A G E N D A

LEWISVILLE CITY COUNCIL MEETING
DECEMBER 21, 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. Naming Rights Evaluation by Convention, Sports and Leisure (CSL) Marketing Group

B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

A. **INVOCATION:** Councilman Thornhill

B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert

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.

AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 21, 2009

1. <u>APPROVAL OF MINUTES</u>:

a. City Council Minutes of the August 8, 2009, Called-Special Budget Workshop Session; and

b. City Council Minutes of the December 7, 2009, Workshop Session and Regular Session.

2. Approval of Final Acceptance of the Traffic Signal Improvements 2008 Project; and Authorization to Make Final Payment to Roadway Solutions, Inc., in the Amount of $39,557.21.

<u>ADMINISTRATIVE COMMENTS</u>:

On May 18, 2009, the City Council awarded a contract to Roadway Solutions, Inc., for the construction of three traffic signals on Vista Ridge Mall Drive at Denton Tap Road, Rockbrook Drive and Lake Vista Drive in the amount of $375,332, including contingencies. The contractor has completed the work in time and within budget, in the amount of $373,072.10. It is now in order to pay the final payment to the contractor in the amount of $39,557.21. Funding is available in the Traffic Signal Improvements 2008 Capital Project.

<u>RECOMMENDATION</u>:

That the City Council accept the Traffic Signal Improvements 2008 Project and make the final payment as set forth in the caption above.

3. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of $202,100 for Services Relating to the Bellaire Heights Project; Approval of a Total Project Design Amount of $208,163, Which Includes $6,063 (Approximately 3%) for Contingencies; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

Water lines in the Bellaire Heights Subdivision have recently been installed under the Water Line Replacements 2006, Phase 3 Capital Project. Continuing the improvements in Bellaire Heights, this project will replace the existing concrete paving, sanitary sewer and storm sewer improvements, and sidewalks within the subdivision. The current engineer's construction cost estimate for the Bellaire Heights Project is $2,143,000. Staff has negotiated a Professional Services Agreement with Halff Associates, Inc., in the amount of $202,100 to include design services, surveying, and geotechnical investigation. A total amount of $208,163 is estimated, which includes $6,063 (approximately 3%) for contingencies. The Bellaire Heights Project is funded through savings incurred on a 2007 G.O. Bond Project in the adjacent Westwood I Subdivision.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., and approve a total project design amount as set forth in the caption above.

4. Approval of Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - $121,576; Hotel/Motel Fund - $8,151; Recreation Fund - $6,830; Grant Fund - $198,089; Water & Sewer Fund - $59,385; Maintenance & Replacement Fund - $573,938; and Self-Insurance Fund - $98,746.

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. When items or services are received in the current fiscal year, they are charged to the current year budget. Unless the current fiscal year appropriations are amended to provide for these changes, funds in the affected line item account will be short at year-end.

RECOMMENDATION:

That the City Council approve the supplemental appropriation for prior year encumbrances as set forth in the caption above.

5. Approval of a Supplemental Appropriation to the Grant Fund for a UASI-HSGP Grant in the Amount of $35,000.

ADMINISTRATIVE COMMENTS:

The Lewisville City Council approved the Fire Department's acceptance of the 2008 UASI-HSGP grant for $35,000 on December 15, 2008. The grant was for a P25 Software Upgrade to several radios and a video teleconferencing system. The funds were not encumbered prior to the end of FY 2009 due to ongoing discussions regarding the scope of the project. We are requesting funding of $35,000 be appropriated to the FY 2009-2010 Grant Fund budget to conclude grant purchasing.

RECOMMENDATION:

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

6. Acceptance of an Energy Efficiency and Conservation Block Grant (EECBG); and Approval of a Supplemental Appropriation to the Grant Fund in the Amount of $913,000 to Implement the Program.

ADMINISTRATIVE COMMENTS:

The $913,000 grant was approved by the Department of Energy in August and is now available to upgrade 229 lighting fixtures throughout the City and provide traffic signal improvements at 31 locations.

RECOMMENDATION:

That the City Council accept the EECBG and approve the supplemental appropriation as set forth in the caption above.

7. Approval of a Resolution to Certify Funding and Support for the Statewide Transportation Enhancement Program Nomination Form 2009 With the Texas Department of Transportation for the Application to Receive Funding to Build Safety Improvements for Pedestrians and Cyclists as Part of the Mill Street Corridor Enhancement Plan.

ADMINISTRATIVE COMMENTS:

The Mill Street Corridor Enhancement Plan is an eligible project for funding under a Statewide Transportation Enhancement Program that includes facilities for pedestrians and bicycles. $67.5 million is available statewide for projects that expand transportation choices. If awarded, grant funds would cover 80% of the implementation costs for construction of the plan for Mill Street. The proposed resolution certifies the City's commitment to provide 20% matching funds should the project be awarded funds from the Texas Department of Transportation.

RECOMMENDATION:

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

8. Approval of a Resolution of Support for Creation of Foreign Trade Zone for Teachers Insurance and Annuity Association of America and NTE Aviation.

ADMINISTRATIVE COMMENTS:

Staff has received a request on behalf of Teachers Insurance and Annuity Association of America, owner of an industrial property at 1800 Waters Ridge, and NTE Aviation, the tenant occupying the building, that the City support the creation of a Foreign Trade Zone (FTZ) at the property. FTZs are a tool benefitting companies that import products into the United States by allowing deferral or avoidance of duty and excise taxes until the goods are withdrawn or re-exported. Zone status also allows reduction of certain operating costs associated with a U.S. location that are avoided when operating from a foreign site. Title 15 of the Texas Business and Commerce Code enables eligible corporations or governmental entities to apply for and operate FTZ's in Texas. There is essentially no adverse revenue impact to the City due to the exemption.

RECOMMENDATION:

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

9. Approval of a Resolution Authorizing a First Amendment to the Tax Abatement Agreement With Teachers Insurance and Annuity Association of America (TIAA) Located at 2850 Lake Vista Drive, Lewisville, Texas.

ADMINISTRATIVE COMMENTS:

On July 30, 2007, the City entered into a Tax Abatement Agreement with Teachers Insurance and Annuity Association of America (TIAA) to abate a portion of personal property taxes based upon certain compliance measures that must be met by TIAA. Due to economic conditions, TIAA has not expanded at the rate that was anticipated and will only partially meet the employment and annual payroll compliance measures for 2009 specified in the agreement. The amendment to the agreement allows for the amount of the abatement to be reduced in proportion to the reduction of employment and compensation compliance measures. In addition, the amendment specifies that if the Company's occupancy in any given year is less than 29,700 square feet, the agreement will be terminated.

RECOMMENDATION:

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

10. Approval of a Resolution Authorizing an Economic Development Agreement By and Between the City of Lewisville and XYZ New Company, LLC; and Authorization for the City Manager to Execute the Contract.

ADMINISTRATIVE COMMENTS:

Four established companies in the Oncology, Health Care, and Medical Laboratories fields have joined to create a new venture providing molecular and genetic testing for medical centers and pharmaceutical and biotechnology companies. The City has worked with consultants managing the location decision for the company to select ConVergence Office Campus for the 125,000 square foot facility. Staff has conducted an impact analysis for the project and is proposing an Economic Development Agreement for the Council's consideration.

RECOMMENDATION:

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

E. **REGULAR HEARINGS:**

11. Consideration of an Ordinance Amending Chapter 15, Article IV, Section 15-126 of the Lewisville City Code by Prohibiting Stopping, Standing or Parking Where Markings or Signs Prohibit Such Action.

ADMINISTRATIVE COMMENTS:

The amendment clarifies that vehicles are prohibited from stopping, standing or parking where markings or signs prohibit such action on the streets listed in Section 15-126. The amendment also adds a portion of Charles Street, both north and southbound, because of information gathered regarding the public hazard created by vehicles stopping and standing in the main travel portion of that roadway.

RECOMMENDATION:

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

12. Consideration of Conducting a 30-Day Comment Period Associated With a Draft Amendment to the Current Oil and Gas Ordinance Relating to Technical Advisor Qualifications, as Requested by Councilman Thornhill.

ADMINISTRATIVE COMMENTS:

Councilman Thornhill requested that staff review and consider amending the current Oil and Gas Ordinance relating to new standards regarding technical advisor qualifications. The 30-day comment period will allow for input from stakeholders and concerned citizens on the proposed changes to Section 7-617 regarding technical advisors.

RECOMMENDATION:

That the City Council approve the 30-day comment period associated with a draft amendment to the current Oil and Gas Ordinance relating to Oil and Gas Technical Advisor qualifications.

PRESENTATION: Eric Ferris, Community Development Department Director

13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Land Development by Adding the City of Lewisville Access Management Policy.

ADMINISTRATIVE COMMENTS:

Access management is the combination of practices and engineering design criteria that control the character of site access allowed on a roadway, and is normally applied during the development review process. The current access management practices for the City of Lewisville are included within the General Development Ordinance. TxDOT will allow municipalities to review and approve access locations and designs on TxDOT roadways within the municipality if the municipality has an approved access management policy. Staff has developed an access management policy approved by TxDOT.

RECOMMENDATION:

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

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

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

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.

AGENDA
LEWISVILLE CITY COUNCIL
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I. 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).