

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 7, 2007**

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

LEWISVILLE LOCAL GOVERNMENT CORPORATION – 5:45 P.M.

**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. Briefing on Official Statement
- 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 Nowels
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of May 13-19, 2007, as “National Police Week” and May 15, 2007, as “Police Memorial Day”.
 - 2. Declaring the Week of May 14-20, 2007, as “National Salvation Army Week”.

3. Declaring the Week of May 20-26, 2007, as “Emergency Medical Services Week”.
4. Declaring the Week of May 6-12, 2007, as “National Drinking Water Week” and the Week of May 20-26, 2007, as “National Public Works Week”.

- D. **PUBLIC HEARING: Consideration of an Ordinance, Amending Ordinance Number 2762-12-2001 by Extending the Duration of the Tax Increment Reinvestment Zone, Number One.**

ADMINISTRATIVE COMMENTS:

The Lewisville Tax Increment Reinvestment Zone, Number One, (TIRZ) for Old Town was created in December, 2001, with zone duration until 2021. The purpose of the TIRZ is to provide a dedicated funding source for public improvement projects within the district. This public hearing extends the duration of the zone to match the existence of the outstanding debt. The County has approved the same ordinance extending their participation to also match the existence of the debt.

RECOMMENDATION:

That the City Council conduct the public hearing; and approve the ordinance.

PRESENTATION: Zane Miller, Economic Development Director

- 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:**

- a. **City Council Minutes of the February 1-3, 2007, Special Called Council Retreat; and,**

- b. City Council Minutes of the April 16, 2007, Workshop Session and Regular Session.**
- 2. Approval of Final Acceptance of the McGee Lane and the Waterline Replacement 2006 Projects; and Authorization to Make Final Payment to McMahon Contracting, L.P., in the Amount of \$160,982.68.**

ADMINISTRATIVE COMMENTS:

On October 3, 2005, the City Council awarded a contract to McMahon Contracting, L.P., in the amount of \$4,062,471.23 for the construction of the McGee Lane project. Change Order No. 2 was approved by the City Council on August 21, 2006 to construct the Waterline Replacement 2006 project. The work has been completed and it is now in order to formally accept both projects and make final payment. The work was completed in accordance with the contract documents and no liquidated damages are applied. The final payment in the amount of \$160,982.68 is available in the McGee Lane and the Waterline Replacement 2006 capital projects. The warranty period is two years from the date of final acceptance by the City Council.

RECOMMENDATION:

That the City Council accept the McGee Lane Project and the Waterline Replacement 2006 Project; and authorize final payment in the amount of \$160,982.68 to McMahon Contracting, L.P.

- 3. Approval of a Bid Award for an Annual Requirements Contract for Asphalt Paving to Jagoe-Public Company, Denton, Texas, in the Estimated Annual Amount of \$286,325.**

ADMINISTRATIVE COMMENTS:

A total of twenty-four (24) bid invitations were issued, including three (3) downloaded from DemandStar.com. Four (4) bids were received and opened on March 14, 2007. This paving contract covers material and service that will be used throughout the year for asphalt rehabilitation projects. 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 Asphalt Maintenance Capital Project. The amount spent on this contract can vary based on the number of projects completed each year.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for Asphalt Paving to Jagoe-Public Company, Denton, Texas, in the estimated annual amount of \$286,325.

- 4. Approval of a Bid Award for an Annual Requirements Contract for Police Ammunition to GT Distributors, Austin, Texas, in the Estimated Annual Amount of \$34,779.**

ADMINISTRATIVE COMMENTS:

A total of nineteen (19) bid invitations were issued, including seven (7) downloaded from DemandStar.com. Two (2) bids were received and opened on April 10, 2007. GT Distributors is being recommended based on best value. The ammunition is used for police service, training and qualification testing. Funding is available in the General Operating and Police Asset Forfeiture Funds. The term of the contract will be twelve months, with an option to extend for up to two (2) additional twelve month periods.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for police ammunition to GT Distributors, Austin, Texas, in the estimated annual amount of \$34,779.

- 5. Acceptance of Unsolicited Donations; and Authorization to Solicit Donations to the 2007 Lewisville Public Library Summer Reading Program.**

ADMINISTRATIVE COMMENTS:

In previous years, local businesses and organizations have donated reading incentive prizes to be given away to children and teens who participate in the Summer Reading Program. Request authorization per City Administrative Policies and Procedures; Administration, Donations: 1.7.2 to receive unsolicited donations of 2,000 passes valued at \$6.00 each/\$12,000 total from Fort Worth Museum of Science and History and 1,800 passes valued at \$5.00 each/\$9,000 total from Studio Movie Grill; and request authorization to solicit donations from Joe's Crab Shack 2,000 coupons valued at \$3.75 each/\$7,500 total, Mimi's Café 1,600 coupons valued at \$4.00 each/\$6,400 total, Jason's Deli 1,700 coupons valued at \$3.00 each/\$5,100 total, Dr. Pepper Star Center Grapevine 150 skate sessions and rentals valued at \$25.00 each/\$3,750 total, and Papa Murphy's 1,000 coupons valued at \$3.00 each/\$3,000 total. Donations will be used as incentives to reward reading at designated levels.

RECOMMENDATION:

That the City Council accept the unsolicited donations; and authorize staff to solicit donations for the 2007 Summer Reading Program

- 6. Approval of a Contract for Architectural Services With Brown Reynolds Watford Architects, Inc., Dallas, Texas, to Serve as Architects for the Design and Construction of Fire House #7 in the Amount of \$228,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

In December of 2006 a total of twenty-four (24) requests for qualifications were issued, including six (6) downloaded from DemandStar.com. Interviews were conducted with the top four (4) candidates from a group of thirteen (13) responses received. The firm of Brown Reynolds Watford Architects, Inc., is recommended based on their prior fire station design experience and references. Funding is available in the Fire Station Capital Project.

RECOMMENDATION:

That the City Council approve the contract for architectural services with Brown Reynolds Watford Architects, Inc., Dallas, Texas, to serve as architects for the design and construction of Fire House #7 in the amount of \$228,000; and authorize the City Manager to execute the contract.

- 7. Approval of an Appropriation in the Amount of \$40,000 From General Capital Projects Available Cash for Drainage Repairs.**

ADMINISTRATIVE COMMENTS:

Requested funding is needed to complete drainage repairs at several locations in the City including Poydras, Decker, and Lester Streets. The repairs will consist primarily of cleaning existing drainage ditches, restoring grade, and replacing existing drainage pipe or increasing pipe size to accommodate runoff during heavy rain events.

RECOMMENDATION:

That the City Council approve an appropriation in the amount of \$40,000 from General Capital Projects Available Cash for Drainage Repairs.

- 8. Approval of an Appropriation of Southwest Lewisville Developer Escrow Funding in the Amount of \$1,000,000; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$500,000; Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$831,700 for Services Related to the Southwest Lewisville Infrastructure Project; Approval of a Total Project Design Budget of \$856,650, Which Includes \$24,950 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Southwest Lewisville Infrastructure improvements project is a joint public/privately funded capital improvements project related to the construction of Valley Parkway from FM3040 to SH121 Business, and Spinks Road from Duncan Lane to Edmonds Lane, as approved by the City Council in December of 2006 as a Program Grant Agreement. The Developer Escrow funds have been received by staff within the past month. The Denton County TRIP 2004 Bond program will fund 50% of the total cost of the project with the remainder funded through the City and developer funds. The funding will occur similar to DCTA-ELAP funding in that the City will expend the funds and be reimbursed by the County.

RECOMMENDATION:

That the City Council approve the appropriation of Southwest Lewisville Developer Escrow Funding in the amount of \$1,000,000; approve the appropriation from General Capital Projects available cash in the amount of \$500,000; approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$831,700 for services related to the Southwest Lewisville Infrastructure Project; approve the total project design amount of \$856,650, which includes \$24,950 for contingencies; and authorize the City Manager to execute the agreement.

- 9. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase a Digital Live Scan Fingerprint System; and Authorization for the City Manager to Execute the Grant Application Documents.**

ADMINISTRATIVE COMMENTS:

The Lewisville Police Department is preparing a grant application to obtain funding from the State of Texas under its Criminal Justice Planning (Fund 421) Program. The application is to seek funding to purchase a Digital Live Scan Fingerprint system. The total equipment cost is \$42,993, which will be fully funded by the grant if our application is approved. The maintenance cost (approximately \$7,100 annually) will be funded by the department.

RECOMMENDATION:

That the City Council approve the proposed resolution authorizing the City to submit a grant application to the Texas Criminal Justice Division to obtain funding to purchase a Digital Live Scan Fingerprint system; and authorize the City Manager to execute the grant application documents.

- 10. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager to Execute the Grant Application Documents.**

ADMINISTRATIVE COMMENTS:

The grant position is assigned to the Criminal Investigation Division specializing in investigation, prevention, and education regarding domestic violence crimes. This application is to fund the position from September 1, 2007 to August 31, 2008. The Texas Criminal Justice Division's estimated award is \$59,586 (64% of the program cost). The City's match is 36% (\$33,773). 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.

- 11. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2007-2008; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In Fiscal Year 1997-1998, the City entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. Services provided have been satisfactory. Last fiscal year, the cost was approximately \$19,000. The proposed agreement provides for an 8.96% increase in unit prices. The other change in the contract is the County now expects a minimum of seven days notice prior to publication dates of hearing and quarter page notices. Funds are proposed to be budgeted in the 2007-2008 Finance Department Operating Budget.

RECOMMENDATION:

That the City Council approve the agreement for ad valorem tax billing and collection between the City of Lewisville and Denton County for fiscal year 2007-2008; and authorize the City Manager to execute the agreement.

- 12. Approval of an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Staff has been working with Lowen Hospitality for several months on the development of a new Hampton Inn and Suites and an undetermined second hotel adjacent to the Hilton Garden Inn and Convention Center. This agreement outlines minimum development standards of both properties, and requires the construction of a pedestrian bridge across the Vista Ridge Lake connecting the applicant's property and the Convention Center. In return for the applicant developing in a certain manner, the City is providing a variance to the minimum room size required on a hotel.

RECOMMENDATION:

That the City Council approve the Economic Development Agreement with Lowen Hospitality; and authorize the City Manager to execute the agreement.

G. REGULAR HEARINGS:

- 13. Consideration of Variances to the Lewisville City Code, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements and Section 6-124 Screening Walls, Requested by Texas Ice Express to be Located at 1019 Fox Avenue and Represented by Joni Martinez, Project Manager of Texas Ice Express.**

ADMINISTRATIVE COMMENTS:

Texas Ice Express has requested the placement of a building to do business on the property located at 1019 Fox Avenue. The property currently has Terry's Supermarket as the primary business on site. Due to the addition of a building on the site, a new engineering site plan for the property is now required. The same variances requested were allowed by City Council on a previous engineering site plan done in 2000. The variances being requested are, a) to waive a deceleration lane requirement on Fox Avenue; b) to waive the overall 10% interior landscape requirement; and c) to allow modified screening wall on a portion of the property.

RECOMMENDATION:

That the City Council approve the variances.

PRESENTATION: Larry Finney, Building Official
Joni Martinez, Project Manager, Texas Ice Express

- 14. Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees; 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property to Run for a Longer Duration Than Fourteen Days; and Consideration of Providing In-Kind Support Through City Staff and Equipment.**

ADMINISTRATIVE COMMENTS:

The Old Town Business Association (OTBA) will again produce a Farmers Market event to be held every Saturday from May 19 through October 27. OTBA has requested City Council waive the special event fees and grant a variance to the limitation of 14 consecutive days for a single event to allow the Farmers Market to run under one special event permit for 24 consecutive Saturdays. In 2006, the City provided tents and parks personnel to set up and take down the tents as in-kind support; OTBA is requesting the same support this year. Additionally, OTBA is requesting a variance to the sign ordinance to allow off-premise directional signage on city streets to promote the event.

RECOMMENDATION:

That the City Council approve the request to waive permit fees; approve the request to waive length and duration of the event; approve the request to provide in-kind support through city staff and equipment; and approve the request to place off-premise event signage along city streets.

- 15. Consideration of an Ordinance Adopting a New Finance Plan of the Tax Increment Reinvestment Zone, Number One by Extending the Duration and Adding Facilities as an Anticipated Capital Cost; Consideration of an Ordinance Adopting a New Project Plan of the Tax Increment Reinvestment Zone, Number One by Adding Facilities as an Anticipated Capital Cost; Approval of the First Amendment to the Participation Agreement Between the City of Lewisville and Denton County by Extending the Duration of the Agreement; Approval of an Agreement Between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One, Allowing for the Payment of Debt Using TIRZ Funds; and Authorization for the City Manager to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

The Lewisville Tax Increment Reinvestment Zone, Number One, (TIRZ) for Old Town was created in December, 2001, with a zone duration until 2021. The purpose of the TIRZ is to provide a dedicated funding source for public improvement projects within the district. The ordinances are needed to adopt the new finance plan which matches the outstanding debt obligations and adopt the new project plan which includes the Arts Activity Center. The amendment to the agreement with the County extends the duration of the agreement, and the agreement between the City and TIRZ allows the payment of debt utilizing TIRZ funds.

RECOMMENDATION:

That the City Council approve the ordinance adopting a new Finance Plan; approve the ordinance adopting a new project plan; approve the first amendment to the agreement between the City of Lewisville and Denton County; approve the agreement between the City of Lewisville and the Tax Increment Reinvestment Zone, Number One; and authorize the City Manager to execute the agreements.

PRESENTATION: Zane Miller, Economic Development Director

- 16. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Adopting the 2004 North Central Texas Council of Governments' Public Works Construction Standards.**

ADMINISTRATIVE COMMENTS:

The Standard Specifications for Public Works Construction currently in use by the City of Lewisville were based on the North Central Texas Council of Governments Standard Specifications – 1998 Edition and amendments thereto. Although staff has kept up with all the changes and revisions and has incorporated those into the City projects, it is essential to formally adopt the most current edition of the standard specifications; the 2004 edition.

RECOMMENDATION:

That the City Council adopt the ordinance regarding the adoption of the North Central Texas Council of Governments' Public Works Construction Standards.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 7, 2007**

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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).