



A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JULY 6, 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. Discussion Regarding Gateway Signs
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Deputy Mayor Pro Tem Watts
- C. **PROCLAMATION:** Declaring the Month of July, 2009, as "Parks and Recreation Month."
- D. **PRESENTATIONS:**
 - 1. Texas Municipal Library Directors Association 2008 Award Presented to Library Manager Ann Wiegand; and
 - 2. Certificates of Appointment and Oaths-of-Offices to Reappointed and Newly Appointed Members of the City's Boards/Commissions/Committees.



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- E. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.

- F. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of a Strategic Partnership Agreement Between the City of Lewisville and Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H.

ADMINISTRATIVE COMMENTS:

The Strategic Partnership Agreement provides for a limited annexation, by the City, for sales tax purposes, of designated tracts of land including commercially zoned properties as well as all public rights of way in the specified Districts. A map delineating these areas is included for consideration. Public rights-of-way are included in the limited annexation to achieve contiguity between all commercial tracts. The agreement authorizes the imposition of a Sales and Use Tax within the annexed areas. Texas Local Government Code, Section 43.0751, requires the governing bodies of the municipality and the specified Districts, to hold two public hearings regarding the limited annexation. The City will hold the second public hearing at the July 20 meeting and consider the Strategic Partnership Agreement for Council approval. All the Districts have held the required public hearings and approved the agreement.

RECOMMENDATION:

That the City Council conduct the public hearing.

- 2. **Public Hearing:** Consideration of an Ordinance Amending Lewisville City Code, Chapter 17 the Comprehensive Zoning Ordinance, Section 17-20 (a) Medical District Zoning Use Regulations.

ADMINISTRATIVE COMMENTS:

The list of allowable uses in Medical District currently includes, "Nursing Home or convalescent home" as well as "Uses similar to the above mentioned permitted uses". The proposed amendment to the ordinance clarifies that Medical District also allows "Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for Senior Citizens". The Planning and Zoning Commission recommended approval of the zoning ordinance amendment by a vote of 6-0 at their June 16, 2009 meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17 the Comprehensive Zoning Ordinance Section 17-20 (a) Medical District Zoning Use Regulations.

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.

3. APPROVAL OF MINUTES:

- a. **City Council Minutes of the June 15, 2009, Workshop Session and Regular Session.**
- b. **City Council Minutes of the June 18, 2009, Called-Special Session.**

- 4. Approval of Final Acceptance of the Waterline Replacements 2006, Phase 2 Project; and Authorization to Make Final Payment to RKM Utility Services, Inc., in the Amount of \$17,210.04.**

ADMINISTRATIVE COMMENTS:

On July 21, 2008, the City Council awarded a contract to RKM Utility Services, Inc. for the construction of the Waterline Replacements 2006, Phase 2 project in the amount of \$762,112.45. Additionally, the City Council approved one change order on January 5, 2009, in the amount of \$160,255.00, for a revised contract amount of \$922,367.45. The actual construction cost of the project is \$860,502, resulting in a savings of \$61,865.45. The work has been completed in accordance with the contract documents. It is now in order to pay the final payment to the contractor in the amount of \$17,210.04. Funding is available in the Waterline Replacements 2006 Capital Project.

RECOMMENDATION:

That the City Council accept the Waterline Replacements 2006, Phase 2 Project and authorization to make final payment to RKM Utility Services, Inc., in the amount of \$17,210.04.

- 5. Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor); and Austin Asphalt, LP., Irving, Texas (Secondary Vendor).**

ADMINISTRATIVE COMMENTS:

A total of eight (8) bid invitations were downloaded from Bidsync.com. Four (4) bids were received and opened on June 9, 2009. Specifications stated a primary vendor and a secondary vendor would be selected based on the unit price of hot-mix asphalt quoted coupled with the delivery cost of the City to acquire the asphalt. This material is used by the Street Division in making routine street repairs throughout the City. The estimated annual expenditure is \$60,000. Funding is available in the FY 08-09 Public Services General Fund budget.

RECOMMENDATION:

That the City Council approve bid awards for annual requirements contracts for hot-mix asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor); and Austin Asphalt, L.P., Irving, Texas (Secondary Vendor).

- 6. Approval of a Professional Services Agreement for Arts Center Materials Testing Services to GME Consulting Services, Inc., in the Amount of \$63,201; and Authorization for the City Manager, or his Designee, to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

During the City Council meeting of May 18, 2009, the Council approved the construction contract and project budget for the Lewisville Center for the Creative Arts. Materials testing was part of the budget approval and an agreement is now ready to be executed in the amount of \$63,201.

RECOMMENDATION:

That the City Council approve a Professional Services Agreement for Arts Center materials testing services to GME Consulting Services, Inc., in the amount of \$63,201; and authorize the City Manager, or his designee, to execute the agreement.

- 7. Approval of a Professional Services Agreement With PageSoutherlandPage Architects in the Amount of \$163,180 for Architectural Services to Remodel the Police Station; and Authorization for the City Manager, or his Designee, to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City's new jail facility was completed in December 2008. The move to the jail has opened up a realignment of space in the existing facility to improve operational efficiency. During the February 2009 Council Retreat staff was directed to proceed with the design. A proposal was obtained from PageSoutherlandPage to finalize the design development, construction document, bidding, and construction phases of the project in the amount of \$163,180 including reimbursable expenses and furniture inventory documentation services. Funding is available in the Remodel of Police Station Capital Project.

RECOMMENDATION:

That the City Council approve a Professional Services Agreement with PageSoutherlandPage Architects in the amount of \$163,180 for architectural services to remodel the police station; and authorize the City Manager, or his designee, to execute the agreement.

- 8. Approval of a Resolution Approving the Fiscal Year 2010 Financial Plan of the Denco Area 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

At their May 14, 2009 meeting, the Denco Area 9-1-1 District Board of Managers unanimously approved the FY 2010 draft financial plan. Pursuant to Section 772.309 of the Texas Health and Safety Code, Denco Area 9-1-1 is required to provide a draft of its FY 2010 financial plan to all participating jurisdictions soliciting comments. Response is requested prior to the July 9, 2009, District Board of Manager's meeting where they will consider final approval of the 2010 financial plan and consider responses on the draft budget. The plan provides for expanded services at the same rate that Denco has collected from district residents since its inception in 1987.

RECOMMENDATION:

That the City Council approve the resolution of the fiscal year 2010 financial plan of the Denco Area 9-1-1 District.

- 9. Acceptance of a Donation of a Weather Station and Software Valued at \$3,700 From Interspec LLC for the Railroad Park Irrigation System.**

ADMINISTRATIVE COMMENTS:

Interspec LLC is the vendor supplying the irrigation controls for Railroad Park and wishes to donate a weather station and the required software system to the City of Lewisville.

RECOMMENDATION:

That the City Council accept the donation of a weather station and software valued at \$3,700 from Interspec LLC for the Railroad Park irrigation system.

I. REGULAR HEARINGS:

- 10. Consideration of Two Variances to Lewisville City Code for a Commercial Development Located at 169 Lake Park Road; as Requested by Vilbig & Associates Inc., on Behalf of the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject property is zoned Medical District (MD), is platted and currently being used for a nursing and rehabilitation center. The owners are providing a new engineering site plan to facilitate the addition of a new rehabilitation building just west of the existing nursing facility, and additions to the existing nursing facility. The developers are requesting two variances: a) to allow an encroachment into the minimum 50 ft separation between driveways on adjacent properties; and b) to allow the continued use of a wooden fence with metal posts in lieu of the required masonry screening wall.

RECOMMENDATION:

That the City Council approve the two variances to the Lewisville City Code for a commercial development located at 169 Lake Park Road; as requested by Vilbig & Associates Inc., on behalf of the property owner.

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

- 11. Consideration of a Linear Park Option for the Highland Lakes Park Mitigation Related to the Texas Department of Transportation's IH-35E Widening Improvements.**

ADMINISTRATIVE COMMENTS:

At the June 1, 2009 Workshop Session, City Council directed staff to contact six property owners on Spenrock Court and seek input on the Highland Lakes Park Mitigation issues and potential acquisition of their properties. Staff held a meeting on June 10, 2009, at which all owners supported acquisition of their properties by TxDOT. A petition confirming same was received on June 17, 2009.

RECOMMENDATION:

That the City Council approve a linear park option for the Highland Lakes Park mitigation related to the Texas Department of Transportation's IH-35E widening improvements.

- 12. Second and Final Reading: 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. This is the second and final reading of this ordinance.

RECOMMENDATION:

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

13. Consideration of Appointments to the City's 2009/2010 Charter Review Commission.

ADMINISTRATIVE COMMENTS:

Per the requirements of City Charter, the Council should appoint members to the City's Charter Review Commission at the first Council meeting in July. A list of the 2003/2004 Charter Review Commission has been provided to the Council. The Charter Review Commission must be comprised of five citizens.

RECOMMENDATION:

That the City Council review the information and appoint members to the Charter Review Commission.

- J. **REPORT:** Second Quarter 2009 Attendance Report for Boards/Commissions/Committees
- 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



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

- M. **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).