

AGENDA

LEWISVILLE CITY COUNCIL MEETING AUGUST 17, 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. Discussion Regarding Naming Rights Agreement
- B. Discussion and Review of Trails Master Plan
- C. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Goren
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Thornhill
- 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 August 3, 2009, Workshop Session and Regular Session.**
- 2. Approval of Administrative Policy 3.3.1, Investment Policy.**

ADMINISTRATIVE COMMENTS:

The Public Funds Investment Act requires the Investment Policy to be submitted to the governing body on an annual basis. The Investment Committee met and reviewed the Policy; resulting in the following changes: one additional member to the Investment Committee; adjusting the number of members required to constitute a quorum; eliminating bonding provision; and clarifying the depository selection section to include depository institutions outside the City's boundaries.

RECOMMENDATION:

That the City Council approve Administrative Policy 3.3.1, Investment Policy.

- 3. Approval of a Bid Award for an Annual Requirements Contract for Instrumentation Services to Prime Controls, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

A total of fifteen (15) bids were downloaded from Bidsync.com. Three (3) bids were opened on July 21, 2009. Prime Controls submitted the lowest bid. Public Services utilizes this service for scheduled maintenance as well as work involving new control programs and equipment for water and wastewater facilities.

RECOMMENDATION:

That the City Council approve a bid award for an Annual Requirements Contract for Instrumentation Services to Prime Controls, Lewisville, Texas.

- 4. Approval of a Bid Award for the Westwood Estates I Improvements Project to McMahon Contracting, L.P., Irving, Texas, in the Amount of \$4,404,503.20; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-five (25) bid invitations were downloaded from Bidsync.com. Eight (8) bids were received and opened August 6, 2009. McMahon Contracting submitted the lowest bid. The project consists of replacing the existing concrete paving, sanitary sewer, and storm sewer improvements and replacement of sidewalks within the Westwood Estates Subdivision. Funding is available in the Westwood Estates I Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Westwood Estates I Improvements Project to McMahon Contracting, L.P., Irving, Texas, in the amount of \$4,404,503.20; and authorize the City Manager to execute the contract.

- 5. Approval of Acceptance of a \$4,000 Grant From the Texas Comptroller of Public Accounts for the Tobacco Education and Prevention Initiative Program; and Authorization for the City Manager or his Designee to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Comptroller of Public Accounts is awarding the City of Lewisville \$4,000 in grant funds. The grant will enable the City to conduct on-site compliance inspections of tobacco permitted outlets and compliance education to retailers for the purposes of enforcing the Texas Health and Safety Code. The proposed budget for this grant would be included in the FY 2009/2010 proposed grant budget.

RECOMMENDATION:

That the City Council approve the acceptance of the Texas Comptroller of Public Accounts Grant award in the amount of \$4,000; and authorize the City Manager or his designee to execute the grant agreement.

- 6. Approval of Agreement for Auditing Services for the Fiscal Years Ending September 30, 2009 and 2010 in the Amounts of \$83,600 and \$87,205, Respectively, With the Firm of Grant Thornton, With the Optional Provision for Three Additional One-Year Extensions.**

ADMINISTRATIVE COMMENTS:

Proposals were received from eight firms and analyzed by a team consisting of the Audit Committee and the Accounting Manager. Proposals were analyzed on the criteria of qualifications, experience, specific audit approaches and price. Upon results of the analysis and interviews with the two top rated firms, the Committee recommends the firm of Grant Thornton.

RECOMMENDATION:

That the City Council approve the agreement for Auditing Services for the fiscal years ending September 30, 2009 and 2010 in the amounts of \$83,600 and \$87,205, respectively, with the firm of Grant Thornton, with the optional provision for three additional one-year extensions.

- 7. Approval of a Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P., Consulting Engineers, in the Amount of \$398,080 for Design and Construction of the Indian Creek Lift Station and Sanitary Sewer Force Main; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Indian Creek Lift Station and Sanitary Sewer Force Main is a planned capital improvement project programmed to divert the sanitary sewer flow from east Lewisville from entering Castle Hills sanitary sewer system. The project involves construction of a new wastewater lift station and a 24-inch sanitary sewer force main. The lift station will be located on a site near the existing Indian Creek Metering Station on FM 544. Staff has negotiated a Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P. in the amount of \$398,080. The scope of work includes alignment study, design, bid, construction and inspection services.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P., in the amount of \$398,080 for design and construction of the Indian Creek Lift Station and Sanitary Sewer Force Main; and authorize the City Manager to execute the agreement.

- 8. Approval of a Professional Services Agreement With Kimley-Horn and Associates, Inc., in the Amount of \$179,700 for Services Relating to the Vista Ridge Mall Drive Project; Approval of a Total Project Design Amount of \$185,100, Which Includes \$5,400 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Vista Ridge Mall Drive project is a planned 2003 G.O. Bond project, which completes the infill section from SH 121 Business to the High Point Oaks Subdivision. Staff has negotiated a Professional Services Agreement with Kimley-Horn and Associates, Inc., in the amount of \$179,700 to include surveying, geotechnical investigation, and design services. A total project design amount of \$185,100 is requested, which includes \$5,400 for contingencies.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Kimley-Horn and Associates, Inc., in the amount of \$179,700; approve a total project design amount of \$185,100, which includes \$5,400 for contingencies; and authorize the City Manager to execute the agreement.

- 9. Approval of a Resolution of the City Council of the City of Lewisville, Texas, Amending the Authorized Representatives Used to Access the City's Accounts With Texpool.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville, Texas utilizes Texpool, an investment service for public funds, for investment and liquidity purposes. The City is adding Brian Hogan, Accounting Manager, 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.

RECOMMENDATION:

That the City Council approve the resolutions amending the authorized representatives between the City and Texpool.

- 10. Tabled Item: Approval of a Resolution Approving an Interlocal Cooperation Agreement Between TxDOT and Five Cities to Obtain Reimbursement for the Operation and Maintenance of Traffic Signals.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the August 3, 2009 City Council meeting because staff received a new agreement from TxDOT on Monday afternoon August 3, 2009, and there was no time for staff to review the agreement before the City Council meeting. The revised agreement is a replacement and requires adoption of a resolution, which is now included. This is a renewal of an agreement approved by Council on March 1, 1999. TxDOT procedures require cities with greater than 50,000 population to maintain traffic signals on state highways within their incorporated City limits. The Interlocal Cooperation Agreement allows the City of Lewisville to assist TxDOT in maintaining state traffic signals in The Colony, Coppell, Corinth, Hickory Creek and Lake Dallas which are less than 50,000 population.

RECOMMENDATION:

That the City Council approve a resolution authorizing an Interlocal Cooperation Agreement with TxDOT and five member cities to operate and maintain 16 traffic signals; and authorize the City Manager to execute the agreement.

- 11. Approval of an Agreement With CSL Marketing Group for Facility/Event Valuation and Marketing Plan Development at a Cost of \$17,500 and Marketing Execution at a Cost of \$5,500 Per Month for the Procurement of Corporate Sponsorships/ Naming Rights for Railroad Park, The Lewisville Center for the Creative Arts and the Western Day Event.**

ADMINISTRATIVE COMMENTS:

A Request for Proposals was issued in February 2008 for selection of a firm to assist staff in the procurement of corporate sponsorships/naming rights. A total of four proposals were received with CSL Marketing Group selected due to their experience and local presence. The scope of the agreement includes only Railroad Park, Lewisville Center for the Creative Arts and the Western Day event. CSL will conduct an analysis to determine the value of the two facilities and the event and then will develop marketing material that can be sent out to potential corporate sponsors. Execution of the marketing plan by CSL is limited to six months at a cost of \$5500 per month. If CSL fails to procure a minimum of \$33,000 by the end of the 6 month period then a rebate of \$16,500 will be made to the city.

RECOMMENDATION:

That the City Council approve an agreement with CSL Marketing Group for facility/event valuation and marketing plan development at a cost of \$17,500 and marketing execution at a cost of \$5,500 per month for the procurement of corporate sponsorships/naming rights for Railroad Park, The Lewisville Center for the Creative Arts and the Western Day event.

E. REGULAR HEARINGS:

- 12. Consideration of a Request for a Variance to the Lewisville City Code, Old Town Development Ordinance, Section 123(b) Regarding Required Non-Residential Landscaping for the Lyon Building II, a Proposed Office Building Located at 385 West Main Street on the North East Corner of Main Street and Cowan Avenue as Requested by Kyle Hogue of G&A Consulting, Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

Section 123 (b) of the Old Town Development Ordinance (OTDO) requires a 10' landscape strip along Cowan Avenue and landscape trees along Main Street in the remaining public rights-of-way. The property has an existing building that has a prior approved ZBOA variance for parking over the building setback, which is no longer a restriction of City code; however, the approved parking lot is now in the required 10-foot landscape area. In addition, the area along Main Street has an existing 12-inch water main within the location requiring tree plantings. The OTDO allows buildings to border the property lines in the front yards with zero setbacks. In doing so, the existing sidewalk and narrow grass area in the public rights-of-way remain. The grass area is approximately four feet in width. The owner is requesting that the existing parking area remain and the new area along Cowan Avenue comply with the Section 123 (b). The Engineering Division is requesting that the existing grass area along Main Street remain free of tree plantings.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Sarah McLain, Economic Development Specialist
Kyle Hogue, G&A Consultants, Inc

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits Near Schools, Establishing a School Speed Zone of 20 Miles Per Hour at the Intersection of Bellaire Boulevard and Garden Ridge Boulevard.**

ADMINISTRATIVE COMMENTS:

In response to discussions by members of the Transportation Board on October 18, 2007 and January 17, 2008, and in cooperation with the Town of Flower Mound, staff evaluated the need for school speed zones serving Vickery Elementary. Staff from Lewisville and the Town of Flower Mound jointly established comprehensive school speed zones in both jurisdictions for consistency. The Transportation Board unanimously approved this item with a 7-0 vote at the July 7, 2009 meeting.

RECOMMENDATION:

That the City Council approve the ordinance establishing school speed zones of 20 miles per hour on Bellaire Boulevard from 250 feet east of Garden Ridge Boulevard, and on Garden Ridge Boulevard from 250 feet north of Bellaire Boulevard.

- 14. Third and Final Reading: Consideration of an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee ("Steering Committee") and Atmos Energy Corp., Mid-Tex Division ("Company") Regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction.**

ADMINISTRATIVE COMMENTS:

At the July 20, 2009, 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. The second reading was conducted at the August 3, 2009, City Council meeting. This will be the third and final reading.

RECOMMENDATION:

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

- 15. Consideration of a Resolution Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

Denco Area 9-1-1 has submitted two names for the nomination process of the representative to the District Board of Managers for Denco Area 9-1-1. Denco Area 9-1-1 District has requested that each participating city vote for one of the candidates and advise the district of its selection prior to 5 p.m. on September 9, 2009. The two candidates are Olive Stephens and Bob Radder.

RECOMMENDATION:

That the City Council approve the resolution appointing one member to the Board of Managers of the Denco Area 9-1-1 District.

- 16. Acceptance of Resignation of Gloria Johnson From Place No. 3 on the Library Board and Place No. 5 on the Tax Increment Reinvestment Zone, Number Two (TIF #2) Board of Directors; Declare Vacancies Exist; and Consideration of Appointments to Place No. 3 on the Library Board and Place No. 5 on the Tax Increment Reinvestment Zone, Number Two (TIF #2) Board of Directors.**

ADMINISTRATIVE COMMENTS:

Gloria Johnson has submitted an e-mail advising that she is leaving the area for job-related reasons and is resigning from both the Library Board and TIF #2. The resignation of Gloria Johnson has created a vacancy in Place No. 3 on the Library Board and Place No. 5 on the TIF #2 Board of Directors.

RECOMMENDATION:

That the City Council accept the resignation of Gloria Johnson from Place No. 3 on the Library Board and Place No. 5 on the TIF #2 Board of Directors; declare vacancies exist; and consider appointments to fill the vacancies in Place No. 3 on the Library Board and Place No. 5 on the TIF #2 Board of Directors.

- F. **REPORT:** Quarterly Investment Report for Period Ending June 30, 2009.
- 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>
