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# Lewisville City Council

The agenda and backup items follow in one continuous document. However, to view documents individually, click on the bookmark tab at the left of the screen. A list of all documents contained in the packet should appear in a screen to the left. If it does not, click on the “Show/Hide Navigation Pane” button in the toolbar at the top of the page.



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**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JUNE 16, 2014**

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

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

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:00 P.M.**

- A. Valley Ridge Boulevard Extension Update *more than 6 mtgs per GOMA*
- B. Discussion of Regular Agenda Items and Consent Agenda Items

**REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PROCLAMATION:** Declaring the month of July, as "Parks and Recreation Month" ✓
- D. **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. *None*
- E. **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.

*RO/NF  
4-20*

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

- 1. APPROVAL OF MINUTES: City Council Minutes of the June 2, 2014, Workshop Session and Regular Session.**
- 2. Approval of a Bid Award for Timber Creek Bridge Improvements at Arthurs Lane to Iowa Bridge and Culvert, LC, Cross Roads, Texas, in the Amount of \$2,338,081; Include \$155,732 for Contingencies and Bridge Inspection Services for a Total Project Construction Amount of \$2,493,813; and Authorization for the City Manager or her Designee to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of eighteen (18) bid invitations were downloaded from Bidsync.com. A total of eight (8) bids were received and opened May 22, 2014. This project consists of constructing a bridge at Arthurs Lane over Timber Creek to connect I-35 with the Hebron 121 Station development, including a 12-inch waterline and replacement of substandard pavement on Arthurs Lane. Funds are available in Capital Improvements Projects.

**RECOMMENDATION:**

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

- 3. Approval of an Economic Development Agreement by and Between the City of Lewisville and CADG Mill St., LLC; Approval of a Supplemental Appropriation in the Amount of \$144,350 From General Capital Project Cash; and Authorization for the City Manager or her Designee to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

CADG Mill St., LLC is proposing to redevelop the properties at 201 South Mill Street and 226 Charles Street (Lewisville Center) in Old Town Lewisville. The 1st phase of the process is the demolition and environmental clean-up of the existing structures. This agreement calls for a grant in an amount equal to 50% of the total demolition and environmental clean-up costs, not to exceed \$144,350, and a waiver of all permit related fees associated with the demolition.

**RECOMMENDATION:**

That the City Council approve the agreement and related items as set forth in the caption above.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

- 4. Approval of an Interlocal Agreement Among the Cities of Lewisville, Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Edward Byrne Memorial Justice Assistance Grant Program; and Authorization for the City Manager or her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville is eligible to receive a grant award under the Justice Assistance Grant (JAG) program; however, the City is required to make a joint application with the County (the grant administrator) to receive part of the \$43,753 allocated for the region. Prior to submitting a joint application, a memorandum of understanding must be completed and signed by the participating agencies. The JAG program supports a broad range of police activities. Council must understand that if they vote to approve the Interlocal agreement they are ratifying the entire term of the MOU (October 1, 2013 – September 30, 2017). The JAG program does not require a city match. The Lewisville Police Department proposes to use its share of \$15,021 for the purchase of Chemical – Biological – Radiological – Nuclear (CBRN) protective suits and associated gear for SWAT operations. Funding will be included in the FY 14-15 operating budget.

**RECOMMENDATION:**

That the City Council approve the interlocal agreement and all related items as set forth in the caption above.

- 5. Approval of Temporary Closures on Church Street and Charles Street on June 20-21, 2014; and Approval of Alcohol Service on City-Owned Property on June 21, 2014, Related to “Best Little Brewfest in Texas.”**

**ADMINISTRATIVE COMMENTS:**

“Best Little Brewfest in Texas” will be held in Old Town Lewisville on June 21, 2014. The event is produced by Cloud 9 charities as a major fundraiser for designated groups. This is an outdoor tented event, with tents placed on Church and Charles streets, requiring both streets to be closed on June 20 and 21. In addition, portions of the fenced festival zone will be on City-owned property, specifically part of City Hall grounds and the vacant lot on the northwest corner of the Church-Charles intersection. Beer is served throughout the festival zone requiring City Council approval for the serving of alcohol on City property.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

**RECOMMENDATION:**

That the City Council approve temporary street closures and alcohol service on city-owned property, as set forth in the caption above.

- 6. Approval of a Change Order to Kleinfelder Central, Inc. of Irving, Texas, in the Amount of \$25,000 for Additional Inspection Services; and Authorization for the City Manager or Her Designee to Execute the Change Order.**

**ADMINISTRATIVE COMMENTS:**

Kleinfelder was awarded a contract by staff for inspection services for the Old Town Plaza project in the amount of \$33,254, which was extended to \$49,255. During the final stage of the project, additional inspection services are needed, which will require an increase of \$25,000. The amount of the requested change order will cause the value of the contract to exceed \$50,000 and requires City Council approval.

**RECOMMENDATION:**

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

- 7. Approval of a Resolution Supporting Proposition 1 in the November 4, 2014 Constitutional Election Regarding Transportation and Other Infrastructure Needs, as Requested by Councilman Durham.**

**ADMINISTRATIVE COMMENTS:**

The 83<sup>rd</sup> Texas Legislature passed legislation proposing a constitutional amendment on the November 4, 2014 state ballot affecting the state's roads, highways and bridges. The amendment provides for the transfer of certain general revenue to the economic stabilization fund and state highway fund. The proposal will allow revenue transferred to the state highway fund to be used only for developing and maintaining public roadways, excluding toll roads. The proposed amendment does not establish any new or increased taxes or fees and would result in an estimated \$1.4 billion per year for the state highway fund.

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JUNE 16, 2014**

**RECOMMENDATION:**

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

**F. REGULAR HEARINGS:**

- No Action*
- 8. Consideration of a Variance to the Lewisville City Code, Chapter 17, Section 17-30, Sale of Alcoholic Beverages, as Requested by Linda M. Cimbron, CVS/Pharmacy Located at 1099 West Main Street, Lewisville, Texas.**
- Pull per CVS*

**ADMINISTRATIVE COMMENTS:**

An application for "The legal sale of beer and wine for off-premise consumption only" has been submitted by the CVS/Pharmacy located at 1099 West Main Street. The site does not meet the City regulations that require the site be 300 feet measured in a direct line from the property line of the public school to the property line of the place of business. When measurements extend across public streets, distances shall be measured utilizing street intersections (i.e. this does not include intersections related to driveway entrances). The City's ordinance was patterned after the TABC section regarding distance. CVS is seeking a variance to this ordinance.

**RECOMMENDATION:**

That the City Council deny the variance request as set forth in the caption above.

- ✓  
GT abstain*
- 9. Second Reading: Consideration of an Ordinance Granting a Special Use Permit (SUP) Request for an Auto Auction Facility on 41.059 Acres Zoned Light Industrial (LI), Located at 1836 Midway Road, Further Identified as Metro Auto Auction Dallas Addition, Lot 1R, Block A, as Requested by Buckeye 59, the Property Owner (Case No. SUP-2014-05-01).**
- GT to abstain*

**ADMINISTRATIVE COMMENTS:**

At the June 3, 2014, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

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LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

**RECOMMENDATION:**

That the City Attorney provide the second reading of the ordinance.

**10. Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District.**

*Terry McGrath*

**ADMINISTRATIVE COMMENTS:**

Harlan Jefferson, Prosper Town Manager, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Jefferson's term expires on September 30, 2014 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by July 15, 2014. Mr. Jefferson has advised that he does not wish to serve another term.

*GT/RD  
with show  
motion*

*No Action Req*

**RECOMMENDATION:**

That the City Council approve the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District.

**11. Consideration of a Resolution Nominating an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council.**

**ADMINISTRATIVE COMMENTS:**

The Regional Transportation Council of the North Central Texas Council of Governments allocates seats on the council by region and city population. Recent changes in the bylaws created new cluster seats. Lewisville is now in a region along with Highland Village and Flower Mound. The current representative to the Regional Transportation Committee is Councilman Durham. At the May 5, 2014, City Council meeting, Patrick Davis, the Mayor of Highland Village was nominated to serve as the alternate for the group. Due to his recent resignation, a new member will need to be nominated. City staff has contacted the City of Highland Village and they have recommended that Mayor Charlotte Wilcox be nominated for the alternate position.

*GT/TB  
470*

*(Red circle around the last sentence of the administrative comments)*

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

**RECOMMENDATION:**

That the City Council consider a resolution nominating an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.

**12. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

**ADMINISTRATIVE COMMENTS:**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the book. At the June 3, 2014 City Council meeting, the following teams interview teams were set up: Mayor Ueckert and Mayor Pro Tem Gilmore; Deputy Mayor Pro Tem Ferguson and Councilman Vaughn; and Councilman Durham and Councilman Tierney.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

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

H. **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

*LIST Approved  
TJG / RD  
Reappointment  
4-0*

*Esther P  
Tran P  
Hillman  
McClendon  
Fowler  
Wegman  
Hyatt  
Ferguson  
Clare  
Kirk  
Gandy  
Parrish*

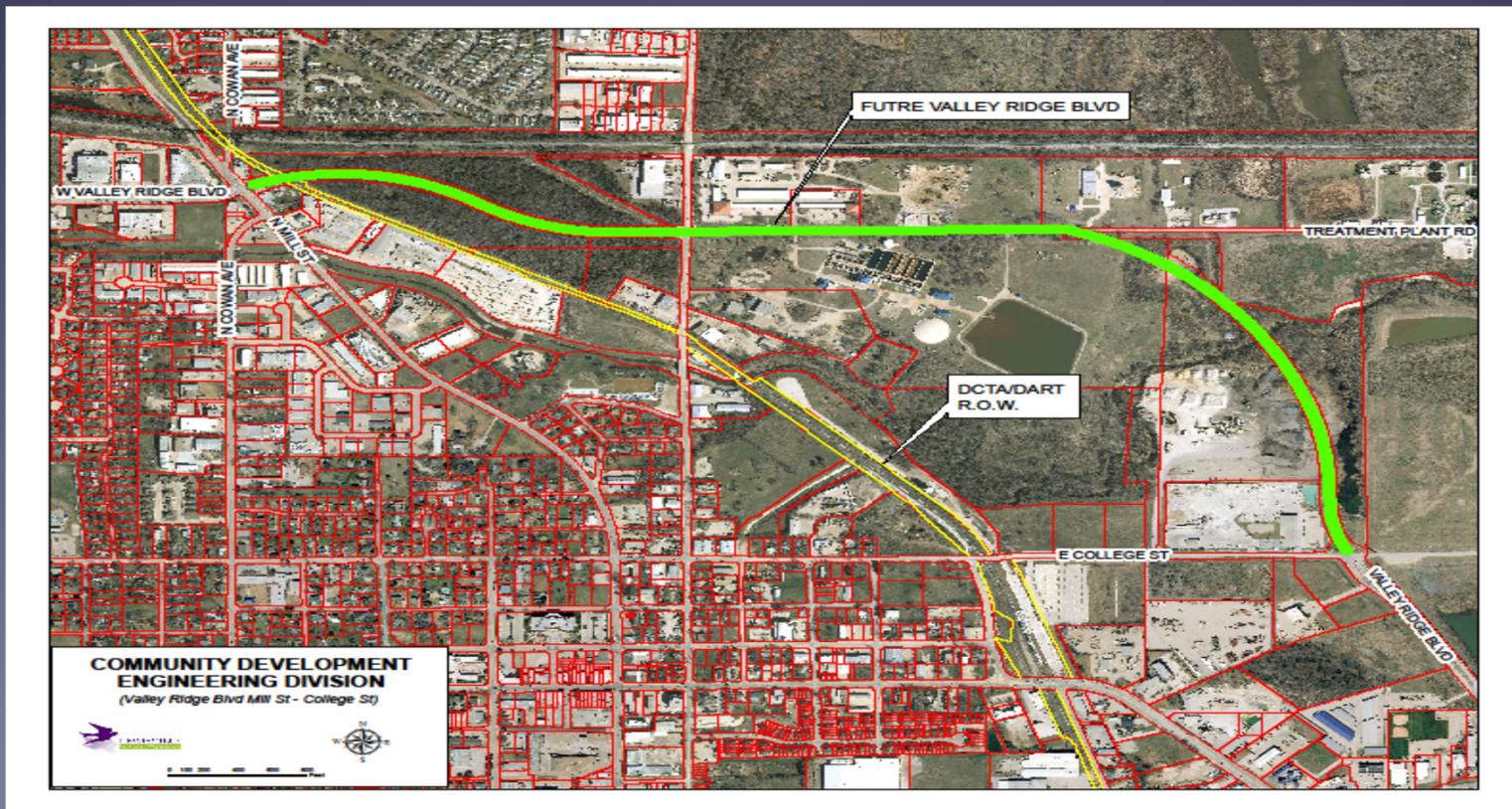
*5:30  
MTG July 14  
2025 Plan  
I-35 Plan,  
LLELA*

**AGENDA  
LEWISVILLE CITY COUNCIL  
JUNE 16, 2014**

- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
  
- J. **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).

# Valley Ridge Boulevard Extension





# Project Specifics

- **Funding**

- \* Original Estimate for Design, ROW & Construction \$10,000,000, Current Budget \$13.2 Million.
- \* 50/50 Split, Denton County Trip-04 (Max \$5,000,000) and City of Lewisville 2003 Bond Program

- **Scope**

- \* 4-lane Divided Arterial
- \* Mill Street to College Street, Approx. 8300 LF (1.57 Miles)

- **Major Design Features,**

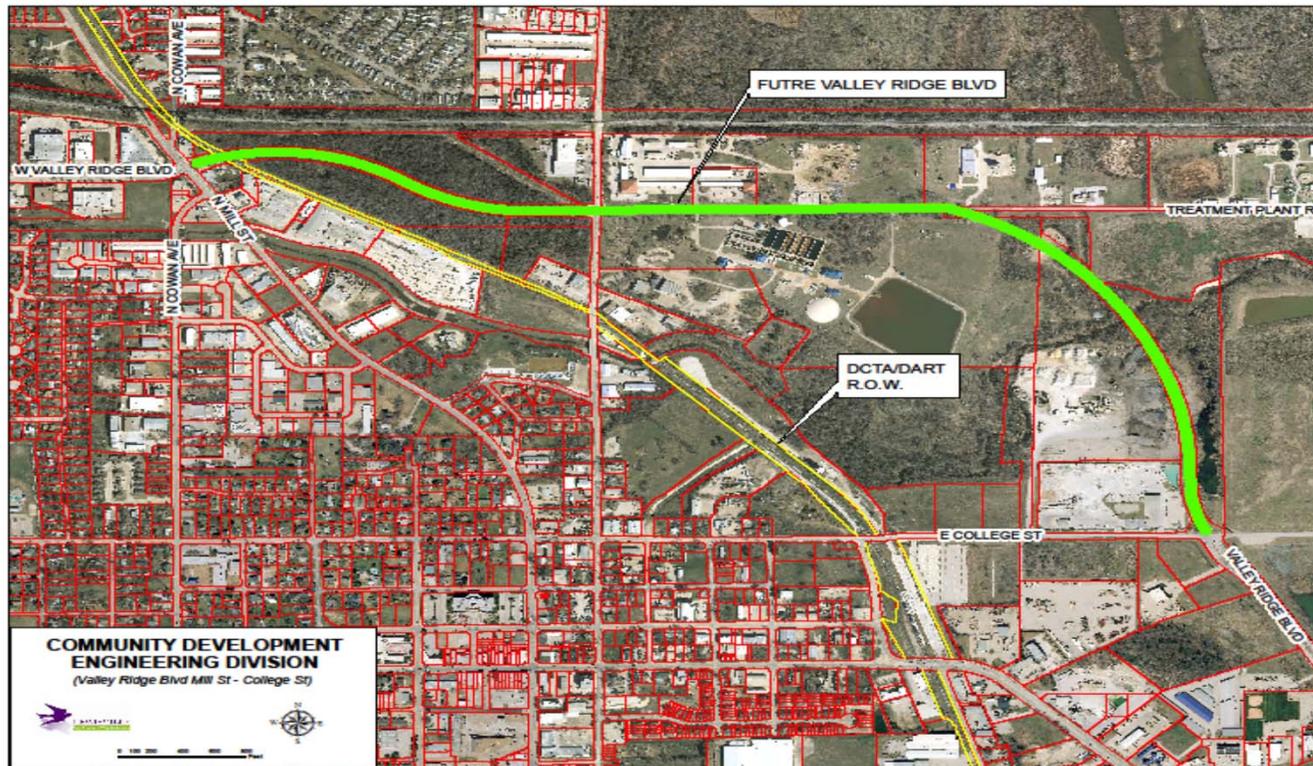
- \* Significant ROW Acquisition, All Except Two Owners Acquired
- \* Bridge over Prairie Creek
- \* Intersection Design, College, Kealy & Mill
- \* Modified Signal @ Mill Street
- \* FEMA Flood Study for Prairie Creek Bridge Approved/Completed
- \* Wetlands, COE 404 Permitting Approved/Completed
- \* At Grade (Quiet Zone) Rail Crossing - DCTA Policy, 1 to 1 Crossing Exchange



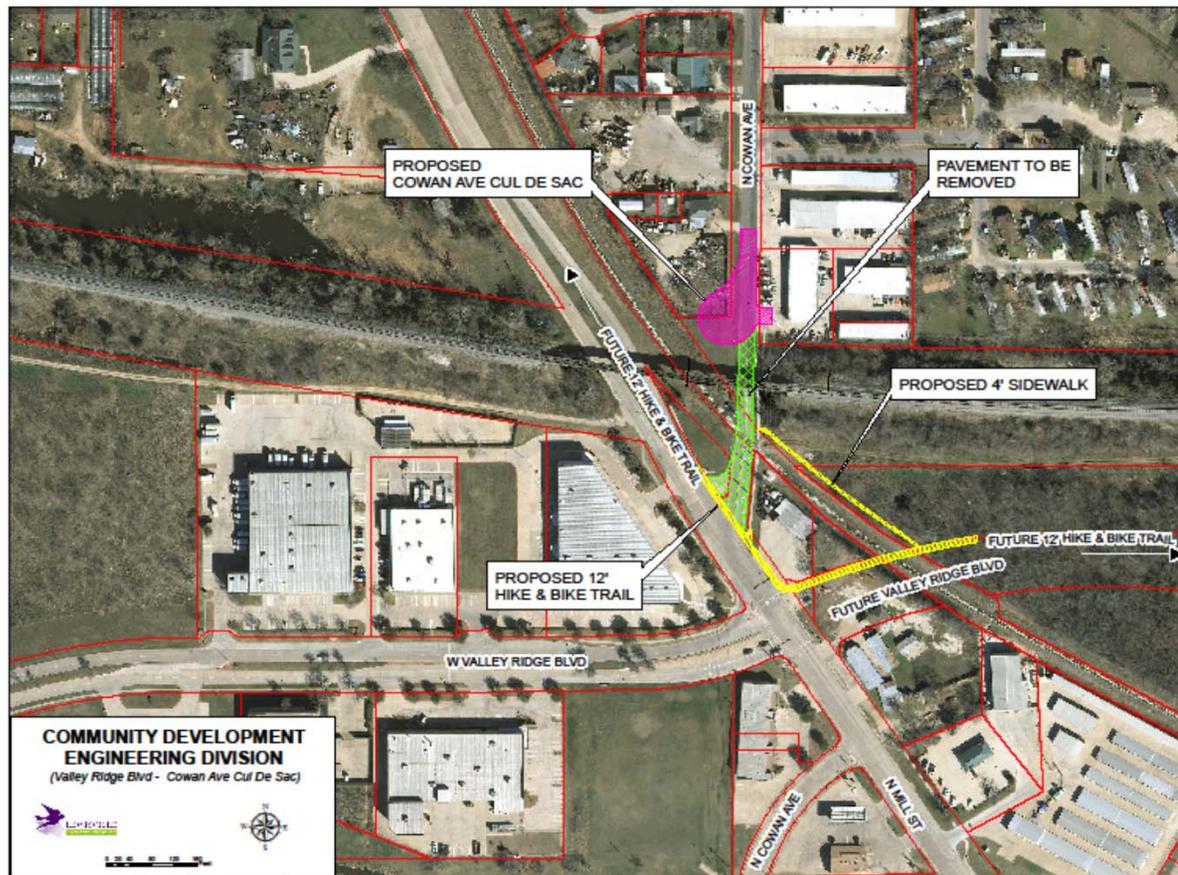
# Project History

- Valley Ridge Blvd – Regionally Significant Thoroughfare, Linked to Propose Main & Mill Street Improvements
- Thoroughfare Plan Since Mid 1980's
- Funded by Denton County Trip-04 and City of Lewisville 2003 Bond Program
- April 2009, DCTA Presentation to Council Regarding High Risk Rail Crossings and Quiet Zones. North Cowan Rail Crossing Identified. Potential Closing Discussed
- Interlocal Agreement between Denton County & City of Lewisville for Design & Construction of Valley Ridge Extension Approved September 2009
- Professional Services Agreement for Design With Freese & Nichols for Valley Ridge Extension Approved April 2010.
- PSA Change Order to include North Cowan Cul de Sac Approved by City Council December 2012, Agenda Item and Staff Memo Specifically Referenced Cowan Closure
- Design is Complete and All ROW Except Two Owners is Acquired
- Rail Crossing Agreement Being Negotiated Between DART/DCTA and City of Lewisville

# Proposed Valley Ridge Alignment



# Proposed North Cowan Avenue Closure





# North Cowan Avenue Closure

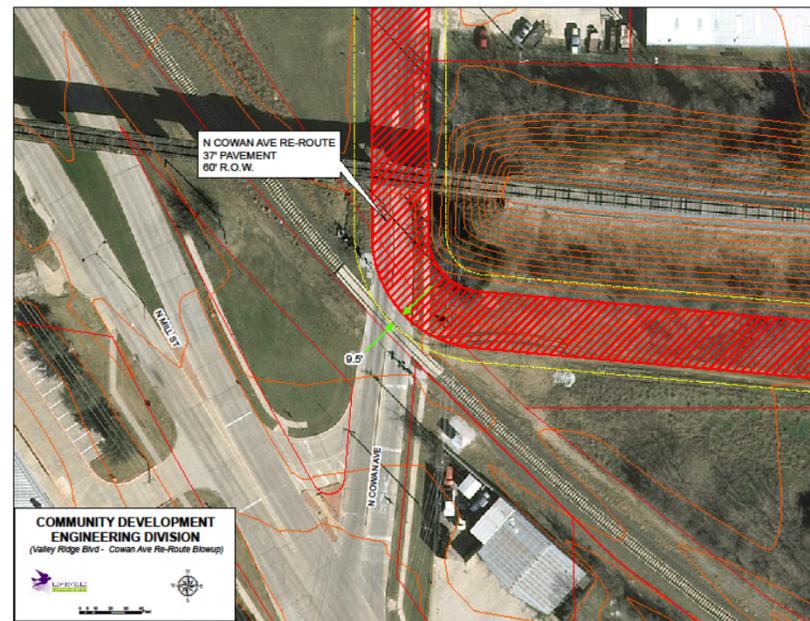
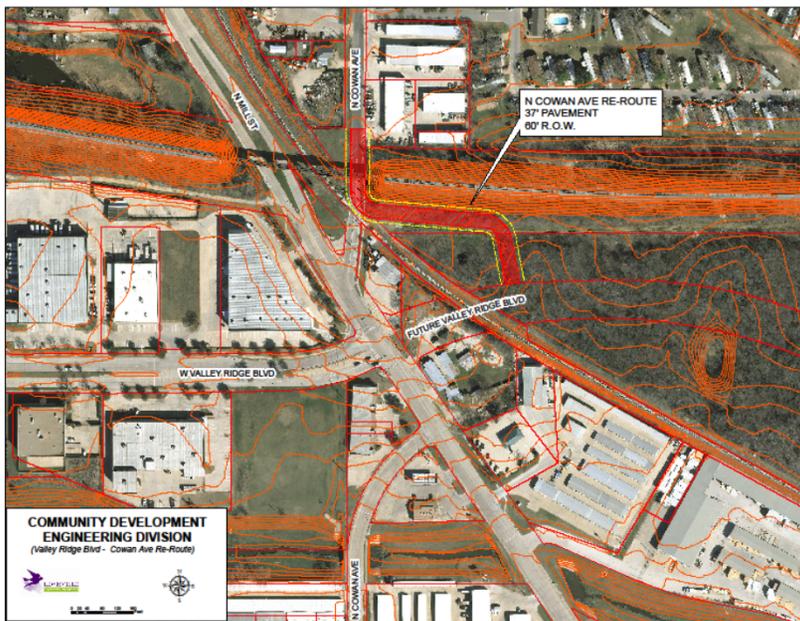
- Proposed Closure to Vehicular Traffic. No Right of Way Abandonment.
- Removal of Pavement Including Existing At-Grade Rail Crossing.
- Retain Right of Way for Pedestrian, Utility and Drainage Purposes



# Why Close North Cowan?

- DCTA Rail Crossing Policy, 1 to 1 exchange to Facilitate New Crossing Agreement for Extension of Valley Ridge
- Potential Delay to Valley Ridge Extension W/O North Cowan Closure. **No Viable Alternative Identified**
- Significant Public Investment. Design and ROW Costs \$2.25 Million to Date
- Existing Intersection Geometry/Safety (13 Accidents From 2007 Through 2013).
- Minimal Impact on Emergency Response to North Cowan Area

# No Realistic Solution to Connect North Cowan to Valley Ridge



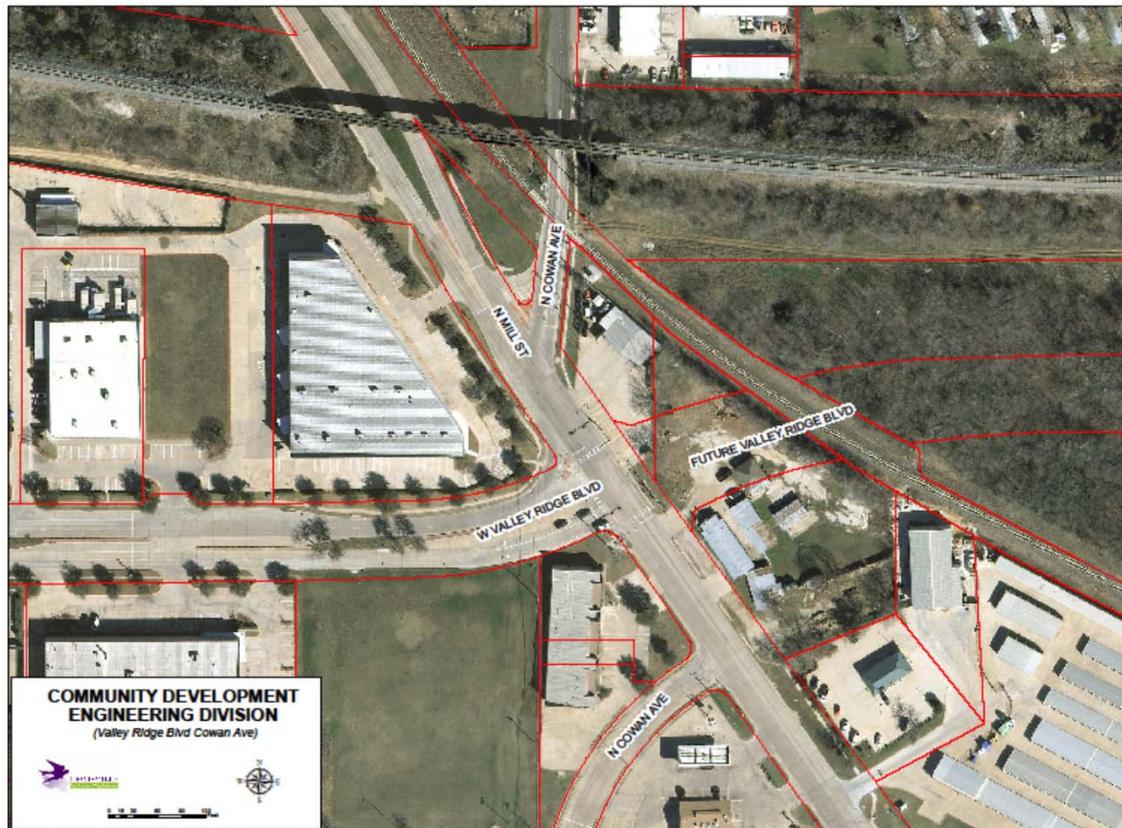


# Mill/Cowan Intersection Geometry

- Not a Continuous Street
- Skewed Intersection, Sight Visibility
- Proximity to Valley Ridge Signalized Intersection
- 13 Accidents From 2007 Through 2013

# Cowan/Mill

## Geometric Limitations

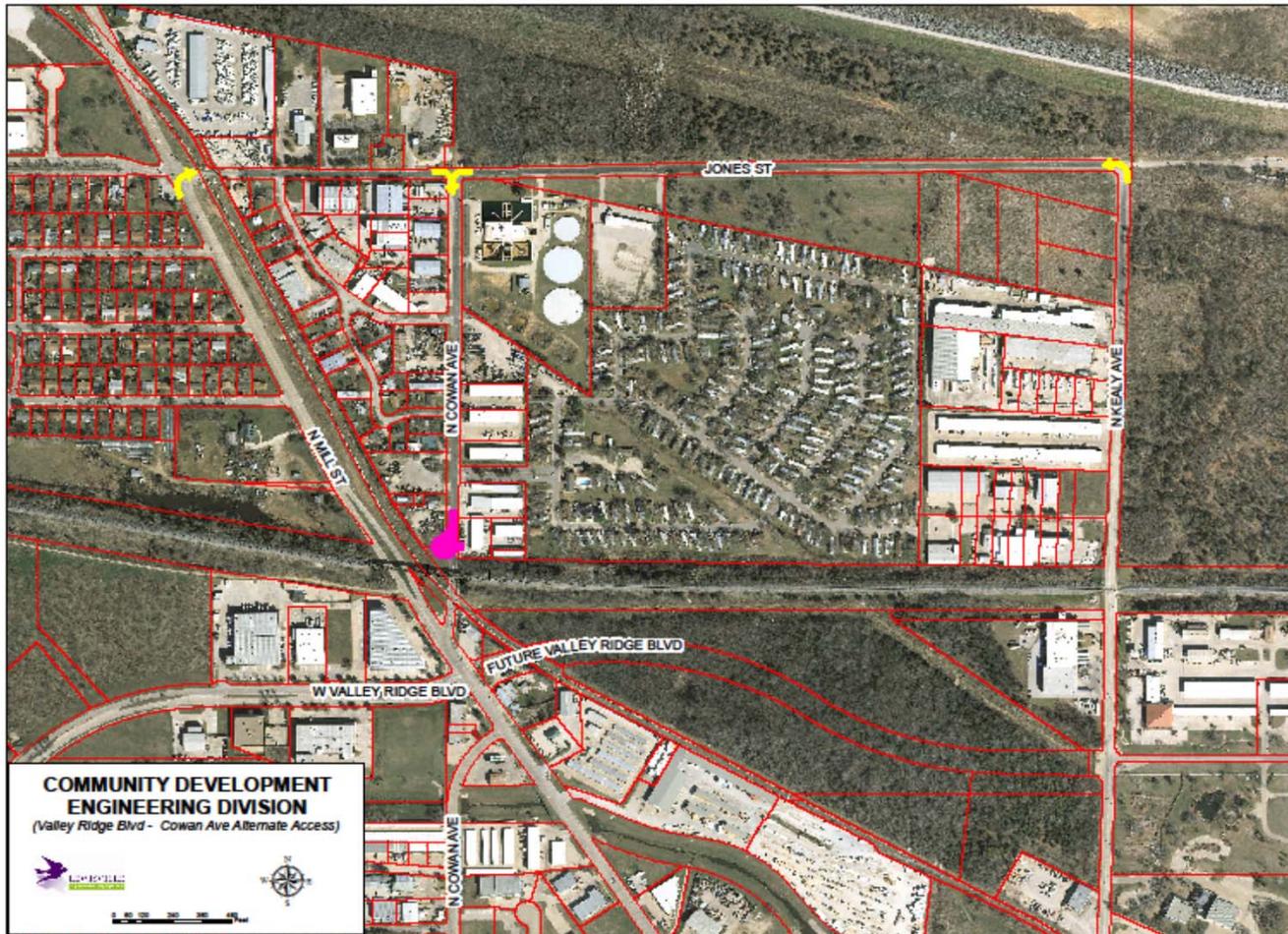




# North Cowan Avenue Neighborhood Access

- 289 Homes in Village North MHP, 23 Business Properties, 16 other Homes Potentially Impacted
- Police Response to Village North MHP, 87 Total Calls March 2014 – May 2014. 26 of the 87 Calls Considered Routine or Report Only. 29 of the 87 Did Not Require Officer Response.
- Additional 0.87 mile and 1-2 Minute Average Increased Police Response Time to Village North for Units Arriving from South. No Impact for Units Arriving from North. PD Considers this a Minimal Impact
- Fire Department Response to North Cowan Street Neighborhood, 134 Calls January 2014 – May 2014, Includes EMS and Structure Fire. Majority of Calls to Village North MHP
- Fire Station # 2, First Due, Station #1, Second Due, Station #4, Third Due
- Additional 2 Minute Average Increased Fire Department Response Time From Stations #2 & #1, No Change for Station #4
- Average Daily Traffic, Total 5981 on a Typical Weekday, 3696 NB, 2312 SB
- Existing Sidewalk to be Rerouted to Valley Ridge Extension

# Proposed North Cowan Access





# Where Do We Go From Here?

- Staff Recommends Closure of North Cowan at Mill Street Due to Necessity in Obtaining DCTA Approval for At-Grade Rail Crossing on Valley Ridge Extension and Existing Intersection Geometric Limitations
- Agenda Item Scheduled for July 7<sup>th</sup> for Purchase of Right of Way for Cul de Sac North of KCS Rail
- Staff to Hold a Meeting With Property Owners & Residents Prior to July 7th.
- Notification and Meet with LISD Staff, Post Office
- Closure will not Occur Until 12 to 18 Months After Valley Ridge Construction Begins
- Bid Valley Ridge Extension Project Late Summer 2014
- Construction Start, Fall 2014
- Recommend Improvements to North Kealy and Jones Street in Future Bond Program
- Resurface Morningside, Crescent & Cowan in 15/16 Budget

# PROCLAMATION

**Whereas,** parks and recreation programs are an integral part of communities throughout this county, including Lewisville, Texas; and

**Whereas,** our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**Whereas,** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and,

**Whereas,** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and,

**Whereas,** parks and recreation areas are fundamental to the environmental well-being of our community; and,

**Whereas,** parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**Whereas,** our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and,

**Whereas,** the U.S. House of Representatives has designated July as Parks and Recreation Month; and,

**Whereas,** the City of Lewisville recognizes the benefits derived from parks and recreation resources

**Now, Therefore,** I, Dean Ueckert, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim the month of July; as:

## **“PARK AND RECREATION MONTH”**

in the City of Lewisville and encourage all citizens to celebrate by participating in their choice of pleasurable recreation, park, and leisure activities with family, friends, and neighbors.

**Proclaimed** this the 16<sup>th</sup> day of June, 2014.

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Dean Ueckert, Mayor

## MEMORANDUM

**TO:** Todd White, Purchasing Manager  
**FROM:** David Salmon, P.E., City Engineer  
**DATE:** May 23, 2014

**SUBJECT: Approval of a Bid Award for Timber Creek Bridge Improvements at Arthurs Lane to Iowa Bridge and Culvert, LC, Cross Roads, Texas, in the Amount of \$2,338,081; Include \$155,732 for Contingencies and Bridge Inspection Services for a Total Project Construction Amount of \$2,493,813; and Authorization for the City Manager or her Designee to Execute the Contract.**

### BACKGROUND

Pursuant to the Economic Development Agreement between the City and Riverside DPH LP, (Huffines Development) the City of Lewisville is required to design and construct a bridge at Arthurs Lane over Timber Creek to connect I-35 with the Hebron 121 Station development including a 12-inch waterline and replacement of substandard pavement on Arthurs Lane. Riverside DPH LP will reimburse the City for the cost of the 12-inch waterline and a conduit for an electrical back feed for the Hebron 121 Station development. The City will ultimately be refunded for the remainder of the bridge cost through the Tax Increment Reinvestment Zone 2. The Bridge was designed as a standard TXDOT design with limited aesthetic enhancements added to complement the aesthetic enhancements proposed for I-35. The enhancements include a decorative bridge rail, pilasters and decorative bridge lighting.

Bids were received on May 22, 2014 for the construction of Timber Creek Bridge Improvements at Arthurs Lane. The apparent low bidder is Iowa Bridge and Culvert, LC at \$2,338,081.

### ANALYSIS

Iowa Bridge & Culvert is an acceptable qualified bidder. The Engineers estimate for the enhanced bridge and related improvements was \$1,679,663. The main reason for the difference in the estimated cost and low bid is mainly due to a recent increase in concrete cost. The cost of line items to be reimbursed by Riverside DPH LP is \$144,850, so net cost of the bridge improvements to the City is \$2,193,231.

It is requested that this item be presented to the City Council on June 16, 2014 with a recommendation to award the construction contract to Iowa Bridge and Culvert, LC with offices in Crossroads, Texas, in the amount of \$2,338,081, plus \$155,732 for contingency (\$116,900) and bridge inspection services (\$38,832) for a total project amount of \$2,493,813.

Subject: Timber Creek Bridge at Arthurs Lane  
May 23 2014  
Page 2

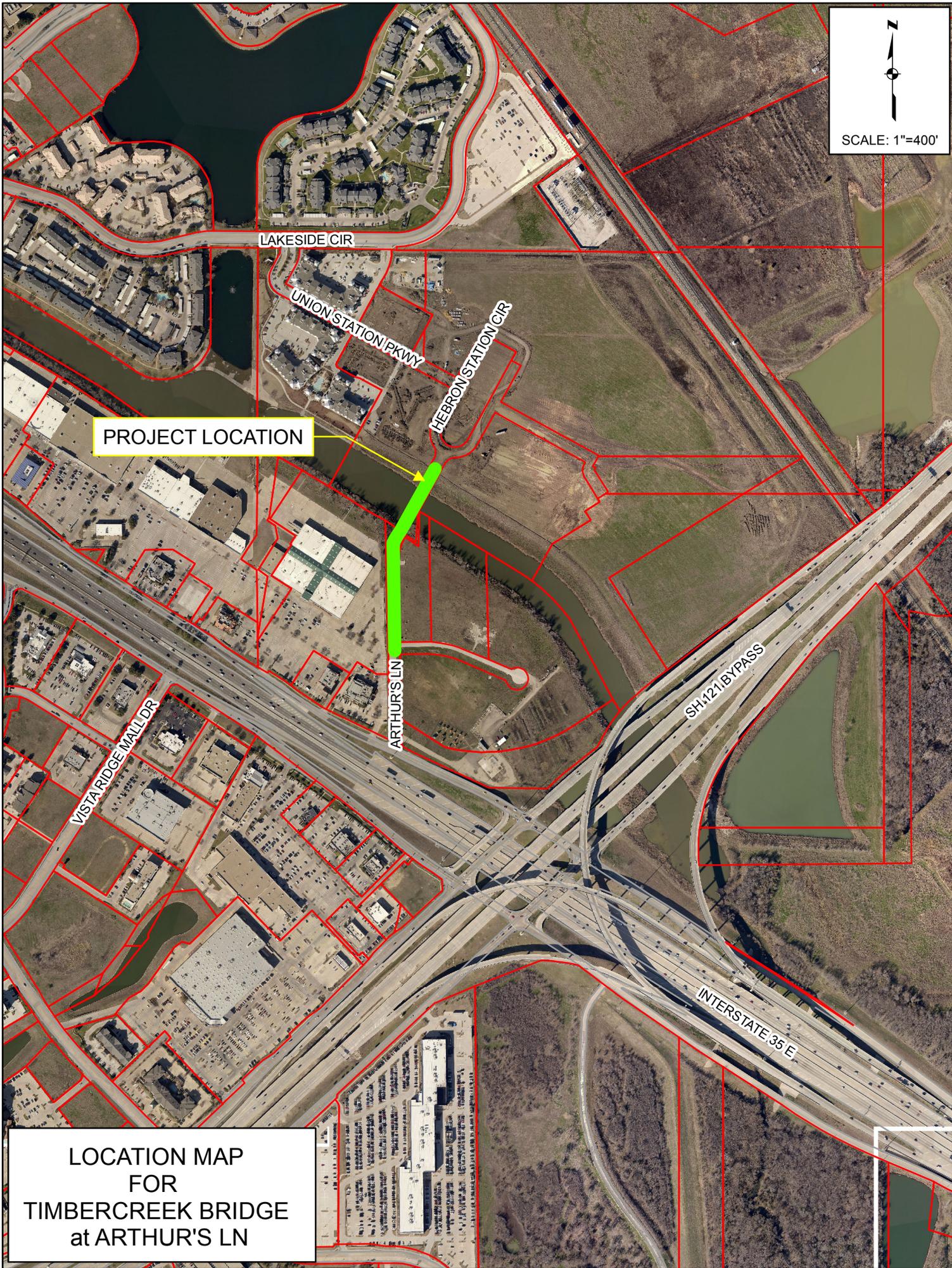
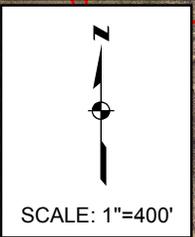
The contract time is 240 calendar days and liquidated damages are \$500 per day. A location map is attached.

**RECOMMENDATION**

It is City staff's recommendation that the City Council approve the bid award as set forth in the caption above.

**CITY OF LEWISVILLE  
PURCHASING DIVISION  
BID TABULATION  
BID NO. 14-20-C  
TIMBER CREEK BRIDGE AT ARTHURS LANE**

<b>IOWA BRIDGE &amp; CULVERT, LC CROSS ROADS, TEXAS</b>	<b>\$2,338,081.00</b>
ED BELL CONSTRUCTION COMPANY DALLAS, TEXAS	\$2,339,064.50
CD BUILDERS, INC. HURST, TEXAS	\$2,674,865.96
REBCON, INC. DALLAS, TEXAS	\$2,678,906.23
EARTH BUILDERS, LP DECATUR, TEXAS	\$2,716,980.00
AUI CIVIL,LLC FORT WORTH, TEXAS	\$2,838,050.50
McMAHON CONTRACTING, LP GRAND PRAIRIE, TEXAS	\$3,003,209.72
MARIO SINACOLA AND SONS EXCAVATING, INC. FRISCO, TEXAS	\$3,832,932.00



PROJECT LOCATION

LOCATION MAP  
FOR  
TIMBERCREEK BRIDGE  
at ARTHUR'S LN

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Nika Reinecke, Director of Economic Development & Planning

**DATE:** June 16, 2014

**SUBJECT:** **Approval of an Economic Development Agreement by and Between the City of Lewisville and CADG Mill St., LLC; Approval of a Supplemental Appropriation in the Amount of \$144,350 From General Capital Project Cash; and Authorization for the City Manager or her Designee to Execute the Contract.**

### BACKGROUND AND ANALYSIS

CADG Mill St., LLC plans to submit a proposal for the redevelopment of the properties at 201 S. Mill Street and 226 S. Charles Street also known as the Lewisville Center. (See Exhibit A). CADG Mill St., LLC will develop the properties for residential uses in two phases. Phase I of the development will be the demolition and environmental cleanup of the existing structures and parking lot. The proposed development will add both enhanced aesthetic appeal and significant value in Old Town Lewisville.

The phase I economic development agreement calls for a grant in an amount equal to 50% of the total demolition and environmental cleanup costs, not to exceed \$144,350 and a waiver of all permit related fees associated with the demolition in Phase I. A supplemental appropriation from the General Capital Project cash balance will be required.

The environmental cleanup component reflects a major portion of the cost. The Texas Commission on Environmental Quality (TCEQ) requires that all commercial buildings be surveyed for asbestos. The buildings to be demolished contain significant amounts of asbestos, which necessitates abatement to a certified landfill and air monitoring. Due to the size and age of the buildings involved, it is not uncommon for abatement costs to be significant. The cost of demolition and environmental cleanup is in excess of \$300,000. The permit fee is a flat fee of \$50.

### RECOMMENDATION

It is City staff's recommendation that the City Council approve the agreement and related items as set forth in the caption above.

## ECONOMIC DEVELOPMENT AGREEMENT

THIS ECONOMIC DEVELOPMENT AGREEMENT (“Agreement”) is entered into by and between the City of Lewisville, Texas, a home rule municipality duly acting by and through its City Manager, (hereinafter called “City”), and CADG Mill St., LLC, (hereinafter called “the Developer”), and both entities collectively referred to as Parties in this Agreement (“Parties”).

### WITNESSETH:

**WHEREAS**, pursuant to Chapter 380 of the Texas Local Government Code (hereinafter referred to as "Statute"), the City adopted an Economic Incentive Policy for making economic development incentives and grants on August 16, 2010 (hereinafter referred to as "the Policy Statement"); and

**WHEREAS**, the Policy Statement constitutes appropriate guidelines and criteria governing economic development agreements to be entered into by the City as contemplated by the Statute; and

**WHEREAS**, in order to maintain and/or enhance the commercial economic and employment base of the Lewisville area to the long-term interest and benefit of the City, in accordance with said Statute, the City desires to enter into this Agreement; and

**WHEREAS**, on the ----- day of ----- 2014, the City Council of the City of Lewisville, Texas, authorized this Agreement pursuant to Chapter 380 of the Texas Local Government Code (“CHAPTER 380”);

**WHEREAS**, the Developer currently owns property at 201 S. Mill Street and 226 S. Charles Street (collectively “Property” or “Premises”) (more fully described in Attachment “A”, attached hereto and made a part hereof) that is the subject of this Agreement;

**WHEREAS**, the Property is located within Tax Increment Reinvestment Zone Number One;

**WHEREAS**, the Developer intends to develop the Property that is the subject of this Agreement starting with phase I, which includes the demolition of existing structures;

**WHEREAS**, the Parties desire to enter into this Agreement pursuant to Chapter 380;

**WHEREAS**, the City desires to provide, pursuant to Chapter 380, an incentive to the Developer to develop the Property in phases, beginning with phase I which includes the demolition of existing structures;

**WHEREAS**, the Developer agrees to develop the Property in a manner consistent with an approved development plan in accordance with all ordinances, rules and regulations of the City;

**WHEREAS**, the City finds that the administration of an economic development agreement to provide incentives to the Developer in return for developing the Property in phases, beginning with phase I which includes the demolition of existing structures, would promote local economic development and stimulate business and commercial activity within the municipality and would directly establish a public purpose, and;

**WHEREAS**, the City has determined that this Agreement contains sufficient controls to ensure that the above-mentioned public purposes are carried out in all transactions involving the use of public funds and resources in the establishment and administration of the Agreement.

**NOW, THEREFORE**, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the Parties do mutually agree as follows:

## **ARTICLE I TERM**

1.1 This Agreement shall be effective on the date that this Agreement is executed by the Parties (“Effective Date”) and shall continue for 24 months or until the demolition and removal of the existing structures are complete and all terms of this Agreement are met, whichever is sooner, unless sooner terminated as provided herein.

## **ARTICLE II DEFINITIONS**

2.1 Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

“**Agreement**” has the meaning set forth in the introductory paragraph of this Agreement.

“**City**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Demolition Costs**” means costs related to the demolition of existing structures including removal of existing paved or parking areas and disposal of materials including environmental clean-up related to the demolition in accordance with all City, State and Federal laws and regulations.

“**Developer**” has the meaning set forth in the introductory paragraph of this Agreement.

“**Effective Date**” means the date established in Article I of this Agreement.

**“Force Majeure”** shall mean any contingency or cause beyond the reasonable control of Developer, including without limitation, acts of God or the public enemy, war, riot, terrorism, civil commotion, insurrection, governmental or de facto governmental action including, but not limited to, government actions pertaining to the determination of flood zones or FEMA actions (unless caused by acts or omissions of Developer), fire, explosion or flood, and strikes.

**“Economic Development Grant”** shall mean an economic development grant as defined in Article IV.

**“Property”** or **“Premises”** shall mean that property as described in Attachment “A” and described by metes and bounds, lot and block or abstract and survey attached hereto, and made a part hereof, and the improvements located or to be located thereon.

### **ARTICLE III GENERAL PROVISIONS**

3.1 Developer intends to develop the Premises in accordance with the City’s Transit Oriented Development Plan adopted on October 18, 2010. Developer shall submit preliminary development plans within 18 months following the execution of this Agreement and shall thereafter seek approval of the plans from the Old Town Design Review Committee.

3.2 As soon as practical after the Effective Date of this Agreement, but no later than 6 months following approval of this Agreement, the Developer shall commence the demolition of existing structures on the Premises including removal of existing paved areas in accordance with a demolition plan approved by the City.

3.3 In the event of Force Majeure or, if in the reasonable opinion of the City, the Developer has made substantial progress toward the demolition of existing structures, additional time may be granted by the City as may be required.

### **ARTICLE IV ECONOMIC DEVELOPMENT INCENTIVES**

4.1. Economic Development Grant. Subject to the Parties’ continued satisfaction of the terms and conditions of this Agreement, the City shall pay the Developer an amount equal to 50% of the total Demolition Costs on the Property not to exceed \$144,350. Developer shall pay all costs associated with the demolition work and submit invoices and payment receipts to the City for calculation of the grant amount. After verification of the completed work to the full satisfaction of the City, the City will pay the Developer an amount in accordance with this Agreement within 30 days.

4.2. Waiver of all Construction Related Fees. The City agrees to waive all permit fees related to the demolition on the Premises.

**ARTICLE V  
TERMINATION**

This Agreement may be terminated upon any one of the following:

1. By written agreement of the parties;
2. Expiration of the Term;
3. By either party in the event the other party breaches any of the terms or conditions of this Agreement and such breach is not cured within sixty (60) days after written notice thereof;
4. By City, if Developer suffers an Event of Bankruptcy; and
5. By City, if any taxes, assessments or payments owed to the City or the State of Texas by Developer shall become delinquent and not cured within sixty (60) days after written notice thereof (provided, however the Developer retains the right to timely and properly protest and contest any such taxes or assessments).

**ARTICLE VI  
MISCELLANEOUS**

6.1 The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by the Developer unless written permission is first granted by the City, which consent shall not be unreasonably withheld, so long as the Developer's assignee agrees to be bound by all terms and conditions of this Agreement. It is understood and agreed between the parties that the Developer, in performing its obligations thereunder, is acting independently, and the City assumes no responsibility or liabilities in connection therewith to third parties; it is further understood and agreed between the parties that the City, in performing its obligations hereunder, is acting independently, and the Developer assumes no responsibilities in connection therewith to third parties.

6.2 The Developer further agrees that the City, its agents and employees, shall have reasonable rights of access to the Premises to inspect the Premises in order to ensure that the construction of the improvements to the Premises is in accordance with all applicable agreements with the City, including this Agreement, and all applicable state and local laws and regulations, as well as the continuing right, subject to Developer's reasonable security requirements, to inspect the Premises to ensure that the Premises are thereafter maintained, operated, and occupied in accordance with all applicable agreements with the City, provided that with respect to matters concerning this Agreement (i) the City must give the Developer reasonable prior telephone or written notice of any such inspection, and (ii) a representative of the Developer shall have the right to accompany the agent or employee of the City who is conducting such inspection. The City represents and warrants that the Premises does not include any property that is owned by a member of the City Council having responsibility for the approval of this Agreement.

6.3 Notices required to be given to any party to this Agreement shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party

at its address as set forth below, and, if given by mail, shall be deemed delivered three (3) days after the date deposited in the United States' mail:

For City by notice to:

City of Lewisville  
Attn: Economic Development Director  
151 W. Church Street  
P.O. Box 299002  
Lewisville, Texas 75057

For Developer by notice to:

CADG Mill St., LLC  
Attn: Mr. Mehrdad Moaydi  
1221 IH 35 E, Suite 200  
Carrollton, TX 75006

Any party may change the address to which notices are to be sent by giving the other parties written notice in the manner provided in this paragraph.

6.4 No claim or right arising out of a breach of this Agreement can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved.

6.5 This Agreement may be modified or rescinded only by a writing signed by both of the parties or their duly authorized agents.

6.6 Venue for any litigation arising from this Agreement shall lie in Denton County, Texas.

**6.7 DEVELOPER AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY DEVELOPER'S BREACH OF THIS AGREEMENT OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT OR OMISSION OF DEVELOPER, ITS OFFICERS, AGENTS, EMPLOYEES OR SUBCONTRACTORS, IN THE PERFORMANCE OF THIS AGREEMENT. THE PROVISIONS OF THIS PARAGRAPH ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.**

6.8 This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which in the aggregate shall constitute one agreement.

6.9 If any provision contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof. In lieu of each invalid, illegal or unenforceable provision, there shall be added a new provision by agreement of the parties as similar in terms to such invalid, illegal or unenforceable provision as may be possible and yet be valid, legal and enforceable.

6.10 Whenever the context requires, all words herein shall be deemed to include the male, female, and neuter gender, singular words shall include the plural, and vice versa.

6.11 This Agreement was authorized by action of the City Council, authorizing the City Manager to execute the Agreement on behalf of the City.

**CITY OF LEWISVILLE, TEXAS**

\_\_\_\_\_  
Donna Barron, City Manager

ATTEST:

\_\_\_\_\_  
Julie Heinze, City Secretary

APPROVED TO FORM:

\_\_\_\_\_  
Lizbeth Plaster, City Attorney

**CADG Mill St., LLC**

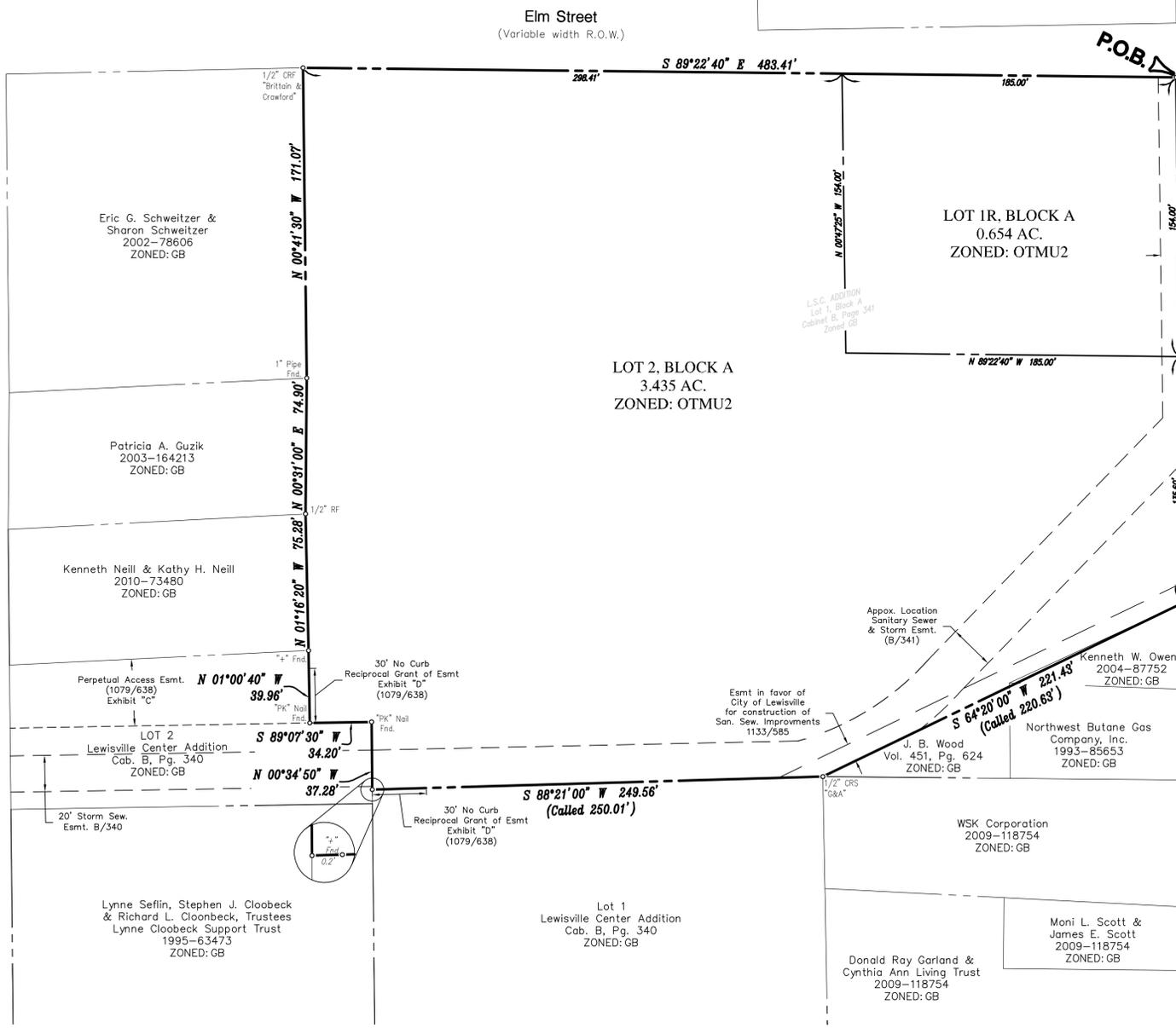
By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attachment "A"  
LEGAL DESCRIPTION

William H. Klenzendorf 2000-12754 ZONED: GB	Emporium Center Lp 2004-151127 ZONED: GB	Ernest A. Heath 776/396 ZONED: GB	Ernest A. Heath 776/396 ZONED: GB	Mijid Karimi & Firiba Karimi 1998-3976 ZONED: OTC	City of Lewisville 2007-74848 ZONED: GB
William H. Klenzendorf 2000-12754 ZONED: GB					



LEGAL DESCRIPTION  
4.089 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being all of Lot 1, Block A, L.S.C. Addition, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 341 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the northeast corner of said Lot 1, being on the south line of Elm Street (no record found) and the west line of Mill Street (called 80 foot right-of-way) as evidenced by that certain called 0.20 acre tract of land described in deed to the State of Texas, recorded in Volume 223, Page 64 of the Deed Records of Denton County, Texas;

THENCE S 00°47'25" E, 289.60 feet with the west line of Mill Street and the east line of said Lot 1 to a 1/2" capped rebar found (Brittain & Crawford) at the easterly southeast corner thereof, being the north corner of that certain tract of land described in deed to Kenneth W. Owens recorded in Document Number 2004-87752 of the Real Property Records of Denton County, Texas;

THENCE S 64°20'00" W, with the south line of said Lot 1 and the north line of said Owens tract, passing at 106.1 feet the west corner thereof and the north corner of that certain tract of land described in deed to J. B. Wood recorded in Volume 451, Page 624 of the Deed Records of Denton County, Texas, from said point a PK nail found bears N 25°30' W, 1.8 feet, continuing with the north line of said Wood tract a total distance of 221.43 feet (called 220.63 feet) to a 1/2" capped rebar set (G&A) at the west corner thereof, being the southerly southwest corner of said Lot 1 and being the northeast corner of Lot 1, Block A, Lewisville Center Addition an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 340 of the Plat Records of Denton County, Texas;

THENCE S 88°21'00" W, 249.56 feet (called 250.01 feet) with the south line of said Lot 1, L.S.C. Addition and the north line of said Lot 1, Lewisville Center Addition to the northwest corner thereof, the southerly southwest corner of said Lot 1, L.S.C. Addition and being on the east line of Lot 2 of said Lewisville Center Addition, from which a "+" found in concrete bears N 88°21'00" E, 0.2 feet;

THENCE with the west line of said Lot 1, L.S.C. Addition and the east line of said Lot 2, Lewisville Center Addition the following:

N 00°34'50" W, 37.28 feet (called 37.29 feet) to a "PK" nail found at the easterly northeast corner thereof and being an inner ell corner of said Lot 1, L.S.C. Addition;

S 89°07'30" W, 34.20 feet (called 34.19 feet) to a "PK" nail found at an inner ell corner in said Lot 2, Lewisville Center Addition and being the westerly southwest corner of said Lot 1, L.S.C. Addition;

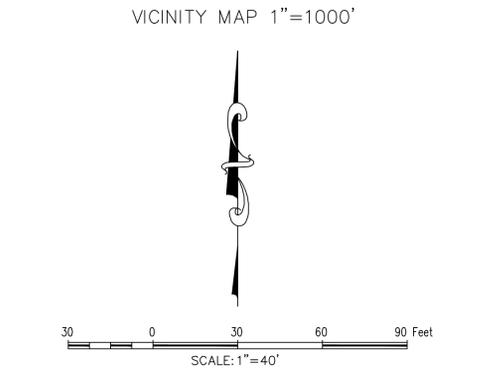
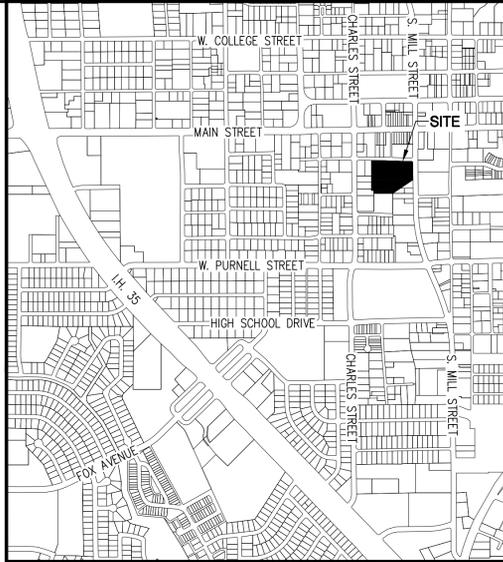
N 01°00'40" W, 39.96 feet "+" found in concrete at the northeast corner of Lot 2, Lewisville Center Addition and being the southeast corner of that certain called 0.28 acre tract of land described in deed to Kenneth Neill and Kathy H. Neill recorded in Document Number 2010-73480 of the Real Property Records of Denton County, Texas;

THENCE N 01°16'20" W, 75.28 feet (called 75.17 feet) with the west line of said Lot 1, L.S.C. Addition and the east line of said Neill tract to a 1/2" rebar found at the northeast corner thereof and being the southeast corner of that certain tract of land described in deed to Patricia A. Guzik recorded in Document Number 2003-164213 of the Real Property Records of Denton County, Texas;

THENCE N 00°31'00" E, 74.90 feet with the west line of said Lot 1, L.S.C. Addition and the east line of said Guzik tract to a 1" pipe found at the northeast corner thereof and being the southeast corner of that certain tract of land described in deed to Eric G. Schweitzer and Sharon Schweitzer recorded in Document Number 2002-78606 of the Real Property Records of Denton County, Texas;

THENCE N 00°41'30" W, 171.07 feet with the west line of said Lot 1, L.S.C. Addition and the east line of said Schweitzer tract and the west line of said Lot 1, L.S.C. Addition to a 1/2" capped rebar found (Brittain & Crawford) at the northeast corner thereof, being the northwest corner of said Lot 1, L.S.C. Addition and the south line of Elm Street;

THENCE S 89°22'40" E, 483.41 feet (called 482.59 feet) with the south line of Elm Street and the north line of Lot 1, L.S.C. Addition to the POINT OF BEGINNING and containing approximately 4.089 acres of land.



OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS :  
COUNTY OF DENTON : NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT WE, CADG Mill Street, LLC, the undersigned authority, do hereby adopt this plat designating the herein above described property as Lot 1R & 2, Block A, L.S.C. Addition, an addition to the City of Lewisville, Denton County, Texas, and does hereby dedicate to the public use forever the streets and alleys shown hereon, and do hereby dedicate the easement strips shown on this plat for mutual use and accommodation of the City of Lewisville and all other public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, signs or other improvements shall be constructed or placed upon, over, or across the easement strips on said plat. The City of Lewisville and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, signs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easement strips, and the City of Lewisville and any public utility shall at all times have the right of ingress and egress to and from and upon any of said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone. A blanket easement of five (5) foot radius from the center point of all fire hydrants and a five (5) foot radius from the center point of all other appurtenances (fire hydrant valves, water meters, meter boxes, street lights) is hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting and maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservations set forth hereinafter, to the public use forever, all public use spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

Authorized Representative \_\_\_\_\_

STATE OF TEXAS :  
COUNTY OF DENTON : BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Notary Public  
State of Texas

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

All variances, if any, from General Development Ordinance approved by City Council.

James Davis \_\_\_\_\_ Date \_\_\_\_\_  
Planning and Zoning Commission  
City of Lewisville, TX

THE UNDERSIGNED, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing plat of L.S.C. Addition, an addition to the City of Lewisville, Texas, was submitted to the appropriate Planning and Zoning Commission or City Council as required by the ordinances of the City of Lewisville on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and such body by formal action accepted the dedication of streets, alleys, parks, easements, public spaces and water and sewer lines, as shown and set forth in and upon said plat, and such body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

WITNESS MY HAND, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Julie Heinze  
City Secretary  
City of Lewisville, TX

**FINAL PLAT**  
L.S.C. Addition  
Lot 1R & 2, Block A  
Zoned OTMU2  
4.089 Acres  
Being a Replat of L.S.C. Addition  
Lot 1, Block A  
in the  
J. W. KING SURVEY, ABSTRACT NO. 696  
CITY OF LEWISVILLE  
DENTON COUNTY, TEXAS

**G&A** SITE PLANNING CIVIL ENGINEERING PLATTING  
**CONSULTANTS, LLC**  
LAND SURVEYING LANDSCAPE ARCHITECTURE

REV 4/24/14

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715  
610 Byron Nelson Blvd, Ste 114 • Roanoke, TX 76262 • P: 882.831.9712 • F: 817.890.4043

TBPE Firm No. 1798  
TBPLS Firm No. 10047700

DRAWN BY: CC DATE: 3/10/13 SCALE: 1"=40' JOB. No. **14013**

**OWNER**  
CADG Mill Street LLC.  
1221 N I-35, Suite 200  
Carrollton, Texas 75006  
Contact: \_\_\_\_\_

- NOTES:
- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
  - Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
  - No flood zone area analysis has been performed by G&A Consultants, LLC, on the subject property.
  - According to Community/Panel No. 48121C0565G, effective April 18, 2011, of the FLOOD INSURANCE RATE MAP for Denton County, Texas & Incorporated Areas, by graphic plotting only, this property appears to be within Flood Zone "X" (areas determined to be outside the 0.2% annual chance flood plain), this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes.  
This flood statement shall not create liability on the part of the surveyor.
  - Park fees to be paid at time of building permit.

SURVEYOR'S STATEMENT

I, Mark Paine, a Registered Professional Land Surveyor in the State of Texas, have prepared this plat of the above property from an actual survey on the ground, and this plat represents the survey made by me or under my supervision.

Mark Paine, RPLS No. 0878  
Texas Registration No. 0878

THIS DOCUMENT IS PRELIMINARY.  
IT IS INTENDED FOR REVIEW OR PLANNING PURPOSES ONLY AND SHALL NOT BE RECORDED OR FILED FOR PUBLIC RECORD.

Doc. 2, 2/20/14 10:03 AM by G&A Consultants, LP & Scott Perry/MSD/EP  
Plotted: 3/7/2014 4:10 PM by G&A Consultants, LP  
Scale: 1/2"=40' 1:40' PM by G&A

LEGEND

RF	=	REBAR FOUND
CRS	=	CAPPED REBAR SET
BL	=	BUILDING LINE
UE	=	UTILITY EASEMENT
CRF	=	CAPPED REBAR FOUND
P.O.B.	=	POINT OF BEGINNING
CM	=	CONTROLLING MONUMENT
G&A	=	G&A CONSULTANTS, INC.
PRDCT	=	PLAT RECORDS, DENTON COUNTY, TEXAS
RPRDCT	=	REAL PROPERTY RECORDS DENTON COUNTY, TEXAS
MAE	=	MUTUAL ACCESS EASEMENT
SE	=	SANITARY SEWER EASEMENT
WLE	=	WATER LINE EASEMENT
PE	=	PIPELINE EASEMENT
D.C.C.	=	DENTON COUNTY ELECTRIC COOPERATIVE

FILED \_\_\_\_\_ DOC # \_\_\_\_\_ PRDCT.

## LEGAL DESCRIPTION

4.089 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being all of Lot 1, Block A, L.S.C. Addition, an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 341 of the Plat Records of Denton County, Texas, and being more particularly described as follows:

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THENCE S 00°47'25" E, 289.60 feet with the west line of Mill Street and the east line of said Lot 1 to a 1/2" capped rebar found (Brittain & Crawford) at the easterly southeast corner thereof, being the north corner of that certain tract of land described in deed to Kenneth W. Owens recorded in Document Number 2004-87752 of the Real Property Records of Denton County, Texas;

THENCE S 64°20'00" W, with the south line of said Lot 1 and the north line of said Owens tract, passing at 106.1 feet the west corner thereof and the north corner of that certain tract of land described in deed to J. B. Wood recorded in Volume 451, Page 624 of the Deed Records of Denton County, Texas, from said point a PK nail found bears N 25°30' W, 1.8 feet, continuing with the north line of said Wood tract a total distance of 221.43 feet (called 220.63 feet) to a 1/2" capped rebar set (G&A) at the west corner thereof, being the southerly southwest corner of said Lot 1 and being the northeast corner of Lot 1, Block A, Lewisville Center Addition an addition to the City of Lewisville, Denton County, Texas, according to the plat thereof recorded in Cabinet B, Page 340 of the Plat Records of Denton County, Texas;

THENCE S 88°21'00" W, 249.56 feet (called 250.01 feet) with the south line of said Lot 1, L.S.C. Addition and the north line of said Lot 1, Lewisville Center Addition to the northwest corner thereof, the southerly southwest corner of said Lot 1, L.S.C. Addition and being on the east line of Lot 2 of said Lewisville Center Addition, from which a "+" found in concrete bears N 88°21'00" E, 0.2 feet;

THENCE with the west line of said Lot 1, L.S.C. Addition and the east line of said Lot 2, Lewisville Center Addition the following:

N 00°34'50" W, 37.28 feet (called 37.29 feet) to a "PK" nail found at the easterly northeast corner thereof and being an inner ell corner of said Lot 1, L.S.C. Addition;

S 89°07'30" W, 34.20 feet (called 34.19 feet) to a "PK" nail found at an inner ell corner in said Lot 2, Lewisville Center Addition and being the westerly southwest corner of said Lot 1, L.S.C. Addition;

N 01°00'40" W, 39.96 feet "+" found in concrete at the northeast corner of Lot 2, Lewisville Center Addition and being the southeast corner of that certain called 0.28 acre tract of land described in deed to Kenneth Neill and Kathy H. Neill recorded in Document Number 2010-73480 of the Real Property Records of Denton County, Texas;

THENCE N 01°16'20" W, 75.28 feet (called 75.17 feet) with the west line of said Lot 1, L.S.C. Addition and the east line of said Neill tract to a 1/2" rebar found at the northeast corner thereof and being the southeast corner of that certain tract of land described in deed to Patricia A. Guzik recorded in Document Number 2003-164213 of the Real Property Records of Denton County, Texas;

THENCE N 00°31'00" E, 74.90 feet with the west line of said Lot 1, L.S.C. Addition and the east line of said Guzik tract to a 1" pipe found at the northeast corner thereof and being the southeast corner of that certain called 0.667 acre tract of land described in deed to Eric G. Schweitzer and Sharon Schweitzer recorded in Document Number 2002-78606 of the Real Property Records of Denton County, Texas;

THENCE N 00°41'30" W, 171.07 feet with the west line of said Lot 1, L.S.C. Addition and the east line of said Schweitzer tract and the west line of said Lot 1, L.S.C. Addition to a 1/2" capped rebar found (Brittain & Crawford) at the northeast corner thereof, being the northwest corner of said Lot 1, L.S.C. Addition and the south line of Elm Street;

THENCE S 89°22'40" E, 483.41 feet (called 482.59 feet) with the south line of Elm Street and the north line of Lot 1, L.S.C. Addition to the POINT OF BEGINNING and containing approximately 4.089 acres of land.



## MEMORANDUM

**TO:** Melinda Galler, Assistant City Manager

**FROM:** Russ Kerbow, Police Chief

**DATE:** June 16, 2014

**SUBJECT:** **Approval of an Interlocal Agreement Among the Cities of Lewisville, Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Edward Byrne Memorial Justice Assistance Grant Program; and Authorization for the City Manager or her Designee to Execute the Agreement.**

### BACKGROUND

The Edward Byrne Memorial Justice Assistance Grant (JAG) program replaced the Local Law Enforcement Block Grant (LLEBG) in Fiscal Year 2004/2005. The JAG grant allows states and local governments to support a broad range of activities to prevent and control crime and to improve criminal justice system processes and procedures. Over the years, the City of Lewisville received several awards totaling \$241,641 under the LLEBG program and \$313,443 under the JAG program.

The JAG program, managed by the U.S. Department of Justice (DOJ), requires participating agencies to submit a joint application for the aggregate funds of \$43,753 allocated to the region for FY 2014/2015. Prior to submitting a joint application, a memorandum of understanding (Interlocal agreement) is required and must be completed and signed by the participating agencies.

### ANALYSIS

Denton County is the JAG grant administrator. As the administrator, Denton County will submit the joint grant application, receive all funds, and disburse the funds according to the Interlocal agreement. Additional responsibilities include completing all administration, financial and project reports pertaining to this grant. The 2014 JAG grant announcement appeared on April 24, 2014. On April 30, 2014, the Lewisville Police Department provided the grant administrator, Denton County, their equipment request and requested a copy of the memorandum of understanding (MOU). On May 20, 2014, Denton County sent the MOU to the police department. The term of the agreement covers a multi-year period and the term of this agreement is October 1, 2013 through September 30, 2017. The timing of the funding by the Department of Justice and subsequent announcement to participating agencies comes well after the term begins. Should Council choose to approve the Interlocal agreement as presented, they are ratifying the entire term of the agreement back to October 1, 2013.

The proposed allocation of the \$43,753 is as follows:

COUNTY/CITY	AMOUNT
Denton County	\$4,375
City of Denton	\$24,357
City of Lewisville	\$15,021

The Lewisville Police Department proposes to use its share for the purchase of Chemical – Biological – Radiological – Nuclear (CBRN) protective suits and associated gear for SWAT operations. These suits will enable the officers to respond to CBRN tactical operations in a safe and protected manner. The itemized list of CBRN protective suits and associated gear is as follows:

Quantity	Part No	Description	Unit Price	Total
8	PPEMSA-10046570	PAPR Responder CBRN cartridges, 6/Pkg	\$403.25	\$3,226.00
18	B-WZ9435AB Blauer XTR Suit	Blauer XRT Suit / NFPA 1994 Class 3 Certified	\$550.00	\$9,900.00
1	B-HZ9420FVG	Blauer Multi-Threat Ensemble / NFPA 1994 Class 2 Certified	\$1,895.00	\$1,895.00
<b>TOTAL</b>				<b>\$15,021.00</b>

**RECOMMENDATION**

It is City staff’s recommendation that the City Council approve the interlocal agreement and all related items as set forth in the caption above.

**MEMORANDUM OF UNDERSTANDING FOR INTERLOCAL AGREEMENT  
FOR FY 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)  
BETWEEN DENTON COUNTY, TEXAS,  
THE CITY OF DENTON, AND THE CITY OF LEWISVILLE**

This Agreement is made and entered into by and between the following entities:

**DENTON COUNTY, TEXAS, "COUNTY"** acting by and through its governing body, the Denton County Commissioners Court; the **CITY OF DENTON, "DENTON"** acting by and through its governing body, the Denton City Council; and the **CITY OF LEWISVILLE, "LEWISVILLE"** acting by and through its governing body, the Lewisville City Council. The Cities may be referred to collectively as CITY/TOWN. All parties are herein collectively referred to as "**PARTIES**".

**WITNESSETH**

WHEREAS, the **PARTIES** mutually desire to be subject to the provisions of Interlocal Cooperation Act of the V.T.C.A. Government Code §791; and

WHEREAS, the **PARTIES** are making a joint application for an Edward Byrne Memorial Justice Assistance Grant (JAG) Program, hereinafter referred to as "GRANT"; and

WHEREAS, the **PARTIES** are required in conjunction with the GRANT application to process and sign an MOU indicating who will serve as the applicant/fiscal agent for the GRANT as well as the allocation of the GRANT funds between the parties; and

NOW THEREFORE, the **PARTIES**, for the mutual consideration hereinafter stated, agree and understand as follows:

**1. PURPOSE**

The purpose of this MOU is to establish guidelines for the administration and expenditure of funds pursuant to a grant under the 2014 Edward Byrne Memorial Justice Assistance Grant Program. GMS APPLICATION NUMBER 2014-H2689-TX-DJ.

**2. MISSION**

The Edward Byrne Memorial Justice Assistance Grant is a funding program administered by the Office of Justice Programs in order to support law enforcement, courts, corrections, treatment, victim services, technology and prevention initiatives that strengthen the nation's criminal justice system. The grant program is as outlined in the application and is incorporated by hereto by reference.

**3. DESIGNATION OF APPLICANT/FISCAL AGENT.**

The **PARTIES** hereby agree that the **COUNTY** shall be the designated applicant/fiscal agent in conjunction with the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

**4. ALLOCATION OF GRANT MONIES**

The **PARTIES** hereby agree that they will file a joint application for JAG funds for a total amount of \$43,753.00. The funding will be split as follows:

Denton County	\$4,375.00
The City of Denton	\$24,357.00
The City of Lewisville	\$15,021.00
TOTAL	\$43,753.00

**5. RESPONSIBILITIES OF COUNTY**

COUNTY shall have the following responsibilities:

- (a) COUNTY shall serve as applicant/fiscal agent for the joint JAG application and award.
- (b) COUNTY shall draw down the total JAG award in the amount of \$43,753.00, and shall hold these funds in its trust fund.
- (c) COUNTY, as the fiscal agent, shall submit all required reports to the JAG program office.
- (d) COUNTY will provide each CITY/TOWN its portion of the award when CITY/TOWN provides adequate documentation to substantiate costs for the JAG funded portions.
- (e) COUNTY will retain \$4,375.00 as the COUNTY's administrative portion of the award.

**6. RESPONSIBILITIES OF CITY/TOWN**

CITY/TOWN shall have the following responsibilities:

- (a) CITY/TOWN shall provide to COUNTY adequate documentation to substantiate costs for the JAG funded portions of this Program.
- (b) CITY/TOWN shall provide to COUNTY all documentation requested by COUNTY for timely submission of required reports to the JAG program office.

**7. EXPENDITURES**

Each party will be responsible for its agency's expenditures of grant funds and agrees that expenditures will be made in accordance with the guidelines, restrictions, and the application for the award of the FY 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG). Expenditures may include, but are not limited to, training, personnel, equipment, supplies and information systems as fully described in the application.

**8. DESIGNATION OF USE OF GRANT FUNDS BY PARTIES**

The **PARTIES** hereby agree that they will use the grant funds by September 30, 2015 or when funds are expended.

## **9. TERM AND TERMINATION OF AGREEMENT**

The term of this Agreement shall be from Oct. 1, 2013, through September 30, 2017.

## **10. REPORTING OBLIGATIONS**

The **PARTIES** hereby agree that they will timely comply with all reporting obligations as required by the grant's terms. All parties agree that they will share information regarding reporting obligations, as necessary, to comply with all reporting obligations as required by the grant's terms. Records regarding performance of the grant obligations will be maintained by the respective agencies. Each agency will be afforded full access to any records and reports regarding the grant program regardless of who creates, maintains or stores the records. The **PARTIES** agree to submit reports to COUNTY regarding the execution of the grant programs including, but not limited to performance measures and program assessment data.

## **10. LIABILITY FOR CLAIMS**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

## **11. THIRD PARTIES RIGHTS**

Nothing contained in this Agreement shall be construed to create, and the parties do not intend to create, any rights in or for the benefit of third parties.

## **12. ENTIRE AGREEMENT**

This Agreement contains the entire understanding of the **PARTIES**. No representations, promises, or agreements not expressed herein have been made to induce any party to sign this Agreement. This Agreement shall not be modified except in writing by all parties who have executed the Agreement.

EXECUTED IN DUPLICATE ORIGINALS.

<b>Denton County, Texas</b>	
_____	Signature of Authorized Official
_____	<b>Mary Horn, County Judge</b>
Date Signed	Printed Name of Authorized Official

<b>The City of Denton</b>	
_____	Signature of Authorized Official
_____	_____
Date Signed	Printed Name of Authorized Official

<b>The City of Lewisville</b>	
_____	Signature of Authorized Official
_____	_____
Date Signed	Printed Name of Authorized Official

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** James Kunke, Community Relations & Tourism Director

**DATE:** June 16, 2014

**SUBJECT:** **Approval of Temporary Closures on Church Street and Charles Street on June 20-21, 2014; and Approval of Alcohol Service on City-Owned Property on June 21, 2014, Related to “Best Little Brewfest in Texas.”**

### BACKGROUND

“Best Little Brewfest in Texas” is the only craft beer tasting and sampling event in North Texas where 100 percent of the proceeds are dedicated to charity. Lewisville-based Cloud9 Charities produces the event and uses it as one of its primary fundraisers. The event was held at Texas Motor Speedway in 2013, but has been moved to Old Town Lewisville this year and will be held Saturday, June 21.

The event features live music in the Courtyard of the MCL Grand, as well as food vendors, a car show, and the opportunity to sample products from more than 40 craft breweries from throughout Texas and beyond. Event organizers are expecting 3,000 people to attend this year’s event.

In January of this year, the City Council approved a \$20,000 partnership and the City was named “Grand Brewmeister” sponsor. Council approved a waiver of event fees last September.

### ANALYSIS

A key component of a successful downtown revitalization program is the promotion of events. City contribution of in-kind items – those services that use existing personnel and materials – can provide tremendous support for events.

One preliminary recommendation from the Lewisville 2025 committee was to increase the number of events held in Old Town Lewisville, especially those events that are conducted by a third-party and only require in-kind city support.

Best Little Brew Fest in Texas is being put on by Cloud 9 Charities, a registered nonprofit agency. The group intends to grow the brew fest into one of the largest of its kind in North Texas. Community Relations and Tourism special events staff, as well as MCL Grand staff are assisting in logistical support for the event.

Subject: "Best Little Brewfest" Request  
June 16, 2014  
Page 2

This is an outdoor tented event, with tents placed on Church and Charles streets, so sections of both streets need to be closed from 8 a.m. Friday, June 20 through 11:30 p.m. Saturday, June 21 to set up, conduct and tear down the event. The closure will include Church, from Mill to Herod, and Charles, from Walters to Main. Because this is the first time for these closures related to this event, Council approval is required.

In addition, portions of the fenced festival zone will be on City-owned property, specifically part of City Hall grounds, the western City Hall parking lot, and the vacant lot on the northwest corner of the Church-Charles intersection. Therefore, based on Administrative Policy, alcohol service requires Council approval.

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve temporary street closures and alcohol service on city-owned property, as set forth in the caption above.

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Steven L. Bacchus, Assistant City Manager

**DATE:** June 10, 2014

**SUBJECT:** **Approval of a Change Order to Kleinfelder Central, Inc. of Irving, Texas, in the Amount of \$25,000 for Additional Inspection Services; and Authorization for the City Manager or Her Designee to Execute the Change Order.**

### BACKGROUND

On July 1 2013, the Kleinfelder Company Central, Inc. of Irving, Texas was engaged to perform geotechnical and inspection services for the Plaza Project in the amount of \$33,254. The project was approved by staff and not submitted for Council approval based on the contract amount being less than \$50,000. Recently, additional inspection services were requested which increased the purchase order to \$49,255. With multiple trades working within the Plaza, additional inspection services from Kleinfelder will be needed to complete the job. The amount needed to complete the project will exceed the value of the existing agreement and purchase order and will exceed the authorized staff approval level of \$50,000.

### ANALYSIS

Staff has estimated the completion date of the Plaza Project as the first week of August. Currently, there are several staff members inspecting the project in addition to their current assignments. With the project advancing, additional inspection services are required. The additional inspection service is an hourly rate of \$80 per hour plus \$50 per day transportation. The estimated inspection service is for approximately 11 weeks. The change order in the amount of \$25,000 is required to continue the inspection services to August 1, 2014 and will require Council approval.

### RECOMMENDATION

It is City staff's recommendation that the City Council approve the change order as set forth in the caption above.



June 11, 2014  
Project No.: 00135485.000A

Mr. Steve Bacchus  
City of Lewisville  
151 West Church Street  
Lewisville, Texas 75057

**Subject: Construction Observation Services  
Old Town Plaza  
Lewisville, Texas**

Dear Mr. Bacchus:

As requested, we are providing you this request for additional funding to provide additional inspection services for the Old Town Plaza project, which is currently underway. We understand that the additional services will generally consist of construction oversight and documentation of construction activities.

**SCOPE OF SERVICES**

Based on our conversations with you and representatives of Nathan D. Maier, Inc., we understand that a representative of Kleinfelder is requested to be present during construction activities. The purpose will be to observe the construction activities provided by the contractor(s) and document general conformance with the project plans and specifications. We have received a copy of the approved construction plans and updates (provided by Nathan D. Maier) for referencing in our field observations. Our original materials testing scope of services will remain in effect for the remainder of the project.

Kleinfelder personnel will coordinate with the City’s designated representatives and onsite construction personnel to determine scheduled field activities for the following day and/or coordinate with NDM representatives, as needed. Daily Field Reports will be generated by our field representative, and provided to the project team for the project files.

**COMPENSATION**

We propose to provide construction observation and documentation services at the following rates:

- Construction Inspector(full day): .....\$690/day (8-hr day)
- Construction Inspector (half day): .....\$450/day (5-hr day)

The services identified in this proposal will be provided on a time and materials basis at the above unit rates and the actual quantity of work performed.

## LIMITATIONS

Our work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided. It should be noted even with diligent monitoring, construction defects may occur. In all cases the contractor is solely responsible for the direction and quality of the work, adherence to plans and specifications, and repair of defects regardless of when they are found.

## TERMS OF ENGAGEMENT

These services will be performed in accordance with the existing Professional Services Agreement between Kleinfelder and City of Lewisville, dated July 1, 2013. Please indicate your approval of the proposal by signing the attached Work Order and returning it to our office. A fully executed copy will be returned to you. Any modifications of the attached language must be accepted by both parties, and may result in an increase in scope and compensation. Acceptance of the proposal indicates the City's review and understanding of the scope of services and terms.

\* \* \*

We appreciate the opportunity to provide you with this proposal, and look forward to working with you on this project. If you have any questions or wish to discuss, please contact us at (972) 868-5900.

Sincerely,

### **KLEINFELDER CENTRAL, INC.**

Texas Registered Engineering Firm F-5592



Joel Peters, PE  
Project Manager



Mark Holcomb  
Sr. Project Manager

Attachments:  
Work Order

**WORK ORDER NO:** \_\_\_\_\_

Issued Pursuant to Professional Services Agreement Dated July 1, 2013

Effective Date: July 1, 2013 by and between Kleinfelder Central, Inc. (KLEINFELDER) and City of Lewisville, Texas (CLIENT).

CLIENT Office: 151 W. Church Street  
Lewisville, Texas 75057

KLEINFELDER Project No: **TBD** \_\_\_\_\_

Work Order Type:  Time and Material  
 Fixed Price  
 Other (describe):

CLIENT Reference No: \_\_\_\_\_

KLEINFELDER Office: Irving, Texas (DFW)

KLEINFELDER Contact: Joel Peters, PE

1. SCOPE OF WORK: See attached Proposal 00135485.000A / DFW14L0517
2. LOCATION/CLIENT FACILITY INVOLVED: Old Town Plaza  
Lewisville, Texas
3. PERIOD OF PERFORMANCE: FROM: May 30, 2014 TO: July 31, 2014
4. AUTHORIZED FEES: See attached daily rate estimates per Proposal 00135485.000A / DFW14L0517
5. SPECIAL PROVISIONS: See attached Proposal 00135485.000A / DFW14L0517

NOTICE TO PROCEED IS GIVEN ON (DATE): \_\_\_\_\_

**CITY OF LEWISVILLE**

**KLEINFELDER CENTRAL, INC.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Steven L. Bacchus, Assistant City Manager

**DATE:** June 10, 2014

**SUBJECT:** **Approval of a Resolution Supporting Proposition 1 in the November 4, 2014 Constitutional Election Regarding Transportation and other Infrastructure Needs, as Requested by Councilman Durham.**

### BACKGROUND

The City of Lewisville is a member of the Dallas Regional Mobility Coalition (DRMC) with Councilman Durham serving as representative. DRMC is an organization with cities, counties and public transportation agencies in a five-county area, including Dallas, Denton, Collin, Rockwall and Ellis, that advocates for transportation policy, funding and solutions on a local, state and federal level.

### ANALYSIS

During the 83<sup>rd</sup> Texas Legislature (2013) DRMC was instrumental in development of a proposed constitutional amendment scheduled for November 4, 2014 State ballot regarding roads, highways and bridges. The proposed amendment provides for the transfer of general revenue to the Economic Stabilization Fund and State Highway Fund. Funding to the Highway Fund will be used for developing public roadways other than toll roads. The proposed amendment is estimated to transfer \$1.4 billion per year to the Highway Fund. DRMC approved a similar resolution on June 6, 2014.

### RECOMMENDATION

It is City staff's recommendation that the City Council approve the resolution as set forth in the caption above.



**DRMC**

# DALLAS REGIONAL MOBILITY COALITION

*Leading the Way in Metroplex Transportation Advocacy*

## Governance Committee

### Co-Chair

Lissa Smith  
Plano Mayor Pro Tem

### Co-Chair

Steve Mitchell  
Richardson City Council

### Vice Chair

Vonciel Jones Hill  
Dallas City Council

### Treasurer

Karen Hunt  
Coppell Mayor

### Secretary

Carl Sherman  
DeSoto Mayor

### Interim Executive

Director  
James McCarley

### Director of Legislative Affairs

Rider Scott

## RESOLUTION IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR INCREASED STATE FUNDING FOR TRANSPORTATION

**WHEREAS** the 83<sup>rd</sup> Texas Legislature passed historic legislation proposing a constitutional amendment on the November 4, 2014 state ballot affecting the state's roads, highways, and bridges; and

**WHEREAS** this is "A constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund"; and

**WHEREAS** this proposal will allow revenue transferred to the state highway fund to be used only for developing public roadways, other than toll roads; and

**WHEREAS** this would require that any funds transferred to the state highway fund be allocated by the Texas Department of Transportation consistent with existing formulas to ensure the entire state benefits from this additional funding; and

**WHEREAS** the proposed amendment will aid in maintaining the current infrastructure and will ease congestion by funding new projects for added capacity without any new or increased taxes or fees; and

**WHEREAS** a strong transportation system is fundamental to Texas' quality of life and economic vitality, attracting new businesses and generating new jobs; and

**WHEREAS** state transportation funding over the past several years has been supplemented by bond programs and those bond programs are now exhausted and have resulted in a significant level of debt for Texas; and

**WHEREAS** the current state budget includes approximately \$5 billion per year in construction funding and will, based on current revenue projections, drop to only \$2.5 billion in available funds for construction for the next biennium; and

**WHEREAS** according to the latest report of the 2030 Commission, approximately \$6.1 billion per year in construction funding is needed to achieve "worst possible" conditions and \$9.5 billion per year is needed to achieve "minimally competitive" conditions; and

**WHEREAS** the proposed amendment would result in an estimated \$1.4 billion per year for the state highway fund; and

**WHEREAS** while the proposed amendment would not fully fund the state's overall transportation needs, it would be a key step toward securing critical funding for transportation projects in Texas;

**THEREFORE BE IT RESOLVED**, that the **DALLAS REGIONAL MOBILITY COALITION** (DRMC) supports the proposed amendment to address Texas' transportation infrastructure needs on the November 4, 2014 ballot.

**FURTHERMORE**, DRMC encourages indications of support from local governments, area Chambers of Commerce, business associations, and other entities. DRMC will provide any assistance and information requested to support these efforts and convey to appropriate elected leadership and statewide support groups the DRMC area involvement.

ADOPTED THIS 6th DAY OF June 2014 BY THE Executive Committee of the Dallas Regional Mobility Coalition

  
Lissa Smith - Co-Chair

  
Steve Mitchell - Co-Chair

**RESOLUTION: \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, SUPPORTING PROPOSITION 1 IN THE NOVEMBER 4, 2014 CONSTITUTIONAL ELECTION REGARDING TRANSPORTATION AND OTHER INFRASTRUCTURE NEEDS.**

**WHEREAS** the 83<sup>rd</sup> Texas Legislature passed legislation proposing a constitutional amendment on the November 4, 2014 state ballot affecting the state’s roads, highways, and bridges; and

**WHEREAS** this is “A constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund”; and

**WHEREAS** this proposal will allow revenue transferred to the state highway fund to be used only for developing public roadways, other than toll roads; and

**WHEREAS** this would require that any funds transferred to the state highway fund be allocated by the Texas Department of Transportation consistent with existing formulas to ensure the entire state benefits from this additional funding; and

**WHEREAS** the proposed amendment does not establish any new or increased taxes or fees; and

**WHEREAS** state transportation funding over the past several years has been supplemented by bond programs and those bond programs are now exhausted and have resulted in a significant level of debt for Texas; and

**WHEREAS** the current state budget includes approximately \$5 billion per year in construction funding and will, based on current revenue projections, drop to only \$2.5 billion the available funds for construction for the next biennium; and

**WHEREAS** the proposed amendment would result in an estimated \$1.4 billion per year for the state highway fund; now

**THEREFORE BE IT RESOLVED**, that the CITY OF LEWISVILLE supports the proposed constitutional amendment to address Texas transportation infrastructure needs on the November 4, 2014 ballot and encourages citizens to study and review the transportation and infrastructure needs for the State of Texas and participate in the November 4, 2014 Texas Constitutional Amendment process.

**RESOLVED** this 16th day of June, 2014.

\_\_\_\_\_  
Dean Ueckert, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Heinze, City Secretary

\_\_\_\_\_  
Lizbeth Plaster, City Attorney



**LEWISVILLE**

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**CITY SECRETARY'S OFFICE  
MEMORANDUM**

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R Neil Ferguson  
Councilman Leroy Vaughn  
Councilman Greg Tierney  
Councilman Rudy Durham

**FROM:** Julie Heinze, City Secretary

**DATE:** May 23, 2014

**SUBJECT: Consideration of a Variance Request to the Lewisville Code of Ordinances, Chapter 17, Section 17-30, Sale of Alcoholic Beverages, as Requested by Linda M. Cimbron, CVS/Pharmacy Located at 1099 West Main Street, Lewisville, Texas.**

**BACKGROUND**

An application for "The legal sale of beer and wine for off-premise consumption only" has been submitted by the CVS/Pharmacy located at 1099 West Main Street. The site does not meet the City regulations that require the site be 300 feet measured in a direct line from the property line of the public school to the property line of the place of business. When measurements extend across public streets, distances shall be measured utilizing street intersections (i.e. this does not include intersections related to driveway entrances). The City's ordinance was patterned after the TABC section regarding distance. CVS is seeking a variance to this ordinance.

To date, the City has received the following variance requests for distance requirements:

<u>Business</u>	<u>Address</u>	<u>Action Taken</u>	<u>Date</u>	<u>Permit Type</u>
Shell Convenience Store	802 South Stemmons	Approved*	4/05/05	Off Premise
Chevron Convenience Store	1099 West Main Street	Denied	4/18/05	Off Premise
1 Stop Food Store	502 South Old Orchard	Approved**	4/18/05	Off Premise
7-Eleven Convenience Store	1001 Fox Avenue	Denied	8/15/05	Off Premise
Wings 2 Go	1160 West Main Street	Denied	5/15/06	On Premise
<b>CVS/Pharmacy</b>	<b>1116 West Main Street</b>	<b>Denied</b>	<b>09/10/12</b>	<b>Off-Premise</b>

\*269 feet distance (property line to property line) from Central Elementary School

\*\*210 feet distance (front door to front door) of Assemblies of God (d/b/a Harvest Church)

Subject: Variance Request  
May 23, 2014  
Page 2



**LEWISVILLE**

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### **ANALYSIS**

According to the TABC, distance measurements are the responsibility of the City to determine. During staff review of the application it appeared that CVS/Pharmacy did not meet the 300 foot regulation. A field visit was then made to the site and the distance between the convenience store front property line and the Lewisville High School property line was determined to be approximately 165 feet.

Staff has spoken on numerous occasions with various members of CVS/Pharmacy concerning this prohibition related to alcohol sales at the new store location. During the planning phase of their relocation to this site, Community Development staff advised on several occasions that beer and wine would not be allowed to be sold at 1099 West Main Street due its location being within 300 feet of a public school (please see attached DRC minutes). Further discussion was held following the relocation between City Secretary staff and CVS/Pharmacy representatives that a permit for this location could not be granted. In recent conversations, CVS/Pharmacy employees did advise the City Secretary that they had been advised of this during relocation discussions and now were choosing to seek a variance.

Staff has contacted Jeffrey Kajs, Principal of Lewisville High School and Dr. Stephen Waddell, Superintendent of LISD by e-mail with a letter to advise them that the CVS/Pharmacy did not meet the City distance regulations and of the subsequent variance request. Should the City Council not grant the variance then the CVS/Pharmacy's application with TABC would not be approved.

### **RECOMMENDATION**

It is the City staff's recommendation that the City Council deny the variance request.

## DEVELOPMENT REVIEW COMMITTEE – WEDNESDAY MEETING

August 22, 2012

### AGENDA

Staff Present: Cleve Joiner, Jeff Kelly, Larry Buckley, Mary Paron-Boswell, David Salmon, Randy Johnson, Chris McGinn and Tim Ippolito

1:30 Traci Shannan Yost, Bill Anderson, Huffines / 972-931-0694

Dowdey Anderson & Associates

Re: 820 feet Northeast of intersection at Josey Lane & Parker Road (35.9 Acres)

**\*\* Site Plan \*\***

*# of persons attending: 5*

- Huffines Communities proposing Multi-Family and Single Family Units.
- May need to negotiate an agreement in order to sort out the cost to develop the water.
- The associates are concerned how they will be able to get utilities to the property.
- The associates asked the staff about TXDOT and were informed in order to get plans they must contact TXDOT.
- The associates also discussed Land Use, and mixed use zoning. The associates were informed about the requirements for mixed use zoning.
- The staff also discussed unit sizes, material that will be used to build, and parking spaces.
- The associates were informed they must be sprinkled. Between the Single Family and the Multi-Family there must be a screening wall.
- Associates were informed they will need 2 points of access.
- Associates may want to consider an Estate Townhouse Category.
- The staff advised the Associates to also meet with Economic Development.

2:00 Alicia Smith / 469-647-2115

Happy Head Kids Learning Center

Re: 519 Bennett Lane

**\*\*Small daycare center & before/after school\*\***

*# of persons attending: 1*

- The business owner is having difficulties finding a building for her Learning/Day Care Center.
- Business owner was informed by the staff that there are certain requirements for a daycare center.
- The business owner was informed that there's a limit to 5 Children in a home day care in Lewisville.
- The business owner was told that there will be Health requirements such as installation of a grease trap for preparing food.
- With the location on Bennett Lane the business owner was informed this location may not be ideal for the owner based on the parking availability.
- The business owner also inquired about if she were to move into a retail building about how she could fence in a child play area.
- The business owner was also advised to find a place and to contact our staff to review the site plan. If the building has been vacant for more than a year it will need to be brought up to code.

2:30 Chase Helm / 972-490-7090 ext. 216

Re: Northeast corner of Main & Valley Parkway

*# of persons attending: 1*

- The company is looking to demolish and build a retail pad. The company was informed they cannot serve alcohol because the property is within 300 feet of a school.
- Must have a new site plan because of the new development of the site.
- The staff discussed parking, drive thru requirements, exterior requirements, and landscape requirements. If it's over 5000 feet there will need to be Fire Sprinklers.
- The staff also advised they may want to look into a parking agreement since there's a lack of parking spaces on the site.
- The company was informed that the site plans must be approved to begin the process.

3:00 Break

3:30 Brian White / 501-733-4324

Texas Wake Parks

Re:

\*\* Property of S.H. 121, in Flood Plains \*\*

*# of persons attending: 2*

- Proposing to build a Cable Wake Park in Lewisville.
- The associates are questioning if any type of structure can be built on the property in the Flood Plain.
- The associates were informed about parking and rest rooms. There will also need to be an Engineering Flood Study on the Flood Plain.
- The issues with this property: parking, construction of the building, the need for property outside of the flood plain.

4:00

4:30



**CVS/pharmacy®**

One CVS Drive | Woonsocket, RI 02895

April 11, 2014

Ms. Julie Heinze  
Lewisville City Secretary  
151 West Church Street  
Lewisville, TX 75029

**RE: Beer/Wine Off-Premise Application**  
CVS #6865 @ 1099 West Main Street  
Lewisville, TX 75067  
Denton County

Dear Lewisville, TX City Council Members:

E.T.B., Inc, respectfully requests that the Lewisville City Council considers and grants a variance for the distance requirement, as allowed by the Texas Alcohol Beverage Code, Section 109.33(e). Approval of our request from the city will enable E.T.B., Inc., dba CVS /pharmacy #6865 to obtain a Wine&Beer Retailer's Off Premise Permit for our new site location at 1099 West Main Street, Lewisville, Texas. We've been advised by Ray C. Hernandez, President of Chambers of Commerce that we should apply for this variance. Our intent is to sell beer and wine for consumption off premise, as a convenience to our customer base.

CVS has comprehensive measures in place and strongly enforces a Zero Tolerance Policy. All employees involved in alcohol sales will attend the mandatory state STARS alcohol training program. This program consists of three hours of training and state certification for employees selling alcohol. In addition all employees are internally trained by CVS guidelines, with bi-annual training required.

If you have any questions, please do not hesitate to contact the undersigned at: 401-770-5119 or email: [Linda.Cimbron@CVSCaremark.com](mailto:Linda.Cimbron@CVSCaremark.com).

Thank you in advance for your anticipated co-operation in this matter.

Sincerely,

Linda M. Cimbron  
Assistant Secretary  
CVS Legal/Licensing Dept.

/lmc



LEWISVILLE

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City Secretary's Office

May 23, 2014

Dr. Stephen Waddell  
Superintendent of Schools  
Lewisville Independent School District  
1800 Timber Creek Road  
Flower Mound, TX 75028

RE: Variance Request

Dear Dr. Waddell:

On February 5, 2005, the registered voters of Lewisville voted to allow the "legal sale of mixed beverages in restaurants by food and beverage certificate holders only." Business owners requesting to be allowed to conduct these sales are required to submit an application to both the Texas Alcoholic Beverage Commission and the City of Lewisville. State law allows a city the size of the City of Lewisville to prohibit the sale of beer and wine for off-premise consumption only within 300 feet of a church, public or private school, or public hospital, which the City Council of Lewisville has adopted. The 300 foot distance measurement for schools is done from the property line of the location where the sales would occur to the property line of the school.

This letter is to advise you that we have received an application from CVS/Pharmacy located at 1099 West Main Street, Lewisville, Texas 75067. On December 30, 2013, City staff denied the permit application due to the fact that the CVS/Pharmacy property line is located approximately 150 feet from Lewisville High School. On April 11, 2014, City staff received a request for a variance from the applicant to waive this distance requirement. **This variance request will be heard before the Lewisville City Council in an open meeting on June 2, 2014.**

Please do not hesitate to contact the undersigned should you have any questions regarding this letter.

Sincerely,

Julie Heinze  
City Secretary

cc Jeffrey Kajs, LHS Principal



# LEWISVILLE HIGH SCHOOL

LEWISVILLE INDEPENDENT SCHOOL DISTRICT  
ESTABLISHED 1897

Dear Mayor Dean Ueckert and Lewisville City Council:

Recently, I learned the new CVS Pharmacy, located at the intersection of Main Street and Valley Parkway, is in the process of pursuing a license to sell beer and wine for off premise consumption. As principal of Lewisville High School, I am writing to voice my concerns. Please accept this letter as formal notice of the LHS school community's opposition to this permit.

With a student enrollment on our campus of nearly 1,900, and about 1,300 students traveling from Lewisville High School-Killough and Harmon daily, our primary concern is the proximity of a business selling alcoholic beverages near school grounds. This CVS is approximately 800 feet from LHS's front doors with a main crossing section at the intersection of Main Street and Valley Parkway, which is directly in front of CVS. Due to the proximity of an establishment that could sell alcoholic beverages, our school community is concerned about the wellbeing of our students. Numerous students – including those at nearby Huffines Middle School – regularly use the crosswalk that connects our campus with CVS.

Additionally, the Lewisville Community Recreation Center is behind our campus where many of our students and their siblings spend time participating in activities after school and during summer hours. In LISD, principals, counselors and teachers work closely with our students and their families on making healthy choices, and we believe the sale of alcohol near school grounds would be inappropriate.

If you have additional questions, please contact me at 469-948-3103.

Sincerely,

Jeffrey Kajs  
Principal  
Lewisville High School

1098 WEST MAIN ST. LEWISVILLE TEXAS, 75067  
469-713-5190

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*Home of the Fighting Farmers*

**ORDINANCE NO. 3188-03-2005(Z)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING SECTION 17-30 OF THE LEWISVILLE CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE, BY PROHIBITING SALES OF ALCOHOLIC BEVERAGES IN CERTAIN LOCATIONS AS AUTHORIZED BY LAW; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to provisions to the Texas Alcoholic Beverage Code a local option election has taken place with the City; and

**WHEREAS**, a majority of the voters voted in favor of the legal sale of certain alcoholic beverages; and

**WHEREAS**, the Texas Alcoholic Beverage Code allows certain municipal regulations regarding such sales; and

**WHEREAS**, the current provisions of the zoning ordinance need to be updated to conform with state law;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1.** Section 17-30 "Off-premises Sale of Liquor, Beer and Wine" of the Lewisville City Code shall be and the same is hereby repealed and in its place substituted the following:

**"Section 17-30. Sale of Alcoholic Beverages.**

- a. *Definitions.* The definition of all words and terms used in this section shall be the same as set forth in the Texas Alcoholic Beverage Code.
- b. It shall be unlawful for any person to sell any alcoholic beverage in any residential section of the City. This prohibition includes areas zoned R-18, R-12, R-9, R-7.5, R-6, R-5, TE, DU, ETH, TH, TH-2, MF-1, MF-2, MF-3, MHP, MHS, AND OTMU-1.
- c. The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 300 feet of a church, public or private school, or public hospital.
- d. The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 300 feet of a church, public school, or public hospital.
- e. Subsection c. does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under §109.53 of the Texas Alcoholic Beverage Code and that is located within 300 feet of a private school.
- f. The measurement of distances between a church, public or private school, or public hospital and a place of business shall be calculated in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- g. Variances to the distance requirements set forth in this Section may be allowed by the City Council upon justification in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- h. All other matters regarding alcoholic beverages not mentioned herein or elsewhere in the Lewisville City Code shall conform to the provisions of the Texas Alcoholic Beverage Code.”

**SECTION 2. PENALTY.** Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the

**ORDINANCE NO. 3188-03-2005(Z)**

Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 3. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective immediately upon its passage and publication as required by law.

**SECTION 6. EMERGENCY.** It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

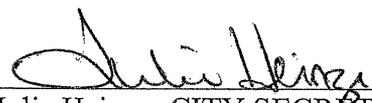
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 21ST DAY OF MARCH, 2005.**

**APPROVED:**

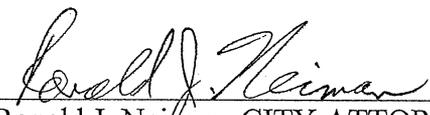
APPROVED:

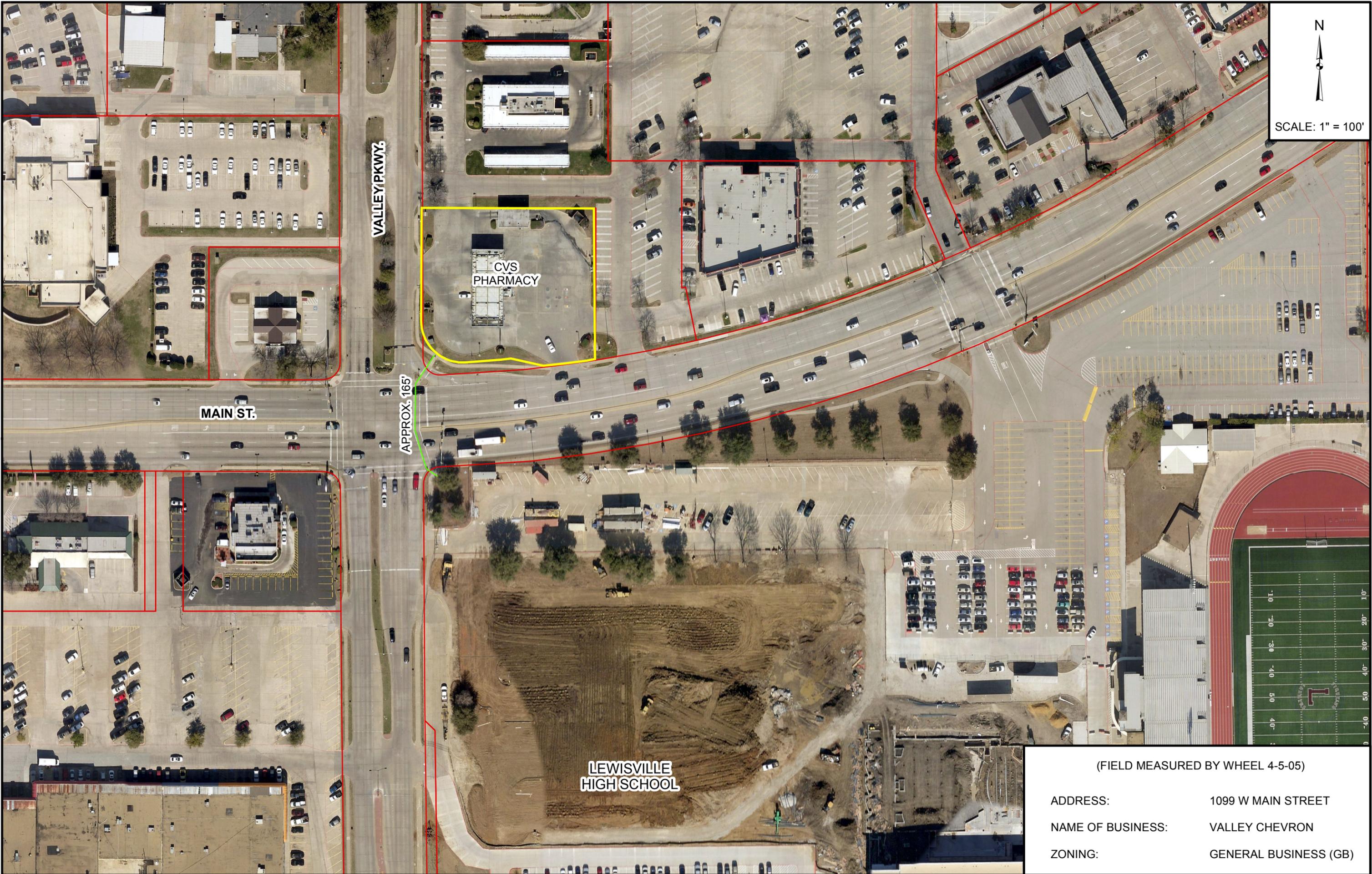
  
Gene Carey, MAYOR

ATTEST:

  
Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

  
Ronald J. Neiman, CITY ATTORNEY



N  
SCALE: 1" = 100'

VALLEY PKWY

MAIN ST.

APPROX. 165'

CVS  
PHARMACY

LEWISVILLE  
HIGH SCHOOL

(FIELD MEASURED BY WHEEL 4-5-05)

ADDRESS:	1099 W MAIN STREET
NAME OF BUSINESS:	VALLEY CHEVRON
ZONING:	GENERAL BUSINESS (GB)



SCALE: 1" = 200'

VALLEY PKWY.

SUBJECT  
PROPERTY

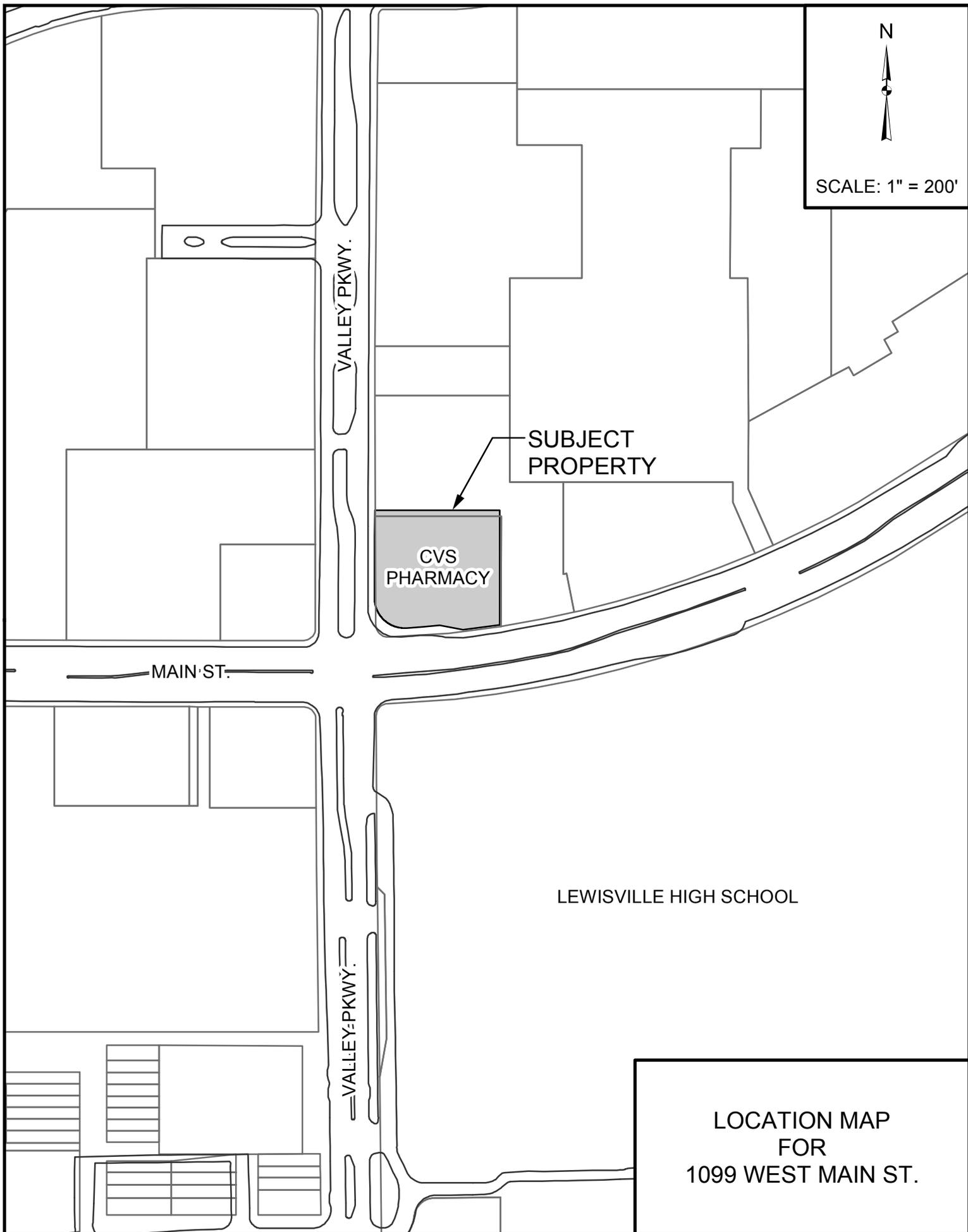
CVS  
PHARMACY

MAIN ST.

VALLEY PKWY.

LEWISVILLE HIGH SCHOOL

LOCATION MAP  
FOR  
1099 WEST MAIN ST.



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF LEWISVILLE, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR AN AUTO AUCTION FACILITY LOCATED ON LOT 1R, BLOCK A OF THE METRO AUTO AUCTION DALLAS ADDITION, CONTAINING APPROXIMATELY 41.059 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Planning and Zoning Commission of the City of Lewisville, Texas has recommended that the Specific Use Permit, as requested on the property described in the attached Exhibit "A" (the "Property"), be approved;

**WHEREAS**, this application for a Specific Use Permit comes before the City Council of the City of Lewisville, Texas (the "City Council") after all legal notices, requirements, conditions and prerequisites have been met; and

**WHEREAS**, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) compliments or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not be detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1. FINDINGS INCORPORATED.** The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

**SECTION 2. SPECIFIC USE PERMIT GRANTED.** Subject to the conditions provided for herein, applicant is granted a Specific Use Permit to allow an Auto Auction on the Property, which is zoned Light Industrial (LI).

**SECTION 3. CONDITIONS OF SPECIFIC USE PERMIT.** The Property shall be developed and maintained in compliance with the engineering site plan, attached hereto as Exhibit B. The Property shall be developed and operated in accordance with all federal, state, and local laws and regulations. Additional Conditions: None

**SECTION 4. CORRECTING OFFICIAL ZONING MAP.** The City Manager, or his designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

**SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS.** The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Specific Use Permit be interpreted to be a variance to any municipal ordinance.

**SECTION 6. RESCINDING AND TERMINATION.** The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or

more.

**SECTION 7. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

**SECTION 8. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 9. PENALTY.** Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

**SECTION 11. EMERGENCY.** It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 3 TO 0, ON THIS THE 2<sup>ND</sup> DAY OF JUNE, 2014.**

**APPROVED:**

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Dean Ueckert, MAYOR

**ATTEST:**

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Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY

First Reading: June 2, 2014

Second Reading: June 16, 2014

Third and Final Reading: July 7, 2014

Effective Date: July 21, 2014

Exhibit A – Property Description and Depiction

Exhibit B – Engineering Site Plan



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

**MEMORANDUM**

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R Neil Ferguson  
Councilman Leroy Vaughn  
Councilman Greg Tierney  
Councilman Rudy Durham

**FROM:** Julie Heinze, City Secretary

**DATE:** June 5, 2014

**SUBJECT: Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District.**

**BACKGROUND**

Harlan Jefferson, Prosper Town Manager, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Jefferson's term expires on September 30, 2014 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by July 15, 2014. Mr. Jefferson has advised that he does not desire serve another term.

**RECOMMENDATION**

The City staff's recommendation is that the City Council approve the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District.



## Denco Area 9-1-1 District

1075 Princeton Street • Lewisville, TX 75067 • Mailing: PO BOX 293058 • Lewisville, TX 75029-3058  
Phone: 972-221-0911 • Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Jurisdictions  
FROM: Mark Payne, Executive Director   
DATE: May 13, 2014  
RE: Appointment to the Denco Area 9-1-1 District Board of Managers

RECEIVED  
MAY 16 2014  
LEWISVILLE

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district". The enclosed resolution, approved by the district's board of managers February 4, 1999, explains the procedure for appointing municipalities' representative to the board of managers.

Each year the term of one of the two members appointed by participating municipalities expires. This year, the term of Harlan Jefferson, expires September 30, 2014. Members are eligible for consecutive terms. Mr. Jefferson has expressed his desire not to serve another term.

In order to coordinate the appointment among 34 participating municipalities, the district requests the following actions by the governing bodies of each city/town:

1. If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination and/or résumé of the candidate to the Denco Area 9-1-1 District office. Nominations must reach the Denco Area 9-1-1 District on or before July 15, 2014. No nominations shall be considered after that date.
2. On July 16, 2014, the district will send copies of nominations to each city/town for consideration, requesting the city/town to vote for one of the nominees.
3. At its regular meeting on September 11, 2014, the Denco Board of Managers will count the votes from responding cities. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2014.

Please mail nominations and résumés to the Denco Area 9-1-1 District, P.O. Box 293058, Lewisville, TX 75029-3058. You may also email your response to Andrea Zepeda at [andrea.zepeda@denco.org](mailto:andrea.zepeda@denco.org).

If you have any questions, please do not hesitate to call me at 972-221-0911.

Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

**DENCO AREA 9-1-1 DISTRICT**

**RESOLUTION**

**DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS.**

**WHEREAS**, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

**WHEREAS**, each member serves a term of two years beginning on October 1<sup>st</sup> of the year member is appointed; and

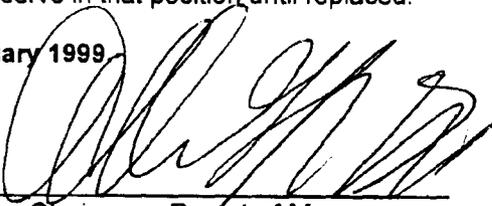
**WHEREAS**, one member representing participating municipalities is appointed each year.

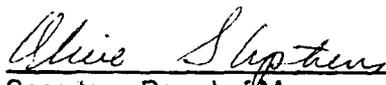
**NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:**

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. Prior to May 15<sup>th</sup> of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are open for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers until July 15<sup>th</sup> of that same year. The notice shall advise the mayors that, for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on July 15<sup>th</sup> of that year. No nominations shall be considered after that time.
2. On July 16<sup>th</sup> of each year, the executive director shall send written notice to the mayor of each participating municipality providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1<sup>st</sup>. The notice shall advise the mayor that the city council shall vote, by resolution from such city, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on September 15<sup>th</sup>. No notice will be accepted after that time.
3. The one nominee with the most votes received by the deadline will be the municipality representative appointed for the two-year term beginning October 1<sup>st</sup>.
4. If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

**APPROVED and ADOPTED on this 4<sup>th</sup> day of February 1999**

  
Chairman, Board of Managers

  
Secretary, Board of Managers

Council Resolution No. \_\_\_\_\_

A RESOLUTION NOMINATING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY / TOWN OF \_\_\_\_\_, TEXAS:

Section 1

The City / Town of \_\_\_\_\_ hereby nominates \_\_\_\_\_ as a member of the Board of Managers for the Denco Area 9-1-1 Emergency Communication District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2014.

Mayor \_\_\_\_\_

City / Town of \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City / Town Secretary

\_\_\_\_\_  
City / Town Attorney

## **Denco Area 9-1-1 District Board of Managers FY2014**

### **Jack Miller, Chairman**

- Appointed by Denton County Commissioners Court
- Member since October 2000
- Term expires September 2014
- Former mayor and council member of Denton
- Self-employed as a human resource manager

### **Bill Lawrence, Vice Chair**

- Appointed by Denton County Commissioners Court
- Member since October 2006
- Term expires September 2014
- Former Mayor of Highland Village
- Businessman, Highland Village

### **Chief Terry McGrath, Secretary**

- Appointed by Denton County Fire Chief's Association
- Member since October 2011
- Term expires September 2015
- Assistant Fire Chief, City of Lewisville

### **Harlan Jefferson**

- Appointed by member cities in Denton County
- Member since November 1998
- Term expires September 2014
- Town Manager, Town of Prosper

### **Sue Tejml**

- Appointed by member cities in Denton County
- Member since 2013
- Term expires September 2015
- Mayor, Town of Copper Canyon

### **Rob McGee**

- Non-voting member appointed by largest telephone company (Verizon)
- Member since 2012
- Serves until replaced by telephone company
- Manager, Region Network Reliability, Verizon

All voting members serve two-year terms and are eligible for re-appointment.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, NOMINATING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

**WHEREAS**, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communication District shall be appointed jointly by all cities and towns lying wholly or partly within the District; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1.** The City of Lewisville hereby nominates \_\_\_\_\_, as a member of the Board of Managers of Denco Area 9-1-1 Emergency Communication District.

**SECTION 2.** That this resolution shall become effective immediately upon its passage and approval.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 16<sup>th</sup> DAY OF JUNE, 2014.**

**APPROVED:**

\_\_\_\_\_  
Dean Ueckert, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM



**LEWISVILLE**

Deep Roots. Broad Wings. Bright Future.

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R. Neil Ferguson  
Councilman Leroy Vaughn  
Councilman Greg Tierney  
Councilman Rudy Durham

**FROM:** Donna Barron, City Manager

**DATE:** June 9, 2014

**SUBJECT: Consideration of a Resolution Nominating a Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council.**

**BACKGROUND**

The City currently holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The City appointee to this position is Councilman Durham who was re-nominated at the May 5, 2014 City Council meeting. The appointee is required to be an elected official who serves on the governing body they represent.

Membership on the Regional Transportation Council is either by direct membership or group representation. At its April 10, 2014 meeting, the RTC approved revisions to its Bylaws and Operating Procedures. These revisions included changes to RTC membership based on the North Central Texas Council of Government's most recent population and employment figures and an effort to group entities based on their geographic proximity and similar planning needs. The cities Lewisville, Highland Village, and the Town of Flower Mound share a seat on the council. The RTC's Bylaws and Operating Procedures state that "The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented."

At the May 5, 2014, City Council meeting, Patrick Davis, the Mayor of Highland Village was nominated to serve as the alternate for the group. Due to his recent resignation, a new member will need to be nominated City staff has contacted the City of Highland Village and they have recommended that Mayor Charlotte Wilcox be nominated for the alternate position.

Included for City Council review is a table containing population and employment figures.

**RECOMMENDATION:**

It is City staff's recommendation that the City Council approve a resolution nominating an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.



The Transportation Policy Body for the North Central Texas Council of Governments  
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)

April 23, 2014

The Honorable Dean Ueckert  
Mayor  
City of Lewisville  
PO Box 299002  
Lewisville, TX 75057

The Honorable Tom Hayden  
Mayor  
Town of Flower Mound  
2121 Cross Timbers Road  
Flower Mound, TX 75028

The Honorable Patrick L. Davis  
Mayor  
City of Highland Village  
1000 Highland Village  
Highland Village, TX 75077

Dear Mayors Ueckert, Hayden, and Davis:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Each seat on the Regional Transportation Council will be provided a primary member and permitted an alternate member. At its April 10, 2014, meeting, the RTC approved revisions to its Bylaws and Operating Procedures. These revisions included changes to RTC membership based on the North Central Texas Council of Governments' most recent population and employment figures and an effort to group entities based on their geographic proximity and similar planning needs. As a result of this Bylaws change, the Cities of Lewisville, Flower Mound, and Highland Village now share a seat on the Regional Transportation Council. The RTC's Bylaws and Operating Procedures state that the person representing a group of several cities shall be selected by the mayors using a weighted vote of the maximum population or employment of the cities represented, and the person selected shall serve a two-year term beginning in June of even-numbered years and shall be serving on one of the governing bodies they represent. A table containing population and employment figures is enclosed.

Another membership revision involved representation for urbanized areas. The Regional Transportation Council will maintain a cluster seat for each of the three urbanized areas of Denton, Lewisville, and McKinney. The Bylaws revision states that representation for the three urbanized area seats can come from any of the cities within the respective cluster. The Bylaws further state that in the spirit of integrated transportation planning, all cities within a city-only cluster are eligible to hold the

RTC membership seat for the cluster, and the cities should strongly consider rotation of the seat among the entities within the respective cluster. Items to consider when contemplating seat rotation may include: 1) a natural break in a member's government service, such as the conclusion of an elected term, 2) a member's potential to gain an officer position or advance through the officer ranks, 3) a member's strong performance and commitment to transportation planning, or 4) the critical nature of a particular issue or project and its impact on an entity within the cluster.

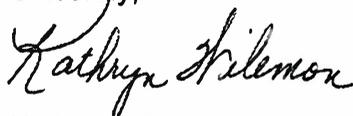
An alternate member is the individual appointed to represent an entity or group of entities on the Regional Transportation Council in the absence of the primary member. The alternate member must be predetermined in advance of a meeting and will have voting rights in the absence of the primary member. An entity or group of entities may elect to appoint its alternate member(s) from a pool of eligible nominees. The same requirements apply to alternate members as to primary members. If a primary member is an elected official, then the alternate member must also be an elected official; if a primary member is a non-elected individual, then the alternate member can be either a non-elected individual or an elected official. Cities and/or counties within a cluster group are strongly encouraged to reflect diversity in their selections of primary and alternate members as well as membership rotation amongst the group depending on the qualifications of the appointees. A best practice may be to appoint the alternate member from an eligible entity within the cluster that is not providing the primary member.

Your current primary representative on the RTC is Rudy Durham, Councilmember, City of Lewisville. Patrick Davis, Mayor, City of Highland Village was the alternate representative in a group prior to the recent Bylaws change. You may choose to keep your current primary representative and appoint Mayor Davis as the group's new alternate representative or appoint both a new primary representative and alternate representative. I encourage you to make your new appointment or appointments prior to June when the new two-year terms begin. Please mail (P.O. Box 5888, Arlington, TX 76005-5888) or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designation should be confirmed in writing by all entities included in this group.

In addition, the Regional Transportation Council has established an Ethics Policy in accordance with Section 472.034 of the Texas Transportation Code. This policy applies to both primary and alternate RTC members, whether elected or non-elected. All RTC members must also adhere to Chapter 171 of the Local Government Code and to the Code of Ethics from their respective local governments and public agencies. Please remind your representatives to be cognizant of these policies and codes.

Please contact Vercie Pruitt-Jenkins at 817/608-2325 if you have any questions. We look forward to hearing from you.

Sincerely,



Kathryn Wilemon, Chair  
Regional Transportation Council  
Mayor Pro Tem, City of Arlington

VPJ:al  
Enclosure

cc: The Honorable Rudy Durham, Councilmember, City of Lewisville (RTC Primary Member)  
Mr. Claude King, City Manager, City of Lewisville  
Mr. Michael Leavitt, City Manager, City of Highland Village  
Mr. Jimmy Stathatos, Town Manager, Town of Flower Mound

**2014-2015 REGIONAL TRANSPORTATION COUNCIL  
MEMBERSHIP STRUCTURE**

<u>City</u>	<u>2013 Population</u>	<u>2010 Employment</u>	<u>Maximum of Population &amp; Employment</u>
<b>City Membership</b>			
Plano	264,910	235,983	264,910
McKinney	140,390	59,600	140,390
Anna	9,360	798	9,360
Princeton	7,440	738	7,440
Fairview	8,000	1,206	8,000
Melissa	5,710	673	5,710
Allen	87,800	28,830	87,800
Lucas	5,750	1,790	5,750
Wylie	43,450	10,086	43,450
Rowlett	56,420	12,244	56,420
Sachse	21,090	1,351	21,090
Murphy	18,440	2,451	18,440
Frisco	129,680	40,647	129,680
Prosper	13,380	1,786	13,380
Little Elm	29,230	3,962	29,230
The Colony	37,360	5,802	37,360
Celina	6,460	1,048	6,460
Providence Village	5,260	125	5,260
Dallas	1,213,600	1,036,119	1,213,600
University Park	22,920	11,125	22,920
Highland Park	8,500	4,145	8,500
Garland	229,120	80,870	229,120
Addison	13,840	62,925	62,925
Richardson	100,850	130,309	130,309
Irving	220,750	252,379	252,379
Coppell	39,090	28,033	39,090
Mesquite	140,240	60,515	140,240
Balch Springs	24,270	5,867	24,270
Seagoville	15,020	4,915	15,020
Sunnyvale	5,271	3,539	5,271
Grand Prairie	178,290	75,337	178,290
Duncanville	38,680	11,850	38,680
DeSoto	49,930	12,965	49,930
Cedar Hill	45,570	13,934	45,570
Lancaster	36,980	9,633	36,980
Glenn Heights	11,410	1,055	11,410
Hutchins	5,350	3,364	5,350
Carrollton	122,280	88,243	122,280
Farmers Branch	28,800	81,840	81,840
Denton	116,950	76,079	116,950
Sanger	7,170	3,106	7,170
Corinth	20,420	5,156	20,420
Lake Dallas	7,140	1,330	7,140
Lewisville	97,140	57,960	97,140
Flower Mound	65,710	29,678	65,710
Highland Village	15,420	3,391	15,420

<u>City</u>	<u>2013 Population</u>	<u>2010 Employment</u>	<u>Maximum of Population &amp; Employment</u>
Fort Worth	767,560	448,844	767,560
Arlington	369,320	183,860	369,320
N. Richland Hills	64,240	26,002	64,240
Richland Hills	7,870	6,955	7,870
Haltom City	42,190	20,499	42,190
Watauga	23,500	5,139	23,500
White Settlement	16,390	6,133	16,390
River Oaks	7,280	1,858	7,280
Lake Worth	4,780	5,059	5,059
Westworth Village	2,500	22,768	22,768
Saginaw	20,140	8,909	20,140
Azle	10,960	4,630	10,960
Keller	41,090	12,807	41,090
Grapevine	47,070	52,953	52,953
Southlake	27,080	25,552	27,080
Colleyville	23,270	9,134	23,270
Westlake	1,040	5,762	5,762
Trophy Club	9,400	793	9,400
Roanoke	6,470	9,163	9,163
Hurst	37,460	18,962	37,460
Euless	51,750	51,863	51,863
Bedford	47,310	27,827	47,310
Mansfield	58,490	19,964	58,490
Benbrook	21,530	5,163	21,530
Forest Hill	12,360	3,591	12,360
Crowley	13,440	5,799	13,440
Everman	6,110	2,057	6,110
Kennedale	6,820	3,865	6,820

**County Membership**

	<u>2013 Population</u>
<u>Collin County</u>	<b>821,520</b>
<u>Dallas County</u>	<b>2,398,920</b>
<u>Denton County</u>	<b>694,050</b>
<u>Tarrant County</u>	<b>1,850,370</b>
<u>Ellis County</u>	154,700
Ennis	18,590
Waxahachie	31,550
Midlothian	19,330
Red Oak	11,230
<u>Kaufman County</u>	105,750
Forney	16,030
Kaufman	6,660
Terrell	<u>15,210</u>
<b>Combined Ellis and Kaufman Population</b>	<b>260,450</b>

<u>Johnson County</u>	154,530
Burleson	39,010
Cleburne	29,120
Keene	6,120
Joshua	6,010
<u>Hood County</u>	54,900
Granbury	<u>8,290</u>
<b>Combined Johnson and Hood Population</b>	<b>209,430</b>
<u>Hunt County</u>	88,020
Commerce	8,110
Greenville	25,990
<u>Rockwall County</u>	82,360
Rockwall	38,990
Heath	7,260
Royse City	9,690
Fate	<u>7,840</u>
<b>Combined Hunt and Rockwall Population</b>	<b>170,380</b>
<u>Parker County</u>	120,650
Weatherford	25,940
Mineral Wells	16,810
<u>Wise County</u>	64,500
Decatur	6,050
Bridgeport	<u>6,000</u>
<b>Combined Parker and Wise Population</b>	<b>185,150</b>

#### Transportation Providers

DART  
DCTA  
FWTA  
DFW Airport  
TxDOT Dallas  
TxDOT Fort Worth  
NTTA

*Data Based on NCTCOG 2013 Population Estimates and 2010 Employment Estimates*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LEWISVILLE, TEXAS, NOMINATING  
AN ALTERNATE REPRESENTATIVE TO THE  
REGIONAL TRANSPORTATION COUNCIL.**

**WHEREAS**, the Regional Transportation Council (RTC) Bylaws and Operating Procedures state that “The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented”; and,

**WHEREAS**, the cities of Lewisville, Highland Village, and the Town of Flower Mound share a seat on the Regional Transportation Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1.** The City of Lewisville hereby nominates \_\_\_\_\_, as the alternate representative to the Regional Transportation Council.

**SECTION 2.** That this resolution shall become effective immediately upon its passage and approval.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 16<sup>th</sup> DAY OF JUNE, 2014.**

**RESOLUTION NO.** \_\_\_\_\_

**Page 2**

**APPROVED:**

\_\_\_\_\_  
Dean Ueckert, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY



**LEWISVILLE**

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**MEMORANDUM**

**TO:** Mayor Dean Ueckert  
Mayor Pro Tem TJ Gilmore  
Deputy Mayor Pro Tem R Neil Ferguson  
Councilman Leroy Vaughn  
Councilman Greg Tierney  
Councilman Rudy Durham

**FROM:** Julie Heinze, City Secretary

**DATE:** June 5, 2014

**SUBJECT: Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

**BACKGROUND**

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the book. At the June 3, 2014 City Council meeting, the following teams interview teams were set up: Mayor Ueckert and Mayor Pro Tem Gilmore; Deputy Mayor Pro Tem Ferguson and Councilman Vaughn; and Councilman Durham and Councilman Tierney.

The following is a list of current board members that are interested in being reappointed:

Denise Jeffery	Place No. 2	Animal Services Advisory Committee
Jeanne Kule	Place No. 6	Animal Services Advisory Committee
Al DeBerry	Place No. 2	Arts Advisory Board
Patsy Roe	Place No. 4	Arts Advisory Board
Gene Carey	Place No. 6	Arts Advisory Board
Ken Lannin	Place No. 8	Arts Advisory Board
Judy Kay Ferguson	Place No. 2	Charter Review Commission
Alvin Turner	Place No. 4	Charter Review Commission
Eric Page	Place No. 2	CDBG Advisory Committee
Judy Kay Ferguson	Place No. 4	CDBG Advisory Committee
Robert Paul	Place No. 6	CDBG Advisory Committee
Mary E. Smith	Place No. 4	Lewisville Housing Finance Corporation



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Mary E. Smith	Place No. 2	Lewisville Industrial Development Corporation
Hurl Scruggs	Place No. 4	Lewisville Industrial Development Corporation
Jennifer Whitaker	Place No. 2	Oil & Gas Advisory Board
Steve Southwell	Place No. 4	Oil & Gas Advisory Board
Kathi Stuck	Place No. 6	Oil & Gas Advisory Board
Amanda Ferguson	Place No. 2	Old Town Design Review Comm/OT Resident
William Shull	Place No. 2	Park Board
James Collier	Place No. 6	Park Board
David Adkisson	Place No. 8	Park Board
Joel Brent Daniels	Place No. 3	Planning and Zoning Commission
Stephen C. Byars	Place No. 5	Planning and Zoning Commission
James Davis	Place No. 7	Planning and Zoning Commission
Amanda Ferguson	Place No. 2	TIRZ, Number 1 Board of Directors
Kellie F. Stokes	Place No. 4	TIRZ, Number 1 Board of Directors
Brandon Jones	Place No. 4	TIRZ, Number 2 Board of Directors
Antonio Gallizzi	Place No. 2	Zoning Board of Adjustment
Debbie Ingledue	Place No. 4	Zoning Board of Adjustment

Should the City Council reappoint all the current members interested in being reappointed to their existing Board/Commission/Committee, the following vacancies will exist:

- Animal Services Advisory Committee – Place No. 4 – should be replaced with Ethel Strother (Current Animal Services Supervisor).
- Charter Review Commission\* – Place Nos. 1 – 5
- Lewisville Housing Finance Corporation – Place No. 2
- Library Board – Place Nos. 2 , 3 and 4
- Old Town Design Review Committee – Place No. 4 (Old Town Business Owner).
- Park Board – Place No. 4
- Planning and Zoning Commission – Place No. 1
- TIRZ, #2 Board of Directors – Place No. 2
- Zoning Board of Adjustment – Alternate Place No. 2

\*While reappointment is being sought by two members, this Commission typically only meets every five years; therefore, City staff recommends that City Council consider how they wish to form the commission members as a group.



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Typically a memo detailing attendance of all members requesting reappointment is included with the various boards; however, as there are currently no attendance concerns this memo has not been prepared.

### **ANALYSIS**

Please note when reviewing the data sheets behind each specific board of the electronic boards/commissions notebook, in the top right hand corner there is a notation if the applicant is a current member or new applicant. If they are a new applicant, it will show if this board is their first or second choice (when no applicants have selected a first or second choices for a particular board, applicants indicating a lower rated interest will be included). The electronic notebook contains the following information:

Bookmark 1	Appointment Directives
Bookmark 2:	List of 2014 Vacancies and Reappointment Considerations
Bookmark 3:	Interview Questions
Bookmark 4:	Reappointees – 2014
Bookmark 5:	New Applicants List - 2014
Bookmark 6:	Animal Services Advisory Committee
Bookmark 7:	Arts Advisory Board
Bookmark 8:	Charter Review Commission
Bookmark 9:	Community Development Block Grant Committee
Bookmark 10:	Lewisville Housing Finance Corporation
Bookmark 11:	Lewisville Industrial Development Corporation
Bookmark 12:	Library Board
Bookmark 13:	Oil and Gas Advisory Board
Bookmark 14:	Old Town Design Review Committee
Bookmark 15:	Park Board
Bookmark 16:	Planning and Zoning Commission
Bookmark 17:	Tax Increment Reinvestment Zone #1
Bookmark 18:	Tax Increment Reinvestment Zone #2
Bookmark 19:	Zoning Board of Adjustment

### **RECOMMENDATION**

The City staff's recommendation is that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.