

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 7, 2009**

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

**WORKSHOP SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 5:30 P.M.

- A. Presentation on IH35E Status by John Polster (ITS, Inc.)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Pro Tem Watts
- C. **Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Specific Use District (SU) - Landfill to Specific Use District (SU) - Landfill and Two Variances to the Lewisville City Code on a 337.268 Acre Tract Located at 801 East College Street; Further Identified as Lewisville Landfill Addition, Lot 1, Block A; as Requested by Lewisville Landfill TX, LP, the Property Owner (Case No. PZ20090909).**

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ADMINISTRATIVE COMMENTS:

This item was tabled at the October 5th and November 2nd City Council Meetings to give the applicant time to respond to concerns raised about the delay in completing College Street Reconstruction. The applicant provided a letter explaining their intentions and time frame for completion of the street improvements prior to the November 2nd meeting. Although staff has discussed the issue with the applicant since November 2nd, there have been no new developments to date. Staff is recommending that final consideration of this item be tabled in order to resolve performance issues related to the College Street/Valley Ridge Boulevard construction project.

RECOMMENDATION:

That the City Council continue the public hearing until February 1, 2010 to allow the applicant time to address the completion of the College Street Paving Project.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Jason Edwards, Weaver Boos Consultants

- 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.
- 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 16, 2009, Workshop Session and Regular Session.
 2. **Approval of Final Acceptance of the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Project; and Authorization to Make Final Payment to S. J. Louis Construction of Texas, Ltd., in the Amount of \$40,997.64.**

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ADMINISTRATIVE COMMENTS:

On December 15, 2009, the City Council awarded a contract to S. J. Louis Construction of Texas, Ltd. for the construction of the Lower Timbercreek 42-Inch Sanitary Sewer Replacement project in the amount of \$774,348.13. Additionally, the City Council approved one change order on September 21, 2009, in the amount of \$60,953.76, for a revised contract amount of \$835,301.89. The actual construction cost of the project is \$794,882.24, resulting in a savings of \$40,419.65. 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 \$40,997.64. Funding is available in the Lower Timbercreek 42-Inch Sanitary Sewer Replacement Capital Project.

RECOMMENDATION:

That the City Council accept the Lower Timbercreek 42-Inch Sanitary Sewer Replacement project and all other matters as set forth in the caption above.

- 3. Approval of a Lease Agreement Between the City of Lewisville and the Service Broadcasting Group, LLC. of 621 NW 6th Street, Grand Prairie, Texas, for the Lease of Space on the Kealy Radio Tower Located at 325 Treatment Plant Road, Lewisville, Texas, to be Used to Operate a Back-Up Broadcast Site for FM Radio KRNB; and Authorization for the City Manager to Execute the Lease Agreement.**

ADMINISTRATIVE COMMENTS:

The lease agreement allows the Service Broadcasting Group to lease unused space on the Kealy Radio Tower for up to three, five-year terms at the cost of \$1,200 a month for the first five years and an increase of 20% at each five-year interval. The lease will enable the City of Lewisville to collect \$14,400 a year which will offset the cost of maintenance for our Kealy Radio Tower.

RECOMMENDATION:

That the City Council approve the Radio Tower Lease Agreement and all other matters as set forth in the caption above.

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- 4. Approval of a Resolution for the Acceptance of a Grant From the Texas Department of Transportation for the Traffic Safety Program; Approval of a Supplemental Budget Appropriation to the Grant Fund in the Amount of \$820; and Authorization for the City Manager to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation is awarding the City of Lewisville \$8,115.95 in grant funds. The grant will enable the City to conduct a DWI enforcement program during selected holiday periods. Officers working on this program will be paid at their overtime rate. The grant will also pay for training. The grant requires a 25% match. A supplemental budget appropriation of \$820 is required to put the grant budget at \$10,822 as the budget in the system is at \$10,002.

RECOMMENDATION:

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

- 5. Approval of a Resolution Authorizing the Acquisition of Certain Property in the City by the Denton County Transportation Authority Through the Right of Eminent Domain.**

ADMINISTRATIVE COMMENTS:

Pursuant to state law, DCTA has formally requested the City approve DCTA's right of eminent domain to secure a 0.459 acre tract of land situated in the John W. King Survey, Abstract No. 695, Denton County, Texas (generally located at the northeast corner of the proposed DCTA A-train Rail Operations and Maintenance Facility site west of Railroad Street and south of Business 121). The site will be used for DCTA's A-Train Rail Operations and Maintenance Facility.

RECOMMENDATION:

That the City Council approve the resolution.

- 6. Acknowledgement of the Waste Management 2010 Cost of Service Rates for Residential Solid Waste/Recycling and Commercial Solid Waste Collection and Disposal Services.**

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ADMINISTRATIVE COMMENTS:

In January, 2004, Council approved Ordinance No. 3023-01-2004, which authorized the City to enter into an agreement with Waste Management of Texas, Inc., to provide solid waste services. The agreement authorizes an annual cost of service adjustment based upon Consumer Price Index (CPI). The CPI adjustment for 2010 is -2.0%. The new cost of service rates will be effective January 1, 2010.

RECOMMENDATION:

That the City Council acknowledge the Cost of Service Rate adjustment for solid waste collection and disposal services.

F. REGULAR HEARINGS:

- 7. Consideration of a Request for Variances to the Lewisville City Code, Chapter 6 – Land Development Regulations Regarding Off-Street Parking Requirements, and Chapter 5 – International Fire Code Regarding Fire Hydrants and Fire Lane Width, and Continuation of Five Existing Variances, Relating to the Lewisville High School Located at 1098 West Main Street, as Requested by Charles M. Glenn, PE, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

The applicant, representing the Lewisville Independent School District, has submitted a new engineering site plan detailing the construction of a new locker room facility for Lewisville High School. Through several prior site plans, Council has granted five variances for this site, which the applicant is asking Council to continue. Additionally, the applicant is asking for three new variances, two of which will be mitigated through an alternative method of protection (automatic fire sprinklers). The three new variances are: to allow the existing 967 parking spaces in lieu of the required one parking space for every four seats; to allow retrofit of the main school building with automatic fire sprinklers within three (3) years of engineering site plan approval in lieu of the fire hydrant spacing requirements; and to allow existing fire lane width in lieu of the new requirement of minimum fire lane width of twenty-four (24) feet with the mitigation of the above mentioned automatic fire sprinkler system.

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RECOMMENDATION:

That the City Council consider the requested variances and timelines as set forth.

PRESENTATION: Tim Ippolito, Fire Marshal

- 8. Consideration of a Variance Request to the Lewisville City Code - Chapter 6, Land Development, Section 6-98, Related to the Engineering Site Plan for the Denton County Transportation Authority Old Town Train Station and Park & Ride Located North of Main Street, as Requested by the HNTB Corporation, on Behalf of DCTA.**

ADMINISTRATIVE COMMENTS:

The Denton County Transportation Authority (DCTA) has submitted an engineering site plan for the Old Town Station located between East Main Street and College Street. The engineering site plan includes improvements to include the station platform, "kiss & ride", bus drop-off, and pedestrian plaza within the DART right-of-way. The associated commuter parking and a drainage detention pond are located on a contiguous tract owned by the DCTA. The engineering site plan complies with the GDO with the exception of the proposed variance to allow paving over pressurized utility lines.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Bo Cung, P.E., HNTB Corporation

- 9. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on the State Highway 121 Frontage Roads From Farm to Market Road 544 to Standridge Drive Within the City of Lewisville.**

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ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation (TxDOT) has now completed a survey for all the frontage roads within Lewisville. The TxDOT study results recommend the posted speed on the State Highway 121 frontage roads should be 55 miles per hour in accordance with the 85th percentile speed and standard engineering practice. The Transportation Board considered this item at the October 20, 2009 meeting and voted to recommend the change to the posted speed with a 7-0 vote.

RECOMMENDATION:

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

- 10. Consideration of an Ordinance Approving the 2009 Annual Assessment/Service Plan Update for the Lewisville Castle Hills Public Improvement District (PID) No. 4.**

ADMINISTRATIVE COMMENTS:

The City Council created Lewisville Castle Hills Public Improvement District No.4 in April 2007. Chapter 372 of the Texas Local Government Code requires that the Assessment/Service Plan be updated annually. The Plan defines the annual indebtedness and the projected costs of the improvements to be provided by the PID and the manner of assessing the property in the PID for the costs of the improvements.

RECOMMENDATION:

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

- 11. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule Related to Solid Waste Rates.**

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ADMINISTRATIVE COMMENTS:

On January 26, 2004, Waste Management entered into an agreement to provide residential and commercial solid waste collection. The agreement allows for cost of service (COSS) adjustment based upon the Dallas Fort Worth Urban Consumer Price Index. The CPI adjustment for 2010 is -2.0%. Although the rate adjustment to Waste Management is by contract, the City must set the customer rates for residential and commercial customers. Staff recommends that the customer rates be adjusted to correspond to the CPI decrease of 2%. The customer rates will be effective January 1, 2010.

RECOMMENDATION:

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

- 12. Consideration of a Resolution Casting Lewisville's Vote for Director to the Dallas Central Appraisal District Board.**

ADMINISTRATIVE COMMENTS:

By state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. The City of Lewisville is entitled to one vote. The one nominee and his nominating entities are included for Council's consideration.

RECOMMENDATION:

That the City Council consider casting a vote to the Dallas Central Appraisal District Review Board.

- 13. Consideration of a Resolution Casting Lewisville's Votes for Director to the Denton Central Appraisal District Board.**

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ADMINISTRATIVE COMMENTS:

The Denton Central Appraisal District has furnished a list of nominated candidates for election to their Board of Directors, as well as a list outlining the 2009 Distribution of Votes. Votes may be cast for one or more candidates but cannot exceed the number allocated to the entity in total. The City of Lewisville has been allocated 133 votes. The five nominees receiving the most votes become the board. Information sheets on the eight candidates are provided for Council's consideration. Each voting unit must cast its vote by December 15th.

RECOMMENDATION:

That the City Council consider casting Lewisville's votes for Director to the Denton Central Appraisal District Board.

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