

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 15, 2010**

**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:** Girl Scout Troop #3230
- C. **PROCLAMATION:** Declaring March 27, 2010, as “Lewisville Baseball Association Day”
- D. **PRESENTATIONS:**
1. Texas Public Pool Council 2010 Category 2 Agency of the Year Award to the City of Lewisville Aquatics Staff; and
 2. Recognition of the Lewisville Police Department with the Texas Police Chief’s Association Best Practices Recognition Status Award.

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- E. **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.
- F. **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:**
 - a. **City Council Minutes of the February 4-6, 2010, Called-Special Retreat Workshop Session;**
 - b. **City Council Minutes of the March 1, 2010, Workshop Session and Regular Session; and**
 - c. **City Council Minutes of the March 2, 2010, Called-Special Joint Session With the Lewisville Independent School District Board of Trustees.**
 - d. **City Council Minutes of the March 2, 2010, Called-Special Session.**
 2. **Approval of Final Acceptance of the Valley Ridge Southeast Water Lines, Line A Project; and Authorization to Make Final Payment to W. R. Hodgson Co., L.P., in the Amount of \$76,992.23.**

ADMINISTRATIVE COMMENTS:

On October 6, 2008, the City Council awarded a contract to W. R. Hodgson Co., L.P. in the amount of \$1,534,076.85 for the construction of the Valley Ridge Southeast Water Lines, Line A project. Additionally, the City Council approved one change order on June 15, 2009, in the amount of \$47,908, for a revised contract amount of \$1,581,984.85. The actual construction cost of the project is \$1,539,844.50, resulting in a savings of \$42,140.35. The work has been completed in accordance with the contract documents and it is now in order to formally accept the project and make final payment. The final payment in the amount of \$76,992.23 is available in the Valley Ridge Southeast Waterlines Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

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RECOMMENDATION:

That the City Council accept the Valley Ridge Southeast Water Lines, Line A Project; and authorize final payment as set forth in the caption above.

- 3. Approval of a Bid Award for an Annual Requirements Contract for Clamps, Fittings and Pipe to Ferguson Waterworks, McKinney, Texas, for an Estimated Amount of \$83,730.85.**

ADMINISTRATIVE COMMENTS:

A total of thirty-one (31) bid invitations were downloaded from Bidsync.com. Seven (7) bids were received and opened February 4, 2010. This contract covers material that will be used for repairing water/sewer mains and maintaining valves and fire hydrants throughout the City. Ferguson Waterworks is being recommended based on lowest total bid. The term of the contract will be twelve (12) months, with an option to extend up to two (2) additional twelve-month periods. Funds are available in the 2009-2010 Utility Fund Public Services Operating Budget.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for Clamps, Fittings and Pipe to Ferguson Waterworks, McKinney, Texas, as set forth in the caption above.

- 4. Approval of a Supplemental Appropriation in the Amount of \$6,000 to the Fiscal Year 2009-2010 Fire and Police Training Fund.**

ADMINISTRATIVE COMMENTS:

Staff is requesting a supplemental appropriation of \$6,000 for Fire Training expenditures for the remainder of this fiscal year. Due to greater usage of the City's training facilities by fire departments in North Texas, additional overtime and supply expenses have been incurred. However, revenues from fees charged are also higher and will exceed the expense.

RECOMMENDATION:

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

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- 5. Approval of the Final Payment to Henkel's & McCoy, Inc., in the Amount of \$18,596.56 for the Construction of a 10 Gigabit Fiber Optic Network.**

ADMINISTRATIVE COMMENTS:

The project consisted of construction of a 10 gigabit fiber optic network to connect Old Town City Hall, the Municipal Annex, the Feaster Water Treatment Plant, Kealy Operations Center and back to Old Town City Hall. The work has been completed in accordance with the contract. The final payment in the amount of \$18,596.56 is available in the Fiber Optic Infrastructure Capital Project.

RECOMMENDATION:

That the City Council approve the final payment of \$18,596.56 as set forth in the caption above.

- 6. Acceptance of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR).**

ADMINISTRATIVE COMMENTS:

The independent annual audit of the City's financial statements is complete. The 2009 Comprehensive Annual Financial Report is provided in compliance with Administrative Policy and Procedure 3.1.2, Accounting, Auditing and Financial Reporting. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included is the Single Audit Report on Federal Financial Assistance.

RECOMMENDATION:

That the City Council accept the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR).

- 7. Approval of a Resolution Authorizing the City to Enter Into an Agreement With the Texas Product Stewardship Council to Become a Member, and to Promote and Support the Shift of Disposal Cost From the Local Government to the Producer Through State Legislation; and Authorization for the City Manager or his Designee to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

Texas Product Stewardship Council (TXPSC) formed in 2009 as an organization of local governments focused on (1) reducing public costs for consumer waste management, particularly waste requiring special handling, and (2) shifting the burden for product end-of-life management from local governments and rate payers to producers of the products. TXPSC is formalizing its organizational structure, and City staff proposes to become a member of TXPSC and participate in promoting producer responsibility for designing products that are more durable, less toxic, and more easily reused or recycled. There is no membership fee required.

RECOMMENDATION:

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

- 8. Approval of a Resolution Endorsing Certain Legislative Changes Relating to the Sunset Review of the Texas Public Utility Commission; and the Special Purpose Review of the Electric Reliability Council of Texas.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is a member of Cities Aggregation Power Project, Inc. ("CAPP"). The CAPP Board of Directors has voted to authorize certain legislative efforts pertaining to the Sunset Commission's review of the Public Utility Commission ("PUC") and the Electric Reliability Council of Texas ("ERCOT"). The Sunset agency's recommendations pertaining to both organizations are expected to form the basis of bills during the 82nd Legislative Session in 2011. As such, CAPP is recommending legislative action related to the Sunset Commission's examination of both the PUC and ERCOT. In addition, CAPP will offer all resolutions of its members during Sunset hearings to apprise lawmakers of CAPP Cities' perspective on how to make the electric market more competitive and beneficial to consumers. The proposed resolution endorses CAPP's legislative/sunset agenda.

RECOMMENDATION:

That the City Council approve the resolution.

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- 9. Approval of a Resolution Endorsing Regional “Best Practices” Standards Calculated at Fostering Improved Intrastate Gas Utility-Municipal Relations With Regard to the Acquisition and Routing of Pipeline Rights-of-Way Through Incorporated Areas; and Providing an Effective Date.**

ADMINISTRATIVE COMMENTS:

A group of public officials and members of the Texas Pipeline Association (TPA) has been working in a collaborative manner to improve communications between the pipeline industry and local municipal governments located in the Barnett Shale. This group met on a number of occasions to discuss the issues that surround pipeline routing through municipal jurisdictions. The results of this collaborating effort was the *Best Practices for Pipeline and Municipality Relations* document, which is designed to enhance the routing process, through communication and mutual respect. The pipeline industry also adopted a document called *General Guidelines for Right-of-Way Acquisition, Construction and Operations*. This resolution shows Lewisville’s support and commitment to adhere to these best practices when dealing with pipeline companies.

RECOMMENDATION:

That the City Council approve the resolution.

G. REGULAR HEARINGS:

- 10. Consideration of a Variance to the Lewisville City Code - Section 6-54, Engineering Site Plan Requirements, Including Parking Lot Improvements, for the Existing Macs Sports Center Located at 200 Continental Drive as Requested by Jeff Crannell, Representing the Owner.**

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ADMINISTRATIVE COMMENTS:

The Mac Sports Center is proposing to construct additional on-site parking spaces for the existing facility. The new parking lot would be built on the ball field that is located east of the existing building. Seventy-seven (77) proposed spaces will be constructed and will create a total of 166 spaces for the facility. There are 136 required spaces for this facility. The additional on-site parking area will necessitate a new engineering site plan; however, a variance is being requested to provide a full grading and paving plan in lieu of an engineering site plan.

RECOMMENDATION:

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

PRESENTATION: Cleve Joiner, Building Official

- 11. Consideration of Two Variances to the Lewisville City Code - Section 4-27, International Building Code, Prohibiting Temporary Construction; and Section 2-201, Variance Fee, to Allow Construction of a Temporary Structure on the First United Methodist Church Property Located at 907 West Main Street for Use by Habitat for Humanity, as Requested by Don Lee, Pastor.**

ADMINISTRATIVE COMMENTS:

The First United Methodist Church of Lewisville, in partnership with Habitat for Humanity of Denton County, is proposing to partially construct a single family home on-site at the First United Methodist Church property at 907 West Main Street. The construction will be completed when the structure is enclosed, which is estimated to be in mid-April 2010. The structure would then be moved to a permanent site in Denton. This location was chosen to make it easier for the parishioners to participate due to the close proximity. The following variances are being requested: a) to allow the temporary partial construction of a single family home; and, b) to waive the \$350 variance fee associated with the variance request.

RECOMMENDATION:

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

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PRESENTATION: Cleve Joiner, Building Official

- 12. Consideration of Two Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103, Access Management; and Section 6-148, Screening of Outside Storage, Related to the Engineering Site Plan for Tru-Green Company Warehouse Located on the North Side of Jones Street and East of North Mill Street, as Requested by Steve Homeyer P.E., on Behalf of the Owner.**

ADMINISTRATIVE COMMENTS:

The revised engineering site plan is required to allow the owner to make a 1,000 square foot addition to the existing building. The revised engineering site plan complies with the GDO and Zoning requirements with the exception of the proposed variances: a) to allow 30-foot spacing between existing driveways on adjacent lots on a 2-lane collector to remain; and, b) to allow a 6-foot chain link fence with green plastic slats to remain in lieu of the required opaque screening. The zoning for the property is Light Industrial (LI). The same two variances were granted with previous versions of the engineering site plan: driveway spacing on December 16, 1996 and screening on November 21, 2005.

RECOMMENDATION:

That the City Council approve the requested spacing variance and to consider the screening variance as set forth in the caption above.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Steve Homeyer, P.E., Homeyer Engineering Inc.

- 13. Consideration of Three Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-103 Access Management; Section 6-98(d) Fire Protection Distribution Systems; and Section 6-123 Non-Residential Landscaping Requirements, Related to the Engineering Site Plan for the DCTA Lewisville Lake/Highland Village Train Station and Park & Ride Located at the Southeast Quadrant of I-35 and Garden Ridge Blvd., as Requested by the HNTB Corporation, on Behalf of DCTA.**

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ADMINISTRATIVE COMMENTS:

The Denton County Transportation Authority has submitted a site plan for the Lewisville Lake/Highland Village Station located at the southeast quadrant of Garden Ridge Boulevard and I-35. The associated commuter parking and right-of-way dedication are located on a contiguous 2.549-acre tract owned by the DCTA, previously Buxton Marine. The engineering site plan complies with the GDO with the exception of the proposed variances: a) to waive the 10-foot landscape strip adjacent to the dedicated street right-of-way, b) to allow 28 feet of driveway stacking in lieu of the required 40 feet, and c) to allow fire protection to the site from a dead end, 8-inch water main, 868 feet from the nearest looped water system. The zoning for the property is Public Use (PU).

RECOMMENDATION:

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

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

- 14. Acceptance of Resignation of Stephanie Rogers From Place No. 2 on the Zoning Board of Adjustment; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 2 on the Zoning Board of Adjustment.**

ADMINISTRATIVE COMMENTS:

Stephanie Rogers has submitted an e-mail turning in her resignation from the Zoning Board of Adjustment due to business conflicts effective immediately. The City Council will need to consider a new appointment to fill the vacancy in Place No. 2.

RECOMMENDATION:

That the City Council accept the resignation of Stephanie Rogers from Place No. 2 on the Zoning Board of Adjustment; declare a vacancy exists; and consider an appointment to Place No. 2 on the Zoning Board of Adjustment.

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- 15. Consideration of Upcoming Meeting Dates for the City’s Budget Process.**

ADMINISTRATIVE COMMENTS:

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City’s budget process. The Budget Workshop is recommended to be scheduled for August 7th.

RECOMMENDATION:

That the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

- 16. Consideration of Options for Conducting 2010 “Sounds of Lewisville” Concerts.**

ADMINISTRATIVE COMMENTS:

As a result of projected revenue shortfalls and other factors, funding for the 2010 “Sounds of Lewisville” concerts has been frozen. Staff is presenting three no-cost options for holding some version of “Sounds of Lewisville” during 2010.

RECOMMENDATION:

That the City Council give staff direction on options for 2010 “Sounds of Lewisville” concerts.

- 17. Discussion Regarding Section 3.02 Qualifications of the Lewisville Home Rule Charter in Regards to Councilman John Gorena as Requested by Councilman David Thornhill and Councilman Greg Tierney.**

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ADMINISTRATIVE COMMENTS:

Councilman Thornhill and Councilman Tierney have requested that discussion be held regarding portions of Section 3.02 Qualifications of the City Charter which state, in relevant part, as follows: "The mayor and each member of the city council ... shall not be in arrears in the payment of any taxes or other liabilities due to the city" and "The city council shall also have the power and authority to declare, and may at its next regular meeting declare a vacancy to exist in the office of mayor or any councilman if such mayor or councilman: a. lacks at any time during his term of office any qualifications for the office prescribed by this charter or by law; or b. violates any expressed prohibition of this charter" .

RECOMMENDATION:

That the City Council conduct discussion as listed in the caption above.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation With Attorney): Contemplated Litigation Regarding Grande Communications and Verizon
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- J. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- K. **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>
