

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
SEPTEMBER 15, 2008**

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

**WORKSHOP SESSION – 6:00 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 6:00 P.M.

- A. Discussion of Lewisville Truck Prohibition Study
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Tierney
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Watts
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of October 5-11, 2008, as “Fire Prevention Week”; and
 - 2. Declaring the Month of October, 2008, as “National Employment Disability Month”.
- D. **PUBLIC HEARING:** Consideration of the Proposed FY 2008-2009 Budget, Property Tax Revenue Increase and Property Tax Rate.

ADMINISTRATIVE COMMENTS:

The first public hearing on the proposed FY 2008-09 budget, property tax revenue increase and property tax rate to provide an opportunity for citizen comment was held on September 8, 2008 in accordance with the City Charter and applicable state laws. The proposed budget includes changes made by Council at the budget workshop held on August 16, 2008. This will be the second and final public hearing on the FY 2008-2009 budget. The votes on the fiscal year 2008-2009 property tax rate, property tax revenue increase, and budget will take place during the special-called City Council meeting on September 29, 2008, beginning at 6:00 p.m. in the Council Chambers.

RECOMMENDATION:

That the City Council conduct the public hearing.

- 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 a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount \$314,940.**

ADMINISTRATIVE COMMENTS:

Funding in the amount of \$314,940 was received from Denton County as reimbursement for funds spent on the design of new roads in Southwest Lewisville including Valley Parkway from FM 3040 south to SH 121 Business; and Spinks Drive from Duncan Lane to Edmonds Lane. This is a project funded jointly by the County and property owners. The County has agreed to fund half of the design and construction costs associated with these improvements, up to \$5,000,000. Future supplements to this project will be required once construction amounts are determined, property owner contributions are received, and reimbursements are needed.

RECOMMENDATION:

That the City Council approve the supplemental appropriation to the Southwest Lewisville Capital Project in the amount of \$314,940.

- 2. Approval of an Annual Contract for Custodial Services for Various City-Owned Buildings to Commercial Building Maintenance, Inc., Dallas, Texas, in the Amount of \$370,632.90.**

ADMINISTRATIVE COMMENTS:

A total of forty-four (44) bid invitations were issued, including eighteen (18) downloaded from DemandStar.com. Sixteen (16) bids were received and opened August 12, 2008. Custodial services will be performed at the following locations: Annex, Library, Central Fire Administration, Police Department, Steve McFadden Law Enforcement Center, Old Town City Hall and Well House, Kealy Operations Center, Parks Maintenance, Visitor's Information Center, Hedrick House, Memorial Park Recreation Center, Memorial Park Senior Center, and the Fred Herring Recreation Center. The scope of work is regular nightly cleaning and periodic stripping and waxing of floors, shampooing of carpet, and the cleaning of outside windows. The term of the contract is twelve months, with the option to extend for up to two (2) additional twelve month periods.

RECOMMENDATION:

That the City Council approve an annual contract for custodial services for various City-owned buildings to Commercial Building Maintenance, Inc., Dallas, Texas, in the amount of \$370,632.90.

- 3. Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$125,311; Approval of a Total Budget Amount of \$129,071; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixty (60) bid invitations were issued, including two (2) downloaded from DemandStar.com. Eight (8) bids were received and opened August 20, 2008. This project involves the rehabilitation of concrete curb, gutter, and driveway approaches of the following four (4) streets: Perry, Hatcher, Elm and Hickory. Funding is available in the CDBG Block Grant Budget.

RECOMMENDATION:

That the City Council approve a bid award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the amount of \$125,311; approval of a total budget amount of \$129,071; and authorize the City Manager to execute the contract.

- 4. Approval of a Bid Award for the Official City of Lewisville Newspaper to the Southern Denton County Neighbors Go Newspaper, Effective October 1, 2008; and Adopt the Resolution Designating the Southern Denton County Neighbors Go Newspaper as the City's Official Newspaper.**

ADMINISTRATIVE COMMENTS:

A total of four (4) bid invitations were issued and three (3) bids were received and opened July 31, 2008. Consideration for the award of the bid was given to cost, circulation, publication dates, and deadline dates. Newspapers must also meet the requirements of Section 2051 of the Texas Government Code to be the official newspaper. Based on these criteria, staff's recommendation is to award the bid to the Southern Denton County Neighbors Go Newspaper, which is an insert of the Dallas Morning News every Friday.

RECOMMENDATION:

That the City Council approve a bid award for the official City of Lewisville newspaper to the Southern Denton County Neighbors Go Newspaper, effective October 1, 2008; and adopt the resolution designating the Southern Denton County Neighbors Go Newspaper as the City's official newspaper.

- 5. Approval of a Bid Award for the Sludge Disposal and Piping Modifications to Associated Construction Partners, Boerne, Texas, in the Amount of \$208,303.05; Approval of a Total Budget Amount of \$214,553; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-nine (29) bid invitations were issued, including six (6) downloaded from DemandStar.com. Five (5) bids were received and opened August 28, 2008. This project consists of the construction of a sewer line and excavation and disposal of approximately 3,300 cubic yards of water treatment plant sludge. Funding is available in the Sludge Management Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Sludge Disposal and Piping Modifications to Associated Construction Partners, Boerne, Texas, in the amount of \$208,303; approval of a total budget amount of \$214,553; and authorize the City Manager to execute the contract.

- 6. Approval of a Resolution Suspending the October 3, 2008 Effective Date of Texas-New Mexico Power Company's ("TNMP's") Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Other TNMP Cities; Hiring Lloyd Gosselink Attorneys and Consulting Services to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel.**

ADMINISTRATIVE COMMENTS:

Texas-New Mexico Power Company ("TNMP" or "the Company") filed an application on August 29, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. The Company asks the City to approve a 24% increase in residential rates and a 79% increase in street lighting rates. The Company is also proposing significant (i.e. 24-33%) decreases for commercial customers. Annual rates would increase by approximately \$78 for an average residential customer. The resolution suspends the October 3, 2008 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

RECOMMENDATION:

That the City Council approve the resolution.

- 7. Approval of a Five-Year Contract for the Marketing Kiosk Program at Vista Ridge Mall Effective October 1, 2008, at a Cost of \$35,000 Per Year.**

ADMINISTRATIVE COMMENTS:

In 2002, the City entered an agreement with Vista Ridge Mall and Medical Center of Lewisville to construct and operate a soft play area at the mall. As part of that agreement, the city and hospital shared an information kiosk at the play area. That agreement expired in 2007. Under a new proposal from the mall, the city and hospital would enter a five-year agreement to refresh the play area and to upgrade the information kiosk, adding poster stations and a video display. Cost to the city would be \$35,000 per year, split between Hotel-Motel Fund and Utility Fund. This program was recommended by the Tourism Strategic Planning Committee.

RECOMMENDATION:

That the City Council approve a five-year contract valued at \$35,000 per year to fund a marketing kiosk program at Vista Ridge Mall.

G. REGULAR HEARINGS:

- 8. Consideration of Waiver of Lake Park Admission Fees for the Ego Energy North Texas Big Bass Classic to be Held September 27-28, 2008.**

ADMINISTRATIVE COMMENTS:

The Big Bass Tournament will hold its first North Texas event on September 27-28, 2008, at Lewisville Lake. A similar event is held annually on Lake Conroe and has grown to nearly 1,000 participants in 2007. A smaller number is expected for the inaugural Lewisville event, estimated at between 150 and 400 individual anglers. This event is not receiving direct funding or in-kind support from the Convention and Visitors Bureau because it has no proven track record of drawing overnight visitors. However, City Council is being asked to consider waiving park entry fees for tournament participants.

RECOMMENDATION:

That the City Council approve a waiver of Lake Park admission fees on September 27-28, 2008, for participants and staff of the Ego Energy North Texas Big Bass Classic.

- 9. Consideration of Waiver of Special Event Fees for OTBA 5K Fun Run on Saturday, September 27, 2008, as Requested by the Old Town Business Association.**

ADMINISTRATIVE COMMENTS:

The Old Town Business Association (OTBA) will hold a 5K Fun Run on Saturday, September 27, 2008. The City of Lewisville will provide police and fire support and street closure coordination. OTBA is asking for a waiver of special events fees.

RECOMMENDATION:

That the City Council waive Special Event fees as requested by OTBA for the 5K Fun Run on Saturday, September 27, 2008.

PRESENTATION: James Kunke, Community Relations & Tourism Director

- 10. Consideration of a Variance to the Fee Ordinance Related to Pet Registration Fees During the Western Day Festival; Consideration of a Variance to the Special Events Ordinance Related to Overnight Housing of Stock Animals; and Consideration of Sale and Consumption of Alcohol on City Property as Required by Administrative Policy 4.1.1, City Facilities.**

ADMINISTRATIVE COMMENTS:

Western Day 2008 will be held on Saturday, September 27, in Old Town. Staff is asking for Council approval of three items that were approved as part of last year's festival. Specifically, staff is seeking variances to allow free pet registration at the Tailwaggers Ranch portion of the festival, allow the sale and consumption of alcohol on city property, and allow overnight housing of the Longhorn herd on the city-owned property west of City Hall.

RECOMMENDATION:

That the City Council approve these variances for September 27, 2008, as well as for all future Western Day events, since these items are expected to be a part of future Western Day festivals.

PRESENTATION: James Kunke, Community Relations & Tourism Director

- 11. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule.**

ADMINISTRATIVE COMMENTS:

As part of the annual budget process, Council approved changes to the fee schedule that were based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees. Proposed changes are in the attached Exhibit A.

RECOMMENDATION:

That the City Council approve an ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

- 12. Consideration of an Ordinance to Make Current Service and Prior Service Contributions to the City's Account in the Municipal Accumulation Fund of the Texas Municipal Retirement System at the Actuarially Determined Rate of Total Employee Compensation.**

ADMINISTRATIVE COMMENTS:

The TMRS Act allows any city to enact an ordinance that removes the statutory maximum rate cap. Based on the benefits approved through budget for Fiscal Year 2008-09, the City of Lewisville's contribution rate will be 14.16%. In order to utilize this rate, the City is required to adopt an ordinance to lift the statutory maximum limit as provided for in the TMRS Act. This change will allow the City to impose its own "limit" on future contribution rates by using its discretion in determining which potential plan improvements to adopt, or not adopt, based on the calculated contribution rate. Many cities in Texas of our size and larger have already lifted the statutory cap.

RECOMMENDATION:

That the City Council approve the ordinance adopting the Texas Municipal Retirement System provision to lift the statutory maximum rate for the City of Lewisville's contribution to the Texas Municipal Retirement System.

- 13. Consideration of an Ordinance Discontinuing Participation in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System.**

ADMINISTRATIVE COMMENTS:

One of the benefits provided under TMRS is supplemental life insurance for active employees equal to one times their annual salary and a \$7,500 life insurance benefit for all retirees. The cost of the supplemental life insurance benefit is .19% of total annual compensation. Staff recommends that the City drop the supplemental death benefit through TMRS and add an additional one times life insurance benefit through the City's group policy. This change will reduce the City's annual contribution rate for TMRS and result in an annual savings to the City of \$49,000.

RECOMMENDATION:

That the City Council approve the ordinance terminating the Supplemental Death Benefits for active and retired employees provided through the Texas Municipal Retirement System.

- 14. Consideration of an Ordinance Amending the FY 2007-2008 Adopted Budget.**

ADMINISTRATIVE COMMENTS:

The purpose of this ordinance is to amend the FY 2007-08 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Others relate to actions taken to fund unbudgeted items during the year. This ordinance will also authorize two new supplements, one to the Grant Fund to cover a transfer to the General Fund in the amount of \$102,715 (excess funding not needed in the Grant Fund) and a supplement to the Recreation Fund in the amount of \$60,000, due to the overwhelming response related to offering the Boot Camp this fiscal year. Revenue related to the Boot Camp more than offsets this supplement.

RECOMMENDATION:

That the City Council approve the ordinance amending the FY 2007-08 budget.

H. REPORTS:

I. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D,

1. Section 551.072 (Real Estate): Property Acquisition
2. Section 551.074 (Personnel):
 - a. City Manager Claude King
 - b. City Secretary Julie Heinze
 - c. City Attorney Ronald J. Neiman
 - d. Chief Municipal Court Judge Brian Holman
 - e. Alternate Municipal Court Judges
3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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

K. ADJOURNMENT

**AGENDA
LEWISVILLE CITY COUNCIL
SEPTEMBER 15, 2008**

Page 11

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).