



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 20, 2008**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION – 5:45 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 5:45 P.M.

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Councilman Ueckert
- C. **PUBLIC HEARING:** Consideration of a Resolution Authorizing the Submission of an Application for Funding With the United States Environmental Protection Agency Under the Brownfield's Assessment Grant Program.

ADMINISTRATIVE COMMENTS:

City staff has been working with the United States Environmental Protection Agency (EPA) and other agencies to evaluate financial assistance programs to encourage environmental remediation and redevelopment of Brownfield properties. Funding through the EPA's Program of financial assistance is available in the amount of \$200,000 for assessment of sites with potential petroleum contamination and \$200,000 for assessment of sites with potential hazardous substance contamination. Staff has prepared a draft application for public review and comment, available for access through the Office of Economic Development. The deadline for submission of the grant application is November 14. Written public comment on the proposal will be accepted until October 31, 2008.

RECOMMENDATION:

That the City Council conduct the public hearing; and adopt the resolution authorizing the submission of the application to the United States Environmental Protection Agency.

- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
1. **APPROVAL OF MINUTES:** City Council Minutes of the October 6, 2008, Workshop Session and Regular Session.
 2. **Approval of a Supplemental Appropriation in the Amount of \$23,656 to the Grant Fund; Acceptance of \$23,656 Loan Star Libraries FY2009 Grant Award to Purchase Equipment, on-line Bibliographic Records, Supplies and Staff Training; and Authorization for the City Manager to Execute the Texas State Library and Archives Commission Contract.**

ADMINISTRATIVE COMMENTS:

The City has received the Loan Star Libraries Grant each year since 2001-02. The Loan Star Libraries Grant will be used to purchase: Equipment \$10,514; Supplies \$2,800; Subscription \$3,680; Staff training \$4,462; Building repairs \$2,200. No City match is required.

RECOMMENDATION:

That the City Council approve the supplemental appropriation in the amount of \$23,656; accept the \$23,656 Loan Star Libraries FY2009 Grant; and authorize the City Manager to execute the Texas State Library and Archives Commission contract.

- 3. Approval of a Bid Award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Euless, Texas, in the Amount of \$324,724.05; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-four (24) bid invitations were issued, including two (2) downloaded from DemandStar.com. Five (5) bids were received and opened October 1, 2008. This award consists of asphalt rehab of the following streets: (A) as part of the 2008 CDBG Asphalt Rehab Project: Perry, Hatcher, Elm, Hickory, and Edwards for a total of \$112,136.55; and (B) as part of the Asphalt Maintenance Project G90805: Kingston, Palisades, Monaco, Tahoe, Catalina, Cherry Lane, and Laurel Lane for a total of \$212,587.50. Funding is available from the CDBG Block Grant Budget and the 2008 Asphalt Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Euless, Texas, in the amount of \$324,724.05; and authorize the City Manager to execute the contract.

- 4. Approval of Final Acceptance of the Concrete Curb and Gutter Rehab 2008 Project; and Authorization To Make Final Payment to Patco Utility, Inc., in the Amount of \$23,340.10.**

ADMINISTRATIVE COMMENTS:

On February 18, 2008, City Council awarded a contract to Patco Utility, Inc., in the amount of \$568,962.50 for the Concrete Curb & Gutter Rehab 2008. Field changes resulted in a net reduction of \$102,160.52, for a completed total of \$466,801.98. This project completed curb/gutter repair on Kingston, Palisades, Monaco, Tahoe, and Catalina.

RECOMMENDATION:

That the City Council accept the Concrete Curb & Gutter Rehab 2008 Project; and authorize final payment to Patco Utility, Inc., in the amount of \$23,340.10.

- 5. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$66,000 for Services Relating to the Preparation of Plans and Specifications and Construction Administration of a 17 Acre Section of East Hill Park; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$66,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City has a long term lease from the Corps of Engineers on 238 acres of undeveloped land at East Hill Park. This land was placed under lease with the intent to develop a community park to serve far east Lewisville as it developed in the future. Neighborhoods and apartments have developed in this area and the residents are requesting park amenities. The plan is to create a neighborhood park and trailhead for the surrounding residents that will include a playground, pavilion, trail, native landscape plantings, irrigation, and signage.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$66,000 for services relating to the preparation of plans and specifications and construction administration for a 17-acre section of East Hill Park; approve an appropriation from Park Development Fund Available Cash in the amount of \$66,000; and authorize the City Manager to execute the contract.

- 6. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$123,500 for Services Relating to the Preparation of a Citywide Parks, Recreation and Open Space Master Plan; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$123,500; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The original master plan was completed in 1986, and then updated in 1998. The City has now reached a point that the plan needs to be updated for future planning. Halff Associates Inc., has submitted a professional services agreement to conduct a compressive Parks, Recreation and Open Space Master Plan for Lewisville in the amount of \$123,500. Funding is available in the Park Development Fund.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$123,500 for services relating to the preparation of a City-Wide Parks, Recreation and Open Space Master Plan; approve an appropriation from Park Development Fund Available Cash in the amount of \$123,500; and authorize the City Manager to execute the contract.

- 7. Approval of an Agreement Between the City of Lewisville and the Town of Flower Mound to Revise the Municipal Boundary Along Garden Ridge Boulevard, From FM 1171 (Main Street) to Corporate Drive; and Authorization for the Mayor to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville and the Town of Flower Mound executed an Interlocal Agreement dated April 4, 2005 to adjust the municipal boundary along Garden Ridge Boulevard upon completion of the roadway improvements. The boundary adjustment extends between FM 1171 (Main Street) and Corporate Drive. The Garden Ridge Boulevard improvements have been completed, and in accordance with the Interlocal Agreement, it is time to complete the boundary adjustment.

RECOMMENDATION:

That the City Council approve an agreement between the City of Lewisville and the Town of Flower Mound to revise the municipal boundary along Garden Ridge Boulevard, from FM 1171 (Main Street) to Corporate Drive; and authorize the Mayor to execute the agreement.

- 8. Approval of Revisions to the Lewisville Parks and Library Development Corporation (4B) Bylaws.**

ADMINISTRATIVE COMMENTS:

During the July 7, 2008 4B Board meeting staff was directed to review the bylaws related to Officers as well as any other possible clean ups. It is recommended that the bylaws be changed to reflect the removal of the Treasurer position, and changing the wording regarding the fiscal year to be that which matches the City's fiscal year.

RECOMMENDATION:

That the City Council approve the revisions to the Bylaws.

- 9. Approval of an Appropriation From Utility Capital Project Available Cash in the Amount of \$323,924; Approval of Payment in the Amount of \$323,924.08 to the City of Irving for Lewisville's Share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the Agreement Among the City of Irving, City of Coppell, and the City of Lewisville as Defined in City of Irving Council Resolution #10-06-94-486.**

ADMINISTRATIVE COMMENTS:

A contract was approved October 6, 1994 among the City of Irving and the cities of Coppell and Lewisville for participation with Irving in the engineering, construction, and maintenance of Dallas Supply Line #3. Per the agreement, the City of Lewisville agreed to pay 6/91 (6 MGD of 91 MGD) or 6.59% of the costs for the specified sections of the 91 MGD capacity line beginning at Dallas' Elm Fork Water Treatment and continuing to the Sandy Lake Road crossing. This is the destination point for Lewisville's 6 MGD is the South Side Pump Station which has been in service since June 2005. The Dallas Supply Line #3 is completely installed and operational and it is now in order for payment of the final invoice.

RECOMMENDATION:

That the City Council approve an appropriation from Utility Capital Project Available Cash in the amount of \$323,924; approval of payment in the amount of \$323,924.08 to the City of Irving for Lewisville's share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the agreement among the City of Irving, City of Coppell, and the City of Lewisville as defined in City of Irving Council Resolution #10-06-94-486.

F. REGULAR HEARINGS:

- 10. Consideration of a Request by Weber/Inland American Lewisville TC L.P., for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements.**

ADMINISTRATIVE COMMENTS:

A previous set of agreements was approved and executed in April of this year for the initial construction of Lewisville Towne Crossing Project, a 54.61 acre multi-lot retail center within the Castle Hills Development. The developer, Weber/Inland American Lewisville TC L.P., has requested a new variance to allow building permits and to begin simultaneous construction of the additional public and private on-site improvements including building construction not covered in the previously approved agreements. The General Development Ordinance allows a developer to enter into a 3-party escrow agreement among the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. In this case, two separate agreements are required, one for the City improvements and one for the Fresh Water District improvements. The requested variance allows the use of both 3-party agreements to facilitate simultaneous construction of public, offsite improvements and private on-site improvements.

RECOMMENDATION:

That the City Council approve the variance request and the Three-Party Escrow Agreement for the City of Lewisville improvements (Agreement A); and authorize the City Manager to execute Agreement A and stipulate that all City of Lewisville improvements be completed and accepted by the City prior to issuance of any certificate of occupancy by the Denton County Fresh Water District.

- 11. Consideration of a Request For a Variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a Proposed Storage Building Located at 897 Treatment Plant Road.**

ADMINISTRATIVE COMMENTS:

Staff is proposing a new two hundred forty square foot (240 sq.ft.) storage building to be located at the City's Wastewater Treatment Plant. The proposed storage building will be constructed of metal with a "spray on" finish thus giving a masonry finish consistent with the adjacent administrative building. The building will have minimal visibility to the future Valley Ridge Boulevard.

RECOMMENDATION:

That the City Council approve the request for a variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a proposed storage building located at 897 Treatment Plant Road.

PRESENTATION: Carole Bassinger, Public Services Director

- 12. Consideration of a Bid Award for Median Improvements to Legends Landscapes, LLC, Plano, Texas, in the Amount of \$776,620; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of seventeen (17) bid invitations were issued, including five (5) downloaded from DemandStar.com. Five (5) bids were received and opened September 18, 2008. This project consists of median improvements to MacArthur Boulevard, College Boulevard and Valley Parkway Boulevard. Funding is available in the Corridor Aesthetic Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for median improvements to Legends Landscapes, LLC, Plano, Texas, in the amount of \$776,620; and authorize the City Manager to execute the contract.

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

ADMINISTRATIVE COMMENTS:

Oncor Electric Delivery Company ("Oncor") filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. (Until last year, Oncor was known as TXU Electric Delivery Company.) Oncor asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Based upon the analysis of Oncor's filing and review of discovery responses, the Steering Committee's consultants have determined that Oncor's increase cannot be substantiated by the evidence. The resolution denies Oncor's requested rate increase and requires that Oncor's current rates be maintained for all customers within the City, which amounts to approximately 500 customers.

RECOMMENDATION:

That the City Council approve the resolution.

- 14. Consideration of an Ordinance Creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, Pursuant to Chapter 311 of the Texas Tax Code, Being Approximately 427 Acres, Located at the Northeast Corner of SH 121 and Interstate Highway 35E, Creating a Board of Directors for Such Zone.**

ADMINISTRATIVE COMMENTS:

Prior to creation of a Tax Increment Reinvestment Zone (TIRZ), Chapter 311 of the Texas Tax Code requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the zone. A public hearing to receive input was held on October 6, 2008. No comments from the public were received at the hearing. The City of Lewisville TIRZ #2 is proposed to help pay for infrastructure costs to facilitate a mixed use project known as Hebron/121 Station. The project is comprised of approximately 1,750 multi-family units, 736,000 sq.ft of mixed use commercial development and 149 acres of parkland/open space area. The developer is requesting that the City and Denton County participate in the district at 80% of the property tax on the new increment. The developer is proposing to front the majority of the costs to build the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

RECOMMENDATION:

That the City Council consider the information presented and approve the ordinance creating Tax Increment Reinvestment Zone, Number 2.

PRESENTATION: Nika Reinecke, Economic Development Director

15. Consideration of the “Lewisville Truck Prohibition Study” From Kimley-Horn & Associates.

ADMINISTRATIVE COMMENTS:

On February 18, 2008 Kimley-Horn and Associates Inc. was commissioned to perform a study of various city streets for the consideration of prohibiting through truck use of certain roadways within the City. The results of the study were presented by Kimley-Horn's representative Wayne Kurfees at the City Council workshop on September 20, 2008. The report supports the prohibition of through truck use of all but one of the candidate roadways. Direction is requested on which, if any, roadways to proceed forward on, to prohibit through truck traffic. A subsequent ordinance will need to be prepared.

RECOMMENDATION:

That the City Council consider the “Lewisville Truck Prohibition Study” from Kimley-Horn & Associates and provide direction to staff as to any action to be taken toward the prohibition of through truck traffic on City streets.

PRESENTATION: T. S. Kumar, P.E., City Engineer

- 16. Consideration of Declaring a Vacancy in Place No. 4 on the Park Board; and Consideration of an Appointment to Fill the Vacancy on the Park Board.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Council’s attendance policy, Tippi Sorensen has missed three consecutive meetings (during the months of July, August and September) of the Park Board and is automatically removed from membership on this committee. Ms. Sorensen has been contacted by City staff regarding the attendance policy and she is aware that pursuant to this policy she has been automatically removed from this committee. Ms. Sorensen has contacted Mayor Carey and advised that she missed the meetings due to business related issues and has respectfully requested that she be reappointed to the Park Board. Data sheets for residents interested in this committee have been included in the City Council’s backup material.

RECOMMENDATION:

That the City Council declare a vacancy in Place No. 4 on the Park Board; and consider an appointment to fill the vacancy on the Park Board.

- 17. Consideration of a Resolution Authorizing the Cities Aggregation Power Project, Inc. (CAPP) to Negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary, Related Services Effective January 1, 2009; Approving CAPP Contracting with FPL Energy and Direct Energy and Authorizing the City Manager or His Designee to Sign a Contract with CAPP for the City’s Electricity Needs for the Period Beginning January 1, 2009 and Extending Up to December 31, 2013; Committing to Budget for Energy Purchases and to Honor the City’s Commitments to Purchase Power Through CAPP for its Electrical Needs for the Period Beginning January 1, 2009, and Extending Up to December 31, 2013.**

ADMINISTRATIVE COMMENTS:

The City is a member of CAPP. CAPP's current electric contract will expire on December 31, 2008. The CAPP Board has approved indicative electric pricing available through FPL Energy and Direct Energy Business Services (DEBS) for all CAPP members for a five (5) year term beginning January 1, 2009 through December 31, 2013. CAPP is seeking to lock in energy prices for five years that are below electric prices CAPP members are currently paying.

RECOMMENDATION:

That the City Council approve the resolution.

- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): CAPP Long Term Contract.
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.074 (Personnel): Chief Municipal Court Judge Brian Holman
 4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- H. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- I. **ADJOURNMENT:**

<p>The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by <u>Texas Government Code</u> Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).</p>

MEMORANDUM

TO: Claude King, City Manager

FROM: Nika Reinecke, Economic Development Director

DATE: September 30, 2008

SUBJECT: **Public Hearing: Consideration of a Resolution Authorizing the Submission of an Application for Funding With the United States Environmental Protection Agency Under the Brownfield's Assessment Grant Program.**

BACKGROUND

Redevelopment of blighted areas throughout the City has been a City Council priority for many years. One hindering factor in the redevelopment of certain properties is the perception that these properties may be environmentally contaminated. City staff has been working with the United States Environmental Protection Agency (EPA) and other agencies to evaluate financial assistance programs to encourage environmental remediation and redevelopment of brownfields.

ANALYSIS

Staff finds that the EPA's program of financial assistance for the purpose of conducting environmental site assessments and clean up planning provides the highest value to the City of Lewisville. Funding is available in the amount of \$200,000 for assessment of sites with potential petroleum contamination and \$200,000 for assessment of sites with potential hazardous substance contamination. Staff has prepared a draft application for public review and comment, available for access through the Office of Economic Development. The deadline for submission of the grant application is November 14. Written public comment on the proposal will be accepted until October 31, 2008.

RECOMMENDATION

It is City staff's recommendation that the City Council conduct the public hearing and adopt the resolution authorizing the submission of the application to the United States Environmental Protection Agency.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF LEWISVILLE
AUTHORIZING THE SUBMISSION OF AN
APPLICATION WITH THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REQUESTING FUNDING UNDER THE
BROWNFIELDS ASSESSMENT PROGRAM TO
PROVIDE FOR COMMUNITY WIDE
ENVIRONMENTAL SITE ASSESSMENT AND
CLEAN UP PLANNING ASSISTANCE.**

WHEREAS, the City has established the redevelopment of aging, deteriorated and blighted properties within the City of Lewisville as a priority,

WHEREAS, the City finds investment in the redevelopment of environmentally contaminated properties to be desirable,

WHEREAS, the City desires to apply for certain funds made available by the United States Environmental Protection Agency (the "EPA") as part of the Brownfields Assessment Program (the "BAP") to provide for the environmental assessment and clean up planning of potentially contaminated sites throughout the community;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LEWISVILLE, TEXAS, THAT:**

SECTION 1. The city manager or his designee is hereby authorized to execute and file an application requesting \$400,000 on behalf of the City of Lewisville, Texas with the EPA pursuant to the Small Business Liability Relief and Brownfield's Revitalization Act and BAP guidelines.

SECTION 2. The city manager or his designee is authorized to execute and file with such applications an assurance or any other document required by the EPA.

SECTION 3. This Resolution shall become effective from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE
CITY OF LEWISVILLE, TEXAS, ON THIS THE 20th DAY OF OCTOBER, 2008.**

APPROVED:

Gene Carey, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Ronald J. Neiman, CITY ATTORNEY

**CITY OF LEWISVILLE COMMUNITY-WIDE BROWNFIELDS
ASSESSMENT AND REDEVELOPMENT PROJECT**

**PROPOSAL TO THE ENVIRONMENTAL PROTECTION AGENCY TO ASSIST
IN THE REDEVELOPMENT WITHIN THE CITY OF LEWISVILLE**

PART I. THRESHOLD CRITERIA

1. APPLICANT ELIGIBILITY

The City of Lewisville is a home rule city established by charter in 1925 under the Texas Constitution.

2. LETTER FROM THE STATE AUTHORITY

A letter from the Texas Commission on Environmental Quality acknowledging the City of Lewisville's intent to apply for Federal funds may be found in Attachment A

3. SITE ELIGIBILITY AND PROPERTY OWNERSHIP ELIGIBILITY

This criterion is not applicable as this is a community wide assessment.

PART II. RANKING CRITERIA

1. COMMUNITY NEED

a) Health, Welfare & Environment:

- i) Lewisville is a 43 square-mile maturing inner-ring suburb in the Dallas-Fort Worth metropolitan area. The City of Lewisville, located in Denton County, has a 2008 population of 92,850 according to North Central Texas Council of Governments (NCTCOG) estimates and 519 establishments under regulation by the Texas Commission on Environmental Quality (TCEQ). Currently, Lewisville is home to three (3) active landfills and one (1) inactive landfill, totaling more than twelve hundred (1200+) acres, all of which are adjacent to the Elm Fork of the Trinity River, one of Lewisville's natural assets. In similar proximity to the Elm Fork is the presence of two (2) unauthorized landfill sites identified by TCEQ. Given the large scale and extent of the presence of solid waste landfills in the community, identifying a clean up strategy and potential future uses for these sites is important to the future vitality of the City of Lewisville should an opportunity to convert the sites arise.

For many years zoning and development regulations in Lewisville have allowed for large tracts of heavy commercial and industrial uses throughout the City. Particularly notable is an abundance of auto related businesses and land uses. There were an estimated 3,559 businesses in Lewisville in 2007 according to REGIS Information Services. According to the TCEQ Central Registry, Lewisville is home to 210 registered establishments having underground petroleum storage tanks, each with the possibility of having numerous individual tanks. Additionally, according to the TCEQ Central

Registry, Lewisville has 72 documented cases of leaking petroleum storage tanks.

Despite the significant presence of brownfield properties, Lewisville is also home to remarkable environmental assets. Lewisville’s identity as a community is closely associated with Lewisville Lake, a body of water owned and operated by the U.S. Army Corps of Engineers, which forms the northern boundary of the City. To the South of Lake Lewisville, and occupying most of the Northeast quadrant of Lewisville, is a 2000+ acre nature preserve and environmental research facility named Lewisville Lake Environmental Learning Area (LLELA). This area is managed by a consortium of governmental entities, including the University of North Texas, Texas A&M University, the City of Lewisville, and Lewisville Independent School District under a lease agreement with the U.S. Army Corps of Engineers. According to LLELA’s website, “The principal goals of management at LLELA are to preserve and protect native biodiversity and to restore degraded ecosystems, communities, and native biodiversity while providing compatible educational and scientific use of LLELA lands.” Also marking the environmental landscape of the City is the Elm Fork of the Trinity River, winding through the City from North to South on the East side of the City, an area which is home to most of the industrial activity and landfill sites found in Lewisville.

Comparative Demographics

	Lewisville	Denton County	DFW MSA	Texas	US
Median Household Income	\$46,945	\$66,792	\$61,596	\$44,922	\$48,451
Average Household Size	2.51	2.89	2.84	2.83	2.61
Per Capita Income	\$25,615	\$29,830	\$26,174	\$22,501	\$25,267
% Renter Occupied Housing	52.7	31.8	36.3	34.8	32.70
% Latino or Hispanic	23.1	16.1	26.5	35.70	14.80
% Female Population	49.7	50.1	49.9	50.20	50.80
% Male Population	50.3	49.9	50.1	49.8	49.20
% Children Under 5 years	7.6	7.8	8.3	8.20	6.80
% of Females, Now Married, Except Separated, Pop. Age 15+	45.5	52.1	50.1	49.5	48.40

Source: 2006 American Community Survey

The pervasive presence of Brownfields in Lewisville poses a threat to the health of the community and sensitive populations in particular. According to the EPA’s Envirofacts database, Lewisville is home to 11 facilities that produce air pollutants, 8 facilities that have reported toxic releases, 106 that have reported hazardous waste activities, and 19 that have been permitted to discharge to U.S. waters. Lewisville is located in Texas’ Public Health Region 3 and in Denton County, both of which have significant issues with air quality. This is attributable, in part at least, to pollutant producing facilities

and reliance upon motor-vehicles. Below is a listing of health statistics from the Texas Department of State Health Services for Public Health Region 3 as it compares to the state rates for public health in the year 2000.

% of Pop. in Air Quality Non-Attainment Areas			Cardiovascular Deaths Per 100K		
	Region 3	State		Region 3	State
Total Rate	83.6	49.5	Total Rate	179.8	171.8
White	79.2	49	White	171.1	166.5
African American	93.1	66.1	African American	274.1	263.8
Hispanic	91.4	44.4	Hispanic	131.1	139.5
Lung Cancer Deaths Per 100K			% of Infants with Low Birth Weight		
	Region 3	State		Region 3	State
Total Rate	37	34.8	Total Rate	7.4	7.4
White	37.7	38.4	White	6.7	5.9
African American	49	49.1	African American	12.6	12.7
Hispanic	14	15.1	Hispanic	6.3	6.8
Breast Cancer Per 100K			Source: Texas Department of State Health Services All Statistics are for the year 2000		
	Region 3	State			
Total Rate	18.2	17.3			
White	16.7	16.8			
African American	30.8	25.9			
Hispanic	13.2	14.1			

Notable in the statistics for Texas Public Health Region 3 in which Lewisville is situated, is an overwhelming majority of population living in Air Quality Non-Attainment areas. While the total rate is at 83.6%, the white population has only 79.2% of residents living in non-attainment areas, while both the African American and Hispanic populations have over 90% of citizens breathing unclean air. This may have bearing on the higher incident counts of cardiovascular deaths. The total rate for the region is eight (8) points higher per 100,000 in population than the state; however, the rate of incidence for African Americans is 94.3 points higher than that of the region and 102.3 points higher than the state rate per 100,000 in population. Region three has a higher rate of breast cancer per 100,000 in population than that of the state. This is based solely on a significantly higher incidence in the black female population, being 12.6 points higher than the average of region three and 13.5 points higher than the average of the state. The pervasive presence of Brownfields in Lewisville is attributable in part for the threat to the health of the community and sensitive populations in particular, which is borne out in the health statistics for the area.

Since Lewisville is within the Elm Fork Trinity Watershed, local geology and hydrogeology indicate that regional groundwater is approximately 15 to 20 feet below the ground surface. The close proximity of groundwater to properties with historical petroleum and hazardous substance use remains a

public health and environmental concern, including danger to local drinking water sources and aquatic life throughout the Elm Fork Trinity Watershed.

b) Financial Need:

i) In order to understand the economic indicators of the community in Lewisville, it is necessary to discuss the economic conditions of its home county and region, as well as the state and national benchmarks. Lewisville is located within the relatively affluent Dallas/Fort Worth Metropolitan Statistical Area (DFW MSA). Further, Lewisville makes up a large portion of the Southeast sector of the even more affluent Denton County, located in the north-central sector of the DFW MSA. This is evident in the comparative Median Household Income and Per Capita Income of Lewisville versus Denton County and the DFW MSA. Particularly notable is the drastically higher percentage of renter occupied housing in Lewisville compared to Denton County, the DFW MSA, Texas, and the US. Because Lewisville is home to more brownfield sites than most comparable cities in the region, building and development activity has begun to trail off in comparison to previous years and to the development activity in surrounding communities. The table below compares a ratio of the number of establishments regulated by the Texas Commission on Environmental Quality (TCEQ) to the total square miles of comparable Dallas/Fort Worth suburbs. There is a noticeable decline in the number of building permits for 2007 as this ratio increases.

City	Population	Sq. Mi.	Ratio	TCEQ Entities	2007 Building Permits
Flower Mound	62,450	44.47	4.07	181	1012
Frisco	97,600	61.59	6.38	393	2076
Plano	260,900	72.25	11.13	804	723
Lewisville	92,850	43	12.07	519	627
Richardson	97,450	28.64	15.78	452	245
Carrollton	120,553	37	18.27	676	228

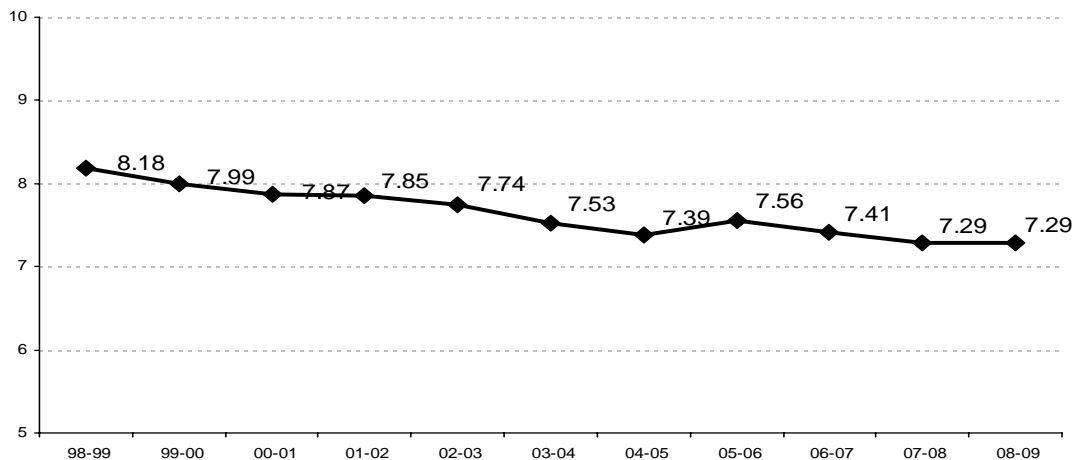
This has caused adverse impacts to revenue, including development fee collections and sales tax revenues. Lewisville has recently lost several key anchor retailers, including Sack-N-Save, Border’s, Hobby Lobby, and LifeWay Christian Store, to competing new developments in surrounding communities. Feedback from the closed retailers has indicated that the outmoded development and undesirable built environment surrounding the properties they formerly occupied in Lewisville was a contributing factor in their decision to relocate.

ii) During this period of economic uncertainty, suburban cities like Lewisville can not afford to implement new projects and programs such as the one the Brownfields Assessment grant would provide for, despite its being a valuable economic, environmental and public safety tool. Lewisville’s revenues are based

on three primary sources: Property tax, sales tax and all other income such as building permits, traffic citations, park fees, etc. Property tax and sales tax represent 66% of the general fund budget and the current national economic slowdown is affecting both. The property values on which we levy our property tax did increase this year, however only by a margin of six percent (6%) whereas last year Lewisville experienced a thirteen percent (13%) increase. Sales tax revenues began to drop in March of 2008 and the 2009 estimate is now only \$30,845, or two tenths of a percent (0.2%) higher than the 2008 budget. Over the past several years, the City has been able to budget for a five percent (5%) increase in sales tax and has actually collected amounts higher than that estimate.

During the 1990's, Lewisville's most recent development boom, building permits and related licenses were a category of revenue once relied upon to increase steadily, however, as we have reached a state "build out", meaning very little vacant land is available for new development, this category of revenue has decreased steadily. In 2009 we are expecting an eighteen and one half percent (18.5%) decrease (-\$338,635) from the fiscal year 2007-2008 budget. As a result, Lewisville's economic development efforts have turned toward redevelopment, an effort toward which environmental challenges pose a great threat.

As a result of these major sources of revenue failing to increase at the rates seen over the past several years it has become nearly impossible to fund any new projects or programs. Expenses related to fuel, health care and retirement mandates have eaten up what little increase in revenue Lewisville is predicting for fiscal year 2008-2009, however, the City has been fortunate enough to be able to trim expenditures in order to avoid layoffs. The continued decrease in the ratio of City staff to population as illustrated in the table below, gives testimony to this continued strain on resources. This does leave Lewisville without resources to address the problem of brownfield sites that are pervasive throughout the City and impede new development.



2. PROJECT DESCRIPTION AND FEASIBILITY OF SUCCESS

a) Project Description

Each year, the Lewisville City Council engages in a strategic planning process as part of its governing and budgeting process. For many years, two key items among the 9 City Council priorities have been the promotion of redevelopment in the Old Town district and around the City at large. As a result, an organization wide effort to revitalize idle parts of the formerly vibrant economic base, has garnered large scale master-planning efforts, policy changes, and pursuits for effective avenues to stimulate redevelopment. The City of Lewisville's vision for its brownfield redevelopment program involves several key factors: raising awareness of the extent and degree of brownfield sites in the community, removal of the stigma of brownfield development through partnerships, and community improvement through the creation of sustainable redevelopment projects and addition of green space.

To achieve the goal of raising awareness of the extent and degree of brownfield contamination in the community, the City of Lewisville plans to inventory suspected brownfield sites and assessments conducted on program properties through a project management database integrated with Geographic Information Systems (GIS) mapping functionality. The City currently distributes a redevelopment guide via the web and hard copy to help promote sites intended for redevelopment, and with grant funding, would provide environmental assessment data in addition to the existing content. The program plan is to make environmental contamination data for as many suspect sites possible available to the community through a multitude of web and print media.

The City has taken the lead in efforts to remove the stigma of developing on brownfield sites. Two noteworthy projects in which the City has been the lead has been the development of a new City Hall in the Old Town area of Lewisville on a former gas station site as well as the asbestos abatement and demolition of a former jail facility for the construction of a new pedestrian plaza. In addition to these developments the City has undertaken master plans for the area abutting Lewisville Lake, the Old Town area, and is beginning the process for creating a highway corridor master plan and a parks trails master plan. These will help assess the feasibility of future uses for sites in the brownfield planning areas encompassed by these plans. With the addition of funding from an EPA Brownfields Assessment Grant, the City will be able to provide environmental data on these sites, which will help reduce the likelihood of a disproportional perception of contamination, impeding development. Providing a potential developer with a feasible use according to a master-plan in addition to environmental assessment data removes two barriers in the redevelopment process.

The City has been working with the Denton County Transit Authority (DCTA) to improve the likelihood that redevelopment projects will integrate well with the regional commuter rail system that will be operational in December of 2010. The City feels that an integrated brownfields redevelopment process that incorporates public involvement, site selection planning, and development policies to promote

sustainability and increase green space will ultimately be the key to transitioning Lewisville from a product of urban sprawl to a community focused on redevelopment opportunities. To this end, the City is implementing incentive and planning policies to stimulate redevelopment of underutilized lands. An integrated brownfields program would provide an additional avenue to promote redevelopment as well as provide an additional point of leverage for the City to advocate for green space and public amenities in redevelopment projects.

b) Budget for EPA Funding and Leveraging Other Resources

i) The following is a breakdown of the tasks scheduled to be completed with the grant assessment funds for hazardous substance related assessments. The tasks are not totally independent of each other but are different in the results they attempt to accomplish.

Hazardous Substance Assessment-Related Property Budget					
	Task 1 Project Implementation	Task 2 Data Management	Task 3 Site Assessments	Task 4 Community Outreach	Total
Personnel					
Fringe Benefits					
Travel	\$2,500.00				\$2,500.00
Equipment	\$3,500.00	\$3,500.00			\$7,000.00
Supplies					
Contractual			\$180,500.00	\$10,000.00	\$190,500.00
Total	\$6,000.00	\$3,500.00	\$180,500.00	\$10,000.00	\$200,000.00

Task 1 – Project Implementation

This task covers the management, implementation, and execution of the grant as a whole. The majority of the work involved with this task, specifically, will be the establishment of a property inventory database. Funds are set aside for Equipment expenses within Project Implementation to cover half of the cost of software to manage the inventory information. Travel expenses are set aside for attendance to certain Brownfield conferences over the course of the project period to network and learn about current and new methods and strategies for Brownfields redevelopment.

Task 2 – Data Management

This task encompasses the creation and maintenance of documents for the public to access. Funds are set aside for Equipment expenses within Data Management to cover half of the cost of software to manage the inventory of assessment information. All environmental site assessments are to be available for public viewing and these funds will be used to develop and maintain a user-friendly electronic portfolio to meet this need.

Task 3 – Site Assessments

This task funds all environmental site assessment work to be done over the course of the project period. If awarded funding, Phase I and Phase II Environmental Site Assessments (ESAs) will be completed on properties that have been targeted within the project area. Costs in this task are estimated on an average cost of \$2500/Phase I ESA and \$9000/Phase II ESA. The City has identified numerous sites which need Phase I and Phase II ESA’s. This budget amount is based on discussions with, and the experience of, an environmental contractor. Roughly ninety percent (90%) of the grant funds would be expended directly toward conducting Phase I and Phase II ESA results.

Task 4 – Community Outreach

Within this task, the City of Lewisville will implement the actions outlined in the “Community Engagement and Partnerships” section to inform the public of the importance for hazardous substance assessments and increase the knowledge of prevention of contamination. This task also allows the City of Lewisville to solicit input from community members on Brownfields related issues, which helps the City identify and meet Brownfields related community needs. City of Lewisville acknowledges the importance of educating the community about environmental contamination so that it can be avoided in the future.

Petroleum Assessment-Related Property Budget					
	Task 1 Project Implementation	Task 2 Data Management	Task 3 Site Assessments	Task 4 Community Outreach	Total
Personnel					
Fringe Benefits					
Travel	\$2,500.00				\$2,500.00
Equipment	\$3,500.00	\$3,500.00			\$7,000.00
Supplies					
Contractual			\$180,500.00	\$10,000.00	\$190,500.00
Total	\$6,000.00	\$3,500.00	\$180,500.00	\$10,000.00	\$200,000.00

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ii) The Assessment grant will meet financial needs to perform the Phase I and Phase II site assessments, asbestos inspections, and remediation planning for selected sites. Although the additional financial needs for future phases of redevelopment of these sites are unknown at this time, the City recognizes the importance of local investment in assessment, remediation and redevelopment of brownfields sites.

The City has shown the ability to successfully leverage funds for redevelopment within the Old Town area of Lewisville. Specific examples are provided below:

Project	Source of Funds	Amount
Old Town City Hall	City of Lewisville	\$12,500,000.00
Old Town Street Scope	City of Lewisville/TxDOT	\$1,566,553.00
Historic Building Retail Grant – Interior Improvements	City of Lewisville	\$75,000.00
Residential Historic Preservation	City of Lewisville	\$50,000.00

Commercial Historic Preservation	City of Lewisville	\$400,000.00
Old Town Plaza Park	City of Lewisville	\$1,000,000.00
Arts Activity Center	City of Lewisville	\$10,000,000.00
Old Town Street & Parking Rehab	City of Lewisville	\$2,704,724.00
Main Street Roadway Improvements	TxDOT	\$21,000,000.00
Homebuyer Assistance & Housing Infrastructure Program	HUD	\$3,033,299.00
Housing Infrastructure Development Program	HUD	\$435,651.00
Housing Rehabilitation Program	HUD	\$408,227.00

c) Programmatic Capability

The City of Lewisville is experienced with environmental remediation projects, having worked with the Texas Commission on Environmental Quality in order to clean up sites for City conducted construction projects and other projects in which the City has participated as a partner. The City has also conducted a benchmark of comparable brownfields programs nationwide after which the City’s program might be modeled should the Assessment Grant be awarded. Ultimately, the goal is to issue a Request for Proposals (RFP) to identify a competent environmental consultant that meets five (5) criteria including: relevant specialized experience and technical competence of the applicant firm and key personnel in supporting local governments with Brownfields Assessment Grant programs, quality of the proposal, and experience working in the State of Texas , EPA and TCEQ on environmental assessment and remediation of brownfields including the Texas Voluntary Cleanup Program. The City will utilize the selected consultant to conduct the funded Phase I and Phase II assessments. The results of these completed assessments will be entered into the data management system and promoted through the variety of web and print media that the City uses to promote redevelopment.

The City plans to absorb the administrative costs of running the program, utilizing existing hardware and staff. The Office of Economic Development staff will administer the program, serving as the staff support, public contact, and reporting entity. Specifically, an Economic Development Specialist, under the supervision of the Economic Development Director, will be the dedicated staff for the program. The Lewisville City Council will serve as the advisory body for site selection decisions where competing sites meet both EPA and TCEQ requirements.

Lewisville City Staff is experienced with managing federal grant awards. Below is a table detailing the \$1.6 Million in funds managed by the City of Lewisville in 2007.

Federal Department	Grant Amount	Audit Findings
Department of Homeland Security	\$416,393.00	None
Department of Housing and Urban Development	\$1,054,721.00	None
Department of Justice	\$119,495.00	None

Department of Transportation	\$77,379.00	None
Department of Health and Human Services	\$5,000.00	None

The City of Lewisville has not been notified of any adverse findings pursuant to OMB Circular A-133 auditing or other audits at the Federal, State or local government levels. Additionally, the City qualified under the designation of a “low risk” auditee under agency regulations implementing OMB Circular A-102.

3. COMMUNITY ENGAGEMENT AND PARTNERSHIPS

a) The City of Lewisville plans to inform and engage community stake-holders in the process of program development, site selection, clean up and reuse planning, and progress reporting through a number of avenues. Communication avenues will include traditional venues such as public meetings and town hall forums, newspaper and press releases, and printed economic development marketing materials.

Advanced technological methods will also be employed such as web-based downloadable materials, electronic newsletters, blogs, RSS feeds, and local cable channel advertisements. The City provides translation services in Spanish for the abundant Latino population in Lewisville. Translation services have been made available for those Spanish-speaking citizens interested in the Brownfields program specifically. These methods, among others to be pursued as necessary, will be used to raise awareness among, interact with, and provide progress updates to the Lewisville community. During the administration of the program, the City will conduct public meetings for site selection, cleanup, and reuse decisions. The City has already engaged the public in forums, town hall meetings and public hearings for the purpose of establishing policy, program development, and desired project outcomes. A public hearing was held on October 20, 2008. A community discussion forum was held October 22, 2008, and informal town hall meetings were held jointly with key community based organizations was held on October, 18 and November 5, 2008.

b) The City plans to provide its own eleven (11) boards and commissions with information on the brownfields program, and if awarded, will include those entities in the process of selecting sites, planning and progress reporting. Additionally, the City plans to partner strongly with the Texas Commission on Environmental Quality (TCEQ) in its process of selecting, assessing and cleaning up sites. The City has an existing working relationship with the TCEQ through its public works and community development functions. If awarded the Assessment Grant, the City plans to require assessed sites proceeding into cleanup to enter the Voluntary Cleanup Program for the purpose of obtaining a Certificate of Completion, meaning that the remediation of a site has been completed in compliance with TCEQ standards. The City also plans to promote the other initiatives of the TCEQ brownfields office, such as the Innocent Owner/Operator program.

c) The City of Lewisville has involved its key stakeholders in the process of developing this grant proposal and in preparing for the initiation of a brownfields program. The key organizations supporting the City in its application for funding are the Lewisville Old Town Business Association, the Lewisville Area Chamber of

Commerce, the Lewisville Economic Development Foundation, and Keep Lewisville Beautiful.

The Lewisville Old Town Business Association (OTBA) is a non-profit organization formed to promote business growth and participation in the rejuvenation of Old Town Lewisville. The OTBA has partnered with the City of Lewisville in its economic development and revitalization efforts intensively since 2003, when the major initiatives in the redevelopment of Old Town were launched. The OTBA has committed its support to the success of brownfields revitalization in Lewisville. A letter of support is attached to this application that outlines the forms of support the OTBA plans to provide.

The purpose of the Lewisville Area Chamber of Commerce (LACC) is to promote business development to achieve economic growth and a high quality of life for the advancement of the Lewisville area. Through its focus on developing the Lewisville community into an ideal business climate, the LACC has joined with the City of Lewisville in promoting redevelopment. The LACC is closely allied with the Lewisville Economic Development Foundation, an organization which has financially supported Lewisville's efforts to promote investment and redevelopment through funding demographic software applications, web-based applications for property promotion, and other critical economic development tools. An important avenue for public outreach and awareness of the City's brownfield program will be a forum hosted by the City and funded partially by the Lewisville Economic Development Foundation.

Keep Lewisville Beautiful (KLB) is a 501(c)3 nonprofit organization established in 1986. The mission of KLB is to empower the citizens of Lewisville through education to take greater responsibility for enhancing their community environment. The organization is governed by a twelve-member board of directors and managed by a full-time Executive Director and a part-time Office Assistant. KLB has been certified by Keep America Beautiful and Keep Texas Beautiful since 1988. The organization has won numerous awards, and has been recognized by Keep Texas Beautiful with an Award of Excellence. In 2006, KLB received national first place recognition of excellence among its cohorts in the Keep America Beautiful competition. Over the last few years, KLB has broadened its focus to include a number of environmental issues. KLB is an existing partner working with the City of Lewisville on a number of projects, including City-wide cleanups, Lakeshore cleanups, Adopt-a-Spot, Arbor Day plantings, Texas Recycles Day programs, Youth grant programs, Teacher grant programs, Yard of the Month, Habitat Landscaping, and Christmas Tree Recycling. KLB has agreed to extend its support to the brownfields initiative.

4. PROJECT BENEFITS
a) Welfare and/or Public Health

1. Brownfields pose a threat to the health of the community. According to the budget drafted for this proposal, ninety and a quarter of a percent (90.25%) of grant funds would be used for assessment and clean-up planning activities which will directly help lower the risk of exposure of Lewisville residents to Brownfields contaminants. Since Lewisville is home to many excellent environmental and green space assets, many residents and tourists alike spend time in areas threatened by these contaminants. The close proximity of these assets to properties with historical petroleum and hazardous substance use remains a public health and environmental concern, including danger to residents, local economic viability and animal and plant life throughout the Elm Fork, Lewisville Lake and Lewisville Lake Environmental Learning Areas.

Also, clean up planning is built into the proposed budget and will be completed by the consultant selected by the City of Lewisville, including work plans for locating and removing underground hazards. The end use of some of the targeted sites is currently projected, and will be further identified throughout the planning process. Proposed cleanup options will consider the current and reasonably likely future use of each site. Further detailing of impacted sensitive populations (e.g. children, pregnant women, etc.) will be developed and used for establishing site-specific cleanup standards. For example, the cleanup standards for redeveloping a site into a public park will be more stringent than the standards applied to a site that is being redeveloped for commercial/industrial use.

Assessment Grant funds would provide for such a program to conduct assessment of the brownfield properties found in Lewisville, helping identify the extent to which these properties are contaminated and stimulating progress toward redevelopment. Prior to this point, The City of Lewisville has dealt with environmental contamination cases on a one-by-one basis as they have presented themselves in the way of other revitalization and development projects, such as Old Town revitalization efforts, park development, or Economic Development projects. With Assessment Grant funding, the City of Lewisville would be able to develop a comprehensive program to identify the extent of harm that brownfields have caused to the health, welfare and environment in the community.

b) Economic Benefits and/or Green Space

i) Economic benefits of the assessment grant will be realized through the redevelopment of sites selected for assessment. The City of Lewisville has made redevelopment a strategic priority at the City Council level, and has produced a preliminary redevelopment guide. The sites selected for inclusion in the guide are sites that may have environmental contamination issues, are underutilized, and have potential to catalyze new development and contribute to a changing image of Lewisville. This guide includes thirteen (13) key properties throughout the City. If the City were awarded an assessment grant, and was able to assess only the properties included in the redevelopment guide, it will have assessed over 336 acres having an existing real property value of roughly sixty three million dollars (\$63,480,520). Given that the brownfields program will help the City remove

barriers to redevelopment, market properties, and promote a more sustainable form of development on these tracts of land, redevelopment on some, if not many of these properties is likely. Assuming that no other increase occurs, the City would gain an additional fifteen million eight hundred thousand dollars (\$15,870,130) in taxable real property value should these values increase by twenty-five percent (25%). This sort of increase would be achievable through just a few redevelopment projects. The improvement value alone of Waters Ridge Distribution Center 1, located in Lewisville's Water's Ridge Business Park, is over fourteen million dollars (\$14,676,075). It is very feasible that public brownfield assistance could help generate a project of this kind, achieving a 25% increase in just one project. The reuse of these properties with projects that benefit the value of the land for the selected sites, but is impeded by potential contamination, would be further catalyzed through a program funded by an Assessment Grant.

ii) A successfully funded Brownfields Assessment Grant would provide the City with a systematic approach to aiding redevelopment. This includes creating planning policies to encourage environmentally sound land uses, enhanced green space and public amenities, energy sustainability and transit oriented development on sites selected for assessment and remediation. Lewisville has already begun the process of amending the Zoning Ordinance to include several new categories that encourage sustainable land use. If the City is able to assist financially in assessment and redevelopment of these sites, the opportunity is raised to exercise leverage in development agreements or other policies to ensure cleaner land uses, preservation and enhancement of green space and transit oriented sites. This will increase the focus on redevelopment instead of looking to sites on the fringes of the City, reducing vehicle miles traveled and preserving the existing undeveloped land in Lewisville. This aim of this program is to encourage reuse of properties in such a manner as to improve the environment, reduce pollution and resource consumption, and enhance community aesthetics.

c) Infrastructure Reuse/Sustainable Reuse/Environmental Benefits

The goal of the City of Lewisville's program is to promote redevelopment, reuse, and infill development. These types of projects such as those prevalent in the City's Old Town district are beneficial to the entire community. Through the use of existing infrastructure including roads, electric, sewer, gas lines, and water lines, hundreds of thousands of dollars are saved by not having to extend utilities to a greenfield development on the periphery of the City. The mixed-use nature of current zoning will encourage density of uses, limit automobile trips and thereby reduce vehicle miles traveled, lessening the burden on the existing road system. The encouragement of transit oriented redevelopment around Lewisville's three commuter rail stations slated for operations in 2010, will further reduce vehicle miles traveled as well as infrastructure expansion.

d) Tracking Plan/Measuring Progress

If the City of Lewisville is awarded an Assessment Grant, a Quality Assurance Project Plan (QAPP) will be developed along with a process for addressing Historic Properties and Threatened or Endangered Species in accordance with EPA requirements. Additionally a project timeline will be established to set milestones for program implementation over a maximum three year period that will include deployment of site assessment recruitment campaigns, assessment of sites, creation of database and project management files, launch of multimedia resources on the web, etc. Performance measures will include measurement of both outputs and outcomes, such as number of sites or acres assessed as well as number of redevelopment projects initiated. Compliance with these milestones will be assessed and reported annually or as often as is required by the cooperative agreement signed with the EPA. The purpose of these reports will be to ensure that the program continues to move potentially contaminated properties within the community in the direction of sustainable and environmentally conscious redevelopment.

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 6, 2008

Present:

Gene Carey, Mayor

Council Members:

David Thornhill, Mayor Pro Tem
Lathan Watts, Deputy Mayor Pro Tem
Greg Tierney
Dean Ueckert
Rudy Durham (arrived at 5:36 p.m.)

City Staff:

Claude King, City Manager - Absent
Steve Bacchus, Assistant City Manager
Donna Barron, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 5:30 P.M.

With a quorum of the Council Members present, the Closed Session of the Lewisville City Council was called to order by Mayor Carey at 5:30 p.m. on Monday, October 6, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item A)

In accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development), the Lewisville City Council convened into Closed Session at 5:30 p.m. on Monday, October 6, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following: Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 6:10 p.m. on Monday, October 6, 2008.

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

Mayor Carey reconvened the Workshop Session of the Lewisville City Council at 6:10 p.m. on Monday, October 6, 2008, in the Council Conference Room of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:30 p.m. on Monday, October 6, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All department heads were present.

WORKSHOP SESSION – 6:30 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 October 25, 2008, as “Keep Lewisville Beautiful Day”; and 2) Declaring Special Recognition to “Circle of Friends”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Presentation, D, Presentation of Achievement of Excellence in Procurement Award. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a Tract of Land Totaling 0.21 Acres Located at 367 Elm Street; and Identified as Lot 11, Block D of the Degan Addition; as Requested by the Property Owners, Luane and Joseph Williams (Case No. 20080820). 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 B)

Mayor Carey reviewed Agenda Item E-2, Public Hearing: Consideration of an Ordinance Establishing Reinvestment Zone Number Thirty-Four (34) for Vinson Process Controls, Being a 4.87 Acre Tract, Situated in the R.H. Thompson, Survey Abstract No. 1274, Denton County, Texas; Said Tract Being Part of Lot 2R, Block C, Highpoint Oaks Addition; Consideration of a Resolution Providing the Terms and Conditions of a Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Vinson Process Controls; and Authorization for the City Manager, or his Designee, to Execute the Agreement. Assistant City Manager Steve Bacchus advised that the administration comments should have shown the abatement to be 100% not 50%, and that on page twelve of the Tax Abatement Agreement, it should have been listed as Reinvestment Zone 34. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Public Hearing: Consideration of Designating a Continuous Geographic Area of Approximately 4.27 Acres Located at the Northeast Corner of Interstate 35 and State Highway 121 Within the City of Lewisville as Tax Increment Reinvestment Zone, Number Two, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item G-4, Approval of Minutes: a) City Council Minutes of the September 8, 2008 Workshop and Regular Session; b) City Council Minutes of the September 15, 2008, Workshop Session and Regular Session; and c).City Council Minutes of the September 29, 2008, Called-Special Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-5, Approval of a Bid Award for the Valley Ridge Southeast Water Lines, Line A Project to W. R. Hodgson Co., L.P., Celina, Texas, in the Amount of \$1,534,076.85; and Authorization for the City Manager, or his Designee, to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-6, Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase IB Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$316,788.45; and Authorization for the City Manager, or his Designee, 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 B)

Mayor Carey reviewed Agenda Item G-7, Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager, or his Designee, to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-8, Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; Between the City of Lewisville and City Social Service Agency Fund Recipients; and, Between the Community Development Department and Public Services Department for FY 2008-2009; and Authorization for City Officials to Execute the Agreements. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-9, Approval of a Resolution for the Acceptance of a \$213,349.57 Grant From the Texas Department of Transportation for the Traffic Safety Program; and Authorization for the City Manager or his Designee to Execute the Grant Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Approval of a Resolution Approving the Acquisition of Certain Property in the City by the Denton County Transportation Authority Through the Right of Eminent Domain. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-11, Consideration of a Request for a Variance to the Lewisville City Code to Allow Grading, Including Tree Removal on a 35-Acre Site South and East of the Intersection of Midway Road and Holford's Prairie Road Prior to Engineering Site Plan Approval, as Requested by Steve Homeyer, P.E., on Behalf of the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-12, Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Mockingbird Management on Behalf of Lakeside at 121 Apartments. Building Official Cleave Joiner reviewed this agenda item with the City Council. There was no further discussion regarding this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item H-13, Consideration of a Request for a Variance to the Lewisville City Code, Relating to Chapter 6, Screening Devices Associated With the Proposed Opus Building Located on the North Side of S.H. 121 Frontage Road, Between East Hill Park Road and Leora Lane as Requested by the Developer. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-14, Consideration of a Request for a Variance to the Lewisville City Code, Section 60-54(B), When an Engineering Site Plan is Required For a Proposed Retail Facility Located at 1844 North Stemmons Freeway, As Requested By Moh Yasin, the Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-15, Tabled Item: Discussion of Policy Related to Translations of City Publications and Communications (Requested by Deputy Mayor Pro Tem Watts). Assistant City Manager Donna Barron reviewed the revised list of documents and advised that the original list had been missing the explanation of the asterisk. She further explained that two documents had been added to this list that were received from a third party printing source. Ms. Barron then reviewed the chart regarding how much was spent during FY 07/08 in translation costs. She explained that she had added a figure of \$79.04 as a worst case scenario to the actual costs. Ms. Barron further explained that some documents, such as application forms actually incurred no cost as they would have had to be given in English if the Spanish version had not been available. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item H-16, Consideration of a Resolution Establishing English as the Official Language of the City of Lewisville (Requested by Deputy Mayor Pro Tem Watts). There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-17, Consideration of Lewisville City Code, Chapter 7, Article XVIII, Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville (Requested by Deputy Mayor Pro Tem Watts). There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-18, Consideration of Dates for the Annual City Council Retreat. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I, Reports, Third Quarter Boards/Commissions/Committees Attendance Reports. 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 B)

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

Items of Interest to the Council

(Agenda Item B)

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:38 p.m. on Monday, October 6, 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, October 6, 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, Mayor Pro Tem Thornhill gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Wolves of Cub Scout Pack 66 gave the pledge to the flag. The following members were present: Kent Loney, Joseph Loney, James Loney, Garrison Ware, Hoard Russell, Zachery Haythorn, Michael Guiterez, Ian Austin, and Nicholas Luthe.

**Proclamation: Declaring October 25, 2008, as
“Keep Lewisville Beautiful Day”**

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring October 25, 2008, as “Keep Lewisville Beautiful Day” to members of Keep Lewisville Beautiful.

**PRESENTATION: Presentation of Achievement
of Excellence in Procurement Award**

(Agenda Item D)

Mayor Carey read and presented an Achievement of Excellence in Procurement Award to City of Lewisville Purchasing Manager Todd White.

**Proclamation: Declaring Special Recognition
to “Circle of Friends”**

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring special recognition to “Circle of Friends” to Kay Sutton, Spud Newton and Morris Salerno. A video was also shown regarding the Circle of Friends Gala held in March of 2008.

**Public Hearing: Consideration of Ordinance
No. 3610-10-2008(Z) for a Zone Change
Request From Single-Family Residential
(R7.5) to Old Town Mixed Use Two (OTMU2)
on a Tract of Land Totaling 0.21 Acres
Located at 367 Elm Street; and Identified as
Lot 11, Block D of the Degan Addition; as
Requested by the Property Owners, Luane
and Joseph Williams (Case No. 20080820)**

(Agenda Item E-1)

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The tract is currently occupied by a single-family residence. The applicant wishes to re-zone for future flexibility of setbacks to construct an attached garage. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single-family residential and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 2, 2008 meeting.

The City staff’s recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman 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 0.21 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 (R7.5) 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 Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3610-10-2008(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3611-10-2008 Establishing Reinvestment Zone Number Thirty-Four (34) for Vinson Process Controls, Being a 4.87 Acre Tract, Situated in the R.H. Thompson, Survey Abstract No. 1274, Denton County, Texas; Said Tract Being Part of Lot 2R, Block C, Highpoint Oaks Addition; Consideration of Resolution No. 3612-10-2008(R) Providing the Terms and Conditions of a Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Vinson Process Controls; and Authorization for the City Manager, or his Designee, to Execute the Agreement

(Agenda Item E-2)

Vinson Process Controls, a valve, regulator, and computer control manufacturer, is proposing building a 60,065 s.f. manufacturing facility in Highpoint Oaks, bringing 78 employees with an average salary of \$88,461.54 and \$4,750,000 in investment in real property. Given the economic indicators provided, it was determined that the prospect may be granted an abatement of one hundred percent (100%) of real and business personal property taxes for a period of five years, provided that the company construct and occupy a minimum of 60,065 square feet of manufacturing facility, maintain a minimum of 78 employees at a payroll of \$6,900,000, invest a minimum of \$4,750,000 in real personal property, and provide a community support donation in the amount of \$5,000 dollars per year.

The City staff's recommendation was that the City Council approve the ordinance establishing Reinvestment Zone Number Thirty-Four (34); approve the resolution providing the terms and conditions of a tax abatement agreement by and between the City of Lewisville, Texas, and Vinson Process Controls; and Authorize the City Manager, or his designee, to execute the agreement.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Ueckert, 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 captioned into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, Designating a Certain Area Within the City of Lewisville as Reinvestment Zone No. 34 for a Tax Abatement for Vinson Process Controls; Establishing the Boundaries of Such Zone; Providing for Other Matters Relating Thereto; Providing for Severability; Providing a Repealer; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Ueckert and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3612-10-2008**, as previously captioned, and approve **Resolution No. 3612-10-2008(R)** providing the terms and conditions of a tax abatement agreement between the City of Lewisville, Texas and Vinson Process Controls. The motion carried.

Public Hearing: Consideration of Designating a Continuous Geographic Area of Approximately 427 Acres Located at the Northeast Corner of Interstate 35 and State Highway 121 Within the City of Lewisville as Tax Increment Reinvestment Zone, Number Two, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code

(Agenda Item E-3)

Councilman Ueckert advised that he would be abstaining from discussion and consideration of this item due to a conflict of interest. The appropriate Conflict of Interest

Affidavit had been filled out and filed with the City Secretary. Councilman Ueckert moved away from the dais.

Prior to the creation of a Tax Increment Reinvestment Zone (TIRZ), Chapter 311 of the Texas Tax Code requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the zone. The City of Lewisville (TIRZ) #2 is proposed to help pay for infrastructure costs to facilitate a mixed use project know as Hebron/121 Station. The project is comprised of approximately 1,750 multi-family units, 736,000 sq. ft of mixed use commercial development and 149 acres of parkland/open space area. The developer is requesting that the City and Denton County participate in the district at 80% of the property tax revenue on the new increment. The developer is also proposing to front the majority of the costs to build the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

The City staff's recommendation was that the City Council conduct the public hearing and receive input on the creation of Tax Increment Reinvestment Zone Two for the City of Lewisville. No additional action is necessary at this time.

Mayor Carey opened the public hearing.

Nika Reinecke, Economic Development Director and Howard Ponteus, 8200 Douglas Avenue, Dallas, Texas 75225, were both present to respond to any questions posed by the City Council.

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

Councilman Ueckert returned to his place on the dais.

Visitors/Citizens Forum

(Agenda Item F)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

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

4. APPROVAL OF MINUTES:
 - a. City Council Minutes of the September 8, 2008 Workshop and Regular Session;
 - b. City Council Minutes of the September 15, 2008, Workshop Session and Regular Session; and
 - c. City Council Minutes of the September 29, 2008, Called-Special Session.
5. Approval of a Bid Award for the Valley Ridge Southeast Water Lines, Line A Project to W. R. Hodgson Co., L.P., Celina, Texas, in the Amount of \$1,534,076.85; and Authorization for the City Manager, or his Designee, to Execute the Contract.
6. Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase IB Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$316,788.45; and Authorization for the City Manager, or his Designee, to Execute the Contract.
7. Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager, or his Designee, to Execute the Contract.
8. Approval of **Resolution No. 3613-10-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Contract With Budgeted Subrecipients Receiving Portions of the City of Lewisville's U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Entitlement Funding and City of Lewisville Social Service Funding; and Authorizing the Director of Community Development to Execute Letters of Agreement With City Departments Receiving CDBG Funding for FY 2008-2009.
9. Approval of **Resolution No. 3614-10-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, to Approve the Texas Department of Transportation Grant Agreements for the Selective Traffic Enforcement Program; and Authorizing the City Manager or his Designee to Execute the Agreement.

10. Approval of **Resolution No. 3615-10-2008(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Approving the Acquisition of Certain Property in the City by the Denton County Transportation Authority Through the Right of Eminent Domain.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Request for a Variance to the Lewisville City Code to Allow Grading, Including Tree Removal on a 35-Acre Site South and East of the Intersection of Midway Road and Holford's Prairie Road Prior to Engineering Site Plan Approval, as Requested by Steve Homeyer, P.E., on Behalf of the Property Owner

(Agenda Item H-11)

The 35.23 acre property, a former dump site, is located near the southeast corner of Midway Road and Holford's Prairie Road in East Lewisville and is zoned Light Industrial (LI). The owner has a permit to perform excavation in an effort to remove undesirable materials from the site and to stockpile soil. The owner wishes to continue site grading in an effort to make the site more marketable for future development and submitted a "Phase 2" grading plan for review which includes the removal of two American Elm Trees and seventeen Cottonwood Trees, neither of which are protected species. The developer has applied for a variance to allow continued grading of the property and removal of trees without an approved engineering site plan. No grading or filling has been proposed in the floodplain. There have not been any development proposals submitted for the site.

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

David Salmon, P.E., Assistant City Engineer and Steve Homeyer P.E., Homeyer Engineering, Inc., were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code to Allow Grading, Including Tree Removal on a 35-Acre Site South and East of the Intersection of Midway Road and Holford’s Prairie Road Prior to Engineering Site Plan Approval, as requested by Steve Homeyer, P.E., on behalf of the property owner, to allow continued grading of the property and removal of trees without an approved engineering site plan. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Mockingbird Management on Behalf of Lakeside at 121 Apartments

(Agenda Item H-12)

An off-premise sign measuring 64 sf (8’ x 8’) and 15 feet in height is being proposed at Highway 121 and Leora Lane, to be located 20 feet back from the curb approximately 300 feet north of Leora Lane. Due to the location of the Lakeside at 121 Apartments, it has been necessary to hire someone to stand alongside the roadway, holding signs to advertise the availability of the apartments for lease. An off-premise sign would alleviate this need and increase safety by notifying passersby of the upcoming turn into the complex. Lakeside at 121 Apartments has an agreement with Lakepointe Marina at 121, GP, LLC to allow this off-premise sign to be placed on their property. Staff has no objection to this proposal and requests that the City Council consider the requested variance, but place a two-year time limit thereon.

The City staff’s recommendation was that the City Council consider the requested variance with a limit of two years.

Cleve Joiner, Building Official and Jeanette Moore, Mockingbird Management were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve the variance request to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be located at the corner of Highway 121 and Leora Lane as requested by Mockingbird Management on behalf of Lakeside at 121 Apartments, for a two year time period. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Relating to Chapter 6, Screening Devices Associated With the Proposed Opus Building Located on the North Side of S.H. 121 Frontage Road, Between East Hill Park Road and Leora Lane as Requested by the Developer

(Agenda Item H-13)

The property is partially developed including a 490,000 square foot building built in 2003. The developer is proposing an addition of 461,000 square feet to this building. The variance relates to the screening requirement along the northern property line between the apartments and this site. The ordinance requires that an 8-foot masonry screening wall separate the two properties, namely to provide a visual barrier for the residents. The developers are requesting that the screening wall be waived based on a variety of factors.

The City staff's recommendation was that the City Council approve the screening wall variance request.

Gene Lewis, Planning and Community Services Manager and Dewey Daniels, P.E., Project Manager, JBI Partners, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Relating to Chapter 6, Screening Devices Associated with the proposed Opus Building located on the North Side of S.H. 121 Frontage Road between East Hill Park Road and Leora Lane as requested by the developer to waive the screening wall. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Section 60-54(B), When An Engineering Site Plan is Required For a Proposed Retail Facility Located at 1844 North Stemmons Freeway, As Requested By Moh Yasin, the Owner

(Agenda Item H-14)

Mr. Moh Yasin is proposing a flooring store utilizing the vacant gas station building and site. The General Development Ordinance Section 60-54(b) requires that, if the use or operation of the structure or property ceases or becomes vacant for a period of twelve (12) months or more, an engineering site plan must be submitted. A variance is being requested to waive the requirement to submit a full submission of a new engineering site plan and allow the use of the

1997 submitted site plan including the variances approved by council on June 2, 1997. Staff has no objection to this proposal and requests that the City Council consider the requested variance.

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

Cleve Joiner, Building Official and Mr. Moh Yasin were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 60-54(B), When an Engineering Site Plan is Required for a Proposed Retail Facility Located at 1844 North Stemmons Freeway, as requested by Moh Yasin, the owner, to waive the requirement to submit a full submission of a new engineering site plan and allow the use of the 1997 submitted site plan including the variances approved by Council on June 2, 1997. The motion carried.

Tabled Item: Discussion of Policy Related to Translations of City Publications and Communications (Requested by Deputy Mayor Pro Tem Watts)

(Agenda Item H-15)

The City does not currently have a policy that would guide staff regarding which of its many publications and communications should be translated into other languages. Decisions about translations are generally made by the various departments with City Manager review unless they are required by some other law (for example, ballot language, disabled persons, etc.). A formal policy could provide direction to staff on when translations should be performed. This item was tabled at the August 18, 2008, City Council meeting.

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

Mayor Carey advised that at the August 18, 2008, City Council meeting he had advised he would get with the City Manager and following that discussion it was his opinion that felt the City was currently doing what needed to be done. Mayor Carey requested that everyone requesting to speak on this item stick with the item's topic and not discuss illegal immigration or the day worker site. He reminded everyone that this item was regarding the policy related to translations of City publications.

The following individuals spoke before the City Council:

Nola Hamlin, 857 Meadowlark Drive, Lewisville, Texas, 75067, spoke in support of translating documents, regardless if it had to raise her taxes.

John Gorena, 417 Creekwood Lane, Lewisville, Texas, 75067, spoke before the City Council in opposition to translating documents beyond what is mandated by law. Councilman Tierney questioned Mr. Gorena if he opposed translation of any City document other than what was required by law, such as items that promote health and safety. Mr. Gorena indicated that he would have to know the reason why something needed translated before he could answer.

Patricia Stone, 1363 West Purnell, Lewisville, Texas 75057, spoke against translating documents into Spanish. She advised she wanted the language of English to be the official language of the City of Lewisville.

Renato delos Santos, 1531 Duncanville Road, #223, Dallas, Texas, speaking on behalf of the League of United Latin American Citizens (LULAC), advised they were in opposition of not translating documents into Spanish. Mr. delos Santos reviewed LULAC programs with the City Council.

Mia Singleton, 1309 Carnation, Lewisville, Texas, spoke in support not translating documents into Spanish, except when required by law.

Benita Fitzgerald, 341 West Purnell Street, Lewisville, Texas 75057, advised she was opposed to any documents being translated into Spanish, unless required by law.

Susan Davis-Duarte, 256 East Corporate Drive, #1201, Lewisville, Texas, spoke in support of documents being translated into Spanish if required by law or for health and safety reasons only. Ms. Davis-Duarte advised she was opposed to any other documents being translated.

Leonard Myers, 1409 Marblehead, Lewisville, Texas, spoke in support of translating documents that we are required to by law; however, he was opposed to any other documents being translated.

Linda Fogle, 1618 High Pointe Drive, Lewisville, Texas advised that if documents are not translated into Spanish, the reality is, if an individual comes into City Hall and asks for someone who speaks Spanish, a City employee is going to have to take the time to assist them rather than hand them a form in Spanish. Ms. Fogle advised she was opposed to not allowing documents to be translated or making English the official language of the City of Lewisville.

Marco Nelson Suarez, 1811 Water Oak, Lewisville, Texas 75067, advised he was opposed to an Ordinance that did not allow for translation. Mr. Suarez advised that he is

concerned this will create a safety issue. He further stated that he believes that English needs to be the language of the country; however, sometimes people do not have time to assimilate and learn the language. Mr. Suarez encouraged the City Council to spend money to help people who need, and want to learn English.

Mayor Carey reviewed the following position cards that had been submitted if documents should be translated into Spanish:

- Chole Crow, 201 East Round Grove, Lewisville, Texas – opposed
- Frances Davis, 2197 South Uecker Lane, #711, Lewisville, Texas – opposed
- Demi Crow, 201 East Round Grove, #1222, Lewisville, Texas – opposed
- Ralph Fitzgerald, 341 West Purnell Street, Lewisville, Texas – opposed (only those required by law)
- Maria Gorena, 417 Creekwood Lane, Lewisville, Texas – opposed
- Douglas Kirksey, 1341 Mustang Drive, Lewisville, Texas – opposed
- Kelton Fuller, 201 East Round Grove Road, #221, Lewisville, Texas – opposed
- David McLaughlin, 1613 North Valley Parkway, Lewisville, Texas - opposed

At the request of Mayor Carey, Assistant City Manager Steve Bacchus and Assistant City Manager Donna Barron both reviewed the items that were required to be translated and those that were translated for health and safety reasons. Ms. Barron referred the City Council to the document that reviewed the various documents and the associated costs. She pointed out that the costs for translation documents during FY 2007/2008 was \$475.60. Ms. Barron further pointed out that some of the documents translated were application forms that would have had to have been given out in English if they had not been in Spanish.

Deputy Mayor Pro Tem Watts explained that he had originally put this item on the agenda after being approached by several citizens regarding the City's policy on translating documents and he had found out there was not a set policy in place, and it was more of a case by case basis. Deputy Mayor Pro Tem Watts advised that he had also requested Item 16 be included on the agenda in order to give a clear direction to the staff on the issue whether a policy should be made. Deputy Mayor Pro Tem Watts stated that the proposed resolution was not an all or nothing, nor does it put the City at odds with what is required by State or Federal law, nor would it involve the City in a law suit. He explained that the language would basically confirm what the City is already doing, and while the budget impact is not that big, as more people from various cultures move into Lewisville and if we translate for one we should translate for all, then the budget impact could grow and it behooves us to have a policy in place to deal with the situation.

Councilman Ueckert advised that following the August 18th meeting he had also discussed this topic at length with the City Manager and staff and he had been assured that there

had been no problems and the current process was running very smoothly. Councilman Ueckert reviewed the current policy that translations are generally made by the various Departments with City Manager review, with the exception of items required by law. He stated that City staff's goal was to minimize costs and at the same time do what is essential to communicate with citizens in the best interest of all citizens. Councilman Ueckert reviewed items that were beneficial to be posted in English and Spanish, such as a sign to not pour grease, etc., due to Federal laws regarding sewer contamination. Councilman Ueckert then reviewed the 23 items that are currently either being printed by the City that are not required by law, or are processed by a third party. Councilman Ueckert advised that the reasoning behind most of these items is for health and safety issues, or to not require a translator to be present, prevent litigation, to be able to prosecute successfully, and save money by ensuring park attendees understand the rules. Councilman Ueckert pointed out that most of the City's records are not translated and reviewed the various departments that could be translating all their documents, which would cost thousands; however, the City has determined to only translate these few documents at a cost of \$475.60. Councilman Ueckert expressed concern when the City Council tries to step in and micromanage a great system, they can cause more problems than solutions to the big picture for what is really good for the citizens of Lewisville. Councilman Ueckert stated that he was comfortable recommending that the decisions about translations be made by the Departments and reviewed by the City Manager and continue their main goal to minimize cost while doing what is essential to communicate with the citizens in their best interest.

Oscar Ferrario, advised that he was for the making English the official language in order to give people an incentive to learn the language. He questioned if the City Council was doing this to test the waters to see how people will react to these types of issues. Mayor Carey advised that was not the case. Mr. Ferrario pointed out that what Farmers Branch had done was a waste of money.

Councilman Durham stated that his position had not changed and he was still opposed to this and he would be voting to keep procedure that we have in place.

Mayor Pro Tem Thornhill advised that it was amazing what \$475.60 will do and that probably more money was spent pulling the information together that Councilman Ueckert had reviewed. Mayor Pro Tem Thornhill pointed out that seven (7) of the documents are required by law and there was nothing the City Council could do about those, seventeen (17) are being translated by the State or County and he encouraged anyone with an issue to contact those agencies if they had an issue, and that the remainder are all geared around public safety and health issues. Mayor Pro Tem Thornhill recommend that the City Council allow City staff to continue status quo and keep watching the taxpayers' dollars and make good decisions.

Councilman Tierney thanked Deputy Mayor Pro Tem Watts for bringing this topic up as he felt it was something that needed to be looked at from a policy standpoint to ensure how the

City is handling this in the most effective and cost effective way. Councilman Tierney stated that he had talked with the City Manager and that he had assured him that he was comfortable with the way it is being done. Councilman Tierney also thanked Councilman Ueckert for going over the entire list that has been approved by the City Manager that shows the documents that are being translated deal with public health and safety. Councilman Tierney stated that he felt the City Council should continue with how it is being handled. Councilman Tierney acknowledged that if more nationalities move into the City, this topic may need to be looked at again.

Mayor Carey stated that he has confidence that City Manager Claude King can do what needs to be done along with the rest of City staff.

Deputy Mayor Pro Tem Watts advised he wanted to reiterate that on Item 16 that all the items that Councilman Ueckert had reviewed will fit into the exceptions that are in the resolution. He stated that Item 16 would just confirm what the City of Lewisville is currently doing. Deputy Mayor Pro Tem Watts stated that the City of Lewisville has a great City staff.

John Goren spoke before the City Council and advised that they are the elected officials and by procedures the citizens let them know what they want them to do. He implored them to not listen to the rhetoric that had been said tonight, but wanted to leave it up to the immigrants to do what is required to be a United States citizen. He stated that that if someone from one of the racial divided organizations wants to pay for the translations, then let them. He further stated that the majority of citizens want the City Council to do certain things and they were the elected officials and the citizens can do something about that.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” continue with the current policy of having the City Manager approve translated documents. The motion carried.

Consideration of Resolution No. 3616-10-2008(R) Establishing English as the Official Language of the City of Lewisville (Requested by Deputy Mayor Pro Tem Watts)

(Agenda Item H-16)

Councilman Lathan Watts prepared a resolution establishing English as the official language of the City of Lewisville. The resolution is submitted to City Council for consideration as requested by Councilman Watts.

The City staff’s recommendation was that the City Council consider a resolution establishing English as the official language of the City of Lewisville.

Mayor Carey pointed out that the United States did not have an official language. He further pointed out that the 8th President of the United States Martin Van Buren's first language was Dutch and his second was English.

Renato delos Santos, 1531 Duncanville Road, #224, Dallas, Texas 75211, with the League of United Latin American Citizens (LULAC), spoke in opposition of making English the official language.

Susan Davis-Duarte, 256 East Corporate Drive, #1201, Lewisville, Texas spoke in support of making English the official language.

Gary Moore, 706 Mockingbird Drive, Lewisville, Texas 75067, spoke in support of the resolution making English the official language.

Mark Donley, 1138 Pebble Brook, Lewisville, Texas 75067, spoke in support for making English the official language in the City of Lewisville.

Robert Heath French, 1507 Michal, Denton, Texas 76205, spoke in opposition of making English the official language. Mr. French also submitted a petition opposing a resolution making English the official language.

Mercedes Bustos, 1609 Century Oaks Drive, Lewisville, Texas, 75077, spoke in opposition of making English the official language for health and safety reasons.

Nola Hamlin, 857 Meadowlark Drive, Lewisville, Texas 75067, advised she was opposed to even the suggestion that the City of Lewisville would consider making English the official language.

Benita Fitzgerald, 341 West Purnell Street, Lewisville, Texas 75057, spoke in support of making English the official language of the City of Lewisville.

Steve Southwell, 995 Downey Drive, Lewisville, Texas 75067, advised he was opposed to ordinance because he felt it was government's attempt to change reality. Mr. Southwell advised is the Federal government's responsibility.

(Councilman Durham left the dais at 8:55 p.m.)

Todd Genuit, 1516 Carnation, Lewisville, Texas 75067, spoke in support of making English the official language in the City of Lewisville.

(Councilman Durham returned to the dais at 8:56 p.m.)

Marc Behnke, 122 Campbell, Lewisville, Texas 75057, spoke in opposition to making English the official language of the City of Lewisville.

Francisco Lopez, 1441 Kingston Drive, Lewisville, Texas 75067, LHS Latino Club and Student Council Member, spoke in opposition of making English the official language of the City of Lewisville.

Humerto Arriaga, 1312 Parma Drive, Lewisville, Texas 75029, spoke in opposition of the resolution because he felt it was redundant and unnecessary.

John Gorena, 417 Creekwood Lane, Lewisville, Texas 75067, spoke in support of making English the official language.

Mayor Duane E. Olson, 1020 Emerald Sound, Oak Point, Texas 75067, spoke before the City in opposition of making English the official language. Mayor Olson advised that if Oak Point would have had the common sense to hold such a meeting prior to passing a similar resolution, they would be in much better shape. Mayor Olson advised that the resolution which was passed a little over a year ago had created nothing but disharmony in their City. He pointed out that it did not change the way their City was run, nor did it save any money or help them become more efficient. Mayor Olson concluded by stating that this is a national problem, not a city problem, and it is not up to the city to cause diversion for its residents

Mayor Carey advised that the following individuals had submitted position cards regarding passing the resolution making English the official language:

- Ginny Marshall, 1655 Juniper Lane, Lewisville, Texas 75077 – opposed
- Pamela Creed Diaz, 508 Village Drive, Lewisville, Texas 75067 – opposed
- Isidro Diaz, 508 Village Drive, Lewisville, Texas 75067 – opposed
- Sonin Guardado, 117 Redwood Place, Lewisville, Texas 75067 – opposed
- Melinda Jemison, 1315 Cedar Ridge, Lewisville, Texas 75067 – opposed
- Chloe Crow, 201 East Round Grove Road, #1222, Lewisville, Texas – support
- Demi Crow, 201 East Round Grove Road, #1222, Lewisville, Texas – support
- Cheryl Grisham, 1727 Shufords Court, Lewisville, Texas 75067- support
- Frances Davis, 2197 South Uecker Lane, #711, Lewisville, Texas 75067 – support
- Ralph Fitzgerald, 341 West Purnell Street, Lewisville, Texas 75057 – support
- Christin Hanna, 946 Sylvan Circle Drive, Lewisville, Texas 75067 – support
- Patrick Genuit, 939 Sylvan Creek, Lewisville, Texas 75067 – support
- Abigail Day, 2241 North Mill Street, Lewisville, Texas 75057 – support
- Margaret Danial, 1214 Indian Paint, Lewisville, Texas 75067 – support

- Maria Gorena, 417 Creekwood Lane, Lewisville, Texas 75067 – support
- David McLaughlin, 1613 North Valley Parkway, Lewisville, Texas 75077 – support
- Douglas Kirksey, 1341 Mustang Drive, Lewisville, Texas 75067– support
- Anita Robles, 947 Boxwood Drive, Lewisville, Texas 75067- support
- Kelton Fuller, 201 East Round Grove Road, #221, Lewisville, Texas 75067 – support
- Charles Andrews, 1200 College Parkway, Lewisville, Texas – support
- Shirby James, 1405 Primrose Lane, Lewisville, Texas 75077 - support

Mayor Carey advised that the following individuals had sent e-mail regarding their position regarding passing the resolution making English the official language:

Patricia Smith, 420 Vista Trail Drive, Lewisville, Texas 75067 – opposed
Mrs. Stanley Flores – opposed

Marco Nelson Suarez, 1811 Water Oak, Lewisville, Texas 75067, advised he agreed with everything that had been said as he truly believe that the United States should have an official language; however, he did not believe it was the responsibility of the City.

Mayor Carey questioned what advantage would it be for English to be the official language in the City of Lewisville. City Attorney Ron Neiman advised that it was strictly a policy issue.

Deputy Mayor Pro Tem Watts advised that he had put this item on the agenda in order to give the City Council a chance to vote on the policy in order to put the weight of the City Council behind it. He stated that he wished the Congress would pass something that would be uniform; however, he learned a long time ago if you wait for someone else to fix a problem you will wait a long time. Deputy Mayor Pro Tem Watts stated that the different backgrounds was what made America one of the greatest places on the face of the earth and whether or not the City Council made English the official language of the City of Lewisville, it is still the official language of opportunity, commerce, trade, and industry, and the key that unlocks doors. Deputy Mayor Pro Tem Watts stated that the proposed resolution would confirm the policy direction that the City Council made on Item 15, it would not create a language police, 9-1-1 will still help you if there is an item related to public welfare, safety and health it is covered by this resolution. Deputy Mayor Pro Tem Watts stated that he would rather stand for what he believed in than get reelected and compromise his principles.

Councilman Tierney questioned what operational changes would occur tomorrow should this resolution be passed. City Attorney Neiman advised from legal standpoint it is a policy that is adopted by the City Council. Assistant City Manager Steve Bacchus advised it would be based on the direction the City Council forwarded to City staff; however, he could not see any changes should the resolution be passed. Councilman Tierney pointed out that in order to start

seeing some accomplishment, a member of the City Council would have to propose an ordinance that declares English the official language, that the City no longer translates any documents that are not required by law, or allow employees to speak Spanish in any City building, or any other law that we want to tag onto this. He expressed concern that this will be getting the City of Lewisville set up for legal problems. City Attorney Ron Neiman, advised that was correct, if the City goes past the adoption of the policy that is where the potential for legal issues arise. Councilman Tierney pointed out that the City of Lewisville's legal expenses are consistently lower than any other city around because the Legal Department points the City Council in the right direction. Councilman Tierney stated he did not see this as being anything other than symbolic and did not feel it would have a tangible affect.

Mayor Pro Tem Thornhill stated that he agreed with Councilman Tierney and he felt passage of this would only cause the same trouble that Farmers Branch has experienced.

Councilman Durham advised that his position has not changed, he is still not in agreement with this resolution.

Mayor Carey advised that this is a very controversial issue that he wished the Federal Government would do more. He pointed out that the more he studies this topic, he cannot see where it would be advantageous for the City Council to approve this resolution.

Deputy Mayor Pro Tem Watts made a motion to approve the proposed resolution. He requested that the City Council not let it die for a lack of a second. No second was made. Motion failed.

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and one (1) "nays" to not consider the proposed resolution. The motion carried.

**Consideration of Lewisville City Code,
Chapter 7, Article XVIII, Regulating the
Drilling and Production of Oil and Gas Wells
Within the City of Lewisville (Requested by
Deputy Mayor Pro Tem Watts)**

(Agenda Item H-17)

On September 8, 2008, Council adopted an ordinance amending guidelines and requirements related to the drilling and production of oil and gas wells within the City. Deputy Mayor Pro Tem Watts has requested that the changes amending Lewisville City Code, Chapter 7, Article XVIII by the passage of Ordinance No. 3601-09-2008 be reviewed.

The City staff's recommendation was that the City Council consider Lewisville City Code, Chapter 7, Article XVIII regulating the drilling and production of oil and gas wells within the City.

Darrell Patterson, 1813 Water Oak, Lewisville, Texas advised he did not think the approved ordinance was strong enough and requested that it be enhanced, specifically in regard to the truck traffic on local streets.

Steve Southwell, 995 Downey Drive, Lewisville, Texas 75067, requested that the City Council review the noise portion of this ordinance and limit what decibel level is allowed at night, and if a complaint call is received, the Police Department can measure the level and issue a fine the first time and shut them down the next.

Leonard Myers, 1409 Marblehead Drive, Lewisville, Texas 75067, gave the City Council a handout regarding drilling. Mr. Myers reviewed drilling operations with the City Council and advised that the rigs are rented by the hour. Mr. Myers expressed concern that the approved ordinance will limit any companies wanting to drill within the City of Lewisville.

Deputy Mayor Pro Tem Watts reviewed the reasons that he had requested this item be tabled at the previous meeting. He advised that he felt it was in the best interest of the City and citizens if natural gas was gotten out of the ground as safely and responsibly as possible. Deputy Mayor Pro Tem Watts expressed concern that the ordinance will make it less likely that the bigger companies will do anything within the City of Lewisville and some wildcatter will come in and they will not be as safe. Deputy Mayor Pro Tem Watts requested that this ordinance have another chance to be considered and for City staff look over what we received from Chesapeake.

Mayor Carey acknowledged that he had spoken with City Manager King and more work will have to be done on this ordinance.

Discussion was held regarding if there was in fact less gas in the City of Lewisville. Assistant City Manager Steve Bacchus said that according to his knowledge that was not true.

Councilman Ueckert verified with City staff that all of the gas companies had been notified weeks in advance of the official meeting on September 8th that this was going to be put on the agenda and they did not show up. Assistant City Manager Steve Bacchus advised that he had informed one individual that worked with the City on the oil and gas leases and also Chesapeake. Councilman Ueckert stated that it appeared that they knew and chose not to attend the meeting. He reiterated Mayor Carey's statement that this ordinance will continue to be a work in progress.

Dan Carter, 821 Mocking Bird Circle, Lewisville, spoke before the City Council and advised that there were other companies than Chesapeake and that he had received something in the mail from one of them advising that they were going to be drilling in Lewisville. Councilman Ueckert advised that no permit applications had been received yet and that the City has been trying to warn people about misinformation and to be careful.

There was no action taken on this item.

**Consideration of Dates for the Annual City
Council Retreat**

(Agenda Item H-18)

Each year, the City Council retreat is normally held on a Thursday through Saturday timeframe during the first or second week of February. This year, the first set of dates proposed would be Thursday, February 5 – through Saturday, February 7th; and the second set of dates would be February 12th – 14th. The Worthington Hotel, the Ashton Hotel, and The Hilton Garden Inn are all available on both dates.

The City staff's recommendation was that the City Council review the available dates and locations, and direct City staff as to which date and location is preferred.

John Gorena, 417 Creekwood Lane, Lewisville, Texas 75067, requested that the retreat be held within the City of Lewisville.

Councilman Durham reminded the City Council that Denton County Days are scheduled for February 9 – 12, 2008.

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to direct City staff to arrange to have the City Council Retreat held at The Worthington Hotel in Fort Worth on Thursday, February 5 – through Saturday, February 7th. The motion carried.

(Agenda Item I)

Reports

- Third Quarter Boards/Commissions/Committees Attendance Reports.
- Fire Chief Rick Lasky gave an update on the Fire Department Open House.
- Human Resource Director Melinda Galler advised that the City of Lewisville kick off for the Southern County Neighbor to Neighbor campaign made at \$2,900 from the picnic and has collected \$18,000 in employee pledges
- Assistant City Manager Donna Barron reminded the City Council of the final concert of the Fall Music Series.
- Councilman Durham thanked the Mayor of Oak Point attending the meeting and speaking of their situation. Councilman Ueckert gave an update on the Southern Denton County Neighbor to Neighbor Kick Off scheduled to be held at the Lewisville Amphitheater on October 16th.
- Deputy Mayor Pro Tem Watts passed on his compliments to the City Council that we proved tonight people can disagree without being disagreeable. He stated that he was glad regardless of how the vote turned out that they treat each other with respect.

There were no additional reports at this time.

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 10:31 p.m. on Monday, October 6, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of October, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

MEMORANDUM

TO: Claude King, City Manager

VIA: Bob Monaghan, PALS Department Director

FROM: Ann Wiegand, Library Manager

DATE: October 9, 2008

SUBJECT: **Approval of a Supplemental Appropriation in the Amount of \$23,656 to the Grant Fund; Acceptance of \$23,656 Loan Star Libraries FY2009 Grant Award to Purchase Equipment, on-line Bibliographic Records, Supplies and Staff Training; and Authorization for the City Manager to Execute the Texas State Library and Archives Commission Contract.**

BACKGROUND

The Lewisville Public Library will receive a Loan Star Libraries FY2009 grant award of \$23,656 from the Texas State Library and Archives Commission. The 80th Texas Legislature Session appropriated an additional \$1 million per year for the Loan Star Libraries program. In June 2007 the Texas State Library and Archives Commission approved a change in the Loan Star Libraries formula. Effective with the FY2008 grant cycle, the base grants increased to 30% of the allocation and 70% of the funding became a matching grant based on local operating expenditures (as reported in the annual report to the Texas State Library and Archives Commission).

ANALYSIS

Library staff recommend the Loan Star Libraries Grant be used to purchase: Poster Maker/Plotter \$4,395; PA system \$2,047; OCLC Cataloging Express Bibliographic Records for audio/visual materials \$3,680; Texas Library Association Conference attendance March 31-April 3, 2009 in Houston, TX for four librarians, SirsiDynix Superconference attendance April 5-8, 2009 in Dallas, TX for two librarians, North Texas Regional Library System training for two librarians, Amigos Interlibrary Loan Workshop for one librarian \$4,462; Book trucks \$1,600; Repair of marker board \$880; Marker board in Conference Room \$1,320; Other minor equipment \$5,272; total \$23,656.

RECOMMENDATION

The City staff's recommendation is that the City Council accept the \$23,656 Loan Star Libraries FY2009 grant; and authorize the City Manager to execute the Texas State Library and Archives Commission contract.

**Loan Star Grant Expenditure Plan
 10/9/2008**

Grant Amount: \$23,656

	Item	One-Time Cost	Recurring Cost
1	Poster Maker / Plotter (Shipping - 143 lbs. - \$100) HP Designjet 24 inch photo printer (either Z2100-Q6675A or Z3100-Q5669A) Poster Supplies: ink and paper 8 colors: \$2,895; 12 x colors: \$3,395	\$100 \$2,895 \$1,400	\$0
2	PA System 2 zones Public+Circ wk area = \$1,848 Cisco interface for PA System - Bogen TAM B \$199	\$2,047	\$0
3	OCLC Cataloging Express Bibliographic Records for Audio/Visual Materials. Set-Up: \$350 + \$3,322.	\$3,680	\$3,680
4	Training : \$5,562 total; local: \$1,100; Loan Star: \$4,462 SIRSI: JB, LH; TLA: AW, PP, AA, MF; NTRLS: JB, PP; Amigos Interlibrary Loan W/S: JB	\$4,462	\$0
5	Books Trucks - 5 Youth, 3 Adult \$200 X 8 = \$1,600 Free Shipping	\$1,600	\$0
6	Replace NE Study Room Marker Board 11 ft x \$80	\$880	\$0
7	Add Marker Board in Small Conference Room 9 ft x \$80 Add TRAY for the board 9 ft x \$50 Frame for Small conference room marker board	\$720 \$450 \$150	\$0
8	Edu. Games/ Wii System Equipt. & Supplies 2 Units, Adt'l controls, case, charger, games	\$1,000	\$0
9	Portable PA Unit for Speaker/Presenter: \$399 + \$99=498 Shipping: \$19 + \$2 = \$21	\$498 \$21	
10	Way Finding and Poster display stands \$380 Literature stand \$276	\$380 \$276	\$0
11	Youth Play Area Interactive Table/games Teen Tournament Equipment	\$400 \$150	\$0
12	Minor Equipment - Adult Services office		

	\$100-120	\$120	\$0
13	Industrial Dolly / Hand truck - 1 \$75 - \$150 ea	\$100	
14	Safety Ladders: 6 ft., 4 steps & handles: \$497 7 steps & handles: \$1,300	\$497	\$0
15	Hanging Bag conversion to Carryfiles Adult, Youth and Teen	\$1,400	\$0
16	Stand alone Podium \$200+ \$50 shipping Table top podium \$150 + \$30	\$250 \$180	\$0
		\$23,656	\$3,680

Texas State Library and Archives Commission Loan Star Libraries Program:

- [Preamble](#)
- [§2.810 Goals and Purposes](#)
- [§2.811 Definitions](#)
- [§2.812 Eligible Applicants](#)
- [§2.813 Eligible Expenses](#)
- [§2.814 Funding Formula](#)
- [§2.815 Application Review and Awarding Process](#)

Loan Star Libraries Administrative Rules
13 TAC 2.810 - 2.815

Title 13 Cultural Resources
 Part 1 Texas State Library and Archives Commission
 Chapter 2 General Policies and Procedures
 Subchapter Grant Policies
 Division 8 Loan Star Libraries Grants, Guidelines for Public Libraries

Preamble

The Texas State Library and Archives Commission adopted rules, §§2.810-2.815. These sections establish the guidelines for the administration of a grant program for Texas public libraries, Loan Star Libraries Grants, whose general purpose is to assist local governments to improve their library services. These sections set forth the general terms, conditions, criteria, and funding formula for awarding these grants. Grants will aid local communities to maintain, improve, and enhance local library services, and will provide Texans who are not residents of a particular local community access to and services from the many participating public libraries.

This rule is adopted under the authority of Government Code §441.0091, concerning the Grant Program for Local Libraries, that provides the Commission authority to provide for grants to meet specific information needs of residents and specific needs of local libraries, and to adopt by rule the guidelines for awarding grants.

§2.810 Goals and Purposes

This grant program provides direct grants-in-aid to public libraries that are members of the Texas Library System for the following purpose: to provide an incentive for local communities to extend public library services without charge to those residing outside each library's local legal service area in order to improve library services statewide and improve access to public library resources and services for all Texans.

§2.811 Definitions

- a. "Public library service without charge" has the relevant meaning defined in [§1.72\(a\)](#) of this part.
- b. "Non-resident" means any adult or child who does not already live in the public library's local legal service area and who can provide satisfactory proof of Texas residency.
- c. "In accordance with the same policies and procedures the library has adopted for its local resident customers" means the library shall provide the same library services and may impose the same restrictions on non-resident customers as it does for those customers who live locally.

§2.812 Eligible Applicants

- a. Public libraries and local public library systems, through their governing authority (city, county, or corporation) are eligible to apply for grants. To receive a grant, applicants must be members of the Texas Library System for the fiscal year the grant contracts are issued.
- b. To be eligible for a full grant, the governing authority of a public library must certify that it will provide public library service without charge to non-residents in accordance with the same policies and procedures the library has adopted for its local resident customers.

§2.813 Eligible Expenses

- a. This grant program will fund public library operating expenditures such as salary, supplies, library materials, equipment, contractual services, and minor renovations. To be eligible, grant expenses must be reasonable and in accordance with appropriate state or local operating policies and procedures. Further, all grant expenses must be designed to maintain, improve, expand, or enhance the resources or services of the public library.

- b. This grant will not fund the following:
 1. Capital expenditures related to the purchase of real property, buildings, or motor vehicles.

 2. Capital expenditures related to the construction or expansion of library facilities.

 3. Capital expenditures related to major renovation costs (projects exceeding \$250,000).

 4. Other expenditures not allowed by the Uniform Grant and Contract Management Act (Government Code Chapter 783).

§2.814 Funding Formula

- a. The State Library will annually set and allocate a total amount of appropriated funding to be awarded by this grant program.

- b. Lone Star Libraries grants will be awarded according to the following formula:

1. Base Grant. 30% of the total funds allocated for Loan Star Libraries Grants constitutes a base award and will be divided equally among those libraries eligible for the program that either:
 - A. provide library services to non-residents without charge, or
 - B. participate in the TexShare Library Consortium card program.

2. Matching Grant. 70% of the total funds allocated for Loan Star Libraries Grants constitutes a matching award and will be awarded to eligible libraries as a percentage match on their total local operating expenditures (as reported in the most recently collected report, as required by §1.85 of this part) minus any indirect costs (as reported in the most recent state collected public library annual report) as follows:
 - A. Libraries that provide library services to non-residents without charge will be allocated 100% of their eligible match.
 - B. Libraries that do not provide library services to non-residents without charge, but participate in the TexShare card program will be allocated 85% of their eligible match.
 - C. Libraries that do not provide library services to non-residents without charge, and do not participate in the TexShare card program will be allocated 75% of their eligible match.
 - D. The funds in this matching category not allocated to the libraries receiving only 75% or 85% of their match are added to the amount allocated to libraries receiving 100% of their match, and are distributed among these libraries based on their share of the total local operating expenditures.

§2.815 Application Review and Awarding Process

- a. Eligible libraries must submit the following documentation as part of the review and award process:
 1. Status form - this form is submitted annually by a deadline to be determined each year, to indicate whether a library will change its status for the following fiscal year regarding services to non-residents or participation in the TexShare card program.
 2. Assurance of Compliance form - this form certifies that a public library provides services to non-residents without charge; it is submitted once, generally upon removal of non-resident fees, and remains valid until revoked in writing by the local governing authority.
 3. (Plan of Action form - this form is submitted annually by a deadline to be determined each year, to detail the library's plans for spending the grant funds; this plan will be incorporated into the grant award contract.
- b. Errors in the calculation of an award to an individual library will be corrected in the following fiscal year by adjusting the award to that library by a comparable amount.
- c. If a library has certified that it provides service to non-residents without charge or it has elected to participate in the TexShare card program, the library must maintain these services for the duration of the contract that it received.
- d. Willful falsification of documents or reports, as determined by the Commission, shall cause the library to be disqualified for not less than one year in the first occurrence and disqualified for not less than three years in the second occurrence.
- e. Funds will not be awarded to a library until all requirements for all preceding contracts have been fulfilled.

**Lewisville Library Board
Minutes
September 17, 2008**

Lewisville Library Board Present:

Joel Battle
Karen Locke
Marcia De Avila
Erika Lowery
Toby Faber, Chairman
Christina Lancaster
Carolyn Richard, Vice-Chairman

City Staff Present

Ann Wiegand, Library Manager
Charissa Bramlett, Library Secretary

- A. Call to Order and Announce a Quorum is Present: With a quorum of the Library Board members present, Chairman Toby Faber called the regular session of the Lewisville Library Board to order at 7:00 p.m. on Wednesday, September 17, 2008, in the Lewisville Public Library Crawford Meeting Room, 1197 West Main Street, Lewisville, Texas.
- B. Approval of Library Board Minutes of the August 20, 2008, Regular Meeting: Erika Lowery moved to approve the minutes from the August 20, 2008 meeting and Christina Lancaster seconded the motion. All voted aye. The motion carried.
- C. Visitors/Citizens Forum: Ruthanne Brockway, former Library Board member, was present.
- D. Election of Officers: Election of Chairman and Vice-Chairman:
 1. Christina Lancaster moved to reelect Toby Faber as Chairman. Marcia De Avila seconded the motion. All voted aye. The motion carried.
 2. Marcia De Avila moved to nominate Karen Locke as Vice-Chairman. Erika Lowery seconded the motion. All voted aye. The motion carried.
- E. Discussion of Texas State Library and Archives Commission Loan Star Grant Expenditure Plans: Ann Wiegand discussed expenditure goals for the FY08/09 Texas State Library and Archives Commission Loan Star Grant. Major items of interest include a poster maker/plotter, PA system, OCLC Cataloging Express Bibliographic Records for audio-visual materials, and a Wii gaming system for teens. Ann Wiegand will email a finalize plan to board members and proceed to request approval from City Council. Library Board members agreed with goals discussed.

F. Reports:

1. The August 2008 Library Statistical Report was distributed.
2. Ann Wiegand reported the success of the library's 40th anniversary celebration held on Sunday, September 14, 2008 from 2:00-4:00 p.m.
3. Ann Wiegand announced the Boards and Commissions annual banquet will be held Thursday, September 18, 2008.
4. Ann Wiegand reported adult programming to start in the upcoming 2008/2009 fiscal year. The goal is to provide informative and celebratory events for the community and increase visibility of library services in marketing for the programs.
5. Ann Wiegand reported the Circulation Supervisor vacancy will be posted soon.

G. Christina Lancaster moved to adjourn the meeting. Karen Locke seconded the motion. All voted aye. Chairman Toby Faber declared the meeting adjourned at 7:38 p.m.

Respectfully submitted,

Approved by,

Ann Wiegand
Library Manager

Toby Faber
Chairman

