

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 16, 2007**

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

LEWISVILLE PARKS AND LIBRARY DEVELOPMENT CORPORATION – 6:00 P.M.

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items
- B. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Ueckert
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of April 15-21, 2007, as “National Library Week”.
 - 2. Declaring the Week of April 23-29, 2007, as “Cover the Uninsured Week”.
 - 3. Declaring the Week of April 22-28, 2007, as “Crime Victims’ Rights Week”.
 - 4. Declaring April 28, 2007, as “Arbor Day”.

**AGENDA
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- D. **PRESENTATIONS:** Teen Court Senior Volunteer Recognition and Scholarship Awards.
- E. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
- F. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
1. **APPROVAL OF MINUTES:** City Council Minutes of the April 2, 2007, Workshop Session and Regular Session.
 2. **Approval of an Award for Vending Services to Specialized Quality Vending, Inc., Arlington, Texas; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twelve (12) requests for proposals were issued, including two (2) downloaded from DemandStar.com. Four (4) proposals were received and opened on March 6, 2007. This service provides employees and citizens the convenience of purchasing cold drinks and snacks in City facilities. The recommended vendor, Specialized Quality Vending, Inc., received the highest overall evaluation score. A percentage of sales will be paid to the City in the form of a monthly commission.

RECOMMENDATION:

That the City Council approve an award for Vending Services to Specialized Quality Vending, Inc., Arlington, Texas and authorize the City Manager to execute the contract.

3. **Approval of Acceptance of a \$3,000 Grant From the Texas Department of Transportation for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$3,000 to the Fiscal Year 2006/2007 Grant Fund; and Authorization for the City Manager to Execute the Grant Document.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation is awarding the City of Lewisville \$3,000 in grant funds. The grant will enable the City to conduct an occupant protection and enforcement program during the Memorial Day holiday. The grant funds will pay the officers' salaries at their overtime rate.

RECOMMENDATION:

That the City Council approve the acceptance of the Texas Department of Transportation Grant Award in the amount of \$3,000; approve a supplemental budget appropriation to the grant fund in the amount of \$3,000; and authorize the City Manager to execute the grant document.

- 4. Approval of an Agreement With Results Staffing to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville requested proposals for temporary services on December 17, 2006. A total of eight proposals were received. Based on the estimated need for 5000 billable hours for labor positions, the anticipated cost is \$58,500. Staff recommends the contract be extended to Results Staffing based on the cost and expected quality of service.

RECOMMENDATION:

That the City Council approve the Temporary Services Agreement with Results Staffing for a one year period with an option to renew for two additional years; and authorize the City Manager to execute the agreement.

- 5. Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an Amount not to Exceed \$18,200,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Construction, Improvement and Equipment of the City's Railroad Street Athletic Park Complex, Including Athletic Fields, a Skate Park, a Dog Park and Related Improvements (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection With the Project and the Issuance of the Certificates.**

ADMINISTRATIVE COMMENTS:

State statute provides, in respect to the issuance of non-voted combination tax and revenue certificates of obligation, that a Notice of Intention to issue such bonds must be given by the publication of such notice in a local newspaper published in the City. The notice must identify the date, time, and place when the Council plans to adopt the ordinance authorizing the issuance of the bonds; further identify the maximum amount of the bonds to be issued; the purpose for their issuance; their maximum maturity date; and maximum interest rate. The maximum interest rate stated in the notice is for purposes of setting an interest rate ceiling and does not reflect the interest rate anticipated to be bid by underwriters bidding on the bonds. The Attorney General requires that the City Council approve and authorize the giving of such notice prior to its publication or posting.

RECOMMENDATION:

That the City Council approve the resolution relating to the Giving of Notice of Intention to issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007A, in an amount not to exceed \$18,200,000 for the purpose of paying contractual obligations to be incurred for the following purposes: construction, improvement and equipment of the City's Railroad Street Athletic Park Complex, including athletic fields, a skate park, a dog park and related improvements (the "Project"); and to pay for professional services of attorneys, financial advisors, and other professionals in connection with the project and the issuance of the certificates.

- 6. Approval of a Resolution Relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an Amount not to Exceed \$8,190,000 for the Purpose of Paying Contractual Obligations to be Incurred for the Following Purposes: Acquisition, Construction and Equipment of a Community Arts and Activities Center Located at 201 West Main Street, and Related Improvements, and the Acquisition and Development of Land for a Parking Lot to be Located in the Old Town area of the City at a site to be determined by the City Council (the "Project"); and to Pay for Professional Services of Attorneys, Financial Advisors and Other Professionals in Connection with the Project and the Issuance of the Certificates.**

ADMINISTRATIVE COMMENTS:

State statute provides, in respect to the issuance of non-voted combination tax and revenue certificates of obligation, that a Notice of Intention to issue such bonds must be given by the publication of such notice in a local newspaper published in the City. The notice must identify the date, time, and place when the Council plans to adopt the ordinance authorizing the issuance of the bonds; further identify the maximum amount of the bonds to be issued; the purpose for their issuance; their maximum maturity date; and maximum interest rate. The maximum interest rate stated in the notice is for purposes of setting an interest rate ceiling and does not reflect the interest rate anticipated to be bid by underwriters bidding on the bonds. The Attorney General requires that the City Council approve and authorize the giving of such notice prior to its publication or posting. The cost of issuance in the amount of \$190,000 has been included to ensure \$8,000,000 for the acquisition, construction and equipment of the arts activities center and parking lot.

RECOMMENDATION:

That the City Council approve the resolution relating to the Giving of Notice of Intention to Issue City of Lewisville Combination Tax and Revenue Certificates of Obligation, Series 2007B, in an amount not to exceed \$8,190,000 for the purpose of paying contractual obligations to be incurred for the following purposes: acquisition, construction and equipment of a community arts and activities center located at 201 West Main Street, and related improvements, and the acquisition and development of land for a parking lot to be located in the Old Town area of the City at a site to be determined by the City Council (the "Project"); and to pay for professional services of attorneys, financial advisors, and other professionals in connection with the project and the issuance of the Certificates.

- 7. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Victim Assistance Officer; and Authorization for the City Manager to Execute the Grant Application Documents.**

ADMINISTRATIVE COMMENTS:

The grant position, now in its sixth year, is assigned to the Criminal Investigation Division specializing in coordinating and managing services for victims of crimes. This grant will fund the position from July 1, 2007 to June 30, 2008. The City's match is 26% (cash match of \$22,299 and an in-kind match of \$1,000). The Texas Criminal Justice Division will pay for 74% (\$67,674) of the program cost. Part of the match has been appropriated within FY 2006/2007 funds. The balance will be requested in the FY 2007/2008 proposed budget.

RECOMMENDATION:

That the City Council adopt the proposed resolution; and authorize the City Manager to execute the grant application documents.

- 8. Approval of a Historic Preservation Agreement Between the City of Lewisville and Frank Vaughan for Costs Associated With Façade Improvements at 311 Herod Street; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

311 Herod Street was designated a Lewisville landmark by the Old Town Preservation Society in November, 2006. Mr. Vaughan is submitting construction plans and a request for grant funding to perform historic renovations to improve the exterior of his 1,286 square foot home. The total construction budget is \$8,195.00. Under the residential preservation grant program, the owner will be reimbursed for 50% of costs, or \$4,097.50, whichever is least, of project costs for exterior improvements. The funding limitation for the program is \$10 per square foot of interior floor space or a maximum reimbursement of \$10,000. At the conclusion of the project, the owner will provide City staff with paid invoices and receipts for all work performed. This amount (\$4,097.50) will be allocated from the Residential Preservation Capital Project.

RECOMMENDATION:

That the City Council approve the Historic Preservation Agreement; and authorize the City Manager to execute the agreement.

G. REGULAR HEARINGS:

- 9. Consideration of the Preliminary Plat for The Villas of Wellington, an Addition to the City of Lewisville Located at the Northeast Corner of Valley Parkway and Bellaire Boulevard, Which Includes a Request for Eight Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Casey Ross Representing the Developer, Portrait Homes.**

ADMINISTRATIVE COMMENTS:

The zoning for this 28-acre piece of property is Townhouse-2 (TH-2). The developer has submitted the preliminary plat for 223 residential lots plus 5 HOA lots and is requesting the following variances to their preliminary plat: a) to obtain City participation in the construction costs of a certain portion of the storm sewer associated with the offsite storm sewer lift station removal; b) to allow the construction and installation of a City approved sanitary sewer lift station in lieu of a conventional gravity system; c) to allow certain sanitary sewer easements in lieu of rights-of-way; d) to allow drainage easements in lieu of rights-of-way; e) to allow lot-to-lot drainage in excess of allowable limits established by code; f) to waive alley requirements, thus providing front entry; g) to waive the construction of a right-turn lane associated with Bellaire Boulevard to Valley Parkway; and h) to provide a reduced width drainage and sanitary sewer right-of-way. Conceptual approval of variances a) through g) was granted by the City Council on September 11, 2006. The developers are requesting variance h) based on design constraints that have become apparent during the design process. The Planning & Zoning Commission voted 7-0 to recommend approval of the preliminary plat, and variances B (Sewer Lift Station), C (Sewer Easement), D (Drainage Easement), F (Front Entry), and H (Drainage & Sewer Right of Way Width). The Planning & Zoning Commission voted 5-2 recommending in favor of variances A (Storm Sewer Participation), E (Lot to Lot Drainage) with Commissioners Fowler and Townsend voting in opposition to both variances. The Planning & Zoning Commission voted 5-2 recommending to deny variance G (Right Turn Lane).

RECOMMENDATION:

That the City Council approve the preliminary plat and the requested variances.

PRESENTATION: David Salmon P.E., Assistant City Engineer
Casey Ross, P.E., Dowdey, Anderson & Associates, Inc.

- 10. Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 513 Bennett Lane, As Requested by Isbell Engineering, Representing the Property Owner, Octavi Hernandez.**

ADMINISTRATIVE COMMENTS:

The property is located at 513 Bennett Lane, just west of Yates Street. The site is 0.644 acres in size and zoned Light Industrial (LI). There is currently a single family residence on the site and the developer is proposing to build a 2,550 square foot office/warehouse building behind the residence. As part of the engineering site plan, the developer is requesting a variance to waive the required 50-foot driveway spacing requirement and allow a new driveway on Bennett Lane immediately adjacent to an existing commercial driveway on an adjacent property.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Richard Ingram, P.E., Isbell Engineering

- 11. Consideration of a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Lake Vista Retail Center, a Proposed Retail Strip Center and Restaurant Pad Site Located at 755 Highway 121 on the North Side of Highway 121 Tollway and West of Lake Vista Drive Adjacent to the Hilton Garden Inn Site, as Requested by Michael Hershman, President of Eagle Equity, Inc., the Property Owner.**

ADMINISTRATIVE COMMENTS:

Eagle Equities Inc., is developing a retail site called Lake Vista Ridge Retail Center. The address is 755 Highway 121. The General Development Ordinance requires that a landscape strip shall be provided adjacent to all public and private streets. The landscape strip provided is required to be a minimum of ten (10) feet in width, exclusive of street right-of-way. Due to changes in procedures regarding a TxDOT Access Management Plan by the City of Lewisville, the developer has been required to provide a deceleration lane that had not been incorporated in their original plan configuration. Due to lot size restraints, they are requesting a variance to provide a 3-foot landscape strip for 100 feet adjacent to the deceleration lane in lieu of the 10-foot landscape strip as required by the General Development Ordinance. The 10-foot landscape strip will be adhered to or exceeded on the remaining street frontage.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Larry Finney, Building Official
Michael A. Hershman, President, Eagle Equity, Inc.

- 12. Consideration of a Request for a Variance to the Lewisville City Code, Section 6-123(b) Regarding Required Landscape Area Adjacent to Public Streets for Northwood Retail Addition, a Proposed Retail Strip Center Located at 380 East Business Highway 121, Lot 1, Block A, as Requested by the Property Owner, Lewisville, Inc.**

ADMINISTRATIVE COMMENTS:

The General Development Ordinance requires that a landscape strip shall be provided adjacent to all public and private streets. The landscape strip provided is required to be a minimum of ten (10) feet, exclusive of street right-of-way. A 12-foot right of way dedication for a future deceleration lane has created some lot size restraints on this project. A variance is requested to provide a variable 3.5 to 10 foot landscape strip adjacent to Business Highway 121 in lieu of the 10-foot landscape strip as required by the General Development Ordinance. The deceleration lane construction will depend on future approval of a TxDOT Access Management Plan.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Larry Finney, Building Official
Sean M. Chan, Lewisville, Inc.

- 13. Consideration of a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1600 South Stemmons, as Requested by Studio Movie Grill and Represented by Brian Schultz, President and Owner.**

ADMINISTRATIVE COMMENTS:

Studio Movie Grill is in the process of opening their new business at 1600 South Stemmons Freeway. This location is the old United Artist theater building. The United Artist theater was granted a sign variance for an off-premise 400 square foot free-standing sign 25 feet in height by the City Council on October 17, 1994. Due to the newer construction of the Cavender's Boot building and landscaping, the existing off-premise sign can barely be seen. Studio Movie Grill is proposing to replace the sign with a new 127 square foot sign that would be 75 feet in height at the same location. In order for them to place a new sign off-premise sign with the new dimensions a variance must be granted by City Council. Staff review of the proposal supports approval of this variance request.

RECOMMENDATION:

That the City Council approve the variance.

PRESENTATION: Larry Finney, Building Official
Brian Schultz, President, Studio Movie Grill

14. Discussion and Consideration of Appointments to the Lewisville Local Government Corporation.

ADMINISTRATIVE COMMENTS:

The terms for the members of the Lewisville Local Government Corporation have expired. Currently, the members serving on this corporation are Gene Carey, Mike Nowels, Greg Tierney, Rudy Durham and Tim Blair. The Articles of Incorporation for this board state that the Board of Directors consist of five (5) persons who are residents of the City shall be appointed by the City Council and that the Board Members may be members of the City Council. A roster of the corporation members has been prepared for City Council review.

RECOMMENDATION:

That the City Council consider appointments to the Lewisville Local Government Corporation.

15. Discussion and Consideration of Appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

ADMINISTRATIVE COMMENTS:

The terms for Place No. 1 and Place No. 3 on the Tax Increment Reinvestment Zone, Number One, Board of Directors have expired. Staff has contacted both Karen Boenker and Scott Strange who currently occupy those positions. Both members have indicated an interest in continuing to serve on this board. In accordance with the ordinance that established this board, members are only allowed to serve for no more than three (3) consecutive two (2) year terms; therefore, if reappointed, this will be the last term either member will be able to serve. A roster of the board members has been prepared for City Council review.

RECOMMENDATION:

That the City Council consider appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

16. Consideration of Nominations to the North Central Texas Council of Governments Executive Board of Directors.

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments (NCTCOG) will be electing officers and directors for 2007-2008 at its General Assembly meeting on June 15, 2007. The City of Lewisville has been invited to submit a recommendation for a Board position. Past presidents of the NCTCOG Executive Board will serve on the Nominating Committee and will review the recommendations submitted by member governments. Only one vacancy is certain. This vacancy will be in the representation category of "Cities with Population of 25,001 or more".

RECOMMENDATION:

That the City Council consider a nomination to the North Central Texas Council of Governments Executive Board of Directors.

17. Consideration of Nominations to the Denton Central Appraisal District Appraisal Review Board.

ADMINISTRATIVE COMMENTS:

The Denton Central Appraisal District (DCAD) is requesting nominees for possible appointment to the Appraisal Review Board. Nominees will need to complete a questionnaire which must be returned to the Appraisal District by April 18, 2007. The DCAD Board of Directors will make their final decision at their April Board of Directors meeting.

RECOMMENDATION:

That the City Council consider a nomination to the Denton Central Appraisal District Appraisal Review Board.

H. **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**

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).