

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 18, 2007**

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

**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:** Councilman Tierney
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Durham
- C. **Consideration of Items Relating to the June 9, 2007, City of Lewisville Run Off Election:**
 - a. Canvass of the Election Returns for the City Council Run Off Election.
 - b. Consideration of a Resolution Declaring the Results of the City Council Run Off Election.
- D. **PRESENTATION OF CERTIFICATE OF ELECTION BY MAYOR AND ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBER.**

**AGENDA
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- E. **PRESENTATION:** Plaque of Appreciation to Outgoing Councilman – Place No. 3, Mike Nowels.

- F. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.

- G. **PUBLIC HEARINGS:**
 - 1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.199 Acre Tract of Land Located on the West Side of Hatcher Avenue Between Walters Street and Main Street; and Identified as Lot 8 (S60' of E 144.5') of the Rawlings Addition, as Requested by Mike McCary With the Authorization of the Property Owner Steve Harkrider (Case No. 20070510).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use 2 (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant is considering buying the property and would like to re-zone for better flexibility regarding placement of structures and uses of the property should he choose to redevelop it in the future. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their June 5, 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 Office District (OD) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use Two (OTMU2) on Four Parcels of Land Totaling 1.151 Acres Located on the West Side of Cowan Avenue Between Elm Street and Hickory Street, the Southwest Corner of Elm Street and Cowan Avenue, and the Northeast Side of Hickory Street Between Edna Avenue and Cowan Avenue; and Identified as Lots 5, 9, 10, and 11 of Block 2 of the Extension of the O.B. Dick Subdivision, an Addition to the City of Lewisville Texas, as Requested by the Central Baptist Church (Case No. 20070509).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use 2 (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The Central Baptist Church has plans to renovate the property and would like to take this opportunity to re-zone for better flexibility on the property. Rezoning the property OTMU2 would allow the applicant more flexibility regarding placement of structures. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their June 5, 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 Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

3. **Public Hearing: Consideration of the Creation of Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd., on a Portion of Lot 1, Block C of the Austin Ranch Addition; Consideration of an Ordinance Creating Reinvestment Zone Number Twenty-Seven (27) for The Apparel Group, Ltd.; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and The Apparel Group, Ltd., for 883 Trinity Drive; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

City staff has been working with The Apparel Group (TAG) for the past several months to finalize the relocation and expansion of their corporate offices into a new building located at 883 Trinity Drive in Austin Ranch. TAG, currently located in Addison, will own and occupy all of the 180,000 square foot building. Employment characteristics of TAG are very strong in that they do employ jobs that are higher than our policy goal, with average salaries around \$47,000. This project will continue with the development with Austin Ranch and assist in finalizing the office/industrial vision of Austin Ranch. The proposed tax abatement provides TAG a 75% reduction of both real and business personal property taxes for 10 years.

RECOMMENDATION:

That the City Council conduct the public hearing on the creation of Reinvestment Zone #27, approve the ordinance creating Reinvestment Zone #27, and approve the resolution to enter into the Tax Abatement Agreement with The Apparel Group, Ltd.; and authorize the City Manager to execute the agreement.

PRESENTATION: Zane Miller, Economic Development Director

- H. **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.
- I. **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.
4. **APPROVAL OF MINUTES:** City Council Minutes of the June 4, 2007, Workshop Session and Regular Session.
 5. **Tabled Item:** 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. All expenses will be reimbursed by the CDBG Block grant.

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.

- 6. Approval of a Supplemental Appropriation to the Fox Avenue Improvements Project in the Amount of \$377,000 From General Capital Projects Available Cash; Approval of a Bid Award for the Fox Avenue Paving Improvements Project to Tiseo Paving Company, Mesquite, Texas, in the Amount of \$3,788,327.33; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-one (31) bid invitations were issued, including seven (7) downloaded from DemandStar.com. Five (5) bids were received and opened June 7, 2007. This project involves the reconstruction of paving, drainage and sanitary sewer from IH-35E to Valley Parkway and a dedicated left-turn lane from westbound Fox Avenue to southbound Edmonds Lane. This is an approved DCTA ELAP project and all costs will be reimbursed by DCTA.

RECOMMENDATION:

That the City Council approve a supplemental appropriation to the Fox Avenue Improvements Project in the amount of \$377,000 from available cash; approval of a bid award for the Fox Avenue Paving Improvements Project to Tiseo Paving Company, Mesquite, Texas, in the amount of \$3,788,327.33; and authorize the City Manager to execute the contract.

- 7. Approval of the Emergency Purchase of Wastewater Treatment Plant Equipment and Services Required to Replace the Plant 1-South Clarifier Drive.**

ADMINISTRATIVE COMMENTS:

The existing Plant 1-South clarifier is over 30 years old and has experienced two drive failures in the past six years. Based on the age of the existing drive unit, cost and history of repairs, replacement of the entire drive unit was recommended. Since this unit is critical to the wastewater treatment process to maintain compliance with State and Federal permit requirements, replacement was deemed an emergency. WesTech Engineering, Inc., can provide the needed equipment at an estimated cost of \$31,748 with an additional amount of \$2,900 for a Technician to supervise the installation.

RECOMMENDATION:

That the City Council approve the emergency purchase of Wastewater Treatment Plant equipment and services required to replace the Plant 1-South Clarifier Drive.

- 8. Approval of a Supplemental Appropriation in the Amount of \$1,000,000 From the Risk Fund; and Approval of a Total Capital Improvement Project Budget of \$1,000,000 for the Construction of Fiber to Connect Central City Campuses.**

ADMINISTRATIVE COMMENTS:

The communication network dark fiber lease with Time Warner will expire in June 2008. Time Warner has notified us that they will not renew or extend our dark fiber lease. Alternative fiber options from Time Warner and Verizon amount to \$180,000 annually. The cost of laying fiber is estimated to be approximately \$1,000,000, which results in an approximate 5-year payout.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$1,000,000 for the Dark Fiber Infrastructure Project.

- 9. Approval of a Bid Award for the Traffic Signal Improvements 2007 Project to Roadway Solutions, Inc., Carrollton, Texas, in the Amount of \$347,951; Approval of a Total Project Budget of \$358,390, Which Includes \$10,439 for Contingencies; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twelve (12) bid invitations were issued, including three (3) downloaded from DemandStar.com. Two (2) bids were received and opened May 24, 2007. This project involves the installation of new signals at the intersection of College Parkway and Garden Ridge Boulevard and at the intersection of Charles Street and Church Street. Funding is available from Capital Project accounts.

RECOMMENDATION:

That the City Council approve a bid award for the Traffic Signal Improvements 2007 Project to Roadway Solutions, Inc., Carrollton, Texas, in the amount of \$347,951; approval of a total project budget of \$358,390, which includes \$10,439 for contingencies; and authorize the City Manager to execute the contract

- 10. Approval of Final Acceptance of the CDBG Asphalt Rehabilitation Project; and Authorization to Make Final Payment to Reynolds Asphalt and Construction Company in the Amount of \$13,698.46.**

ADMINISTRATIVE COMMENTS:

On November 6, 2006, City Council awarded a contract to Reynolds Asphalt and Construction Company in the amount of \$114,625.00 for the CDBG Asphalt Rehabilitation Project: College Street TRAIN Area. On January 11, 2007, Change Order #1 was approved in the amount of \$24,500 that increased the total contract amount to \$139,125.00. Work began on this project on January 25, 2007, and was completed on May 17, 2007. All punch list items have been completed. The warranty period is two years from date of final acceptance. This project completed asphalt rehabilitation on Mullins Avenue, Martin Street, Maple Drive, and Lester Street.

RECOMMENDATION:

That the City Council accept the CDBG Asphalt Rehabilitation Project; and authorize final payment to Reynolds Asphalt and Construction Company in the amount of \$13,698.46.

- 11. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is eligible to receive a grant award under the Justice Assistance Grant (JAG) program; however, the City is required to make a joint application with the County (the grant administrator) to receive part of the \$62,135, allocated for the region. The JAG program supports a broad range of activities and replaces the Local Law Enforcement Block Grant. The JAG program does not require a city match. The Lewisville Police Department proposes to use its share of \$18,640 for the purchase of communications wireless headsets and various training related weapons.

RECOMMENDATION:

That the City Council approve the interlocal agreement between the City of Lewisville, the City of Denton, and the County of Denton to jointly submit a grant application; and authorize the City Manager to execute the agreement.

- 12. Approval of a Resolution Approving the Fiscal Year 2008 Financial Plan of the Denco Area 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

At their May 17, 2007 meeting, the Denco Area 9-1-1 District Board of Managers unanimously approved the FY 2008 draft financial plan. Pursuant to Section 772.309 of the Texas Health and Safety Code, Denco Area 9-1-1 is required to provide a draft of its FY 2008 financial plan to all participating jurisdictions soliciting comments. Response is requested prior to the July 19, 2007, District Board of Manager's meeting where they will consider final approval of the 2008 financial plan and consider responses on the draft budget. The plan provides for continued services at the same rate that Denco has collected from district residents since its inception in 1987.

RECOMMENDATION:

That the City Council approve the resolution.

- 13. Approval of Amendment No. 4 for the Final Design of the Railroad Street Athletic Complex in the Amount of \$466,675 to Dunkin Sims Stoffels, Inc.; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

To facilitate the design process in a timely manner, preparation of all construction documents for the final phase of the new athletic complex must begin. Elements within this addendum include the dog park, a three field softball/baseball complex, one elite baseball field, ten soccer fields, four football fields, three restroom/concession buildings, one restroom building, and a park maintenance facility. Also included are all support facilities and infrastructure including the concrete parking lots, irrigation pumping system, concrete walkways, area lighting, landscaping, and an internal trail system to connect to the Trinity Trail System. Funds are available in the Railroad Street Athletic Complex Capital Project.

RECOMMENDATION:

That the City Council approve Amendment No. 4 for the final design of the Railroad Street Athletic Complex in the amount of \$466,675 to Dunkin Sims Stoffels, Inc; and authorize for the City Manager to execute the contract.

J. REGULAR HEARINGS:

- 14. Consideration of the Final Plat of Juan Enrique Platas Addition, Lot 1, Block A, a 0.868 Acre Tract Zoned Light Industrial (LI) Located on the West Side of Holford's Prairie Road and South of Bunker Hill Lane; and Consideration of a Variance to the Lewisville City Code, Section 6-92 (b) Street Requirements; as Requested by G&A Consultants Inc., on Behalf of the Property Owners.**

ADMINISTRATIVE COMMENTS:

The final plat for the above referenced development located at 810 Holford's Prairie Road has been reviewed by staff and was found to conform to the General Development Ordinance with the exception of the variance. The owner of the property intends to add a bedroom addition to the existing house thus requiring the property to be platted. The Zoning Board of Adjustments granted a variance to expand the house, an existing non-conforming use on February 2, 2005. As part of the final plat, the developers are requesting a variance to postpone payment of the street improvement escrow for Holford's Prairie Road until an engineering site plan is submitted for a non-residential use. The Planning and Zoning Commission voted 5-0 to approve the final plat and the variance request to postpone the escrow payment at their June 5, 2007 meeting.

RECOMMENDATION:

That the City Council approve the final plat and the requested variance.

PRESENTATION: David Salmon, Assistant City Engineer
Bobby Dollak, G&A Consultants

- 15. Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Wayne Ferguson.**

ADMINISTRATIVE COMMENTS:

The Old Town Business Association (OTBA) is sponsoring a Farmers Market in a continuing effort to attract visitors to the Old Town area. The Farmers Market is held every Saturday from May 19 through October 27 from 8 a.m. to 12 p.m. on the North Ferguson Plaza. In an effort to increase promotion for the event, Mr. Ferguson has requested that he be granted variances to allow for a banner of approximately 4ft. x 17 ft. to be placed on the second story balcony of his home promoting the market. The variances to the sign ordinance requested are to allow a) off-premise event banner signage; b) a banner sign on his property for a longer frequency and duration than thirty consecutive days, two times per calendar year; c) a banner sign larger than twenty square feet in area.

RECOMMENDATION:

That the City Council consider the variances to the Lewisville City Code, Chapter 11 Signs for a Farmers Market banner at 320 West Main Street.

- 16. Consideration of the Transportation Board's Recommendation to Amend the City Thoroughfare Plan by Deleting the Section of Country Ridge Road From McCartt Drive to State Highway 121 Business.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) and the owners of the Boyd Tract have jointly requested that the City consider deleting the section of Country Ridge Road from McCartt Drive to SH 121 Business from the City Thoroughfare Plan. The LISD is proposing to construct an elementary school campus at the subject property and is experiencing severe constraints due to costs associated with roadway improvements and the existence of a high-pressure gas main. The present alignment makes the property unsuitable for a school campus. The LISD and the property owner have agreed to the stipulation that if the property is not used for a school campus, the Thoroughfare Plan will revert back to the original alignment of Country Ridge Road. The Transportation Board, on May 17, 2007, voted 5-0 in favor of recommending deletion of this section of Country Ridge Road.

RECOMMENDATION:

That the City Council accept and approve the Transportation Board's recommendation to amend the City Thoroughfare Plan to delete the section of Country Ridge Road from McCartt Drive to State Highway 121 Business with the stipulations that (1) no driveway access to Highway 121 be granted for the school site, and; (2) should the LISD sell the property or use it for a purpose other than a school campus, the original alignment of Country Ridge Road shall be reinstated.

PRESENTATION: T. S. Kumar, P.E., City Engineer
Rick Coulter, LISD

- 17. Acceptance of Resignations of Bobby Fowler From Place No. 5 on the Planning and Zoning Commission and Joe Molina From Place No. 4 on the Library Board; Declare Vacancies Exist; and Consideration of Appointments to Place No. 5 on the Planning and Zoning Board and Place No. 4 on the Library Board.**

ADMINISTRATIVE COMMENTS:

Bobby Fowler has submitted an e-mail advising that he is resigning from the Planning and Zoning Board due to an increasing workload and family obligations. The resignation of Bobby Fowler has created a vacancy in Place No. 5 of the Planning and Zoning Commission. Joe Molina has also submitted an e-mail advising that due to his summer class schedule he will not be able to continue to serve as a member of the Library Board. The resignation of Joe Molina has created a vacancy in Place No.4 of the Library Board.

RECOMMENDATION:

That the City Council accept the resignations of Bobby Fowler from Place No. 5 on the Planning and Zoning Commission and Joe Molina from Place No. 4 on the Library Board; declare vacancies exist; and consider appointments to fill the vacancies on the Planning and Zoning Commission and Library Board.

- 18. Discussion and Consideration of Place No. 2 of the Lewisville Parks and Library Development Corporation.**

ADMINISTRATIVE COMMENTS:

The Articles of Incorporation for this board state that the Board of Directors be composed of seven (7) persons appointed by the City Council who are residents of the City and that no more than four (4) of the seven (7) members may be city employees, officers, or members of the City Council. Currently, the members serving on this corporation are Gene Carey, Mike Nowels, Ken Judkins, Jeff Pelletier, Dean Ueckert, Rudy Durham, and Joe Molina. When this Corporation was first formed, the City Council wanted to have four Council Members serve on this Corporation. Now that the Run Off Election has been held and canvassed (pursuant to Mike Nowels' resignation), the City Council may wish to remove Mike Nowels and appoint another Council Member to this Corporation.

RECOMMENDATION:

That the City Council remove Mike Nowels and consider a new appointment to Place No. 2 of the Lewisville Parks and Library Development Corporation.

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

ADMINISTRATIVE COMMENTS:

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. At the May 21, 2007, meeting, the City Council authorized Mayor Carey and Deputy Mayor Pro Tem Ueckert to conduct interviews for the existing vacancies.

RECOMMENDATION:

That the City Council proceed with the appointment process.

20. Consideration of a Nomination to the Dallas Regional Mobility Coalition.

ADMINISTRATIVE COMMENTS:

The City holds a seat on the Dallas Regional Mobility Coalition. The coalition consists of a group of DFW area municipal, county, and transit authorities that address transportation issues across the region. The City appointee is Councilman Mike Nowels. Upon his resignation from City Council, it is recommended that Council appoint an elected official to this seat.

RECOMMENDATION:

That the City Council consider a nomination to the Dallas Regional Mobility Coalition.

K. REPORTS:

L. 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

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

N. 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).