



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, March 16, 2020

5:45 PM

Council Chambers

Call to Order and Announce Quorum is Present

Workshop Session - 5:45 P.M.

***Items discussed during Workshop Session may be continued during the Regular Session after Reports if time does not permit holding or completing discussion of the item during Workshop Session.*

- A. [Discussion of Regular Agenda Items and Consent Agenda Items](#)
- B. [Presentation of the 2019 Comprehensive Annual Financial Report \(CAFR\)](#)
- C. [Neighborhood Bold Initiative / Neighborhood Empowerment Zone](#)
- D. [Recommendation of Arts Advisory Board Related to Proposed Purchase of Slicker Shy Sculpture.](#)

Regular Session - 7:00 P.M.

- A. **Invocation: Councilmember Jones**
- B. **Pledge to the American and Texas Flags: Deputy Mayor Pro Tem Ferguson**
- C. **Presentation**
 - 1. [Life Saving Award to Detention Supervisors: John Edwards and Daniel Williams; and Detention Officer John Dixon](#)
 - 2. [Swearing In Ceremony for Fire Department](#)
- D. **Public Hearing**
 - 1. [Public Hearing: Consideration of an Ordinance Adopting Camp Standards of Care in Compliance with Texas Administrative Code 745.115\(3\) Municipal for Recreational Camp Programs.](#)

ADMINISTRATIVE COMMENTS:

The Texas Department of Family and Protective Services (DFPS) regulates various child day-care operations. Under the Texas Human Resources Code 42.041 (b)(14) and DFPS Rules, 40 TAC 745.115(3), the camps operated by the City of Lewisville Parks and Recreation Department are exempt from these regulations, provided that the City Council annually adopt Camp Standards of Care. The proposed standards are updated to reflect adjusting the minimum age for Camp Play attendees, updating the definition of a youth camp to include youth after school programs, adjusting the minimum age of camp counselors to 16 and camp leaders to 18 and adjusting language to allow camp staff to provide more comprehensive first aid care.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Stacie Anaya, Director of Parks & Recreation

E. Visitor/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.

2. [APPROVAL OF MINUTES: City Council Minutes of the March 2, 2020, Workshop Session and Regular Session.](#)
3. [Approval of a Professional Services Agreement with Tonic3 in the Amount of \\$166,200 for 12 Months of Professional Services Related to Old Town Branding; Authorization for the City Manager to Execute the Agreement; and Approval of a Supplemental Appropriation in the Amount of \\$166,200 from the Hotel Motel Fund Reserve.](#)

ADMINISTRATIVE COMMENTS:

City Council appointed an Old Town Branding Task Force in August 2018 to develop a new branding package for Old Town Lewisville that will appeal to visitors, residents, and businesses. The group selected Tonic3 of Lewisville, Texas, to develop the branding package, which was presented to City Council in December 2019. This agreement is for services related to the first year, and optional second year, of brand implementation. The requested supplemental appropriation is for all services included in the first year of the agreement.

RECOMMENDATION:

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

4. [Approval of Bid Awards for Annual Requirements Agreements for Mowing Services Zones of 1, 2, & 3 to Carruthers Landscape Mgt., Inc., Dallas, Texas for an Estimated Annual Amount of \\$853,400 and of Zones 4 & 5 to Good Earth Corporation, Dallas, TX for an Estimated Annual Amount of \\$95,468; and Authorization for the City Manager to Execute the Contracts.](#)

ADMINISTRATIVE COMMENTS:

A total of twenty-four (24) requests for proposals were downloaded from Bidsync.com. Seven (7) proposals were received and opened on January 16, 2020. These contracts for mowing services include five different zones for medians and parkways, City lots, parks, City facilities, landscape bed maintenance, tree trimming and removal, mowing of TxDOT rights of way and creek channel mowing. Based on the evaluation matrix included in the request for proposals, Carruthers Landscape Management, Inc. received the highest evaluation score for Zones 1, 2 & 3 and Good Earth Corporation received the highest evaluation scores for Zones 4 & 5. Both companies are being recommended for award. The term of the contracts will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available for this contract through the Parks and Recreation and Public Services operating budgets.

RECOMMENDATION:

That the City Council approve the awards and authorize the City Manager to

execute the contracts as set forth in the caption above.

5. [Acceptance of the Fiscal Year 2019 Comprehensive Annual Financial Report \(CAFR\).](#)

ADMINISTRATIVE COMMENTS:

The independent annual audit of the City's financial statements is complete. The 2019 Comprehensive Annual Financial Report is provided in compliance with the City Council's Finance Policy Statement 3.0 Section I. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included are Single Audit reports on Federal Financial Assistance (SEFA) and State Financial Assistance (SESA).

RECOMMENDATION:

That the City Council accept the report as set forth in the caption above.

6. [Approval of a Change Order with Western Municipal Construction of Texas, LLC in the Amount of \\$113,872.75 for Metro Park Drainage Channel; and Authorization for the City Manager to Execute the Change Order.](#)

ADMINISTRATIVE COMMENTS:

The Metro Park Boulevard Channel project consists of a concrete channel beginning at Business 121 and extending to the north property line of the DCTA Maintenance Facility. The existing grass channel is undersized and has experienced severe erosion. The project will provide adequate drainage capacity and prevent the embankment from further erosion. City Council awarded the Metro Park construction project to Western Municipal Construction on December 3, 2019 and work began on January 2, 2020. The change order is for the contractor to provide an underdrain system underneath the concrete channel to address shallow ground water encountered during excavation of the channel. Funding is available in the Metro Park Drainage Capital project.

RECOMMENDATION:

That the City Council approve the change order as set forth in the caption above; and authorize the City Manager to execute the change order.

7. [Approval of an Amendment to the Municipal Maintenance Agreement with the Texas Department of Transportation; and the Authorization for](#)

[the City Manager to Execute the Amendment.](#)

ADMINISTRATIVE COMMENTS:

In 1995, the city executed a Municipal Maintenance Agreement with the Texas Department of Transportation. The agreement establishes the roles the state and the city participate in the maintenance of state highway routes including non-controlled access and controlled access highways within Lewisville. The proposed amendment shifts responsibility of mowing and litter removal along IH-35 controlled access highways from the state to the city with provisions for the state to reimburse the city \$24,888.60 for performing the tasks.

RECOMMENDATION:

That the City Council approve the amendment as set forth in the caption above and grant the City Manager authorization to execute the amendment.

8. [Approval of a Resolution of the City Council of the City of Lewisville, Texas, Authorizing Publication of Notice of Intention to Issue Certificates of Obligation; Approving the Preparation of a Preliminary Official Statement and a Notice of Sale; and Providing for the Effective Date Thereof.](#)

ADMINISTRATIVE COMMENTS:

The City desires to issue certificates of obligation in an amount not to exceed \$16,000,000 for costs associated with the designing, engineering, developing, constructing and equipping a new City fleet maintenance and building maintenance facility and to pay the costs incurred in connection with the issuance of the certificates. Section 271.049 of the Local Government Code requires issuers of certificates of obligation to publish a Notice of Intention to issue such certificates in a newspaper of general circulation in the City of Lewisville. The notice must be published once a week for two consecutive weeks with the date of the first publication before the 45th day before the date tentatively set for the passage of the ordinance authorizing the issuance of the certificates. The notice must identify the date, time, and place when the Council plans to adopt the ordinance authorizing the issuance of the certificates; the purpose for their issuance; manner in which the certificates will be paid; the current principal of all outstanding debt obligations; the combined principal and interest required to pay all outstanding debt obligations; further identify the maximum amount of the certificates to be issued; the estimated combined principal and interest required to pay the certificates in full; and the estimated

interest rate and maximum maturity date of the certificates to be authorized. The Attorney General requires that the City Council approve and authorize the giving of such notice prior to its publication or posting.

RECOMMENDATION:

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

9. [Approval of an Interlocal Cooperation Agreement with the Denton County Transportation Authority for Maintaining the A-Train Rail Trail within the Lewisville City Limits; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The Denton County Transportation Authority (DCTA) has recently completed construction of the final segment of the A-Train Rail Trail along the DCTA Corridor in Lewisville. During planning and design of the trail, DCTA was incentivized to proceed with construction of the trail with the promise of an agreement with the City to operate and maintain the segment of the trail within the city limits. The proposed agreement establishes the terms and responsibilities for maintaining the trail.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Stacie Anaya, Director of Parks & Recreation

G. Regular Hearings

10. [Consideration of One Alternative Standard to the IH-35E Corridor Overlay District Section 17.5-4 Related to the Amenity Zone Landscaping Requirements Associated With a Proposed Coffee Shop on a 0.53-Acre Lot Located on the South Side of West Main Street \(FM 1171\) Approximately 300 Feet West of South Edmonds Lane, Legally Described as Valley Square Addition, Block A, Lot 7; Zoned General Business \(GB\) District, as Requested by Clay Cristy, of Clay Moore Engineering, on Behalf of LRIC Lewisville, LP, the Property Owner \(Case No. ODB-2020-02-01\).](#)

ADMINISTRATIVE COMMENTS:

151 Coffee proposes a coffee shop with drive-through in front of the existing retail center at the southwest quadrant of West Main Street and South Edmonds Lane. The limited width of the existing TxDOT right-of-way creates practical difficulties in complying with tree location standards. As a result, the following alternative standard is requested: to allow canopy trees to be planted on the private property instead of within the right-of-way as required by Section 17.5-4(d)(1)d. The Overlay District Board recommended unanimous approval (6-0) of this alternative standard request on March 3, 2020.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

11. [Consideration of Appointing a Replacement Representative and an Alternate Representative to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council \(EPPC\).](#)

ADMINISTRATIVE COMMENTS:

Councilman TJ Gilmore was nominated by City Council on December 17, 2018 and subsequently appointed to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC). The North Central Texas Council of Governments (NCTCOG) Executive Board appointed Councilman Gilmore to a two-year term representing population category 80,000-119,999. His current term expires on August 2021. This council meets on a quarterly basis and is composed of elected officials from participating cities and counties. Councilman Brandon Jones currently serves as the Alternate Representative for this council. Councilman Gilmore has advised he will be unable to fulfill the rest of his term on this committee. City Council will need to consider appointing a replacement representative to EPPC. City Council will also need to consider an alternate representative to fill in for the representative if needed. The nomination form for the replacement and alternate representative form needs to be returned to the NCTGOG Executive Board.

RECOMMENDATION:

That the City Council consider appointing a replacement representative to EPPC and alternate representative as set forth by the caption above.

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

I. Return to Workshop Session if Necessary

J. 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.*

K. Reconvene into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

L. Adjournment

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

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).

I do hereby certify that the above notice of meeting of the City of Lewisville City Council was posted at City Hall, City of Lewisville, Texas in compliance with Chapter 551, Texas Government Code on _____, 2020 by _____ AM.

City Secretary