

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
AUGUST 6, 2007**

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

**WORKSHOP SESSION – 5:35 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 5:35 P.M.

- A. Review of Health Plan
- 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 Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATION:** Declaring August 14, 2007, as “Denco Area 9-1-1 District Day”.

D. PUBLIC HEARINGS:

1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-18) to Single-Family Residential (R-12) on a 1.02 Acre Tract Located at 1033 Corporate Drive, Along the North Side of Corporate Drive Just East of Valley Parkway; and Further identified as Lot 1, Block A, Mike Nowels Addition; as Requested by Michael and Jacque Nowels, the Current Property Owners (Case No. PZ20070713).**

ADMINISTRATIVE COMMENTS:

The 1.012 acre site is located in the northeast quadrant of Corporate Drive and Valley Parkway. This property is currently vacant. The current R-18 zoning requires a 2400 square foot minimum dwelling unit while the R-12 zoning requires a minimum 2000 square foot dwelling unit, a difference of 400 square feet. The zoning in the area varies as follows: Timber Creek Acres located to the north of the site and the residential home to the west of the site are zoned R-18; the properties to the east are zoned Townhouse; and, there is R-9 zoning to the south of this property. There was recently a zone change requested for Estate Townhouse at the southeast corner of Corporate Drive and Valley Parkway. Staff recommended denial, but was in favor of zoning that was R-12 or larger. This property, being 1.012 acres in size, is over four times the size of R-12 lot size minimums. The request is in keeping with staff's recommendation of zoning for that general area. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their July 3, 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 (R-18) to Single-Family Residential (R-12).

PRESENTATION: Eric Ferris, Community Development Director
Jacque Nowels, Owner

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH) on a 76.49 Acre Tract Located on the East Side of Railroad Street, South of East Main Street; as Requested by Capform Incorporated, ARTX Incorporated and Diversicon Incorporated, the Current Property Owners (Case No. PZ20070714).**

ADMINISTRATIVE COMMENTS:

This general area is industrial in nature. This property serves as the manufacturing facility for Capform Inc., which produces pre-cast concrete structures such as staircases. The company is doing well and needs to expand and would like to do so, at their Lewisville location. The zone change request is, to some extent, a redistribution of the zoning on the property to make it more usable to the owners. It also involves converting some of the LI and HI zoning into WH zoning. The Railroad Street Athletic Complex is located east of this site. The zone change request would move the HI away from the park and instead have LI and WH zoning buffering it. The park would have to be screened by the industrial user with a living irrigated screen. All outside storage in the industrial area would have to be screened. The LI and WH zoning would be a better buffer to the park. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their July 3, 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 Heavy Industrial (HI), Light Industrial (LI) and Agriculture-Open Space (AO) to Heavy Industrial (HI), Light Industrial (LI) and Warehouse (WH).

PRESENTATION: Eric Ferris, Community Development Director
Bobby Dollak, G&A Consultants, Inc.

3. **Public Hearing:** Consideration of the Creation of Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America, on Lot 4RA, Block J of the Vista Ridge Addition; Consideration of an Ordinance Creating Reinvestment Zone Number Twenty-Eight (28) for Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; Consideration of a Resolution Approving the Terms and Conditions of Two Agreements and Providing for Commercial Tax Abatement By and Among the City of Lewisville, Texas, and Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America at 2850 Lake Vista Drive; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

City staff has been working with Teachers Insurance Annuity Association of America (TIAA) for the past several months to finalize the location of this new customer service operations center into a new building located at 2850 Lake Vista Drive in Vista Ridge. TIAA meets the eligibility requirements by having a lease of five years or more and creating more than twenty-five full time jobs. Employment characteristics of TIAA are strong in that they do employ jobs that are higher than our policy goal, 97% making more than \$30,000. There are two tax abatements being proposed; one for the building owner and one for the tenant.

RECOMMENDATION:

That the City Council conduct the public hearing on the creation of Reinvestment Zone #28, approve the ordinance creating Reinvestment Zone #28; approve the resolution to enter into two Tax Abatement Agreements with Lakeside Office Center, L.P. and Teachers Insurance and Annuity Association of America; and authorize the City Manager to execute the agreements.

PRESENTATION: Zane Miller, Economic Development Director

4. **Public Hearing:** Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant (CDBG) 2007 Annual Action Plan and 2007-2012 Consolidated Plan; and Authorization for the City Manager to Submit the Plans to the U.S. Department of Housing and Urban Development.

ADMINISTRATIVE COMMENTS:

An Annual Action Plan must be adopted by the City of Lewisville and submitted to the U.S. Dept. of Housing and Urban Development (HUD) as a requirement to receive Community Development Block Grant (CDBG) funds of \$583,141 in FY 2007-2008. A Consolidated Plan for Housing and Community Development must be submitted every three to five years. The Plan outlines priorities, goals and objectives for the program. The CDBG Advisory Committee reviewed proposals submitted by non-profit agencies and City Departments for projects that address HUD national objectives as well as local priority needs. Committee recommendations are submitted in a draft budget for inclusion in the Plan. The Plan was made available for a 30 day Public Comment period and is now ready for a Public Hearing before adoption. The CDBG Advisory Committee recommended adoption of both plans at its July 17, 2007 meeting by a vote of 6 to 0. They also recommended amendments and re-allocations adding \$293,600 to Action Plan projects and leaving another \$40,499 unallocated. The Consolidated Plan and Annual Action Plan must be submitted to HUD by August 15, 2007.

RECOMMENDATION:

That the City Council approve the resolution adopting the 2007 Community Development Block Grant Annual Action Plan and 2007-2012 Consolidated Plan; and authorize the City Manager to submit the plans to the U.S. Department of Housing and Urban Development.

PRESENTATION: Jamey Kirby, Grants Coordinator

- 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.

5. APPROVAL OF MINUTES:

- a. **City Council Minutes of the July 2, 2007, Workshop Session and Regular Session;**

- b. City Council Minutes of the July 16, 2007, Workshop Session and Regular Session; and**
 - c. City Council Minutes of the July 30, 2007, Called Special Session.**
- 6. Approval of a Bid Award for the Purchase of a Breathing Air Station and Purification System (With a Trade-in Allowance of \$6,530 for Two Compressors) to August Industries, Carrollton, Texas, in the Amount of \$46,990.**

ADMINISTRATIVE COMMENTS:

A total of fourteen (14) bid invitations were issued, including seven (7) downloaded from DemandStar.com. Four (4) bids were received and opened July 19, 2007. The breathing air station will be installed at Fire Station #4 and the purification system will be installed at Fire Station #1. Two older model breathing air compressors are being traded in with this purchase. Funds are available in the Vehicle and Equipment Replacement Fund.

RECOMMENDATION:

That the City Council approve a bid award for the purchase of a Breathing Air Station and Purification System (with a trade-in allowance of \$6,530 for two compressors) to August Industries, Carrollton, Texas in the amount of \$46,990

- 7. Approval of Final Acceptance of the Mesquite Creek Pedestrian Bridge Project; and Authorization for Final Payment to Jim Bowman Construction Co., L.P. in the Amount of \$16,493.95.**

ADMINISTRATIVE COMMENTS:

On August 1, 2005, City Council awarded a contract to Jim Bowman Construction Co., L.P. in the amount of \$102,501 for the CDBG - Mesquite Creek Pedestrian Bridge Project. This project constructed a pedestrian bridge with landscaping across Mesquite Creek on the south side of Mill Street. Field changes resulted in a net change order increase of \$168 which increased the project total to the amount of \$102,669.

RECOMMENDATION:

That City Council accept the CDBG - Mesquite Creek Pedestrian Bridge Project; and authorize final payment to Jim Bowman Construction Co., L.P. in the amount of \$16,493.95.

- 8. Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2006 Through March 31, 2007.**

ADMINISTRATIVE COMMENTS:

Texas Local Government Code, Section 395, requires that a report providing information on the progress of the Capital Improvements Plan associated with the Impact Fee Program and the Land Use Assumption Plan be submitted to the Capital Improvements Advisory Committee semi-annually. The Capital Improvements Advisory Committee has reviewed the Semi-Annual Report for the period of October 1, 2006 through March 31, 2007, and is recommending Council approval.

RECOMMENDATION:

That the City Council approve the Semi-Annual Report for the period of October 1, 2006 through March 31, 2007.

- 9. Acceptance of the 2007 Certified Tax Roll in Accordance with Section 26.04(b) of the State Property Tax Code.**

ADMINISTRATIVE COMMENTS:

The 2007 Roll is comprised of a total market value for all property, both exempt and non-exempt of \$7,170,286,205; an assessed value of \$6,867,441,692, which represents the total market value minus exempt properties such as church and governmental properties; and a total taxable value (excluding the over 65 and disabled freeze taxable amounts of \$150,432,444 and including protest values of \$308,557,505) of \$6,245,303,639, which is the total assessed value minus exemptions for over age 65, disabled veterans, freeport exemptions, etc. Included in these figures are values for the Lewisville TIF Zone Number 1. The 2001 taxable value for Lewisville TIF Zone Number 1 amounts to \$69,240,597. This figure, when subtracted from the 2007 TIF taxable value of \$154,633,728 and TIF protest value of \$3,103,312 represents the \$88,496,443 tax increment for the TIF in 2007. This increment is then subtracted from the \$6,245,303,639 Lewisville gross taxable value resulting in a net taxable value of \$6,156,807,196. New improvements included in the above figures total \$116,348,203. Because this roll does not include any value for properties subject to the freeze, our tax levy calculation will need to be adjusted for the taxes that will be received from these properties. This amount has been estimated by the Appraisal District to be \$597,495 after adjusting for a 98% collection rate.

RECOMMENDATION:

That the City Council accept the 2007 Certified Tax Roll in accordance with Section 26-04(b) of the State Property Tax Code.

- 10. Certification of the 2007 Anticipated Collection Rate for the Period of July 1, 2007 Through June 30, 2008, and Certification of Excess Debt Collection During the Period of July 1, 2006 Through June 30, 2007, as Required by the State Property Tax Code Section 26.04.**

ADMINISTRATIVE COMMENTS:

Pursuant to Section 26.04 of the Texas Property Tax Code, the anticipated collection rate has been certified for the period of July 1, 2007 through June 30, 2008 to be 98%. The purpose of this law is to permit a taxing unit to adjust the debt portion of its effective/rollback tax rate to account for anticipated delinquencies. The truth-in-taxation laws of Chapter 26 also require the Tax Assessor/Collector to compare the amount of debt tax dollars actually collected during the period from July 1, 2006 through June 30, 2007 with the amount of debt tax dollars that should have been collected according to the 2006 anticipated collection rate. If a taxing unit collects more debt tax dollars than anticipated, the collector certifies the excess amount to the governing body. The adjusted amount of debt tax dollars in 2006 was \$7,203,398; however, the actual debt collections during the same period were \$7,858,087. Therefore, the City staff has certified that \$654,689 is the full, true, and correct amount of excess debt collections. The above stated anticipated collection rate and the amount of excess debt collections were used in the calculation of the effective/rollback tax rate for 2007.

RECOMMENDATION:

That the City Council certify the 2007 anticipated collection rate as 98 percent for the period of July 1, 2007 through June 30, 2008, and certify excess debt collection as \$654,689 during the period of July 1, 2006 through June 30, 2007, as required by the State Property Tax Code Section 26.04.

- 11. Acceptance of the Report Identifying the Calculation of the 2007 Effective and Rollback Tax Rates; and Authorization to Publish Notices as Required by the Property Tax Code Section 26.04(e).**

ADMINISTRATIVE COMMENTS:

Section 26.04(e) of the Property Tax Code requires that the calculated effective tax rate and rollback tax rate be submitted to the Council and that a Notice of Effective Tax Rate be published in the City's official newspaper. The calculated rates are as follows: 2007 Effective Tax Rate - \$0.42831, 2007 Effective Maintenance and Operation Rate - \$0.30032; 2007 Debt Rate - \$0.11866, and 2007 Rollback Rate - \$0.44300.

RECOMMENDATION:

That the City Council accept the report identifying the calculation of the 2007 effective and rollback tax rates and authorize the publication of notices as required by the Property Tax Code Section 26.04(e).

G. REGULAR HEARINGS:

- 12. Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bente on Behalf of Miracle Home Health at 571 West Main Street.**

ADMINISTRATIVE COMMENTS:

The proposed sign is a wall sign to be installed on the primary façade (the south elevation) of the building at 571 West Main Street. According to the Sign Ordinance, in the Old Town Design District “there shall be only one of the following sign types: a Wall Sign; a Low Profile/Monument Sign; or a Projecting Sign” on the primary building façade. Currently, this building has an existing monument sign which prevents this sign from being installed without a variance granted by City Council. The sign is proposed to be located on the south elevation. The dimensions of the wall sign is 17.5’ x 2’. These dimensions are within the maximum allowed square footage of 50 square feet for a wall sign on the primary façade.

RECOMMENDATION:

That the City Council deny the variance to the Lewisville City Code, Chapter 11 Signs for Miracle Home Health at 571 West Main Street.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 13. Third and Final Reading: Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages.**

ADMINISTRATIVE COMMENTS:

At the July 2, 2007, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. The second reading was held at the July 16, 2007, City Council meeting. This will be the final reading of the ordinance.

RECOMMENDATION:

That the City Attorney provide the final reading of the ordinance.

- 14. Consideration of an Ordinance Amending Chapter 2 of the Lewisville City Code Concerning Administration of Fees by Adding a Fee for a Late Hours Permit for Private Clubs.**

ADMINISTRATIVE COMMENTS:

The proposed amendment to the fee ordinance provides for the collection of a late hours permit fee for private clubs. The permit fee will be one-half of the amount of the state fee for the permit issued for the premises, except when the fee is waived by state law.

RECOMMENDATION:

That the City Council adopt the proposed ordinance.

- 15. Consideration of Resignation of Coleen Davis From Place No. 3 on the Transportation Board; Declare Vacancies Exist; and Consideration of Appointment to Place No. 3 on the Transportation Board.**

ADMINISTRATIVE COMMENTS:

Coleen Davis has submitted an e-mail advising that she is resigning from the Transportation Board as she is returning to Oregon to operate a family business. The resignation of Coleen Davis has created a vacancy in Place No. 3 on the Transportation Board.

RECOMMENDATION:

That the City Council accept the resignation of Coleen Davis from Place No. 3 on the Transportation Board; declare a vacancy exists; and consider an appointment to fill the vacancy on the Transportation Board.

- 16. Consideration of a Request by the Medical Center of Lewisville for Street Closures in Association With the First Annual Health and Safety Fair.**

ADMINISTRATIVE COMMENTS:

The Medical Center of Lewisville is requesting closure of Edna Street from Main Street to Elm Street on Saturday, August 11, 2007 from 8 a.m. to 2 p.m. The purpose of the street closures is to conduct a special event, the First Annual Health & Safety Fair on Saturday, August 11. All other requirements of the special event permit have been complied with. The barricades will be manned by Medical Center Staff so that emergency vehicles can enter and exit the hospital.

RECOMMENDATION:

That the City Council approve the request to close Edna Street from Main Street to Elm Street, on Saturday, August 11, 2007 from 8 a.m. to 2 p.m.

- 17. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 5, Article III, Fire Prevention Standards, Removing the Attic Fire Sprinkler Protection in Townhouse and Requiring Class A Roof Coverings in All Townhouse Applications Defined in Chapter 17 of the Lewisville City Code.**

ADMINISTRATIVE COMMENTS:

NFPA standards do not provide design criteria for the installation of attic protection in individually owned townhome residences. The only standard that is applicable is a commercial building installation that is cost prohibitive. The NFPA will not consider design criteria for these attic spaces due to agreements within the fire sprinkler industry disciplines. The attic spaces are required to have two-hour firewall separations between each residence. In addition, by adding the requirement of Class A roof coverings there is a reasonable degree of fire protection to the exterior roofs. The Fire Chief, Fire Marshal and Building Official are in agreement that until industry standards change or new technology is allowed as part of the standards it is acceptable to remove the required attic fire sprinkler protection. The residences will still be required to fire sprinkler according to NFPA 13R.

RECOMMENDATION:

That the City Council approve the ordinance.

PRESENTATION: Cleve Joiner, Fire Marshal

H. **REPORTS:**

- ◆ Final Design of the Steve McFadden Law Enforcement Center

I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.071 9 (CONSULTATION WITH ATTORNEY):

1. Anticipated Litigation

Section 551.072 (REAL ESTATE):

2. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development Negotiations

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

**AGENDA
LEWISVILLE CITY COUNCIL
AUGUST 6, 2007**

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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).