

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 1, 2009**

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

**WORKSHOP SESSION – 6:00 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 6:00 P.M.

- A. Highland Lakes Park – TxDOT Acquisition
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PROCLAMATION:** Honoring Emily White Being Named a 2009 Presidential Scholar Recipient.

D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Specific Use (SU) – Landfill, on a 350.77 Acre Tract Located at the Southern Terminus of Huffines Boulevard, Approximately 1500 Feet South of State Highway 121 Business; Further Identified as P.O. Leary Survey, Abstract 0974, Tracts 2, 3, 4, 6, P. Higgins Survey, Abstract 0525, Tract 15 and H. Harper Survey, Abstract 0605, Tract 1, as Requested by the City of Farmers Branch, Camelot Landfill, the Property Owner (Case No. PZ20090303).**

ADMINISTRATIVE COMMENTS:

The Camelot Landfill has been owned by the City of Farmers Branch long before being annexed into Lewisville. As such it has been operating as a legal, non-conforming use. Farmers Branch is planning on adding facilities to allow recovery of the methane gas typically associated with landfills. The landfill could continue to be operated in the current AO zoning, but the proposed methane recovery buildings are planned to be located within the 100 foot setback required for AO zoning, thus Farmer's Branch has opted to seek SU zoning. Except for the new methane recovery buildings, essentially everything else on the engineering site plan is shown as it exists today. An engineering site plan was submitted with the following six variances: 1) To allow overhead electrical lines for their new service; 2) To allow metal or wood sided buildings; 3) To allow the use of portable restrooms in lieu of connecting to sanitary sewer; 4) To allow portable buildings without fixed foundations; 5) To allow gravel or crushed rock in lieu of asphalt or concrete for the drive surface by the scalehouse and parking areas; and, 6) To waive the interior landscaping and irrigation for parking areas. Five of the six variances deal with allowing the landfill to continue to operate as it has been doing thus far. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their May 5, 2009 meeting.

RECOMMENDATION:

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 Agricultural Open Space (AO) to Specific Use - Landfill (SU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Andy Gillies, Planning Director, City of Farmers Branch

2. **Continued Public Hearing: Consideration of Condemnation of the Structures Located at 339 East College, A1167A E. Sutton, Tract 19, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the April 20, 2009 City Council meeting, to allow staff additional time to work with the residents, as substantial progress was being made in the clearing the property of debris and removing other substandard structures. The Building Official has deemed the structures located at the property known by the legal description of 339 East College, A1167A E. Sutton, Tract 19 as substandard. The owners of record are Jose and Maria Sanchez. The main structure is an older residential structure and recently had a two story addition constructed over it. The owners did not apply for permits and there are no architectural drawings or engineering of the addition. Staff has recently come to an agreement for resolution and a demolition permit is in process. Significant clearing of the property and two other substandard structures on the property have been removed. Therefore, staff recommends that the City continues to work with the property owner to demolish the two story addition and resolve all other code and building issues.

RECOMMENDATION:

That the City Council table the public hearing indefinitely.

PRESENTATION: Cleve Joiner, Building Official

3. **Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance.**

ADMINISTRATIVE COMMENTS:

The public hearing is being conducted in accordance with provisions of the Local Government Code Section 370.002, which requires review every three years in order to allow public input regarding the City's Juvenile Curfew Ordinance adopted September 12, 1994.

RECOMMENDATION:

That the City Council conduct the public hearing.

- 4. Public Hearing: Consideration of an Amendment to the 2008 Community Development Block Grant Annual Action Plan Allocating a Supplemental CDBG-R Award of \$151,565 for an Edwards Street Sanitary Sewer Replacement Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development.**

ADMINISTRATIVE COMMENTS:

The American Recovery and Reinvestment Act (ARRA) of 2009 includes supplemental funding for the Community Development Block Grant (CDBG) program. This funding is being disbursed to current CDBG grantees. The City has been awarded \$151,565 in CDBG-R funds. To receive the funds, the City must amend its 2008 Annual Action Plan adopted August 4, 2008. Staff has identified Sanitary Sewer Replacement on Edwards Street as a “shovel ready” project for funding. This Amendment was made available for an expedited 7 day Public Comment period and is now ready for a Public Hearing before adoption. The CDBG Advisory Committee approved this amendment with a vote of 7-0 at their May 26, 2009 meeting.

RECOMMENDATION:

That the City Council approve the amendment; and authorize the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development.

PRESENTATION: Jamey Kirby, Grants Coordinator

- E. 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.
- F. 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.

- 5. Approval of a Supplemental Appropriation in the Amount of \$60,000 From General Capital Project Available Cash to the Valley Ridge Boulevard, South of SH 121 Business Project; Approval of Change Order No. 1 to the Valley Ridge Boulevard, South of SH 121 Business Project in the Amount of \$147,588; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

The Valley Ridge Boulevard project, which is under construction by Rodman, L.L.C., is nearing completion of the roadway embankment work and is left with surplus fill material. This fill was left over from the Railroad Street Park Project and will be distributed on the park property. In addition, the sanitary sewer line for Valley Ridge Boulevard is being extended to serve the park property and a site that may eventually be leased or transferred for an animal shelter location. Staff has negotiated Change Order No. 1 with Rodman, L.L.C. to construct grading and sanitary sewer improvements, for a total amount of \$147,588. Funding will be available after the approval of the supplemental appropriation in the Valley Ridge Boulevard Capital Project accounts.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$60,000 from General Capital Project Available Cash to the Valley Ridge Boulevard, South of SH 121 Business Project; approve Change Order No. 1 to the Valley Ridge Boulevard, South of SH 121 Business project in the amount of \$147,588, and authorize the City Manager to execute the change order.

- 6. Approval of a Supplemental Budget Appropriation in the Amount of \$23,000 to the FY 2008/09 Asset Forfeitures/State Fund for the Purchase of a New Police Dog and Additional Buy Money for Undercover Narcotics Operations.**

ADMINISTRATIVE COMMENTS:

The Police Department's current police dog, Kane, has been diagnosed physically unfit by his veterinarian to function as a police dog. The department proposes the purchase of a new police dog to assist the department in searches and arrests. The new dog, including training, is anticipated to cost \$15,000. The Narcotics Unit is also in need of an additional \$8,000 for its undercover narcotics operations.

RECOMMENDATION:

That the City Council approve the supplemental budget appropriation in the amount of \$23,000 to the FY 2008/09 Asset Forfeitures/State Fund for the purchase of a new police dog and buy money for undercover narcotics operations.

- 7. Approval of a Resolution Authorizing the City Manager to Sign a Grant Application Under the Energy Efficiency and Conservation Block Grant (EECBG) Program.**

ADMINISTRATIVE COMMENTS:

Staff recently learned that \$913,000 is available to the City of Lewisville from the Department of Energy to fund projects that reduce energy consumption. This program requires no local matching funds and the full grant amount is available upon acceptance. The deadline for submitting an application under this program is June 25, 2009.

RECOMMENDATION:

That the City Council approve the resolution authorizing the City Manager to sign a grant application under the Energy Efficiency and Conservation Block Grant Program and submit the application by June 25, 2009.

G. REGULAR HEARINGS:

- 8. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Bonds, Series 2009; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of an estimated \$5,430,000 of City of Lewisville, Texas General Obligation Bonds, Series 2009 will provide funding for the construction of street and drainage improvements.

RECOMMENDATION:

That the City Council approve the ordinance authorizing the issuance and sale of City of Lewisville, Texas, General Obligation Bonds, Series 2009; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract, and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Brenda Martin, Finance Director
Boyd London, First Southwest Company

- 9. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2009; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of an estimated \$11,900,000 of City of Lewisville, Texas Waterworks and Sewer System Revenue Bonds, Series 2009 will provide funding for the Sewer Meter and Lift Station project.

RECOMMENDATION:

That the City Council approve the ordinance of the City Council of the City of Lewisville, Texas, authorizing the issuance and sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2009; providing for the security for and payment of said bonds; authorizing the execution and delivery of a bond purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Brenda Martin, Finance Director
Boyd London, First Southwest Company

- 10. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

ADMINISTRATIVE COMMENTS:

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

RECOMMENDATION:

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

- H. **REPORT:** Proposed 2009-2010 Health Plan Design
- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.072 (Real Estate): Property Acquisition
 - 2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- J. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- K. **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>
