item F-10)

Lewisville Railroad Park is nearing completion and a 20 M.P.H. temporary speed limit has been posted to enhance safety within the park. An amendment to the City Code is required to make speed limits enforceable within the park. Therefore, staff has prepared an ordinance establishing a 20 M.P.H. speed limit for all roadways within Lewisville Railroad Park.

The City staff's recommendation was that the City Council adopt the proposed ordinance establishing a 20 M.P.H. maximum speed limit within Lewisville Railroad Park.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

Consideration of Ordinance No. 3739-01-2010 Amending the Lewisville City Code, Section 15-35; Adding New Language, and Adding One Section 15-35.3 to Establish the Maximum Speed Limit in Lewisville Railroad Park at 20 Miles Per Hour (cont'd)

(Agenda Item F-10)

An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 15, Section 15-35 of the Lewisville City Code, Providing New Language, and Adding One New Section, 15-35.3 Establishing the Maximum Speed Limit in Lewisville Railroad Park; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency

MOTION: Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3739-01-2010**, as captioned previously. The motion carried.

Consideration of Acceptance of a Report From the 2009/2010 Charter Review Commission; and Provide Direction to City Staff

(Agenda Item F-11)

The 2009/2010 Charter Review Commission has concluded its meetings and is ready to make its recommendation to the City Council. The final report of the Commission has been prepared and submitted to the Council for review. Under State law provisions, there must be two full years between elections. The City’s last Charter Election was held on September 11, 2004. The May uniform election date for 2010 is Saturday, May 8, 2010.

The City staff’s recommendation was that the City Council accept the report from the 2009/2010 Charter Review Commission; and provide direction to City staff.

Mayor Ueckert advised that Chairman of the Charter Review Commission Jeff Pelletier was present to respond to any questions posed by the City Council. He also thanked Mr. Pelletier for his and the other Commission Members for all they did and stepping forward to serve.

Councilman Gorena questioned if the next step would be to direct City staff to come up with wording for the ballot for any changes to the charter. City Secretary Julie Heinze advised that if the City Council wanted to call an Election for the May 8, 2010 date, it would need to be called by the first meeting in March. City Manager King advised that it was at Council’s discretion if they wanted to call an election.

**Consideration of Acceptance of a Report
From the 2009/2010 Charter Review
Commission; and Provide Direction to City
Staff (cont'd)**

(Agenda Item F-11)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Mayor Pro Tem Watts, the Council voted five (5) “ayes” and no (0) “nays” to accept the report from the 2009/2010 Charter Review Commission.

Mayor Ueckert stated that if any of the City Council wanted to set an election date they would need to get with City staff.

Reports

(Agenda Item G)

- Director of Public Services Carole Bassinger gave an update on the status of the Lake.
- Mayor Pro Tem Watts thanked everyone who was involved in the Hearts and Roses Dance.
- Mayor Ueckert acknowledged Planning and Zoning Manager Gene Lewis’ upcoming retirement and thanked him for his service over the past 35 years to the City of Lewisville.
- Councilman Thornhill thanked the Fire Department for checking on residents during the cold weather that needed assistance.
- Councilman Tierney advised he had gotten the opportunity this past weekend to go to the Dog Park at Railroad Street and encouraged everyone to take their dog out to the park.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:51 p.m. Monday, January 25, 2010, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:55 p.m. on Monday, January 25, 2010, 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

Section 551.087 (Economic Development):

Closed Session (cont'd)

(Agenda Item H)

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 7:57 p.m. on Monday, January 25, 2010.

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

(Agenda Item I)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:57 p.m. on Monday, January 25, 2010, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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 Mayor Pro Tem Watts and seconded by Councilman Gorena, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 7:57 p.m. on Monday, January 25, 2010. The motion carried.

These minutes approved by the Lewisville City Council on the 1st day of February, 2010.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY