

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 17, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. Review of Multi-City Employee Health Clinic Option
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of March 23-30, 2008, as “Community Development Week”; and
 - 2. Declaring the Month of March, 2008, as “American Red Cross Month”.
- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
1. **APPROVAL OF MINUTES:** **City Council Minutes of the March 3, 2008, Workshop Session and Regular Session.**
 2. **Approval of a Bid Award to Furnish and Install Five (5) Ultraviolet Systems at Sun Valley Aquatic Center and Old Town Aquatic Park to Sunbelt Pools, Inc., Dallas, Texas, in the Amount of \$107,796.**

ADMINISTRATIVE COMMENTS:

A total of five (5) bid invitations were issued, including three (3) downloaded from DemandStar.com. Four (4) bids were received and opened on January 29, 2008. The Ultraviolet Systems will destroy potentially harmful pathogens in the pools. Funding is available in the Insurance Risk Fund.

RECOMMENDATION:

That the City Council approve a bid award to furnish and install five (5) Ultraviolet Systems at Sun Valley Aquatic Center and Old Town Aquatic Park to Sunbelt Pools, Inc., Dallas, Texas, in the amount of \$107,796.

3. **Approval of an Award for the Construction of a 10-Gigabit Fiber Optic Network With Henkels & McCoy, Lewisville, Texas, in the Amount of \$452,998.59, Approval of a Project Budget of \$466,589; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty (20) requests for proposals were issued, including eleven (11) downloaded from DemandStar.com. Five (5) proposals were received and evaluated. The firm of Henkels & McCoy is being recommended for award based on their high evaluation score and lowest cost. This project involves the construction of a 10-Gigabit Fiber Optic Network connecting the Old Town City Hall with the Kealy Tower, Feaster Water Treatment Plant and the Annex to provide for the City's internal data and communications network. Funding is available in the Fiber Infrastructure Capital Project.

RECOMMENDATION:

That the City Council approve an award for the construction of a 10-gigabit fiber optic network with Henkels & McCoy, Lewisville, Texas, in the amount of \$452,998.59; approve a project budget of \$466,589; and authorize the City Manager to execute the contract.

- 4. Approval of a Professional Service Agreement for the Collection of Delinquent Fines, Court Costs and Fees With McCreary, Veselka, Bragg and Allen, P.C., Round Rock, Texas; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty two (22) requests for proposals were issued, including sixteen (16) downloaded from DemandStar.com. Five (5) proposals were received and evaluated. The firm of McCreary, Veselka, Bragg and Allen, P.C., is being recommended for award based on having received one of the highest evaluation scores. The fees charged for this service will be paid by the violator for violations that occurred after March, 2003. For the collection of fees prior to this date, the contractor will charge 10% of the monies collected.

RECOMMENDATION:

That the City Council approve a Professional Service Agreement for the collection of delinquent fines, court costs and fees with McCreary, Veselka, Bragg and Allen, P.C., Round Rock, Texas; and authorize the City Manager to execute the contract.

- 5. Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$105,500 to the General Capital Projects Fund; Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$83,000 for Services Relating to the Preparation of a Citywide Trails Master Plan; Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$22,500 for Services Relating to the Preparation of a Trails Master Plan for the Levee Improvement District; and Authorization for the City Manager to Execute the Contracts.**

ADMINISTRATIVE COMMENTS:

Lewisville's current Trail Master Plan was developed in 1998 as part of the Park and Open Space Master Plan. It was instrumental in securing the TXDOT grant for the Timber Creek Trail currently under construction; however, Park and Trail plans should be updated every five years to stay current with the changing needs of a community. The Levee Improvement District Plan will focus on the development of a pedestrian oriented circulation system, with relevance to existing and proposed key destinations within and around the Levee Improvement District development. This Master Plan will also be incorporated into the Citywide Trails Master Plan.

RECOMMENDATION:

That the City Council approve the Professional Services Agreements with Halff Associates, Inc., in the amounts of \$83,500 and \$22,500 for services relating to the preparation of the Trail Master Plans; approve the appropriation; and authorize the City Manager to execute the contracts.

- 6. Approval of a Resolution Appointing Two Alternate Directors to the Denton County Transportation Authority (DCTA) Board of Directors to Serve in the Absence of the Appointed Director.**

ADMINISTRATIVE COMMENTS:

On November 6, 2006, Charles Emery was reappointed as Lewisville Representative for the City. The Bylaws for DCTA allow for the appointment of alternates to represent the City in case Director Emery is unable to attend a meeting. A resolution has been prepared for appointment of two alternate directors, Claude King and Steven Bacchus, to the DCTA Board of Directors for a term of two years, pursuant to 460.201 of the Texas Transportation Code.

RECOMMENDATION:

That the City Council approve the appointment of Claude King and Steven Bacchus as Alternate Directors to the DCTA Board of Directors in the absence of the appointed director.

- 7. Approval of Appropriations in the Amount of \$1,000,000 From the Park Development Zone Z Available Balance, \$250,000 From the Tree Mitigation Available Balance, and \$1,440,000 From General Capital Projects Available Balance for Improvements to Old Town.**

ADMINISTRATIVE COMMENTS:

Improvements to the Old Town area including a Park Plaza and Arts Activity Center are currently underway. Parking and alley improvements are also included. The City Council considered various project funding sources at the 2008 City Council retreat. As discussed then, Zone Z funding in the amount of \$350,000 will be allocated toward parking and alley improvements. Tree Mitigation funding in the amount of \$250,000 will be allocated to the Old Town Park Plaza and Pedestrian Improvements project. The remaining \$650,000 needed from Zone Z funding will be allocated to the Arts Activity Center project. The \$1,440,000 appropriation is to pre-fund the COG grant (which is a reimbursing grant) also used for the Old Town Plaza and Pedestrian Improvements project. These additions will provide a total allocation for Old Town improvements of \$12.124M. An additional appropriation from General Fund Cash will be requested once the design plans have been completed and the total construction budget estimated.

RECOMMENDATION:

That the City Council approve the appropriations for improvements to the Old Town area.

- 8. Approval of a Professional Service Agreement With PageSoutherlandPage LLP of Dallas, Texas, for Architectural Services Involving the Design Development, Construction Documents, Bidding, and Construction Contract Administration Phases of the Lewisville Arts Activity Center in the Amount of \$643,680; Approval of a Total Design Budget of \$650,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

On April 2, 2007, the City Council approved an award to PageSoutherlandPage for the preliminary design phase of the new building. This professional service contract will be for the remaining phases of the architectural services that will be required for this project.

RECOMMENDATION:

That the City Council approve a Professional Service Agreement with PageSoutherlandPage LLP of Dallas, Texas, for architectural services involving the design development, construction documents, bidding, and construction contract administration phases of the Lewisville Arts Activity Center in the amount of \$643,680; approve a total design budget of \$650,000; and authorize the City Manager to execute the contract.

- 9. Assignment of a Tax Abatement Agreement From Lakeside Office Center, L.P., to RT Lakeside, LLC, a Delaware Limited Liability Company.**

ADMINISTRATIVE COMMENTS:

On August 6, 2007, the City Council approved a tax abatement agreement with Lakeside Office Center, L.P. to abate 50% of taxes over a period of five years. Staff has received a written request from the owner to assign the agreement to a buyer, RT Lakeside, LLC. Section 7.1 of the agreement sets the provisions for assigning the agreement. The written notice and assignment request is in compliance with this provision, and it is staff's opinion that such assignment may be approved by the Council.

RECOMMENDATION:

That the City Council approve the Assignment of the Tax Abatement Agreement from Lakeside Office Center, L.P., to RT Lakeside, LLC, a Delaware limited liability company.

- 10. Approval of Supplemental Arbitrage Rebate Reports From First Southwest Company Showing a Total Arbitrage Liability of \$115,777; Approval of Appropriations in the Utility Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$85,030, and in the General Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$14,881; and Authorization of Payment for Service Fees to First Southwest Company in the Amount of \$46,290 for Twenty-One Reports.**

ADMINISTRATIVE COMMENTS:

First Southwest Company has completed all arbitrage calculations for 2007 to comply with Internal Revenue Service Arbitrage Regulations. The Federal Tax Reform Act of 1986 requires local governments to report and rebate interest earnings related to tax exempt bond proceeds which exceed interest allowed or paid on the bonded debt. The reports show a total arbitrage liability calculated as of September 30, 2007 as being \$115,777. Arbitrage liabilities are recalculated every year, and payment of liabilities is only required if the issues have a positive liability on five-year anniversary or final maturity dates. Appropriations are adjusted annually to reflect liabilities and compliance calculation fees after updated arbitrage reports are received.

RECOMMENDATION:

That the City Council approve the Supplemental Arbitrage Rebate Reports from First Southwest Company showing a total arbitrage liability of \$115,777; approval of appropriations in the Utility Capital Projects Fund from Bond Account Unappropriated Cash Balances in the amount of \$85,030, and in the General Capital Projects Fund from Bond Account Unappropriated Cash Balances in the amount of \$14,881; and authorization of payment for service fees to First Southwest Company in the amount of \$46,290 for twenty-one reports.

11. Acceptance of the Fiscal Year 2007 Comprehensive Annual Financial Report (CAFR).

ADMINISTRATIVE COMMENTS:

The independent annual audit of the City's financial statements is complete. The 2007 Comprehensive Annual Financial Report is provided in compliance with Administrative Policy and Procedure 3.1.2, Accounting, Auditing and Financial Reporting. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included are reports for the Single Audit Report on Federal Financial Assistance and the Auditor's Report to Management. No material weaknesses were identified in the City's internal control processes.

RECOMMENDATION:

That the City Council accept the Fiscal Year 2007 Comprehensive Annual Financial Report (CAFR).

- 12. Approval of a Resolution Requesting that the Texas Department of Transportation (TxDOT) and the North Texas Tollway Authority (NTTA) Waive the Requirement to Develop a Market Valuation for IH35E as Allowed by SB 792; Requesting NTTA Waive Its Right to Develop the Project; Support TxDOT's Development of the IH35E Project for IH 635 to US 380; and Acknowledge that NTTA's Primary Role will be to Provide the Associated Toll Operations at a Reasonable Cost.**

ADMINISTRATIVE COMMENTS:

Senate Bill 792, passed in the last legislative session, requires the Texas Department of Transportation to mutually develop market valuation studies with a tolling authority, such as the North Texas Tollway Authority, prior to proceeding with development of new tolled facilities. Because TxDOT is considering managed lanes for IH35E, the SB 792 requirement must be met, unless it is waived by the tolling authority. The resolution asks NTTA to waive their "primacy" position for IH35E in order to develop the project with managed lanes without delay.

RECOMMENDATION:

That the City Council approve the resolution.

- 13. Approval of a Request by Mayor Carey to Attend the Denton County Chambers of Commerce Washington D.C. Fly-In.**

ADMINISTRATIVE COMMENTS:

Mayor Carey is requesting to attend the Denton County Chambers of Commerce Washington D.C. Fly-In to be held April 23-25, 2008. Mayor Carey will be attending this conference with City Manager King and representatives from the area Denton County Chambers of Commerce.

RECOMMENDATION:

That the City Council consider Mayor Carey's request.

F. REPORTS:

**AGENDA
LEWISVILLE CITY COUNCIL
MARCH 17, 2008**

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- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate):
1. Property Acquisition
- Section 551.087 (Economic Development):
2. Deliberation Regarding Economic Development Negotiations
- H. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- I. **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).