

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
SEPTEMBER 14, 2009**

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

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

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:** Deputy Mayor Pro Tem Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Tierney
- C. **PRESENTATIONS:**
1. Presentation of the 2009 “Certificate of Achievement for Planning Excellence” From the Texas Chapter of the American Planning Association to the City of Lewisville.
 2. Designation of the City of Lewisville as a StormReady Community.
- D. **PROCLAMATION:** Declaring the Month of September 2009, as “National Preparedness Month”.
- E. **PUBLIC HEARINGS:**
1. **Public Hearing:** Consideration of Deeming Substandard the Structure Located at 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, Lewisville, Texas.

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structure located at the property known by the legal description of 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, as substandard. The owner of record is Katherine A. Lippi. The structure is an older storage shed converted into a residence with a recent addition to make it a duplex. All work on these structures were performed without any engineering, architectural drawings or permits. Proper notification and procedures by the City have been accomplished. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structures are substandard.

RECOMMENDATION:

That the City Council deem the structures located at legal address 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, as substandard and order that the structure be returned as a storage shed, removed or demolished in 30 days.

PRESENTATION: Cleve Joiner, Building Official

2. **Public Hearing: Consideration of Deeming Substandard the Structures Located at 1840 North Stemmons Freeway, A1088a S. Riggs, Tract 7, 1.26 Acres, Old DCAD Tract 17, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structures located at the property known by the legal description of 1840 North Stemmons Freeway, A1088a S. Riggs, Tract 7, 1.26 acres, Old DCAD Tract 17, as substandard. The owner of record, I-35 Boat Storage Inc., is represented by Richard Spell - Partner. The main structure is an abandoned older residential structure and is surrounded by a campus of abandoned corrugated sheet metal storage buildings. Recently, the buildings have been vandalized. Proper notification and procedures by the City have been accomplished. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structures are substandard.

RECOMMENDATION:

That the City Council deem the structures located at legal address 1840 North Stemmons Freeway, A1088a S. Riggs, Tract 7, 1.26 acres, Old DCAD Tract 17 as substandard and order that the structures be removed or demolished in 30 days.

PRESENTATION: Cleve Joiner, Building Official

3. **Public Hearing: Consideration of the Proposed FY 2009-2010 Budget and Property Tax Rate.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Charter, a public hearing is being held on the proposed FY 2009-10 budget and property tax rate to provide an opportunity for citizen comment. The proposed budget includes changes made by Council at the budget workshop held on August 8, 2009. A meeting to adopt the budget and tax rate is scheduled for September 21, 2009.

RECOMMENDATION:

That the City Council conduct the public hearing and give staff direction.

- F. **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.
 - G. **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.
4. **APPROVAL OF MINUTES: City Council Minutes of the August 17, 2009, Workshop Session and Regular Session.**
 5. **Approval of Contracts to PrimaCare Medical Center for One-Year Period, With the Option to Renew for up to Two Additional One-Year Periods for Occupational Health Care and Drug Testing; and Authorization for the City Manager to Execute the Contracts.**

ADMINISTRATIVE COMMENTS:

The Human Resources staff sent out a Request for Proposal for drug testing and occupational health services on June 26, 2009 and received four responses that provided all the requested services. The City-wide safety committee reviewed all proposals and determined that Prima Care was the best value. Prima Care offers extended hours seven days a week for both drug testing and for injury care, on-site after-hours drug testing and is conveniently located on Main St. Staff recommends that the City contract with PrimaCare for all drug testing, pre-employment testing and workers' compensation injury care. Funding is available in the Risk Fund.

RECOMMENDATION:

That the City Council approve the contracts for PrimaCare Medical Center for a one-year period, with the option to renew for up to two additional one-year periods for occupational health care and drug testing; and authorize the City Manager to execute the contracts.

- 6. Approval of a Resolution Authorizing the City Manager to Sign a Grant Application Under the TIGER Discretionary Grant Program.**

ADMINISTRATIVE COMMENTS:

Staff has prepared a grant application for \$1.7M to complete traffic signal improvements unfunded by previous federal projects. The TIGER Discretionary Grant Program favors transportation projects between \$20M and \$300M; however, projects less than \$20M will be considered on a competitive basis.

RECOMMENDATION:

That the City Council approve the resolution authorizing the City Manager to sign a grant application under the TIGER Discretionary Grant program and submit the application to the Department of Transportation on September 15, 2009.

- 7. Approval of a Second Amended Interlocal Agreement Between the City of Lewisville and Town of Flower Mound for Combining Efforts for Provision of Teen Court Program for Municipal Court.**

ADMINISTRATIVE COMMENTS:

An interlocal agreement was approved in 2003 for a combined Lewisville-Flower Mound Teen Court. The combined court has worked well for both cities. The amended agreement simplifies the billing process by basing the bill on the percentage caseload of the prior fiscal year and the current year budget. Other minor changes were also made to the agreement.

RECOMMENDATION:

That the City council approve the agreement.

- 8. Approval of Acceptance of a Texas Criminal Justice Division Victim Assistance Grant Award in the Amount of \$78,410; and Authorization for the City Manager or His Designee to Execute the Grant Document.**

ADMINISTRATIVE COMMENTS:

On February 16, 2009, the Police Department (with Council approval) applied for funding for one officer provided by the Texas Criminal Justice Division in accordance with the Victims of Crime Act Grant. The primary duties of the officer are to coordinate and manage services for victims of crimes, domestic violence, substance abuse, traumatic injury and death. The City's portion is projected to be \$19,511 consisting of \$18,296 in actual cash match and \$1,215 in-kind match. Part of the match has been appropriated within FY 2008/2009 funds. The balance of the match will be absorbed in the FY 2009/2010 budget.

RECOMMENDATION:

That the City Council approve the acceptance of grant funding in the amount of \$78,410 for the Victim Services Program Grant from the Texas Criminal Justice Division; and authorize the City Manager or his designee to execute the grant document.

- 9. Approval of a Bid Award for the Waterline Replacement 2006, Phase 3 Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$522,368.11; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-one (21) bid invitations were downloaded from Bidsync.com. Twenty (20) bids were received and opened July 30, 2009. The recommended award to SYB Construction Company, Inc. is based on the lowest responsible bidder. Two lower bids were received but are not being recommended. A bid was received from Meztec Contractors, Garland, Texas but was disqualified due to their performance history. Another bidder, Saber Development, Dallas, Texas, was deemed non-responsive for failing to acknowledge an addendum and submitting an incomplete bid. This project consists of reconstruction of water lines in the following streets: Westwood Drive, Southwood Court, Woodrow Drive, Meriwood Drive, Wood Heights Drive, Woodhill Drive, Parkside Trail and Olympic Court. Funding is available in the Waterline Replacements 2006 Capital Improvements Project.

RECOMMENDATION:

That the City Council approve a bid award for the Waterline Replacement 2006, Phase 3 project to SYB Construction Company, Inc., Irving, Texas, in the amount of \$522,368.11; and authorize the City Manager to execute the contract.

- 10. Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2008 Through March 31, 2009.**

ADMINISTRATIVE COMMENTS:

The Semi-Annual Report is to provide information on the progress of the Capital Improvements Plan associated with the Impact Fee Program and the Land Use Assumption Plan. In accordance with the Local Government Code, Section 395, the Capital Improvements Advisory Committee has reviewed the Semi-Annual Report and is recommending Council approval.

RECOMMENDATION:

That the City Council approve the Semi-Annual Report for the period of October 1, 2008 through March 31, 2009.

H. REGULAR HEARINGS:

- 11. Consideration of a Final Plat for Lots 1RA and 1RB, Block L, Vista Ridge Addition Located on the Southeast Corner of State Highway 121 Tollway and Lake Vista Drive and a Request for a Variance to the Lewisville City Code - Chapter 6, Land Development, Article V Section 6-92(j) Relating to Right Turn Lanes, as Requested by the Owner/Developer.**

ADMINISTRATIVE COMMENTS:

The subject property was originally platted as one large lot in the 1980's and is now being replatted for the purpose of dividing Lot 1, Block L of the Vista Ridge Addition into two lots. The proposed Lot 1RA was developed in 2007 with a 240,000 square foot office building. The proposed Lot 1RB located at the intersection of S.H. 121 Tollway and Lake Vista Drive is not developed. The owner has requested a variance to waive the construction or escrow for the required right-turn lane on Lake Vista Drive at State Highway 121 Tollway; however, he has agreed to dedicate the right-of-way for a future right-turn lane. The Planning & Zoning commission recommended approval of the amended plat and variance (7-0) at their September 1, 2009 meeting.

RECOMMENDATION:

That the City Council approve the final plat of Vista Ridge Addition, Lots 1RA and 1RB, Block L and the requested variance.

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

- 12. Consideration of a Variance to Lewisville City Code, Chapter 6, Land Development, Section 6-54 (a), When an Engineering Site Plan is Required to Allow an Access Drive Through a Commercial Property on Valley Parkway, as Requested by Pacheco Koch Consulting Engineers on Behalf of the Property Owners.**

ADMINISTRATIVE COMMENTS:

DFW Lewisville Partners, the owners of Majestic Airport Center propose to construct an access driveway from Valley Parkway to Majestic Airport Center. Majestic Airport Center is a recently constructed “large box” office warehouse complex with over 1.3 million square feet of lease space located at the southwest corner of Edmonds Lane and Spinks Road. The proposed access driveway has been planned by the developers and shown on the preliminary master plan for the overall development since the early planning stages of the development. The proposed driveway will be constructed on undeveloped properties owned by DFW Lewisville Partners and Payne – Johnston Management. Both properties are unplatted, are not site planned and are zoned Light Industrial (LI).

RECOMMENDATION:

That the City Council approve the requested variance.

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

- 13. Consideration of a Variance Request to the Lewisville City Code - Chapter 5, International Fire Code Regarding Fire Hydrants For Lewisville Self Storage Located at 1251 North Stemmons Freeway, as Requested by Steve Homeyer Representing the Owner.**

ADMINISTRATIVE COMMENTS:

The owners of Lewisville Self Storage, an existing facility, have submitted a new engineering site plan for approval by the City. The new plan, driven by the I-35 expansion will call for the demolition of the office building and the relocation of the entrance drive to the facility. Current Fire Code standards require that this facility be protected by five fire hydrants, three more than is existing today. A variance is requested to add one additional fire hydrant to the site, totaling three fire hydrants. As a compromise, considering this is a redevelopment project, staff is in support of this request.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Tim Ippolito, Fire Marshal
Steve Homeyer, Homeyer Engineering

- 14. Consideration of an Ordinance Setting Rates and Related Matters Incident to CoServ Gas Ltd.'s Request for an Increase in Rates and the Settlement Agreement Negotiated by the Coalition of Cities in Opposition to Such Increase.**

ADMINISTRATIVE COMMENTS:

This ordinance represents the City's exercise of its original jurisdiction to evaluate the reasonableness of natural gas rates charged within city limits. Negotiations have been reached to reduce the additional annual revenue from \$2.9M to \$1.3M which equates to an 8.35% increase for residential users as compared to a requested 26.2% increase for gas service.

RECOMMENDATION:

That the City Council approve the ordinance.

- 15. Consideration of Appointing an Alternate Representative to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC).**

ADMINISTRATIVE COMMENTS:

Mayor Pro Tem Watts was nominated by the City Council on March 3, 2008, to serve on the North Central Texas Council of Governments (NCTCOG) Regional Emergency Preparedness Planning Council. This Council is composed of elected officials from participating cities and counties. Cities are grouped into population brackets in accordance with current population estimates. The EPPC has requested that an Alternate Representative be appointed to fill in for the representative if needed. This individual is required to be an elected official.

RECOMMENDATION:

That the City Council appoint an Alternate Representative to serve on the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council.

- 16. Declare Vacancies Exist on the Zoning Board of Adjustment, Place No. 3 and the Park Board, Place No. 1; and Consideration of Appointments to Place No. 3 on the Zoning Board of Adjustment and Place No. 1 on the Park Board.**

ADMINISTRATIVE COMMENTS:

Due to the recent passing of Ruben Retzlaff and Patrick Shovlin, there are now vacancies in Place No. 3 of the Zoning Board of Adjustment and Place No. 1 of the Park Board.

RECOMMENDATION:

That the City Council declare vacancies exist; and consider appointments to fill Place No. 3 on the Zoning Board of Adjustment and Place No.1 on the Park Board.

17. Consideration of Nominations to the Denton Central Appraisal District Board of Directors.

ADMINISTRATIVE COMMENTS:

The Denton Central Appraisal District has requested that the City nominate up to five individuals to serve as the DCAD Board of Directors prior to October 15th. After all entities have made their nominations and votes have been cast, the five candidates that receive the most votes become the Board of Directors as of January 1st. Board members are appointed in every even number year for a two-year term. All board members are up for reelection and all wish to be re-elected. Denton Central Appraisal District's current Board of Directors include Doug Killough, Pearl Ford, Rick Woolfolk, Lee Baker, and Charles Stafford. Steve Mossman currently serves on the Board of Directors as a non-voting member (due to the fact that he was not elected) due to his position as Tax Assessor-Collector. However, he could be included as an elected member which would give him full voting rights and would reduce the board from 6 to 5 members.

RECOMMENDATION:

That the City Council consider nominations to the Denton Central Appraisal District Board of Directors.

18. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding a Waiver of Amphitheatre Rental Fees for the Southern Denton County Neighbor to Neighbor Reception Being Held on October 1, 2009.

ADMINISTRATIVE COMMENTS:

A Southern Denton County Neighbor to Neighbor reception is being held at the Amphitheatre on October 1, 2009 from 5:30 p.m. to 10:00 p.m. Rental of the Amphitheatre is \$125 per hour (non-resident rate) with a three hour minimum, plus a \$300 deposit. They are requesting that the rental fee for this event be waived; however, they will be submitting payment for the \$300 deposit and providing the required insurance. Council approved the fee waiver for the 2008 reception.

RECOMMENDATION:

That the City Council approve waiving the Amphitheatre rental fees for the Southern Denton County Neighbor to Neighbor reception being held on October 1, 2009, but require the deposit and insurance.

- 19. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding a Lake Park Entry Fee Waiver for Participants in the 2009 Two Of Us Couples Fishing Championship on October 9-11, 2009.**

ADMINISTRATIVE COMMENTS:

Two Of Us Couples will hold its annual championship tournament at Lewisville Lake on October 9-11, 2009, launching from the boat ramps at Lake Park. Organizers have requested free park admission during the event for competitors. City Council has granted similar requests for past fishing tournaments that are expected to bring overnight visitors to Lewisville.

RECOMMENDATION:

That the City Council waive Lake Park admission fees for participants in the 2009 Two Of Us Couples fishing tournament on October 9-11, 2009.

- 20. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding a Waiver of Pet Registration Fees During the Week of September 21-26, 2009, for Annual Pet Registration Awareness Campaign.**

ADMINISTRATIVE COMMENTS:

For the past several years, Animal Services has used the Doggie Dive-In and Western Day Tailwaggers Ranch events as the basis for a Pet Registration Awareness Campaign. As part of that campaign, registration fees have been waived during a limited period of time. This year's request is for the week leading up to the Western Day festival.

RECOMMENDATION:

That the City Council approve a waiver of pet registration fees during the week of September 21-26, 2009.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- J. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition
 2. Section 551.074 (PERSONNEL):
 - (a) City Manager Claude King
 - (b) City Secretary Julie Heinze
 - (c) City Attorney Ron Neiman
 - (d) Chief Municipal Court Judge Brian Holman
 - (e) Alternate Municipal Court Judges
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- L. **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).