

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 21, 2007**

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

**WORKSHOP SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. Fire – Boat Towing Fee and Ambulance Ordinance Change
- 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:** Deputy Mayor Pro Tem Ueckert
- B. **PLEDGE TO THE FLAG:** Councilman Thornhill
- C. **Consideration of Items Relating to the May 12, 2007, City of Lewisville General and Special Election:**
 - a. Canvass of the Election Returns for the City Council General and Special Elections.
 - b. Consideration of a Resolution Declaring the Results of the City Council Election.
- D. **PRESENTATION OF CERTIFICATES OF ELECTION BY MAYOR AND CEREMONIAL ADMINISTRATION OF OATH OF OFFICE TO RE-ELECTED COUNCIL MEMBERS.**

- E. **PROCLAMATION:** Declaring the Month of May, 2007, as “Motorcycle Safety and Awareness Month”.
- F. **PUBLIC HEARING:** Consideration of Service/Assessment Plan for Lewisville Public Improvement District No. 4.

ADMINISTRATIVE COMMENTS:

At the April 2, 2007 meeting, the City Council called for a public hearing to consider the Service/Assessment Plan and the Assessment Roll. The plan defines the annual indebtedness and projected costs of the improvements and sets assessments against each parcel of property in the PID payable at a specified time and rate. During the public hearing, the City Council is required to hear and rule on any objections to the plan.

RECOMMENDATION:

That the City Council approve the Service/Assessment Plan for Lewisville Public Improvement District No. 4.

- G. **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.
- H. **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 April 11, 2007, Called Special Joint Session; and**
- b. **City Council Minutes of the May 7, 2007, Workshop and Regular Session.**

- 2. Approval of a Change Order to Hunt Construction Group for Renovation of the Annex Atrium in the Amount of \$136,477; and Approval of a Supplemental Appropriation in the Amount of \$136,477 From General Capital Projects Available Cash.**

ADMINISTRATIVE COMMENTS:

In February 2007, construction of the Library was completed including the Community Meeting Room. In 2003 a total renovation of the administration wing of the facility, including the Municipal Court Room, was done. A remodel of the Atrium is recommended since it serves as the main entrance to the building and serves as a gathering and circulation area for the Community Room and Court Room, and will complete the update of the entire facility. Funding is available from General Capital Projects Available Cash.

RECOMMENDATION:

That the City Council approve a change order to Hunt Construction Group for renovation of the Annex Atrium in the amount of \$136,477; and approve a supplemental appropriation in the amount of \$136,477 from General Capital Projects Available Cash.

- 3. Approval of a Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of forty-eight (48) bid invitations were issued, including six (6) downloaded from DemandStar.com. Six (6) bids were received and opened May 3, 2007. This project involves the rehabilitation of concrete curb, gutter, and drive approaches of three streets in the Rolling Ridge Addition: Rolling Ridge, Ridgecrest and University Drive. Currently, funding is available in the CDBG Block Grant Budget in the amount of \$311,000.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$82,063 to the Grant Fund; approve a bid award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the amount of \$389,574.15; approve of a total budget of \$393,063; and authorize the City Manager to execute the contract.

- 4. Approval of an Extension of an Economic Development Agreement Between the City of Lewisville and Avedis and Hasmig Minassian for the Rehabilitation of the Building at 124 North Mill Street; and Authorization for the City Manager to Execute the Agreement Extension.**

ADMINISTRATIVE COMMENTS:

On November 8, 2005 Avedis and Hasmig Minassian, who own Repairs Unlimited at 124 North Mill Street, were awarded first-year funding under the Historic Preservation Façade Grant Program as authorized by Section 380.001 of the Local Government Code and outlined in the Economic Development Incentive Policy. As stipulated in the Economic Development Agreement and the Incentive Policy approved by City Council, grant awardees must “complete construction within one (1) year from the date the grant is approved”. Due to circumstances concerning design of the sign, Mr. and Mrs. Minassian were unable to complete construction on the last phase of their project within the one-year timeframe and have requested a 9-month extension. Extensions are allowable under the Incentive Policy which states “the applicant can submit a written request for an extension for the commencement date or completion date provided the extension request is made prior to the (1) year time limit.” In this case, a written extension request was made on May 9, 2007, however, it is requested that the City Council consider the proposed extension.

RECOMMENDATION:

It is the City staff’s recommendation that the City Council approve the extension of the Economic Development Agreement; and authorize the City Manager to execute the agreement extension.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 5. Approval of the FY 2006-2007 Mid-Year Budget Status Report.**

ADMINISTRATIVE COMMENTS:

Staff has completed an analysis of the financial position of the operating funds at the mid year point. All operating funds are performing at or above expectations. It is anticipated that a supplemental appropriation may be needed in the Utility Fund prior to the end of the fiscal year, however, it is too early to determine actual amounts as revenue and expenditures in that fund are heavily dependent on the weather. At this time, a supplemental of approximately \$300,000 would be anticipated.

RECOMMENDATION:

That the City Council accept the FY 2006-2007 Budget Status report.

- 6. Approval of Form of Notice to Purchasers Relating to Castle Hills Public Improvement District No. 4.**

ADMINISTRATIVE COMMENTS:

The Notice to Purchasers is a form required to be given to purchasers of land in the district notifying the purchaser that the land has an assessment by the City of Lewisville on it for which they will be required to pay. The statute governing public improvement districts requires that the City adopt notice language substantially similar to what is stated in the statute.

RECOMMENDATION:

That the City Council approve the Form of Notice to Purchasers relating to Castle Hills Public Improvement District No. 4.

I. REGULAR HEARINGS:

- 7. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of an estimated \$18,770,000 of "City of Lewisville, Texas General Obligation Refunding and Improvement Bonds, Series 2007" will provide funds for refunding a portion of the City's Series 2001 and 2002 General Obligation Bonds, and will provide estimated new funding of \$14,055,000 for the construction of street improvements and jail facilities.

RECOMMENDATION:

That the City Council approve the ordinance authorizing the issuance and sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2007; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract, a paying agent/registrar agreement and an escrow agreement; calling certain bonds for redemption; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Jason Hughes, First Southwest Company

- 8. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The Parks and Library Development Corporation plans to construct an athletic park complex, including athletic fields, a skate park, a dog park and related improvements. It has been determined that the most economical means of providing financing for this complex is for the City to issue Certificates of Obligation with the agreement of the Lewisville Park and Library Development Corporation to make payments in an amount sufficient to pay the debt service on the Certificates. The Certificates of Obligation are to be issued in an estimated amount of \$18,200,000.

RECOMMENDATION:

That the City Council approve an ordinance authorizing the issuance and sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007A, levying a tax and providing for the payment thereof; authorizing the execution and delivery of a purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Jason Hughes, First Southwest Company

- 9. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, Levying a Tax and Providing for the Payment Thereof; Authorizing the Execution and Delivery of a Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

Within the Lewisville Tax Increment Reinvestment Zone Number One (the "TIRZ"), the City of Lewisville is planning the acquisition, construction and equipment of a community arts and activities center located at 201 West Main Street and related improvements as well as the acquisition and development of land for a parking lot. It has been determined that the most economical means of providing financing for these projects is for the City to issue Certificates of Obligation in an estimated amount of \$8,190,000.

RECOMMENDATION:

That the City Council approve an ordinance authorizing the issuance and sale of City of Lewisville, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2007B, levying a tax and providing for the payment thereof; authorizing the execution and delivery of a purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Jason Hughes, First Southwest Company

10. **Tabled Item: Consideration of Variances to the Lewisville City Codes, Section 6-72, Deceleration Lanes, Section 6-123, Non Residential Landscaping Requirements, 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:

This item was tabled at the May 7, 2007 City Council meeting in order for the applicant to address the aesthetics of the building and landscaping for the entire lot. The applicant has now requested that the landscape variance request be rescinded.

RECOMMENDATION:

That the City Council accept the withdrawal of the variance request.

PRESENTATION: Joni Martinez, Project Manager, Texas Ice Express

11. **Consideration of Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When An Old Town Development Plan is Required for the Property Located at 325 N. Mill Street as Requested by Porter Tire Company and Represented by Bill Ridinger, Owner.**

ADMINISTRATIVE COMMENTS:

Porter Tire Company is requesting two variances to the Lewisville City Code. The variances are to waive the \$350.00 variance filing fee and the Old Town Development Plan requirement for the property located at 325 N. Mill Street. Porter Tire Company is requesting that the City Council allow the lot to be paved with crushed concrete, in lieu of permanent concrete or asphalt for a period of 24 months. The lot is approximately 9,000 square feet. The frontage of the property on Mill Street and a portion of the south property line will have screening shrubs provided. The owners have indicated that being allowed to use this lot for temporary parking will allow them time to make plans for permanent facilities. Porter Tire has indicated that the lot can be utilized for parking purposes during Old Town special events. Porter Tire Company is in need of the lot immediately for temporary parking.

RECOMMENDATION:

That the City Council consider waiving the \$350 variance filing fee and consider waiving the request for a crushed concrete parking lot for a 24-month period.

PRESENTATION: Larry Finney, Building Official
Bill Ridinger, Porter Tire Company

- 12. Consideration of a Variance to Lewisville City Code, Article 5 Special Events, Chapter Section 7-150(1), 7-150(5); Church Street Road Closure on May 26 During 7:00 am – 3:00 pm for the Farmers Market Kickoff.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Community Relations and Tourism department will stage a Farmers Market Kickoff event on Saturday, May 26. This event will take place along with the Farmers Market produced by the Old Town Business Association in an effort to promote the beginning of the weekly farmers market.

RECOMMENDATION:

That the City Council approve the road closure request for Church Street between Mill Street and Charles Street between the hours of 7:00 am and 3:00 pm on Saturday, May 26, 2007.

- 13. Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Internal Sign Illumination, Sign Materials; Number and Locations of Signs; Size and Height of Directional Signs; and Size and Height of Monument Sign as Requested by Matthew Davis on Behalf of the Medical Center of Lewisville at 500 West Main Street.**

ADMINISTRATIVE COMMENTS:

The Medical Center of Lewisville is replacing eight existing signs with re-designed signs for the hospital. On May 14, the Old Town Design Review Committee, by a vote of 3 to 0, approved the issuance of Letters of Design Approval for these signs, contingent upon City Council's approval. Because of certain requirements by the Society for Chest Pain Accreditation and the unique nature of the signs that direct the public to the Emergency Room, variances to the sign ordinance are necessary to allow: a) the signs to be internally lit; b) plexi-glass material on the signs; c) more than one directional sign per exit/entrance driveway and to allow directional signs to be located internally on the hospital campus; d) the seven directional signs to be larger in size and taller in height; and e) the monument sign to be larger in size and taller in height.

RECOMMENDATION:

That the City Council approve the variances to the Lewisville Code of Ordinances, Chapter 11 Signs for the Medical Center of Lewisville at 500 West Main Street.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 14. Consideration of a Variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District and an Amendment to Administrative Policy 5.2.1 to Adopt a Real Estate Sign Program in the Old Town Center District.**

ADMINISTRATIVE COMMENTS:

Historically, properties for lease or sale in the Old Town Center District have been individually represented and not typically listed with a brokerage service. This has led to a disjointed appearance due to the numerous vacant properties in the District with varying real estate signage. In working with other retail properties in the City, staff has observed the importance of a perception of continuity. The aesthetics impact occupancy due to perceptions of quality held by visiting prospective tenants. As Old Town Center is not owned or operated by an individual management company, staff is proposing that the City of Lewisville implement a program to unify real estate signs throughout the various properties in the District.

RECOMMENDATION:

That the City Council approve the requested variance; and approve the amendment to Administrative Policy 5.2.1 to adopt the proposed Real Estate Sign Program.

PRESENTATION: Elizabeth Troster, Economic Development Specialist

- 15. Consideration of an Ordinance Approving the Assessment/Service Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District (PID) No. 4.**

ADMINISTRATIVE COMMENTS:

The City Council conducted a public hearing to hear comments on the Assessment/Service Plan at this meeting. Based on information provided at the public hearing, the City Council must now consider adoption of the plan. This plan defines the annual indebtedness and projected costs of the improvements. The plan also includes the assessment roll and method of apportionment of the costs.

RECOMMENDATION:

That the City Council approve the ordinance.

- 16. Consideration of an Ordinance Establishing the Joint Utility Contract Between the City of Lewisville, Denton County Freshwater Supply District No. 1-A, and Denton County Freshwater Supply District 1-F.**

ADMINISTRATIVE COMMENTS:

The Joint Utility Agreement establishes the methodology by which the District will repay the debt and any associated administrative expenses. The District is obligated to pay 90% of the debt obligation through an assessment on property in the district. The remaining 10% of the costs must be paid from an assessment levied by the City on this same property. Previous Joint Utility Agreements approved in relation to the other three existing PIDs required the district to pay 100% of the debt payment. This change in percentage is due to a requirement made by the Attorney General's Office that the City levy a 10% assessment. A letter is included from Tom Leonard stating that the City will not incur any costs associated with this 10% assessment and that the District will contract with either the Denton County Tax Office or another third party for collection of the assessment.

RECOMMENDATION:

That the City Council approve the ordinance.

- 17. Consideration of an Election Calendar and Resolution Calling a Runoff Election to be Held on June 9, 2007, for the Purpose of Electing a Member of the Council to Fill the Unexpired Term of Councilman - Place No. 3 for a Period of One Year; and Designating the City's Polling Places; the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order.**

ADMINISTRATIVE COMMENTS:

Pursuant to no candidate receiving a majority of the legal votes in the May 12, 2007, Special Election for Councilman – Place No. 3, the City Council will need to call a run off election to fill this position. The names of the two candidates receiving the highest number of votes at the special election were Lathan Watts and Ron Aljoe and their names shall be printed on the ballot and submitted to the qualified voters. City staff recommends the City Council call this election for June 9, 2007 as shown on the proposed election calendar. State law requires that canvassing of the election be held between the 3rd and 11th day following an election. City staff recommends conducting the canvassing at the regularly scheduled meeting on June 18, 2007. The designated polling places will be the same as the May 12, 2007, General and Special Elections. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings to be held May 29th – June 1st from 8:00 a.m. to 5:00 p.m.; and June 4th and 5th from 7:00 a.m. to 7:00 p.m.

RECOMMENDATION:

That the City Council approve the election calendar, approve the proposed resolution calling the June 9, 2007, Run-Off Election and designating the City's polling places and the early voting polling places and clerk; and authorize the Mayor to sign the election order.

- 18. Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the June 9, 2007, Run-Off Election.**

ADMINISTRATIVE COMMENTS:

Historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for rental of the voting machines and equipment, with the estimated associated costs of \$6,990.50. Funding for the rental expenses is available in the election account.

RECOMMENDATION:

That the City Council approve the proposed resolution.

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

ADMINISTRATIVE COMMENTS:

The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee. Historically, the City Council has handled the reappointment process first and then addressed new appointments at their next scheduled meeting.

RECOMMENDATION:

That the City Council proceed with the reappointment of the current members who want to continue to serve; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee

J. REPORTS:

- ◆ Quarterly Investment Report Ending March 31, 2007

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

1. Property Acquisition

Section 551.074 (PERSONNEL)

2. Appointments to the Zoning Board of Adjustment, Planning and Zoning Commission.

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development Negotiations

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

M. ADJOURNMENT

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 21, 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).