

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JULY 12, 2010**

**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. Review of Solid Waste Service Options (Requested by Mayor Ueckert)
- 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:** Councilman Watts
- C. **PROCLAMATION:** Declaring the Month of July, 2010 as, "Recreation and Parks Month".
- D. **PRESENTATIONS:**
  - 1. DFW Area Parks and Recreation Directors Association Innovation in Programming Award for the Xtreme Response Camp;
  - 2. Certificates of Appointment and Oaths-of-Offices to Reappointed and Newly Appointed Members of the City's Boards/Commissions/Committees;
  - 3. Plaques of Appreciation to Outgoing Members of the City's Boards/Commissions/Committees.

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- E. **Public Hearing: Consideration of Amendments to the 2009 Community Development Block Grant Annual Action Plan to Add a \$9,484 Allocation for Denton County Friends of the Family; Decrease Funding for Children’s Advocacy Center for Denton County by \$9,484; Correcting Goals for Health Services of N. Texas, Christian Community Action, Children’s Advocacy Center and Special Program for Aging Needs (SPAN); and Consideration of an Amendment to the 2007 Housing and Community Development Consolidated Plan to Designate Handicapped Services as a Medium Priority; and Authorization for the City Manager to Submit the Amendments to the U.S. Department of Housing and Urban Development.**

**ADMINISTRATIVE COMMENTS:**

A project allocating \$9,484 to the Denton County Friends of the Family will be added to the CDBG Annual Action Plan (AAP) while decreasing their City Social Service Agency Fund (City Fund) allocation by the same amount. Conversely, CDBG funding for the Children’s Advocacy Center will decrease by \$9,484 and increase the same amount from the City Fund. Total funding support for both agencies remains the same as funding sources are adjusted. Client and service goals would be amended for Health Services of N. Texas, Children’s Advocacy Center, SPAN and CCA to match current negotiated contracts that were revised after the 2009 AAP was adopted. The “Handicapped Services” Priority in the 2007 Consolidated Plan would be amended to reflect the continued need to fund services provided by Day Stay for Adults.

**RECOMMENDATION:**

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

- F. **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.
- G. **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.

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1. **APPROVAL OF MINUTES: City Council Minutes of the June 21, 2010, Workshop Session and Regular Session.**
2. **Approval of a Supplemental Appropriation to the Police Station Remodel Capital Project in the Amount of \$50,000 From General Capital Project Available Cash; Approval of Amending the Contract With JC Commercial, Inc., From \$1,280,788 to \$1,325,788 for Construction Services to Remodel the Police Station; Approval of an Amended Total Project Budget of \$1,602,244; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

The age and condition of the building has exposed several repairs not anticipated in the original planning stages of the remodel. In addition, the existing set of as-built plans on file proved to be inaccurate in many instances as a result of modifications over the years. To prevent a progress slowdown, an additional contingency amount of \$50,000 is requested as a supplemental appropriation that will only be spent when authorized by City staff. The contract with JC Commercial, Inc., will be amended to add \$45,000 of this appropriation with the remaining \$5,000 set aside for other contingencies.

**RECOMMENDATION:**

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

3. **Approval of a Supplemental Appropriation in the Amount of \$30,820 to the Court Technology Fund for Disk Storage Expansion.**

**ADMINISTRATIVE COMMENTS:**

The city's network storage solution (SANS) has insufficient storage capacity for storing Municipal Courts electronic records. This unit needs to be expanded to accommodate the future growth of the electronic records. Funding is available in the Court Technology Fund Balance.

**RECOMMENDATION:**

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

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- 4. Approval of Final Acceptance of the Austin Ranch Elevated Storage Tank Project; and Authorization to Make Final Payment to Landmark Structures 1, L.P., Fort Worth, Texas, in the Amount of \$90,340.02.**

**ADMINISTRATIVE COMMENTS:**

On October 1, 2007, the City Council awarded a contract to Landmark Structures 1, L.P., in the amount of \$2,879,427.83 for the construction of the Austin Ranch Elevated Storage Tank Project. Additionally, the City Council approved a change order on November 16, 2009, in the amount of \$109,763, for a revised contract amount of \$2,989,220.83. The actual construction cost of the project is \$2,938,159, resulting in a savings of \$51,061.83. 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 \$90,340.02 is available in the Austin Ranch Elevated Storage Tank Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

**RECOMMENDATION:**

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

- 5. Approval of Final Acceptance of the Dallas Water Supply Line No. 3, Phase 2 Project; and Authorization to Make Final Payment to Wilson Contractor Services, LLC, Denton, Texas, in the Amount of \$76,004.03.**

**ADMINISTRATIVE COMMENTS:**

On November 3, 2008 the City Council awarded a contract to Wilson Contractor Services, LLC in the amount of \$1,426,580.90 for the construction of the Dallas Water Supply Line No. 3, Phase 2 project. Additionally, the City Council approved one change order on May 4, 2009, in the amount of \$65,639.60, for a revised contract amount of \$1,492,220.50. The actual construction cost of the project is \$1,449,780.60, resulting in a savings of \$42,439.90. 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 \$76,004.03 is available in the Midway Pump Station 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 approve all items as set forth in the caption above.

- 6. Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Friends of the Family for Community Development Block Grant Funding and Between the City of Lewisville and Children's Advocacy Center for Denton County for a City Social Service Agency Fund Award; and Authorization for the City Manager to Execute the Agreements.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville, a U.S. Department of Housing and Urban Development (HUD) Entitlement City, is submitting amendments to its 2009 Annual Action Plan which are also being considered by the City Council on July 12, 2010. Amendments will result in the need for a CDBG contract in the amount of \$9,484 between the City of Lewisville and Denton County Friends of the Family (the agency's current City Fund contract will be reduced by \$9,484); and a new City Fund contract in the amount of \$9,484 between the City of Lewisville and Children's Advocacy Center for Denton County (the agency's current CDBG contract will be reduced by \$9,484). New agreements have been prepared for the City Manager to execute with each of the non-profit entities.

**RECOMMENDATION:**

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

**H. REGULAR HEARINGS:**

- 7. Consideration of Three Variances to the Lewisville City Code, Section 11-11 Permissible Signs and Section 11-08 Electrical and Other Illuminated Signs Located in the Old Town Design District, Regarding a Monument Sign to be Located on the Frontage Road of I-35 at 500 West Main Street, as Requested by Accent Graphics, Representing the Owner, Medical Center of Lewisville.**

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**ADMINISTRATIVE COMMENTS:**

Medical Center of Lewisville is requesting to erect a Monument Sign that is nine feet four inches higher than allowed in the Old Town Design District. The sign will be illuminated internally which is not allowed in the Old Town District. Recently, Council approved a continued use of a legal nonconforming freestanding sign which is internally illuminated in the Old Town District on I-35 for the Select Inn. Signage along the I-35 frontage outside of the Old Town Design District is allowed to be sixty (60) feet in height. Medical Center of Lewisville is requesting three (3) variances: (a) to construct a monument sign thirteen feet four inches in height within the Old Town Design District; (b) to exceed the allowable display area of 40 square feet to 66 square feet; and, (c) to allow internal and indirect illumination. The Old Town Design Review Committee (OTDRC) unanimously recommended approval of the requested freestanding sign, at their June 28, 2010 meeting.

**RECOMMENDATION:**

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

**PRESENTATION:** Cleve Joiner, Building Official

- 8. Consideration of a Variance to the Lewisville City Code, Section 11-14, Signs on Public Property; and Approval of Temporary Alcohol Consumption on Public Property During the Texas Firefighter Olympics.**

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**ADMINISTRATIVE COMMENTS:**

Lewisville will host the Texas Firefighter Olympics on July 18-23. This event will host 1500+ participants, using athletic and attraction venues throughout the greater Lewisville area. This event previously has been held in Lewisville in 2000 and 2005. Staff is seeking permission to place promotional signs in City rights-of-way before and during the event, as necessary. City staff also requests temporary approval of alcohol consumption at Railroad Park, Lake Park, and LL Woods Park during several of the Olympic games. The above mentioned parks are not covered in Administrative Policy 4.1.1, Rental and Use Policies for City Facilities, which specifies facilities in which alcohol is allowed, thus requiring City Council approval. The City will not be selling or providing alcohol for consumption. This approval would only allow participants to bring in their own alcohol in coolers, etc. for consumption at the Parks.

**RECOMMENDATION:**

That the City Council approve a variance to the Lewisville City Code; and approve temporary alcohol consumption in Railroad Park, Lake Park, and LL Woods Park during the Texas Firefighter Olympics.

**9. Consideration of a Brownfields Assessment Program Application for the Property at 102 South Mill Street.**

**ADMINISTRATIVE COMMENTS:**

Since the City was awarded Brownfields Assessment Funds in September of 2009, staff has been working with potential candidate sites for involvement in the program. The property at 102 South Mill Street, also known as the K&W property, has submitted the first application for participation in the program. The City has contracted with Terracon Consultants Inc., to begin environmental site assessment as part of the EPA grant. The Brownfields Advisory Committee recommended approval of the Brownfields Assessment Program Application at its meeting on July 6, 2010.

**RECOMMENDATION:**

That the City Council approve the Brownfields Assessment Program Application for the property at 102 South Mill Street.

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- I. **REPORTS**: Reports about items of community interest regarding which no action will be taken.
- ◆ Second Quarter 2010 Boards/Commissions/Committees Attendance Reports
- J. **CLOSED SESSION**: In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition
  2. Section 551.074 (Personnel): Appointment of City Health Officer
  3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- L. **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).

**ADDENDUM TO THE AGENDA**

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In addition to the previously posted agenda for the July 12, 2010, Regular Session, the following item is hereby added:

- 10. Consideration of an Ordinance Providing a Temporary Suspension of the Acceptance, Filing and Processing of Applications for any Permit Pursuant to Chapter 7, Article XVIII, Oil and Gas Drilling and Production, of the Lewisville City Code or for any Request for Specific Use Zoning Associated With Natural Gas/Oil Drilling and Production Pursuant to Chapter 17, Section 17-29, Specific Use District; Directing a Comprehensive Review of Said Chapters and to Propose Revision, if Necessary, Thereto; Providing a Procedure for a Variance From the Temporary Suspension (as Requested by Deputy Mayor Pro Tem Tierney and Councilman Thornhill).**

**ADMINISTRATIVE COMMENTS:**

Councilmen Tierney and Thornhill have requested consideration of a new review of the city's current oil/gas ordinance in light of recent publicity about the potential impacts of urban area drilling, including environmental and health, safety and welfare effects. To facilitate this review and provide a period during which an orderly consideration of the current zoning and gas ordinances can be accomplished, the proposed ordinance provides for a temporary 120 day suspension of applications and permitting for natural gas drilling and production, as well as any associated facilities. It then directs staff to perform a comprehensive review of the pertinent chapters of the city code. An extension of the temporary suspension for an additional 60 days is included, as well as a variance process for this ordinance.

**RECOMMENDATION:**

That the City Council adopt the ordinance as set forth in the caption or amend it as needed.