

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 18, 2009**

**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. Review of Corporate Identification Manual by Staff.
- 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:** Mayor Carey
- C. **PRESENTATION:**
 - 1. Recognition of the 2009 Senior Teen Court Volunteers
- D. **Consideration of Items Relating to the May 9, 2009, City of Lewisville General Election:**
 - a. Canvass of the Election Returns for the City Council General Election.
 - b. Consideration of a Resolution Declaring the Results of the City Council Election.

- c. **Presentation of Certificates of Election by Mayor and Ceremonial Administration of Oath of Office to Re-Elected and Newly Elected Council Members.**

- E. **Farewell Address by Mayor Gene Carey**

- F. **PUBLIC HEARING: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Public Use (PU) on a 4.91 Acre Tract, Located on the South Side of Midway Road, Approximately 600 Feet West of FM 544; Further Identified as the Midway Pump Station Addition, Lot 1, Block A; as Requested by the City of Lewisville, the Property Owner (Case No. PZ20090506).**

ADMINISTRATIVE COMMENTS:

Although public governmental agency uses are permitted in all zoning districts, the Public Use zoning district better reflects the actual proposed use for this site. This site will provide a new pump station and above ground water storage tank site in Lewisville. The proposed site will include a dual-header design to serve the 692.5 and 735 water pressure planes (Central/South and East Lewisville). The facility will be built in two phases. The Phase I station will have five pumps and a 3MG ground storage tank. At such time that additional storage is needed, there is room for an additional 3MG storage tank to be placed on-site. Phase I is expected to go on-line by 2011. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their May 5, 2009 meeting.

RECOMMENDATION:

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 Agricultural Open Space (AO) to Public Use (PU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager

- G. **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.

- H. **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:

- a. **City Council Minutes of the May 4, 2009, Workshop Session and Regular Session; and**
- b. **City Council Minutes of the May 11, 2009, Called Special Session.**

2. Approval of Administrative Policy 3.1.14, Identity Theft Prevention Program.

ADMINISTRATIVE COMMENTS:

This new policy establishes an Identity Theft Prevention Program (“Program”) pursuant to and in compliance with a recent amendment to the Fair and Accurate Credit Transactions Act of 2003. The Program consists of procedures designed to identify, detect and respond appropriately to patterns, practices or specific activities – known as red flags – that indicate the possible existence of identity theft.

RECOMMENDATION:

That the City Council approve Administrative Policy 3.1.14, Identity Theft Prevention Program.

3. Approval of Revisions to Administrative Policy 2.2.3 Drug and Alcohol Free Workplace.

ADMINISTRATIVE COMMENTS:

The Human Resources Department has updated the Drug and Alcohol Free Workplace to ensure compliance with the Department of Transportation regulations and industry standards for drug testing.

RECOMMENDATION:

That the City Council approve changes to Administrative Policy 2.2.3 Drug and Alcohol Free Workplace.

4. Approval of Revisions to Administrative Policy 3.2.1, Purchasing.

ADMINISTRATIVE COMMENTS:

The Purchasing Policy has been revised from its current version, which was approved in November, 2007. The revisions encompass updates in regards to currently accepted purchasing practices as well as general house-keeping changes.

RECOMMENDATION:

That the City Council approval of revisions to Administrative Policy 3.2.1, Purchasing.

5. Approval of a Revision to Administrative Policy 1.12.0, Use of City Information Outlets, to Include Implementation of a New City Brand and Logo.

ADMINISTRATIVE COMMENTS:

The Lewisville Convention and Visitors Bureau, as part of its Strategic Tourism Plan, worked with a professional design and marketing firm to develop a new branding theme and logo based on the tagline, "Deep Roots. Broad Wings. Bright Future." The branding theme has been successfully implemented by the CVB and now is being proposed for implementation citywide.

RECOMMENDATION:

That the City Council approve a revision to Administrative Policy 1.12.0, Use of City Information Outlets, to include implementation of a new city brand and logo.

6. Approval of a Professional Services Agreement With Allen & Ridinger Consulting, Inc., in the Amount of \$179,000 for Services Relating to the Waterline Replacements 2008 and 2009 Phase 2; Approval of a Total Project Design Amount of \$184,370; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

The Waterline Replacements 2008 & 2009 Phase 2 project consists of reconstruction of water lines in following areas: Lewisville Valley 2 Addition (Glenhill Lane, Cimmaron Strip and Laramie Drive), Meadow Lake Addition (Lark Lane, Swallow Lane and Oriole Drive), Green Valley Addition (Kathy Lane, Diane Circle, Danielle Lane, Alice Lane and Willow Ridge Apartments), Berry Heights Addition (Ferguson Drive) and Mill Street from Valley Ridge Boulevard to Jones Street. Funding is available in the 2008 and 2009 Waterline Replacement Capital Projects.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Allen & Ridinger Consulting, Inc., in the amount of \$179,000; approve a total project design amount of \$184,370, which includes \$5,370 for contingencies; and authorize the City Manager to execute the agreement.

- 7. Approval of a Bid Award for Traffic Signal Improvements 2008 to Roadway Solutions, Inc., in the Amount of \$364,400; Approval of a Total Budget of \$375,332, and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty (20) bid notices were downloaded from Bidysync.com and four (4) bids were received and opened April 23, 2009. This project consists of installing three (3) new traffic signals on Vista Ridge Mall Drive at Denton Tap Road, Rockbrook Drive and Lake Vista Drive. Funding is available in the Traffic Improvements 2009 Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for Traffic Signal Improvements 2008 to Roadway Solutions, Inc., in the amount of \$364,400; approval of a total budget of \$375,332, and authorize the City Manager to execute the contract.

- 8. Recommendation for Award of a Construction Contract to JC Commercial, Inc., in the Amount of \$8,956,135; Approval of a Total Project Budget in the Amount of \$10,052,860; Approval of a Supplemental Appropriation in the Amount of \$1,544,860 and Transfers in the Amount of \$390,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of ninety-five (95) request for proposal notifications were downloaded from Bidsync.com and twenty-one (21) proposals were received April 9, 2009. J. C. Commercial, Inc., is being recommended on the basis of receiving the highest evaluation score. Funding is available in the Arts Center Capital Project.

RECOMMENDATION:

That the City Council award a contract for the construction of the Lewisville Center for the Creative Arts Building to J. C. Commercial, Inc., Lewisville, Texas, in the amount of \$8,956,135, which includes a contingency amount of \$260,858 (3%); authorize a total project budget of \$10,052,860; approve a supplemental appropriation in the total amount of \$1,544,860 and transfers in the amount of \$390,000; and authorize the City Manager to execute the contract.

- 9. Approval of Revisions to the City of Lewisville's Water Conservation and Emergency Water Management Plan.**

ADMINISTRATIVE COMMENTS:

In 2007, the 80th Texas Legislature amended Section 13.146 of the Texas Water Code to require that each retail public utility that provides potable water service to 3,300 or more connections submit a Water Conservation Plan to the Texas Water Development Board (TWDB) and that updates be made to existing Water Conservation Plans to include updated specific, quantified five and ten-year targets for water savings. In compliance with these requirements, updates have been made to the existing Lewisville Water Conservation Plan.

RECOMMENDATION:

That the City Council approve the revisions to the Water Conservation and Emergency Water Management Plan.

- 10. Approval of the FY 2008-2009 Mid-Year Budget Report; Approval of a Supplemental Appropriation in the Amount of \$5,000 to the Fire and Police Training Fund; and Approval of a Supplemental Appropriation in the Amount of \$500,000 to the Health Fund.**

ADMINISTRATIVE COMMENTS:

Staff has completed an analysis of the financial position of all operating funds. Due to recent economic activity which decreased sales tax collections, hotel motel tax receipts, and interest earnings, reductions were made to the General, Hotel Motel, and 4B Fund revenue projections, however, expenditures have also been modified in these funds so that no supplemental appropriations will be required. A supplemental appropriation to the Fire and Police Training Fund is needed due to an increase in training and flashover material expenses. In addition, a supplemental appropriation to the Health Fund is requested based on claim experience so far this fiscal year.

RECOMMENDATION:

That the City Council approve the FY 2008-2009 Mid-Year Budget Status report; and approve the supplemental appropriations.

I. REGULAR HEARINGS:

- 11. Consideration of the Final Plat of Midway Pump Station Addition, a 4.905-Acre Parcel Zoned Public Use (PU) Located on the South Side of Midway Road and Immediately West of Fire Station #6, With a Requested Variance to the Lewisville City Code.**

ADMINISTRATIVE COMMENTS:

The subject City-owned property was recently acquired and is being platted for the purpose of constructing a new pump station as part of an overall project to provide sufficient water capacity for the build out of south and central Lewisville. Midway Road is a substandard 20-24 foot wide asphalt street without curb and gutter. The City is requesting a variance to waive the required street escrow based on street frontage for the subject lot, and due to existing public tax supported authorization to reconstruct Midway Road within the Denton County Transportation Road Improvement (TRIP-08) Bond Program. The Planning and Zoning Commission voted 6-0 to approve the plat and variance at their May 5 meeting.

RECOMMENDATION:

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

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

- 12. Consideration of a Final Plat of the Elta Addition, Lot 1, Block A, a 0.184 Acre Parcel Zoned Light Industrial (LI) Located on the West Side of Red Bud Street, Midway Between SH 121 Business and Purnell Street With a Requested Variance and an Additional Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for an Office/Warehouse Development on the Lot as Requested by Homeyer Engineering Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject property is being platted for the purpose of constructing an office/warehouse structure for a building contractor. Red Bud Street is a substandard 12-15 foot wide asphalt street without curb and gutter adjacent to the proposed lot. In conjunction with the plat, the applicant has applied for a variance to waive the required street escrow based on street frontage for the subject lot. The Planning and Zoning Commission voted 6-0 to approve the final plat and deny the plat related street escrow variance. The applicant has also applied for three additional variances concerning the driveway and landscaping, which are associated with the proposed site plan: 1) to allow a 35-foot wide driveway in lieu of the maximum 30-foot wide driveway; 2) to allow a 24-foot stacking distance measured from the existing edge of Red Bud Street instead of the required 40 feet; 3) to reduce the required 10-foot landscape strip by 5 feet on the north end of the lot and 1.6 feet at the south end of the lot. The zoning for the property is Light Industrial (LI).

RECOMMENDATION:

That the City Council approve the final plat of the Elta addition and deny the four requested variances.

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

- 13. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting an Electric Franchise to Denton County Electric Cooperative, d/b/a CoServ Electric (“CoServ”); and Providing an Effective Date.**

ADMINISTRATIVE COMMENTS:

CoServ Electric's franchise with the City of Lewisville expired on March 1, 2009. It has been the City's practice to extend the term of the prior franchise until a new franchise is prepared and executed. The proposed ordinance provides for the continuation of the terms and conditions of Ordinance No. 1443 pending the execution of a new franchise. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between.

RECOMMENDATION:

That the City Council approve the ordinance and conduct the first reading.

- 14. Consideration of a Waiver of Lake Park Admission Fees for the BoatUS National Collegiate Bass Fishing Championship to be Held May 25-29, 2009.**

ADMINISTRATIVE COMMENTS:

The Collegiate Bass Fishing Championship will be held again in Lewisville on May 28-29, 2009. This event has been held in Lewisville all four years of its existence. Last year's tournament produced more than 400 local hotel room-nights and generated extensive media coverage in outlets nationwide. The 2009 event has registered more than 120 two-person teams representing 63 colleges and universities from 26 states. By policy, participants in a permitted tournament are charged resident rates to enter Lake Park. However, City Council has voted to waive that \$3 fee for large tournaments in the past due to the overall economic and marketing impact of those events.

RECOMMENDATION:

That the City Council approve a waiver of Lake Park admission fees on May 25-29, 2009, for participants and staff of the BoatUS National Collegiate Bass Fishing Championship.

- 15. Consideration of Upcoming Meeting Dates for the City's Budget Process.**

ADMINISTRATIVE COMMENTS:

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 15, with August 17-19 reserved for evening workshops, if necessary.

RECOMMENDATION:

That the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

- 16. Consideration of an Election Calendar and Resolution Calling a Runoff Election to be Held on June 13, 2009, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman - Place No. 4 for a Period of One Year; Designating the City's Polling Places; Designating the Early Voting Clerk and Election Judges; and Authorization for the Mayor to Sign the Election Order.**

ADMINISTRATIVE COMMENTS:

Pursuant to no candidate receiving a majority of the legal votes in the May 9, 2009, Special Election for Councilman – Place No. 4, the City Council will need to call a runoff election to fill this position. The names of the two candidates receiving the highest number of votes at the special election were John Gorena and Thomas (TJ) Gilmore and their names shall be printed on the ballot and submitted to the qualified voters. City staff recommends the City Council call this election for June 13, 2009 as shown on the proposed election calendar. State law requires that canvassing of the election be held between the 3rd and 11th day following an election. City staff recommends conducting the canvassing at a special called meeting on June 18, 2009 at a time to be determined by the City Council. The designated polling places will be the same as the May 9, 2009, General and Special Elections. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings to be held June 1 – 5, 2009 from 8:00 a.m. to 5:00 p.m.; and June 8th and 9th from 7:00 a.m. to 7:00 p.m.

RECOMMENDATION:

That the City Council approve the election calendar, approve the proposed resolution calling the June 13, 2009, Runoff Election and designating the City's polling places, early voting clerk and election judges; determine a time for the canvass on June 18, 2009; and authorize the Mayor to sign the election order.

- 17. Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the June 13, 2009, Runoff Election.**

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 \$7,033.40. Funding for the rental expenses is available in the election account.

RECOMMENDATION:

That the City Council approve the proposed resolution.

- J. **REPORT:** Quarterly Investment Report for Period Ending March 31, 2009.
- K. **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
- L. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- M. **ADJOURNMENT**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2009**

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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).