



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 21, 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. Health Insurance Presentation by Mayor Pro Tem Ueckert
- 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:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Ueckert
- C. **PROCLAMATIONS:**
 - 1. Declaring April 25, 2008, as “Red Hat Society Day”;
 - 2. Declaring the Week of April 13-19, 2008, as “Denton County Crime Victims’ Rights Week”; and
 - 3. Declaring the Month of May, 2008, as “Motorcycle Safety and Awareness Month”.

D. PRESENTATIONS:

1. Teen Court Volunteer Senior Recognition.
2. Recognition of Mr. Don Thayer With Psychiatric Solutions, Inc., for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program.
3. Presentation of the Texas Recreation and Parks Society Outstanding Service to Aging Award to Hearthstone Assisted Living Center.

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 April 7, 2008, Workshop Session and Regular Session.**
2. **Approval of a Professional Services Agreement With the Beck Group, in the Amount of \$55,000 Plus \$4,000 in Reimbursable Expenses, to Develop a Master Plan for the North Lewisville Area Relative to the Proposed Garden Ridge Rail Station; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$59,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

At the City Council retreat in February, staff was directed to develop a master plan for North Lewisville in response to the proposed Garden Ridge Rail Station to accommodate future Transit Oriented Developments. The Beck Group has submitted a proposal to develop a master plan for the area to study the appropriate land uses, buildings, open space, circulation, utilities and parking.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with the Beck Group, in the amount of \$55,000 plus \$4,000 in reimbursable expenses; approve the appropriation from General Capital Projects Available Cash in the amount of \$59,000; and authorize the City Manager to execute the agreement.

- 3. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Innovative Transportation Solutions, Inc., has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. Innovative Transportation Solutions, Inc., in the past year, has been working on behalf of the City related to the SH 121 Regional Toll Revenue Funds, IH-35E, and other project selections. Innovative Transportation Solutions, Inc. is seeking a renewal of their contract in the amount of \$90,000, which is the current contract amount. Funding is available in the Community Development Department General Fund budget.

RECOMMENDATION:

That the City Council approve the Transportation Services Agreement with Innovative Transportation Solutions, Inc., in the amount of \$90,000; and authorize the City Manager to execute the agreement.

- 4. Approval of a Resolution Extending the Current Delinquent Tax Collection Contract for an Additional Two-Year Term.**

ADMINISTRATIVE COMMENTS:

In June 2005, the City entered into a three-year contract with Sawko & Burroughs for the collection of delinquent taxes. The contract has an option to renew and extend the contract on its identical terms for an additional two-year term. Staff supports the two-year renewal of the delinquent tax collection contract. Sawko & Burroughs has been aggressive in its efforts and cooperative when called upon.

RECOMMENDATION:

That the City Council approve the proposed resolution.

G. REGULAR HEARINGS:

- 5. Consideration of a Final Plat of Lewisville Towne Crossing, a 54.61 Acre Tract Designated Light Industrial (LI) With Nine (9) Commercial Lots, Bounded by Highway 121 to the North, Josey Lane on the West and Windhaven Parkway to the South, With a Variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, as Requested by Lawrence A. Cates & Associates, LLP, Representing the Developer.**

ADMINISTRATIVE COMMENTS:

Castle Hills is located in Lewisville's Extra Territorial Jurisdiction (ETJ) and by the 1996 Agreement, is subject to be developed according to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. The developer of the commercial project proposes a large retail development and has applied for a variance regarding the placement of public water mains in easements underneath private pavement instead of "grass only" easements along with the final plat. Staff is in support of this request due to the fact that there are numerous platted lots for retail uses, thus making it difficult to design a "grass only" easement for waterline distribution within the tract. The Planning & Zoning commission recommended approval of the plat and variance with a vote of 6-0 at their April 15, 2008 meeting.

RECOMMENDATION:

That the City Council approve the final plat and requested variance.

PRESENTATION: David Salmon, Assistant City Engineer
Larry Cates, P.E., Lawrence A. Cates & Associates, LLP

- 6. Consideration of Variances to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-92 Paving (L) (2) Median Openings and Article IX, Section 6-181 (d) (1), Exterior Finish Requirements, Relating to the Proposed Crest Manor Apartment Site Located Near the Southeast Corner of FM 3040 and Ace Lane, as Requested by Crest Property Development, the Developer.**

ADMINISTRATIVE COMMENTS:

Crest Property Development is proposing a 600-unit apartment complex with a “differentiation architectural design”. An engineering site plan has been submitted for staff review, which includes two requested variances: (a) to allow full median openings on FM 3040 at 620 feet apart in lieu of the required 1320 foot spacing in order to provide full access to the property: and, (b) to allow 35% stone and 65% stucco in lieu of the 80% brick veneer required.

RECOMMENDATION:

That the City Council approve the median opening spacing variance and deny the variance request relating to exterior finish requirement.

PRESENTATION: Cleve Joiner, Building Official
David Salmon, Assistant City Engineer

- 7. Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street.**

ADMINISTRATIVE COMMENTS:

The Medical Center of Lewisville is hosting its Second Annual Health & Safety Fair on May 17 from 8 a.m. to 1 p.m. to benefit the Lewisville, Flower Mound and Highland Village Communities. In an effort to increase awareness of the event, the Medical Center is requesting to be granted variances to allow for two temporary banners to be placed on the wall of the existing monument sign at the southeast corner of Main Street and IH-35E Service Road. The banners will be up for approximately twenty-six days and will be removed on May 17 after the event has concluded. The variances to the Sign Ordinance requested are to allow a) two banner signs larger than twenty square feet in area; b) allow two banner signs to be placed on the wall of the monument sign. The Medical Center of Lewisville is also requesting that the variance request fee of \$350 be waived.

RECOMMENDATION:

That the City Council approve the variance to the Lewisville City Code, Chapter 11 Signs for the size and location of temporary banners to be located at 500 West Main Street; and deny waiving the variance request fee.

PRESENTATION: Sarah McLain, Economic Development Specialist
Courtney Kennedy, Medical Center of Lewisville

- 8. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by the Elizabeth Toon Foundation.**

ADMINISTRATIVE COMMENTS:

Larry Toon, Executive Vice President of The Staubach Company and representative of the Elizabeth Toon Foundation, will be hosting a day-long charity event on May 9, 2008 comprised of a Jack Ingram concert at the Vista Ridge Amphitheater following a skeet shoot at the Dallas Gun Club. This event has garnered significant attention from the Dallas/Fort Worth real estate community and is anticipated to draw roughly 800 industry leaders from across the metroplex. The City Council has accommodated fee waiver and heightened cleaning requests for a LEDF/Holt Lunsford sponsored event held at the Vista Ridge Amphitheater in 2007. However, last year's event was not for charity, as is this year. It is staff's opinion that the potential exposure and benefit of the event would warrant waiver of the deposit and fees. The various other requests for incentives outlined in the letter provided by the Foundation cannot be accommodated.

RECOMMENDATION:

That the City Council approve the variance regarding the waiver of facility rental fees and deposits at the Vista Ridge Amphitheater, as requested by the Elizabeth Toon Foundation.

PRESENTATION: Elizabeth Trospen, Economic Development Specialist
John Hctor, Holt Lunsford

- 9. Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding a Roof Sign at the Sonic Drive-In Located at 1413 West FM 407, as Requested by Bobby Esh of CPE Sign Services, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

The Sonic Drive-In located at 1413 West FM 407 is currently going through renovation. A variance request is proposed to install a sign, above the roof line, to enable view from both east and west elevations. The sign ordinance does not allow roof signs to project above the highest point of the building. This location already has a permitted 30-foot pole sign.

RECOMMENDATION:

That the City Council deny the requested variance.

PRESENTATION: Cleve Joiner, Building Official
Bobby Esh, CPE Sign Services

- 10. Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding the Size of a Wall Sign; Consideration of a Variance to Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee as Requested by Rebecca Behnke of Dallas Tortilla and Tamale at 310 South Mill Street.**

ADMINISTRATIVE COMMENTS:

Rebecca Behnke of Dallas Tortilla and Tamale is proposing to re-face part of the existing wall sign at 310 South Mill. The existing sign is legal nonconforming for Old Town and is shared between Ms. Behnke and another tenant. However, refacing a portion of the sign triggers a sign permit and compliance with the current Sign Ordinance. The wall sign is currently larger than 50 square feet (at 78 square feet) which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to obtain a sign permit, the two tenants would need to be on a new sign of equal to or less than 50 square feet. Instead, Ms. Behnke is requesting a variance to allow her portion of the sign to be refaced and reinstalled. This change will not alter the dimensions of the sign and therefore, will not proliferate additional signage in Old Town. The variance to the sign ordinance requested is to allow a wall sign on a primary façade larger than fifty square feet in area. Ms. Behnke is also requesting that the variance request fee of \$350 be waived.

RECOMMENDATION:

That the City Council approve the variance to the Lewisville City Code, Chapter 11, Signs, for Ms. Behnke at 310 South Mill Street; and deny waiving the variance request fee.

PRESENTATION: Sarah McLain, Economic Development Specialist

H. **REPORTS:**

I. **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

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

K. **ADJOURNMENT**

**AGENDA
LEWISVILLE CITY COUNCIL
APRIL 21, 2008**

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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).



Proclamation

Whereas, laughter is a staple of life, providing comic relief from the day to day routine, and “Red Hat” women desire fun and friendship and refuse to conform to an old fashioned image of a woman over 50; and

Whereas, the Red Hat Society was started in April of 1998 and now has over 70,000 chapters in more than 30 countries, to create “fun after 50”, and “Red Hat” ladies of all walks of life can be easily spotted in “Full Regalia,” consisting of a purple outfit with a red hat if the lady is 50- years of age or older, and lavender outfits with pink hats for ladies under 50; and

Whereas, physicians are actually encouraging women in middle age to become “Red Hat” ladies, as the benefits of social interaction, companionship, and engaging life with fun and vigor contribute to quality of life, proving that laughter has always been the best medicine; and

Whereas, women over the age of 50 are the largest segment of the population at this time and are significant members of our society, investing their wisdom and experience to help enrich and better the lives of younger generations; and

Whereas, this is the 10th Anniversary of the Red Hat Society,

Now, therefore, I, Gene Carey, Mayor of the City of Lewisville, Texas, to honor the decree of Sue Ellen Cooper, The Exalted Queen Mother and founder of the society, do hereby proclaim April 25, 2008 as

RED HAT SOCIETY DAY

in Lewisville, Texas, and may all of the ladies in the local chapters have a delightful and fun day.

Proclaimed this the 21st day of April, 2008.

**Gene Carey, Mayor
City of Lewisville**

PROCLAMATION

WHEREAS, 23 million Americans are victims of crime each year, and of those 5.2 million are victims of violent crime; and,

WHEREAS, a just society acknowledges crime's impact on individuals, families, and communities by ensuring that rights resources, and services are available to help rebuild lives; and,

WHEREAS, victims' rights are a critical component of the promise of "justice for all," the foundation for our system of justice in America; and,

WHEREAS, observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety; and,

WHEREAS, we must do better to ensure services are available for underserved segments of our population, including crime victims with disabilities, victims with mental illness, victims who are teenagers, victims who are elderly, victims in rural areas, and victims in communities of color; and,

WHEREAS, America recognizes that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all.

NOW, THEREFORE, I, Gene Carey, Mayor of the City of Lewisville, Texas, do hereby proclaim the week of April 13-19 2008, as:

"DENTON COUNTY CRIME VICTIMS' RIGHT WEEK"

FURTHER, I urge all citizens and institutions, public and private, to support the establishment and enforcement of victim rights and services through participation in appropriate state and local activities during the designated week.

PROCLAIMED this the 21st day of April, 2008.

Gene Carey
City of Lewisville

PROCLAMATION

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and much more likely to be injured or killed in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country.

NOW, THEREFORE, I, Gene Carey, Mayor of the City of Lewisville, Texas, do hereby proclaim the month of May, 2008, as

MOTORCYCLE SAFETY AND AWARENESS MONTH

and urge all of our community to become aware of the inherent danger involved in operating a motorcycle and give the operators the respect on the road they deserve.

Gene Carey, Mayor
City of Lewisville

(Mayor's Suggested Script)

Graduating Teen Court Volunteers

We would like to honor the 2008 graduating Teen Court volunteers with certificates of appreciation. These young people have given their time, talents, and energy to serve as attorneys, jurors, bailiffs, and judges for the Lewisville/Flower Mound Teen Court. Through their efforts, they have helped their peers by holding them accountable and by showing them how their choices affect our entire community. We appreciate their hard work and dedication to the city.

To Recognize Mr. Don Thayer with Psychiatric Solutions, Inc. for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program.

On April 7, 2008, Psychiatric Solutions, Inc. (parent company of Horizon Health Corporation) donated \$10,000 to assist the Lewisville Police Department in implementing the Commercial Vehicle Enforcement Program. The police department proposes to use the funds to purchase a mechanical scale, a stalker radar and various application hardware and software needed for this program.

PARKS & LEISURE SERVICES

SUBJECT: SPECIAL PRESENTATION BY MAYOR CAREY

The City of Lewisville Parks and Leisure Services and Senior Activities Center nominated Hearthstone Assisted Living Center of Vista Ridge for 2008 Leisure and Aging Branch Corporate Award for Outstanding Service in Aging. The Texas Recreation & Parks Society awarded this honor to Hearthstone Assisted Living at their annual conference held in San Angelo on Friday, March 28.

Hearthstone is a retirement community facility that is located in Lewisville that supplies specialized care in short term stays, long term care, home health and much more. In addition to programs offered to their clients, Hearthstone Assisted Living transports many of their residents to and from our center free of charge. Hearthstone Assisted Living of Vista Ridge has been a proud sponsor of many of the City of Lewisville Senior Activities Center special events for 2008. They have contributed their time, food and refreshments, advertising space and transport residents to and from our facility.

Cashe Schutz, Community Relations Director, and his staff at Hearthstone have been an active advocate for seniors attending our

facility. For several years, Hearthstone Assisted Living has provided the main course (ham & turkey) for both the Thanksgiving and Christmas luncheons at their expense. The activities average approximately 125-150 in attendance. They continuously purchase advertising in the Center's bi-monthly newsletter helping to defray costs of production and mailing. Hearthstone routinely provides a staff member to call bingo. They have been a proud sponsor of our annual Mother's Day fashion show, annual chili cook-off and a variety of monthly luncheons and special programs.

The highest profile sponsorship from Hearthstone is the coffee service. Free coffee and coffee mugs are provided by Hearthstone to all Seniors in attendance for both daily participation and special events. Approximately 100 cups per day are served to the Seniors through their sponsorship of this program. In addition, they purchased the coffee machine and equipment and service the machine. This could not be provided to the participants by the City of Lewisville free of charge without their generosity.

In recognition of their continued support, Hearthstone Assisted Living of Vista Ridge was selected by staff and the Senior Advisory Board as Co-Sponsors of the Year for 2006 and 2007.

LEWISVILLE CITY COUNCIL

REGULAR SESSION

APRIL 7, 2008

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts
Greg Tierney
Rudy Durham

City Staff:

Claude King, City Manager
Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 5:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 5:30 p.m. on Monday, April 7, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

Robert A. Waggoner, ARM, CGBA, Vice President, Public Entity, McGriff, Seibels, & Williams of TX Inc., gave the following PowerPoint Presentation regarding the Multi-City Employee Health Clinic:

WORKSHOP SESSION – 5:30 P.M.

Review of Multi-City Employee Health Clinic
Option (Cont'd)

(Agenda Item A)

Importance of a Health Clinic

- Easier and Affordable Path to Care
- Restoration of Primary Care Model
- Wellness
- Disease Management
- Reporting
- Competitive Pressures
- Willing Partners / Economies of Scale
- Cutting Edge / Shifting the Paradigm

Potential Savings

- This **is not** intended to be a clinic dominated by urgent care operations.
- Savings from Clinic are rooted in wellness and preventive care operations – Monitored by CareATC
- Estimated ROI from Wellness and Disease Management Initiatives through Clinic Operations are between \$1:\$1.7 to \$1:\$2.4 over 5 year period.
 - Claims Cost
 - Absenteeism
 - Presenteeism
 - Recruiting and Retention
 - GASB 45 Liability
- Estimated savings from elimination of Enhanced Plan funds a significant portion of annual Clinic Costs.

Mayor Pro Tem Ueckert questioned what the hours the clinic would be opened. Ms. Galler advised that it would be open during regular working hours; however, CareATC had advised that they would be willing to have some evening hours and that ultimately the hours would be driven by the utilization of the clinic.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

Clinic Cost Sharing

- ❑ Employees are significant stakeholders in cost of clinic operations
- ❑ Current Employee Cost Share of Total Expected Health Plan Costs
 - 29.3% - assumes COL discontinues enhanced plan
- ❑ If clinic hits B/E participation of 56.4% or 2,538 visits, employee's in effect subsidize 29.3% of total clinic costs.
 - *\$199.04 PEPY – EE Cost Share of Clinic Operations
 - *\$480.28 PEPY – COL Cost Share of Clinic Operations

*Note – Employee = Employees + Retirees
Assumes 669 Employees / Retirees

Discussion was held how the cost savings had been determined. Mayor Pro Tem Ueckert expressed concerns that a majority of employees will not choose to go to the clinic as they already have a doctor that they are working with. Mr. Waggoner stated that he felt some of the employees will use the clinic due to the fact there was no co-pay. City Manager King advised that if the visits are not produced and there was not utilization of the clinic, then there would not be a cost savings. Deputy Mayor Pro Tem Thornhill stated that utilization is the key to making this work. Mayor Pro Tem Ueckert referenced the proposed cost savings and stated that the money saved is based on 56% of individuals using the clinic received a savings of \$180 and he felt those individuals would actually be around the \$80 cost. City Manager King stated that there were two elements to cost savings, the utilization of the clinic and the dropping of the enhanced plan which was not included; however, he felt that would give some cushion to deal with encouraging utilization.

Mayor Carey questioned if the employees would still pay premiums. Ms. Galler advised that they would still have a premium of about \$280 a month for a family and then they would have to pay their deductible and would have access to their HRA account. She stated that they would be encouraged to utilize the clinic because there would be no co-pay for going there. Ms. Galler advised that the annual testing performed by Hughley Memorial Medical Center for Fire and Police personnel could be done at the clinic.

WORKSHOP SESSION – 5:30 P.M.

Review of Multi-City Employee Health Clinic
Option (Cont'd)

(Agenda Item A)

Consumer Driven Health Care

- The City retains it's HRA and Catastrophic Consumer Driven Health Plans
- Clinic acts as a catalyst to CDHP, enhancing:
 - Consumerism
 - Prevention
 - Mitigation of Catastrophic Claims
- Provides the City with complete cost transparency for Primary Care which is currently lacking

Mr. Waggoner advised that 5% of your individuals account for 50% of your claims. He further stated hat 70% of a individual's medical cost is spent in the last three years of their life. Mr. Waggoner explained that this would provide more transparency and help employees understand the costs.

Clinic Success Factors

- Participation
 - Structure of Plan Design
 - Structure of Premium Cost
- CareATC Management
 - Staffing
 - Medical Directors
 - Purchasing
- Wellness / Disease Management
 - Biometrics
 - HRA
 - Targeted Programs
- Location and Building
 - City of Lewisville
 - Quality

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

- Purchasing Consortium
 - City of Carrollton
 - City of Coppell

- Ongoing Supervision
 - IPS Advisors, Inc.
 - City of Lewisville

Mr. Waggoner concluded his presentation by stating that the clinic was not an end all; however, it is another tool to help the City manage costs.

Director of Human Resources Melinda Galler advised that she felt the health clinic would be a win-win for both the City of Lewisville to save money, and the employees who struggle to make premium payments or to cover their co-payments. Ms. Galler began a PowerPoint Presentation regarding the Multi-City employee Health Clinic as follows:

Clinic Pros

- Continues migration toward consumer-driving health care (HRA Health Plan Option and Catastrophic Option Only)
- Maintains competitive benefit with other survey cities while reducing overall health care costs
- Independence of clinic contractor - clinic not used as “reference generator” for entity providing other services or secondary care
- Interlocal cooperation and cost sharing opportunity
- Component of “wellness-based” plan philosophy that encourages employee use of primary care physician services

Watson Wyatt's [2007/2008 Onsite Health Center Survey](#)

- Nearly one-third of companies (29 percent) have or plan to have an on-site health center by 2009, up from 27 percent in 2006, according to joint research by consultancy Watson Wyatt and the nonprofit National Business Group on Health.
- Watson Wyatt's [2007/2008 Onsite Health Center Survey](#), a separate study of 84 companies with on-site health care centers, found that reducing medical costs was the chief reason given by 70 percent of companies that have opened a center since 2000 (so called "recent adopters"). Only 49 percent of companies that opened health centers before 2000 ("early adopters") did so because of cost; more early adopters (54 percent) opened a center to address occupational health.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

- ❑ Although their primary motivation may be changing, more employers are operating on-site health centers as part of their overall health and productivity strategy,” says Marne Bell, senior health care consultant for Watson Wyatt.
- ❑ Preventive services such as immunizations and screenings are the most common offering among recent adopters of on-site health centers (81 percent).

On-Site Clinics Adapt to Consumer-Driven Era By Joanne Sammer and Stephen Miller,

November 2007 www.shrm.org/hrnews_published/archives/CMS_023625.asp - 76k - 2007-11-05

Employer-sponsored on-site (and near-site) medical clinics, while not new, are evolving to meet the needs of employers and employees in the emerging "patient-centered" era of consumer-directed health care plans integrated with wellness initiatives and disease management programs. The on-site health care model has gone through a transition in the past several years, Clark says, with employer-sponsored clinics becoming a catalyst for larger health care strategies involving the employer's health plan, wellness and disease management endeavors, and pharmacy benefit management programs. "The on-site medical center brings these various stakeholders together in a patient-centered focus," he explains, promoting adherence to wellness and disease management programs that ultimately lowers the employer's health care costs.

Clark notes that on-site clinics can help employers and employees take full advantage of consumer-driven plans linked to health savings accounts or health reimbursement arrangements, which require employees to pay directly for a greater share of their health care—thus providing them with an incentive to minimize costs.

Health care consumerism creates "an obligation for patients to be the custodian of their health care, but they can't do that alone," Clark points out. "They have to be provided tools and information so that they can make wise decisions as to services"--information often relating to employers' third-party stakeholders, including, again, health plans, pharmacy benefit management companies, and wellness and disease management providers.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

Executive Leadership for Health Care Cost Containment: Getting the Boss Onboard By Stephen Miller,
February 2006 [From the SHRM [Compensation & Benefits Focus Area](#)]

"Prevention is not just a cost, but an investment that benefits the bottom line," Clymer noted. "The lower the number of behavioral risk factors, the lower the health care costs."

This theme was developed further by Partnership for Prevention member Michael Critelli, the CEO of [Pitney Bowes](#) and that company's former HR chief. One advantage of the free walk-in clinics, Critelli added, is that employees with high-deductible plans would otherwise delay getting medical attention, and eventually wind up in a hospital emergency room. "We want them to access the medical system before they have a serious medical event, so we can do the appropriate preventive care," Critelli explained. "Expanding our walk-in clinic services to the high-deductible population is a high-priority for us this year."

To prove the point, Critelli noted that the cost of care for employees receiving primary-care services from on-site clinics was \$276 per year compared with \$645 for those treated outside in the community.

The free clinics produced "a rather quick payback," he commented. Longer-term, savings were achieved with active case management and health plan design changes. But to do the right thing, you do need to gather data and to make data-driven decisions," he averred. "We've done a lot of investment in [predictive modeling](#), so we not only look at the short-term impact of how we do the co-pays or deductibles. But we look at the behavioral responses that employees make to those plan design changes and the effect these have on our longer-term health costs."

HR MAGAZINE • April 2006 Vol. 51, No. 4 [The Doctor Is In-House](#). In-house health care is growing, and it's helping employers cut costs and employees stave off medical problems. *Susan J. Wells*

A long-familiar type of health facility is now getting a makeover.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

The worksite health clinic—once a place primarily for employees to obtain bandages and flu shots—is now taking on a broader mission, one that is helping employers obtain a healthier bottom line.

On-site clinics are increasingly being tied to employers' efforts to restrain their rapidly escalating health coverage costs, and the initial results are encouraging, as Contributing Editor Susan Wells explains in this month's cover story, "[The Doctor Is In-House](#)".

Providing easy access to a health facility at work can encourage employees to get medical conditions diagnosed and under treatment as quickly—and as cost-effectively—as possible. When an employee takes a routine health matter to an on-site facility—rather than a doctor's office or an emergency room, for example—the employer can realize substantial savings through lower health care expenses and reduced employee time away from the job.

In addition, an on-site clinic can be a tool for encouraging employees to make more-healthful lifestyle choices and to be more judicious in their use of health resources outside the scope of a workplace clinic.

Best Plan Offered by Each Survey City Compared to Lewisville's HRA Plan

Care ATC Partners

- Currently in process
 - Carrollton
 - Coppell
 - Frisco
 - The Colony
- Considering for future
 - Allen
 - Irving
 - Denton ISD

Ms. Galler advised that the City of Lewisville employees would be able to access any of the clinics in another city that was a CareATC facility. Assistant City Manager Donna Barron advised that City staff felt that the only way to drop the enhanced plan was to have the clinic.

WORKSHOP SESSION – 5:30 P.M.

Review of Multi-City Employee Health Clinic
 Option (Cont'd)

(Agenda Item A)

CARE ATC Contract Agreement

- Lewisville Clinic Location
 - Lewisville – 40% of total cost
 - Carrollton – 40% of total cost
 - Coppell – 20% of total cost
- Any other entities that contract with CARE ATC utilizing our contracted agreement for 5 clinic days reduces our fixed cost by 1% up to a maximum of 5% reduction
- City of Pasadena has contracted for five days reducing our fixed cost by 1%

CARE ATC Clinic Cost Breakout

	Fixed Cost Per Day	% Breakout
Clinic Salaries and Benefits (Physician, Nurse, Clerical/Medical Assistant)	\$1,723.39	50.30%
Annual Personal Health Assessment for Each Adult (Employee & Spouse)	\$547.47	15.98%
Central Office Support (Phones, Data Entry)	\$254.71	7.43%
Medical Directors, Management, Overhead, Information Systems, Insurance	\$900.82	26.29%
Total Operations Cost Per 8 Hour Day	\$3,426.39	100.00%
	Total Cost	% Breakout
Clinic Salaries and Benefits (Physician, Nurse, Clerical/Medical Assistant)	\$200,122.93	50.30%
Annual Personal Health Assessment for Each Adult (Employee & Spouse)	\$63,657.39	16.00%
Central Office Support (Phones, Data Entry)	\$29,441.54	7.40%
Medical Directors, Management, Overhead, Information Systems, Insurance	\$104,636.84	26.30%
Total Operations Cost for 5 and ½ Days Week	\$397,858.70	100.00%
Total Variable Costs	\$38,195.15	
Equipment Capital Costs	\$3,800.00	
Clinic Location Purchase and Interest Earnings Lost	\$7,500.00	
Total Implementation Costs	\$4,076.00	
Total First Year Cost of Clinic Operations	\$451,429.85	
Total First year Cost of Clinic Operations Per EE Annually	\$674.78	
Total First Year Cost of clinic Operation s- PEPM	\$56.23	

WORKSHOP SESSION – 5:30 P.M.

Review of Multi-City Employee Health Clinic
 Option (Cont'd)

(Agenda Item A)

City of Lewisville Employees on Health Plan – 669
 Number of lives on Health Plan – 1,416

Equipment Capital Costs Breakdown	
EKG Machine With Pulmonary Function Test	\$3,000.00
Treadmill	\$4,000.00
AED	\$2,500.00
CITY OF LEWISVILLE COST AT 40%	

INTEREST ON \$90,000 at 5% annually over 30 years	\$4,500.00
Purchase Price of Property allocated over 30 years	\$3,000.00
TOTAL	\$7,500.00

City of Lewisville Clinic Financial Analysis

Cigna Physician, Lab Charges, Wellness	\$680,652
Estimated Run-Out %	8.20%
Run Out Claims	\$55,813
Total Projected 2006/2007 Physician and Lab Charges	\$736,465
Estimated Trend	1.103
Total Projected 2007 / 2008 Physician and Lab Charges	\$812,320
Estimated Physician Office Visits	4,500
Lewisville Cost Per Office visit – Cigna	\$180.52

*Note: Claims cost does not include radiology or RX. Does not include savings from eliminating Enhanced Plan

City of Lewisville Clinic Financial Analysis Cont.

	Scenario 1	Scenario 2	Scenario 3
Cost of Clinic Operations	\$451,429.85	\$451,428.85	\$451,429.85
Estimated 2007 / 2008 Office Visits	4,500	4,500	4,500
Clinic Participating Levels	40%	50%	60%
Clinic Participation	1,800	2,250	2,700
Lewisville Cost Per Office Visit - Clinic	\$250.79	\$200.64	\$167.20
Lewisville Cost Per Office Visit – Cigna	\$180.52	\$180.52	\$180.52

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

Insurance Issues

- The Risk Management Consultant has reviewed the documents provided for the Care ATC contract and concur that all insurance requirements are met.

Deputy Mayor Pro Tem Thornhill questioned if the employee's premium would stay the same. Ms. Galler advised that the premium on the HRA were much less than the enhanced plan, so the employees would save money. Ms. Barron pointed out that the majority of employees were on the enhanced plan. Ms. Galler stated that for the employees only, the funds put into their HRA would be \$500, and for a family or spouse it would be \$1,000. Ms. Galler advised that employees that currently had family coverage under the enhanced plan would be saving \$1,400 that they could place into a flexible spending account that would cover additional expenses above the HRA. Ms. Galler stressed the important of the education process for employees.

Ms. Galler then reviewed a map of employee distribution by zip code. Discussion was held regarding how many doctors would be on site. Ms. Galler advised that there would be one doctor, one RN, and one Physician Assistant. She further advised that an additional Physician Assistant or another doctor could be added if the utilization is higher.

Councilman Durham questioned what would happen if an employee was out of town. Ms. Galler advised that Cigna would pay those costs after the \$1,500 out-of-pocket deductible has been met. Discussion was held regarding if an employee went to a physician outside of the clinic. Ms. Galler stated that if an employee went to a hospital there would be a \$500 deductible and then 20% co-insurance. Councilman Durham questioned if an individual utilized the clinic; and they had cancer, how would that work. Ms. Galler advised they would go through the Cigna just as they currently do; however, the enhanced plan would be gone and they would not have a co-pay, but a deductible and out of pocket to meet. She further advised that employees would still be able to access the discounts negotiated through Cigna.

Discussion held regarding that CareATC would hire the doctor; however, if for some reason employees did not like the doctor they could request a new doctor.

City Manager King advised the following issues surround the goals and the way we get to the goals: -save some money and reduce the costs that we are expending; -still remain competitive with other cities based on benefits; and -wellness to stimulate employees to take care of themselves to delay some of those medical costs.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

City Manager King stated if the City Council decided to convert everything tomorrow to the HRA Plan, they would save money and stimulate some wellness; however, the City might not be competitive right away. Mayor Pro Tem Ueckert advised that he did not agree with that statement, that it would depend on how employees perceive the change. He stated that he felt the recommended model gets there gradually and to get their quicker the City needs to discuss a long term restructuring of the HRA Plan. He stated that it will take time to educate employees.

Mayor Pro Tem Ueckert stated that he wanted to be sure staff understood that they were not doing this to try to cut costs and save money, but to try and to control the out of control costs of medical expenses, while still providing the best cost possible. Mayor Pro Tem Ueckert requested time to present an alternative way that he thinks would work better. Mayor Pro Tem Ueckert stated that there is nothing that any of us spend one penny on that we do not ask how much does it cost, except for health care. He used examples of little things like flu shots and MRI's.

Discussion was held that City staff projected saving \$500,000 by dropping the enhanced plan. Mayor Carey questioned if this needed to be moved on fairly quickly. City Manager King advised that City staff was trying to work with Carrollton and at some point soon the City Council will have to decide if they wanted to be included on the clinic. Ms. Barron advised that the City of Carrollton had advised their employees that this would be available to them starting in July. She further advised that if the City of Lewisville did not meet Carrollton's time table, then she felt they would probably use the same facility located in the City of Lewisville.

Discussion was held regarding the clinic being voted on at the next City Council meeting. Mayor Pro Tem Ueckert requested that it not be voted on at the next meeting to allow him time to show another way to do the transition. He stated that he does want to drop the enhanced plan; however, he wants to look at a different transition than what has been discussed. Mayor Pro Tem Ueckert requested that be on the next agenda for a workshop.

Councilman Watts questioned outside of the funding that comes from employees for premiums, where does the bulk of the City funds come from. City Manager King advised it comes from the General Fund and Utility Fund.

WORKSHOP SESSION – 5:30 P.M.

**Review of Multi-City Employee Health Clinic
Option (Cont'd)**

(Agenda Item A)

Mayor Pro Tem Ueckert questioned if the 120 employees who currently were on the HRA were happy with this plan. Ms. Galler advised that some where; however, those with larger families were not as they had gone through the \$1,000 fairly quickly and the prescription drugs being paid out of pocket had made it difficult for them.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

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

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C, Proclamation, Declaring the Week of April 13-19, 2008, as “National Library Week”. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on a 0.09 Acre Tract of Land Located on the North Side of Main Street Between Charles Street and Mill Street; and Identified as Lot 9, Block 6 of O.T. Lewisville as Requested by the Property Owner, Brian Burns (Case No. 20080307). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Local Commercial (LC) to Old Town Mixed Use Two (OTMU2) on a 0.239 Acre Tract of Land Located on the North Side of Perry Street Between Cowan Avenue and Hatcher Avenue; and Identified as Tract 155, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Alphonsine M. Ugochukwu (Case No. 20080410). There was no discussion on this item.

DRAFT MINUTES

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item D-3, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Multi-Family One (MF-1) to Old Town Mixed Use Two (OTMU2) on Two Tracts of Land Totaling 1.058 Acres Located on the South Side of Main Street Between Cowan Avenue and Milton Street; and Identified as Tracts 151 and 152, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Geoffrey Bossiere (Case No. 20080411). There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item F-4, Approval of Minutes: City Council Minutes of the March 17, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-5, Approval of an Award for the Construction of Fire House #7 to Alshall Construction Company, Carrollton, Texas, in the Amount of \$2,935,178.98; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Acceptance of a Donation of \$10,000 from Psychiatric Solutions, Inc. for the Implementation of the Lewisville Police Department Commercial Vehicle Enforcement Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of a Revised Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice; Approval of a Supplemental Budget Appropriation in the Amount of \$2,072 to the FY 2007/2008 Grant Budget; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase a Digital Live Scan Fingerprint System; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item F-9, Approval of a Supplemental Appropriation in the Amount of \$1,633,580.38 From Various Available Bond Cash Balances to the Serendipity Village Capital Project; Approval of a Total Project Budget in the Amount of \$6,943,706.38; Approval of a Bid Award to Gilco Contracting, LP, Benbrook, Texas, in the Amount of \$6,943,706.38; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-10, Consideration of Variance Requests to the Lewisville City Code, Chapter 6, Land Development Regulations, Relating to Paving, Landscaping Requirements, and Exterior Finish Requirements, for the Proposed Agricultural Facility Located on the Lewisville Independent School District Outdoor Learning Area Property on Fish Hatchery Road, As Requested by Von Beughner, G&A Consultants, Representing the Lewisville Independent School District, the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-11, Consideration of a Variance to the Lewisville City Code to Allow Grading Including Tree Removal Prior to Engineering Site Plan Approval as Requested by Steve Homeyer, P.E., on Behalf of Kenneth Hartwell, the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-12, Consideration of the Final Plat of NEC 1171 and Valley Parkway Addition, Lots 3R1-A and 3R3, Block B, Being a Replat of Lot 3R1, Block B, Zoned General Business (GB) and Bounded by Civic Circle on the North, Valley Parkway on the West and FM 1171 (Main Street) to the South, With a Requested Variance to the Lewisville City Code, as Requested by Jim Lane, Surveyor, Representing the Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-13, Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees in the Amount of \$2,799.50; Consideration of a Variance to Lewisville City Code 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property, to Run for a Longer Duration Than Fourteen Days; and, Consideration of Providing In-Kind Support Through City Staff and Equipment. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item G-14, Consideration of a Variance to Lewisville City Code 2-201, Waiver of Special Event Permit Fees in the Amount of \$3,363; Consideration of Providing In-Kind Support Through City Staff; Approval of Road Closure on Main Street From 5 p.m. Friday, May 2, Through 11 p.m. Saturday, May 3, and on Church Street and Charles Street From 7 a.m. to 11 p.m. Saturday, May 3; Approval of Temporary Event Signage in City Rights-of-Way. City Manager King reviewed business owners' concerns regarding the closure of Charles Street and advised staff was working on a way to keep this street open. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Consideration of Temporary Road Closure on Church Street From 1 to 11 p.m. on Thursday, May 1, 2008, for the "Keeping Tradition Alive" Pipes, Drums & Color Guard Symposium; Consideration of Temporary Event Signage in City Rights-of-Way in Support of the Event; and Consideration of a Supplemental Appropriate in the Amount of \$15,346 From Hotel Occupancy Tax Fund Reserves. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of Waiver of Lake Park Admission Fees and Reduced Lake Park Admission Fees for the Women's Bassmaster Tour Fishing Tournament to be Held April 10-12, 2008. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-17, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 9.5, Old Town Development, Sec. 9.5-164, Location of Parking Spaces, With Substantive Changes. Economic Development Specialist Sarah McLain advised this amendment was just closing a loop hole in the existing ordinance that staff had found. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-18, Consideration of a Storm Water Ordinance, Creating a New Section of the Lewisville City Code, Chapter 16, to Provide Protection for the City's Municipal Separate Storm Sewer (MS4). There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-19, Consideration of Various Changes to Special Events. City Manager King referenced page three of the backup memo and advised that staff would like to get some clarity sooner rather than later. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item G-20, Consideration of Direction to Staff Regarding the 2008 Retreat. Deputy Mayor Pro Tem Thornhill requested that mid year that they receive something regarding status.

Mayor Carey reviewed Agenda Item G-21, Consideration of Upcoming Meeting Dates for the City's Budget Process. Mayor Carey requested that the Council Members make sure they could be present on the agreed upon date. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-22, Consideration of Nominations to the Lewisville Economic Development Foundation Board of Directors. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H, Reports, First Quarter Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-Closed Session. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:47 p.m. on Monday, April 7, 2008.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Carey at 7:00 p.m. on Monday, April 7, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Deputy Mayor Pro Tem Thornhill gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Councilman Durham gave the pledge to the flag.

**Proclamation: Declaring the Week of April
13-19, 2008, as "National Library Week"**

(Agenda Item C)

Mayor Carey read and presented a proclamation declaring the week of April 13-19, 2008, as "National Library Week" to Library Manager Ann Wiegand and Library Board Chairman Toby Faber.

**Public Hearing: Consideration of Ordinance
No. 3555-04-2008(Z) for a Zone Change
Request From General Business (GB) to Old
Town Center Business (OTC) on a 0.09 Acre
Tract of Land Located on the North Side of
Main Street Between Charles Street and Mill
Street; and Identified as Lot 9, Block 6 of O.T.
Lewisville as Requested by the Property
Owner, Brian Burns (Case No. 20080307)**

(Agenda Item D-1)

The proposed zoning classification Old Town Center Business (OTC) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better future flexibility of setbacks on the property. GB zoning allows setbacks of: front— 25 feet, sides—10 to 15 feet, rear—0 to 25 feet. The new zoning states that the front façade of the buildings in OTC must be set at the front property line and the side façade of a building that is located on a lot adjoining a side street shall be located at the property line. There are no rear yard setbacks in the OTC zoning classification. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their March 4, 2008 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from General Business (GB) to Old Town Center Business (OTC).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist was available to answer any questions posed by the City Council.

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

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.09 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From General Business (GB) District Zoning to Old Town Center Business (OTC) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor, ~~Dr.~~ Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 3555-04-2008(Z), as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3556-04-2008(Z) for a Zone Change Request From Local Commercial (LC) to Old Town Mixed Use Two (OTMU2) on a 0.239 Acre Tract of Land Located on the North Side of Perry Street Between Cowan Avenue and Hatcher Avenue; and Identified as Tract 155, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Alphonsine M. Ugochukwu (Case No. 20080410)

(Agenda Item D-2)

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant has plans to build an office building on the property and would like to re-zone for better flexibility of setbacks on the property. LC zoning allows setbacks of 25 feet in front, 10 to 15 feet on sides, and 0 to 25 feet in the rear. The new zoning will allow for front setbacks of 0 feet, sides of 6.5 feet for residential or 0 feet for commercial, rear of 20 feet for single-family residential, 6.5 feet for single-family attached and multi-family, and 10 feet for commercial. OTMU2 also allows additional uses such as two-family dwellings, single-family dwellings and dwelling units above retail space. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their April 1, 2008 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Local Commercial (LC) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist was available to answer any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance captioned into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 0.239 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Local Commercial (LC) District Zoning to Old Town Mixed Use Two (OTMU2) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt Ordinance No. 3556-04-2008(Z), as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3557-04-2008(Z) for a Zone Change Request From Multi-Family One (MF-1) to Old Town Mixed Use Two (OTMU2) on Two Tracts of Land Totaling 1.058 Acres Located on the South Side of Main Street Between Cowan Avenue and Milton Street; and Identified as Tracts 151 and 152, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Geoffrey Bossiere (Case No. 20080411)

(Agenda Item D-3)

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility of setbacks and use on the property. MF-1 zoning allows setbacks of 25 feet in front, 25 feet on sides, and 25 feet in rear. The new zoning will allow for front setbacks of 0 feet, sides of 6.5 feet for residential or 0 feet for commercial, rear of 20 feet for single-family residential, 6.5 feet for single-family attached and multi-family, and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their April 1, 2008 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Multi-Family One (MF-1) to Old Town Mixed Use Two (OTMU2).

Mayor Carey opened the public hearing.

Sarah McLain, Economic Development Specialist was available to answer any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 1.058 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Multi-Family One (MF-1) District Zoning to Old Town Mixed Use Two (OTMU2) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt Ordinance No. 3557-04-2008(Z), as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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

4. APPROVAL OF MINUTES: City Council Minutes of the March 17, 2008, Workshop Session and Regular Session.
5. Approval of an Award for the Construction of Fire House #7 to Alshall Construction Company, Carrollton, Texas, in the Amount of \$2,935,178.98; and Authorization for the City Manager to Execute the Contract.
6. Acceptance of a Donation of \$10,000 from Psychiatric Solutions, Inc. for the Implementation of the Lewisville Police Department Commercial Vehicle Enforcement Program.
7. Approval of a Revised Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice; Approval of a Supplemental Budget Appropriation in the Amount of \$2,072 to the FY 2007/2008 Grant Budget; and Authorization for the City Manager to Execute the Agreement.
8. Approval of **Resolution No. 3558-04-2008(R)**: 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 the Purchase of a Digital Live Scan Fingerprint System.
9. Approval of a Supplemental Appropriation in the Amount of \$1,633,580.38 From Various Available Bond Cash Balances to the Serendipity Village Capital Project; Approval of a Total Project Budget in the Amount of \$6,943,706.38; Approval of a Bid Award to Gilco Contracting, LP, Benbrook, Texas, in the Amount of \$6,943,706.38; and Authorization for the City Manager to Execute the Contract.

The motion carried.

END OF CONSENT AGENDA

Consideration of Variance Requests to the Lewisville City Code, Chapter 6, Land Development Regulations, Relating to Paving, Landscaping Requirements, and Exterior Finish Requirements, for the Proposed Agricultural Facility Located on the Lewisville Independent School District Outdoor Learning Area Property on Fish Hatchery Road, As Requested by Von Beougher, G&A Consultants, Representing the Lewisville Independent School District, the Property Owner

(Agenda Item G-10)

The Lewisville Independent School District (LISD) is proposing a new Agricultural Facility to be located on the Lewisville Independent School District Outdoor Learning Area (LISDOLA) property on Fish Hatchery Road. LISD is requesting the following variances: a) To allow gravel overflow parking/maneuvering, and to pave only fifteen (15) parking spaces; b) To waive the requirement of a landscape/irrigation plan; c) To waive the requirement of sidewalks along street frontage; and, d) To waive the brick veneer gateway requirement for the barn structure to house the animals.

The City staff's recommendation was that the City Council approve the requested variances.

Cleve Joiner, Building Official was present to answer any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variance requests to the Lewisville City Code, Chapter 6, Land Development Regulations, Relating to Paving, Landscaping Requirements, and Exterior Finish Requirements, for the Proposed Agricultural Facility Located on the Lewisville Independent School District Outdoor Learning Area Property on Fish Hatchery Road, as requested by Von Beougher, G&A Consultants, representing the Lewisville Independent School District, the Property Owner: a) allow gravel overflow parking/maneuvering, and to pave only fifteen (15) parking spaces; b) waive the requirement of a landscape/irrigation plan; c) waive the requirement of sidewalks along street frontage; and, d) waive the brick veneer gateway requirement for the barn structure to house the animals. The motion carried.

Consideration of a Variance to the Lewisville City Code to Allow Grading Including Tree Removal Prior to Engineering Site Plan Approval as Requested by Steve Homeyer, P.E., on Behalf of Kenneth Hartwell, the Property Owner

(Agenda Item G-11)

The property is located on the west side of North Mill Street and south of Ferguson Lane and is zoned General business (GB). The developer has applied for a variance to allow grading the property including filling in a portion of a pond and removal of trees without an approved engineering site plan. A grading plan has been submitted for review and has been approved by staff pending outcome of the variance. The site contains a house and several commercial greenhouses. No additional development is anticipated at this time.

The City staff's recommendation was that the City Council approve the requested variance.

David Salmon, P.E., Assistant City Engineer, Steve Homeyer P.E., Homeyer Engineering, Inc., and Ken Hartwell were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variance to the Lewisville City Code to Allow Grading Including Tree Removal Prior to Engineering Site Plan Approval as requested by Steve Homeyer, P.E., on behalf of Kenneth Hartwell, the property owner: to allow grading the property including filling in a portion of a pond and removal of trees without an approved engineering site plan. The motion carried.

Consideration of the Final Plat of NEC 1171 and Valley Parkway Addition, Lots 3R1-A and 3R3, Block B, Being a Replat of Lot 3R1, Block B, Zoned General Business (GB) and Bounded by Civic Circle on the North, Valley Parkway on the West and FM 1171 (Main Street) to the South, With a Requested Variance to the Lewisville City Code, as Requested by Jim Lane, Surveyor, Representing the Owner

(Agenda Item G-12)

The subject lot is a long and narrow shaped property on the east side of Valley Parkway and north of FM 1171. It has been previously replatted and is almost entirely developed with the exception of the north end near Civic Circle. The owner of the lot wishes to sell the undeveloped portion of the lot and is required to replat in order to legally separate the property into two lots. The General Development Ordinance will require installation of a right-turn lane at the intersection of Valley Parkway and Civic Circle when the remainder of the lot is developed. The owner is willing to construct the right-turn lane, but has applied for a variance to construct a shorter right-turn lane that will fit on the undeveloped portion. The Planning and Zoning commission voted 6-0 to recommend approval of the plat and variance at their March 18, 2008 meeting.

The City staff's recommendation was that the City Council approve the final plat and requested variance.

David Salmon, Assistant City Engineer and Coy Daine, 301 South Sherman, Suite 100, Richardson, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the Final Plat of NEC 1171 and Valley Parkway Addition, Lots 3R1-A and 3R3, Block B, Being a Replat of Lot 3R1 Block B, Zoned General Business (GB) and Bounded by Civic Circle on the North, Valley Parkway on the West and FM 1171 (Main Street) to the South, and approved the following variance to the Lewisville City Code, as requested by Jim Lane, Surveyor, representing the owner: to construct a shorter right-turn lane that will fit on the undeveloped portion.. The motion carried.

Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees in the Amount of \$2,799.50; Consideration of a Variance to Lewisville City Code 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property, to Run for a Longer Duration Than Fourteen Days; and, Consideration of Providing In-Kind Support Through City Staff and Equipment

(Agenda Item G-13)

In 2008, The Old Town Business Association (OTBA) plans to produce a Farmers Market in a continuing effort to attract visitors to the Old Town area. The Farmers Market will be held every Saturday from April 19 through November 29 from 8 a.m. to noon in the North Ferguson Plaza (vendors will begin set up at 7 a.m.). This year, OTBA is expecting to have 10 vendors participating in the market. The cost for a vendor to participate in the Farmers Market is \$12 per Saturday. A key component of a successful downtown revitalization program is the promotion of events, such as the Farmers Market. City contribution of in-kind items, those services that use existing personnel and materials, can provide tremendous support for events. OTBA has requested several variances to hold the Farmers Market this year.

The City staff's recommendation was that the City Council waive permit fees in the amount of \$2,799.50; approve a variance to allow the duration of the event for 33 consecutive Saturdays; approve a variance to allow off-premise event signage along city streets; and approve in-kind support through City staff and equipment.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Watts, the Council voted five (5) "aye" and no (0) "nays" to waive permit fees in the amount of \$2,799.50; approve a variance to allow the duration of the event for 33 consecutive Saturdays; approve a variance to allow off-premise event signage along city streets; and approve in-kind support through City staff and equipment. The motion carried.

Consideration of a Variance to Lewisville City Code 2-201, Waiver of Special Event Permit Fees in the Amount of \$3,363; Consideration of Providing In-Kind Support Through City Staff; Approval of Road Closure on Main Street From 5 p.m. Friday, May 2, Through 11 p.m. Saturday, May 3, and on Church Street and Charles Street From 7 a.m. to 11 p.m. Saturday, May 3; Approval of Temporary Event Signage in City Rights-of-Way

(Agenda Item G-14)

Dallas Tortilla & Tamale Factory owner Rebecca Behnke will again produce a Cinco de Mayo event to be held on Saturday, May 3, 2008. As directed by City Council, staff has provided support for this event, including street closures, police presence, vendor tents and setup, trash containers, marketing and promotion, and waiver of all event permit fees. In 2007, council approved spending up to \$11,000 on direct-billed expenses for staging, generators, portalets and similar items. Event organizer Rebecca Behnke is requesting the same level of support for the 2008 festival.

The City staff's recommendation was that the City Council approve the request to waive permit fees in the amount of \$3,363; approve closing Main Street from 5 p.m. Friday, May 2, through 11 p.m. Saturday, May 3; approve closing Church Street and Charles Street from 7 a.m. to 11 p.m. on Saturday, May 3; and approve temporary event signage in city rights-of-way.

Rebecca Behnke, 122 Campbell, Lewisville, Texas spoke before the City Council regarding this variance request.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the request to waive permit fees in the amount of \$3,363; approve closing Main Street from 5 p.m. Friday, May 2, through 11 p.m. Saturday, May 3; approve closing Church Street from 7 a.m. to 11 p.m. on Saturday, May 3; and approve temporary event signage in city rights-of-way. The motion carried.

Consideration of Temporary Road Closure on Church Street From 1 to 11 p.m. on Thursday, May 1, 2008, for the "Keeping Tradition Alive" Pipes, Drums & Color Guard Symposium; Consideration of Temporary Event Signage in City Rights-of-Way in Support of the Event; and Consideration of a Supplemental Appropriation in the Amount of \$15,346 From Hotel Occupancy Tax Fund Reserves

(Agenda Item G-15)

On May 1-2, 2008, the Lewisville Fire Department will hold the "Keeping Tradition Alive" Pipes, Drums & Color Guard Symposium. This event will be the first of its kind in the country. Anticipated attendance for the first-year event is 250 participants from across the United States. Symposium breakout sessions will be held at the Lewisville Convention Center/Hilton Garden Inn. In addition, participants will stage a "jam session" in Old Town Lewisville on Thursday, May 1, as the highlight event of the symposium. Holding this event in Old Town will require some street closures, and allowing off-site promotional signage would increase public attendance. In addition, a supplemental appropriation of \$15,346 from HOT reserves is needed to fund the event.

The City staff's recommendation was that the City Council approve the request for a temporary road closure on Church Street from 1 to 11 p.m. on Thursday, May 1, 2008; approve the request to place temporary event signage in city rights-of-way promoting the event; and approve a supplemental appropriation in the amount of \$15,346 from Hotel Occupancy Tax Fund reserves.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to approve the request for a temporary road closure on Church Street from 1 to 11 p.m. on Thursday, May 1, 2008; approve the request to place temporary event signage in city rights-of-way promoting the event; and approve a supplemental appropriate in the amount of \$15,346 from Hotel Occupancy Tax Fund reserves. The motion carried.

Consideration of Waiver of Lake Park Admission Fees and Reduced Lake Park Admission Fees for the Women’s Bassmaster Tour Fishing Tournament to be Held April 10-12, 2008

(Agenda Item G-16)

The city will host the Women’s Bassmaster Tournament on April 10-12, 2008, at Lewisville Lake. This tournament will provide exposure of Lewisville Lake through its sponsor, ESPN Outdoors. A waiver of park fees for tournament anglers and approval of reduced resident-rate park entrance fees for all tournament spectators (reduction from \$10 to \$3) is being requested.

The City staff’s recommendation was that the City Council waive the park admission fees for tournament anglers on April 8-12, 2008, and charge reduced park admission fees for tournament spectators on April 10-12, 2008.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to waive the park admission fees for tournament anglers on April 8-12, 2008, and charge reduced park admission fees for tournament spectators on April 10-12, 2008. The motion carried.

Consideration of Ordinance No. 3559-04-2008 Amending the Lewisville City Code, Chapter 9.5, Old Town Development, Sec. 9.5-164, Location of Parking Spaces, With Substantive Changes

(Agenda Item G-17)

The Old Town Development Ordinance contains Section 9.5-164 that addresses locations for parking spaces and driveways in the Old Town Design District. Upon review, staff has identified a change to be made in this section. The substantive change to be made is to modify the language of Section 9.5-164(c) to ensure that the maximum width and maximum coverage requirements for parking areas in residential front yards apply to properties that do not have required front yard setbacks. On March 17, 2008 the Old Town Design Review Committee voted

unanimously to recommend approval of the proposed changes to the ordinance. Staff is asking City Council to approve the changes by repealing the existing Section 9.5-164 of the Old Town Development Ordinance and approving the new Section 9.5-164 of the Old Town Development Ordinance with substantive changes.

The City staff's recommendation was that the City Council adopt the ordinance.

Sarah McLain, Economic Development Specialist was available to answer any questions posed by the City Council.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Lewisville City Code, Chapter 9.5, Old Town Development, Section 9.5-164, Location of Parking Spaces, by Deleting the Current Language in its Entirety and Replacing it With Substantive Changes; Providing for Severability; Providing a Penalty Clause; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt Ordinance No. 3559-04-2008, as previously captioned. The motion carried.

Consideration of Ordinance No. 3560-04-2008, a Storm Water Ordinance, Creating a New Section of the Lewisville City Code, Chapter 16, to Provide Protection for the City's Municipal Separate Storm Sewer (MS4)

(Agenda Item H-8)

The Texas Commission on Environmental Quality (TCEQ), under the delegated authority from the U.S. Environmental Protection Agency (EPA), requires the City of Lewisville to operate a Municipal Separate Storm Sewer or (MS4) in compliance with Clean Water Act (33 United States Code §1251 et. seq.). Phase II of the Clean Water Act, requires cities, including Lewisville, to develop a Storm Water Management Program (SWMP) to prevent or reduce the discharge of contaminated storm water runoff from construction, industrial, and residential sites into the MS4 and surface waters within the city. The State MS4 permit states that cities with authority to pass an enforcement ordinance are required to do so. The Storm Water Ordinance provides enforcement for construction, industrial and other entity activities to prohibit specific

discharges, illicit connections, unpermitted discharges, and provides enforcement of sampling requirements, record-keeping, right of entry, charges and fees, legal action, and penalties.

The City staff's recommendation was that the City Council adopt a Storm Water Ordinance, creating a new section of the Lewisville City Code, Chapter 16, to provide a control mechanism to meet federal and state requirements for protection of the City's Municipal Separate Storm Sewer (MS4).

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, Regulating the Discharge of Wastes Into the Municipal Separate Storm Sewer System (MS4) and Surface Water Within the City of Lewisville, Texas, Providing an Approval System and Mechanism to Ensure Compliance With State and Federal Regulations; Providing a Pollution Control and Abatement System; Providing for Enforcement; Providing a System of Charges for Services Rendered; Providing a System of Allowable and Miscellaneous Discharges; Providing a Severability Clause; Providing a Repealer; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt Ordinance No. 3560-04-2008, as captioned previously. The motion carried.

Consideration of Various Changes to Special Events

(Agenda Item G-19)

At the March 3 City Council meeting work session, Jerry Thompson of Promoter Line, Inc., discussed various options for enhancing special events. Staff is requesting that the City Council provide specific direction on these options. In addition, the Tourism Strategic Planning Committee considered special events changes proposed by Mr. Thompson. The committee's recommendations are included for City Council consideration.

The City staff's recommendation was that the City Council provide specific direction regarding various changes to special events.

Assistant City Manager Donna Barron reviewed the recommendations of the Tourism Strategic Planning Committee and City staff regarding Western Day as follows:

1. Western Day

- a. Move date to last weekend in September (effective 2008).
- b. Set a goal of Western Day being the “signature event” and strive to reallocate money spent on other events to this event (target minimum increase of \$53,000 to meet basic advertising and entertainment costs).

Discussion was held regarding this event. The general consensus of the City Council was to move this event to the end of September and shift funding from other events to Western Day to make this the City of Lewisville’s signature event. Mayor Pro Tem Ueckert recommended extending the event to two or three days. Councilman Tierney stated that he would like to add an additional staff person to focus on sponsorships for all City events and not a third party as he felt that would be more effective. Assistant City Manager Barron advised that Grapevine and Addison have a staff person to handle their sponsorships; however, they added it once the event had been grown and when it was just starting out and they had used a third party. Discussion held on this position would be a budget issue and that there was no guarantee that it would produce sponsorships.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to move the Western Day event to the last weekend of September and look at focusing toward enlarging the event in the future, and direct some additional funding to the event which will allow the City to obtain additional sponsorships. The motion carried.

Assistant City Manager Donna Barron reviewed the recommendations of the Tourism Strategic Planning Committee and City staff regarding Red, White and Lewisville as follows:

2. Red, White and Lewisville

- a. Drop entertainment and other logistics cost and show fireworks only on July 4; reallocate \$35,000 to Western Day (effective 2008).
- b. Move the date of the fireworks only show to July 3 or the prior weekend and promote the event for local restaurants and hotels in the I-35 corridor; reallocate \$35,000 to Western Day (effective 2008).
- c. Drop entire event and reallocate \$70,000 to Western Day (effective 2008).

Discussion was held regarding this event. The general consensus of the City Council was to drop the entertainment for this event and allocate the funds saved to Western Day. Mayor Pro Tem Ueckert advised he would like to move the date of this event so it was not on a weekday when people had to go to work the next day. He stated that he felt the restaurants and hotels might actually pick up some business if the event was done the night before like other cities, such as Addison, as people attending would get hotels to watch the event and eat the restaurants. Mayor Pro Tem Ueckert further recommended changing where the fireworks are shot off so it

does not affect the Vista Ridge Mall. Councilman Watts advised that he agreed to drop the entertainment; however, he did not want to see the event go away regardless of what day it was scheduled to be held. Deputy Mayor Pro Tem Thornhill stated he wanted to see the event remain on July 4th. Councilman Tierney stated he felt once a date is decided it should be stuck with and not changed as it was difficult to get it out to the public. He addressed doing the fireworks on the Lake; however, he understood that was an ingress and egress situation. Councilman Tierney advised that he is in support of building an event around this event if it could be held in Old Town or on the Lake.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Watts, the Council voted five (5) “ayes” and no (0) “nays” to hold Red, White and Lewisville on July 4th at the Vista Ridge Mall and drop the entertainment and allocate the funds saved to Western Day, and to look a making changes to this event in the future. The motion carried.

Assistant City Manager Donna Barron reviewed the recommendations of the Tourism Strategic Planning Committee and City staff regarding the Music Series as follows:

3. Music Series

- a. Drop either one of the two series and reallocate \$23,000 to Western Day (effective 2009).
- b. Drop both fall and summer series and reallocate \$46,000 to Western Day event (effective 2009).
- c. Continue some form of outdoor entertainment in Old Town and reallocate \$23,000 to Western Day (effective 2009).

Discussion was held regarding this event. The general consensus of the City Council was that they wanted to maintain both of these events and add a movie night to the Summer Series. Councilman Watts stated that he liked the idea of the funding mechanism coming out of the Hotel/Motel Funds for the Fall Series. Councilman Watts advised that if it came down funding he would rather keep the Fall Series and any savings be allocated to Western Day. Assistant City Manager Barron advised that City staff had been looking at adding local groups for free for the Summer Series; however, one had not been found yet. Councilman Tierney stated that he had always had a problem with the Fall Music Series even though it is a neat event as many people in attendance were not Lewisville residents and having it held at the amphitheatre was not creating any residual; however, if it were moved into Old Town that would create residual for local businesses. Mayor Pro Tem Ueckert advised he would like to keep both of the series; however, he agreed with Councilman Tierney and would like to move both of them to Old Town and then use funding from the Hotel/Motel Funds for both venues. Mayor Pro Tem Ueckert stated that he felt the City would have an easier time getting sponsorships for these two series if they were located in Old Town. Discussion was held regarding if the Old Town Area could support the

large amount of people the Summer Series currently has. Assistant City Manager Barron advised that staff would have to look at the logistics; however, she felt it could be accommodated this year.

Councilman Durham expressed concern about making such an abrupt change to the Summer Series and recommended the City phasing the change over a two year period and start the Summer Series in Old Town beginning in 2009. Mayor Carey stated that he felt if the City is going to move the event that it just is done now.

Discussion was held regarding if the amphitheatre was needed. Assistant City Manager Barron advised that it would cost more money to hold these two events in Old Town, unless a stage is purchased. City Manager King reminded the City Council that a deal had just been approved with the levy system and the amphitheatre serves as a focal point for that.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Tierney, the Council voted four (4) “ayes” and one (1) “nays” to keep both the Summer and Fall Music Series and move both events to Old Town, to do a cost analysis on purchasing a stage to be used at all festivals throughout the year that could be rented out to other nearby cities, and to allocate any funds saved to Western Day. The motion carried.

Councilman Durham advised that he had voted against the motion due to his opposition to moving the event this year and not phasing the move.

Assistant City Manager Donna Barron reviewed the recommendations of the Tourism Strategic Planning Committee and City staff regarding the Cinco de Mayo as follows:

4. Cinco de Mayo
 - a. Freeze current \$11,000 and reduce or maintain same level staff support on event.
 - b. Drop current \$11,000 support and eliminate city staff support of event.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to review this event following the May 3, 2008 Cinco de Mayo Event to determine how to proceed with the event. The motion carried.

Assistant City Manager Donna Barron reviewed the recommendations of the Tourism Strategic Planning Committee and City staff regarding the Sponsorship Recruitment as follows:

5. Sponsorship Recruitment

- a. Hire a full-time employee to solicit sponsorships. Projected salary and benefits cost is \$65,000.
- b. Hire a third party to solicit sponsorships. This option was discussed at council retreat and a RFQ has been issued. Cost will likely be covered as a % of the sponsorships collected.

Councilman Durham stated that he did not feel the City of Lewisville was currently at a maturity level to hire this position. Councilman Watts advised he agreed with Councilman Durham and was not interested in adding City staff at this point as he felt it was easier to outsource at this time; however, if the City Council wanted to make final decision at budget time he would be fine with that approach.

City Manager King stated that he recommended the City utilize a third party and see how that works.

Councilman Tierney stated that he felt it would be harder for a business to say no to a City staff person than someone from a third party. Discussion was held regarding the current proposals the City had received from third parties interested in assisting the City in obtaining sponsorships in relation to the Arts Activity Center and the park that will be located at Railroad Street. Assistant City Manager Barron advised that the sponsorships for events could be added to those proposals.

Mayor Pro Tem Ueckert stated that he agreed with Councilman Tierney's point regarding having a business and easier to say no to a third party; however, he felt that right now the City's events are not mature enough to hire a staff person. Mayor Pro Tem Ueckert advised that he would like to move toward that in the future.

Discussion was held that to hire a staff person, they would need to bring in at least \$100,000 to break even on salary.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to hire a third party to solicit sponsorships. The motion carried.

**Consideration of Direction to Staff
Regarding the 2008 Retreat**

(Agenda Item G-20)

Final direction to staff on various items of discussion at the February retreat was delayed due to time constraints. Staff has developed recommendations for direction based on the discussions that weekend. Council may modify, add, or delete these at will.

The City staff's recommendation was that the City Council provide final retreat direction to staff.

City Manager King advised the City Council that this was more of an action plan, not a broad plan and could be adopted in one motion or individually. City Manager King reviewed the following retreat direction:

Topic	
Priorities/Goals	
Priorities – OK	
Goals – Add	Facilitate funding for full length of I35 corridor (I635-SH380)
	Obtain funding for Windhaven Drive from Regional Toll Revenue sources
	Develop I35 Corridor Comprehensive Plan overlay and incentive program
	Improve communication with LISD
	Stimulate retail redevelopment (Existing shopping centers)
	Work with Vista Ridge Mall on long range market position
	Develop major tourist attraction
	Develop sports-related tourist attraction
	Implement branding program
	Improve communication with realtor community
	Relocate existing overhead utility lines when cost-effective and in high visibility areas
35E Funding	Work with TxDOT (and others) to obtain full funding. Require construction of LV section as <u>minimum without delay</u>
35E Corridor Plan	Retain consultant to conduct planning process and recommendations
Bond Program	Reallocate existing bond funds from Richland Street project to Purnell project -Purnell – use asphalt option; existing width -Bond program – keep tax rate at existing
Branding	Proceed with GoGo to develop marketing & phasing plan based on "Martin" concept

Festivals	-Schedule workshop with consultant to discuss future festival priorities - City to assume Farmers Market if OTBA withdraws -Motorcycle Toy Run – stay exclusively in city
VIC	Continue preliminary planning at "hospital" site
Code Enforcement	-Add part time or contractual funding at mid year for weekend/after hours coverage -Evaluate technology options and develop funding within technology plan budget cycle - Develop ad hoc committee to evaluate occupancy issues, street parking, and associated problems
East Side Sanitary Sewer	-Use lift station & "bypass" option -Develop funding (est \$21.3M) in Utility Fund/Revenue Bond program (delay water re-use as necessary)
I35 Water Tower	Use 1MG composite tower option on current site (est \$2.7M) unless TxDOT take does not impact tower
Boards/Commissions -	Develop ordinances or other documentation for workshop 1. Merge members of LIDC/HFC or use council members as appointees (if allowed by state law) 2. P.I.D. #1 Dissolve board – Council will review budget directly 3. Merge Library Board/Park Board to single board 4. Merge members of Transportation Board and P&Z (retain both boards but use same members to fill each) 5. "Clean up" duties as needed for various boards
Arts Center	-Review "manager" compensation level -Review need for crew leader position -Fund operations to extent possible in H/M fund (within cap). Rest in General Fund. -Develop consultant-run "development" program -FY 09/10 Budget impact
RR Street Park	-Use 4B for operations budget (FY 09/10) -Defer name decision to future agenda -Incorporate into "development" program

Retiree Health	Develop budget recommendations for funding annual requirement and establishing substantive plan.
TMRS Benefits	Develop budget recommendations (using 8 yr phase in) for options reducing annual impact
Compensation Plan	Budget Market/Merit according to budget availability

MOTION: Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to accept the direction as provided and to add “looking into different opportunities for revitalization of older neighborhoods”. The motion carried.

**Consideration of Upcoming Meeting Dates
for the City’s Budget Process**

(Agenda Item G-21)

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City’s budget process. The Budget Workshop is recommended to be scheduled for August 16th, with August 18-20th reserved for evening workshops, if necessary.

The City staff’s recommendation was that the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to schedule the Budget Workshop for August 16th, with August 18-20th reserved for evening workshops, if necessary. The motion carried.

**Consideration of Nominations to the
Lewisville Economic Development
Foundation Board of Directors**

(Agenda Item G-22)

On March 11, 2008 the Lewisville Economic Development Foundation (LEDF) voted to amend their bylaws regarding membership on its Board of Directors. Prior to this change, the Mayor and City Manager were specifically named as members of the Board. The amendment to the bylaws removes this stricter language and replaces it with “two people from the City of Lewisville’s senior management staff and/or the City Council”. This change in membership designation allows the Council to now appoint two new members to the Board or keep the current members (Mayor and City Manager).

The City staff's recommendation was that the City Council consider appointing two members to the LEDF Board of Directors.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Mayor Pro Tem Ueckert, the Council voted five (5) "ayes" and no (0) "nays" to appoint Mayor Carey and City Manager King to the LEDF Board of Directors . The motion carried.

Reports

(Agenda Item H)

- First Quarter Boards/Commissions/Committees Attendance Reports.
- Economic Development Director Nika Reinecke gave an update on the Quarterly Breakfast Meeting with different sectors of the business committee.
- Assistant Fire Chief thanked the City Council for their support of the Pipes and Drums Event.
- Director of Public Services Carole Bassinger gave an update of the status of the Lake.
- Assistant City Manager Steve Bacchus advised that TxDOT had advised on April 26th from 6 a.m. to 8 p.m. they would be closing the FM 407 Bridge for resurfacing.
- Mayor Pro Tem Ueckert thanked Human Resource Director Melinda Galler and City Manager King for all the hard work they were doing on the insurance benefits and the City's wellness program.
- City Manager King advised that City staff had meet with John Polser and it looks like Public Hearings are being scheduled in July for the environmental clearance for the I35 expansion project.
- Mayor Pro Tem Ueckert invited everyone to come out to the Women's Bass Master Tournament

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:50 p.m. Monday, April 7, 2008, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:55 p.m. on Monday, April 7, 2008, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 9:50 p.m. on Monday, April 7, 2008.

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

(Agenda Item J)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 9:55 p.m. on Monday, April 7, 2008, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Watts and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 9:55 p.m. on Monday, April 7, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 21st day of April, 2008.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

MEMORANDUM

TO: Claude King, City Manager

From: Nika Reinecke, Economic Development Director

DATE: April 16, 2008

SUBJECT: **Approval of a Professional Services Agreement With the Beck Group, to in the Amount of \$55,000 Plus \$4,000 in Reimbursable Expenses, to Develop a Master Plan for the North Lewisville Area Relative to the Proposed Garden Ridge Rail Station; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$59,000; and Authorization for the City Manager to Execute the Agreement.**

BACKGROUND

At the February 2008 Council Retreat, staff was directed to develop a master plan for North Lewisville in response to the proposed Garden Ridge Rail Station to accommodate future transit oriented developments. The Beck Group has submitted a proposal to develop a master plan for the appropriate land uses, buildings, open space, circulation, utilities and parking. The total cost is \$55,000 plus \$4,000 in reimbursable expenses.

ANALYSIS

This proposal is comprised of 5 phases:

Phase I	Information collection and Site Analysis
Phase II	Design Charette and consensus building
Phase III	Master Plan development/refinement and presentations
Phase IV	Final design and documentation
Phase V	Public presentations

This process will be a collaborative effort to include input from City Council and selected boards, city staff and other stakeholders in the area. Design guidelines for development of lakefront and other adjacent properties will be developed as part of this process.

RECOMMENDATION

Staff recommends that Council approve the Professional Services Agreement with the Beck Group in the amount of \$55,000 plus \$4000 in reimbursable expenses; and authorize the City Manager to execute the agreement.

Proposal of Services for

Lake Lewisville Master Plan

Lewisville, Texas

25 January 2008



1807 Ross Avenue, Suite 500
Dallas, Texas 75201
V. 214.303.6200
F. 214.303.6300
beckgroup.com



PARTIES

City of Lewisville

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SPECIALTY CONSULTANTS

The following **Specialty Consultants** are not included in the scope of this proposal; additional consultants may be added under Beck's contract if not contracted directly with the City. Specialty Consultant contract amount and reimbursable expenses will be billed through on a monthly basis with an administrative mark-up of 1.10 times total fees and expenses and time attributed to contract processing.

Civil Engineering

To be determined

Landscape Architect

To be determined

SCOPE OF SERVICES

PROJECT DESCRIPTION

This project will study the appropriate land uses, buildings, open space, circulation, views, utilities and parking on the property. It will identify and recommend the most successful development patterns that should be reinforced in future growth of the property.

SCOPE OF SERVICES

Site Master Planning: Limited to the property, designated by City staff, currently controlled by the City of Lewisville.

Conceptual Building Use Programming: (gross square footage only)

- Resort Hotel including associated leasable residential uses
- Business Hotel
- Miscellaneous Waterfront Uses
- Mixed-Uses including retail and restaurant waterfront uses
- Golf-course(s)

PROPOSED PROJECT PHASES

Phase I Information Collection + Site Analysis

Phase II Design Charette/ Brainstorming + Consensus building

Phase III Master Plan Refinement + Presentation to Staff/ Input to design

Phase IV Final Design refinement and documentation

Phase V Public Presentation(s) to be determined for communication to the community

Phase I:

INFORMATION COLLECTION + SITE ANALYSIS

Beck uses this initial stage of work to gather relative information on the site constraints and possibilities, design guidelines, and cost parameters. From this information, we will create a site analysis of observational information, using all information gathered by the client and shared with the team. This analysis will represent the observations in graphic form so as to help facilitate input from Phase II.

2-3 Meetings



Phase II:

DESIGN CHARETTE/ Brainstorming + Consensus building

Beck, and the entire team, will better understand the Owner's goals and objectives, during the course of this consensus building exercise. With this "open forum" the philosophy is "no bad ideas," an environment being created that is intended to draw out even the seemingly least desirable ideas, since even they will often surface with some validity not looked for prior to the charette. Beck will have the Site Analysis available for facilitation of the discussions during the course of the event. In addition, Beck may have some beginning concepts prepared to prompt reaction and discussion from the team members. As a result of the charette and the successful participation of all of the decision-makers/ stakeholders involved, a series of concepts will surface, to be considered by the group, discussed further, and "refined" to one or two ideas for further development by the Beck design team.

2 Meetings

Phase III:

MASTER PLAN REFINEMENT presentation to Staff/ Input to design

Beck will continue to consider all of the input and comments obtained in the charette during the refinement of the conceptual direction approved by the charette team. After completing one or two more rounds of refinement, the ideas are presented back to the entire team, for their final review and comments.

3 Meetings

Phase IV:

FINAL DESIGN REFINEMENT + DOCUMENTATION

Once the final design is approved, Beck will complete the final refinements and document them for future public presentation. The documentation will include any posters needed for presentation, booklets necessary for communication + marketing of the project to public and private interests.

2-3 Meetings

Phase V:

PUBLIC PRESENTATION(S) Number to be determined during project duration

Beck will participate in public presentations, as the client requests, for additional fees, according to how many Beck professionals are involved and the number of public meetings.

PROJECT CRITERIA

Purpose: Establish the Project Design Criteria describing the City's objectives, goals, and requirements for the Project. We will engage the City Staff to share their planning ideas and goals. This creates a truly collaborative master planning process and results in sound, achievable decisions.

Process: Kick-off meeting with City-selected Leaders

Product: Project Statement/ Design Criteria

Create a **Project Statement** identifying the City's goals for this study. This will include a detailed Project description, a protocol for project decision-making, identification of development and design guidelines of the City and Lakefront, and a preliminary project schedule.

Tasks:

- Discuss any environmental goals for the project, as they pertain to the master planning of the entire site.
- Identify any environmental, requirements/ regulations that the US Army Corps of Engineers might have for this site.
- Review relevant zoning ordinances as it relates to site layout, allowable building size and height; identify milestone dates for City submissions and project approvals.
- Establish Project Schedule with critical milestones dates throughout the design, documentation, and presentation phases.
- Identify and select Specialty Consultants necessary for the completion of the project.

MASTER PLANNING

Purpose: Create master plan drawings and descriptions documenting the best growth patterns for the City.

Process: A four-part process: site assessment by the Architect; a subsequent design charrette in Lewisville with City-selected staff, Beck designers and necessary consultants; development meetings during subsequent concept development; and final design presentation(s).

Product: Site analysis diagrams and color-rendered Master Plan bound into a single 11"x17" report, including a 30"x42" Color-rendered Master Plan and any desired digital files.

Tasks:

1. A digital aerial photograph of the site.
2. Zoning and regulatory constraints of campus development.
3. Survey of utility concepts and locations serving the existing buildings.
4. Identification of special site view corridors, natural features and general topography.
5. Investigate site and existing structures.
6. Identification of land use zones.
7. Study of established "residential zones" and their interrelationships.
8. Study of established "parking zones-site assess" and their interrelationships.
9. General accessibility survey of the study property, noting known challenges.
10. Full-day design charrette led by Beck utilizing large-scale site plans.
11. Formal presentation and summary of master planning conclusions.
12. Analysis of the proposed light-rail station and the TxDOT plans for I-35 adjacent to the site.

QUALIFICATIONS

Assumptions

- This proposal assumes the selection of the Architect and Design Team to be complete within thirty (30) days of its issuance.



Exclusions

- Any consultants not listed as a part of the Design Team
- All revisions to design Phases or documents previously approved
- Special submittals to secure regulatory approvals required by the city, county, state or federal
- Zoning or Development variances and the time to prepare for such submittals
- Computer animations
- Traffic Impact Analysis
- Record Documents
- 3D computer animation of design for promotional or other uses by the City of Lewisville
- Revisions to documents or revisions to design phases previously approved. If requested by the Owner, revisions will be billed as additional services

Owner's Responsibility

- To create the most effective working process, we propose that the Owner designate a person to represent the Owner's interest during the project and act as the single point of contact for the Architect.
- The Owner shall be responsible for all Geotechnical Investigations and Environmental Surveys; The Architect accepts no liability for completeness or accuracy of said reports and shall be fully indemnified and held harmless by the Owner for such liability. The Architect shall also be permitted by the Owner to completely rely on the accuracy and completeness of the report documents.
- Property survey of existing conditions.
- Materials and testing inspections.
- Any work not specifically named in the scope of this proposal.
- Any existing land use plan approvals or limitations by federal, state and local city jurisdictions, especially as they pertain to the landowner, the US Army Corps of Engineers.
- Existing Property boundary survey and topographical survey information.
- Aerial Photography.

COMPENSATION & CONTRACT TERMS/ COMPENSATION

Phase	Estimated Design Schedule*	Fee
Phase I- Information Collection+ Site Analysis	2 weeks	\$8,000
Phase II- Design Charette	2 weeks	\$11,000
Phase III- Master Planning Refinement+ Presentation to City Staff	4 weeks	\$22,000
Phase IV- Final Design Documentation	3 weeks	\$14,000
Phase V- Public Presentation(s)	TBD	TBD
Total Fee		\$55,000
Estimate of Reimbursable Expenses		\$4,000

* The Project Schedule to be determined, based upon City staff availability and the decision making process.



Specialty Consultants (are not included in fees listed)

Civil Engineering
Landscape Architect

Reimbursable Project Expenses

Reimbursable and consultant expenses are in addition to compensation for professional services and include expenditures required by the project or requested by the Owner, such as printing, reproductions, long distance telephone calls, faxes, postage, travel expenses, or permit fees. The Owner shall reimburse the Architect for expenses incurred by **Beck**, the **Design Team**, or **Specialty Consultants**, at the rates indicated in the attached '**Hourly Rate and Reimbursable Schedule**'. Reimbursable expenses will be invoiced monthly and will include a mark-up of 1.1 times the total monthly cost incurred. Back-up data for reimbursable expenses shall be provided if agreed to by both parties at the time of contract execution.

Additional or Optional Services

Additional or Optional Services over and above the scope of this proposal shall be performed on an hourly basis at the rates identified in the '**Hourly Rate and Reimbursable Schedule**' upon written approval of the Owner. Additional or Optional services may include the following:

- Coordination time associated with Specialty Consultants not identified in this proposal.
- Computer animations, presentation drawings, or models.
- Assistance in regulatory approval process outside the scope identified in this proposal.

CONTRACT TERMS AND CONDITIONS

Payment Terms

Invoices will be sent at the end of each month based on the percentage of work completed. Payment is due within 30 days of the invoice date. Interest will accrue at a rate of 18% per year after 30 days. Interest charges will be waived on payments received within 60 days of the invoice date. Invoices that are not questioned by the owner within 15 days are accepted as rendered

Form of Agreement

Beck and the Owner will execute a mutually agreed upon contract between Owner and Architect.

Jurisdiction

"The Texas Board of Architectural Examiners, PO Box 12337, Austin, Texas 78711-2337, (512) 305-9000, www.tbae.state.tx.us has jurisdiction over complaints regarding the practice of persons registered as architects in Texas.

Assignment

Architect consents to the assignment of this Agreement to entities related to the Owner as long as Architect is paid for Architect's services rendered under this Agreement.

Termination of Contract

If for any reason the Owner decides to terminate the project or the Architect's participation in the project, the Owner will provide written notice of termination of this agreement to the Architect, and the Architect agrees to cease all work upon receipt of written termination and to invoice Owner only for services rendered and expenses incurred, as outlined in '**Hourly Rate and Reimbursable**' to the date of receipt of such notice of termination.



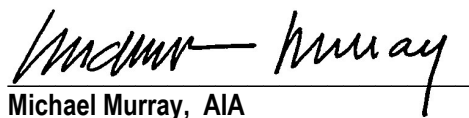
Mediation

In an effort to resolve any conflicts that arise during the design of this project, the Owner and the Architect agree that all disputes between them arising out of or relating to this Agreement shall be submitted to non-binding mediation unless the parties mutually agree otherwise. If no resolution is reached during non-binding mediation, either party has the right, at any time during the mediation and not more than sixty (60) days after formal mediation has ceased to seek other legal means of resolution. These means can include binding arbitration if both parties agree, or if no agreement is reached, formal claims, which might result in a court process, may be filed.

SUMMARY

Beck appreciates the opportunity to be an integral part of project team. Upon review of this agreement, we request that you sign and date in the spaces indicated below and return one executed copy to our office as an authorization to proceed. Should you have any questions or wish to discuss the contents of this proposal, please contact our office.

Proposed by: The Architect



Michael Murray, AIA
Principal
HCBECK, Ltd.

01.25.08
Date

Accepted by: the Owner

Nika Z. Reinecke
Director of Economic Development
City of Lewisville, Texas

Date



HOURLY BILLING RATE AND REIMBURSABLE SCHEDULE

HCBeck, Ltd. Architect Doc. 2008 / 1

Managing Director	\$ 225.00
Principal	\$ 185.00
Associate Principal / Associate PM	\$ 155.00
Project Manager	\$ 140.00
Project Leader	\$ 110.00
Technical Staff	\$ 95.00

Mark-up Costs for Processing Expenses	1.10 times Total Expenses
Reimbursable Project Expenses	1.10 times Total Expenses
Specialty Consultant Fees	1.10 times Total Expenses

Fax copies - transmission only \$1.00 per page

Black and white Xerox copies

8½ x 11	\$.25 per sheet
11 x 17	\$.50 per sheet

Color Xerox copies

8½ x 11	\$1.00 per sheet
11 x 17	\$2.00 per sheet

Large scale black and white plots / copies

24 x 36 sheets	\$.30 per square foot
	\$1.80 each
30 x 42 sheets	\$2.63 each

Large scale full - color prints

24 x 36 sheets	\$10.00 per square foot
	\$60.00 each*
30 x 42 sheets	\$87.50 each*

*Prices do not include mounting

MEMORANDUM

TO: Claude King, City Manager

VIA: Eric Ferris, Director of Community Development

FROM: T. S. Kumar, P.E., City Engineer

DATE: April 8, 2008

SUBJECT: Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.

BACKGROUND

The City Council approved a one-year contract with Innovative Transportation Solutions, Inc. in the amount of \$90,000 on April 2, 2007 to provide a variety of services including traffic analyses, assisting staff in expediting time lines and funding issues with TxDOT on multiple state routes within the city, funding development, etc.

ANALYSIS

A variety of transportation related projects are still ongoing within the City of Lewisville that require outside consultant services. Innovative Transportation Solutions, Inc. has assisted the City and continues to assist with the COG driven transportation call for projects, traffic modeling issues, coordinating work efforts of TxDOT on the IH-35E M.I.S. schematics. ITS, Inc. is also working towards the success of the Denton County Bond Program that includes funding for several high priority City of Lewisville projects. Additionally, there has been a lot of time being spent by ITS, Inc. related to the SH 121 Regional Toll Revenue allocations, which directly result in additional projects in Lewisville and Denton County. The IH-35E reconstruction project is in the process of being reviewed as a managed-lane freeway and ITS, Inc. is closely monitoring the benefits to the City of Lewisville. Innovative Transportation Solutions, Inc. is seeking a renewal of their annual contract in the amount of \$90,000.

Funding is available in the General Operating Budget Account No. 101-1131-419.43-58 (Consultant/Advisory Fees).

RECOMMENDATION

It is City staff's recommendation that the City Council approve the Transportation Services Agreement with Innovative Transportation Solutions, Inc. in the amount of \$90,000; and authorize the City Manager to execute the agreement.