

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JANUARY 5, 2009**

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

**WORKSHOP SESSION - 6:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:30 P.M.**

- A. 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 Durham
- C. **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.
- D. **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 December 15, 2008, Workshop Session and Regular Session.

- 2. Approval of Change Order No. 1 to the Waterline Replacements 2006 Phase 2 Project to Construct Water Line Improvements in the Amount of \$160,255; and Authorization for the City Manager to Execute the Change Order.**

**ADMINISTRATIVE COMMENTS:**

On July 21, 2008, the City Council awarded a contract to RKM Utilities Services Inc., Waterline Replacements 2006 Phase 2 project. Staff has negotiated with RKM Utility Services, Inc., for Change Order No. 1 in the amount of \$160,255.00 to perform water line replacements in the Bellaire Heights Subdivision. Funding for Change Order No. 1 is available in the Water Line Replacements 2008 capital project.

**RECOMMENDATION:**

That the City Council approve Change Order No. 1 to the Waterline Replacements 2006 Phase 2 project to construct water line improvements in the amount of \$160,255; and authorize the City Manager to execute the change order.

- 3. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$90,600 for Services Relating to the Purnell Street Paving and Drainage Improvements Project (Old Town Phase III Drainage Improvements); Approval of a Total Project Design Amount of \$93,400, Which Includes \$2,800 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

This project consists of upgrading the storm system in Purnell Street to accommodate future flows from the expansion of the Lewisville Medical Center. The drainage improvements and sanitary sewer improvements will be constructed prior to the paving improvements. Staff has negotiated a Professional Services Agreement with Halff Associates. Funding is available in the Purnell Street Capital Project.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$90,600; approve a total project design amount of \$93,400, which includes \$2,800 for contingencies; and authorize the City Manager to execute the agreement.

- 4. Approval of the Fiscal Year 2008-2009 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or his Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides emergency ambulance service to Denton County through an annual interlocal cooperation agreement. By providing ambulance service to designated unincorporated areas of Denton County, projected revenue for the City is \$59,291.66, which includes \$58,995.13 in fixed fees and \$296.53 for one estimated ambulance transport for the year. The term of agreement is for the period of October 1, 2008 through September 30, 2009.

**RECOMMENDATION:**

That the City Council approve the FY 2008-2009 Ambulance Service Interlocal Cooperation Agreement between Denton County and the City of Lewisville; and authorize the City Manager or his designee to execute the agreement.

- 5. Approval of the Fiscal Year 2008-2009 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or his Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$400 per fire call. The term of agreement is for the period of October 1, 2008 through September 30, 2009.

**RECOMMENDATION:**

That the City Council approve the FY 08-09 Fire Protection Services Interlocal Cooperation Agreement between Denton County and the City of Lewisville; and authorize the City Manager or his designee to execute the agreement.

- 6. Approval of Final Acceptance of the Timber Creek Hike & Bike Trail; and Authorization to Make Final Payment to Northstar Construction Inc., in the Amount of \$68,151.96**

**ADMINISTRATIVE COMMENTS:**

On December 3, 2007, City Council awarded a contract to Northstar Construction Inc., in the amount of \$1,387,925 for the construction of the Timber Creek Hike & Bike Trail from Central Park to Memorial Park. Work began on this project February 4, 2008 and it was substantially completed and open to the public October 23, 2008. Field changes resulted in a net decrease of \$24,885.80 for a completed total of \$1,363,039.20. All work has been completed and the warranty period will be for two years from the date of final Acceptance by the City Council.

**RECOMMENDATION:**

That the City Council accept the Timber Creek Hike & Bike Trail Project; and authorize final payment to Northstar Construction Inc., in the amount of \$68,151.96

**E. REGULAR HEARINGS:**

- 7. Consideration of a Request for Two Variances to the Lewisville City Code-Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for the UNICLA Addition Lot 1, Block B, Located at the Southeast Corner of Moccasin Trail and Archer Way, North of FM 407 as Requested by Mark Southerland Representing the Owners of Proposed Lots 2 and 3, Block B.**

**ADMINISTRATIVE COMMENTS:**

Daimler Realty, LLC, the developer has submitted an engineering site plan for a proposed import auto repair business on Lot 1, Block B of the UNICLA Addition including construction plans for a private detention pond on the adjacent property, proposed lots 2 and 3, block B of the UNICLA Addition. The zoning for the property is Light Industrial (LI). The owners of proposed Lots 2 and 3, Block B (sellers of Lot 1, Block B) have applied for two variances; a) to allow construction of the private detention pond required for Lot 1, Block B to be constructed offsite on proposed Lots 2 and 3, Block B without final platting and site planning the lots and b) Grading to include tree removal on proposed Lots 2 and 3, Block B prior to platting and site planning the property.

**RECOMMENDATION:**

That the City Council approve the requested variances.

**PRESENTATION:** David Salmon, P.E., Assistant City Engineer

- 8. Consideration of Naming the Children's Area of the Library to "Cynthia Bennett Children's Wing."**

**ADMINISTRATIVE COMMENTS:**

The Library Board is recommending that the City Council consider naming the children's area of the Library in honor of Cindy Bennett, former Library Director and Library Manager. PALS staff concurs with the recommendation.

**RECOMMENDATION:**

That the City Council name the Children's area of the Library the "Cynthia Bennett Children's Wing."

9. **Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104(a) Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Purnell Street.**

**ADMINISTRATIVE COMMENTS:**

At the December 1, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the third and final reading. This ordinance will become effective January 19, 2009.

**RECOMMENDATION:**

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

10. **Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3, Animals, Regarding Definitions, Prohibited Sales, Animal as Prizes, Promotions and Novelties, Transportation of an Animal in an Open Bed of a Vehicle, and Unlawful Restraint of Dogs.**

**ADMINISTRATIVE COMMENTS:**

At the December 15, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

**RECOMMENDATION:**

That the City Attorney provide the second reading of the ordinance.

11. **Discussion and Consideration of Appointment to the Tax Increment Reinvestment Zone, Number One, Board of Directors.**

**ADMINISTRATIVE COMMENTS:**

The term for Place No. 4 on the Tax Increment Reinvestment Zone, Number One, Board of Directors has expired. Staff has contacted Kellie Stokes who currently occupies this position. Ms. Stokes has indicated an interest in continuing to serve on this board. A roster of the board members has been prepared for City Council review.

**RECOMMENDATION:**

That the City Council consider the appointment to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

- 12. Consideration of a Resolution Supporting the Regional Transportation Council's Legislative Program for the 81st Texas Legislature.**

**ADMINISTRATIVE COMMENTS:**

The 81st Texas Legislature begins on January 13, 2009. This session is expected to focus heavily on transportation issues. The Regional Transportation Council (RTC) has requested that the City of Lewisville pass a resolution in support of their legislative agenda. Following several months of discussion and consultation with their partner entities, the RTC passed a legislative program containing three high-priority positions: to approve Rail North Texas; to expedite backlogged roadway projects; and to capitalize the Rail Relocation Improvement Fund.

**RECOMMENDATION:**

That the City Council consider the resolution.

- 13. Consideration of Approval of a Resolution of the City Council of the City of Lewisville, Texas, Suspending the Effective Date of CoServ Gas Ltd.'s Requested Rate Changes to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Other Cities Within the CoServ System to Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation; Requiring Reimbursement of Cities' Rate Case Expenses; Authorizing Intervention in the Proceeding at the Railroad Commission; and Requiring Notice of this Resolution to the Company.**

**ADMINISTRATIVE COMMENTS:**

On December 18, 2008, CoServ Gas Ltd. ("CoServ" or "Company") filed with the City a Statement of Intent to Increase Rates. CoServ asks the City to approve rate changes expected to increase Company revenues by \$2.9 million, an overall total revenue increase of approximately five percent (5%). The law provides that a rate request made by a natural gas utility cannot become effective until 35 days following the filing of the application to change rates. The law permits the City to suspend the effective date for 90 days. The resolution suspends the January 23, 2009 effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with the law, and if lawful, to determine what further strategy, including settlement or litigation, to pursue. Currently, there are 379 customers within the city.

**RECOMMENDATION:**

That the City Council approve the resolution.

- F. **REPORT:** Fourth Quarter 2008 Attendance Report for Boards/Commissions/Committees
- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
  - 1. Section 551.072 (Real Estate): Property Acquisition
  - 2. 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**

<p>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 <u>Texas Government Code</u> 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).</p>
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