

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
FEBRUARY 16, 2009**

**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. Retreat Recap/Direction
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of February 24 – March 1, 2009, as “Severe Weather Awareness Week”; and
 - 2. Proclaiming Special Recognition and Present Bailey Allen With “Honorary Firefighter” for her Bravery and Ability to Act in the Proper Manner During an Emergency.
- 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 Administrative Policy 2.7.1, Volunteers.

ADMINISTRATIVE COMMENTS:

This new policy outlines the procedures for the use of volunteer workers with the City of Lewisville to ensure a safe environment for all employees and citizens at all times while at work and while attending Lewisville events.

RECOMMENDATION:

That the City Council approve Administrative Policy 2.7.1 Volunteers.

2. Approval of a Bid Award for Painting of City-Owned Pools to Sunbelt Pools, Inc., Dallas, Texas in the Amount of \$83,972; and Authorization for the City Manager to Execute the Contract.

ADMINISTRATIVE COMMENTS:

A total of thirty-six (36) bid invitations were downloaded from BidSync.com. Four (4) bids were received and opened January 6, 2009. This project consists of painting the Sun Valley Competition Pool, Sun Valley Leisure Pool, Sun Valley Tot Pool, and Old Town Leisure Pool. Funding is available in the Parks and Leisure Services FY 2008-2009 4B Budget.

RECOMMENDATION:

That the City Council approve a bid award for painting of City-owned pools to Sunbelt Pools, Inc., Dallas, Texas, in the amount of \$83,972; and authorize the City Manager to execute the contract.

3. Approval of Final Acceptance of CDBG Concrete Curb & Gutter Rehab 2008; and Authorization to Make Final Payment in the Amount of \$5,960.21 to Ken-Do Contracting.

ADMINISTRATIVE COMMENTS:

On September 15, 2008, City Council awarded a contract to Ken-Do Contracting in the amount of \$125,311 for the CDBG Projects - 2008 CDBG Concrete Curb & Gutter Rehab project. A change order increase in the amount of \$11,221.07 for non CDBG work on Cherry Lane increased the contract total to \$136,532.07. Field changes during the project resulted in a net reduction of \$17,327.84, for a completed total of \$119,204.23. This project completed curb and sidewalk repairs to Perry Street, Hatcher Avenue, Hickory Street, Elm Street, and Cherry Lane.

RECOMMENDATION:

That the City Council accept the CDBG Projects – 2008 CDBG Concrete Curb & Gutter Rehab project and authorize final payment to Ken-Do Contracting in the amount of \$5,960.21.

- 4. Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to W.R. Hodgson Company, L.P. in the Amount of \$15,198.42.**

ADMINISTRATIVE COMMENTS:

On November 5, 2007, the City Council awarded a contract to W.R. Hodgson Company, L.P. for the construction of the Elm Fork Sanitary Sewer Phase IA project in the amount of \$320,056. The City Council approved one change order in the amount of \$59,162.05. The total revised construction cost is in the amount of \$367,025.45, resulting in a savings of \$12,192.60. The original contract time was revised from 90 days to 120 calendar days. The work was completed in accordance with the contract documents. The work was not substantially completed within the specified time in accordance with the contract documents and therefore, liquidated damages of \$6,000 were assessed. Funding is available in the Elm Fork Sanitary Sewer Capital Projects accounts.

RECOMMENDATION:

That the City Council accept the Elm Fork Sanitary Sewer Phase IA project and authorize final payment to W.R. Hodgson Company, L.P. in the amount of \$15,198.42.

- 5. Approval of Realignment of the Railroad Park Soccer Fields.**

ADMINISTRATIVE COMMENTS:

Railroad Park was designed with ten soccer fields. To better accommodate the needs of the Greater Lewisville Area Soccer Association and make the park more marketable for tournaments, the soccer complex should be realigned into eight fields. Doing so would result in a construction cost reduction of approximately \$11,500.

RECOMMENDATION:

That the City Council authorize the realignment of the soccer fields at Railroad Park.

- 6. Approval of a Resolution for an Interlocal Agreement Between the City of Lewisville and the City of Highland Village for Traffic Signal Maintenance; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In 1997 the City Council approved a resolution authorizing the City of Lewisville to enter into an Interlocal Agreement with the City of Highland Village to provide traffic signal maintenance at the intersection of Highland Village Road and Brazos Boulevard. That agreement has expired and approval of a new agreement is required to continue maintenance of the traffic signal. On January 13, 2009, the Highland Village City Council approved the proposed new Interlocal Agreement. This agreement will automatically renew each year for five consecutive years, and will expire in December 2013.

RECOMMENDATION:

That the City Council approve the resolution for an Interlocal Agreement between the City of Lewisville and the City of Highland Village for traffic signal maintenance; and authorize the City Manager to execute the agreement.

- 7. Approval of Resolutions Amending the Authorized Representatives Used to Access the City's Accounts with Texpool and Amending the Health Trust Agreements Designating Officers by Position as Opposed to by Name of Individual.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville utilizes Texpool, an investment service for public funds, for investment and liquidity purposes. With her appointment as the new Director of Finance, the city is adding Brenda Martin as an authorized representative to conduct business on behalf of the city. This is required in the form of a resolution which lists all authorized representatives. Therefore, this same resolution serves to remove the past director, Lauren Crowley. Similarly, the Health Trust has previously designated officers of the trust by listing the names of the individuals in the positions of Director of Finance, Director of Human Resources and the Assistant City Manager of Administrative Services. This resolution removes the individual names and replaces it with the positions.

RECOMMENDATION:

That the City Council approve the resolutions amending the authorized representatives between the City and Texpool and amending the designation of Health Trust Officers to those in the listed positions.

- 8. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Victim Assistance Officer; and Authorization for the City Manager or his Designee to Execute the Grant Application.**

ADMINISTRATIVE COMMENTS:

This grant position will be assigned to the Criminal Investigation Division specializing in coordinating and managing services for victims of crimes. This grant will fund the position from September 1, 2009 to August 31, 2010. The City's match is 21% (cash match of \$19,144 and an in-kind match of \$1,215). The Texas Criminal Justice Division will pay for 79% (\$78,468) of the program cost. Part of the match will be appropriated within FY 2008/2009 funds. The balance will be requested in the FY 2009/2010 proposed budget.

RECOMMENDATION:

That the City Council approve the proposed resolution; and authorize the City Manager or his designee to execute the grant application.

- 9. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager or his Designee to Execute the Grant Application.**

ADMINISTRATIVE COMMENTS:

The grant position is assigned to the Criminal Investigation Division specializing in investigation, prevention, and education regarding domestic violence crimes. This application is to fund the position from September 1, 2009 to August 31, 2010. The Texas Criminal Justice Division's estimated award is \$61,984 (64% of the allowable program costs). The City's match is 36% (\$35,064). Part of the match has been appropriated within FY 2008/2009 funds. The balance will be requested in the FY 2009/2010 proposed budget.

RECOMMENDATION:

That the City Council approve the proposed resolution; and authorize the City Manager or his designee to execute the grant application.

- 10. Approval of a Resolution Authorizing a Joint Agreement Between the City of Lewisville and the Lewisville Independent School District for a Joint Election Process for the May 9, 2009, General Election; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The annual joint election agreement has been prepared which will authorize a joint election process between the City of Lewisville and the Lewisville Independent School District. The agreement will allow the City to conduct the early voting and election day voting process for the school district, with costs of the joint election to be shared equally. The City will utilize the same polling locations, Lewisville City Hall, Lewisville Municipal Annex, and the Memorial Park Recreation Center.

RECOMMENDATION:

That the City Council approve the proposed resolution; and authorize the City Manager to execute the agreement.

- 11. Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the May 9, 2009, General Election; and Authorization for the Mayor to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for rental of the voting machines and equipment, with the estimated associated costs of \$9,673.40. Funding for the rental expenses is available in the election accounts and through the Joint Election Agreement with the Lewisville Independent School District.

RECOMMENDATION:

That the City Council approve the proposed resolution; and authorize the Mayor to execute the agreement.

- 12. Approval of a Resolution Appointing the Election Officials for the May 9, 2009, City of Lewisville City Council Election, Setting the Rate of Pay, and Establishing the Maximum Number of Clerks for Polling Places.**

ADMINISTRATIVE COMMENTS:

The proposed resolution outlines the election judges for the May 9, 2009, election for the Memorial Park Recreation Center, the Lewisville Municipal Annex, and the Lewisville City Hall and identifies their alternate judges. It also identifies the judge of the Early Voting Ballot Board. The salary for the judges will be \$9 per hour and \$8 per hour for the clerks, as allowed by the Election Code, with an additional \$25 to each election judge for delivery of supplies to the Denton County Elections Administrator's Office. The maximum number of clerks allowed will be three per polling location.

RECOMMENDATION:

That the City Council approve the proposed resolution.

- 13. Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$232,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of a Supplemental Appropriation From General Fund Reserves in the Amount of \$199,300; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The Old Town TIF Board also directed staff to look at developing a Transit Oriented Development Plan (TOD) for future developments around the new rail station and the Mill Street Corridor. A comprehensive scope of services is proposed to create a cohesive urban design plan for the larger downtown area and engage all stakeholders in the process. Funding related to the plaza portion of this project (\$32,700) is available in the Old Town Plaza Capital Improvements Project. This item was tabled at the last meeting so that staff could work with the consultant to reduce the contract amount by 10%. The contract has been reduced by \$26,000 without changing the contract terms or services.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$232,000; approval of a supplemental appropriation from the General Fund in the amount of \$199,300; and authorize the City Manager to execute the contract.

- 14. Tabled Item: Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The proposed design process is to engage the stakeholders including residents, business owners, council, boards, staff, TXDOT, other applicable agencies throughout the process so that consensus is reached and issues are resolved prior to construction. Funding is available in the Old Town Plaza Capital Improvements Project. This item was tabled at the last meeting so that staff could work with the consultant to reduce the contract amount by 10%. The contract amount was not able to be reduced.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$138,500; and authorize the City Manager to execute the contract.

- 15. Approval of a Contract With Promoter Line, Inc., in the Amount of \$100,000 to Provide Logistical and Production Support Services Related to the 2009 and 2010 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

In February 2007, City Council approved a contract with Promoter Line, Inc., to provide logistical and production support services related to the Western Day and Holiday at the Hall festivals. City staff was pleased with the work performed and has negotiated a new two-year agreement with Promoter Line at a total cost of \$100,000. Funding is available in the existing event budgets in the Hotel-Motel Fund.

RECOMMENDATION:

That the City Council approve a contract with Promoter Line Inc., in the amount of \$100,000 to provide logistical and production support services related to the 2009 and 2010 Western Day and Holiday at the Hall festivals; and authorize the City Manager, or his designee, to execute the contract.

- 16. Approval of a Consignment Agreement With Sculptureworks, Inc., of Hurst, Texas, Regarding the Placement of a Bronze Sculpture at City Hall.**

ADMINISTRATIVE COMMENTS:

Sculptureworks, Inc. has an agreement with the Adam's Mark Hotel (Sheraton) to sell the bronze art work known as "Slicker Shy," an eighteen foot casting of a bucking horse and rider. The consignment agreement allows Sculptureworks, Inc. to display the artwork on City property and assume all liabilities, including damage to the artwork. Sculptureworks, Inc. will also be responsible for the installation, placement and maintenance of the structure during the consignment period. The value of the piece is estimated at \$450,000. Sculptureworks, Inc. has several smaller art exhibits on consignment in the Lewisville library.

RECOMMENDATION:

That the City Council approve the consignment agreement.

F. REGULAR HEARINGS:

- 17. Consideration of a Request for Five Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for the New Delay Middle School (Formerly Milliken), Located on the West Side of Savage Drive, North of Lake Park Road as Requested by G&A Consultants Representing Lewisville Independent School District.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) intends to renovate, construct an addition, build a detached weight room building, and re-open the former Milliken Middle School replacing Delay Middle School. A new engineering site plan is required to construct the additions and add pavement so the entire site will be required to comply with the current General Development Ordinance. LISD intends to comply with the GDO with the exception of five variances: 1) to allow a 6' wood screening fence with metal posts in lieu of the required screening fence along the north property line; 2) to waive the required street and parking lot trees; 3) to waive the additional required parking spaces for the site; 4) to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane; and, 5) to waive the required deceleration lanes at the driveways to the site. The zoning for the property is Public Use (PU).

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Von Beougher, P.E., G & A Consultants, Inc.

- 18. Consideration of a Request for Two Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for National Switchgear Systems, Located on the North Side of Franklin Street, East of I-35 as Requested by Steve Homeyer, P.E. Representing the Property Owners.**

ADMINISTRATIVE COMMENTS:

The subject 5.4-acre property contains a 35,725 square foot warehouse and a separate office building. The owners intend to subdivide their property into two lots and construct an additional 23,360 square foot office/warehouse building on Lot 2, Block A. In order to do so, they propose to add additional parking and fire lanes, upgrade the public water system and fire protection to the site, and make drainage improvements, some of which will overlap onto Lot 1R. The owners have applied for two variances in conjunction with their site plan: a) to waive the site plan requirement for Lot 1R, Block A; and b) to provide a reduced number of parking spaces on Lot 2, the site of the new building. The property is zoned Light Industrial (LI).

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Steve Homeyer, P.E., Homeyer Engineering, Inc.

- 19. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on College Street From the Northbound Frontage Road of Interstate Highway 35E to Mill Street Within the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

Staff performed a speed survey on the section of College Street that connects between Interstate Highway 35E and Mill Street to determine the 85th percentile speed. The results indicated that 85 percent of the vehicles using this roadway travel 32 miles per hour or less. Considering the residential nature of the roadway and in accordance with standard engineering practices, staff is recommending reducing the posted speed limit, which is 35 miles per hour, to a new revised 30 miles per hour. The Transportation Board considered this item during the January 20, 2009 meeting and voted 6-0 to recommend changing the speed limit to 30 miles per hour.

RECOMMENDATION:

That the City Council adopt the ordinance amending the maximum speed limit on College Street from the northbound frontage road of Interstate Highway 35E to Mill Street to 30 miles per hour.

PRESENTATION: T. S. Kumar, City Engineer

- 20. Consideration of a Resolution Ordering a Special Election to be Held in Conjunction With the May 9, 2009, Lewisville City Council Election for the Purpose of Electing One (1) Member to the City Council to Fill the Unexpired Term of Councilman – Place No. 4, Designating Locations of the Polling Places, and Ordering Notices of Election to be Given as Prescribed by Law in Connection With Such Election.**

ADMINISTRATIVE COMMENTS:

On January 26, 2009, the City Council called an election for the Mayor's position and Place No. 2. Councilman Dean Ueckert submitted an Application to run for the Mayor position on February 7, 2009. Per Election law, by submitting this application, Councilman Ueckert has automatically resigned from Place No. 4. Pursuant to Article XI, Section 11 of the Texas Constitution, a vacancy for a City with three year terms must be filled with a special election and such election must be held within 120 days after such vacancy occurs. Therefore, the special election can be held in conjunction with the May 9, 2009, City Council Election. All of the aspects of the special election will be the same as the general election except for the filing period. The filing period will be February 17 through March 3, 2009. Councilman Ueckert will continue to serve in Place 4 until the election results are canvassed and his successor is sworn into office pursuant to Article 16, Section 17, of the Texas Constitution.

RECOMMENDATION:

That the City Council approve the proposed resolution calling the special election to be held in conjunction with the May 9, 2009, City Council Election and designate the City's polling places and ordering notices of election to be given.

- 21. Consideration of a Conditional Waiver of any Conflict of Interest Regarding the Lloyd Gosselink Law Firm's Potential Representation of the City of Farmers Branch for a Permit Amendment to Expand the Camelot Landfill.**

ADMINISTRATIVE COMMENTS:

The Lloyd Gosselink law firm (Geoffrey Gay, partner) has represented the City of Lewisville for many years on utility rate issues before various administrative agencies in Austin. The City of Farmers Branch has requested that the law firm represent them in a permit application to expand the Camelot Landfill. The firm has requested a waiver of any conflict of interest, with the specific condition that the firm would not represent Farmers Branch in any dispute with Lewisville regarding any aspect of the landfill expansion. City staff does not object to the conditional waiver of conflict of interest.

RECOMMENDATION:

That the City Council approve the conditional waiver of conflict of interest; and authorize the City Attorney to sign the letter agreement relating thereto.

G. REPORTS:

1. Appointment of Finance Director
2. Appointment of Fire Marshal

H. 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

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

J. 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).