

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 20, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 5:45 P.M.

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Councilman Ueckert
- C. **PUBLIC HEARING:** Consideration of a Resolution Authorizing the Submission of an Application for Funding With the United States Environmental Protection Agency Under the Brownfield's Assessment Grant Program.

ADMINISTRATIVE COMMENTS:

City staff has been working with the United States Environmental Protection Agency (EPA) and other agencies to evaluate financial assistance programs to encourage environmental remediation and redevelopment of Brownfield properties. Funding through the EPA's Program of financial assistance is available in the amount of \$200,000 for assessment of sites with potential petroleum contamination and \$200,000 for assessment of sites with potential hazardous substance contamination. Staff has prepared a draft application for public review and comment, available for access through the Office of Economic Development. The deadline for submission of the grant application is November 14. Written public comment on the proposal will be accepted until October 31, 2008.

RECOMMENDATION:

That the City Council conduct the public hearing; and adopt the resolution authorizing the submission of the application to the United States Environmental Protection Agency.

- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
1. **APPROVAL OF MINUTES:** City Council Minutes of the October 6, 2008, Workshop Session and Regular Session.
 2. **Approval of a Supplemental Appropriation in the Amount of \$23,656 to the Grant Fund; Acceptance of \$23,656 Loan Star Libraries FY2009 Grant Award to Purchase Equipment, on-line Bibliographic Records, Supplies and Staff Training; and Authorization for the City Manager to Execute the Texas State Library and Archives Commission Contract.**

ADMINISTRATIVE COMMENTS:

The City has received the Loan Star Libraries Grant each year since 2001-02. The Loan Star Libraries Grant will be used to purchase: Equipment \$10,514; Supplies \$2,800; Subscription \$3,680; Staff training \$4,462; Building repairs \$2,200. No City match is required.

RECOMMENDATION:

That the City Council approve the supplemental appropriation in the amount of \$23,656; accept the \$23,656 Loan Star Libraries FY2009 Grant; and authorize the City Manager to execute the Texas State Library and Archives Commission contract.

- 3. Approval of a Bid Award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Euless, Texas, in the Amount of \$324,724.05; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-four (24) bid invitations were issued, including two (2) downloaded from DemandStar.com. Five (5) bids were received and opened October 1, 2008. This award consists of asphalt rehab of the following streets: (A) as part of the 2008 CDBG Asphalt Rehab Project: Perry, Hatcher, Elm, Hickory, and Edwards for a total of \$112,136.55; and (B) as part of the Asphalt Maintenance Project G90805: Kingston, Palisades, Monaco, Tahoe, Catalina, Cherry Lane, and Laurel Lane for a total of \$212,587.50. Funding is available from the CDBG Block Grant Budget and the 2008 Asphalt Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the 2008 CDBG Asphalt Rehab Project and the 2008 General Asphalt Maintenance Project to Reynolds Asphalt and Construction Company, Euless, Texas, in the amount of \$324,724.05; and authorize the City Manager to execute the contract.

- 4. Approval of Final Acceptance of the Concrete Curb and Gutter Rehab 2008 Project; and Authorization To Make Final Payment to Patco Utility, Inc., in the Amount of \$23,340.10.**

ADMINISTRATIVE COMMENTS:

On February 18, 2008, City Council awarded a contract to Patco Utility, Inc., in the amount of \$568,962.50 for the Concrete Curb & Gutter Rehab 2008. Field changes resulted in a net reduction of \$102,160.52, for a completed total of \$466,801.98. This project completed curb/gutter repair on Kingston, Palisades, Monaco, Tahoe, and Catalina.

RECOMMENDATION:

That the City Council accept the Concrete Curb & Gutter Rehab 2008 Project; and authorize final payment to Patco Utility, Inc., in the amount of \$23,340.10.

- 5. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$66,000 for Services Relating to the Preparation of Plans and Specifications and Construction Administration of a 17 Acre Section of East Hill Park; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$66,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City has a long term lease from the Corps of Engineers on 238 acres of undeveloped land at East Hill Park. This land was placed under lease with the intent to develop a community park to serve far east Lewisville as it developed in the future. Neighborhoods and apartments have developed in this area and the residents are requesting park amenities. The plan is to create a neighborhood park and trailhead for the surrounding residents that will include a playground, pavilion, trail, native landscape plantings, irrigation, and signage.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$66,000 for services relating to the preparation of plans and specifications and construction administration for a 17-acre section of East Hill Park; approve an appropriation from Park Development Fund Available Cash in the amount of \$66,000; and authorize the City Manager to execute the contract.

- 6. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$123,500 for Services Relating to the Preparation of a Citywide Parks, Recreation and Open Space Master Plan; Approval of an Appropriation From Park Development Fund Available Cash in the Amount of \$123,500; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The original master plan was completed in 1986, and then updated in 1998. The City has now reached a point that the plan needs to be updated for future planning. Halff Associates Inc., has submitted a professional services agreement to conduct a compressive Parks, Recreation and Open Space Master Plan for Lewisville in the amount of \$123,500. Funding is available in the Park Development Fund.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$123,500 for services relating to the preparation of a City-Wide Parks, Recreation and Open Space Master Plan; approve an appropriation from Park Development Fund Available Cash in the amount of \$123,500; and authorize the City Manager to execute the contract.

- 7. Approval of an Agreement Between the City of Lewisville and the Town of Flower Mound to Revise the Municipal Boundary Along Garden Ridge Boulevard, From FM 1171 (Main Street) to Corporate Drive; and Authorization for the Mayor to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville and the Town of Flower Mound executed an Interlocal Agreement dated April 4, 2005 to adjust the municipal boundary along Garden Ridge Boulevard upon completion of the roadway improvements. The boundary adjustment extends between FM 1171 (Main Street) and Corporate Drive. The Garden Ridge Boulevard improvements have been completed, and in accordance with the Interlocal Agreement, it is time to complete the boundary adjustment.

RECOMMENDATION:

That the City Council approve an agreement between the City of Lewisville and the Town of Flower Mound to revise the municipal boundary along Garden Ridge Boulevard, from FM 1171 (Main Street) to Corporate Drive; and authorize the Mayor to execute the agreement.

- 8. Approval of Revisions to the Lewisville Parks and Library Development Corporation (4B) Bylaws.**

ADMINISTRATIVE COMMENTS:

During the July 7, 2008 4B Board meeting staff was directed to review the bylaws related to Officers as well as any other possible clean ups. It is recommended that the bylaws be changed to reflect the removal of the Treasurer position, and changing the wording regarding the fiscal year to be that which matches the City's fiscal year.

RECOMMENDATION:

That the City Council approve the revisions to the Bylaws.

- 9. Approval of an Appropriation From Utility Capital Project Available Cash in the Amount of \$323,924; Approval of Payment in the Amount of \$323,924.08 to the City of Irving for Lewisville's Share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the Agreement Among the City of Irving, City of Coppell, and the City of Lewisville as Defined in City of Irving Council Resolution #10-06-94-486.**

ADMINISTRATIVE COMMENTS:

A contract was approved October 6, 1994 among the City of Irving and the cities of Coppell and Lewisville for participation with Irving in the engineering, construction, and maintenance of Dallas Supply Line #3. Per the agreement, the City of Lewisville agreed to pay 6/91 (6 MGD of 91 MGD) or 6.59% of the costs for the specified sections of the 91 MGD capacity line beginning at Dallas' Elm Fork Water Treatment and continuing to the Sandy Lake Road crossing. This is the destination point for Lewisville's 6 MGD is the South Side Pump Station which has been in service since June 2005. The Dallas Supply Line #3 is completely installed and operational and it is now in order for payment of the final invoice.

RECOMMENDATION:

That the City Council approve an appropriation from Utility Capital Project Available Cash in the amount of \$323,924; approval of payment in the amount of \$323,924.08 to the City of Irving for Lewisville's share of the Dallas Supply Line #3 and Elm Fork Meter Vault per the agreement among the City of Irving, City of Coppell, and the City of Lewisville as defined in City of Irving Council Resolution #10-06-94-486.

F. REGULAR HEARINGS:

- 10. Consideration of a Request by Weber/Inland American Lewisville TC L.P., for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three-Party Escrow Agreements for Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements.**

ADMINISTRATIVE COMMENTS:

A previous set of agreements was approved and executed in April of this year for the initial construction of Lewisville Towne Crossing Project, a 54.61 acre multi-lot retail center within the Castle Hills Development. The developer, Weber/Inland American Lewisville TC L.P., has requested a new variance to allow building permits and to begin simultaneous construction of the additional public and private on-site improvements including building construction not covered in the previously approved agreements. The General Development Ordinance allows a developer to enter into a 3-party escrow agreement among the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. In this case, two separate agreements are required, one for the City improvements and one for the Fresh Water District improvements. The requested variance allows the use of both 3-party agreements to facilitate simultaneous construction of public, offsite improvements and private on-site improvements.

RECOMMENDATION:

That the City Council approve the variance request and the Three-Party Escrow Agreement for the City of Lewisville improvements (Agreement A); and authorize the City Manager to execute Agreement A and stipulate that all City of Lewisville improvements be completed and accepted by the City prior to issuance of any certificate of occupancy by the Denton County Fresh Water District.

- 11. Consideration of a Request For a Variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a Proposed Storage Building Located at 897 Treatment Plant Road.**

ADMINISTRATIVE COMMENTS:

Staff is proposing a new two hundred forty square foot (240 sq.ft.) storage building to be located at the City's Wastewater Treatment Plant. The proposed storage building will be constructed of metal with a "spray on" finish thus giving a masonry finish consistent with the adjacent administrative building. The building will have minimal visibility to the future Valley Ridge Boulevard.

RECOMMENDATION:

That the City Council approve the request for a variance to the Lewisville City Code, Section 6-181 Exterior Finish Requirements, for a proposed storage building located at 897 Treatment Plant Road.

PRESENTATION: Carole Bassinger, Public Services Director

- 12. Consideration of a Bid Award for Median Improvements to Legends Landscapes, LLC, Plano, Texas, in the Amount of \$776,620; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of seventeen (17) bid invitations were issued, including five (5) downloaded from DemandStar.com. Five (5) bids were received and opened September 18, 2008. This project consists of median improvements to MacArthur Boulevard, College Boulevard and Valley Parkway Boulevard. Funding is available in the Corridor Aesthetic Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for median improvements to Legends Landscapes, LLC, Plano, Texas, in the amount of \$776,620; and authorize the City Manager to execute the contract.

- 13. Consideration of a Resolution Finding That Oncor Electric Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; 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:

Oncor Electric Delivery Company ("Oncor") filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. (Until last year, Oncor was known as TXU Electric Delivery Company.) Oncor asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Based upon the analysis of Oncor's filing and review of discovery responses, the Steering Committee's consultants have determined that Oncor's increase cannot be substantiated by the evidence. The resolution denies Oncor's requested rate increase and requires that Oncor's current rates be maintained for all customers within the City, which amounts to approximately 500 customers.

RECOMMENDATION:

That the City Council approve the resolution.

- 14. Consideration of an Ordinance Creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, Pursuant to Chapter 311 of the Texas Tax Code, Being Approximately 427 Acres, Located at the Northeast Corner of SH 121 and Interstate Highway 35E, Creating a Board of Directors for Such Zone.**

ADMINISTRATIVE COMMENTS:

Prior to creation of a Tax Increment Reinvestment Zone (TIRZ), Chapter 311 of the Texas Tax Code requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the zone. A public hearing to receive input was held on October 6, 2008. No comments from the public were received at the hearing. The City of Lewisville TIRZ #2 is proposed to help pay for infrastructure costs to facilitate a mixed use project known as Hebron/121 Station. The project is comprised of approximately 1,750 multi-family units, 736,000 sq.ft of mixed use commercial development and 149 acres of parkland/open space area. The developer is requesting that the City and Denton County participate in the district at 80% of the property tax on the new increment. The developer is proposing to front the majority of the costs to build the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

RECOMMENDATION:

That the City Council consider the information presented and approve the ordinance creating Tax Increment Reinvestment Zone, Number 2.

PRESENTATION: Nika Reinecke, Economic Development Director

15. Consideration of the “Lewisville Truck Prohibition Study” From Kimley-Horn & Associates.

ADMINISTRATIVE COMMENTS:

On February 18, 2008 Kimley-Horn and Associates Inc. was commissioned to perform a study of various city streets for the consideration of prohibiting through truck use of certain roadways within the City. The results of the study were presented by Kimley-Horn's representative Wayne Kurfees at the City Council workshop on September 20, 2008. The report supports the prohibition of through truck use of all but one of the candidate roadways. Direction is requested on which, if any, roadways to proceed forward on, to prohibit through truck traffic. A subsequent ordinance will need to be prepared.

RECOMMENDATION:

That the City Council consider the “Lewisville Truck Prohibition Study” from Kimley-Horn & Associates and provide direction to staff as to any action to be taken toward the prohibition of through truck traffic on City streets.

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

- 16. Consideration of Declaring a Vacancy in Place No. 4 on the Park Board; and Consideration of an Appointment to Fill the Vacancy on the Park Board.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Council’s attendance policy, Tippi Sorensen has missed three consecutive meetings (during the months of July, August and September) of the Park Board and is automatically removed from membership on this committee. Ms. Sorensen has been contacted by City staff regarding the attendance policy and she is aware that pursuant to this policy she has been automatically removed from this committee. Ms. Sorensen has contacted Mayor Carey and advised that she missed the meetings due to business related issues and has respectfully requested that she be reappointed to the Park Board. Data sheets for residents interested in this committee have been included in the City Council’s backup material.

RECOMMENDATION:

That the City Council declare a vacancy in Place No. 4 on the Park Board; and consider an appointment to fill the vacancy on the Park Board.

- 17. Consideration of a Resolution Authorizing the Cities Aggregation Power Project, Inc. (CAPP) to Negotiate an Electric Supply Agreement for Deliveries of Electricity and Necessary, Related Services Effective January 1, 2009; Approving CAPP Contracting with FPL Energy and Direct Energy and Authorizing the City Manager or His Designee to Sign a Contract with CAPP for the City’s Electricity Needs for the Period Beginning January 1, 2009 and Extending Up to December 31, 2013; Committing to Budget for Energy Purchases and to Honor the City’s Commitments to Purchase Power Through CAPP for its Electrical Needs for the Period Beginning January 1, 2009, and Extending Up to December 31, 2013.**

ADMINISTRATIVE COMMENTS:

The City is a member of CAPP. CAPP's current electric contract will expire on December 31, 2008. The CAPP Board has approved indicative electric pricing available through FPL Energy and Direct Energy Business Services (DEBS) for all CAPP members for a five (5) year term beginning January 1, 2009 through December 31, 2013. CAPP is seeking to lock in energy prices for five years that are below electric prices CAPP members are currently paying.

RECOMMENDATION:

That the City Council approve the resolution.

- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): CAPP Long Term Contract.
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.074 (Personnel): Chief Municipal Court Judge Brian Holman
 4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- H. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- I. **ADJOURNMENT:**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).