

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
APRIL 5, 2010**

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

**WORKSHOP SESSION - 6:15 P.M.  
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:15 P.M.**

- A. Discussion of the I-35 Corridor Plan Steering Committee
- 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:** Deputy Mayor Pro Tem Durham
- C. **PROCLAMATIONS:**
  - 1. Declaring the Month of April, 2010, as “Child Abuse Prevention Month”; and
  - 2. Proclaiming Special Recognition to the Lewisville High School Cheerleaders.

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- D. **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).

**ADMINISTRATIVE COMMENTS:**

This item was continued at the October 5, November 2, December 7, 2009 and February 1, 2010 City Council meetings to give the applicant time to address delays in completing College Street and Valley Ridge Boulevard reconstruction. Since the February 1<sup>st</sup> Council meeting, the landfill's contractor has re-mobilized and begun work on College Street. However, work is not complete and staff recommends that final consideration of this item be continued until May 17<sup>th</sup> to give the applicant time for completion.

**RECOMMENDATION:**

That the City Council continue the public hearing until May 17, 2010 to allow the applicant time to address the completion of the College Street paving project.

**PRESENTATION:** Eric Ferris, Director of Community Development  
Jason Edwards, Weaver Boos Consultants

- 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:** City Council Minutes of the March 15, 2010, Workshop Session and Regular Session.
  2. **Approval of a Supplemental Appropriation to the Maintenance and Replacement Fund in the Amount of \$35,496 From General Capital Projects Available Cash.**

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**ADMINISTRATIVE COMMENTS:**

The City of Lewisville, DENCO 911 District, and the County of Denton shared costs of constructing and maintaining a self-supporting communications tower. Construction of the tower is now complete and left-over funds are being moved to the Maintenance and Replacement Fund.

**RECOMMENDATION:**

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

- 3. Approval of an Appropriation for Clearwell Storage Repair From Utility Capital Projects Available Cash in the Amount of \$260,000; Approval of an Award for the Rehabilitation of the #1 C. R. Feaster Clearwell to Natgun Concrete Tank Services, Wakefield, MA, in the Amount of \$255,000; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of thirty-four (34) requests for proposals were downloaded from Bidsync.com. Four (4) proposals were received March 10, 2010. Based on receiving the highest evaluation score, Natgun Concrete Tank Services is being recommended for award. This project involves the repair of a 1-million gallon concrete water storage tank located at the C. R. Feaster Water Plant. Work includes repairing cracks, leaks and structural repairs, as well as replacing roof hatch covers. An additional \$5,000 is being requested as a contingency.

**RECOMMENDATION:**

That the City Council approve the appropriation and bid award as set forth in the caption above; and authorize the City Manager to execute the contract.

- 4. Approval of a Supplemental Appropriation for Meter Improvements at Railroad Park From Utility Capital Projects Available Cash in the Amount of \$118,000; Approval of a Change Order in the Amount of \$114,973 for a River Pump Metering Station at Railroad Park to Core Construction Services of Texas, Inc.; and Authorization for the City Manager to Execute Change Order #3.**

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**ADMINISTRATIVE COMMENTS:**

Texas Commission on Environmental Quality (TCEQ) recently approved a water rights permit that will allow the City to utilize water from the Trinity River to irrigate Railroad Park. TCEQ required installation of a meter at the River Pump Station within Railroad Park. A change order has been processed in the amount of \$114,973 for the meter and associated work. Funding is available after the supplemental appropriation from the Utility Capital Project Fund. Metering requirements have now been determined and staff is requesting approval of the purchase of a 10-inch raw water meter and vault for Lake 2, in the amount of \$114,973. A small contingency has been included in the proposed budget.

**RECOMMENDATION:**

That the City Council approve the supplemental appropriation and change order as set forth in the caption above; and authorize the City Manager to execute Change Order #3.

- 5. Approval of a Bid Award for an Annual Requirements Contract for Meter Reading Services to AMS Utiliserv, Monroe, Louisiana, for an Estimated Amount of \$220,723.08.**

**ADMINISTRATIVE COMMENTS:**

A total of twenty-five (25) bid invitations were downloaded from Bidsync.com. Four (4) bids were received and opened March 11, 2010. This contract provides for the manual reading of approximately 16,931 water meters each month and the associated services (disconnects, reconnects, and re-reads). The term of the contract is for twelve (12) months, with an option to extend for up to two (2) additional twelve-month periods. AMS Utiliserv is the current contractor for reading meters. Funds are available in the FY 2010 Public Services Utility Fund Operating Budget.

**RECOMMENDATION:**

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

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- 6. Approval of a Contract for Architectural Services With Quorum Architects, Fort Worth, Texas, for the Design of the Proposed Animal Services and Adoption Facility in the Amount of \$420,000; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

Requests for Qualifications were issued on November 24, 2009 and a total of eight (80) were downloaded from BidSync.com. As of December 17, 2009, a total of twenty (20) requests for qualifications, by architects, were received for potential interviews for the new Animal Services and Adoption Facility. Interviews were conducted with the top five (5) candidates. The firm of Quorum Architects, Inc., is recommended based on their prior animal services facility design, experience and references. Funding is available in the Animal Shelter Capital Project.

**RECOMMENDATION:**

That the City Council approve the contract for architectural services as set forth in the caption above.

- 7. Approval of Final Acceptance of the Water Line Replacement 2006, Phase 3 Project; and Authorization to Make Final Payment to SYB Construction Company, Inc., in the Amount of \$23,484.60.**

**ADMINISTRATIVE COMMENTS:**

On September 14, 2009, the City Council awarded a contract to SYB Construction Company, Inc., in the amount of \$522,368.11 for the construction of the Water Line Replacement 2006, Phase 3 Project. The actual construction cost of the project is \$469,691.95, resulting in a savings of \$52,676.16. 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 \$23,484.60 is available in the Water Line Replacements 2006 Capital Project accounts. 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 Water Line Replacement 2006, Phase 3 project; and authorize final payment in the amount of \$23,484.60 to SYB Construction Company, Inc.

- 8. Approval of a Professional Services Agreement With Freese and Nichols, Inc., in the Amount of \$1,005,000 for Services Related to the Valley Ridge Boulevard (Mill Street – College Street) Project; Approval of a Total Project Design Budget of \$1,025,100, Which Includes \$20,100 for Contingencies; and, Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Valley Ridge Boulevard project is a planned four (4)-lane divided arterial street, which will extend the roadway from Mill Street to College Street. This project consists of providing for the design of Valley Ridge Boulevard with concrete pavement, water line improvements, drainage improvements, sanitary sewer improvements, bridge improvements, permanent pavement markings and signs. Special studies, related to bridge hydraulics, FEMA review and approvals, Section 404 permits from the United States Corps of Engineers are also included in this contract. The engineer's estimated construction cost is in the amount of \$10,590,000. Staff has negotiated a Professional Services Agreement with Freese and Nichols, Inc., in the amount of \$1,005,000 to include design services, surveying, geotechnical investigation, environmental site assessment, permitting through the Corps of Engineers, FEMA and TXU. Funding is available in the Valley Ridge (Mill-Kealy) Capital Project Accounts.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement as set forth in the caption above.

- 9. Approval of a Professional Services Agreement With the Beck Group in the Amount of \$19,000 for Services Related to Lewisville Lake Developer Selection Services; Approval of a Supplemental Appropriation From General Capital Projects Available Cash Fund in the Amount of \$19,000; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

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The City of Lewisville previously engaged the Beck Group to assist the City to qualify, interview and recommend appropriate developers to work in partnership with the City to accomplish development objectives for a Transit Oriented Development near Lewisville Lake and the new DCTA rail station. The initial contract amount was \$38,000 for the 1<sup>st</sup> phase. The 2<sup>nd</sup> phase contract amount is \$19,000 which now exceeds the \$50,000 contract limit that may be approved by the City Manager; thus, the need for presentation to the City Council. The new contract is to assist the City in selecting and negotiating with the preferred developer candidates.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement and the supplemental appropriation as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 10. Approval of a Professional Services Agreement With Terracon Consultants, Inc., in the Amount of \$380,000 to Perform Services Related to the Implementation of a Brownfields Assessment Program; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

In September 2009, the City was awarded funds from the U.S. Environmental Protection Agency for implementation of a Brownfields Assessment Program. Implementation of the grant provides the City with a unique opportunity to stimulate redevelopment of underutilized and idled properties. The assessment program will work in conjunction with revitalization plans currently underway in Old Town and along the Interstate 35E Corridor. Much of the grant activities will rely on the provision of environmental data in the form of Phase I and Phase II Environmental Site Assessments. Staff received 12 proposals via Bidsync from environmental services consulting firms for provision of services. From those, three were interviewed, with Terracon being the most highly ranked among the selection panel. Funding is available in the FY 2009/2010 Economic Development Grant Fund budget.

**RECOMMENDATION:**

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That the City Council approve the Professional Services Agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 11. Approval of an Economic Development Agreement By and Between the City of Lewisville and Jason Rose; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Developer JR Rose Development Companies is proposing a five-unit, three-story, townhome project in the Old Town Lewisville Transit Oriented Development area. The proposed project will further the implementation of development in Old Town as recommended by the City's plans. The proposed incentive allows for a rebate of development fees. Fees are to be paid in advance by the developer, and rebated after verification of the performance measures.

**RECOMMENDATION:**

That the City Council approve the Economic Development Agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 12. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Innovative Transportation Solutions, Inc., has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. In the past year, they have worked on behalf of the City on Regional Toll Revenue Funds, Old Town Sustainable Development projects, and Denton County TRIP-08 bond projects. Funding is available in the Community Development Department FY 2009/2010 budget.

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That the City Council approve the Transportation Consultation Services Agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 13. Approval of a Resolution to Execute a Local Project Advance Funding Agreement With the Texas Department of Transportation Related to Kansas City Southern Railroad Crossing Signal Improvements at Kealy Avenue; Approval of a Supplemental Appropriation in the Amount of \$100,000 From General Capital Projects Available Cash; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Kansas City Southern Railroad grade crossing at Kealy Avenue was approved to receive the Federal Railroad Reliability (Safe Crossing) Program funds in the amount of \$152,000. The City match of this program is in the amount of \$83,196, based on the total estimated cost for the project in the amount of \$235,196, actual costs could be more than this amount. The Local Project Advance Funding Agreement with TxDOT is ready for City approval and execution. A separate agreement between the City and Kansas City Southern Railroad will be forthcoming to begin construction of the improvements.

**RECOMMENDATION:**

That the City Council approve the resolution and the supplemental appropriation as set forth in the caption above; and authorize the City Manager to execute the agreement.

**G. REGULAR HEARINGS:**

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 10, Article III, Section 10-71 by Prohibiting the Consumption of an Alcoholic Beverage or the Possession of an Open Container of an Alcoholic Beverage at the Lake Park Disc Golf Course or Within 15 Feet of the Lake Park Disc Golf Course.**

**ADMINISTRATIVE COMMENTS:**

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Lewisville has two disc golf courses, one at L.L. Woods Park and one at Lake Park. Alcohol is allowed at Lake Park but is prohibited by the current ordinance at L.L. Woods Park. Staff received several complaints concerning the use of alcohol at the Lake Park Disc Golf course from park users and local residents. The Park Board reviewed the ordinance and complaints received regarding use of alcohol at the Lake Park Disc Golf Course. Due to the inconsistency of the ordinance which prohibits the consumption of alcohol at the L.L. Woods Disc Golf Course and all other athletic facilities but allows use of alcohol at Lake Park Disc Golf Course, the Park Board voted unanimously to recommend City Council prohibit the use of alcohol at the Lake Park Disc Golf Course.

**RECOMMENDATION:**

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

- 15. Consideration of an Ordinance Establishing a Brownfields Advisory Committee.**

**ADMINISTRATIVE COMMENTS:**

In September of 2009, the City of Lewisville was awarded \$400,000 from the U.S. Environmental Protection Agency in the form two community wide Brownfields Assessment Grants. Grant implementation is subject to the terms and conditions of U.S. Environmental Protection Agency Cooperative Agreements BF-96696101-0 and BF-96695301-0, which stipulate that the City must establish an advisory body to consider and make recommendations regarding the selection of sites to be assessed. Staff recommends that the Planning and Zoning Commission serve as this committee.

**RECOMMENDATION:**

It is City staff's recommendation approve the ordinance.

- 16. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting Section 7-171 and Section 1-177 and Replacing With New Text.**

**ADMINISTRATIVE COMMENTS:**

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The current Special Events Ordinance is in need of revision for clarification purposes. Staff has identified areas in the ordinance that have recently become problematic. These sections of the ordinance do not address the amount of time for setup and takedown of equipment, tents, stages, amusements or props used for a special event. In addition, staff has identified a need to adjust the duration and frequency of special events per location. Staff is requesting that City Council repeal the sections and replace them with the proposed ordinance.

**RECOMMENDATION:**

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

- 17. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Fees for the Farmers Market.**

**ADMINISTRATIVE COMMENTS:**

The City will hold the Old Town Farmers Market on Saturdays from May 15 through October 30. Some vendors have requested the option of paying for the entire season in a single registration, rather than the weekly and monthly options currently available. This option also could reduce the demand on staff time to collect and process vendor payments. In addition, market visitors have expressed interest in seeing arts and crafts vendors added to the event, something that staff has found to be common among competing markets in the area. Both of these proposals require a change to the city's Fee Schedule.

**RECOMMENDATION:**

That the City Council approve the ordinance.

- 18. Declare a Vacancy Exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and Consideration of Appointment to Fill the Vacancy.**

**ADMINISTRATIVE COMMENTS:**

At the March 15, 2010, City Council meeting, Council appointed Alternate Place No. 2 Zoning Board of Adjustment member Antonio Gallizzi to Place No. 2 due

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to the resignation of Stephanie Rogers. The appointment of Mr. Gallizzi has created a vacancy in the Alternate No. 2 position.

**RECOMMENDATION:**

That the City Council declare a vacancy exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and consider an appointment to fill the vacancy.

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

- ◆ Letter on Internal Control and Management Comments – September 30, 2009
- ◆ First Quarter 2010 Boards/Commissions/Committees Attendance Reports

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**

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).