

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
FEBRUARY 18, 2008**

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

**WORKSHOP SESSION - 5:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 5:30 P.M.**

- A. Retreat Recap/Direction
- B. Briefing on Castle Hills Public Improvement District No. 4 Combination Contract Revenue and Special Assessment Capital Improvement Bonds
- C. Discussion of Regular Agenda Items and Consent Agenda Items
- D. Items of Interest to the Council

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

- A. **INVOCATION:** Councilman Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATIONS:**
  - 1. Declaring February 22, 2008, as “Christian Community Action” Day; and
  - 2. Declaring the Week of February 24-March 1, 2008, as “Severe Weather Awareness Week”.

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- D. **PRESENTATION:** Statement of Appointment of Aretha as Explosives Detection Canine.
  
- E. **PUBLIC HEARING:** Consideration of Condemnation of a Structure Located on Cowan Street, Rawlings Addition, Lot 10 (S98.66' of W198'), 0.450 Acres, Lewisville, Texas.

**ADMINISTRATIVE COMMENTS:**

The Acting Building Official has deemed the structure located at the property known by the legal description of Cowan Rawlings Addition, Lot 10 (S98.66' of W198') as substandard. The property has no known street address according to City records. The owner of record is Jana D. Christy. The structure is currently vacant and is an old garage that has deteriorated significantly over time. Proper notification and procedures by the City have not produced acceptable responses. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structure is substandard.

**RECOMMENDATION:**

That the City Council deem the structure located at legal address Cowan Rawlings Addition, Lot 10 (S98.66' of W198') substandard and order that the structure be repaired or demolished in 30 days.

**PRESENTATION:** Cleve Joiner, Fire Marshal/Acting Building Official

- F. **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.
  
- G. **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:**

- a. **City Council Minutes of the January 7, 2008, Workshop Session and Regular Session;**

- b. City Council Minutes of the January 28, 2008, Workshop Session and Regular Session; and**
  - c. City Council Minutes of the February 4, 2008, Workshop Session and Regular Session.**
- 2. Approval of a Bid Award for Concrete and Gutter Rehab Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$568,962.50; Approval of a Total Budget of \$586,031.37; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of forty-nine (49) bid invitations were issued, including four (4) downloaded from DemandStar.com. Six (6) bids were received and opened December 13, 2007. This project involves the completion of concrete curbs and gutters, and sidewalk and drive approach repairs to Kingston, Palisades, Monaco and Tahoe streets.

**RECOMMENDATION:**

That the City Council approve a bid award for Concrete and Gutter Rehab Project to Patco Utilities, Inc., Grand Prairie, Texas in the amount of \$568,962.50; approve a total budget of \$586,031.37; and authorize the City Manager to execute the contract.

- 3. Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to DPC Industries in the Amount of \$159,200, General Chemical in the Amount of \$100,650, Chemical Lime Company in the Amount of \$23,000, Pencco, Inc., in the Amount of \$15,262, Chemrite in the Amount of \$13,400, Univar in the Amount of \$3,000, Ashland in the Amount of \$81,152, and Airgas in the Amount of \$20,720 for a Total Annual Estimated Amount of \$416,384.**

**ADMINISTRATIVE COMMENTS:**

A total of thirty-six (36) bid invitations were issued, including twenty-eight (28) downloaded from DemandStar.com. Thirteen (13) bids were received and opened on January 22, 2008. These chemicals are used for the treatment and disinfection processes for both water and wastewater. The term of the contracts will be twelve months, with options to extend for up to two (2) additional twelve month periods. Funding is available in the Public Services Utility Fund budget.

**RECOMMENDATION:**

That the City Council approve bid awards for annual requirements contracts for water and wastewater treatment chemicals for Public Services to DPC Industries in the amount of \$159,200, General Chemical in the amount of \$100,650, Chemical Lime Company in the amount of \$23,000, Pencco, Inc., in the amount of \$15,262, Chemrite in the amount of \$13,400, Univar in the amount of \$3,000, Ashland in the amount of \$81,152, and Airgas in the amount of \$20,720 for a total annual estimated amount of \$416,384.

- 4. Authorization to Solicit Donations for the 2008 Lewisville Public Library Summer Reading Program.**

**ADMINISTRATIVE COMMENTS:**

In previous years, local businesses and organizations have donated reading incentive prizes to be given away to children and teens who participate in the Summer Reading Program. Request authorization per City Administrative Policies and Procedures; Administration, Donations: 1.7.2 to solicit donations from Dr. Pepper Star Center, Grapevine, 150 skate sessions and rentals valued at \$25.00 each/\$3,750 total; Jason's Deli 1,700 coupons valued at \$3.00 each/\$5,100 total; Joe's Crab Shack 2,000 coupons valued at \$3.75 each/\$7,500 total; Interstake Roller Rink 2,400 coupons valued at \$4.00 each/\$9,600 total; Studio Movie Grill 2,000 passes valued at \$5.75 each/\$11,500 total; Texas Rangers 2,500 tickets valued at \$7.50 each/\$18,750 total; F.C. Dallas Soccer Club 1,200 tickets valued at \$18.00 each/\$21,600 total; Chick-fil-A 2,000 coupons valued at \$2.50 each/\$5,000 total. Donations will be used as incentives to reward reading at designated levels.

**RECOMMENDATION:**

That the City Council authorize staff to solicit donations for the 2008 Summer Reading Program.

- 5. Approval of a Resolution Determining the Necessity of Acquiring Certain Property for Public Purposes and Authorization to Proceed With Eminent Domain Proceedings on the Valley Ridge Boulevard South of SH-121 Project No. G10650 and Elm Fork Sanitary Sewer Phase I Project No. U95362.**

**ADMINISTRATIVE COMMENTS:**

In order to complete roadway and sanitary sewer improvements, acquisition of certain property is necessary. Standard procedures are being followed for the land acquisition. However, if the owner does not accept the appraised value as a result of these procedures, then the City can file an eminent domain proceeding to acquire the property. It is necessary to have a resolution adopted by the City Council stating that the property is necessary for public purposes prior to the eminent domain proceedings.

**RECOMMENDATION:**

That the City Council approve the proposed resolution and authorize the City staff to proceed with the eminent domain proceedings on the Valley Ridge Boulevard South of SH-121 Project No. G10650 and Elm Fork Sanitary Sewer Phase I Project No. U95362.

**H. REGULAR HEARINGS:**

- 6. Consideration of Variances to the Lewisville City Code, Chapter 6, Land Use, Relating to Underground Utilities, Procedures for Issuance of a Building Permit, Off Street Parking and Loading Requirements and Drainage; and Chapter 11, Signs, Relating to Applicability, Associated With the Railroad Street Athletic Complex as Requested by Dunkin Sims Stoffels Inc., Landscape Architects for the Railroad Street Athletic Complex.**

**ADMINISTRATIVE COMMENTS:**

The mass grading work, including the flood control lakes, is nearing completion by Sinacola and Sons. Staff has reviewed the proposed engineering site plan prepared by Half Associates, the engineering firm selected by the City's consulting firm, Dunkin Sims Stoffels, Inc., for the Railroad Street Athletic complex and has identified the following variances: a) to provide overhead electric service to the river pump station for irrigation; b) to allow the early release of a construction trailer prior to issuance of a building permit; c) to waive the requirement for a paved surface and allow a gravel surface for the maintenance driveway to the river pump station; d) to allow a 25-year design for storm drains in lieu of 100-year design; and e) exempt the Railroad Street Athletic Complex from the Sign Ordinance in conjunction with the engineering site plan.

**RECOMMENDATION:**

That the City Council approve the requested variances.

**PRESENTATION:** Eric Ferris, Director of Community Development  
Bob Stoffels, ASLA, Dunkin Sims Stoffels Inc.

- 7. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing a Posted Speed Limit on Garden Ridge Boulevard From Bellaire Boulevard to Corporate Drive of 40 Miles Per Hour, Establishing a Posted Speed Limit on Windhaven Parkway From Josey Lane to Trinity Drive of 40 Miles Per Hour, and Establishing a Posted Speed Limit on FM 544 From State Highway 121 Business to the East City Limit of 50 Miles Per Hour.**

**ADMINISTRATIVE COMMENTS:**

Speed studies were conducted on three major arterial streets of the City to include a) Garden Ridge Boulevard; b) Windhaven Parkway; and, c) FM 544. The 85<sup>th</sup> percentile speed limit on Garden Ridge Boulevard was determined to be 43 miles per hour and, therefore, a recommended speed limit of 40 miles per hour is consistent with the section north of Bellaire Boulevard. On Windhaven Parkway, the 85<sup>th</sup> percentile speed was 43 miles per hour and, therefore, a recommended speed limit of 40 miles per hour is consistent with the 40 mile per hour speed limit east of Trinity Parkway between Trinity Parkway and Plano Parkway. On FM 544, TxDOT completed a speed study resulting in an 85<sup>th</sup> percentile speed of 50 miles per hour. The existing ordinance needs to be amended to explicitly indicate the limits associated with State Highway 121 Business as opposed to State Highway 121. On October 18, 2007, the Transportation Board unanimously approved the speed limits of 40 miles per hour for Garden Ridge Boulevard and Windhaven Parkway. On January 17, 2008, the Transportation Board unanimously approved the speed limit for 50 miles per hour on FM 544.

**RECOMMENDATION:**

That the City Council adopt the ordinance amending the maximum speed limits on Garden Ridge Boulevard from Bellaire Boulevard to Corporate Drive to 40 mph, Windhaven Parkway from Josey Lane to Trinity Drive to 40 mph and FM 544 from State Highway 121 Business to the East City Limit to 50 mph.

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

- 8. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II Speed Limits; Adding Section 15-36.2-a, Maximum Speed Limits for Special School Zone Areas; Establishing a School Speed Zone on FM 544 From 400 Feet East of Windhaven Parkway to 2,414 Feet East of Windhaven Parkway of 35 Miles Per Hour.**

**ADMINISTRATIVE COMMENTS:**

Lewisville ISD opened Killian Middle School in August 2007. It is located on the north side of FM 544, east of Windhaven Parkway. At that time TxDOT allowed the installation of an advisory school zone of 35 miles per hour due to the limited visibility along FM 544 in front of the school. TxDOT has reviewed the conditions and has now agreed to the establishment of a regulatory school zone at the same speed of 35 miles per hour. Presently, all sections of the City of Lewisville City Code dealing with school zones explicitly designate the school zone speed of 20 miles per hour. To establish a school zone of 35 miles per hour will require a new section be created. The Transportation Board unanimously approved this item with a 7-0 vote at the January 17, 2008 meeting and approved recommending the measure with a request that staff petition TxDOT to allow the speed to be set to 20 miles per hour in the future.

**RECOMMENDATION:**

That the City Council adopt the ordinance establishing a school speed zone on FM 544 from 400 feet east of Windhaven Parkway to 2,414 feet east of Windhaven Parkway of 35 miles per hour.

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

- 9. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104; Repealing the Prohibition of Truck Traffic on Jones Street From Interstate Highway 35E to Mill Street.**

**ADMINISTRATIVE COMMENTS:**

Jones Street presently has a prohibition of truck traffic from IH-35E to Mill Street. The original Jones Street, in its two-lane alignment, was located directly in front of residential properties from Westway to Mill Street. The roadway has been changed to a couplet configuration with commercial properties located along the north side. The City Council, at their 2007 Retreat, directed staff to repeal the ordinance. The Transportation Board approved this item at the January 17, 2008 meeting with a vote of 6-1.

**RECOMMENDATION:**

That the City Council adopt the ordinance amending Section 15-104 to repeal the prohibition of truck traffic on Jones Street from IH-35E to Mill Street.

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

- 10. Consideration of an Ordinance to Endorse the Settlement Agreement Between the Atmos Cities Steering Committee (ACSC) and Atmos Regarding the Company's Statement of Intent to Increase Rates to Approve Tariffs That Implement the Terms of the Settlement Agreement.**

**ADMINISTRATIVE COMMENTS:**

On September 20, 2007, Atmos filed with the City the Company's Statement of Intent to increase natural gas rates system wide by approximately \$52 million. The City suspended the October 25, 2007 effective date to work with other ACSC members to explore options to resolve Atmos' pending \$52 million rate increase without a costly contested case proceeding. To facilitate an agreement, Atmos agreed to extend the deadline for final action until March 1, 2008. This Settlement Agreement is the result of this effort and reduces Atmos' rate increase by more than 80%. The ACSC Executive Committee recommends approval of the settlement agreement because it provides rate certainty, represents an outcome equal to or better than the outcome of a contested case proceeding, and maintains cities' role as a regulator of natural gas rates.

**RECOMMENDATION:**

That the City Council approve the ordinance to endorse the Settlement Agreement between the Atmos Cities Steering Committee (ACSC) and Atmos regarding the company's statement of intent to increase rates and to approve tariffs that implement the terms of the Settlement Agreement.

- 11. Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Article VI, Chapter 4 by Establishing a New Residential Rental Inspection Program.**

**ADMINISTRATIVE COMMENTS:**

At the January 28, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance had to be read on three separate days to meet the City Charter requirements. This will be the third and final reading.

**RECOMMENDATION:**

That the City Attorney provide the third and final reading of the ordinance.

- 12. Tabled Item: Consideration of an Ordinance Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds.**

**ADMINISTRATIVE COMMENTS:**

This item was tabled at the January 7, 2008, City Council meeting. A total of \$32M of bonds may be sold in PID No. 4. The initial sale is \$20M. The ordinance submitted for City Council consideration authorizes the Trust Agreement and the Preliminary Placement Memorandum.

**RECOMMENDATION:**

That the City Council approve the ordinance authorizing the issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds.

**I. REPORTS:**

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

Section 551.072 (Real Estate):

1. Property Acquisition

Section 551.074 (Personnel Matters)

2. City Council Performance (Requested by Mayor Carey)

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development Negotiations

- K. RECONVENE into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.**

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L. **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).