

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
SEPTEMBER 21, 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. Proposed Options for Animal Adoption Center and Shelter Facility
- B. 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:** Mayor Pro Tem Watts
- C. **PROCLAMATIONS:**
 - 1. Declaring October, 2009, as “National Disability Employment Awareness Month”; and
 - 2. Proclamation of Appreciation and Support to the Family of Marine Lance Corporal Brandon Lara, Recently Killed in Action.

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- 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 Change Order No. 1 to the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project to Construct Sanitary Sewer Improvements in the Amount of \$60,953.76; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

Change Order No. 1 consists of extra work that was required by the contractor to install the 42-inch sanitary sewer due to changed and unforeseen conditions experienced during excavation. Staff has negotiated Change Order No. 1 with S.J. Louis Construction of Texas Ltd., to complete the utility and paving improvements, for a total amount of \$60,953.76. Funding is available in the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Capital Project Account.

RECOMMENDATION:

That the City Council approve Change Order No. 1 to the Lower Timbercreek 42-inch Sanitary Sewer Replacement Project to construct sanitary sewer improvements in the amount of \$60,953.76; and authorize the City Manager to execute the change order.

2. **Approval of Change Order No. 1 in the Amount of \$41,376.94 for Rolled Sod at the Railroad Park Dog Park to Core Construction Services of Texas, Inc.**

ADMINISTRATIVE COMMENTS:

The Railroad Park Project is nearing completion. Originally, hydromulch was to be applied; however, due to the cooler fall weather and the end of the season for Bermuda grass, the hydromulch process cannot be applied. It is now recommended that rolled sod be applied to allow this area to open with the rest of the park. Core Construction Services of Texas, Inc., the general contractor, has provided a quote in the total amount of \$41,376.94. Funding is available in the Railroad Park Capital Project.

RECOMMENDATION:

That the City Council approve Change Order No. 1 in the amount of \$41,376.94 for rolled sod at the Railroad Park Dog Park to Core Construction Services of Texas, Inc.

F. REGULAR HEARINGS:

- 3. Consideration of a Request for Four Variances to the Lewisville City Code - Chapter 6, Land Development Section 6-92(j), Turning Lanes, Section 6-92(i), Commercial Driveways, Section 6-122, Non-Residential Landscaping and Section 6-92(i)(2), Commercial Driveways, Relating to a Proposed Engineering Site Plan for an Addition and Remodel of a Texaco Gasoline Station Located on the Southeast Corner of West Main Street (FM 1171) and Old Orchard Lane, as Requested by the Owner.**

ADMINISTRATIVE COMMENTS:

The owner of the Texaco gasoline station located on the southeast corner of West Main Street and Old Orchard Lane intends to add on to and remodel the station thus requiring a revised engineering site plan, so the entire site will be required to comply with the current General Development Ordinance. The owner intends to comply with the GDO with the exception of four variances: 1) to waive construction or escrow requirements for a right-turn lane on Old Orchard Lane at West Main Street; 2) to allow 20 feet of driveway stacking for an existing driveway on Old Orchard Lane in lieu of the required 40 feet; 3) to waive the required 10-foot landscape strip along Old Orchard Lane; and, 4) to allow 5.5 feet of spacing between existing driveways on adjacent properties along Old Orchard Lane in lieu of the required 50 feet. The zoning for the property is Local Commercial (LC).

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Sonny Hooda, Owner

4. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 9, Section 9-61, Relating to Graffiti.

ADMINISTRATIVE COMMENTS:

Late in the 2009 State Legislative Session, new graffiti provisions were added to House Bill 2086. The new graffiti provisions require a city to have specific provisions in any graffiti removal ordinance, including language that provides that a City may require removal of graffiti by a property owner only if the city has offered to remove the graffiti free of charge, which the property owner refused. If the property owner then fails to remove the graffiti, the city can remove the graffiti and charge the expenses to the property owner. The new law also allows for a fifteen (15) day removal time-frame in lieu of the current seven (7) day time-frame, which is the only significant change from the City's current practice.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

5. Consideration of an Ordinance Amending the FY 2008-09 Adopted Budget.

ADMINISTRATIVE COMMENTS:

The purpose of this ordinance is to amend the FY 2008-09 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Others relate to actions taken to fund unbudgeted items during the year. This ordinance will also authorize new supplements: in the Utility Fund, \$91,904 for electricity, \$119,409 for raw water and \$11,897 for debt service reserve; in the OPEB Fund \$28,800 for Net Retiree Benefits costs; in the Court Technology Fund \$32,709 for a Call Management Center for Municipal Court (\$2,300 for maintenance costs and \$30,409 transfer to CIP); and in the Health Insurance Fund, \$200,000 for health claims costs.

RECOMMENDATION:

That the City Council approve the ordinance amending the FY 2008-09 budget.

6. Consideration of an Ordinance Adopting the FY 2009/2010 Operating Budget.

ADMINISTRATIVE COMMENTS:

The proposed operating budget for all funds has been prepared by staff and reviewed by the City Council. Approval of this ordinance adopts an operating budget for all funds beginning October 1, 2009 and ending September 30, 2010. A draft budget document is available for public review at the City Secretary's Office, the Library, and on the City website.

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2009/2010 Operating Budget.

7. Consideration of an Ordinance Adopting the FY 2009-2010 Tax Rate.

ADMINISTRATIVE COMMENTS:

This action will adopt the City's annual ad valorem tax rate for all taxable property at \$0.44021 per \$100 of assessed valuation. The rate combines the following: Maintenance and Operations \$0.32156 and Principal and Interest on Debt \$0.11865 for a total tax rate of \$0.44021. The proposed tax rate for FY 2009-2010 remains the same as the 2008-2009 tax rate.

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2009-2010 tax rate.

8. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

ADMINISTRATIVE COMMENTS:

As part of the annual budget process, the entire fee schedule is reviewed for possible modifications based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees. A listing of all proposed changes are included in the ordinance.

RECOMMENDATION:

That the City Council approve ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.

H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,

1. Section 551.071 (Consultation With Attorney): Issues related to *Rangra, et al. v. Brown, et. al.*, No. 06-51587, Fifth Circuit Court of Appeals

2. Section 551.072 (Real Estate): Property Acquisition

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3. Section 551.074 (Personnel Matters): City Manager Claude King Performance
 4. 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).