



# Lewisville City Council

The agenda and backup items follow in one continuous document. However, to view documents individually, click on the bookmark tab at the left of the screen. A list of all documents contained in the packet should appear in a screen to the left. If it does not, click on the “Show/Hide Navigation Pane” button in the toolbar at the top of the page.



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## **A G E N D A**

### **LEWISVILLE CITY COUNCIL MEETING FEBRUARY 16, 2015**

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

#### **WORKSHOP SESSION - 5:45 P.M. REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

#### **WORKSHOP SESSION - 5:45 P.M.**

- A. 35Express Project Update FM 407 and Garden Ridge
- B. Phase 1, I - 35 E Monument Signage Options by David Salmon, City Engineer
- C. Discussion of Regular Agenda Items and Consent Agenda Items

#### **REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Deputy Mayor Pro Tem Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Durham
- C. **PRESENTATIONS:**
  - 1. Presentation of Achievement of Excellence in Procurement Award
  - 2. Presentation of Certificate of Achievement for Excellence in Financial Reporting Award
- D. **PUBLIC HEARING:** Consideration of an Ordinance Adopting Camp Standards of Care in Compliance With Texas Administrative Code 745.115(3) Municipal for Recreational Camp Programs.

**AGENDA  
LEWISVILLE CITY COUNCIL  
FEBRUARY 16, 2015**

**ADMINISTRATIVE COMMENTS:**

The Department of Family and Protective Services provides an exemption to the license requirement for child-care facilities for municipal recreation programs. The City's camp program meets the criteria for said exemption but requires the Council's adoption of the proposed ordinance setting for the standards of care. This is the fifth year with the same standards of care as approved by City Council.

**RECOMMENDATION:**

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

- 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.
1. **APPROVAL OF MINUTES:** City Council Minutes of the February 2, 2015, Workshop Session and Regular Session.
  2. **Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase Portable Radios.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Police Department is preparing a grant application to obtain funding from the State of Texas under its Justice Assistance Grant program. The application seeks funding for the purchase of 19 portable radios. The Department estimates total cost of the radios at \$76,798. If the Texas Criminal Justice Division approves our application, the grant will cover all costs, with no City match required.

**RECOMMENDATION:**

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

**AGENDA  
LEWISVILLE CITY COUNCIL  
FEBRUARY 16, 2015**

- 3. Approval of a Bid Award for an Annual Requirements Contract for Clamps, Fittings, and Pipe to Fortiline Waterworks, Haltom City, Texas, in the Estimated Amount of \$93,618.94.**

**ADMINISTRATIVE COMMENTS:**

A total of seventeen (17) bid invitations were downloaded from Bidsync.com. Four (4) bids were received and opened on January 22, 2015. This contract involves parts needed to make repairs to water and sewer lines. The term of the contract will be twelve (12) months, with an option to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City. Funding is available in the Utility Fund Public Services' annual budget.

**RECOMMENDATION:**

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

- 4. Approval of a Bid Award for a Stage Truss Rig From Tomcat USA, Knoxville, TN in the Amount of \$77,532.**

**ADMINISTRATIVE COMMENTS:**

A total of seventeen (17) bid invitations were downloaded from Bidsync.com. Two (2) bids were received and opened on January 28, 2015. This stage truss rig will be setup at the outdoor stage in the Wayne Ferguson Park Plaza. The truss rig will support sound and stage lighting equipment as well as cabling necessary for stage shows. Funding is available in the Community Relations Hotel Motel 2014-15 budget.

**RECOMMENDATION:**

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

- 5. Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \$387,617; Hotel/Motel Tax Fund - \$795; Recreation Fund - \$317; Asset Forfeitures - Federal Fund \$414,276; Grant Fund - 565,398; Crime Control District Fund - \$1,991; Fire Control District Fund - \$10,322; Water and Sewer Fund - \$251,344; Maintenance and Replacement Fund - \$1,202,304; Self Insurance Risk Fund - \$11,625; Health Fund - \$4,093; and 4B Fund -\$34,450.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
FEBRUARY 16, 2015**

**ADMINISTRATIVE COMMENTS:**

Each year, a recommendation is made to supplementally appropriate funds from open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item accounts may be short at year-end.

**RECOMMENDATION:**

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

G. **REGULAR HEARINGS:**

6. **Consideration of a Variance Request to the Lewisville City Code, Section 9.5-212-Prohibited Signs (h) Off-Premise Signs, for Bramhall Properties LLC; to be Located at 320 West Main Street, as Requested by Thomas Bramhall, MD, and Matthews Southwest the Property Owners.**

**ADMINISTRATIVE COMMENTS:**

324 W. Main Street, located behind the Matthews Southwest headquarters at 320 W. Main Street, contains dermatology and ENT offices and has no street frontage on which to place a sign. Matthews Southwest went before the Old Town Design Review Committee (OTDRC) on January 26, 2015, for approval of a monument sign, which 324 W. Main Street would like to co-locate on. The OTDRC recommended approval of the off-premise sign at their January 26, 2015, meeting.

**RECOMMENDATION:**

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

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development / Planning  
Kristian Teleki, Sr. VP – Matthews Southwest  
Thomas Bramhall, MD – Bramhall Properties LLC.

**AGENDA  
LEWISVILLE CITY COUNCIL  
FEBRUARY 16, 2015**

7. **Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 16, Utilities, by Adding Article IX, Municipal Setting Designations, Providing a Process for Establishing Municipal Setting Designations Ordinances to Prohibit Certain Contaminated Groundwater from Potable Use.**

**ADMINISTRATIVE COMMENTS:**

In October 2014, staff conducted two workshop sessions with City Council to introduce and discuss Municipal Setting Designations (MSD). Council directed staff to proceed with development of an ordinance to establish a process for application for MSD that enables case-by-case consideration by Council of such requests. Staff has prepared the ordinance and is seeking approval of Council.

**RECOMMENDATION:**

That the City Council approve the ordinance establishing a procedure for consideration of MSD applications as set forth in the caption above.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- I. **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 551.072 (Real Estate): Property Acquisition
  3. 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**

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).



# 35EXPRESS PROJECT UPDATE

## FM 407



## FM 407

FM 407 being constructed in three phases

**Phase 1** Construct new southbound frontage road (Dec. 2013 – Summer 2014)

**Phase 2** Construct southbound 35E mainlane bridges and retaining walls, demolish existing bridge (Summer 2014 through mid to late 2015)

**Phase 3** Construct northbound 35E mainlane bridges over FM 407 and retaining walls (mid to late 2015 through summer 2016)

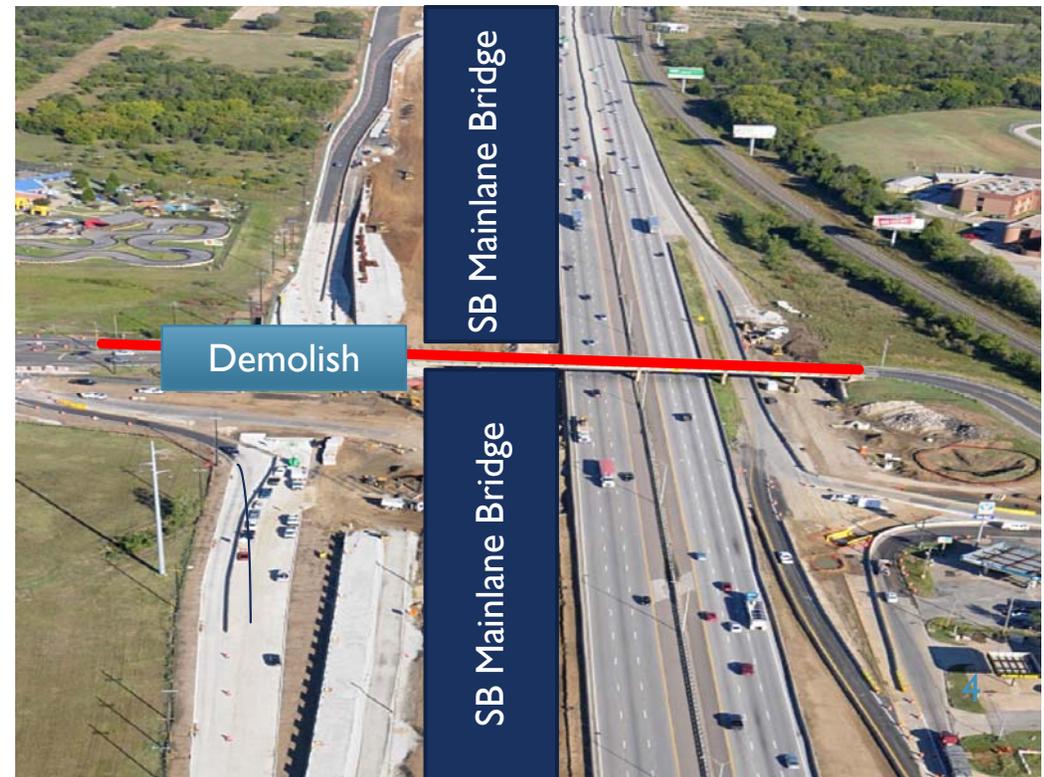
## FM 407 PHASE I: NEW SOUTHBOUND FRONTAGE ROAD

- Crews have completed the temporary/permanent southbound frontage road north and south of FM 407
- The southbound exit ramp to the frontage road has been relocated
  - New exit ramp to FM 407 relocated south of Garden Ridge Boulevard, entrance ramp to southbound I-35E relocated north of Bogard



## PHASE 2: FM 407

- Construct southbound mainlane bridges
- Demolish FM 407 bridge
  - April 2015
  - East- and westbound FM 407 traffic will be detoured along Valley Ridge and Garden Ridge



## PHASE 3: FM 407

- Mid-to-late 2015
  - FM 407 through traffic restored to one lane in each direction by end of 2015.
  - Begin constructing northbound mainlane bridge over FM 407
- Summer 2016
  - Shift northbound 35E traffic to the new northbound 35E bridge.
  - FM 407 Complete
  - Open all lanes of FM 407 to traffic

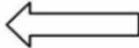




# FM407/Justin Road Construction Animation



**Animation Key**

-  Traffic Lane
-  Demolition
-  Construction
-  Earthwork



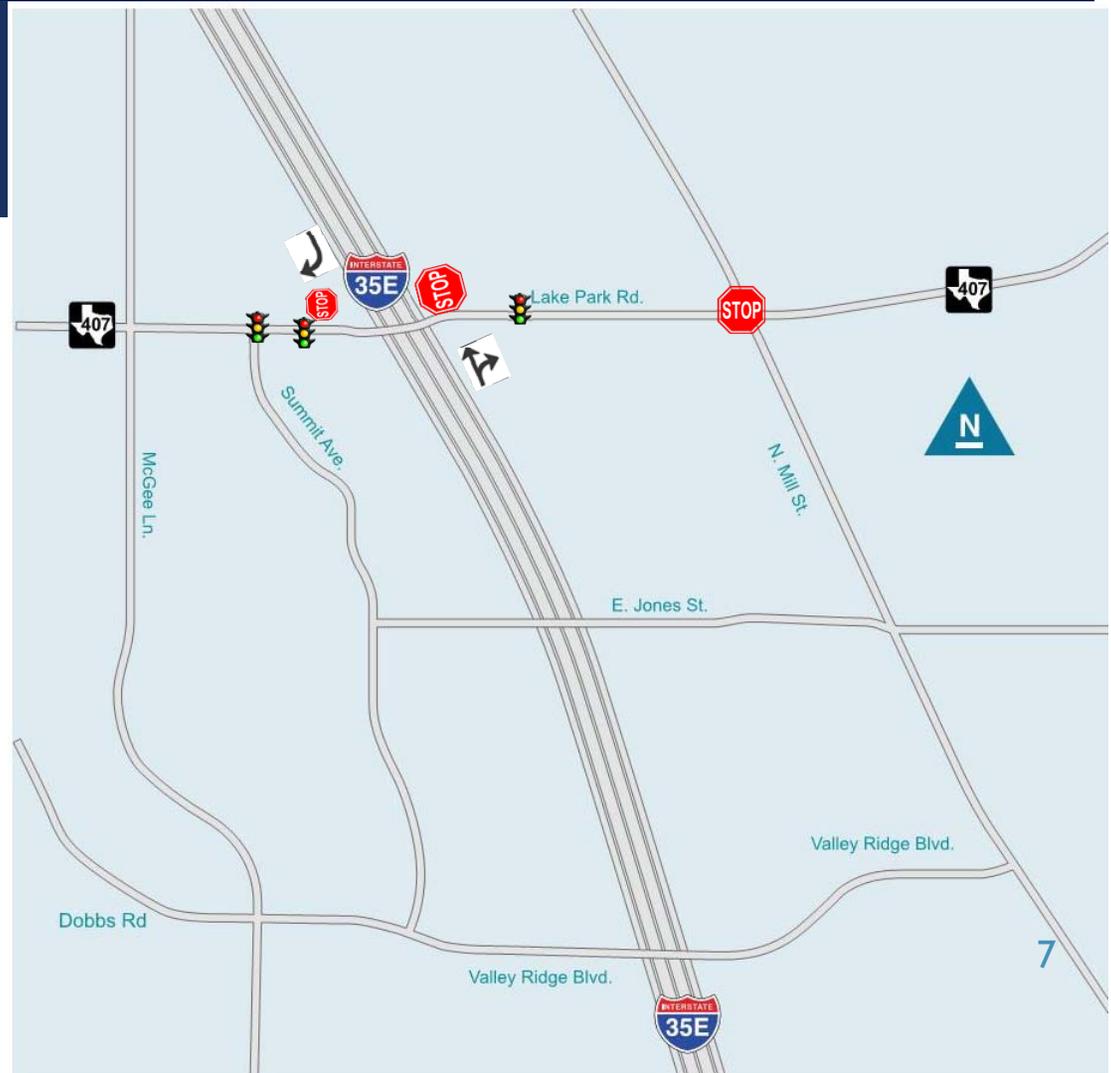
# TRAFFIC CONTROL PRIOR TO DEMOLITION

## Southbound

- Right turn only at FM 407 and southbound frontage road
- Signalized intersection at Summit Avenue

## Northbound

- Continue straight on the northbound frontage road or turn only onto eastbound FM 407/Lake Park Drive
- Signalized intersection at Lake Park Drive/FM 407
- Four-way stop sign at Mill Street



# EASTBOUND FM 407 THROUGH TRAFFIC

To continue east on FM 407/Lake Park Drive, eastbound motorists will be detoured south to North Summit Avenue, east on Valley Ridge Boulevard, north to the northbound I-35E frontage road and east on FM 407/Lake Park Drive.



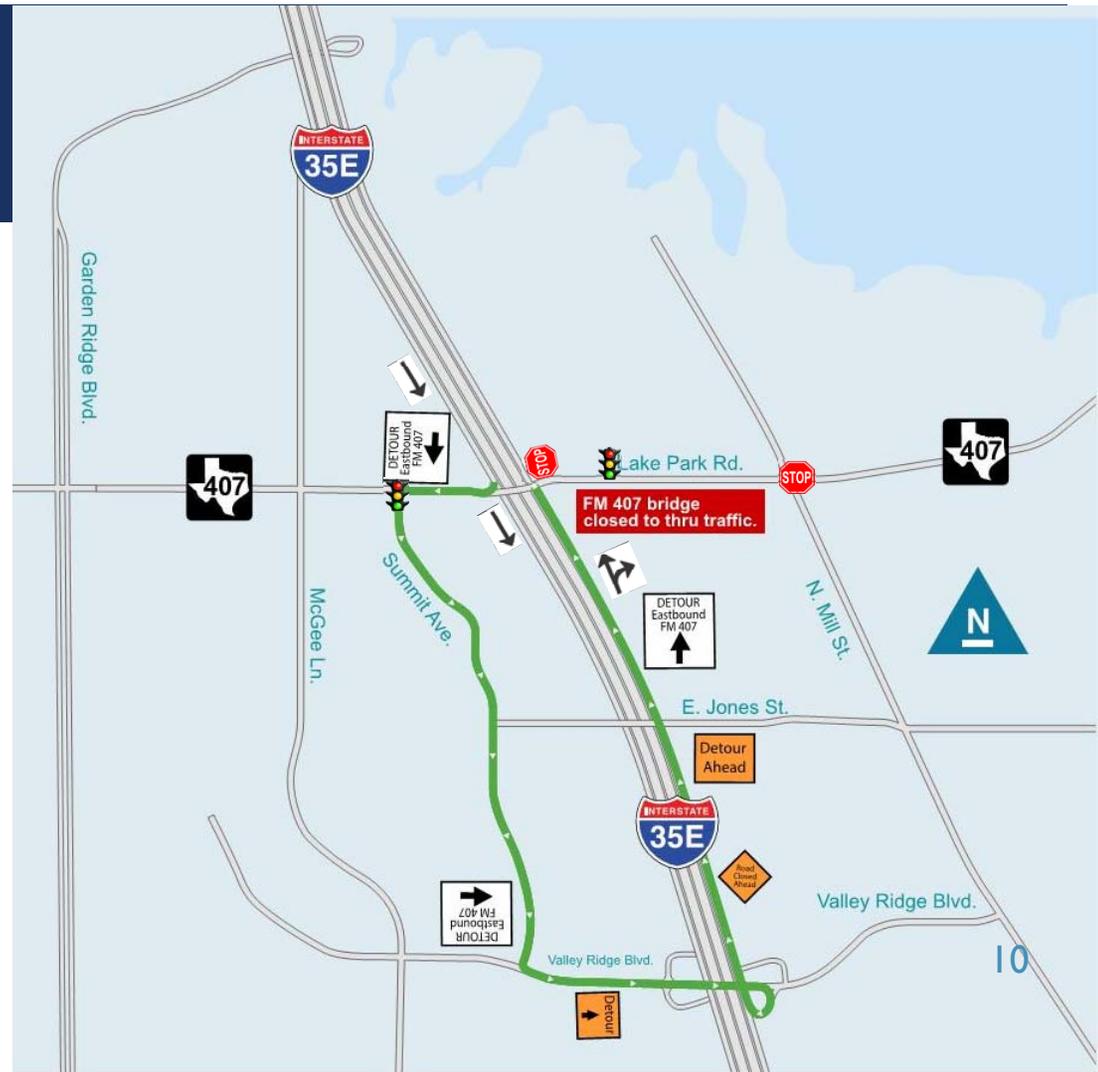
# WESTBOUND FM 407 THROUGH TRAFFIC

To continue west on FM 407, westbound motorists will be detoured south on Mill Street, west on Valley Ridge Boulevard north on Summit Avenue and west on FM 407.



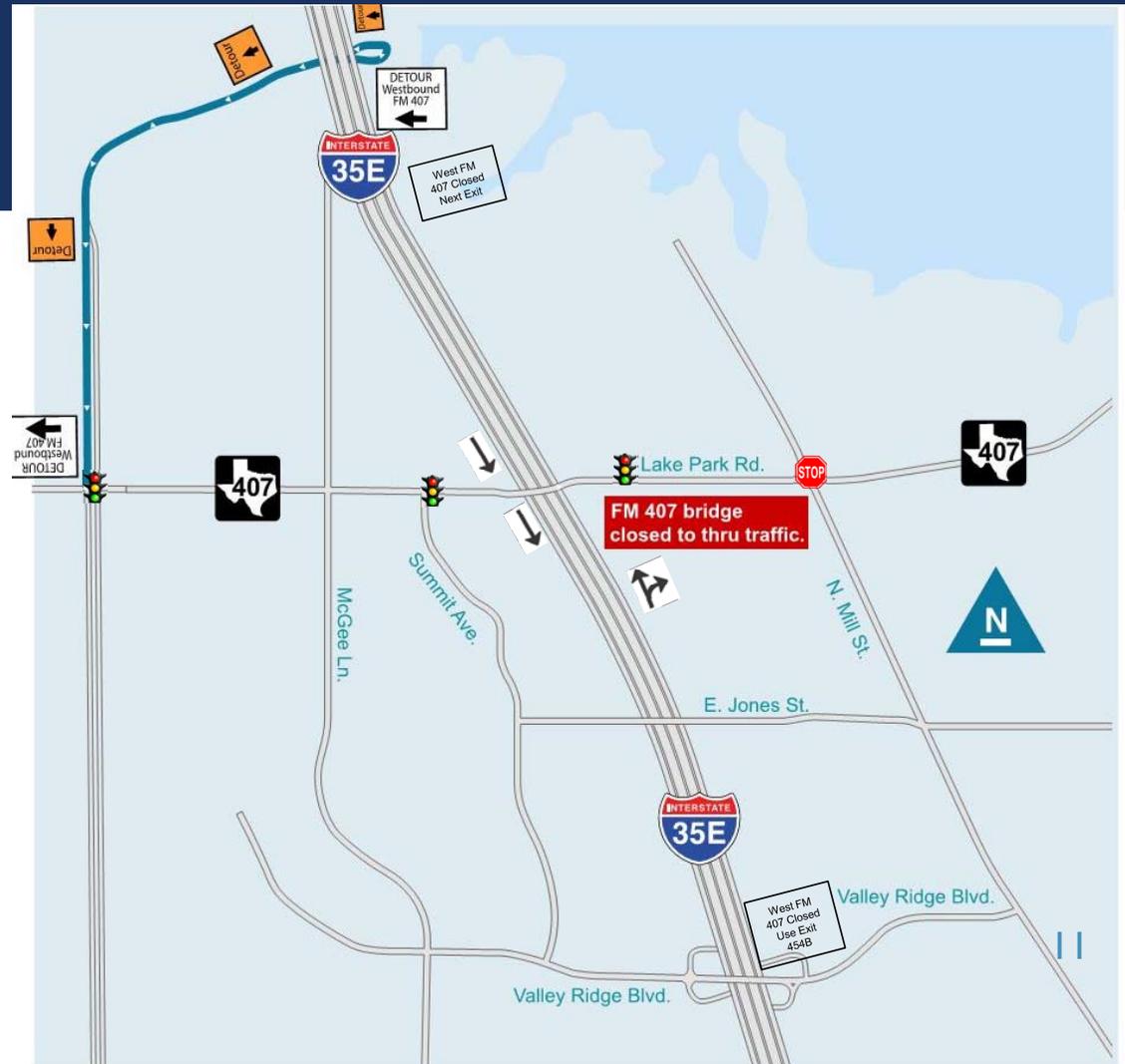
# SOUTHBOUND I-35E TO EASTBOUND FM 407

Southbound I-35E motorists wanting to access eastbound FM 407/Lake Park Road will take the existing FM 407 exit, go west on FM 407, south on North Summit Avenue, east on Valley Ridge Boulevard over the interstate and north on the frontage road to east FM 407/Lake Park Drive.



# NORTHBOUND I-35E TO WESTBOUND FM 407

Northbound I-35E motorists wanting to access westbound FM 407 will exit at Garden Ridge Boulevard, continue west across the Garden Ridge Boulevard bridge, continue south to westbound FM 407.



# NEW RAMP CONFIGURATIONS

Exit ramp at Garden Ridge moves north of Bogard

Exit ramp near Eagle Point Road from frontage road

New entrance ramp north of FM 407

Realigned exit ramp north of KCS RR

Exit ramp south of Grandy's



# FM 407 – FROM BRIDGE TO ROADWAY



# FM 407 – FROM BRIDGE TO ROADWAY

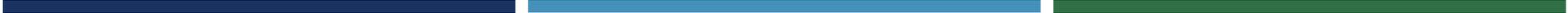
Before construction



Completion of FM 407 - Summer 2016



Three lanes of traffic in each direction will be maintained on I-35E.



# GARDEN RIDGE BRIDGE



# GARDEN RIDGE



## Garden Ridge Current Condition



# GARDEN RIDGE PHASING



East-west traffic will not be severed during construction

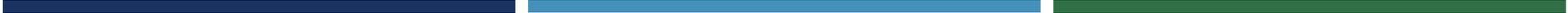
**Phase 1: Late 2014 – through Summer 2015**  
Begin working on south half of new bridge



**Phase 2: Summer 2015**  
The new south side of the bridge is complete. Place traffic onto the new south side of the Garden Ridge bridge.  
Demolish old Garden Ridge bridge and headerbanks.  
Work begins on the new north side of the bridge.

**Phase 3: Spring 2016**  
New bridge opens to traffic





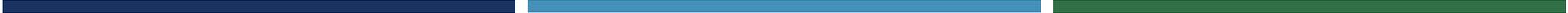
# OUTREACH PLAN



# OUTREACH PLAN

- Week of March 1 – begin boots on the ground outreach to businesses along FM 407 and I-35E approaching FM 407
- 30 Days Out - Send news release out, place closure and detour information in eNewsletter, website, and social media platforms (35express, Lewisville, Highland Village)
  - Message boards placed along FM 407 and I-35E
  - Partner with James Kunke to push information out on billboards and in City of Lewisville publications
  - Messages on dentonradio.com
  - Work with local media for story placements
- One week out – Send out news release, continue to push information out via eNewsletter, website and social media platforms (35express, Lewisville, Highland Village)
- One day out – Send media alert out, follow-up calls to media, continue to push information out via special blast to eNewsletter database, website and social media platforms (35express, Lewisville, Highland Village)



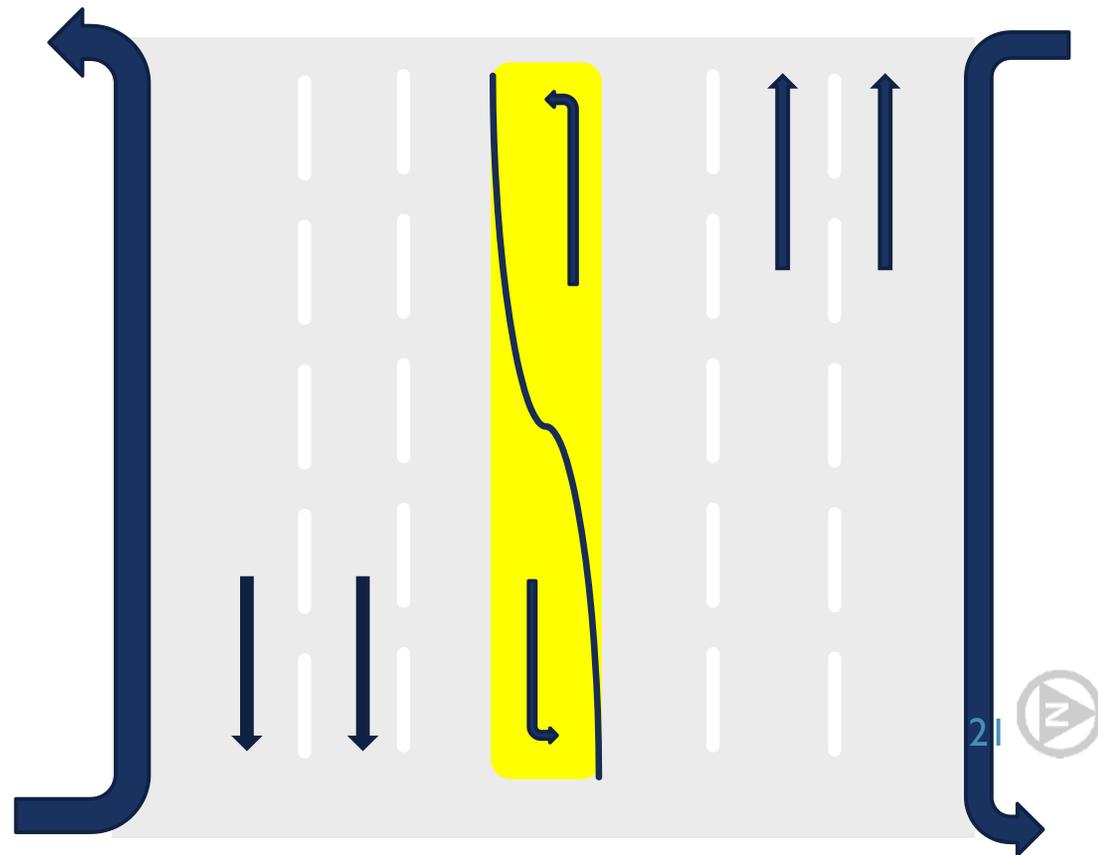


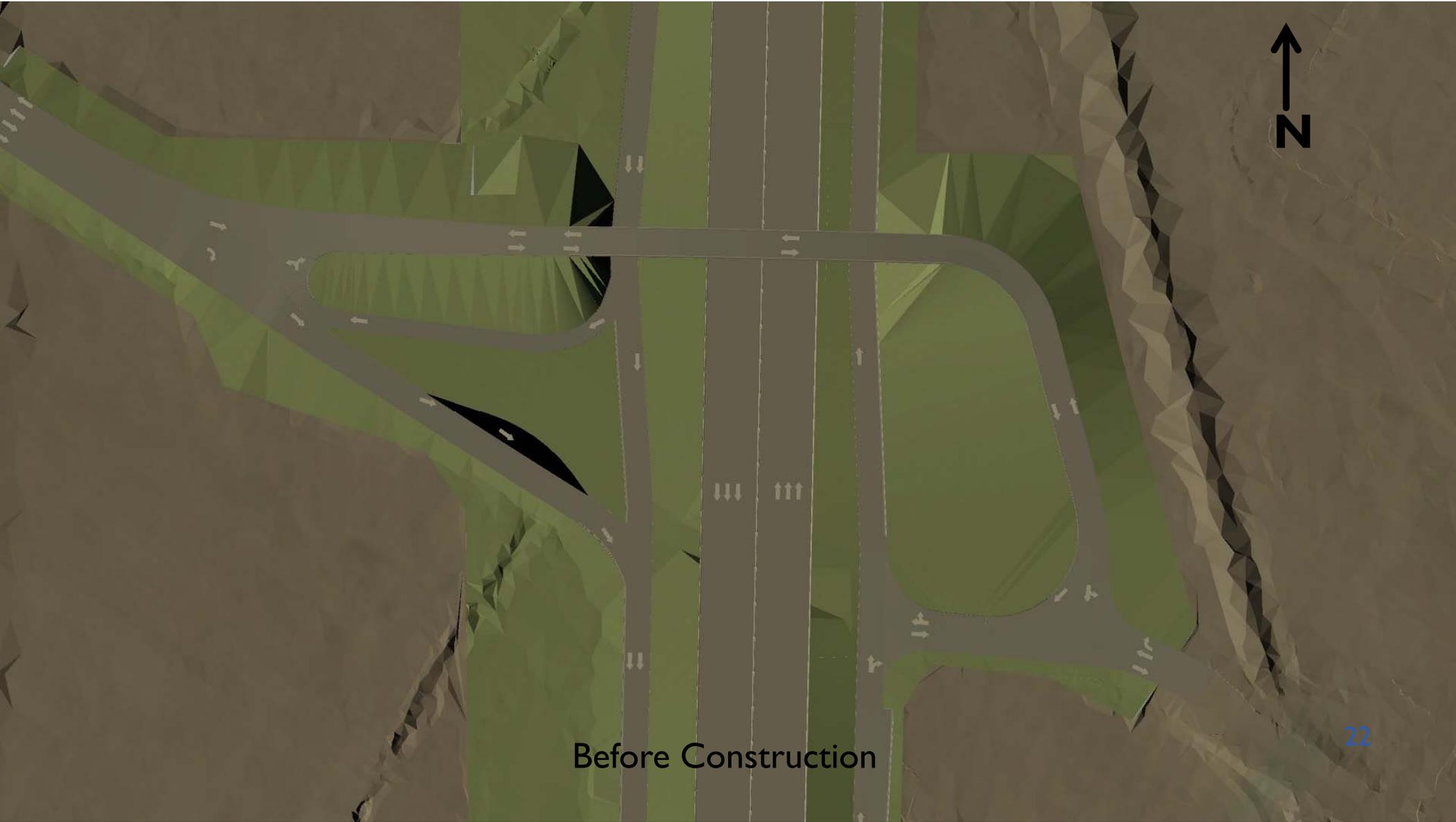
# QUESTION AND ANSWER



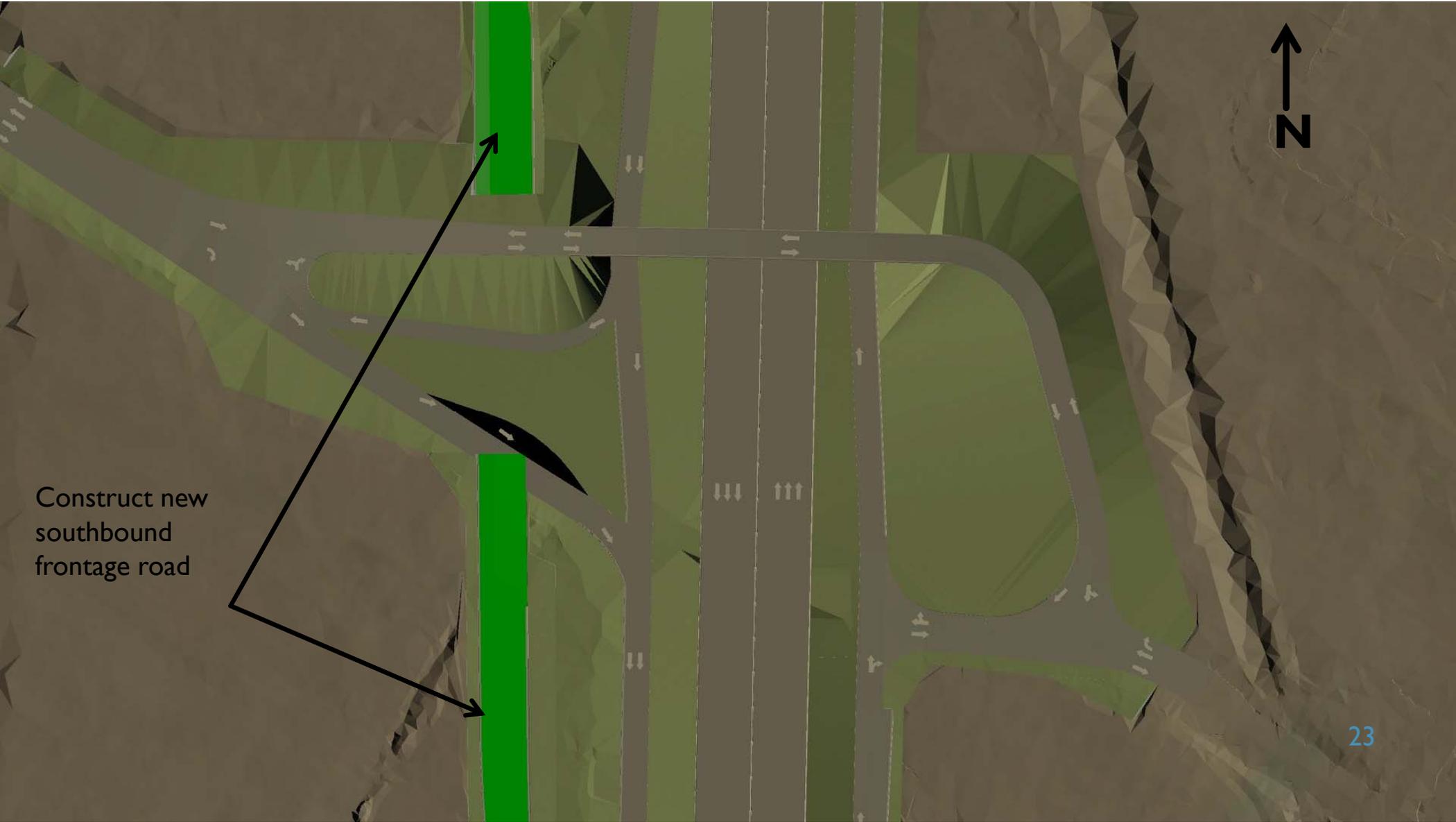
## FM 407 – FROM BRIDGE TO ROADWAY

- Flows underneath I-35E
- Two through eastbound lanes and one dedicated left turn lane
- Two through westbound lanes and one dedicated left turn lane



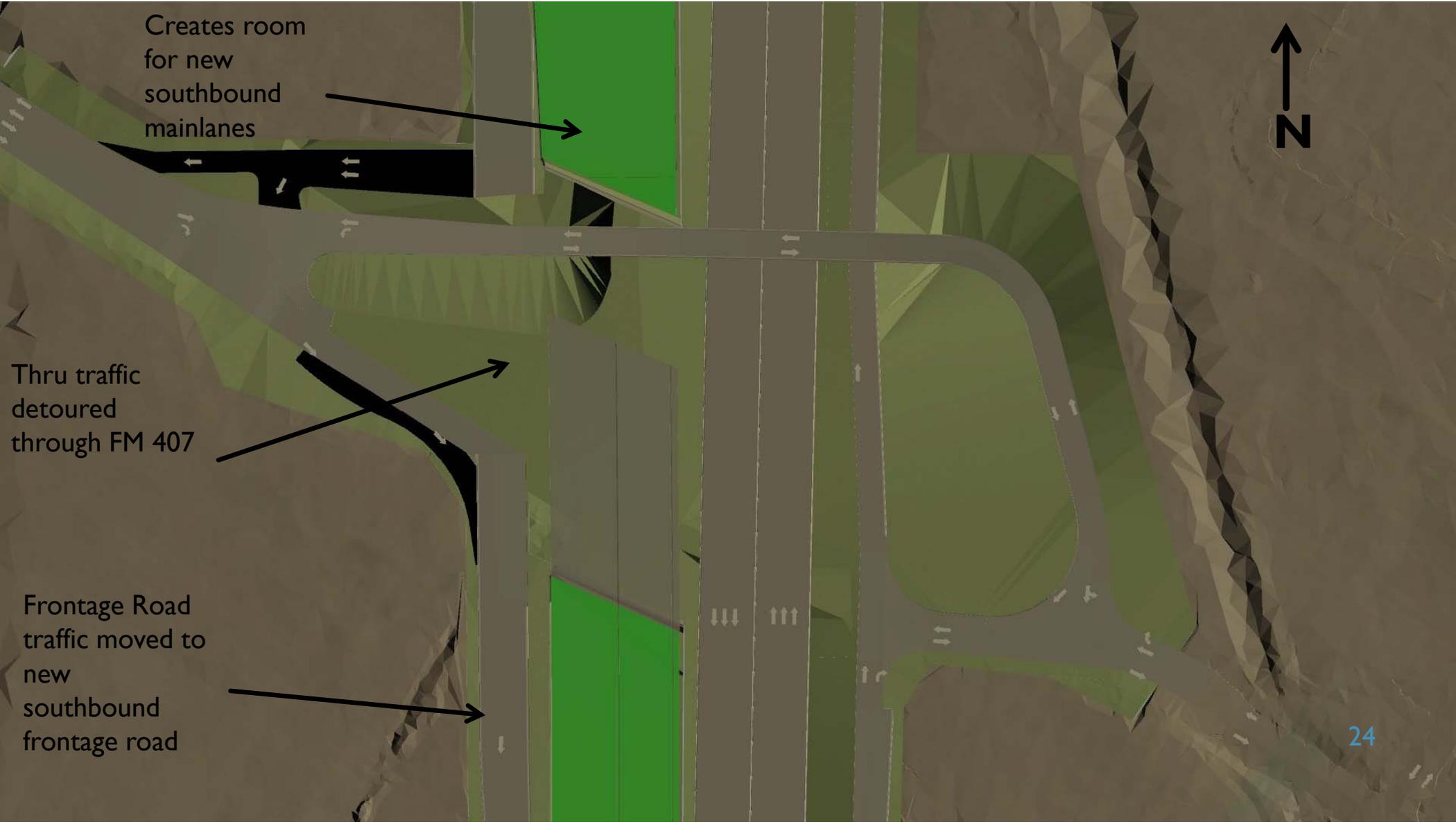


Before Construction



Construct new southbound frontage road





Creates room  
for new  
southbound  
mainlanes

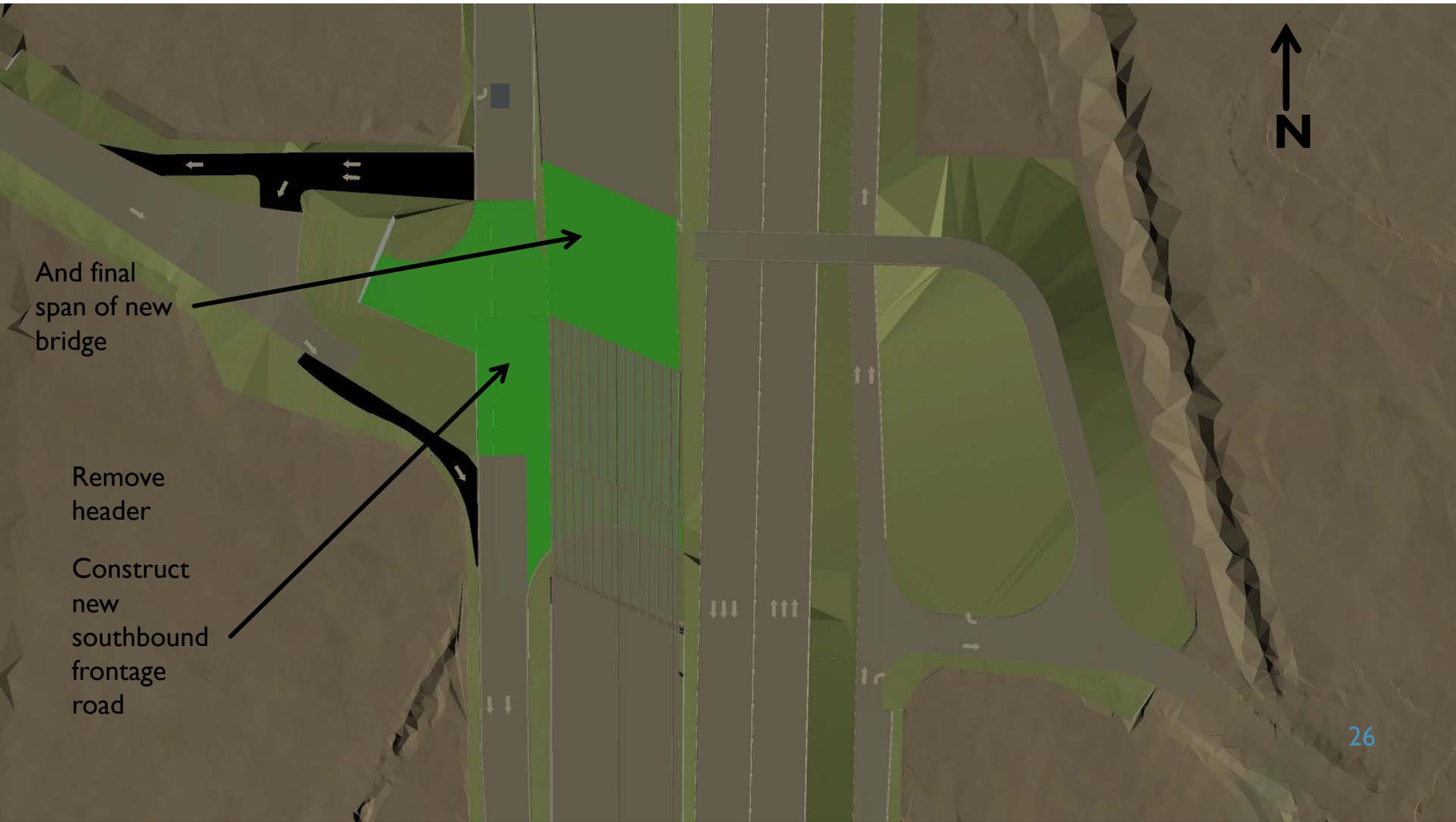


Thru traffic  
detoured  
through FM 407

Frontage Road  
traffic moved to  
new  
southbound  
frontage road



Demolish west half of FM 407 bridge  
(cross street thru traffic detours begin)

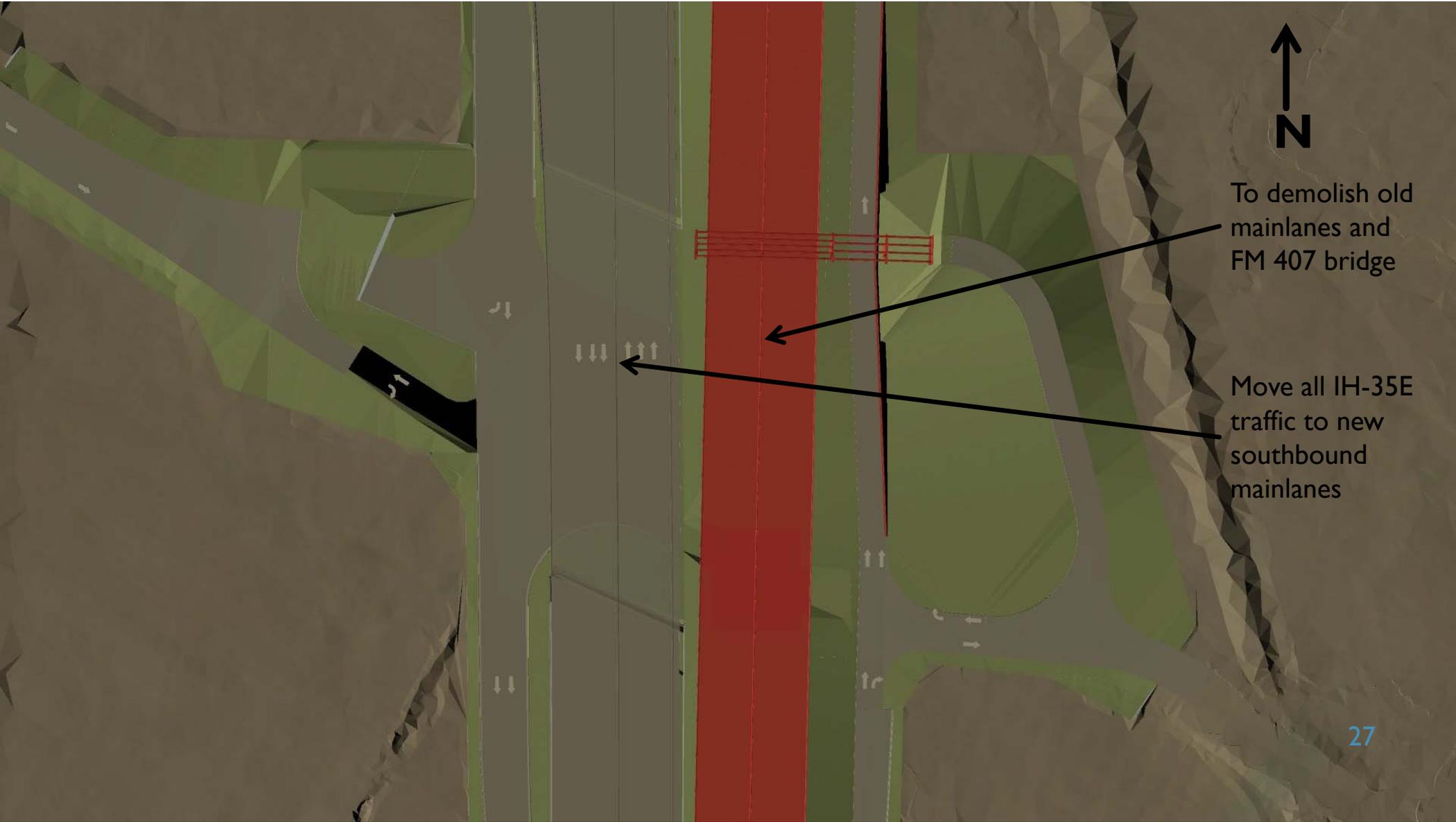


And final span of new bridge

Remove header

Construct new southbound frontage road





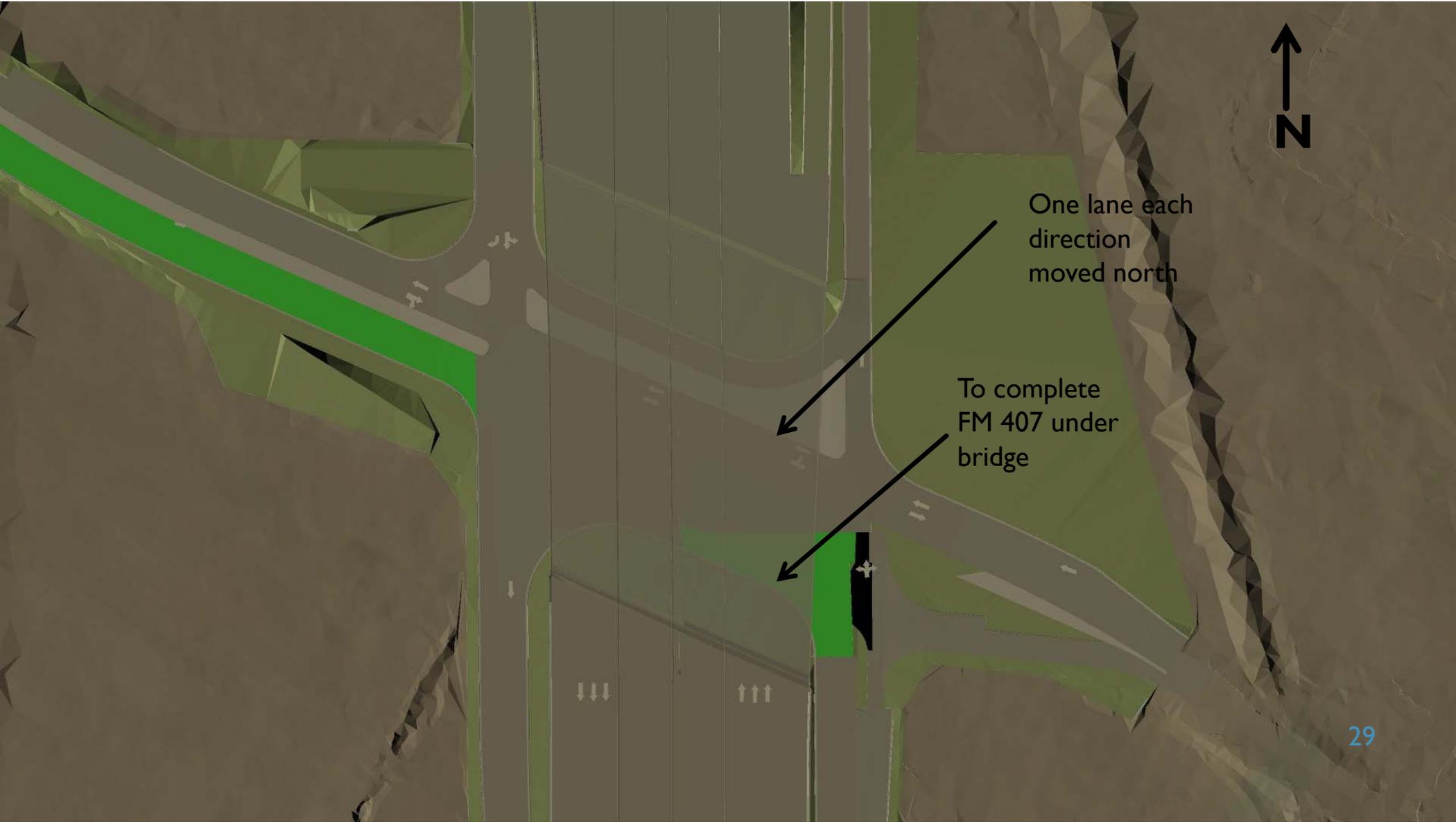
To demolish old mainlanes and FM 407 bridge

Move all IH-35E traffic to new southbound mainlanes



While  
constructing  
FM 407

One lane each  
direction on  
temporary pavement  
placed once demolition  
of old highway  
completed (shown in  
previous slides)



One lane each  
direction  
moved north

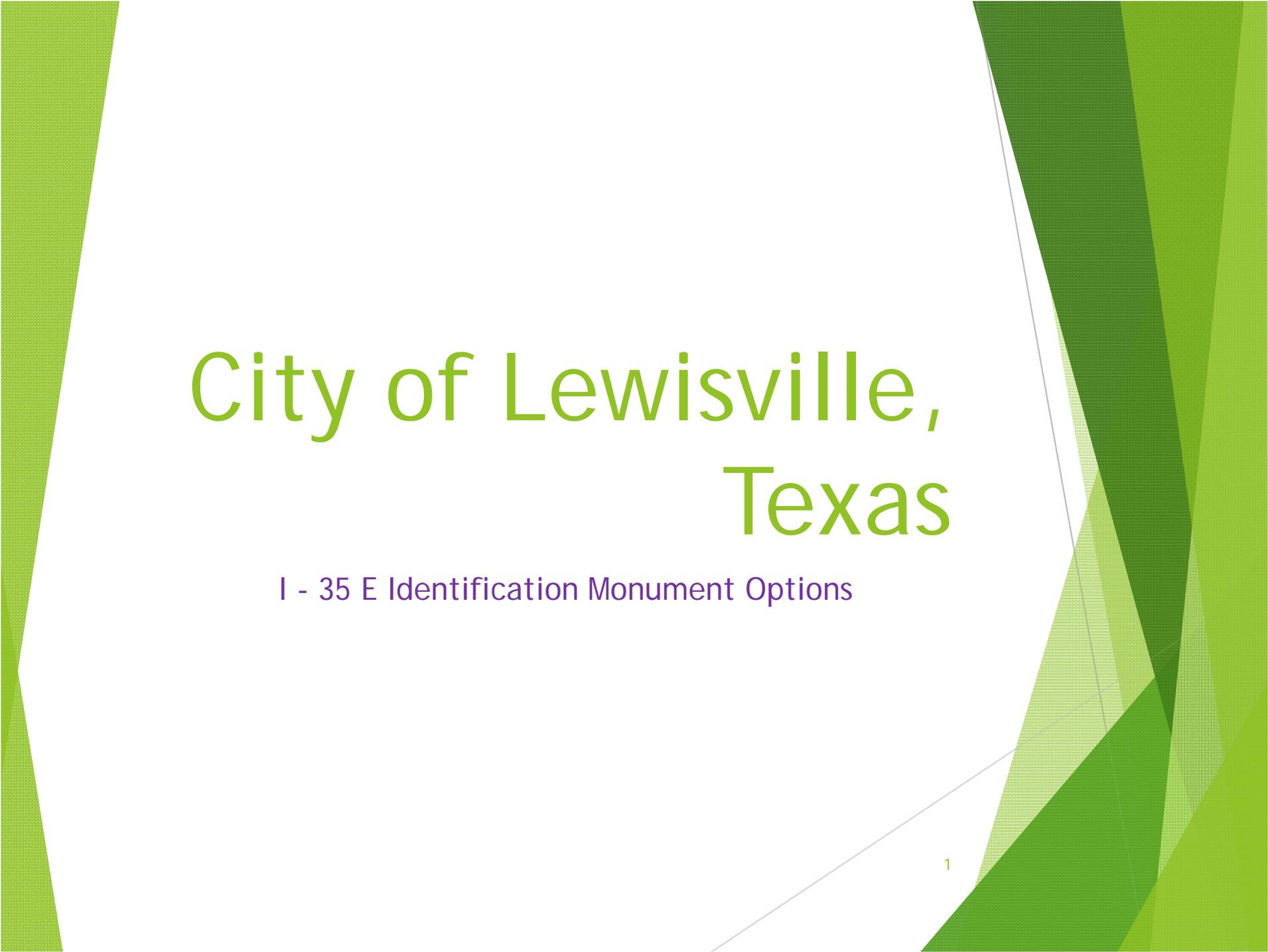
To complete  
FM 407 under  
bridge



Complete east  
side FM 407



Construction complete



# City of Lewisville, Texas

I - 35 E Identification Monument Options

# City of Lewisville Options

- ▶ 1a: TXDOT Standard 20' Tall Monuments, Build with Phase 1 Construction, 1ea NB & SB Near City Limits\*
- ▶ 1b: TXDOT Standard 15' Tall Monuments, Build with Phase 1 Construction, 1ea NB & SB Near City Limits\*
- ▶ 2: Delay TXDOT Monuments Until Phase 2 Construction. (Could add Cost due to Inflation and Construction Near Existing Permanent Roadway Improvements)
- ▶ 3: Design and Construction of Alternate Monuments at a later date. (Would require Construction Outside of TXDOT ROW, in an Easement on Private Property. No Way to Estimate Cost due to Easement & Design Cost and is Dependent on Size and Design Specifics)
- ▶ 4: No Monuments
- ▶ \* Can mix or match monument sizes or choose to only install one monument.

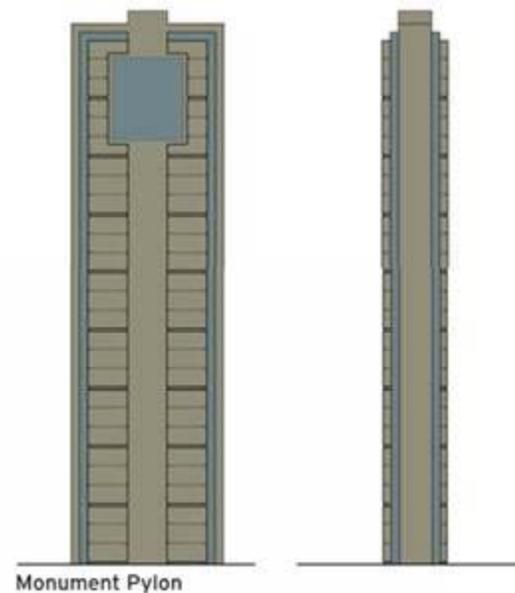
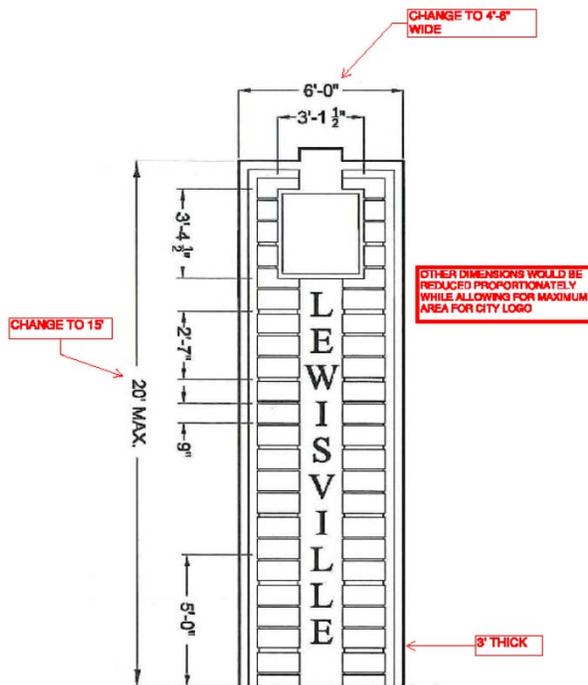
# Costs & Considerations TXDOT Installed Monuments (Options 1a & 1b)

- ▶ All Monument Signage Along the Corridor Installed Within TXDOT ROW Required to Conform to the Same Design & Standards (20' & 15' Options)
- ▶ 20' Monument Cost - \$115,000 ea.
- ▶ 15' Monument Cost - \$80,000 ea.
- ▶ Local Government is Responsible for Maintenance after Construction (Requires TXDOT Maintenance Agreement)
- ▶ Up Lit on Front Side
- ▶ City Logo can be Permanent or Removable
- ▶ North City Limits, Painted in **Lakes Zone** Color Palette
- ▶ South City Limits, Painted in **Urban Zone** Color Palette

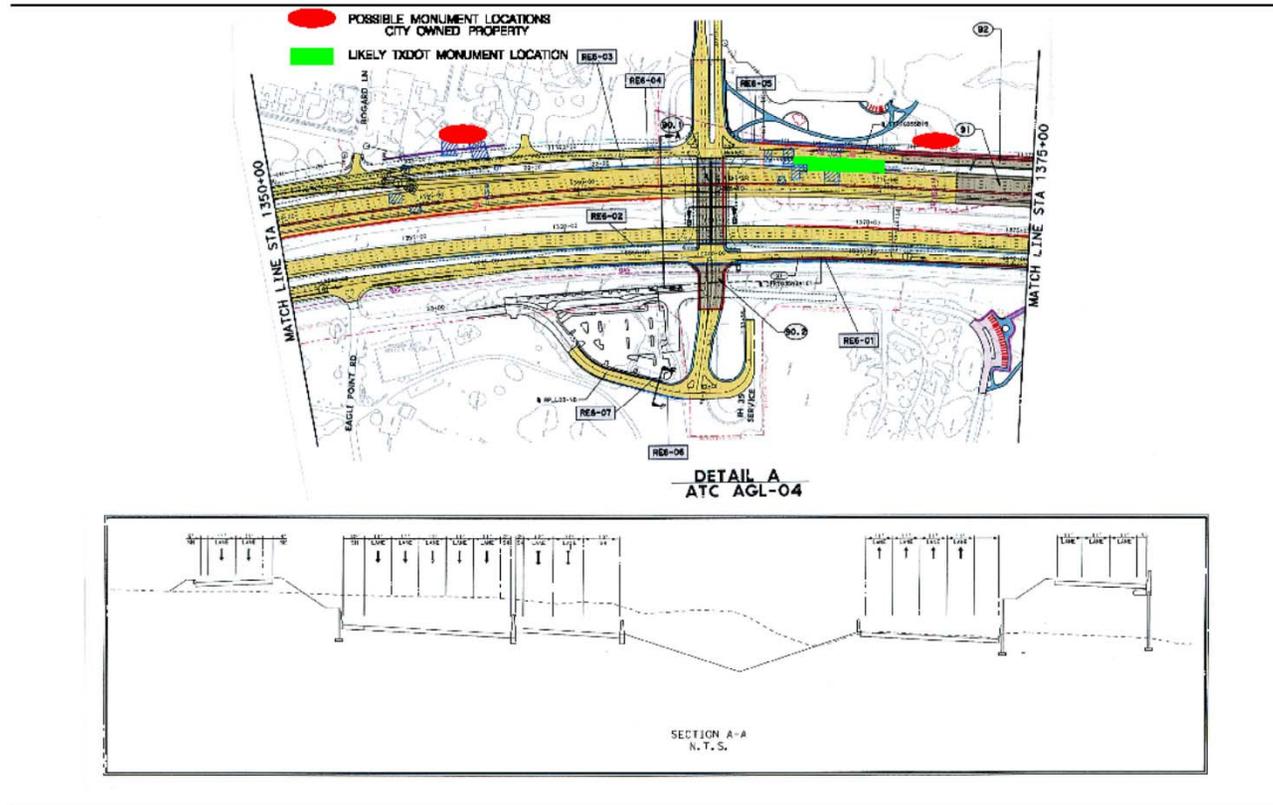
# TXDOT Approved Monument Elevations & Dimensions

Option #1a - 20' Tall, 6' Wide, 3' Thick  
Option #1b - 15' Tall, 4.5' Wide, 3' Thick

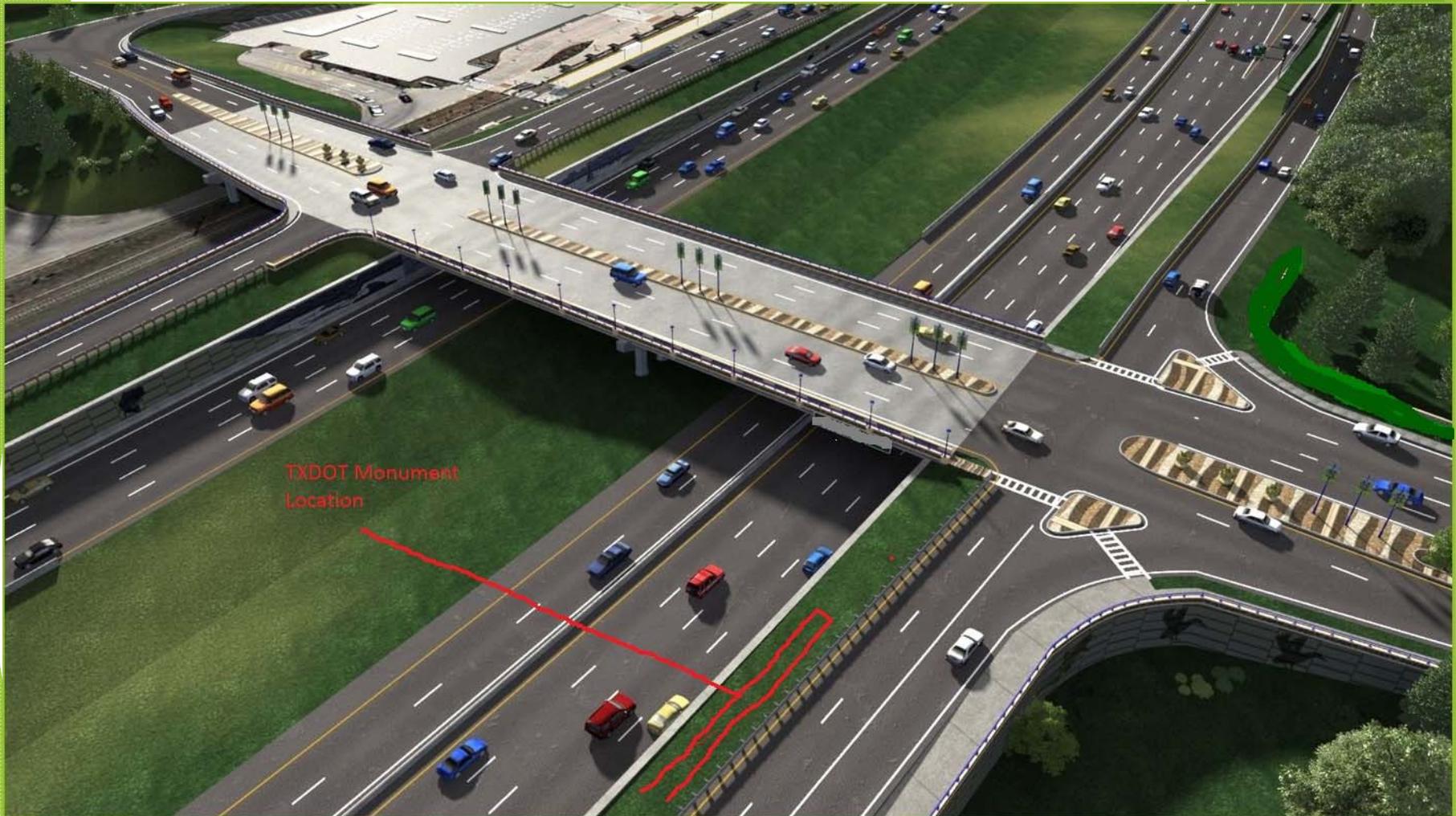
## Lake Zone Colors



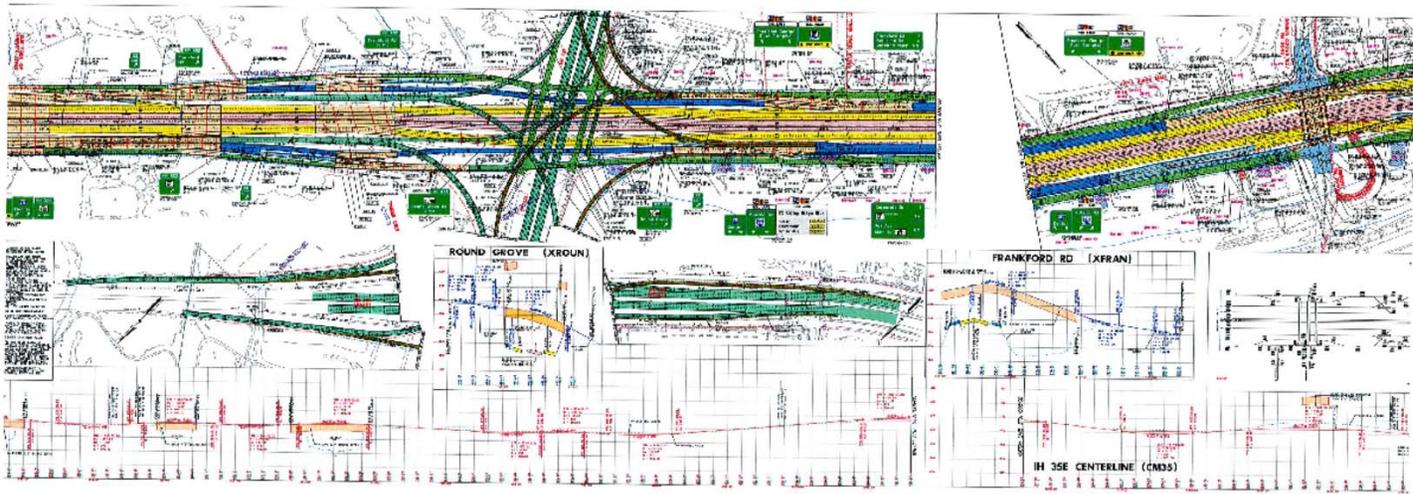
# Monument Location South Bound (North City Limits)



# Garden Ridge



# No Clear Monument Location North Bound (South City Limits)



# Other Cities Along the Corridor

- ▶ To Date Town of Hickory Creek is the Only Entity to Choose Standard TXDOT Monument Signage. (1-15' Monument).
- ▶ Corinth has indicated they are considering two 15' TXDOT monuments, (North Bound & South Bound).
- ▶ Carrollton Has Chosen to Delay a Decision on Monument Signage. In both proposed Carrollton locations, Phase 1 Construction is Temporary, so Lends Itself to Postponed Construction.
- ▶ No other Commitments along the Corridor.

# City of Lewisville Options Recap

1a: TXDOT Standard 20' Tall Monuments, Construct with Phase 1 Construction, 1ea NB & SB Near City Limits\*

1b: TXDOT Standard 15' Tall Monuments, Construct with Phase 1 Construction, 1ea NB & SB Near City Limits\*

2: Delay TXDOT Monuments Until Phase 2 Construction. (Could add Cost due to Inflation and Construction Near Existing Permanent Roadway Improvements.

3: Design and Construction of Alternate Monuments. (Would require construction outside of TXDOT ROW, in an easement on private property. No way to estimate cost due to easement & design cost and is dependent on size and design specifics)

4: No Monuments

\* Can mix or match monument sizes or choose to only install one monument.

# Staff Recommendation

Design and Construct Alternate Monument Near North City Limit at a later date. (Would require construction outside of TXDOT ROW, in an easement on private property. No way to estimate cost due to easement & design cost and dependent on size and design specifics).

Postpone Decision for South City Limits Until After Phase 1 Construction. Work With TXDOT or NTTA at that Time to Place a Monument in Right of Way as there is no Clear Location Outside of the ROW Until Just South of Corporate Drive Due to Ramping and Floodplain.

1. Ability to Custom Design Monuments to Match Branding and Marketing Theme.
2. More Flexibility to Place Monuments in Strategic Visible Locations. City Already Owns Possible Locations Near North City Limits.
3. TXDOT May be More Flexible with Regard to Design Options Outside of Existing AGL Agreement for South City Limit Location.



**LEWISVILLE**

Deep Roots. Broad Wings. Bright Future.

**MEMORANDUM**

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R Neil Ferguson  
Councilman Rudy Durham  
Councilman Leroy Vaughn  
Councilman Greg Tierney

**FROM:** Brenda Martin, Director of Finance

**DATE:** February 16, 2015

**SUBJECT: Presentation of Achievement of Excellence in Procurement Award**

**BACKGROUND**

The City of Lewisville is being awarded the 19<sup>th</sup> Annual “Achievement of Excellence in Procurement Award” for 2014. The City of Lewisville has received the award for 16 consecutive years and is 1 of only 46 government agencies in Texas and 1 of only 68 cities in the United States to Receive the Award.

The Achievement of Excellence in Procurement Award is designed to recognize organizational excellence in procurement. The award is achieved by those organizations that demonstrate excellence in procurement by obtaining a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function.

Mayor Ueckert will be requested to present the award to Mr. Todd White, Purchasing Manager, for the City of Lewisville.



July 25, 2014

Ms. Donna Barron  
City Manager  
City of Lewisville  
151 W. Church St.  
Lewisville, TX 75057

**Subject: 2014 Achievement of Excellence in Procurement® Award**

Dear Ms. Barron:

I'm pleased to inform you that your agency's procurement department has earned the 19<sup>th</sup> Annual Achievement of Excellence in Procurement Award for 2014.

The Achievement of Excellence in Procurement® recognizes organizational excellence in procurement. Public and non-profit organizations earn the award by obtaining a high application score based on standardized criteria. The judging criteria are designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Achievement of Excellence in Procurement® is sponsored by the National Procurement Institute (NPI), the California Association of Public Procurement Officials (CAPPO), the Florida Association of Public Procurement Officials (FAPPO), the Institute for Supply Management (ISM), NIGP: The Institute for Public Procurement, the National Association of State Procurement Officials (NASPO), the National Association of Educational Procurement (NAEP), the Texas Public Purchasing Association (TxPPA), and the Canadian Public Procurement Association / Conseil canadien des marchés publics.

Moreover, the City of Lewisville is one of only 46 government agencies in Texas and one of only 68 cities in the United States to receive the award. The City of Lewisville has received the award for 16 consecutive years.

A beautiful AEP Award trophy will be shipped to your organization in the coming weeks.

Congratulations on the Achievement of Excellence in Procurement® Award!

Sincerely,

Christine Green, C.P.M.  
Chair, Achievement of Excellence in Procurement® Award Committee

cc: Todd White, Purchasing Manager

NATIONAL PROCUREMENT INSTITUTE, INC.  
PO Box 370192, Las Vegas, NV 89137  
Tel: 702.989.8095 Fax: 702.967.0744 Toll Free: 866.877.7641  
[www.npicconnection.org](http://www.npicconnection.org)



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

MEMORANDUM

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R Neil Ferguson  
Councilman Rudy Durham  
Councilman Leroy Vaughn  
Councilman Greg Tierney

**FROM:** Brenda Martin, Director of Finance

**DATE:** February 16, 2015

**SUBJECT: Presentation of Certificate of Achievement for Excellence in Financial Reporting Award**

The City of Lewisville is being awarded a “Certificate of Achievement for Excellence in Financial Reporting” award for the period ending September 30, 2013 by the Government Finance Officers Association (GFOA). The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. This is the 25<sup>th</sup> consecutive year the City has received this award. An Award of Financial Reporting Achievement has been awarded to the individual department or agency designated by the government as primarily responsible for preparing the award winning CAFR.

Mayor Ueckert will be requested to present the award to Brian Hogan, Accounting Manager for the City of Lewisville.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Bob Monaghan, Parks and Leisure Services Director

**DATE:** January 20, 2015

**SUBJECT:** Public Hearing; Consideration of an Ordinance Adopting Camp Standards of Care in Compliance With Texas Administrative Code 745.115(3) Municipal for Recreational Camp Programs.

### BACKGROUND

The Parks & Leisure Services Department conducts ten - one week Summer Fun Camps and a one week holiday camp during Spring Break for ages 7 to 11. In addition, an Xtreme Response Camp is also offered during the summer for ages 12 to 15.

### ANALYSIS

Department of Family and Protective Services (DFPS) regulates various child day-care operations including listed family homes, registered child-care homes, licensed child-care homes, child-care centers, employer based child care, shelter care, before or after school programs and school- age programs. A review of each of these categories of day-care facilities shows that these facilities are either on-going through the school year, are designed to provide daily on-going child-care or exist for more than a three week period. Camps operated by a municipality and other designated entities are exempt from these standards and regulations that are directed towards facilities that operate on a daily on-going basis. The proposed standards of care provide all the necessary controls and rules that the state deems necessary for a program of a very limited duration such as a camp.

Under the Texas Human Resources Code 42.041 (b)(14) and DFPS Rules, 40 TAC 745.115(3), the exemption is provided for certain municipal recreation programs for youth ages 5 to 13 when the following criteria are met:

- Governing body of the municipality annually adopts standards of care by ordinance after a public hearing;
- Ordinance includes at a minimum: staffing ratios; staff qualifications; facility, health and safety standards; and mechanisms for monitoring and enforcing the adopted local standards;
- Standards of care are provided to the parents of each program participant;
- The program cannot be advertised as a child-care facility; and
- Parents must be informed that the program is not licensed with the State of Texas as a child-care operation.

Subject: Camp Standards of Care  
January 20, 2015  
Page Two

The Texas Administrative Code requires the Council's adoption of the standards of care ordinance each year. This is the fifth year with the same Standards of Care as approved by the City Council.

**RECOMMENDATION**

It is City staff's recommendation that the City Council approve the ordinance as set forth in the caption above.

Effective Date: \_\_\_\_\_  
Dept. Approval: \_\_\_\_\_  
CM Approval: \_\_\_\_\_

**CITY OF LEWISVILLE  
DEPARTMENTAL REGULATIONS**

**DEPARTMENT: PARKS AND LEISURE SERVICES**  
**TOPIC: YOUTH RECREATIONAL PROGRAMS – STANDARDS OF CARE**  
**REFERENCE: PL1**

**I. GENERAL ISSUES**

- A. The Standards of Care are intended to be minimum standards by which the City of Lewisville Department of Parks and Leisure Services will operate the city’s youth camp programs. The programs operated by the City of Lewisville are recreational in nature and are not licensed by the State of Texas nor operated as day care programs.
- B. Definitions
1. City – City of Lewisville, Texas
  2. City Council – City Council of the City of Lewisville
  3. Department – Department of Parks and Leisure Services
  4. Youth camp program – City of Lewisville youth program consisting of Holiday Camps, Summer Fun Camp, Teens On The Move Camp, Xtreme Response Camp and any future camps that may be added.
  5. Program Manual – Notebook of policies, procedures, required forms, and organizational and programming information relevant to the City of Lewisville youth camp programs.
  6. Director – City of Lewisville Parks and Leisure Services Department full-time Director or his or her designee.

7. Director Designee or Manager – City of Lewisville Parks and Leisure Services full-time Division Manager who has been assigned administrative responsibility for programming.
8. Recreation Center Supervisor or Supervisor – City of Lewisville Parks and Leisure Services full-time supervisor who has been assigned administrative responsibility for recreational program site.
9. Recreation Specialist or Specialist – City of Lewisville Parks and Leisure Services full-time employee who has been assigned responsibility to implement the youth camp program.
10. Program Site – Area or facilities where City of Lewisville youth camp programs are based.
11. Parent(s) – One or both parents or adults who have legal custody and authority to enroll their child(ren) in City of Lewisville youth camps.
12. Participant – A youth whose parent(s) have completed all required registration procedures and determined eligible for a City of Lewisville camp program.
13. Day Camp Attendant(s) or Attendant(s) – Person or people who have been hired to work for the City of Lewisville on a temporary (seasonal) basis and have been assigned responsibility for administering or implementing some portion of the camp program.

C. General Administration

1. Implementation of the youth camps programs Standard of Care is the responsibility of the Parks and Leisure Services Department Director and departmental employees.
2. Each youth camp program site will have available a current copy of the Standards of Care for public and staff.
3. Parents of participants will be provided a current copy of the Standards of Care during the registration process.
4. Criminal background checks will be conducted on prospective program staff. If results of a criminal background check indicate that an applicant

has been convicted of any of the following offenses, he will not be considered for employment:

- a. A felony or a misdemeanor classified as an offense against a person or family.
- b. A felony of misdemeanor classified as public indecency.
- c. Any offense involving moral turpitude.
- d. Any offense that would potentially put the City of Lewisville at risk.

D. Inspections/Monitoring/Inspection

1. An inspection report will be initiated by the Specialist at the conclusion of each program to confirm the Standards of Care are being adhered to.
  - a. Inspection reports will be sent to the Supervisor and Manager for review and kept on record for at least two years.
  - b. The Supervisor and Manager will review the report and establish guidelines and criteria for compliance.
2. The Supervisor will make visual inspections of the programs based on the following schedule:
  - a. Holiday Camps will be inspected once during their holiday schedule.
  - b. Summer Fun Camp will be inspected once per week during the summer season.
  - c. Teens On The Move Camp will be inspected once per week during the summer session.
  - d. Xtreme Response Camp will be inspected once during its week-long schedule.
  - e. All other camps will be inspected weekly.

3. Complaints regarding enforcement of the Standards of Care will be directed to the Supervisor. The Supervisor will be responsible to take necessary steps to resolve any problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Supervisor. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Manager and the complaint and resolution will be noted and reported to the Director.

E. Enrollment

Before a child can be enrolled, a parent must sign registration forms that contain:

1. Child's Name, home address and home telephone number while enrolled in camp.
2. Name and address of parents and telephone number during program hours.
3. Names and telephone numbers of people to whom the child can be released.
4. A statement of the child's special needs or problems, if any.
5. Emergency medical authorization.
6. Proof of residency, when appropriate.
7. Liability waiver.

F. Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code.

G. Staffing – Responsibilities and Training

1. Recreation Specialist
  - a. Recreation Specialist Qualifications

- (1) Specialist will be full-time employee of the City of Lewisville Parks and Leisure Services Department and will be required to have all Day Camp Attendants qualifications as outlined in Section I.G.2.a and responsibilities as outlined in Section I.G.2.b of the document.
- (2) Specialist must be at least 21 years of age.
- (3) Specialist must have a Bachelor's Degree from an accredited college or university. Acceptable degrees include:
  - (a) Recreation Administration or Leisure Studies
  - (b) Physical Education or Kinesiology
  - (c) Comparable degree plan that would lend itself to working in a public environment
- (4) Specialist must have two years experience planning and implementing recreational activities.
- (5) Specialist must pass a background investigation including testing for illegal substances.
- (6) Specialist must have successfully completed a course in first aid, Child/Adult Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) based on either American Heart Association or American Red Cross standards. All certifications must be current during the camp operation.

b. Recreation Specialist's Responsibilities

- (1) Specialist is responsible to administer the Program's daily operations in compliance with the adopted Standards of Care.
- (2) Specialist is responsible to recommend, hire, supervise and evaluate Attendants.

- (3) Specialist is responsible to plan, implement and evaluate programs.

2. Day Camp Attendant

a. Day Camp Attendant Qualifications

- (1) Attendants will be part-time or temporary employees of the Parks and Leisure Services Department.
- (2) Attendants shall be age 18 or older; however, each site will have at least one employee 20 years or older present at all times.
- (3) Attendants shall be able to consistently exhibit competency, good judgment and self-control when working with children.
- (4) Attendants shall have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete required first aid and CPR/AED courses within four weeks of starting work.
- (5) Leaders shall pass a background investigation including testing for illegal substances.

b. Day Camp Attendants Responsibilities

- (1) Attendants will be responsible to provide participants with an environment in which they can feel safe, can participate in appropriate social opportunities with their peers and can enjoy wholesome recreation activities.
- (2) Attendants will be responsible to know and follow standards, policies and procedures that apply to City of Lewisville programs.

- (3) Attendants must ensure that participants are released only to a parent or adult designated by the parent. All program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Specialist or Attendants.

### 3. Training and Orientation

- a. The Department is responsible for providing training and orientation to program employees in working with children and for specific job responsibilities.
- b. Specialists will provide each attendant with a Program Manual specific to each camp program.
- c. Program employees must be familiar with the Standards of Care for camp programs as adopted by the City Council.
- d. Program employees must be familiar with the program policies including discipline, guidance and release of participants as outlined in the Program Manual.
- e. Program employees will be trained in appropriate procedures to handle emergencies.
- f. Program employees will be trained in areas including City, Departmental and program policies, procedures, provision of activities, safety issues and organization.
- g. Program employees will be required to sign an acknowledgment that they have received the required training and manuals.

## H. Operations

### 1. Staff – Participant Ratio

- a. The standard ratio of participants to Attendants will be 10 to 1. In the event an attendant is unable to report, a replacement may be assigned.
- b. Each participant shall have a Program employee who is responsible for him or her and who is aware of the participant's habits, interests and special problems as identified by the participant's parent(s) during the registration process.

2. Discipline

- a. Program employees will implement discipline and guidance in a consistent manner based on the best interests of program participants.
- b. There must be no cruel or harsh punishment or treatment.
- c. Program employees may use brief, supervised separation from the group, if necessary.
- d. As necessary, Program employees will initiate discipline reports to the participant's parent(s).
- e. Parents will be asked to sign discipline reports to indicate they have been advised regarding specific problems or incidents.
- f. A sufficient number or severe nature of discipline reports may result in participant being suspended from the program.
- g. In instances where there is danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.

3. Programming

- a. Program employees will attempt to provide activities for each group according to participant's age, interests and abilities. The activities must be appropriate to participant's health, safety and well-being. The activities must be flexible and promote the participant's emotional, social and mental growth.

- b. Program employees will attempt to provide indoor and outdoor times including:
  - (1) Alternation of passive and active activities;
  - (2) Opportunity for individual and group activities; and
  - (3) Outdoor time each day, weather permitting.
  
- c. Program employees will be attentive and considerate of the participant's safety on field trips and during any transportation provided by the program.
  - (1) During trips, employees must have access to emergency medical forms and emergency contact information for each participant.
  - (2) Program employees must have a written list of the participants in the group and check roll frequently.
  - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available.

4. Communication

- a. Program employees will have access to a telephone for use in contacting the program site or making emergency calls at all times.
  
- b. The Specialist will make available the following telephone numbers to all employees at each site:
  - (1) Emergency services
  - (2) City of Lewisville Fire and Police Department Dispatch Center
  - (3) Department of Parks & Leisure Services Administrative Office

(4) Where parent(s) may be reached

(5) Field trip destinations

5. Transportation

- a. Before a participant may be transported to and from City sponsored activities, a transportation permission form, completed by the parent, must be filed with the Specialist.
- b. First aid supplies and a first aid care guide will be available in all vehicles transporting participants.
- c. All vehicles used for transportation of participants must have available a 6-BC portable fire extinguisher which will be accessible to all adult occupants.

I. Facility Standards

1. Safety

- a. Program employees will inspect program sites daily to detect sanitation and safety concerns that might affect the health and safety of participants. Daily inspection reports will be completed by the program employees and kept on file with the Specialist.
- b. Buildings, grounds and equipment on the program site will be inspected, cleaned, repaired and maintained to protect the health of participants.
- c. Program equipment and supplies must be safe for participant's use.
- d. Program employees must have first aid supplies readily available to staff in a designated area. First aid supplies must be readily available at each site, during transportation to an off-site location and for the duration of any off-site activity.
- e. Air conditioners, electric fans and heaters must be mounted out of participant's reach or have safeguards that keep participants from being injured.

2. Health

a. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to participants or employees will not be admitted to the camp program.
- (2) Illnesses and injuries will be handled in a manner to protect health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant with a communicable disease.

b. Employees will administer medication only if:

- (1) Parents complete and sign a form that provides authorization for staff to dispense medication with details as to time and dosage. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the participant's name, date, directions and physician's name.
- (3) Employee will administer medication as stated on the label and will not administer medication after the expired date.
- (4) Nonprescription medications are labeled with the participant's name and the date the medication was brought to the program. Nonprescription medication must be in the original container. Employees will administer medication only according to label direction.

- (5) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of the employees.
- (6) Program employees must ensure medications are inaccessible to participants. If it is necessary to keep medication in the refrigerator, medications will be kept separate from food.

c. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so participants can use them independently and staff can supervise, if needed.
- (2) There must be one flush toilet for every 30 participants. Urinals may be counted in the ratio of toilets to participants, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

d. Sanitation

- (1) Program facilities must have adequate light, ventilation and heat.
- (2) The Program must have an adequate supply of water meeting the standards of Texas Department of Health for drinking water and ensure that it will be supplied in a safe and sanitary manner.
- (3) Employees must see that garbage is removed from buildings daily.

**II. GENERAL PROVISIONS**

The City of Lewisville reserves the right to change, modify, amend, revoke or rescind all or part of this regulation in the future. This regulation may only be revised at the same time that a revision is made to the Lewisville Code of Ordinances, Chapter 10, Parks and Leisure Services, Article VII, Standards of Care.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 10, PARKS AND LEISURE SERVICES, OF THE LEWISVILLE CITY CODE BY CREATING ARTICLE VII, "STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS"; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Lewisville is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter; and,

**WHEREAS**, the City of Lewisville possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate the fees for services provided; and,

**WHEREAS**, the City of Lewisville operates a recreation program for elementary age children as a service to residents of the City of Lewisville and surrounding communities; and,

**WHEREAS**, the State of Texas has adopted licensing requirement and regulations under Chapter 42 of the Texas Human Resources Code for facilities providing care to children, which all facilities must comply with unless an exemption under Section 42.041(b) applies; and,

**WHEREAS**, Section 42.041(b)(14) of the Texas Human Resources Code provides an exemption from the requirements of Chapter 42 to a municipality operating a recreation program for elementary age children (5-13 years); and,

**WHEREAS**, in order to qualify for the exemption, the City of Lewisville must establish standards of care through the adoption of an ordinance setting forth the standards of care for the City of Lewisville youth recreation programs; and,

**WHEREAS**, the City of Lewisville must hold a public hearing on the standards of care ordinance prior to its adoption; and,

**WHEREAS**, the City of Lewisville standards of care for the youth recreation programs must be adopted annually by the City of Lewisville City Council in order to maintain the exemption; and,

**WHEREAS**, once an exempt status is established, the Texas Department of Human Services (“TDHS”), or the designated division, will not monitor the youth recreation programs. The TDHS will not be responsible for investigating complaints regarding the City of Lewisville’s youth recreation programs and any complaints shall be made to the Parks and Leisure Services Department.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1. INCORPORATION OF PREMISES.** All the above premises are found to be true and correct legislative findings and are incorporated herein for all purposes.

**SECTION 2. AUTHORITY.** The City of Lewisville City Council adopts local standards of care for the Parks and Recreation Division (“Division”) youth recreational programs in compliance with the requirements of Texas Human Resources Code Section 42.041(b)(14) and pursuant to its home rule authority.

**SECTION 3. ADOPTION.** The local standards of care (“Standards of Care”), as set forth in Exhibit “A” which is attached hereto and incorporated by reference herein for all purposes as if written word for word herein, are hereby adopted by the City of Lewisville City

Council as the Standards of Care for the Parks and Leisure Services Department of the City of Lewisville.

**SECTION 4. PROGRAM ADMINISTRATION.**

- (A) The Department shall operate all youth recreational programs (“Youth Programs”) in compliance with the Standards of Care.
- (B) The Department director, or designee (collectively or singly referred to herein as “Director”), shall administer the Youth Programs and ensure compliance with the Standards of Care.

**SECTION 5. PROGRAM RULES; MONITORING.**

- (A) The Director may adopt rules relating to the operation of the Youth Programs. A rule adopted by the Director may be more restrictive than the minimum standards adopted under the Standards of Care, after notice is provided to Youth Programs participants.
- (B) The Director shall monitor the Youth Programs to ensure compliance with the Standards of Care.
- (C) The Texas Department of Human Services will not regulate the Youth Programs nor be involved in any complaint investigation related to the Youth Programs.

**SECTION 6. DISTRIBUTION OF STANDARDS.**

- (A) The Department shall post and make available copies of the Standards of Care in this ordinance or by rules adopted under this ordinance.

(B) The Department shall inform parents or guardians of each participant that the Youth Programs are not licensed by the state. The Youth Programs may not be advertised as child-care facilities.

**SECTION 7. REQUEST FOR EXEMPTION.** The Mayor is authorized to take all necessary actions to request and receive an exemption from the Texas Department of Human Services for the Youth Programs.

**SECTION 8. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 9. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 11. EMERGENCY.** It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_ TO \_, ON THIS THE 16<sup>TH</sup> DAY OF FEBRUARY, 2015.

APPROVED:

\_\_\_\_\_  
Dean Ueckert, MAYOR

ATTEST:

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

## MEMORANDUM

**TO:** Melinda Galler, Assistant City Manager

**FROM:** Russ Kerbow, Police Chief

**DATE:** February 4, 2015

**SUBJECT:** **Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase Portable Radios.**

### BACKGROUND

The Lewisville Police Department is preparing a Justice Assistance Grant (JAG) application. The Texas Criminal Justice Division (TCJD) manages the JAG grant and each grant application may not exceed \$80,000.

### ANALYSIS

The City's application seeks funding to purchase 19, P-25 compliant portable radios for our SWAT team members. The SWAT team consists of 23 members and none of their assigned portable radios are P-25 compliant. This grant, if approved, will replace 19 of the noncompliant portable radios assigned to SWAT. Funding is available through salary savings to replace the remaining four radios. New P-25 portable radios will be compatible with the new digital radio system under consideration. The police department currently has 71 mobile radios and 187 portable radios. All of the 71 mobile radios are P-25 capable and currently only 39 enabled. Of the 187 portable radios, 147 are P-25 capable but only 17 enabled. "Capable" means that the radio is capable of functioning on a digital radio system but needs additional software. "Enabled" means the radio has the necessary software allowing it to operate on a digital radio system even though the radio is operated in its analog mode. Adding 19 new "enabled" portables through this grant and assigning them to the SWAT team is consistent with the police department's participation with other teams in the regional for a critical incident. Many of our neighboring agencies operate on a digital radio platform such as Frisco, The Colony, Plano, McKinney, Grapevine, and Fort Worth. Denton County and the City of Carrollton expect to move to their digital radio systems in 2015.

The total cost estimate is \$76,798. This grant does not require a cash match. If the application is successful, this purchase will be 100% grant funded. There is an annual maintenance and upgrade cost of approximately \$3,000 in the second year. The police department will absorb the ongoing cost within the department's operating funds. The resolution received approval from the city attorney's office and the grant met all requirements in administrative directive 3.6.0. Grant Administration including city manager approval to apply for the grant.

Subject: Grant Application to Purchase Portable Radios  
February 4, 2015  
Page 2

The grant application requires a council resolution, as proposed.

**RECOMMENDATION**

It is City staff's recommendation that the City Council approve the proposed resolution as set forth in the caption above.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING THE CITY TO APPLY FOR A GRANT FROM THE OFFICE OF THE GOVERNOR, TEXAS CRIMINAL JUSTICE DIVISION FOR INTEROPERABLE COMMUNICATIONS FOR EMERGENCY SWAT RESPONDERS PROJECT (GRANT NUMBER 2868301).**

**WHEREAS**, the Constitution and the laws of the State of Texas, and the City Charter of the City of Lewisville, authorize the City Council of the said City to approve the agreements and authorize the City Manager to execute the agreements between the City of Lewisville and the Office of the Governor, Texas Criminal Justice Division; and

**WHEREAS**, the Office of the Governor, Texas Criminal Justice Division will provide funding for approved Criminal Justice Division projects;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**

**OF LEWISVILLE, TEXAS, THAT** the City Council: 1) authorizes the Lewisville Police Department to submit application to the Office of the Governor, Texas Criminal Justice Division to obtain funding assistance for the fiscal year 2015/2016 for the Interoperable Communications for Emergency SWAT Responder Project; 2) agrees to provide all applicable matches as stipulated by the Texas Criminal Justice Division (CJD); 3) assures the awarded funds will be returned to the Office of the Governor, Texas Criminal Justice Division (CJD) in full in the event of loss or misuse of CJD funds; 4) authorizes the City Manager, the authorized official, to execute all documents in regard to the requested funds, which includes the power to apply for,

accept, reject, alter or terminate the grant; and 5) assures the City of Lewisville will comply with other rules set by CJD.

**RESOLUTION NO.** \_\_\_\_\_

**Page 2**

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
LEWISVILLE, TEXAS, ON THIS THE 16TH DAY OF FEBRUARY, 2015.**

**APPROVED:**

\_\_\_\_\_  
Dean Ueckert, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

Grant Application Number: **2868301**

## MEMORANDUM

**TO:** Todd White, Purchasing Manager

**FROM:** James Wallingsford, Operations Supervisor, ULM Division

**DATE:** January 28, 2015

**SUBJECT:** **Approval of a Bid Award for an Annual Requirements Contract for Clamps, Fittings, and Pipe to Fortiline Waterworks, Haltom City, Texas, in the Estimated Amount of \$93,618.94.**

### BACKGROUND

The annual requirements contract for Clamps, Fittings and Pipe is needed to allow for the purchase of parts for repairs made to water and sewer lines.

### ANALYSIS

On January 22, 2015, four (4) bids were received and opened for the Annual Requirements Contract for Clamps, Fittings and Pipe. The low bid is from Fortiline Waterworks, Haltom City, TX, in the amount of \$93,618.94. It should be noted that two (2) of the bids received were incomplete with bids submitted only on part of the overall items. Based on pricing of like items, Fortiline Waterworks was still lower when compared with the incomplete bids. Funding is available for this contract through various Utility Line Maintenance Utility Fund Accounts.

### RECOMMENDATION

It is City staff's recommendation that the City Council approve the bid award as set forth in the caption above.

**CITY OF LEWISVILLE  
PURCHASING DIVISION  
BID TABULATION  
BID NO. 15-16-A  
ANNUAL REQUIREMENTS CONTRACT FOR  
CLAMPS, FITTINGS, AND PIPE**

**FORTILINE WATERWORKS  
HALTOM CITY, TEXAS** **\$93,618.94**

FERGUSON  
BALCH SPRINGS, TEXAS \$98,401.99

ACT PIPE SUPPLY  
DALLAS, TEXAS (\*)

POWERSEAL PIPELINE PRODUCSTS, INC.  
WICHITA FALLS, TEXAS (\*)

(\*) Both ACT Pipe Supply and Powerseal Pipeline Products, Inc. submitted partial bids. When comparing like items, Fortline Waterworks submitted the lowest bid for these items.

## MEMORANDUM

**TO:** Todd White, Purchasing Manager

**FROM:** Jim Wear, Arts Center Manager

**DATE:** February 4, 2015

**SUBJECT:** **Approval of a Bid Award for a Stage Truss Rig From Tomcat USA, Knoxville, TN in the Amount of \$77,532.**

### BACKGROUND

On January 28, 2015, bids were received for a Trussing System and Roof for performance lighting and sound equipment for the Park Plaza Stage. Specifications call for a system with center-line dimension of '32 x 18.5' to be made up of uncoated aluminum 20.5" x 20.5" box truss. This structure must be strong enough to support a lighting system of 80 fixtures plus all supporting cabling, as well as a peak roof structure and roof skin. It must also be able to withstand local wind/storm stresses. The box truss and roof structure will be supported on truss towers 20' above the stage. Supplier will also provide chain hoists and chain, per the specifications. Roof skin will be made of 18 oz. vinyl or heavier. Also included in the price will be all cabling and controllers, assembly and rigging hardware and safety equipment required to raise and lower the roof, as specified. Supplier will supply training of City of Lewisville staff on complete setup and strike of the full rig and provide a warranty against all manufacturer defects. In addition, the vendor will perform annual inspection of all components.

### ANALYSIS

Two bids were received in response to the solicitation. Both companies met the minimum qualifications of the solicitation and neither offered any exceptions to the specifications. There was a difference in price of just over \$16,500 between the two bidders, with Tomcat USA offering the lower bid. In addition, of the two companies, Tomcat has by far the greater experience in supply and installation of trussing systems in parks and amphitheaters and has a reputation for high quality of service. Tomcat USA also provides a warranty against manufacturing defects "for the life of the product." References contacted regarding Tomcat were highly pleased with the quality of service received and with the durability and safety of products delivered. One reference had purchased a trussing system from Tomcat USA 12 years ago and the other had purchased a trussing system from Tomcat USA 8 years ago. Neither has had any issue with performance of the product and both praised the company for service and standing behind the product warranty.

### RECOMMENDATION

It is the City staff's recommendation that the City Council approve the bid award as set forth in the caption above.

**CITY OF LEWISVILLE  
PURCHASING DIVISION  
BID TABULATION  
BID NO. 15-15-P  
PARK PLAZA STAGE TRUSS RIG**

**TOMCAT USA  
KNOXVILLE, TN**

**\$77,532.00**

**EPICENTER PRODUCTIONS, INC.  
SOUTHLAKE, TX**

**\$94,043.94**

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Brenda Martin, Director of Finance

**DATE:** February 3, 2015

**SUBJECT:** **Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \$387,617; Hotel/Motel Tax Fund - \$795; Recreation Fund - \$317; Asset Forfeitures - Federal Fund \$414,276; Grant Fund - 565,398; Crime Control District Fund - \$1,991; Fire Control District Fund - \$10,322; Water and Sewer Fund - \$251,344; Maintenance and Replacement Fund - \$1,202,304; Self Insurance Risk Fund - \$11,625; Health Fund - \$4,093; and 4B Fund - \$34,450.**

### BACKGROUND

Each year a recommendation is made to supplementally appropriate funds for open purchase orders from the prior year. Open purchase orders are defined as those purchase orders that have been issued, but not all of the ordered goods or services have been received.

### ANALYSIS

Purchase orders that have been issued during a fiscal year, but in which the goods or services have not been received in-hand or performed, may not, in conformance with generally accepted accounting principles, be expenses until received or performed. At year end these items represent amounts that are shown in the financial statements as restrictions to fund balance or net assets in the various funds of the City.

As a result, when the items or services are received in the current fiscal year, they are charged to the current year budget. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item accounts will be short at year-end or expenditures would need to be reduced to offset the prior year purchase.

Subsequent to the close of the 2014 fiscal year, outstanding purchase orders from said fiscal year are extensively reviewed. If the order has been received or is expected to be received by the end of the current 2015 fiscal year, then recommendation is made that the funds be appropriated as an addition to the current budget year.

Subject: Supplemental Appropriation

February 3, 2015

Page 2 of 2

In some instances, specific expenditures have been approved, but the bidding process has not been completed. In order for these funds to be available for use in the current fiscal year, a purchase order is made out to the City of Lewisville. These "City of Lewisville" purchase orders act as a "place marker" until the vendor has been selected and the award approved. This is most typically seen when working with grant funds. With the recent implementation of New World accounting software, this practice will not be required, as grant funding will be available in the subsequent year until expended.

This year's listing of purchase orders open at the end of Fiscal Year 2014 is detailed on the attached spreadsheet.

**RECOMMENDATION**

It is City staff's recommendation that the City Council approve the supplemental appropriation as set forth in the caption above.

**OUTSTANDING PO'S  
FISCAL YEAR 2013-2014**

ACCOUNT	PROJECT	P.O.	ENC. DATE	VENDOR	VENDOR NAME	P.O. DESCRIPTION	OUTSTANDING	COMMENTS
101.01.101.4315		141132	8/13/2014	7243	VERDIN COMPANY, THE	REPAIR BANK CLOCK	\$3,945.00	PAID OCT.
101.01.101.4351		140981	6/24/2014	7228	TBG PARTNERS, INC	PROFESSIONAL SERVICES	\$16,713.00	SERVICES NOT COMPLETE
101.01.101.4351		130338	11/19/2012	6193	GLAESER, TRACIE L	PROFESSIONAL SERVICES	\$3,450.00	SERVICES NOT COMPLETE
101.40.400.4351		140629	2/27/2014	7091	PREFERRED LANDSCAPE AND LIGHTING	DECORATIONS	\$4,836.00	PAID NOV.
101.01.101.4355		110844	6/8/2011	47050	LLOYD,GOSSELINK,ROCHELLE &TOWNSEND	PROFESSIONAL SERVICES	\$4,122.00	SERVICES NOT COMPLETE
101.01.101.4358		130448	12/19/12	6528	PALMER PRICE INC	PROFESSIONAL SERVICES	\$10,093.00	SERVICES NOT COMPLETE
101.01.101.4358		131290	9/25/2013	33740	HALFF ASSOCIATES INC	PROFESSIONAL SERVICES	\$552.00	PAID NOV.
101.01.101.4358		140880	5/21/2014	7198	INTEGRATED INNOVATIONS INC	PROFESSIONAL SERVICES	\$3,970.00	SERVICES NOT COMPLETE
101.01.102.4243		141238	9/4/2014	2283	NAFECO	FIRE HOSE REPAIR	\$680.00	PAID OCT.
101.01.102.4355		120200	10/27/2011	5292	BLACKBURN CARTER, PC	PROFESSIONAL SERVICES	\$103,281.00	SERVICES NOT COMPLETE
101.01.102.4361		121086	9/13/2012	6418	CATALYST COMMERCIAL INC	PROFESSIONAL SERVICES	\$8,610.00	SERVICES NOT COMPLETE
101.03.110.4351		141150	8/18/2014	7073	STRATEGIC COMMUNITY SOLUTIONS LLC	PROFESSIONAL SERVICES	\$24,580.00	SERVICES NOT COMPLETE
101.07.250.4225		140241	11/01/2013	33276	GT DISTRIBUTORS INC	AMMUNITION	\$15,093.00	PAID JAN.
101.07.251.4222		141289	9/10/2014	6951	RED THE UNIFORM TAILOR	POLICE UNIFORMS	\$1,342.00	SHOULD BE COMPLETE MARCH
101.07.251.4243		141354	9/19/2014	1485	PURSUIT SAFETY, INC.	EQUIPMENT REPAIR	\$4,180.00	PAID OCT.
101.07.251.4243		141284	9/10/2014	5853	AMERICAN ALUMINUM ACCESSORIES INC	EQUIPMENT	\$2,023.00	PAID OCT.
101.07.251.4243		141306	9/11/2014	5864	CRIMINALISTICS, INC.	EQUIPMENT	\$907.00	PAID OCT.
101.07.251.4243		141367	9/26/2014	6617	AUSTIN RIBBON AND COMPUTER SUPPLIES	EQUIPMENT	\$5,254.00	PAID DEC.
101.07.251.4243		141362	9/11/2014	7355	HONDA KAWASAKI WEST	EQUIPMENT	\$1,904.00	SHOULD BE COMPLETE MARCH
101.07.251.4351		141311	9/12/2014	44718	LEWISVILLE, CITY OF ( HUB CITY CANINE)	CANINE	\$15,397.00	PAID FEB.
101.07.251.4351		141332	9/15/2014	6648	PENNINGTON PERFORMANCE GROUP	PROFESSIONAL SERVICE	\$6,000.00	SERVICES NOT COMPLETE
101.07.253.4351		141345	9/18/2014	3279	BROWN REYNOLDS WATFORD ARTHITECTS	ARCHITECTURAL SERVICES	\$31,530.00	PAID JAN.
101.07.256.4243		141145	8/15/2014	4688	STAPLES ADVANTAGE	FURNITURE	\$4,728.00	PAID NOV.
101.08.110.4358		141341	9/18/2014	3279	BROWN REYNOLDS WATFORD ARTHITECTS	ARCHITECTURAL SERVICES	\$22,500.00	PAID JAN.
101.09.310.4315		141222	9/2/2014	2656	EEC ENVIRO SERVICE COMPANY LLC	BUILDING REPAIRS	\$2,000.00	PAID FEB.
101.09.310.4315		141125	8/12/2014	6265	REYNOLDS & CO INC, J	BUILDING REPAIRS	\$1,300.00	PAID NOV.
101.09.310.4315		141126	8/13/2014	6265	REYNOLDS & CO INC, J	BUILDING REPAIRS	\$5,700.00	PAID NOV.
101.09.310.4315		141169	8/21/2014	6265	REYNOLDS & CO INC, J	BUILDING REPAIRS	\$3,650.00	PAID NOV.
101.09.310.4315		141189	8/27/2014	6265	REYNOLDS & CO INC, J	BUILDING REPAIRS	\$1,900.00	WORK NOT COMPLETE
101.09.310.4315		141229	9/3/2014	6265	REYNOLDS & CO INC, J	BUILDING REPAIRS	\$8,395.00	PAID NOV.
101.09.310.4315		141217	8/29/2014	6358	ENVIRONMENTAL LIGHTING SERVICE LLC	BUILDING REPAIRS	\$5,883.00	PAID JAN.
101.09.310.4315		141319	9/12/2014	6358	ENVIRONMENTAL LIGHTING SERVICE LLC	BUILDING REPAIRS	\$1,560.00	WORK NOT COMPLETE
101.09.310.4315		141291	9/10/2014	7045	FPS FIRE PROTECTION SPECIALISTS, LP	BUILDING REPAIRS	\$1,460.00	PAID OCT.
101.09.310.4315		141239	9/5/2014	7312	PONDER CO, INC	BUILDING REPAIRS	\$5,640.00	PAID DEC.
101.09.315.090.4260		141220	8/29/2014	7320	WILDCAT ELECTRIC SUPPLY	VIDEO CAMERA	\$7,110.00	PAID NOV.
101.09.315.092.4260		141262	9/9/2014	6879	VULCAN INC.	TRAFFIC SIGNS	\$1,941.00	PAID OCT.
101.10.470.161.4260		141242	9/5/2014	7324	SMART INDUSTRY PRODUCTS	TRASH CAN LIDS	\$8,025.00	PAID OCT.
101.11.110.4243		131253	9/17/2013	5192	DELL MARKETING L.P. HARDWARE	DOCKING STATIONS	\$7,273.00	PAID JAN.
101.15.160.4357		131271	9/19/2013	5924	MIXED MEDIA CREATIONS	MARKETING	\$3,650.00	SERVICES NOT COMPLETE
101.15.160.4357		141241	9/5/2014	5924	MIXED MEDIA CREATIONS	MARKETING	\$5,000.00	SERVICES NOT COMPLETE
101.18.110.4243		141243	9/5/2014	2805	KRUEGER INTERNATIONAL, INC	FURNITURE	\$8,965.00	PAID NOV.
101.18.110.4243		141316	9/12/2014	2805	KRUEGER INTERNATIONAL, INC	FURNITURE	\$4,567.00	PAID OCT.
101.18.110.4351		141253	9/8/2014	7033	INSTALLATION MASTERS GROUP, INC.	INSTALLATION SERVICE	\$720.00	PAID JAN.
101.18.110.4351		141246	9/5/2014	11680	CDW GOVERNMENT, INC	EQUIPMENT	\$1,468.00	PAID OCT.
101.20.110.4243		141211	8/28/2014	2717	BUSINESS INTERIORS	FURNITURE	\$2,577.00	SHOULD BE COMPLETE MARCH
101.20.110.4243		141179	8/26/2014	2805	KRUEGER INTERNATIONAL, INC	FURNITURE	\$1,157.00	PAID JAN.
101.40.380.032.4315		141216	8/29/2014	4688	STAPLES ADVANTAGE	GLASS PANEL FOR OFFICE	\$1,986.00	PAID DEC.
					<b>TOTAL GENERAL FUND</b>		<b>\$387,617.00</b>	
230.14.153.4356		141156	8/21/2014	7280	GIANT PRINTING INC	PRINTING	\$795.00	PAID NOV.

**OUTSTANDING PO'S  
FISCAL YEAR 2013-2014**

					<b>TOTAL HOTEL/MOTEL TAX FUND</b>		<b>\$795.00</b>	
231.10.420.170.4223		141245	9/5/2014	7331	MAC KILNS	EQUIPMENT	\$317.00	PAID NOV.
					<b>TOTAL RECREATION FUND</b>		<b>\$317.00</b>	
241.07.254.4243		140744	4/7/2014	2413	GST PUBLIC SAFETY SUPPLY LLC	POLICE EQUIPMENT	\$1,991.00	PAID OCT.
241.07.254.4243		140738	4/4/2014	6864	ADORAMA INC	POLICE EQUIPMENT	\$1,063.00	PAID FEB.
241.07.254.4243		140859	5/14/2014	33276	GT DISTRIBUTORS INC	SWAT EQUIPMENT	\$1,854.00	PAID DEC.
241.07.254.4961		141068	7/29/2014	7209	L-3 COMMUNICATIONS CORPORATION	DRIVING SIMULATORS	\$209,100.00	PAID JAN.
241.07.254.4961		141312	9/12/2014	44718	LEWISVILLE, CITY OF (FEDERAL FUNDS)	USE OF FORCE SIMULATOR	\$200,268.00	SHOULD BE COMPLETE MARCH
					<b>TOTAL ASSET FORFEITURES - FEDERAL FUND</b>		<b>\$414,276.00</b>	
270.07.600.4243		141288	9/10/2014	6951	RED THE UNIFORM TAILOR	UNIFORMS	\$5,188.00	PAID JAN.
270.08.600.4243		141209	8/28/2014	5090	CINGL TELECOM LLC	CABELING	\$13,755.00	PAID DEC.
270.08.600.4961		141221	9/2/2014	6621	KRATOS PSS, INC	SECURITY ACCESS	\$48,947.00	PAID JAN.
280.40.383.600.4351		121117	9/24/2012	2875	ABACUS ENVIRONMENT INC	PROFESSIONAL SERVICES	\$8,450.00	GRANT NOT COMPLETE
280.40.383.600.4351	R1501.02	141356	9/22/2014	44718	LEWISVILLE, CITY OF (GRANT FUNDS)	HOUSING REHAB PROJECTS BALANCE	\$206,578.00	GRANT NOT COMPLETE
280.40.383.600.4351	R1501.04	141355	9/22/2014	44718	LEWISVILLE, CITY OF (GRANT FUNDS)	STREET REHAB PROJECTS BALANCE	\$282,480.00	GRANT NOT COMPLETE
					<b>TOTAL GRANT FUND</b>		<b>\$565,398.00</b>	
285.07.258.4961		141043	7/21/2014	7245	NETWORK CABLING SERVICES, INC	CABELING	\$1,991.00	PAID OCT.
					<b>TOTAL CRIME CONTROL DISTRICT FUND</b>		<b>\$1,991.00</b>	
286.08.270.4223		141287	9/10/2014	6617	AUSTIN RIBBON & COMPUTER SUPPLIES	EQUIPMENT	\$5,511.00	PAID DEC.
286.08.270.4961		141293	9/10/2014	6617	AUSTIN RIBBON & COMPUTER SUPPLIES	EQUIPMENT	\$4,811.00	PAID NOV.
					<b>TOTAL FIRE CONTROL DISTRICT FUND</b>		<b>\$10,322.00</b>	
402.01.102.4361		140957	6/18/2014	7217	CADG BELLEVILLE VILLAGE, LLC	ECONOMIC DEVELOPMENT AGREEMENT	\$68,603.00	SERVICES NOT COMPLETE
402.09.110.4358		141090	8/4/2014	7264	HDR ENGINEERING, INC.	ENGINEERING SERVICES	\$26,749.00	SERVICES NOT COMPLETE
402.09.110.4223		141221	9/2/2014	6621	KRATOS PSS, INC	SECURITY ACCESS	\$182.00	PAID JAN.
402.09.110.4358		141341	9/18/2014	3279	BROWN REYNOLDS WATFORD ARCHITECTS	ARCHITECTURAL SERVICES	\$17,000.00	PAID JAN.
402.03.321.4351		141346	9/18/2014	7339	BURNS & MCDONNELL ENGINEERING CO	CONSULTING SERVICES	\$10,000.00	PAID FEB.
402.09.325.101.4329		141255	9/8/2014	7295	FOWLER LAND MANAGEMENT, LLC	TREE REMOVAL	\$16,000.00	PAID JAN.
402.09.325.103.4267		141203	8/28/2014	6570	HYDROPRO SOLUTIONS	WATER METERS	\$680.00	PAID OCT.
402.09.330.112.4321		141340	9/18/2014	6333	INTEGRITY CONTROL LLC	EQUIPMENT INSTALLATION	\$23,895.00	PAID DEC.
402.09.345.130.4260		141001	7/1/2014	3259	NEWMAN REGENCY GROUP INC	EQUIPMENT REPAIRS	\$13,744.00	PAID OCT.
402.09.345.130.4260		140807	4/24/2014	4844	ODESSA PUMPS & EQUIPMENT INC	EQUIPMENT REPAIRS	\$4,117.00	PAID NOV.
402.09.345.130.4260		141112	8/8/2014	7287	ADW CORPORATION	EQUIPMENT REPAIRS	\$2,750.00	PAID DEC.
402.09.345.130.4260		141237	9/4/2014	7329	PUMP SOLUTIONS, INC.	EQUIPMENT REPAIRS	\$3,503.00	PAID DEC.
402.09.345.130.4260		141364	9/24/2014	6863	INTERIORS IN MOTION, INC.		\$8,372.00	PAID DEC.
402.09.345.130.4315		140924	6/3/2014	3972	CORE CONSTRUCTION	CONSTRUCTION SERVICES	\$6,529.00	PAID NOV.
402.09.345.130.4315		141165	8/21/2014	3972	CORE CONSTRUCTION	CONSTRUCTION SERVICES	\$14,013.00	PAID NOV.
402.09.345.130.4315		141333	9/16/2014	3972	CORE CONSTRUCTION	CONSTRUCTION SERVICES	\$22,540.00	PAID JAN.
402.09.345.130.4315		141116	8/8/2014	45190	LEWISVILLE GLASS & MIRROR	CONSTRUCTION SERVICES	\$2,752.00	PAID NOV.
402.09.345.130.4321		141279	9/10/2014	5090	CINGL TELECOM LLC	CABELING	\$750.00	PAID OCT.
402.09.345.130.4321		141116	9/24/2014	45190	LEWISVILLE GLASS & MIRROR	CONSTRUCTION SERVICES	\$1,548.00	PAID NOV.
402.09.350.134.4223		141300	9/10/2014	2025	LYNCH & ASSOC. INC, C.C.	SAMPLING EQUIPMENT	\$5,483.00	PAID OCT.
402.12.123.4351		140284	11/12/2013	75235	STW INC	CONSULTING	\$1,134.00	SERVICES NOT COMPLETE
402.12.123.4351		141327	9/12/2014	4835	STOWE & CO, J.	CONSULTING	\$1,000.00	SERVICES NOT COMPLETE
					<b>TOTAL WATER AND SEWER FUND</b>		<b>\$251,344.00</b>	
503.09.360.4323		141232	9/3/2014	7258	JAMES PROPELLER & PARTS/	EQUIPMENT REPAIRS	\$5,500.00	PAID OCT.
503.09.360.4323		141294	9/10/2014	23580	EAGLE POINT MARINA INC	BOAT LIFT REPAIRS	\$1,500.00	SHOULD BE COMPLETE MARCH
503.09.360.4323		141296	9/10/2014	23580	EAGLE POINT MARINA INC	BOAT REPAIRS	\$3,500.00	SHOULD BE COMPLETE MARCH
503.09.360.4243		141283	9/10/2014	3303	SLALOM SHOP BOATS & YACHTS	BOAT MOTORS	\$33,832.00	SHOULD BE COMPLETE MARCH
503.09.360.4361		141361	9/30/2014	1970	CBS MECHANICAL SERVICES INC.	SERVICES	\$1,800.00	PAID NOV.
503.09.360.4961		141111	8/8/2014	2062	METRO FIRE APPARATUS	PUMP	\$11,168.00	PAID OCT.
503.09.360.4961		141022	7/11/2014	2183	FOUR SEASONS EQUIPMENT INC	EQUIPMENT	\$50,069.00	PAID NOV.
503.09.360.4981		140359	11/26/2013	6263	SIDDONS-MARTIN EMERGENCY GROUP, LLC	FRIE TRUCK	\$848,091.00	PAID DEC.
503.09.360.4981		141054	7/23/2014	72098	SOUTHWEST INTERNATIONAL TRUCKS	VEHICLES	\$246,844.00	PAID FEB.

**OUTSTANDING PO'S  
FISCAL YEAR 2013-2014**

					<b>TOTAL MAINTENANCE AND REPLACEMENT FUND</b>		<b>\$1,202,304.00</b>	
504.13.142.4351		141357	9/22/2014	2228	AMAZON.COM CORPORATE CREDIT	SAFETY PROMOTIONAL	\$3,189.00	PAID JAN.
504.13.142.4355		120248	11/8/2011	6015	FORD NASSEN & BALDWIN, P. C.	LEGAL SERVICES	\$8,436.00	SERVICES NOT COMPLETE
					<b>TOTAL SELF INSURANCE RISK FUND</b>		<b>\$11,625.00</b>	
505.13.141.4792		141338	9/17/2014	1578	4IMPRINT INC	PROMOTIONAL ITEMS	\$4,093.00	PAID OCT.
					<b>TOTAL HEALTH FUND</b>		<b>\$4,093.00</b>	
794.20.110.4351		141226	9/2/2014	7326	STARS INFORMATION SOLUTIONS	LIBRARY SUPPLIES	\$2,250.00	PAID OCT.
794.10.470.173.4981		141152	8/19/2014	7000	SILSBEE FORD INC	VEHICLE	\$32,200.00	PAID JAN.
					<b>TOTAL 4B FUND</b>		<b>\$34,450.00</b>	
					<b>GRAND TOTAL</b>		<b>\$2,884,532.00</b>	

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Nika Reinecke, Director of Economic Development & Planning

**DATE:** January 28, 2015

**SUBJECT:** **Consideration of a Variance Request to the Lewisville City Code, Section 9.5-212-Prohibited Signs (h) Off-Premise Signs, for Bramhall Properties LLC; to be Located at 320 West Main Street, as Requested by Thomas Bramhall, MD, and Matthews Southwest the Property Owners.**

### BACKGROUND

The property is located behind the Matthews Southwest headquarters at 320 W. Main Street and has no street frontage on which to place a sign. 324 W. Main Street is a dermatology and ENT office, accessible via a shared access drive with Matthews Southwest and North Texas OB-GYN. Matthews Southwest recently converted the property located at 320 W. Main Street into their new Lewisville headquarters and received approval from the Old Town Design Review Committee (OTDRC) for a new monument sign on January 26, 2015. The business on 324 W. Main Street would like to co-locate on the new monument sign. The OTDRC does not have authority to grant a variance for off-premise signage, however, their recommendation to City council was to approve the variance request.

### ANALYSIS

The Old Town Sign Ordinance allows for one (1) monument sign along the designated primary façade of the building not to exceed forty (40) square feet in area and four (4) feet in height. The proposed sign will be four (4) feet in height and approximately five (5) feet in width, totaling 20 square feet, half of what is allowed by ordinance. The sign display area will contain two matching aluminum sections with vinyl lettering. The top portion will have “320 W. Main, Matthews Southwest” in black serif font lettering and border on a white background. The bottom portion of the sign will have “324 W. Main, ENT Surgery & Dermatology” in black serif font lettering and border on a white background with decorative emblems separating the information as shown on the illustration. The sign will be a minimum of three feet from all property lines. The proposed sign complies with the Sign Ordinance requirements, other than being off-premise.

### RECOMMENDATION

It is City staff’s recommendation that the City Council approve the requested variance as set forth in the caption above.

Associates of  
**EAR, NOSE** **THROAT**  
Surgery

February 3, 2015

Nika Reinecke  
City of Lewisville  
Economic Development and Planning  
151 W. Church St  
Lewisville, TX 75057

Nika,

This letter is regarding the request for a business sign to be placed at 320 W. Main Street by Matthews Southwest. This sign would include Associates of Ear, Nose & Throat Surgery and Dermatology, the businesses located behind Matthews Southwest at 324 W. Main Street. Currently we do not have any street signage and this addition would greatly help our business. Thank you for your consideration.

Sincerely,



Thomas C. Bramhall, MD  
Associates of Ear, Nose & Throat Surgery  
Bramhall Properties Owner

Matthews Southwest  
320 W Main Street  
Lewisville, TX 75057



Tel.: (972) 221-1199  
Fax: (972) 221-1217

Nika Reinecke  
Director of Economic Development and Planning  
City of Lewisville  
151 W. Church Street  
Lewisville, TX 75057

Dear Nika Reinecke:

Matthews Southwest headquarters have been located in the City of Lewisville for over ten years. We are an international real estate development company with several projects in the DFW area. Over the summer we relocated our office to 320 W. Main, in downtown Lewisville due to the I-35 improvement project that is forthcoming. We would like to install a low profile monument sign on our property. The Old Town Design Review Committee recently approved the sign design at their January 26, 2015 meeting. Our property shares an access drive off of Main Street with the both 328 and 324 W. Main Street. 328 W. Main Street faces Main Street and has its own monument sign. 324 W. Main Street is located directly behind our property and houses an ENT and dermatology office. They currently have no free standing signs and do not have the ability of providing a sign along Main Street. The variance we are requesting is to allow for 324 W. Main Street to share our proposed low profile monument sign with them. The proposed sign is well within the allowable amount for a monument sign. By sharing a sign we can advertise both of our businesses, allow clients to locate us more easily and reduce sign clutter. We hope that you will approve our request. Thank you for your consideration.

Sincerely,



Kristian Teleki  
Senior Vice President

Enclosure: Sign Exhibit

**Minutes**  
**Old Town Design Review Committee**  
**January 26, 2015**

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**Item 3:**

The next item on the agenda was consideration of a Letter of Design Approval for a New Monument Sign for 320 W. Main Street and an Off-Premise Sign for 324 W. Main Street to be located at 320 W. Main Street; as Requested by Matthews Southwest, the Property Owner.

Staff gave a presentation indicating that the sign design met the requirements of the ordinance and that a variance would be required in order to allow the off-premise sign for 324 W. Main Street to co-locate on the proposed sign. Members discussed the sign's appearance and were in favor of the sign's design; and did not have any objection to the request for an off-premise sign. *A motion was made by Doug Killough to approve the sign and recommend approval of the off-premise variance as requested, seconded by Casey Dunn. The motion passed unanimously (4-0).*



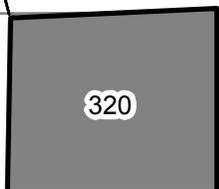
SCALE: 1"=100'

HEROD ST

W CHURCH ST

PROJECT  
LOCATION

W MAIN ST

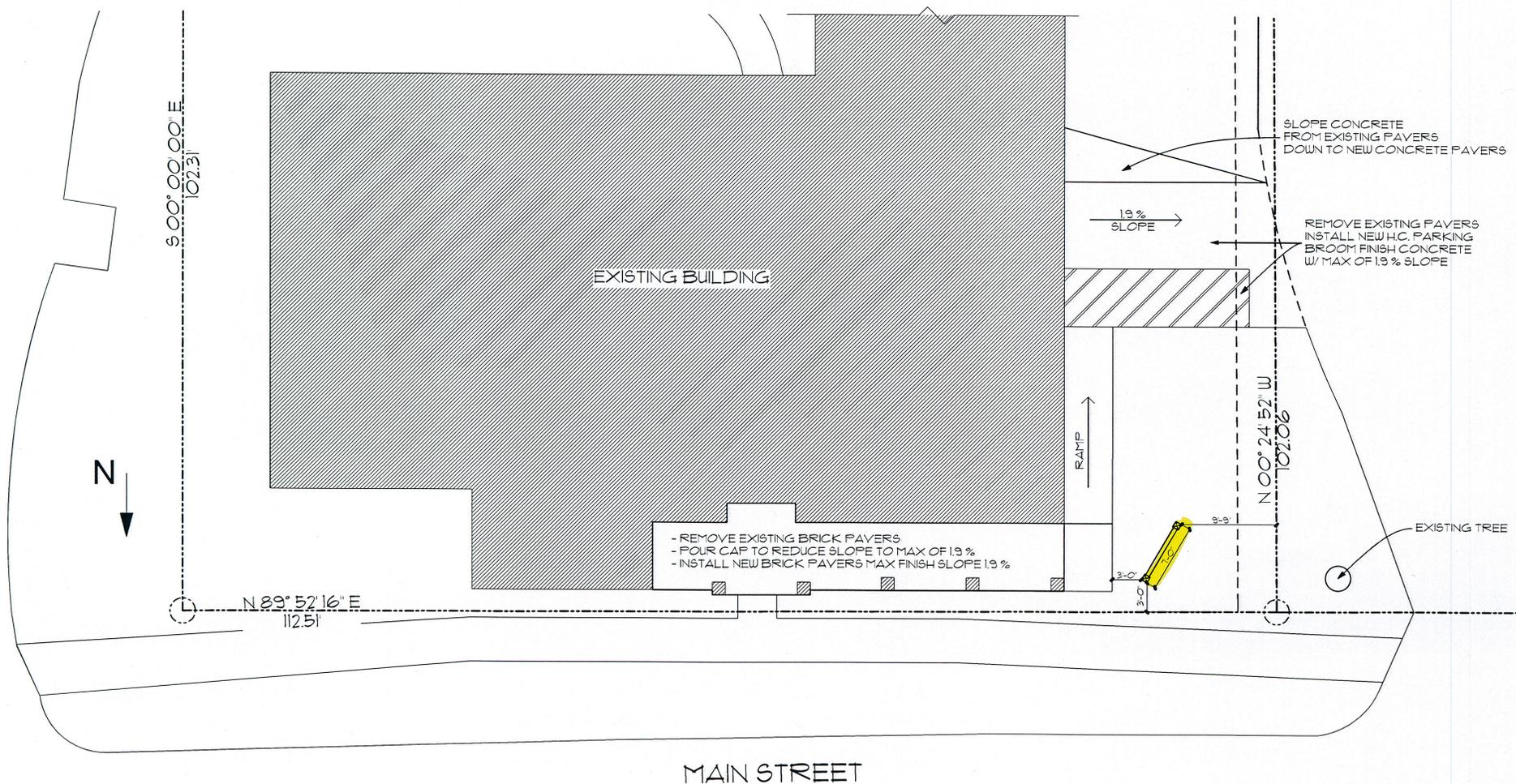


320

324

MILTON ST

VARIANCE REQUEST  
FOR  
324 W MAIN ST



1 PARTIAL SITE PLAN  
SCALE: 1" = 10'

**WILLIAM PECK &  
ASSOCIATES INC.  
ARCHITECTS**  
Lewisville, Tx (972) 221-1424

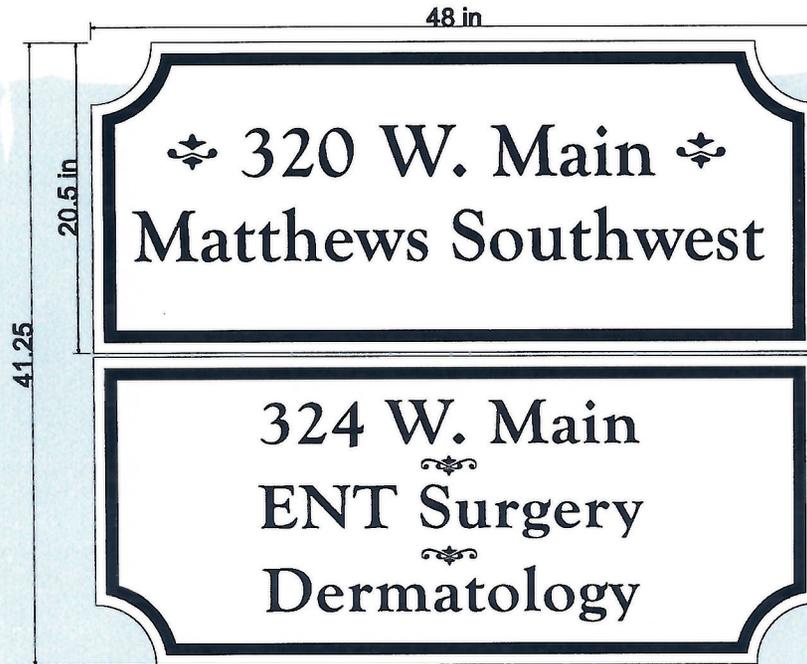
**MATTHEWS SOUTHWEST  
OFFICE REMODEL**  
DATE : 09-11-2014  
320 W. MAIN STREET, LEWISVILLE, TX

These plans are intended to provide the basic construction information necessary to substantially complete this structure. These construction documents must be verified and checked by the builder or person in authority of this project. Any discrepancy, error, and/or omissions, if any, are to be brought to the attention of the Designer prior to any construction or purchases being made. It is recommended that the owner or builder obtain complete engineering services for: foundation, HVAC, and structural, prior to construction of any kind. NOTE: All Federal, state, and Local codes, ordinances, and restrictions take precedence over any part of these construction documents which may conflict with same, and must be strictly obeyed and followed before and during construction. THESE CONSTRUCTION DOCUMENTS AND THERE USE, ARE THE PROPERTY OF WILLIAM PECK & ASSOCIATES, INC. AND ARE NOT TO BE TRACED, REUSED OR REPRODUCED IN ANY WAY, BY ANY MEANS, WITHOUT THE EXPRESSED WRITTEN PERMISSION OF WILLIAM PECK & ASSOCIATES, INC. ALL RIGHTS RESERVED.

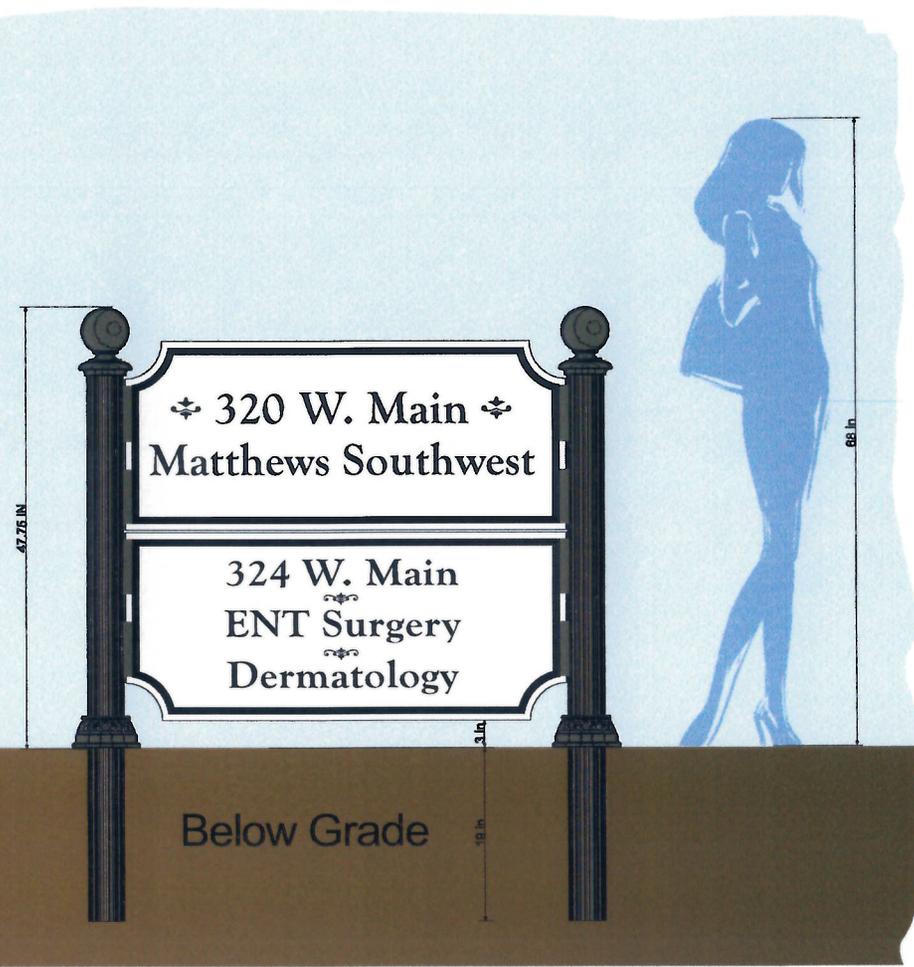
Order # Pending  
Customer ID - Pending



Substrate: .080 Aluminum  
Vinyl Type: High Intensity  
With Black Overlay  
Single - Sided



.080 Aluminum Blanks  
Powdercoated Black  
With High Intensity Vinyl  
and Black Electro-Cut Overlay

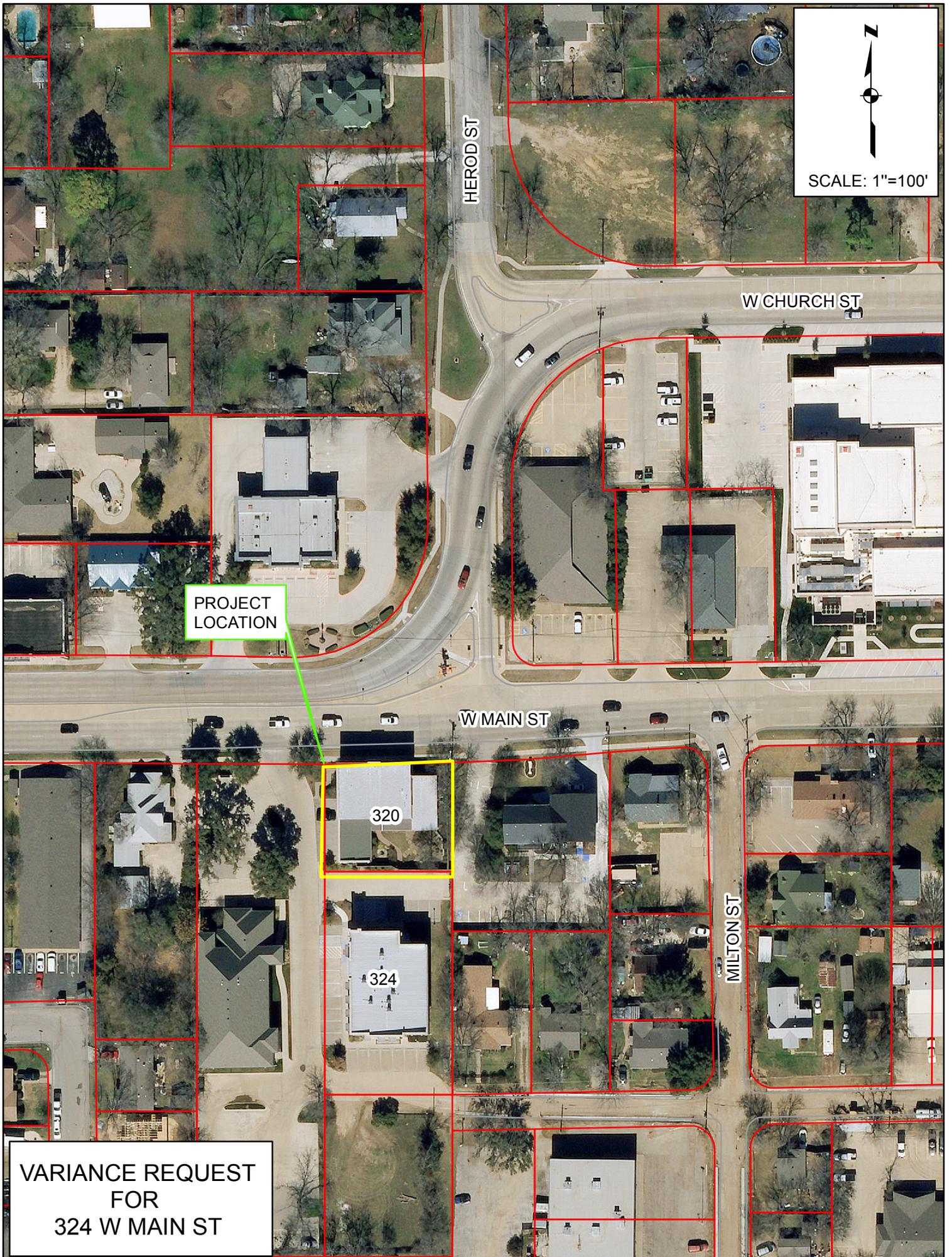


Brandon Industries, Inc.  
1601 Wilmeth Road  
McKinney, Texas 75069  
800-247-1274  
www.brandonindustries.com

Customer Approval

Date

**IMPORTANT:** For your protection and ours, Brandon Industries, Inc. never begins a sign job before receiving written customer approval. Please check this proof carefully and mark any changes or corrections. Please provide your name (signature) on the approval form and return to Brandon Industries, Inc. as soon as possible. Forms received without a signature will result in production delays until an official signed approval is submitted. PRODUCTION DOES NOT BEGIN UNTIL PROOF IS SIGNED AND RETURNED. We regret any undetected errors that may occur through production, but cannot be held responsible for errors if the signs are manufactured per customer's "Approval".



N  
SCALE: 1"=100'

PROJECT  
LOCATION

W MAIN ST

320

324

MILTON ST

VARIANCE REQUEST  
FOR  
324 W MAIN ST

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Lisa Weaver, Sustainability Manager

**VIA:** Steven L. Bacchus, Assistant City Manager

**DATE:** February 6, 2015

**SUBJECT: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 16, Utilities, by Adding Article IX, Municipal Setting Designations, Providing a Process for Establishing Municipal Setting Designations Ordinances to Prohibit Certain Contaminated Groundwater from Potable Use.**

### BACKGROUND

City staff conducted two workshops for Council in October 2014 to introduce and discuss Municipal Setting Designations (MSD). Council directed staff to investigate what other cities in the area are doing with respect to MSDs and then develop a procedural ordinance that identifies a process for application for an MSD that complies with state requirements and provides for case-by-case consideration of each application by City Council. The proposed ordinance addresses Council's directive to establish an MSD process.

### ANALYSIS

Texas Health and Safety Code 361.801-808 creates the MSD regulations. The law authorizes the TCEQ to certify designated properties to limit the scope of investigation and remediation required for contaminated groundwater when that groundwater is not used and will not be used in the future for potable water. Potable water use is the strictest standard the state uses to regulate the cleanup of contaminated groundwater. The MSD program is designed to be used in conjunction with the Voluntary Cleanup Program or other remediation programs administered by the state. The intended impact of the program is to:

- address health and safety concerns associated with groundwater contamination by prohibiting use of the groundwater for potable purposes;
- provide a less expensive and faster alternative for investigation and cleanup of contaminated groundwater; and
- facilitate development and redevelopment by making terms for financing or property sale/lease more favorable.

Subject: MSD Application  
February 6, 2015  
Page 2 of 3

Applications for an MSD can only be considered for approval by TCEQ when the local government where the property is located supports the designation. Regulations also require notification to impacted community members. The potential threat to the community's source of drinking water will typically be the primary factor in the local government's decision to support or not support the MSD.

In Lewisville, potable water is provided via the public water supply sourced from surface water and not through private or public wells. Since groundwater is not the source of potable water here, consideration of MSDs for contaminated properties makes sense from an economic development perspective. Vision 2025 recognizes redevelopment as a driver for economic sustainability in Lewisville. In efforts to identify options available to spur redevelopment, staff has researched the applicability of MSD as a tool for economic development. The following indicates some of staff's findings.

DFW Experience. Information from TCEQ indicates 270 applications for MSDs have been received by the state since passage of the statute in 2003. Over 60 percent (168) of those applications are for properties located in at least twenty cities in the immediate Dallas-Fort Worth area. In 2004, Dallas was the first city to approve MSD applications that were subsequently certified by TCEQ. In 2005, Fort Worth was the first city to adopt a procedural ordinance governing that city's consideration, approval and enforcement of MSDs. Dallas followed up that same year with a similar ordinance. Arlington, Denton, Carrollton and Grapevine also have procedural ordinances. Some cities have not passed procedural ordinances, but consider each application and procedure for approval on a case by case basis. The proposed Lewisville ordinance is a procedural ordinance modeled after the Arlington, Denton and Fort Worth ordinances.

Public Properties. Thirteen cities in the state have submitted MSD applications for publicly owned properties. The largest property receiving MSD certification to date is one submitted by the City of Fort Worth in 2007 for the Trinity River Vision and Downtown Revitalization project, a project comprised of 1,962 acres that has been a cornerstone for redevelopment in the downtown area. Dallas's Singleton Boulevard Corridor project was certified in 2009 and covered 333 acres. Garland, Irving, Grand Prairie, Terrell, and Arlington have also received MSD certifications for city-owned properties totaling over 300 acres. The proposed Lewisville ordinance allows the City to apply for MSDs for public property as well.

Summary. MSDs have been used in many cities throughout the state, and particularly in the DFW area, to support redevelopment without compromising health and safety. Cities are not required to accept, process or support MSD applications, but there is clear evidence over the last decade that MSDs can mutually benefit communities and property owners. Establishing an MSD process can also have the advantage of making the city aware of the properties with contamination. Owners of properties with groundwater contamination are held to strict standards by TCEQ, and obtaining an MSD can facilitate the cleanup process by limiting corrective action required when human exposure to the affected groundwater is controlled and restricted. Cities gain the economic benefits of redevelopment and enhanced quality of life for residents.

Subject: MSD Application  
February 6, 2015  
Page 3 of 3

Proposed MSD Process. The proposed MSD ordinance incorporates the common elements of MSD ordinances in other DFW cities as well as the requirements identified in state MSD regulations. Specifically, the ordinance requires that a property owner submit an application to the city along with a non-refundable application fee. The application will include:

1. contact information for the property owner,
2. legal description of the property for which MSD designation is sought,
3. identification of the contamination type, levels of concentration, and point(s) of origin,
4. listing of state-registered private water wells and retail public utility groundwater supply wells within five miles,
5. municipalities with boundaries within one-half mile of the subject property or that operate a groundwater supply well within five miles of the subject property.
6. information on any environmental regulatory actions taken regarding the subject property within the last five years, and
7. summary of site assessment reports regarding any investigation or response actions related to the subject property.

Applications will be submitted to the Office of Sustainability and reviewed by City staff to determine potential impacts of the proposed MSD. City staff will not be responsible for conducting environmental risk assessments, but if staff feels third party review of the submitted information is necessary, the applicant will be required to pay for such third party review.

Once the application is considered complete, City staff will schedule a public meeting within 45 days and a public hearing within 60 days of receiving the application with notice provided according to City policy. Notice will also be given via mail to affected properties and all owners of real property within 1,000 feet of the subject property. Prior to the Council's public hearing, staff will submit a written report to City Council summarizing the application, staff comments, and minutes from the public meeting, and providing a site specific MSD ordinance prohibiting potable use of the designated groundwater beneath the MSD property. If Council approves the application and ordinance, the applicant will be responsible for submitting information to the state for consideration and providing the City a copy of subsequent certification of the MSD by the state. If Council does not approve the application, no new MSD applications for that property will be accepted for a period of twelve months.

### **RECOMMENDATION**

It is City staff's recommendation that City Council approve the MSD procedural ordinance to establish a process for consideration of MSD applications as set forth in the caption above.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE LEWISVILLE CODE OF ORDINANCES, CHAPTER 16, UTILITIES, BY ADDING ARTICLE IX, MUNICIPAL SETTING DESIGNATIONS, PROVIDING A PROCESS FOR ESTABLISHING MUNICIPAL SETTING DESIGNATION ORDINANCES TO PROHIBIT CERTAIN CONTAMINATED GROUNDWATER FROM POTABLE USE; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Lewisville, Texas is a home-rule municipality; and

**WHEREAS**, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations (MSD) for properties upon receipt and approval of a proper application to the TCEQ; and

**WHEREAS**, due to limited quantity and/or low quality, areas of shallow groundwater within the City and its extraterritorial jurisdiction are not usable as potable water sources; and

**WHEREAS**, some commercial and industrial properties in Lewisville and its extraterritorial jurisdiction are underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources; and

**WHEREAS**, the City does not utilize groundwater as a source for public drinking water; and

**WHEREAS**, the use of MSDs within Lewisville and its extraterritorial jurisdiction allows for a state-evaluated corrective action process for groundwater that is directed toward protection of human health and the environment balanced with the economic welfare of the citizens of the City; and

**WHEREAS**, where public drinking water is available, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to human health.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION I. AMENDMENT.** Chapter 16, Utilities, of the Lewisville City Code, is hereby amended by adding Article IX, Municipal Setting Designations, which shall read as follows:

**ARTICLE IX. MUNICIPAL SETTING DESIGNATIONS**

**Sec. 16.395 – Definitions.** The following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. Words not defined shall be given their common and ordinary meaning.

*Administrator* shall mean the Office of Sustainability Manager or other employee designated by the City Manager to enforce and administer this article.

*Affected Community* shall mean those persons entitled to notice in Section 16.937(b)(7), below.

*Authorized Representative* shall mean, for purposes of signing an application, if the applicant is a corporation, the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; if the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively; and if the applicant is a local government, the chief executive officer or his authorized designee.

*Designated Property* shall mean the property for which a MSD is being sought.

*Chemical of Concern* shall mean any chemical that has the potential to adversely affect ecological or human receptors due to its concentration, distribution, and mode of toxicity.

*Environmental Risk Assessment* shall mean the qualitative and quantitative evaluation performed in an effort to define the risk posed to human health and/or the environment by the presence or potential presence and/or use of pollutants.

*Groundwater* shall mean water below the surface of the earth.

*Municipal Setting Designation (MSD)* shall mean a designation as provided by Chapter 361, Subchapter W, of the Texas Health and Safety Code, which authorizes the Executive Director of the TCEQ to certify MSDs in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by ordinance or restrictive covenant.

*Potable Water* shall mean water that is used for irrigating crops intended for human consumption, as well as water that is used for drinking, showering, bathing, or cooking purposes.

**Sec. 16.396 - Use of Groundwater in MSD as a Potable Water Source Prohibited.**

- (a) A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area as a potable water source.
- (b) A person commits an offense if the person intentionally, knowingly, or with criminal negligence uses groundwater in a MSD area for any purpose prohibited in the ordinance creating that MSD.

**Sec. 16.397 - Application for City Council Approval of MSD.**

- (a) A person, including the City, seeking City Council approval of a MSD for property within the corporate limits of the City, or within its extraterritorial jurisdiction, shall file an application with the Administrator. The application shall be in the format determined by the Administrator, with the appropriate number of copies as determined by the Administrator. An application may be filed in person, by United States mail, or by a document delivery service.
- (b) An application shall contain:
  - (1) Applicant's name and address, and the name, address, daytime telephone number, and email address of a contact person;
  - (2) The location and legal description of the proposed outer boundaries of the MSD area for which the designation is sought;
  - (3) A statement as to whether applicant has filed an application with the Executive Director of the TCEQ for an MSD for the property;
  - (4) A statement as to whether a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half (½) mile of the property for which the MSD is sought;
  - (5) A description of the groundwater sought to be restricted, including the identified Chemicals of Concern therein, the levels of contamination known to applicant, and the identified vertical and horizontal area of the contamination. If applicant has not documented groundwater contamination offsite that originates from the property for which an MSD is sought, the application shall include a statement as to whether contamination more likely than not exceeds residential assessment levels offsite and the basis for that statement;

- (6) Identification of the points of origin of the contamination and identification of the person(s) responsible for the contamination of the groundwater, if known;
  - (7) A listing of:
    - A. All state-registered private water wells within five (5) miles from the boundary of the property for which the designation is sought, including a notation of those wells that are used for potable water purposes (if known), and a statement as to whether applicant has provided the owners with notice as provided in Texas Health and Safety Code Section 361.805;
    - B. Each retail public utility that owns or operates a groundwater supply well located not more than five (5) miles from the property for which the MSD is sought, and a statement as to whether applicant has provided the utilities with notice as provided in Texas Health and Safety Code Section 361.805; and
    - C. Each municipality, other than the City, with a boundary located not more than one-half ( $\frac{1}{2}$ ) mile from the property for which the MSD is sought; or that owns or operates a groundwater supply well located not more than five (5) miles from the property for which the MSD is sought; and a statement as to whether applicant has provided the municipalities with notice as provided in Texas Health and Safety Code Section 361.805;
  - (8) A copy of the application to the Executive Director of the TCEQ, if filed;
  - (9) A site map, drawn to scale, including a metes and bounds description of the property, the boundary of the proposed MSD, the location of groundwater on the property, and the extent of groundwater contamination to the limits that it has been defined. The map shall include a statement by a professional land surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the metes and bounds property description;
  - (10) A description of any environmental regulatory actions that have been taken within the last five (5) years in conjunction with the Designated Property, to the extent known;
  - (11) A summary of any environmental site assessment reports regarding any site investigation or response actions that are planned, ongoing, or completed related to the Designated Property; and
  - (12) Any other information that the Administrator deems pertinent.
- (c) The application shall be signed by an authorized representative of the applicant and shall contain the following certification statement:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (d) An application shall be accompanied by:
  - (1) A set of printed mailing labels with the names and addresses of persons listed in Subsection (b)(7) above;
  - (2) An electronic file of the names and addresses of persons listed in Subsection (b)(7) above, in a format acceptable to the Administrator and compatible with City information systems; and
  - (3) A non-refundable application fee., as set forth in section 2-201, Fee Schedule, of this code.
- (e) An applicant may withdraw its application in writing by letter sent certified mail, return receipt requested, to the Administrator, and shall forfeit the application fee. If the Administrator has not issued public notice prior to the receipt of the withdrawal letter, the applicant may reapply at any time. If public notice has issued, a new application is subject to the limitations of Section 16.402 below.

**Sec. 16.398 - Staff Review.**

- (a) The date that an application is deemed to have been received by the City is the date the application was received by the Administrator, as indicated by the file date stamped on the application package by the City.
- (b) Upon receiving an application for MSD approval, the Administrator will distribute a copy for staff review. The purpose of the review is to determine whether the application is complete, and whether any current or future City property or other interests have the potential to be impacted by the proposed MSD. City staff shall not be tasked with conducting an environmental risk assessment of the application.
- (c) City staff must send a written report to the Administrator noting any discrepancies in the application, and advising of any City interests that may potentially be impacted by the proposed MSD.
- (d) Should the City determine that third party review of the application is necessary to ensure containment of contaminants on the property for which the MSD is sought, applicant shall be responsible for the costs for such third party review.
- (e) If the Administrator determines that the application is complete, Administrator will schedule a public meeting and a public hearing. The public meeting must be held prior to the public hearing.
  - (1) A public meeting will be scheduled at a time no later than forty-five (45) days following the date the application was received by the City; and
  - (2) A public hearing of the City Council will be scheduled at a time no later than sixty (60) days following the date the application was received by the City.
- (f) If the Administrator determines that the application is incomplete, Administrator will return the application to applicant, noting the deficiencies in writing. The applicant shall have thirty (30) days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If the applicant fails to submit a corrected application within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.

**Sec. 16.399 - Notice of Public Meeting and Public Hearing.**

- (a) Notice of the public meeting and the public hearing on an MSD application may be combined and must include the date, time and location of the two (2) events, the identity of the applicant, the location and legal description of the property for which the MSD is sought, the purpose of the MSD, the type of contamination identified in the groundwater of the property for which the MSD is sought, and a statement that a copy of the application is available for public viewing at City Hall. Notice will be made as follows:
- (1) The Administrator will publish notice of a public meeting and a public hearing in the official newspaper of the City not less than fifteen (15) days before the public meeting;
  - (2) The Administrator will provide posted notice of a public meeting and a public hearing by requesting that the City Secretary post the notice at City Hall, in a place readily accessible to the general public at all times, not less than fifteen (15) days before the public meeting; and
  - (3) The Administrator will serve written notice of a public meeting and a public hearing for a proposed MSD not less than fifteen (15) days before the date set for the public meeting by properly addressed and regular postage paid, in the United States mail. Notice will be mailed to:
    - A. The applicant;
    - B. All owners of real property lying within 1,000 feet of the subject property, as the ownership appears on the last approved City tax roll; and
    - C. The Affected Community.
- (b) The Administrator will direct the posting of at least one (1) sign upon the area for which a MSD has been requested. Posting shall be in the same manner as zoning amendments. The sign(s) must state that an MSD has been requested for the area and that additional information can be acquired by telephoning the number listed thereon or visiting the web site address listed thereon. The erection and/or the continued maintenance of any such sign shall not be deemed a condition precedent to the holding of any public meeting or public hearing or to any official action concerning the MSD application.

**Sec. 16.400 - Public Meeting.**

- (a) The purpose of a public meeting is for the applicant to provide information to the Affected Community about MSDs and the application, and to obtain input on the application prior to a formal hearing before the City Council.
- (b) The public meeting will be held in the evening at a location convenient to the Affected Community.
- (c) The applicant or applicant's representative must appear at the public meeting. If the applicant fails to appear at the public meeting either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.

- (d) The Administrator will conduct the meeting. The Administrator will give the applicant or the applicant's representative the opportunity to present its reasons for requesting a MSD, and will give members of the Affected Community the opportunity to ask the applicant questions or make oral comments on the application.
- (e) The Administrator will make a tape recording of the public meeting available for the public.

**Sec. 16.401 - Public Hearing.**

- (a) Prior to the hearing, the Administrator will provide the City Council with a written report summarizing the request for the MSD approval, including any staff comments and minutes of the public meeting.
- (b) The applicant or applicant's representative must appear at the hearing and present the request for MSD approval. If the applicant fails to appear at the hearing either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.
- (c) Persons wishing to speak either in favor of or against the application will be provided the opportunity in accordance with City Council rules or guidelines for public hearings.
- (d) Following the conclusion of the public hearing, the City Council may deliberate the matter of the application, and then may either:
  - (1) Approve or disapprove the application; or
  - (2) Postpone action on the application to a future date.
- (e) In order to approve an application, the City Council shall:
  - (1) Enact an ordinance prohibiting the potable use of designated groundwater from beneath the MSD property. The ordinance must include a metes and bounds description of the property to which the ordinance applies, a listing of the contaminants, and a statement that the ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards.
  - (2) Include in the ordinance any other reasonable restrictions placed on the use of designated groundwater from beneath the property, including but not limited to specification of underground construction materials to be used in the MSD area.
- (f) City Council approval of an application shall not be deemed to waive the City's right to comment on a MSD application that has been filed with the Executive Director of the TCEQ as provided by Texas Health and Safety Code Section 361.805.

**Sec. 16.402 - Limitation on Re-Application.**

If after the public hearing the City Council disapproves an application, or if the applicant has withdrawn its application after public notice has issued, no new MSD applications for the property shall be accepted by the City or scheduled for a hearing by the City Council within a period of twelve (12) months of the date of disapproval or withdrawal.

**Sec. 16.403 - Additional Requirements.**

- (a) A person who has received approval of a MSD from the City shall, upon issuance from the TCEQ, provide the Administrator with a copy of the certificate of completion or other documentation issued for the Designated Property, showing that response actions have been completed.
- (b) A person commits an offense if they fail to provide the Administrator with the documentation required in this section within thirty (30) days of its issuance by the TCEQ.

**SECTION 2. PENALTY.** Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall subject to a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 3. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance shall for any reason held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 5. REMEDIES.** Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Lewisville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Lewisville City Code.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 8. EMERGENCY.** It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full

force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF \_\_\_\_ TO \_\_\_\_, ON THIS THE 16th DAY OF FEBRUARY, 2015.**

**APPROVED:**

\_\_\_\_\_  
Dean Ueckert, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY