

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 4, 2015**

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

**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:**
Deputy Mayor Pro Tem Ferguson
- C. **PROCLAMATION:** Declaring the Week of May 10-16, 2015, as “National Police Week” and May 15, 2015, as “Police Memorial Day”
- 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.

**AGENDA
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- 1. APPROVAL OF MINUTES: City Council Minutes of the April 20, 2015, Workshop Session and Regular Session.**
- 2. Approval of an Interlocal Agreement With Denton County for Sharing the Cost of Constructing and Maintaining a Dark Fiber Network Ring; and Approval of a Supplemental Appropriation in the Amount of \$388,639 to the General Capital Projects Fund; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City owns a 24 strand fiber network connecting Old Town City Hall, Municipal Annex, Kealy Operations Center and The Feaster Water Treatment Plant. Denton County utilizes four strands of the fiber network and is in need of more fiber from the City ring. City Staff worked with Denton County to look at ways of providing additional fiber to both entities and reducing capital cost. The proposed solution consists of utilizing a second conduit in the City's fiber ring to install two 96 strand fiber optic cables. One cable would be owned by the City and the second by Denton County. This would also permit the burying of the fiber ring infrastructure where it is currently overhead. The total project amount of \$646,309 includes \$257,669 for the City's portion and \$388,639 for the County's portion. Upon execution of the agreement Denton County would deposit \$388,639 to be held in escrow by The City of Lewisville.

RECOMMENDATION:

That the City Council approve and authorize the City Manager to execute the Interlocal Agreement with Denton County for shared cost for construction of a Dark Fiber Ring; and approval of a supplemental appropriation as set forth in the caption above.

- 3. Approval of a New Five-Year Agreement With First Southwest Company for Arbitrage Rebate Compliance Service; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

First Southwest Company is currently engaged by the City to perform arbitrage rebate services related to municipal bond issuances and also serves as the City's Financial Advisor. The most recent Arbitrage Rebate Compliance Service Agreement was for a five-year period that expires this month. Arbitrage liability and rebate computation is a highly specialized and complex procedure and requires a thorough understanding and continued monitoring of changes of the Internal Revenue Service Tax Code as it relates to arbitrage. The proposed new agreement reflects a decrease to the prior fee structure. For each calculation period, the base fee for each issue is \$1,400, down from the previous amount of \$3,000 for variable rate issues and \$2,000 for fixed rate issues. Per First Southwest, in the current economic environment, investment options and strategies have become less complex and this translates to a reduced level of difficulty in the rebate calculations and time to produce them.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

- 4. Approval of Revisions to Administrative Policy 2.0 Human Resources - Section IV; Employee Performance Evaluation/Compensation Plan.**

ADMINISTRATIVE COMMENTS:

The Human Resources Department proposes expanding the current Police Officer/Public Safety Communications Officer Hiring Incentive Program to include Detention Officers. Eligible employees may receive additional compensation of \$250 if listed as a Recruitment Source and another \$250 if the applicant is hired and completes their training. This program has been successful in the hiring of 22 applicants since 2002. The positions of Police Officer, Public Safety Communications Officer, and Detention Officer are difficult to fill due to rigorous hiring standards.

RECOMMENDATION:

That the City Council approve the revisions to Administrative Policy 2.0 Human Resources - Section IV; Employee Performance Evaluation/Compensation Plan.

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F. REGULAR HEARINGS:

- 5. Consideration of an Amendment to the City Thoroughfare Plan to Change the Designation of Valley Parkway From Round Grove Road (F.M. 3040) to State Highway 121 From a Major Carrier, Principal 4-Lane Divided (PD4) to a Non- Major Carrier, Principal 4-Lane Divided (PD4).**

ADMINISTRATIVE COMMENTS:

The City of Lewisville's Master Thoroughfare Plan currently indicates Valley Parkway as a Non Major Carrier from its northern most extent at Garden Ridge Boulevard south to Round Grove Road where it becomes a Major Carrier from Round Grove Road to State Highway 121. This designation was established prior to the construction and opening of this section of Valley Parkway in 2010 and the previous reconstruction of SH 121. Because actual traffic demand is not as high as originally anticipated, the Major Traffic Carrier designation is not warranted. The change in the designation specifically reduces the required distance between driveways, distance between driveways and street intersections and where deceleration lanes are required. The Transportation Board considered this item during the April 7, 2015 meeting and voted 6-0 to recommend removal of the Major Carrier designation.

RECOMMENDATION:

That the City Council approve the amendment to the Thoroughfare Plan removing the Major Carrier designation for Valley Parkway as set forth in the caption above

PRESENTATION: David Salmon, PE, City Engineer

- 6. Consideration of an Amendment to the City Thoroughfare Plan to Create a New Designation for Main Street From Interstate Highway 35E to Herod Street From a P4D-100' R.O.W. to a P4D Urban-90' R.O.W.**

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ADMINISTRATIVE COMMENTS:

At present the Thoroughfare Plan describes the section of Main Street from Interstate Highway 35E to Herod Street as a P4D 100' R.O.W. although the existing right-of-way is only 90 feet. Staff is recommending this be added to the Thoroughfare Plan as an additional roadway type category to clarify existing conditions and prevent possible redevelopment issues in Old Town. The Transportation Board considered this item during the April 7, 2015 meeting and voted 6-0 to recommend amending the Thoroughfare Plan adding the P4D Urban 90' Right-of-Way roadway type category.

RECOMMENDATION:

That the City Council approve the amendment to the Thoroughfare Plan adding the P4D Urban - 90 foot R.O.W. roadway type as set forth in the caption above.

PRESENTATION: David Salmon, PE, City Engineer

- 7. Consideration of an Interlocal Agreement Between the North Central Texas Council of Governments and the City of Lewisville to Provide a Signal Retiming Plan for Main Street From Garden Ridge to Interstate Highway 35E; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments is sponsoring a program to provide a traffic signal retiming plans along "Routes of Significance" within the Dallas-Fort Worth area. Main Street (FM 1171) is a candidate roadway and this program will provide a retiming plan for the traffic signals on FM 1171 (Main Street) from FM 2499 in Flower Mound to I-35E in Lewisville. The subject agreement only addresses the intersections in Lewisville, however the intent of the project is to time and coordinate the operation across both Cities. Although the program requires a 20% local match from participating cities, TxDOT will pay the required match since FM 1171 is an on-system roadway. No city funding will be required to participate in this program. This item is considered an administrative action so was not presented to the Transportation Board.

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RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

8. Consideration of Waiving the Penalty and Interest on Property Tax Account 169228DEN for 2014.

ADMINISTRATIVE COMMENTS:

Wendy Powers, the taxpayer of the above identified property, has requested a refund of the penalty and interest assessed and paid on the account for 2014. Ms. Powers acquired the identified property from Mr. Gordon Pierce on July 3, 2014. The Appraisal District prorated the value of the property tax based on that date, and the original tax statements were mailed to Mr. Gordon Pierce. The ownership records, however, were not changed until December 26, 2014, after which the tax statements were mailed to Ms. Powers. Ms. Powers promptly paid the base tax amount on February 20, 2015. Based on the information provided by the Denton County Tax Assessor and the City's tax collection attorney, the circumstances in this case satisfy the waiver provision in state law.

RECOMMENDATION:

That the City Council approve the waiver of the penalty and interest on the property tax account 169228DEN for 2014.

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): Legal Issues Related to the Construction of the Old Town Park Plaza
2. Section 551.071 (Consultation with Attorney/Pending Litigation): *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B

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3. Section 551.072 (Real Estate): Property Acquisition
 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).