

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 2, 2007**

**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. Highway Incident Management
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Thornhill
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Durham
- C. **PROCLAMATIONS:**
 - 1. Declaring the Month of April, 2007, as “Child Abuse Prevention Month” and the Year 2007 as “The Year of CASA”.
 - 2. Declaring the Month of April, 2007, as “Fair Housing Month”.
 - 3. Declaring April 2-20, 2007, as “Clean Your Files Month”.

D. **PUBLIC HEARINGS:**

1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 1.70 Acre Tract Located at the Southeast Corner of Texas Street and McDonnell Street and Further Identified as Lot 1, Block A, Owen Family Addition; as Requested by Assistant Chief Tim Tittle on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070305).**

ADMINISTRATIVE COMMENTS:

The site is located at the southeast corner of Texas St. and McDonnell St. It served as the Owen Family Restaurant since the early 1990's, until it closed in 2006. The City has since purchased the property to construct Fire Station #7. The truck company, battalion Chief, and training division will be relocating from the Central Fire Station to this location. The move is an effort to centrally locate these services within the City, giving better access to I-35 and Business S.H. 121. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use facility. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Public Use (PU).

PRESENTATION: Gene Lewis, Planning & Community Services Manager
Tim Tittle, Assistant Chief

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 3.0 Acre Tract Located on the North Side of Windhaven Parkway, West of Trinity Drive and Further Identified as Lot 5, Block B, Austin Ranch West Addition; as Requested is Being Made by Jeffery Kelly, City Project Engineer on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070306).**

ADMINISTRATIVE COMMENTS:

The site is located at the northwest quadrant of Windhaven Parkway and Trinity Drive. It will house an elevated storage tank and is the potential site for a future fire station. Currently Windhaven Parkway is being extended to this site. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use facility. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Public Use (PU).

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Multi-Family Two (MF-2) to Light Industrial (LI) on an 8.44 Acre Tract Located on the North Side of S.H. 121, West of Lake Vista Drive and Further Identified as Part of Lot 1, Block H, Vista Ridge Addition; as Requested by Demian Salmon, Vice President of General Partner with Authorization from Jackson Shaw/Vista Point East Limited Partnership, the Current Property Owner (Case No. PZ20070307).**

ADMINISTRATIVE COMMENTS:

The site is located on the north side of S.H. 121, west of Lake Vista Dr. The entire site is approximately 18.94 acres, with the front 10.5 acres already zoned Light Industrial and the remaining 8.44 acres in the rear zoned Multi-Family Two. The site is bound on the east and north by a drainage channel owned and maintained by the Levee District. Across the channel to the east of this site is other LI zoning on which the Hilton Garden Inn Hotel and Conference Center is being constructed. The current property owners are requesting to rezone this portion of their site to LI so that the entire parcel is consistent in zoning. Light Industrial zoning allows a variety of uses including retail, wholesale, office and service uses and campus style light manufacturing and industrial uses. Jackson Shaw plans to develop the site in phases and has discussed building two office buildings (90,000 and 50,000 sq. ft) in the first phases of development, with additional office and warehouse uses in later phases. The requested zoning is consistent with the zoning in that area. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Multi-Family Two (MF-2) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Demian Salmon, Vice President of General Partner,
Jackson Shaw

- 4. Public Hearing: Consideration of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review as Prepared by Birkhoff, Hendricks, and Conway, Consulting Engineers, Dallas, Texas; Approval of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review; and Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Fees, Section 2-201, and Chapter 16, Article IV, Water and Sewer Extension, Section 16-207, Concerning Capital Recovery Fees for Water and Wastewater Utilities.**

ADMINISTRATIVE COMMENTS:

Texas Local Government Code Chapter 395 requires a political subdivision imposing an impact fee to review and evaluate the Capital Improvements Plan every five years. Engineering Consultants Birkhoff, Hendricks, and Conway have completed the review and determination of water and sewer impact fees. The report calculates the maximum allowable water and sewer fees be set at \$2,830.86 and \$1,780.64 respectively. However, the staff's recommendation in Exhibit "A" utilizes a methodology that would increase the fee gradually each year beginning in 2007 and result in the maximum fee being charged only in year 5 of the plan. The average annual increase for the schedule would be 7.3% for water and 2.8% for sewer. This compares to 9.2% for water and 2.5% for sewer in previous years.

RECOMMENDATION:

That the City Council conduct the public hearing; approve the engineering report; and amend the Lewisville City Code concerning capital recovery fees for water and wastewater utilities.

PRESENTATION: John Birkhoff, Birkhoff, Hendricks & Conway

5. Public Hearing: Consideration of the Advisability of Improvements in the Proposed Castle Hills Public Improvement District (PID) #4.

ADMINISTRATIVE COMMENTS:

Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of proposed improvements in the PID. Notice of this hearing was published in a newspaper of general circulation and sent to owners of property in the PID. This notice included information on the estimated cost of improvements, boundaries of the proposed district, the proposed method of assessment and the proposed apportionment of cost between the improvement district and the municipality.

RECOMMENDATION:

That the City Council conduct the public hearing.

- E. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

- F. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
6. **APPROVAL OF MINUTES:** **City Council Minutes of the March 19, 2007, Workshop Session and Regular Session.**
7. **Approval of a Bid Award for the Purchase of Sixty Rifles (With a Trade-in Allowance of \$6,400 for 32 Ruger Rifles) to Kiesler Police Supply in the Amount of \$42,050.**

ADMINISTRATIVE COMMENTS:

Sixty rifles are needed to replace all rifles used by patrol officers, the training unit, special units and SWAT. The City of Lewisville's Purchasing Department solicited bids for the purchase of sixty rifles. Five bids were received and opened on March 20, 2007. The low bid meeting specifications was submitted by Kiesler Police Supply in the amount of \$48,450, with a trade-in allowance of \$6,400 for 32 Ruger rifles, leaving a net purchase price of \$42,050. Kiesler Police Supply is recommended for the award. Funding was appropriated by the City Council on January 8, 2007 in the Police Asset Forfeiture Fund.

RECOMMENDATION:

That the City Council approve a bid award for the purchase of sixty rifles, with a trade-in allowance of \$6,400 for 32 Ruger rifles, in the amount of \$42,050 to Kiesler Police Supply.

8. **Approval of a Bid Award to Furnish and Install an Iron Fence at Austin Kent Ellis Park and Iris Lane Park to Construction Rent-A-Fence, Inc., Thrall, Texas, in the Amount of \$35,849; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixteen (16) bid invitations were issued, including four (4) downloaded from DemandStar.com. Four (4) bids were received and opened on March 8, 2007. This fence will comply with current National Playground Safety Institute standards. Funding is available in the Park Development Fund Improvements Capital Project.

RECOMMENDATION:

That the City Council approve a bid award to furnish and install an iron fence at Austin Kent Ellis Park and Iris Lane Park to Construction Rent-A-Fence, Inc., Thrall, Texas, in the amount of \$35,849; and authorize the City Manager to execute the contract.

- 9. Approval of a Bid Award for an Annual Requirements Contract for the Repair of Screening Walls to Ratliff Hardscape, LTD., Lewisville, Texas, for an Estimated Amount of \$182,228.**

ADMINISTRATIVE COMMENTS:

A total of nine (9) bid invitations were issued, including two (2) downloaded from DemandStar.com. Two (2) bids were received and opened on March 8, 2007. This contract covers repairs made to screening walls caused by traffic accidents as well as routine maintenance. The term of the contract will be twelve months, with the option to extend up to two (2) additional twelve month periods. Funding is available in the Screening Wall Replacement Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for the repair of screening walls to Ratliff Hardscape, LTD., Lewisville, Texas, for an estimated amount of \$182,228.

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

ADMINISTRATIVE COMMENTS:

Innovative Transportation Solutions, Inc., has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. Innovative Transportation Solutions, Inc., in the past year, has reviewed all SH 121 Toll Road issues and TxDOT Comprehensive Development Agreements. Their work load has increased substantially due to these activities. Innovative Transportation Solutions, Inc., is seeking a renewal of their contract in the amount of \$90,000, a \$15,000 increase from the current contract amount. The current fee had been the same since 2000. Funding is available in the Community Development Department Fiscal Year 2006-2007 budget.

RECOMMENDATION:

That the City Council approve the Transportation Services Agreement with Innovative Transportation Solutions, Inc. in the amount of \$90,000; and authorize the City Manager to execute the agreement.

- 11. Approval of Construction Manager at Risk Contracts With The Ridgemont Company, Irving, Texas, for the Construction of the Jail, on the Following Terms: (i) Phase 1 Pre-Construction Services in the Amount of \$2,500; (ii) Phase 2 Construction Management Services in the Amount of \$135,000; (iii) General Conditions in an Amount Not-to-Exceed \$234,601; and (iv) With the Cost of the Work and Guaranteed Maximum Price to be Determined at the End of Phase 1, Subject to Approval by the City Council; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-five (35) Request for Qualifications were issued, including five (5) downloaded from DemandStar.com. Four (4) firms submitted their qualifications for consideration. Of the four (4) proposals received, three (3) firms completed the process of submitting pricing for their construction services and general conditions. From this list, two (2) firms were selected for interviews. The Ridgemont Company is being recommended based on receiving the highest evaluation score. Staff will return at a later date with an amendment to establish the guaranteed maximum price.

RECOMMENDATION:

That the City Council approve Construction Manager at Risk contracts with The Ridgemont Company, Irving, Texas, for the construction of the jail, on the following terms: (i) Phase 1 Pre-Construction Services in the amount of \$2,500; (ii) Phase 2 Construction Management Services in the amount of \$135,000; (iii) General Conditions in an amount not-to-exceed \$234,601; and (iv) with the cost of the work and guaranteed maximum price to be determined at the end of Phase 1, subject to approval by the City Council; and authorize the City Manager to execute the contract.

- 12. Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$76,000; Approval of a Professional Service Agreement (PSA) With PageSoutherlandPage LLP of Dallas, Texas, for the Preliminary Design Phase of the Lewisville Arts Activity Center in the Amount of \$70,000; Approval of a Preliminary Design Phase Budget in the Amount of \$76,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

At the February retreat, Council directed staff to begin design of the Arts Activity Center located at 201 West Main, formally known as Temple Baptist Church. The existing structure will be removed and a new building constructed in the general area. Staff recommends PageSoutherlandPage to design the facility. The first phase of the project is to perform preliminary design which will identify the needs and uses of the building and establish the basic floor plan and site plan. The timeline for the first phase is estimated to be eight calendar weeks.

RECOMMENDATION:

That the City Council approve an appropriation from General Capital Projects Available Cash in the amount of \$76,000; approve the Professional Service Agreement with PageSoutherlandPage LLP of Dallas, Texas, for the preliminary design phase of the Lewisville Arts Activity Center in the amount of \$70,000; approve a preliminary design phase budget in the amount of \$76,000; and authorize the City Manager to execute the agreement.

- 13. Approval of a Resolution Supporting the Establishment of a Foreign Trade Zone to Include 15.06 Acres Along Trinity Drive, as Requested by The Apparel Group, Ltd.**

ADMINISTRATIVE COMMENTS:

Staff has received a request from The Apparel Group (Austin Ranch) that the City support the creation of a Foreign Trade Zone (FTZ) for their development. FTZ's are a tool that is beneficial to companies that import products into the United States by allowing the deferment of payment of duties until the goods are entered into commerce of the U.S. The City essentially has no role in the creation or administration of the FTZ other than supplying a resolution of support with the application to the U.S. Department of Commerce. Based on staff research, there is essentially no financial impact to the City due to the Freeport exemption that already exists.

RECOMMENDATION:

That the City Council approve the resolution.

- 14. Approval of a Resolution Making Findings as to the Feasibility of Improvements in the Proposed Castle Hills Public Improvement District No. 4 and Creating Public Improvement District No. 4.**

ADMINISTRATIVE COMMENTS:

The City Council earlier conducted a public hearing concerning the advisability of improvements in the proposed PID No. 4. The recommended resolution makes findings as to these improvements, the estimated cost of the improvements, the boundaries of the proposed district, the method of assessment, and the apportionment of cost between the improvement district and the municipality. Finally, the resolution creates Denton County Fresh Water Supply District No. 1-F as Public Improvement District No. 4.

RECOMMENDATION:

That the City Council approve the resolution.

G. **REGULAR HEARINGS:**

- 15. Tabled Item: Consideration of a Request From JDB Coppel Commercial G.P., LLC to Allow the Encroachment of Two Stone Wall Entry Features Within a City of Lewisville Sanitary Sewer Easement, Located at SH 121 and Plaza Boulevard.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the March 19, 2007 City Council meeting. Staff was directed to look at other alternatives with the developer. The Plaza Development is a mixed use development located on the northwest corner of Ridgemont Drive and SH 121 (Bypass). The development has improvements in both the City of Lewisville and Coppell jurisdictions. During the process of commercial development in Coppell, the developers failed to notice the restrictions of a City of Lewisville sanitary sewer easement on the property and constructed two stone wall entry features. Staff and the developer met on March 26, 2007, and have agreed in principle, to receive a non-refundable one-time payment from the developer in the amount of \$6,650 to help pay for any potential future replacement costs of the entry features.

RECOMMENDATION:

That the City Council approve the request from JDB Coppell Commercial G.P., L.L.C., and authorize the City Manager to execute the agreement.

PRESENTATION: T. S. Kumar, P.E., City Engineer
William Anderson, JDB Coppell Commercial G.P., L.L.C.

16. Consideration of a Request for a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric.

ADMINISTRATIVE COMMENTS:

CoServ Electric is preparing to extend new service lines in East Lewisville and is requesting a variance to install overhead electric lines in two locations. The first location is along the north side of Hwy 121 at the 121 Tollway and 121 Business split and the second is along the south side of Lakeridge Road between the Lakeridge Townhome Subdivision and the City's Eastside Pump Station. The purpose of the extensions is to provide a two-way feed to serve the Meridian Subdivision, Pier 121 Marina, and the Eastside Pump Station.

RECOMMENDATION:

That the City Council approve the requested variance

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Jerry Fielder, P.E. CoServ Electric

- 17. Consideration of Temporary Parking and Lighting Improvements to the Old Town Center District; Consideration of a Variance to the Lewisville City Code, Article 9.5, Old Town Development, Section 54(a), Old Town Development Plan, for a Temporary Parking Lot Located at 138 West Church Street. (Requested by Councilman Tierney).**

ADMINISTRATIVE COMMENTS:

In 2005, the City upgraded the northwest alley and a portion of the alleyway in the northeast Old Town block. OTBA and various Old Town merchants have expressed concern over the years about insufficient parking and the lack of pedestrian lighting around the central commercial district. As the City continues to implement improvements that will benefit the attractiveness and usability of Old Town, staff has developed a concept to install temporary parking at 138 W. Church Street and additional security lighting in various locations. This new lot would be temporary in nature due to the long range plans to create permanent parking and expanded plaza facilities. It is estimated that the cost of the cost of the demolition, temporary parking lot, landscaping, signage and lighting will be less than \$50,000. Funding for this project exists in the Capital Improvements fund from previously allocated TIRZ parking funding.

RECOMMENDATION:

That the City Council consider temporary parking and lighting improvements to the Old Town Center District and consider a variance request to the Lewisville Code of Ordinances, Article 9.5, Old Town Development, Section 54(a), to waive the Old Town Development Plan requirement.

PRESENTATION: Zane Miller, Economic Development Director

- 18 Consideration of Approval of a Resolution Establishing a Preliminary Assessment/Service Plan and Assessment Roll for Castle Hills Public Improvement District No. 4 and Scheduling a Date for a Hearing on the Plan and Proposed Roll.**

ADMINISTRATIVE COMMENTS:

A five-year assessment and service plan has been submitted. This plan defines the annual indebtedness and projected costs of the improvements for the PID. The assessments must be based upon the special benefits that accrue to the property because of the improvements. A public hearing must be held to consider approving the Preliminary Assessment/Service Plan and the Proposed Assessment Roll as the Final Assessment/Service Plan and Assessment Roll of the PID. The recommended date for the public hearing is May 21, 2007.

RECOMMENDATION:

That the City Council approve the resolution establishing the preliminary assessment/service plan and assessment roll and call for a public hearing on the plan and the roll on May 21, 2007.

- 19. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees for the Cinco de Mayo Festival; Consideration of Providing In-Kind Event Support Through City Staff; Consideration of Providing Financial Support in the Amount of \$1,000; Approval of the Request to Place Event Signage Along City Streets; and Consideration of a Supplemental Budget Appropriation From the Hotel/Motel Fund Balance in the Amount of \$10,000.**

ADMINISTRATIVE COMMENTS:

Dallas Tortilla & Tamale Factory owner Rebecca Behnke will again produce a Cinco de Mayo event to be held on Saturday, May 5. Staff has provided in-kind support for this event. This support is given through zero cost items, which will include street closures, police presence, vendor tents and setup, trash containers, city-media marketing and promotion, and waiver of all event permit fees. In addition, the City has covered the cost of generators and port-a-lets which equates to less than \$1,000. This year, Rebecca Behnke is requesting an increase in support for this event to also provide sound, stage, lights, entertainment, event barricading required by TABC to allow alcohol sales at event, and décor for the 2007 event.

RECOMMENDATION:

That the City Council approve the request to waive permit fees; approve the request to provide in-kind zero cost support through city staff; approve the request to maintain the same level of support in the amount of \$1,000; approve the request to place event signage along city streets; and consider the request for a supplemental appropriation from hotel/motel fund balance in the amount of \$10,000.

20. Consideration of a Special Called Joint Meeting With The Park Board. (Requested by Mayor Carey).

ADMINISTRATIVE COMMENTS:

Mayor Carey has requested that the Council consider calling a special meeting to meet with the Park Board. It is suggested that the meeting take place during the Park Board's normally scheduled meeting, April 11, 2007, at 7:00 pm in the Community Room.

RECOMMENDATION:

That the City Council consider calling a special joint meeting with the Park Board.

H. REPORTS:

- ◆ First Quarter 2007 Boards/Commissions/Committees Attendance Reports

I. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development Negotiations

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

K. ADJOURNMENT

**AGENDA
LEWISVILLE CITY COUNCIL
APRIL 2, 2007**

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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).