

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 20, 2017

Present:

Rudy Durham, Mayor (Absent)

Council Members:

TJ Gilmore, Mayor Pro Tem

R Neil Ferguson

Brent Daniels

Brandon Jones

City Staff:

Donna Barron, City Manager

Eric Ferris, Assistant City Manager

Claire Swann, Assistant City Manager

Melinda Galler, Assistant City Manager

Julie Heinze, City Secretary

Lizbeth Plaster, 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 Pro Tem Gilmore at 6:00 p.m. on Monday, February 20, 2017, 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 Charter Review Commission

Recommendations

(Agenda Item A)

City Manager Donna Barron conducted the attached PowerPoint Presentation for City Council consideration.

Mayor Pro Tem Gilmore adjourned the regular session of the Lewisville City Council into Closed Session at 6:11 p.m. Monday, February 20, 2017, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney) the Lewisville City Council convened into Closed Session at 6:11 p.m. on Monday, February 20, 2017, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following: Charter Review Commission Recommendation.

The Closed Session was adjourned at 6:20 p.m. on Monday, February 20, 2017.

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

(Agenda Item J)

Mayor Pro Tem Gilmore reconvened the Regular Session of the Lewisville City Council at 6:20 p.m. on Monday, February 20, 2017, in the Council Chambers of the Lewisville City Hall.

Mayor Pro Tem Gilmore 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.

Mayor Pro Tem Gilmore moved on to Discussion of Regular Agenda Items and Consent Agenda Items.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Pro Tem Gilmore reviewed Agenda Item A, Invocation. There was no discussion on this item. Mayor Pro Tem Gilmore advised that Councilman Daniels would be handling the Invocation. He further indicated that Mayor Durham was absent as he was attending the State Board of Appraisers Conference in Austin this week as he does every year during this time period. There was no further discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item C, Proclamation: 1) Declaring the week of February 19-25, 2017, as “Lewisville Rotary Week 2017”; and 2) Declaring March 2, 2017, as “Texas Independence Day”. 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 Pro Tem Gilmore reviewed Agenda Item D, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a 22,850 Square-Foot Shooting Range (Indoor) on a 2.256-Acre Lot, Legally Described as, Lot 6R-1, Block A, Corporate Square; Located on the West Side of South Stemmons Freeway (IH-35E) Approximately 550 Feet South of Corporate Drive at 1915 South Stemmons Freeway; Zoned Light Industrial (LI) District, as Requested by Kevin Allee, of Point Blank Range & Gun Shop, on Behalf of Lewisville Bassett One LTD, the Property Owner (Case No. SUP-2017-02-04). There was no discussion on this item.

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

Mayor Pro Tem Gilmore reviewed Agenda Item F-1, (a) City Council Minutes of the January 23, 2017, Workshop Session and Regular Session; and (b) City Council Minutes of the February 6, 2017, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-2, Approval of a Bid Award for the 2014 Waterline Rehabilitation Project to A & M Construction and Utilities, Inc., Rowlett Texas in the Amount of \$2,108,584.28; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-3, Approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., in the Amount of \$152,200 for Preliminary Design Services Related to the Holford's Prairie Project; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-4, Approval of Change Order No. 1 to the Design Services Contract for the Trinity River Canoe and Kayak Launches; and Authorization for the City Manager to Execute the Change Order. At the questioning of Councilman Daniels, discussion was held that due to changes being made to the Corps process the application could not be submitted until the first of April. He further advised that discussion was being held with the Corps regarding parking and what would be approved to ensure that what is submitted will meet those requirements. There was no further discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-5, Approval of the Annual Arbitrage Rebate Reports From First Southwest Reflecting no Arbitrage Liability. 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 Pro Tem Gilmore reviewed Agenda Item F-6, Approval of a Letter Supporting a Request for the Disposition of Real Property to the Texas Department of Transportation (TxDOT) From Jim Murray, Hard Sun 100, LLC, for a Portion of the East Main Street (FM 1171) Right-of-Way Adjacent to 119 East Main Street; and Authorizing the City Manager to Sign the Letter of Support and Letters of Support for Additional Disposition Requests Along Main Street Between Charles Street and Kealy Avenue. City Manager Donna Barron explained that a number of properties in the Old Town Area are not platted, and in this case the front of the Feed Mill is actually sitting on TxDOT property. She advised that this process was needed in order for TxDOT to give the property to the property owner. She further explained that approval of this item will allow the City Manager to sign future letters without having to come back to the City Council. There was no further discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item G-7, Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for Personnel to Erect and Dismantle Tents Associated With the 2017 American Cancer Society Relay for Life Event, Located at the Lewisville High School- Harmon Campus, and Consideration of a Request for City In-Kind Support for the Same Event, as Requested by Christina Gockley, Community Manager, Relay For Life American Cancer Society. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item H, Reports. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:25 p.m. on Monday, February 20, 2017.

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 Pro Tem Gilmore at 7:00 p.m. on Monday, February 20, 2017, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Pro Tem Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Pro Tem Gilmore, Councilman Ferguson gave the pledge to the American and Texas flags.

**Proclamation: Declaring the week of
February 19-25, 2017, as “Lewisville Rotary
Week 2017”**

(Agenda Item C)

Mayor Pro Tem TJ Gilmore read and presented a proclamation declaring the week of February 19-25, 2017, as “Lewisville Rotary Week 2017” to Bob Troyer, Frank and Pat Hebb, Carolyn Wright, Steve Cox, Tom Atchison, Ray Hernandez, John Pokorny, Audrey Starsbury, Trace Petteway, and Todd Taylor.

**Proclamation: Declaring March 2, 2017, as
“Texas Independence Day”**

(Agenda Item C)

Mayor Pro Tem TJ Gilmore read a proclamation declaring March 2, 2017, as “Texas Independence Day”.

**Public Hearing: Consideration of Ordinance
No. 4358-02-2017 (SUP) Granting a Special
Use Permit (SUP) for a 22,850 Square-Foot
Shooting Range (Indoor) on a 2.256-Acre
Lot, Legally Described as, Lot 6R-1, Block A,
Corporate Square; Located on the West Side
of South Stemmons Freeway (IH-35E)
Approximately 550 Feet South of Corporate
Drive at 1915 South Stemmons Freeway;
Zoned Light Industrial (LI) District, as
Requested by Kevin Allee, of Point Blank
Range & Gun Shop, on Behalf of Lewisville
Bassett One LTD, the Property Owner (Case
No. SUP-2017-02-04)**

(Agenda Item D)

The applicant is requesting an SUP for an indoor shooting range to locate in the former Cosmic Jump building on I-35E. The SUP proposal identifies enhanced features to the building’s façade including the addition of a stone veneer on the front of the building and the two front corners, and an awning above the front entrance. There will be two signs, one wall sign on the front of the building, and one pylon sign that will be replaced with a monument sign in three years. The landscaping of the lot will also be brought up to current standards. On February 7, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP.

Public Hearing: Consideration of Ordinance No. 4358-02-2017 (SUP) Granting a Special Use Permit (SUP) for a 22,850 Square-Foot Shooting Range (Indoor) on a 2.256-Acre Lot, Legally Described as, Lot 6R-1, Block A, Corporate Square; Located on the West Side of South Stemmons Freeway (IH-35E) Approximately 550 Feet South of Corporate Drive at 1915 South Stemmons Freeway; Zoned Light Industrial (LI) District, as Requested by Kevin Allee, of Point Blank Range & Gun Shop, on Behalf of Lewisville Bassett One LTD, the Property Owner (Case No. SUP-2017-02-04) (cont'd)

(Agenda Item D)

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

Nika Reinecke, Director of Economic Development and Planning along with Kevin Allee, Point Blank Range & Gun Shop, 1053 Observatory Point, Maineville, Ohio, 45039, were both present to respond to any questions posed by the City Council.

Mayor Pro Tem Gilmore opened the public hearing.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

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

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Shooting Range (Indoor) on Approximately 2.256 Acres Legally Described as Lot 6R-1, Block A, Corporate Square, Located on the West Side of South Stemmons Freeway (IH-35E) Approximately 550 Feet South of Corporate Drive at 1915 South Stemmons Freeway and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 4358-02-2017 (SUP)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: (a) City Council Minutes of the January 23, 2017, Workshop Session and Regular Session; and (b) City Council Minutes of the February 6, 2017, Workshop Session and Regular Session.
2. Approval of a Bid Award for the 2014 Waterline Rehabilitation Project to A & M Construction and Utilities, Inc., Rowlett Texas in the Amount of \$2,108,584.28; and Authorization for the City Manager to Execute the Contract.
3. Approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., in the Amount of \$152,200 for Preliminary Design Services Related to the Holford’s Prairie Project; and Authorization for the City Manager to Execute the Agreement.
4. Approval of Change Order No. 1 to the Design Services Contract for the Trinity River Canoe and Kayak Launches; and Authorization for the City Manager to Execute the Change Order.
5. Approval of the Annual Arbitrage Rebate Reports From FirstSouthwest Reflecting no Arbitrage Liability.
6. Approval of a Letter Supporting a Request for the Disposition of Real Property to the Texas Department of Transportation (TxDOT) From Jim Murray, Hard Sun 100, LLC, for a Portion of the East Main Street (FM 1171) Right-of-Way Adjacent to 119 East Main Street; and Authorizing the City Manager to Sign the Letter of Support and Letters of Support for Additional Disposition Requests Along Main Street Between Charles Street and Kealy Avenue.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for Personnel to Erect and Dismantle Tents Associated With the 2017 American Cancer Society Relay for Life Event, Located at the Lewisville High School- Harmon Campus, and Consideration of a Request for City In-Kind Support for the Same Event, as Requested by Christina Gockley, Community Manager, Relay For Life American Cancer Society

(Agenda Item G-7)

The 2017 Relay For Life of Lewisville/Flower Mound event will be held from Friday May 19, 2017, and ending at midnight. A request is being made to a) provide City in-kind support of eight (8) tents and staff time to erect and dismantle tents related to the event; and b) to waive any associated fees for the event including fees for personnel to erect and dismantle tents. This event was held last year at the Harmon- Lewisville High School, 1250 W Round Grove Rd, Lewisville, TX 75067, and drew over 20 teams, over 600 participants, and raised over \$60,000.

The City staff's recommendation was that the City Council approve the request for City In-Kind support for the 2017 American Cancer Society Relay for Life event as set forth in the caption above.

MOTION: Upon a motion made by Councilman Jones and seconded by Councilman Daniels, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for personnel to erect and dismantle tents associated with the 2017 American Cancer Society Relay for Life Event, located at the Lewisville High School- Harmon Campus, and approval for City in-kind support for the same event, as requested by Christina Gockley, Community Manager, Relay For Life American Cancer Society. The motion carried.

Reports

(Agenda Item H)

- Quarterly Investment Report From October 1, 2016 – December 31, 2016
- Director Parks and Leisure Services Robert Monaghan advised the renderings for the Multi-Generational Center were available on the City's website for anyone that was interested.
- Director of Public Services Keith Marvin advised that the lake level was just above the conservation level.
- Assistant City Manager Claire Swann advised that Animal Services would be holding Urban Wildlife Education Classes.
- Deputy City Manager Eric Ferris gave an update on the status of the I35E expansion project.

Reports (cont'd)

(Agenda Item H)

- Councilman Daniels reminded everyone of the April 1st Keep Lewisville Beautiful Annual Spring Clean Up event.
- Councilman Ferguson advised that the Citizen's Fire Academy was now accepting applications for the next class. Councilman Ferguson review the upcoming events at the MCL Grand Theatre.
- Mayor Pro Tem Gilmore thanked the Police Officers present and their peers for the service they provide to the community. He advised that the Police Department was at almost full employment levels. Mayor Pro Tem Gilmore advised that the State of Cities was being held tomorrow, February 21st, from 11 a.m. – 1 p.m at the Hilton Garden Inn and that presentations would be made by the Mayors of Lewisville, Highland Village, and Flower Mound.

There were no additional reports at this time.

Mayor Pro Tem Gilmore advised that there were no items to be discussed in Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 7:15 p.m. on Monday, February 20, 2017. The motion carried.

These minutes approved by the Lewisville City Council on the 6th day of March, 2017.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY



2015 Charter Review Commission Recommendations

Process

- Section 11.22 of Charter requires a Commission be appointed every 5 years
 - Term of Office for Commission is 6 months
 - Commission to serve January 2015 through June 2015
- Three issues requested for review by City Council members:
 - City Council Pay
 - Allowing City Council members to be on City Health Plan
 - Impact of Population Increases on Governing Body Size, Method of Election and Related Issues
- Staff also presented 2009-10 Commission recommendations for which election was not called previously

Filling City Council Vacancy (Requested by Mayor Rudy Durham)

- In 2013 the Texas Constitution was changed to authorize home-rule municipalities to have a procedure to fill a vacancy on the governing body for which the vacancy is 12 months or less if approved by voters as a charter amendment.
 - Prior to this constitutional change, cities with terms in excess of two years could not have such a charter provision.
 - The Charter Review Commission did not discuss this change during the 6 month period for which they were appointed
 - Mayor Durham is now asking City Council to consider this change.

Section 3.06 - Vacancies

- All vacancies shall be determined and filled in accordance with the constitution and laws of the State of Texas, as they now exist or may hereafter be amended. **Any vacancy occurring for which the unexpired term is twelve (12) months or less shall be filled within thirty days of the occurrence of the vacancy by appointment of a majority vote of the remaining five (5) councilmen mentioned under section 3.01 above. Any vacancy for which the unexpired term is for more than twelve (12) months must be filled by a majority of the qualified voters voting in a special election called for such purpose in accordance with the Texas State Constitution. All vacancies filled by appointment or election shall be for the remainder of the unexpired term of the office so filled.**
- All vacancies shall be determined and filled in accordance with the constitution and laws of the State of Texas, as they now exist or may hereafter be amended. Any vacancy occurring for which the unexpired term is twelve (12) months or less shall be filled within thirty days of the occurrence of the vacancy by appointment of a majority vote of the remaining five (5) councilmen mentioned under section 3.01 above. Any vacancy for which the unexpired term is for more than twelve (12) months must be filled by a majority of the qualified voters voting in a special election called for such purpose in accordance with the Texas State Constitution. All vacancies filled by appointment or election shall be for the remainder of the unexpired term of the office so filled.



2015 Charter Review Commission Recommendations

Compensation of City Council members

- Recommendation: Revise Section 3.04 to increase compensation of the Mayor to \$175 per meeting and City Council members to \$125 per meeting; the Commission was opposed to inclusion of a methodology that would automatically increase pay based on some type of established formula.
- Reason: Compensation was set at \$50.00 per meeting in 2004 with no methodology for increasing pay over time. Commission recommended that pay be reviewed every five years with required charter review.

Average MONTHLY PAY COMPARISON

(Survey Conducted in FY 14/15)

City	Mayor	Council
Allen	\$625.00	\$375.00
Arlington	\$250.00	\$200.00
Carrollton	\$375.00	\$200.00
Dallas	\$6,666.67	\$5,000.00
Fort Worth	\$2,416.67	\$2,083.33
Frisco	\$760.00	\$600.00
Garland	\$600.00	\$400.00
Grand Prairie	\$100.00	\$25.00
Grapevine	\$410.61	\$212.75
Irving	\$1,200.00	\$900.00
Mesquite	\$100.00	\$50.00
McKinney	\$100.00	\$100.00
Plano	\$1,400.00	\$1,000.00
Richardson	\$100.00	\$100.00
MONTHLY AVERAGE	\$1,078.85	\$803.29
Lewisville (current)	\$100.00	\$100.00
% Difference	978.85% below market	703.29% below market
Charter Recommendation	\$350.00	\$250
% Difference	250% below market	150% below market

Participation in City's Health Plan

- **Recommendation:** Extend clinic visits to City of Lewisville City Council members only (does not include spouse and dependents) at no cost as permitted by law.
- **Reason:** No benefits are currently provided to City Council members. Out of the 17 survey city comparison, only three cities allow city council members to be on the health plan. The Commission recommended against providing health insurance benefits to City Council members.
- City Council members may utilize the Employee Clinic

Section 3.04 Compensation

- The mayor of the city council of Lewisville shall receive \$175.00 for each meeting and members of the city council of Lewisville shall each receive compensation in the sum of ~~\$50.00~~ \$125.00 for each meeting of the city council which they attend; they shall also be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties, when approved by the council; they shall also be allowed to utilize the employee clinic at no cost as allowed by law. Dependents of the city council are not allowed to utilize the employee clinic.
- The mayor of the city council of Lewisville shall receive \$175.00 for each meeting and the members of the city council of Lewisville shall each receive compensation in the sum of \$125.00 for each meeting of the city council which they attend; they shall also be entitled to reimbursement of and for necessary expenses incurred in the performance of their official duties, when approved by the council; they shall also be allowed to utilize the employee clinic at no cost as allowed by law. Dependents of the city council are not allowed to utilize the employee clinic.

Impact of Population Increases on Governing Body Size, Method of Election and Related Issues

- **Recommendation:** That the City Council consider structure of governance prior to any annexation of water districts within our ETJ.
- **Reason:** The timeframe for annexation of the DCFWS districts is unknown at this time.

Section 3.07 Powers of the City Council

Recommendation: Delete clauses in section 3.07, subsection b and subsection s.

Reason: Subsection b contains a clause which gives the City Council the power to distribute work of divisions within the City but the City Manager, as the chief administrative officer of the City, is responsible for the distribution of work.

Subsection s contains a clause which requires a bond of all contractors, yet, in practice, such a bond is not always necessary of all contractors. Whether a bond is required depends on the specific project at issue.

Section 3.07 Powers of the City Council

- All powers of the city, and the determination of all matters of policy, shall be vested in the city council. Without limitation of the foregoing, and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:
 - ~~b. Establish, create, consolidate, or abolish, administrative departments and distribute the work of divisions.~~
 - ~~s. To require bonds, both special and general, of all contractors and others constructing or building for the city, and set up standards, rules and regulations therefore.~~

Section 3.07 Powers of the City Council

- All powers of the city, and the determination of all matters of policy, shall be vested in the city council. Without limitation of the foregoing, and among the other powers that may be exercised by the city council, the following are hereby enumerated for greater certainty:
 - a. Appoint and remove a city manager as hereinafter provided.
 - b. Adopt the budget of the city.
 - c. Authorize the issuance and sale of bonds, by a bond ordinance.
 - d. Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs. To name and designate an "official newspaper" for the City of Lewisville, Texas.
 - e. Provide for such additional boards and commissions, not otherwise provided for in this charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this charter, by city ordinance, or by law.
 - f. Adopt and modify the zoning plan, and a building code, including electrical and plumbing codes, of and for the city; and to require building permits.
 - g. Adopt and modify the official map of the city. (The official map is, and shall be maintained by the city secretary, in the city hall in Lewisville, Texas.)

Section 3.07 Powers of the City Council

- h. Adopt, modify and carry out plans proposed by the city planning commission, for the clearance of slum districts and rehabilitation of blighted areas.
- i. Adopt, modify and carry out plans proposed by the city planning commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole, or in part, by disaster.
- j. Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets and alleys of the city.
- k. Provide for the establishment and designation of fire limits, and prescribe the kind and character of buildings or structures or improvements to be erected therein; and provide for the erection of fireproof buildings within said limits; and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard, and prescribe the manner of their removal or destruction, within said limits.
- l. Fix the salaries and compensation of the city officers and employees, to set up qualifications, rules, and standards of and for employees of the city.
- m. Provide for a sanitary sewer and water system, and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- n. Provide for sanitary garbage disposal, and set fees and charges therefor, and provide penalties for failure to pay such fees and charges. To define nuisances; and, to prohibit same; and provide penalties for violations.

Section 3.07 Powers of the City Council

- o. Provide for all necessary public utilities and set fees and charges therefor and provide penalties for misuses of same.
- p. Exercise exclusive dominion, control and jurisdiction, (including the right to close and abandon streets and alleys), in, upon, over and under, the public streets, avenues, sidewalks, alleys, highways, boulevards and public grounds of the city; and, provide for the improvement of same, as provided in Article 1105b, Chapter 9, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as now, or hereafter amended.
- q. Compromise and settle any and all claims, demands, and lawsuits, of every kind and character, in favor of, or against, the City of Lewisville.
- r. To pass ordinances defining and prohibiting misdemeanors and vagrancy; and, provide penalties for violations.
- s. To provide and/or arrange for any and all "civil defense measures" and "public shelter measures" for the City of Lewisville, Texas, and for the citizens thereof, deemed necessary for public welfare.
- t. To exercise, or delegate to the mayor, extraordinary and total executive powers, (on a temporary basis), during the existence and duration of any major public disaster, for the public welfare.

Section 3.12 Official Bonds for City Employees

Recommendation: Delete section 3.12 in its entirety.

Reason: Official bonds for the city manager, the city secretary or any other city employee are not required by law, and the finance director for the city is bonded.

Section 3.12 Official Bonds for City Employees

- ~~• The city manager and the city secretary and such other city officers and employees as the city council may require shall before entering upon the duties of their office, enter into a good and sufficient fidelity bond in a sum to be determined by the city council payable to the City of Lewisville, and conditioned upon the faithful discharge of the duties of such persons, and upon faithful accounting for all monies, credits and things of value coming into the hands of such persons, and such bonds, shall be signed as surety by some company authorized to do business under the laws of the State of Texas; and, the premium of such bonds shall be paid by the City of Lewisville; and, such bonds must be acceptable to the city council. Such bond shall be maintained in full force and effect at all times during such person's tenure of office.~~

Section 5.07 Conducting and Canvassing Elections

Recommendation: Delete last sentence in section 5.07.

Reason: State law sets the specific dates for canvassing elections, which override the city charter.

Section 5.07 Conducting and Canvassing Elections

- The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas. ~~Within five (5) days or as soon as practical after an election, the city council shall meet, open the returns, canvass and officially declare the result of the election as to candidates and questions, and issue certificates of election to candidates elected, as hereinbefore provided.~~
- The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of Texas.

Section 8.02 Development of Property

Recommendation: Approve new wording of Section 8.02.
Development of property

Reason: State law addresses the expenditure of public funds for private development

Section 8.02 Development of Property

- **Section 8.02. Development of property.** The city council ~~shall~~ may cooperate with persons interested in the development of property within, or beyond, the city limits. No expenditure of public funds, however, shall be authorized if said expenditure for the development of privately owned subdivisions, situated within or beyond the corporate limits of the city' except (where feasible for the city) for the extension of utilities or services to such areas is in violation of state law.
- **Section 8.02. Development of property.** The city council may cooperate with persons interested in the development of property within, or beyond, the city limits. No expenditure of public funds, however, shall be authorized if said expenditure is in violation of state law.

Section 9.02 Preparation and Submission of Budget

Recommendation: Delete the clause in section 9.02 that sets forth the time frame for the submission of the budget.

Reason: State law addresses the timing of the budget.

Section 9.02 Preparation and Submission of Budget

- The city manager shall, ~~between 60 and 90 days prior to beginning of each fiscal year~~, submit to the council a proposed budget, which shall provide a complete financial plan for the fiscal year ...
- The city manager shall submit to the council a proposed budget, which shall provide a complete financial plan for the fiscal year ...

Section 9.06 Notice of Public Hearing on Budget

Recommendation: Delete section 9.06 in its entirety.

Reason: State law sets forth the requirements for public hearings on the budget.

Section 9.06 Notice of Public Hearing on Budget

- ~~• At the meeting of the city council at which the budget is submitted, the city council shall fix the time and place of the public hearing on the budget. The public hearing on the proposed budget shall be set for a date occurring after the 15th day after the budget is filed with the municipal clerk, but before the governing body makes its tax levy, and, the city council shall cause to be published in the official newspaper of the City of Lewisville, a notice of the hearing setting forth the time and place thereof at least five days before the date of such hearing.~~

Section 9.07 Public Hearing on Budget

Recommendation: Delete section 9.07 in its entirety.

Reason: State law sets forth the requirements for public hearings on the budget.

Section 9.07 Public Hearing on Budget

- ~~• At the time and place set forth in the notice required by section 9.06, or at any time and place to which such public hearing shall from time to time be adjourned, the city council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or the amount of any item therein contained.~~

Section 9.14 Contingent Appropriation

Recommendation: Delete section 9.14 in its entirety.

Reason: This contingency appropriation is unnecessary because expenditure of these funds would require city council approval. Therefore, it is more efficient to request an emergency appropriation from the city council when an emergency actually exists. Staff has historically budgeted \$100 to meet the requirement of this section.

Section 9.14 Contingent Appropriation

- ~~• Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of the city manager and distributed by him, after approval of the city council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.~~

Section 9.24 Taxes; when due and payable

Recommendation: Delete the clause in section 9.24 which refers to the office of the city assessor collector.

Reason: The City no longer has an office of the city assessor collector, and those activities are performed by the Denton County Appraisal District and the Denton County Tax Collector.

Section 9.24 Taxes; when due and payable

- All taxes due the City of Lewisville ~~shall be payable at the office of the city assessor-collector, and~~ may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty, interest and other collection costs as provided by the Texas Tax Code, Section 33.01 et seq., as it now exists or may hereafter be amended.
- All taxes due the City of Lewisville may be paid at any time after the tax rolls for the year have been completed and approved, which shall not be later than October 1st. Taxes shall be paid before February 1st, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty, interest and other collection costs as provided by the Texas Tax Code, Section 33.01 et seq., as it now exists or may hereafter be amended.

Section 8.04 Planning commission membership

Recommendation: Remove the requirement that a member of the Planning and Zoning Commission (P&Z) own real property within the City of Lewisville

Reason: Limits the ability of otherwise qualified residents to serve on the P&Z

Section 8.04 Planning commission membership

- The city council shall appoint a city planning commission of seven (7) members who shall be residents of the city ~~and own real property therein~~ who shall serve without compensation.
- The city council shall appoint a city planning commission of seven (7) members who shall be residents of the city who shall serve without compensation.

Considerations for Calling Election

- A change in governance structure will require adequate time to educate the public
- A charter election can only be held once every two years.

Election Timing

- **Elections must be held on one of two uniform election dates:**
 - **Second Saturday in May**
 - **First Tuesday after first Monday in November**
- **If City Council desires to hold election November 7, 2017**
 - **August 7** Recommended date to approve ordinance calling special election
 - **August 21** Last day to call Election
- **If City Council desires to hold election May 5, 2018**
 - **January 1** Recommended date to approve ordinance calling special election
 - **February 19** Last day to call Election