



A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 15, 2009**

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

5:30 P.M.

LEWISVILLE CENTER FOR THE CULTURAL ARTS GROUNDBREAKING

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Durham
- C. **PRESENTATIONS:**
- 1. Recognition of Community Service Officer William "Bill" Hines With a Life Saving Award; and**
 - 2. Recognition of Police Chief William "Russ" Kerbow With a Department Award to be Presented by City Manager Claude King.**



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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential District (R-5), and Single-Family Residential District (R-6) to Public Use (PU) on an 80.581 Acre Tract Located at the Southeast Corner of FM 3040 and Duncan Lane; Further Identified as Henry Turner Survey, Abstract 1248 and Jesse Watkins Survey, Abstract 1328, as Requested by the Lewisville Independent School District, the Property Owner (Case No. PZ20090507).**

ADMINISTRATIVE COMMENTS:

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. This property was acquired by the L.I.S.D. to provide a new ninth and tenth grade campus and possibly a future high school. The entire area is currently undeveloped due to the lack of sewer to the area. The City is in the process of bringing the sewer to the A.C.E. property on the north side of Spinks Road and the Payne Family Trust, who sold L.I.S.D. the school site, is contractually obligated to extend sewer from Spinks Road to the school site through the A.C.E. property. Water is available on the north side of FM 3040. The L.I.S.D. has submitted a preliminary plat for the site for review. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their May 19, 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 Single Family Residential (R-5 & R-6) to Public Use (PU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Von Beougher, G&A Consultants, Inc.

- 2. Public Hearing: Consideration of Condemnation of a Structure Located at 301 Uecker Lane, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structure located at 301 Uecker Lane, A0052A L. Burgois, Tract 9 as substandard. The owner of record is Sharon M. Vault. The main structure is a single-family ranch style house built in 1977 and has been abandoned for several years. The structure is in extreme disrepair and law enforcement has visited this site on occasion to remove transients. At the time the public hearing was posted, the owner of record, according to Denton County records, was Judy A. Gong and, therefore, the notice was posted with this information. Since the posting of the notice, Denton County records have been updated showing the actual owner to be Sharon M. Vault. Staff has begun the condemnation process with the new owner and is awaiting response from the first notice. Due to the Denton County records not being current, staff will be required to repeat the entire process which will take a minimum of 90 days.

RECOMMENDATION:

That the City Council table the public hearing indefinitely.

PRESENTATION: Cleve Joiner, Building Official

3. **Public Hearing: Consideration of Condemnation of the Structures Located at 538 North Cowan, A0696A J.W. King, Tract 69, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structure located at the property known by the legal description 538 North Cowan, A0696A J.W. King, Tract 69 as substandard. The owner of record is Wendell L. Irby, who resides in Virginia and is the note-holder for the current residents Mr. and Mrs. Joe Abundiz, Jr. Both Mr. Irby and Mr. and Mrs. Abundiz have been involved in the substandard structure process. The main structure is an older residential structure that is in extreme disrepair including roof, facia, exterior siding, windows, electrical wiring, etc. At this time, staff is negotiating timelines for repair with Mr. and Mrs. Abundiz.

RECOMMENDATION:

That the City Council table the public hearing indefinitely.



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4. **Public Hearing: Consideration of Condemnation of the Structures Located at 728 and 730 North Cowan, A0696A J.W. King, Tract 11, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structure located at the property known by the legal description 728 and 730 North Cowan, A0696A J.W. King, Tract 11 as substandard. The owner of record is Ezequiel Etal Abundiz. Mr. Abundiz has been involved in the substandard structure process. The main structure is an older residential structure which at some point in time was divided into two units. The structure has had some repair performed on the exterior, however, prior to completion all work has stopped and become weathered and is in extreme disrepair. At this time, Staff is negotiating timelines for repair with Mr. Abundiz.

RECOMMENDATION:

That the City Council table the public hearing indefinitely.

PRESENTATION: Cleve Joiner, Building Official

5. **Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance; and Consideration of a Resolution to Continue the Current Ordinance.**

ADMINISTRATIVE COMMENTS:

This is the second public hearing being held in accordance with provisions of the Local Government Code Section 370.002 in order to allow public input regarding the City's Juvenile Curfew Ordinance adopted September 12, 1994. The City Council may abolish, continue, or modify the ordinance.

RECOMMENDATION:

That the City Council conduct the public hearing; and approve a resolution to continue the current City Juvenile Curfew Ordinance.

- 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.

6. APPROVAL OF MINUTES:

- a. **City Council Minutes of the May 18, 2009, Workshop Session and Regular Session; and**
- b. **City Council Minutes of the June 1, 2009, Workshop Session and Regular Session.**

7. **Approval of Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to Construct Water Improvements in the Amount of \$47,908; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

Change Order No. 1 consists of constructing 420 linear feet of 12-inch water line along Railroad Street at the intersection of Bennett Lane and Railroad Street. Staff is proposing to construct this line to avoid conflicts with the future intersection improvements at Bennett Lane and Railroad Street as a result of the DCTA track work. Staff has negotiated Change Order No. 1 with W.R. Hodgson Company, L.P. to construct the water line improvements, for a total amount of \$47,908. Funding is currently available in the Valley Ridge Water Line Capital Improvement Project.

RECOMMENDATION:

That the City Council approve Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to construct water improvements in the amount of \$47,908; and authorize the City Manager to execute the change order.



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- 8. Approval of a Supplemental Appropriation to the Valley Ridge Boulevard, South of SH 121 Business Project in the Amount of \$144,600 From General Capital Project Available Cash; Approval of Change Order No. 2 to the Valley Ridge, South of SH 121 Business Project in the Amount of \$245,617; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

The Railroad Street Athletic Complex Project, which is under construction, is nearing completion. Change Order No. 2 authorizes the installation of storm sewers, retaining walls and associated appurtenances to provide positive drainage for adjacent private property north of Valley Ridge; and authorizes the removal and relocation of excess fill material from the dog park area. A portion of the excess fill (14,400 cubic yards) will be relocated to the future animal shelter site north of Valley Ridge. The remaining excess fill material (24,800 cubic yards) will be removed from the dog park site. Funding will be available after the approval of the supplemental appropriation in the Valley Ridge Boulevard and Railroad Park Capital Projects.

RECOMMENDATION:

That the City Council approve a supplemental appropriation to the Valley Ridge Boulevard, South of SH 121 Business Project in the amount of \$250,000 from General Capital Project available cash; approve Change Order No. 2 in the amount of \$245,617, and authorize the City Manager to execute the change order.

- 9. Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to Patco Utilities, Inc., in the Amount of \$31,625.10; Approval of a Resolution Declaring That the Elm Fork Sanitary Sewer Phase IB Project Improvements Have Been Completed; and Authorization for the Mayor to Execute the Resolution.**

ADMINISTRATIVE COMMENTS:

On October 6, 2008, the City Council awarded a contract to Patco Utilities, Inc., for the construction of the Elm Fork Sanitary Sewer Phase IB project in the amount of \$316,788.45. The work was completed in accordance with the contract documents. The work was substantially completed within the specified time in accordance with the contract documents. Funding is available in the Elm Fork Sanitary Sewer Capital Project. Funding for the project came from 1999 Revenue Bonds through the Texas Water Development Board, which requires passage of a resolution at the completion of the project.

RECOMMENDATION:

That the City Council accept the Elm Fork Sanitary Sewer Phase IB project; authorize final payment to Patco Utilities, Inc., in the amount of \$31,625.10; approve the resolution declaring that the Elm Fork Sanitary Sewer Phase IB project improvements have been completed; and authorize the Mayor to execute the resolution.

- 10. Approval of a Professional Services Agreement With H. R. Gray and Associates for ADA Consulting Services in the Amount of \$130,264.69; and Approval of a Supplemental Appropriation From the Risk Fund in the Amount of \$130,265.**

ADMINISTRATIVE COMMENTS:

A transition plan required for compliance with the American with Disabilities Act (ADA) was developed in 1993. As part of that plan, the annual sidewalk capital improvement program was designated to include annual curb cut installations as required. However, because this plan is developed annually, it does not designate all known curb cuts that need to be installed and a projected time frame for these installations. H. R. Gray employees will work with city staff to survey all pedestrian facilities, determine all areas not in compliance with ADA requirements and develop a construction program schedule by priority. In addition, city staff involved with ADA issues within rights-of-way will be provided training so that the transition plan can be updated annually. A supplemental appropriation is requested from the Risk Fund in the amount of \$130,265 to fund the project.



RECOMMENDATION:

That the City Council approve a professional services agreement with H. R. Gray and Associates in the amount of \$130,264.69; and a supplemental appropriation from the Risk Fund in the amount of \$130,265.

- 11. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager or his Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is eligible to receive a grant award under the Justice Assistance Grant (JAG) program; however, the City is required to make a joint application with the County (the grant administrator) to receive part of the \$77,524, allocated for the region. The JAG program supports a broad range of police activities. The JAG program does not require a city match. The Lewisville Police Department proposes to use its share of \$23,704 for the purchase of thirty rifles.

RECOMMENDATION:

That the City Council approve the interlocal agreement between the City of Lewisville, the City of Denton, and the County of Denton to jointly submit a grant application; and authorize the City Manager or his designee to execute the agreement.

- 12. Approval of a Resolution Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (92276DEN).**

ADMINISTRATIVE COMMENTS:

The Denton County Sheriff's Department conveyed the property identified as McKenzie-Hembry Addition, Block 3, Lot 15, and further identified as account number 92276DEN, to the City of Lewisville at a Sheriff's Sale conducted pursuant to a Judgement and Order of Sale for delinquent ad valorem property taxes, Cause No. 2003-0128-158. The City now holds the property in trust for itself and all other taxing units participating in the judgment. The City is now requesting that the Denton County Sheriff's Department attempt to resell the property at public auction pursuant to authority under 34.05(c), Texas Property Tax Code.

RECOMMENDATION:

That the City Council approve the resolution.

- 13. Approval of a Resolution Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (18503DEN).**

ADMINISTRATIVE COMMENTS:

The Denton County Sheriff's Department conveyed the property identified as A0695A J.W. King, TR 18, 0.5 acres, and further identified as account number 18503DEN, to the City of Lewisville at a Sheriff's Sale conducted pursuant to a Judgement and Order of Sale for delinquent ad valorem property taxes, Cause No. 2007-0486-16. The City now holds the property in trust for itself and all other taxing units participating in the judgment. The City is now requesting that the Denton County Sheriff's Department attempt to resell the property at public auction pursuant to authority under 34.05(c), Texas Property Tax Code.

RECOMMENDATION:

That the City Council approve the resolution.

G. REGULAR HEARINGS:

- 14. Consideration of a Variance Request to the Lewisville City Code, Sections 9.5-54, Regarding Old Town Development Plans for the Proposed Old Town Kealy Parking Lot Located in the South 100 Block of Kealy Avenue.**

ADMINISTRATIVE COMMENTS:

A paved 42-space parking lot development is proposed for the area on the east side of Kealy Avenue south of Main Street. Staff has prepared an in-house plan that addresses grading, drainage, paving, access, parking spaces and partial landscaping. A variance is being requested to waive the Old Town Development Plan by providing a staff-initiated plan.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 15. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits Near Schools, Establishing a School Speed Zone of 20 Miles Per Hour on Valley Ridge Boulevard From 240 Feet West of Garden Ridge Boulevard to 240 Feet East of Garden Ridge Boulevard.**

ADMINISTRATIVE COMMENTS:

Valley Ridge Elementary is located on Garden Ridge Boulevard just north of Valley Ridge Boulevard. The school speed zone serving the school runs from 200 feet north of Highpoint Drive to 200 feet south of Valley Ridge Boulevard on Garden Ridge; however, no school zone exists on Valley Ridge itself. Staff responded to concerns received from local residents that the traffic on Valley Ridge Boulevard does not slow down as they cross the intersection, putting the students that cross there at greater risk. Pedestrian traffic is significant as the students travel to and from the school to the neighborhoods south of Valley Ridge. The Transportation Board unanimously approved this item with a 6-0 vote at the May 5, 2009 meeting.

RECOMMENDATION:

That the City Council approve the requested ordinance establishing a school speed zone of 20 miles per hour on Valley Ridge Boulevard from 240 feet west of Garden Ridge Boulevard to 240 feet east of Garden Ridge Boulevard.

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



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- 16. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits for Special School Zone Areas, to Extend the School Speed Zone on Valley Parkway to 1,100 Feet South of Main Street.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District has completed the construction of a new Arts and Sciences Building on the southern portion of the Lewisville High School campus. Although a school speed zone exists on Valley Parkway to serve the school, the new building and parking arrangements have changed the typical vehicular and pedestrian traffic near the southern area of the campus. The LISD requested that the existing school speed zone be extended south to adjust to these new facilities. A staff survey indicated that the southernmost driveway to the campus is extensively used by vehicles impacting a lot of pedestrian crossings in that area. The Transportation Board unanimously approved this item with a 6-0 vote at the May 5, 2009 meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the school speed zone on Valley Parkway, to extend the school speed zone to 1,100 feet south of Main Street.

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

- 17. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Adding Download Fees for Police Crash Reports.**

ADMINISTRATIVE COMMENTS:

Individuals and insurance companies are frequent customers of the police department's records section seeking to obtain a copy of an accident report. Currently, these report requests are made in person during business hours or by mail. It would be beneficial to customers if they could download the reports through a website. *PoliceReports.us* provides such a service for a nominal fee. The police department proposes to contract with *PoliceReports.us* to provide this download service for its customers. The fee is proposed to be \$5 per downloaded accident report.



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RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule by adding download fees for police crash reports.

18. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.

ADMINISTRATIVE COMMENTS:

At the June 1, 2009 City Council meeting, Board/Commission/Committee members who had indicated their desire to continue serving were reappointed. Due to several members indicating they were no longer able to continue to serve, vacancies exist on the following boards: Animal Services Advisory Committee – Place No. 4 (this place must be filled by a staff representative); Community Development Block Grant Committee – Place No. 5. Should TJ Gilmore be elected to serve on the City Council in Place No. 4, then his position (Place No. 3) on the Community Development Block Grant Committee will also need to be filled; Library Board – Place No. 1; Park Board – Place No. 3; Zoning Board of Adjustment – Place Nos. 1 and 3. Should the members serving in the Alternate positions be moved up then Alternate Place Nos. 1 and 2 will need to be filled.

RECOMMENDATION:

That the City Council proceed with the appointment process to the vacancies on the Animal Services Advisory Committee, Community Development Block Grant Committee; Library Board; Park Board; and Zoning Board of Adjustment.

19. Consideration of Declaring a Vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Fill the Vacancy on the Lewisville Parks and Library Development Corporation.



ADMINISTRATIVE COMMENTS:

Pursuant to no longer serving on the Lewisville City Council, Gene Carey has submitted a letter of resignation for Lewisville Parks and Library Development Corporation. The Articles of Incorporation for this board state that the Board of Directors be composed of seven (7) persons appointed by the City Council who are residents of the City and that no more than four (4) of the seven (7) members may be city employees, officers, or members of the City Council. Currently, the members serving on this corporation are Gene Carey, David Thornhill, Ken Judkins, Jeff Pelletier, Dean Ueckert, Rudy Durham, and Doug Killough. When this Corporation was first formed, the City Council wanted to have four Council Members serve on this Corporation.

RECOMMENDATION:

That the City Council declare a vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and consider a new appointment to Place No. 1 of the Lewisville Parks and Library Development Corporation.

20. Discussion and Consideration of Appointments to the Lewisville Local Government Corporation.

ADMINISTRATIVE COMMENTS:

The terms for the members of the Lewisville Local Government Corporation have expired. Currently, the members serving on this corporation are Gene Carey, Dean Ueckert, Greg Tierney, Rudy Durham and David Thornhill. The Articles of Incorporation for this board state that the Board of Directors consist of five (5) persons who are residents of the City shall be appointed by the City Council and that the Board Members may be members of the City Council. When this Corporation was first formed, the City Council wanted to have five Council Members serve on this Corporation. A roster of the corporation members has been prepared for City Council review. Gene Carey has submitted a letter requesting that he not be reappointed to this board in order that the original intention of having City Council Members serve on this board is maintained.

RECOMMENDATION:

That the City Council consider appointments to the Lewisville Local Government Corporation.



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- H. **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
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **ADJOURNMENT**

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 Texas Government Code 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).



**ADDENDUM TO THE
AGENDA**

LEWISVILLE CITY COUNCIL MEETING

7:00 P.M. – REGULAR SESSION

JUNE 15, 2009

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

In addition to the previously posted agenda for the June 15, 2009, Regular Session, the following item is hereby added:

G-1. REPORTS:

1. Report From City Attorney Regarding Retention of Legal Consultation.
2. Report From Police Chief Regarding Status of CAP Program.