

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MAY 4, 2015

Present:

Dean Ueckert, Mayor

Council Members:

TJ Gilmore, Mayor Pro Tem
R Neil Ferguson, Deputy Mayor Pro Tem
Leroy Vaughn
Greg Tierney
Rudy Durham

City Staff:

Donna Barron, City Manager
Steve Bacchus, Assistant City Manager
Melinda Galler, Assistant City Manager
Eric Ferris, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:32 p.m. on Monday, May 4, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

Mayor Ueckert reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item C, Proclamation: Declaring the Week of May 10-16, 2015, as “National Police Week” and May 15, 2015, as “Police Memorial Day”. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item A)

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

Mayor Ueckert reviewed Agenda Item E-1, Approval of City Council Minutes of the April 20, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-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. At the request of City Manager Donna Barron, ITS Director Chris Lee reviewed this item utilizing the attached PowerPoint Presentation. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item E-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. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-4, Approval of Revisions to Administrative Policy 2.0 Human Resources - Section IV; Employee Performance Evaluation/Compensation Plan. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-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). City Manager Donna Barron advised that a revised hard copy of the Transportation Minutes had been handed out due to some typos that had been found. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item F-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. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item A)

Mayor Ueckert reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Consideration of Waiving the Penalty and Interest on Property Tax Account 169228DEN for 2014. Councilman Durham advised that he would be abstaining from this item. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G, Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:55 p.m. on Monday, May 4, 2015.

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 Ueckert at 7:00 p.m. on Monday, May 4, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Ueckert gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Ueckert, Deputy Mayor Pro Tem Ferguson gave the pledge to the American and Texas flags.

Proclamation: Declaring the Week of May 10-16, 2015, as “National Police Week” and May 15, 2015, as “Police Memorial Day”

(Agenda Item C)

Mayor Ueckert read and presented a proclamation declaring the week of May 10-16, 2015, as “National Police Week” and May 15, 2015, as “Police Memorial Day” to Officer Denver Birchfield. Officer Birchfield thanked the Mayor and City Council as well as City staff for their support for the Police Department.

Visitors/Citizens Forum

(Agenda Item D)

Caroline Berend, 143 West Main Street, Lewisville, Texas 75057, spoke before the City Council regarding her frustration that the Wayne Ferguson Plaza was not yet completed. She expressed concern regarding meetings being held that the business owners of Old Town were not being advised of and what appeared to be a lack of control by the City over the contractor. Ms. Berend advised that she needed work done on her roof; however, her roofer had not been able to access the work due to the Plaza construction.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

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

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.
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.

CONSENT AGENDA (cont'd)

(Agenda Item E)

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

The motion carried.

END OF CONSENT AGENDA

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)

(Agenda Item F-5)

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.

The City staff's recommendation was 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

David Salmon, PE, City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve 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). The motion carried.

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.

(Agenda Item F-6)

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.

The City staff's recommendation was 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.

David Salmon, PE, City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve 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. The motion carried.

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

(Agenda Item F-7)

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

**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 (cont'd)**

(Agenda Item F-7)

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.

The City staff's recommendation was that the City Council approve the agreement as set forth in the caption above.

MOTION: Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve 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 authorize the City Manager to execute the agreement. The motion carried.

Councilman Durham advised that he would be abstaining from discussion and consideration of the following item as he is employed by the Denton County Central Appraisal District. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary. Councilman Durham stepped away from the dais.

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

(Agenda Item F-8)

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.

**Consideration of Waiving the Penalty and
Interest on Property Tax Account
169228DEN for 2014 (cont'd)**

(Agenda Item F-8)

The City staff's recommendation was that the City Council approve the waiver of the penalty and interest on the property tax account 169228DEN for 2014.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to approve waiving the Penalty and Interest on Property Tax Account 169228DEN for 2014. The motion carried.

Reports

(Agenda Item G)

- Fire Chief Tim Tittle reminded everyone that the 8th Annual Keeping the Tradition Alive Symposium would start this week beginning Thursday morning. He encouraged the City Council Members to attend the morning session if they were able. In addition, he reviewed the schedule events for the Keeping the Tradition Alive during the two day event.
- Assistant City Manager Melinda Galler advised the Employee Recognition Picnic would be held on May 22, 2015. Ms. Galler showed a video for a new internship program that the City was entering into, Project Search. She advised the City of Lewisville would be second site to join this program with LISD and the first City to ever join. She advised they have been working the Medical Center of Lewisville.
- Director of Public Services Carole Bassinger advised that for the first since late 2012 the lake was currently above conservation.
- Mayor Pro Tem Gilmore advised of the Neighborhood Clean Up date scheduled to Chunk Your Junk. He encouraged anyone interested to check out the information via the City's website.
- Director of Communication and Tourism James Kunke advised of the upcoming Chalk This Way event scheduled for May 9th.
- Deputy Mayor Pro Tem Ferguson gave an update on the upcoming schedule for the MCL Grand Theatre. He also advised that May 5th was the last day of early voting and Election Day was May 9, 2015.
- Mayor Ueckert thanked Officer Birchfield for his presence at the meeting and everything that he and his fellow team members do on a daily basis. Mayor Ueckert thanked former Mayor Carey for his presence at the meeting and for all the individuals that had supported him along the way in his public service.
- Former Mayor Carey acknowledged Mayor Ueckert's service prior to and while serving on the City Council. He thanked him for being a good friend and his dedication to Lewisville.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:37 p.m. Monday, May 4, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:37 p.m. on Monday, May 4, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.071 (Consultation with Attorney/Pending Litigation):

2. *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

Section 551.072 (Real Estate)

3. Property Acquisition

Section 551.087 (Economic Development):

4. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 7:47 p.m. on Monday, May 4, 2015.

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

(Agenda Item I)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:47 p.m. on Monday, May 4, 2015, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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.

Adjournment

(Agenda Item J)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:47 p.m. on Monday, May 4, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 18th day of May, 2015.

APPROVED

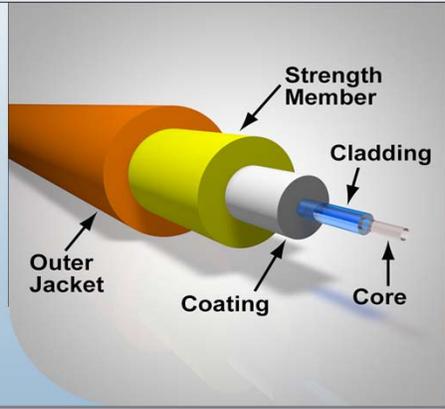
Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

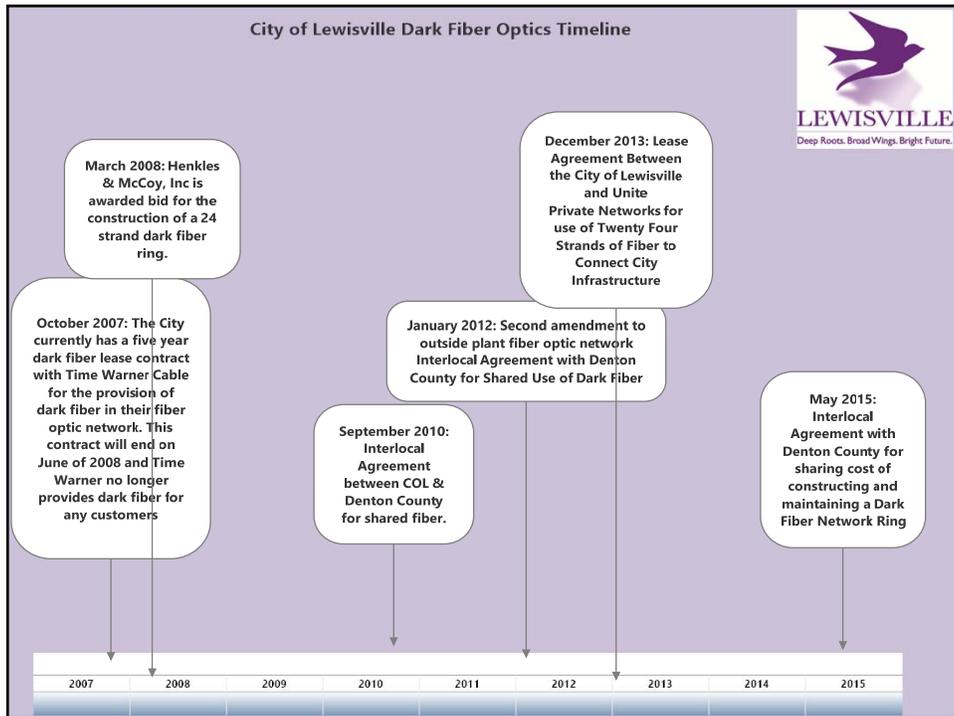
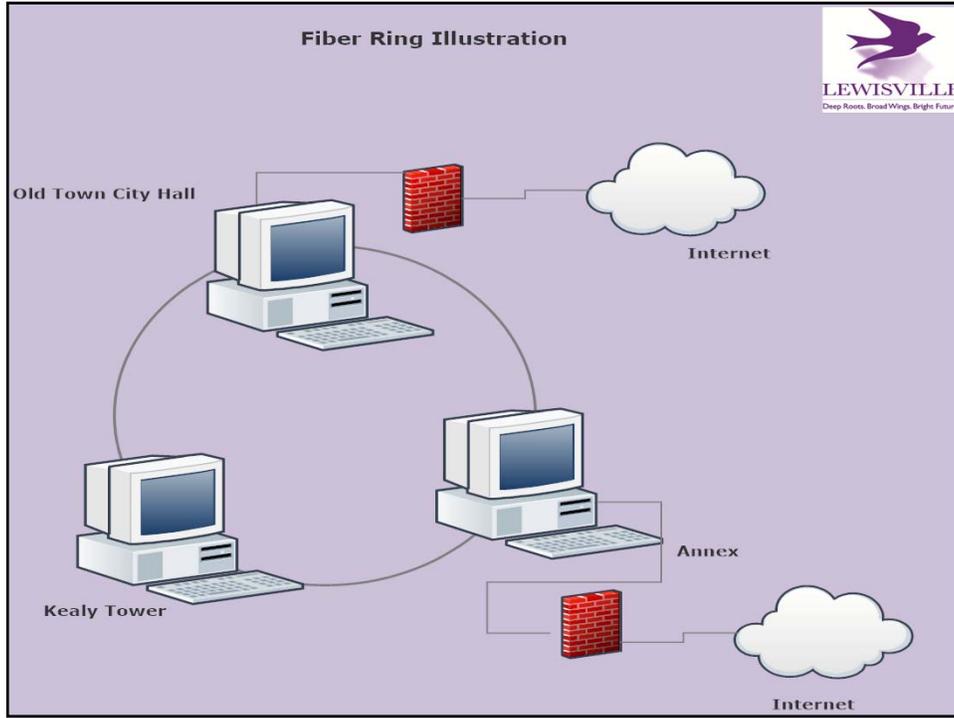


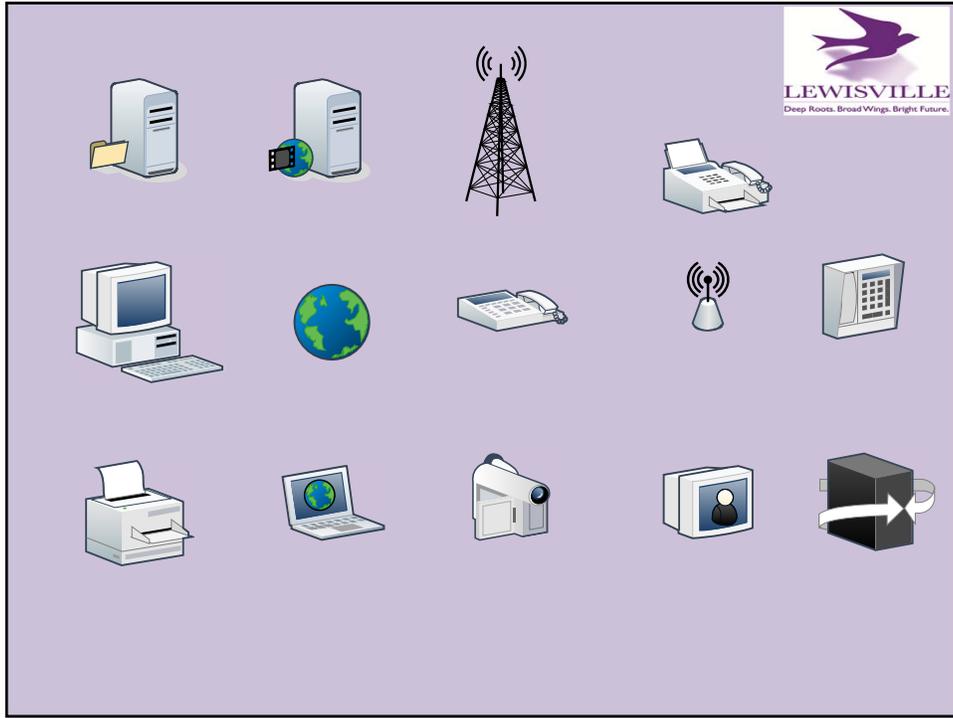
Fiber Optic Cable Diagram



Sixty-four Strand Fiber Optic Cable Bundle







Fiber Ring Allocation

Pair	Annex To OTC - City Ring	Pair	
1,2	Denton County - cross connects to pairs 1,2 going to Fresh Water	13,14	10Gig to OTC N7K (Eth2/1 on N7K)
3,4	Denton County - cross connects to pairs 1,2 going to Fresh Water	15,16	10Gig to OTC N7K (Eth2/2 on N7K)
5,6	SAN	17,18	OTV link to OTC (Eth1/46)
7,8	SAN	19,20	1 Gig LACP to OTC (Eth1/1)
9,10	WLC controller heartbeat (E1/44 on N7K)	21,22	1 Gig LACP to OTC (Eth1/2)
11,12	(Open)	23,24	Layer 2 link between Untrust switches; for BGP/split firewalls across campuses
Pair	Kealy to Annex - City Ring (via Fresh Water cross-connects)	Pair	
1,2	Denton County	13,14	(Open)
3,4	Denton County	15,16	(Open)
5,6	Traffic Dept	17,18	10 Gig to to Annex N7K (Eth2/5)
7,8	Traffic Dept	19,20	10 Gig to to Annex N7K (Eth2/6)
9,10	(Open)	21,22	10 Gig to Fresh Water (Eth T2/4)
11,12	(Open)	23,24	1 Gig to Kealy 4500 (Eth G3/3)