

**A G E N D A**

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

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

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

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:30 P.M.**

- A. Discussion Regarding Video Taping of Workshop Session
- B. Discussion of Regular Agenda Items and Consent Agenda Items

**REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Councilman Gorena
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Thornhill
- C. **PROCLAMATIONS:** Declaring November 16, 2009, as the Official Kick-Off for the “Salvation Army of Lewisville Red Kettle Campaign”.
- 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.

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- 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 MINUTES:** City Council Minutes of the November 2, 2009, Workshop Session and Regular Session.
  2. **Acceptance of a Donation From Friends of the Library in the Amount of \$17,000.**

**ADMINISTRATIVE COMMENTS:**

The Friends of the Lewisville Public Library has received a \$17,000 grant from the Praxair Foundation's Library Links program. The Friends will use the funds to purchase six Early Literacy Stations for the Cynthia Bennett Children's Wing.

**RECOMMENDATION:**

That the City Council accept the donation in the amount of \$17,000 from Friends of the Library.

3. **Approval of the Fiscal Year 2009-2010 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or His Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$400.00 per fire call. The 4.26 rural miles is the Castle Hills area in East Lewisville as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2009 through September 30, 2010. The City Attorney's office has reviewed and approved the agreement as to form.

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**RECOMMENDATION:**

That the City Council approve the fiscal year 2009-2010 Fire Protection Services Interlocal Cooperation Agreement and all other matters as set forth in the caption above.

- 4. Approval of the Fiscal Year 2009-2010 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or His Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides emergency ambulance service to Denton County through an annual interlocal cooperation agreement. By providing ambulance service to designated unincorporated areas of Denton County, projected revenue for the City is \$57,698.38, which includes \$56,924.56 in fixed fees and \$773.81 for three estimated ambulance transports for the year. The 4.26 rural miles is the Castle Hills area in East Lewisville as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2009 through September 30, 2010. The City Attorney's office has reviewed and approved the agreement as to form.

**RECOMMENDATION:**

That the City Council approve the fiscal year 2009-2010 Ambulance Service Interlocal Cooperation Agreement and all other matters as set forth in the caption above.

- 5. Approval of Change Order No. 1 for the Serendipity Village Improvements Project in the Amount of \$171,592.50; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

The City has experienced water leaks on an existing 30-inch water line at a residence at 941 Royal Oaks Drive between Corporate Drive and Valley View Drive. Change Order No. 1 will replace the existing 30-inch water line through the neighboring Willow Grove Park and will plug and grout the existing 30-inch water line. Funding is available for the change order in the existing purchase order for the Serendipity Village Improvements Project.

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**RECOMMENDATION:**

That the City Council approve Change Order No. 1 and all other matters for the Serendipity Village Improvements Project as set forth in the caption above.

- 6. Approval of Change Order No. 1 for the Austin Ranch Elevated Storage Tank Project in the Amount of \$109,763; and Authorization for the City Manager to Execute the Change Order.**

**ADMINISTRATIVE COMMENTS:**

This original project constructing the new two-million (2.0 MG) gallon elevated storage tank near the northwest corner of Windhaven Parkway and Trinity Drive has been substantially completed and the contractor is working on punch list items. After the elevated storage tank was brought into service, low chlorine residual and nitrification started occurring in the service area. Staff has negotiated a Change Order No. 1 in the amount of \$109,763 to provide the necessary disinfection equipment. Funding is available in the Austin Ranch Elevated Storage Tank Capital Project accounts.

**RECOMMENDATION:**

That the City Council approve Change Order No. 1 and all other matters for the Austin Ranch Elevated Storage Tank Project as set forth in the caption above.

- 7. Approval of a Bid Award for an Annual Requirements Contract for Concrete Pavement Repairs to Ken-Do Contracting, LP, DeSoto, Texas.**

**ADMINISTRATIVE COMMENTS:**

A total of forty-eight (48) bid invitations were downloaded from Bidsync.com. Sixteen (16) bids were received and opened on October 15, 2009. Ken-Do Contracting, LP is being recommended based on best value. This contract involves various types of work related to concrete pavement and sidewalks. The term of the contract will be twelve months, with an option to extend for up to two additional twelve-month periods, subject to the approval of the supplier and the City. Estimated amount of contract is \$1.394 million. Funding is available in the current Concrete Street and Sidewalk Rehab Capital Project balances.

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**RECOMMENDATION:**

That the City Council approve a bid award as set forth in the caption above.

- 8. Approval of a Contract With JC Commercial, Inc., in the Amount of \$1,280,788 for Construction Services to Remodel the Police Station Including a Canopy, Security Gates, Alcove Addition and a 4% Contingency; Approval of a Supplemental Appropriation in the Amount of \$990,244 From General Capital Projects Available Cash and \$12,000 From the Court Security Fund; Approval of an Amended Total Project Budget in the Amount of \$1,552,244; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of one hundred and seven (107) bid invitations were downloaded from Bidsync.com. Twelve (12) bids were received and opened on September 30, 2009. JC Commercial, Inc., submitted the lowest price and is being recommended for award. This project entails remodel and renovation consisting of demolition, new interior construction, mechanical, electrical, fire protection and exterior landscaping, and general remodeling and renovation of the 23,409 square foot existing Police Operations Building. Staff recommends adding alternate item #5 (canopy and security gates) from the Court Security Fund.

**RECOMMENDATION:**

That the City Council approve the contract for remodel of the Police Operations Buildings and all other matters as set forth in the caption above.

- 9. Approval of a Memorandum of Understanding for City of Lewisville Participation in the Texas-New Mexico Power (TNMP) 2009 Texas CitySmart Program; and Authorization for the City Manager to Execute the Agreement.**

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**ADMINISTRATIVE COMMENTS:**

The Texas-New Mexico Power (TNMP) CitySmart Program provides support to local government customers (cities/counties) through energy performance benchmarking, energy master planning, technical assistance, and cash incentives for projects that result in peak demand savings. During the 1999 and 2007 legislative sessions, bills were passed to reduce electrical consumption and require providers to assist local governments and school districts in accomplishing this task. The Memorandum of Understanding allows for TNMP to assist the city in continuing development of programs necessary to reduce energy consumption.

**RECOMMENDATION:**

That the City Council approve the agreement and all other matters as set forth in the caption above.

**F. REGULAR HEARINGS:**

- 10. Consideration of a Request for a Variance to the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 - Fees, Relating to Refunding the Variance Fee for the Residence Located at 921 Azalia Drive, as Requested by Deputy Mayor Pro Tem Durham.**

**ADMINISTRATIVE COMMENTS:**

On November 2, 2009 the owners of 921 Azalia Drive were granted a variance to remove a portion of brick exterior and replace it with siding that matches the rest of the residence. The application fee for a variance is \$350, which was paid prior to the item being placed on the agenda. Deputy Mayor Pro Tem Durham asked staff to place an item on the November 16, 2009 City Council agenda regarding refunding the variance fee.

**RECOMMENDATION:**

That the City Council consider the requested variance as set forth in the caption above.

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- 11. Consideration of a Request for a Variance to the Lewisville City Code, Section 6-54, Engineering Site Plan Requirements, Including Associated Improvements to Midway Road, for the Existing Warehouse Development Located at 1926 East Highway Business 121, as Requested by the Owner, Joey Hurst.**

**ADMINISTRATIVE COMMENTS:**

The existing development consists of eight (8) warehouse type buildings configured on 3.7 acres of land with Business Highway 121 frontage to the north and Midway Road frontage to the south. The property is zoned Agricultural-Open (AO), is not platted and was annexed into the City many years ago on an “as-is” basis. A variance is being requested to waive the engineering site plan including associated improvements for Midway Road, thus allowing water and sewer taps for the development. The applicant has agreed to zone the property, process a final plat of the property, provide a 10-foot landscape strip along road frontages, install a fire lane and pay associated capital recovery fees. The owner has indicated that no new buildings will be constructed on the site.

**RECOMMENDATION:**

That the City Council approve the requested variance as set forth in the caption above.

- 12. Tabled Item: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Section 6-182 Hotel/Motel/Extended Stay Facilities, to Add Requirements for New or Modified Hotels, Motels and Extended Stay Facilities.**

**ADMINISTRATIVE COMMENTS:**

The proposed ordinance would set new standards for hotels/motels and extended stay facilities designed to enhance the quality of new or reconstructed projects in the future. Council tabled this item on November 2, 2009, to develop information on other similar ordinances, overlay district options and possible variance language. A new ordinance has been drafted that modifies the original by allowing a selection of four out of the five new criteria at the developer’s option.

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**RECOMMENDATION:**

That the City Council adopt the modified ordinance.

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Parking Based on Use, Differentiating Between Senior Living Apartments and Apartments in General.**

**ADMINISTRATIVE COMMENTS:**

City staff has been working on revising and updating the City's General Development Ordinance (GDO). Staff feels that one item needs to be revised at this time to match revisions to the Zoning Ordinance approved by Council earlier this year. Currently, the GDO does not differentiate 'age restricted' senior apartments from typical apartments in regard to parking spaces. Residents in a senior apartment complex often rely on transportation services provided by the complex eliminating the need for vehicle ownership. In the past, the City Council has granted a variance to a senior apartment complex for a parking ratio of 1.2 per unit versus the current 2 per unit. The proposed revision is to list a separate parking ratio for the deed restricted senior apartment complexes of 1.2 per unit in order to be consistent.

**RECOMMENDATION:**

That the City Council approve the ordinance as set forth in the caption above.

**PRESENTATION:** Cleve Joiner, Chief Building Official

- 14. Consideration of Dates for the Annual City Council Retreat.**

**ADMINISTRATIVE COMMENTS:**

Each year, the City Council retreat is normally held on a Thursday through Saturday timeframe during the first or second week of February. This year, the first set of dates proposed would be Thursday, February 4th through Saturday, February 6th; and the second set of dates would be Thursday, February 11th through Saturday, February 13th. Meeting space at the Hilton Garden Inn is available at no cost for either date.

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**RECOMMENDATION:**

That the City Council review the available dates, and direct City staff as to which date is preferred.

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.

◆ Quarterly Investment Report for Period Ending September 30, 2009.

- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,

1. Section 551.071 (Consultation With Attorney): Contemplated Litigation Regarding Section 551.144 Texas Government Code
2. Section 551.072 (Real Estate): Property Acquisition
3. 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**

<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>
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