

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 15, 2007**

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

**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. Smoking Prohibition
- 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:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Ueckert
- C. **PROCLAMATION:** Declaring the Week of October 15-19, 2007, as “Chamber of Commerce Week”.

D. PUBLIC HEARINGS:

- 1. Continued Public Hearing: Consideration of an Ordinance Renewing Reinvestment Zone Number 13; 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 Lake Vista Partners, L.P., a Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; Consideration of an Economic Development Agreement By and Between the City of Lewisville, Texas, and Lake Vista Partners, L.P., A Texas Limited Partnership, for a 2.969 Acre Tract of Land Known as Lot 1DR-1, Block J, of the Vista Ridge Addition; and Authorization for the City Manager to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

Holt Lunsford is building a new two-story, 37,000 square foot office building directly east of the City Amphitheater for the corporate headquarters of Jamex, Inc. Jamex is an oil and gas exploration company operating approximately 100 wells in and around Texas, primarily in south Texas. They will initially occupy the ground floor with 16 employees and sub-lease the second floor to small office users. A RZ, once created, is in existence for five years with no provision to terminate the zone. A RZ may be renewed by Council action for additional periods, with each renewal valid for five years. RZ 13, as created, covers the entire 23 acre site which is now owned by Opus with Horizon Health as a tenant (6 acres), Holt Lunsford (11 acres) and Jamex (3 acres). State law requires that all tax abatements that are granted within a single reinvestment zone contain identical terms (percentage and duration). Staff is recommending tabling the Economic Development Agreement indefinitely because of a change in circumstances regarding tree mitigation fees.

RECOMMENDATION:

That the City Council conduct the public hearing on the renewal of Reinvestment Zone #13; approve the ordinance renewing Reinvestment Zone #13; approve the resolution to enter into the Tax Abatement Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; table indefinitely the Economic Development Agreement with Lake Vista Partners, L.P., a Texas Limited Partnership; and authorize the City Manager to execute the agreement.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.25 Acre Tract of Land Located on the South Side of Temple Avenue Between Degan Avenue and Lynn Avenue; and Identified as Lot 14, Block A of the Westridge Park Addition, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070917).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification OTMU1 is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility of use and setbacks on the property should he choose to redevelop it in the future. R7.5 zoning allows setbacks of: front-30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet, rear—20 feet for single family residential, 6.5 feet for single-family. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1).

PRESENTATION: Sarah McLain, Economic Development Specialist

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.55 Acre Tract of Land Located on the East Side of Hatcher Avenue Between Main Street and Walters Street and Identified as Lot 13 (N 108') of the Rawlings Addition and Also Includes A0696 Tract 101, as Requested by the Property Owner, Miguel R. Cortez (Case No. 20070919).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility of use and setbacks on the property should he chose to redevelop it in the future. OD zoning allows setbacks of: front— 30 feet, sides— 10 feet, rear— 25 feet. The new zoning will allow for front setbacks—0, sides— 6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property which includes residential, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, 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

4. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2 Acre Tract of Land Located on the South Side of Richland Street Between North Edna Avenue and North Cowan Avenue; and Identified as Lot 1 (W82'), Block D of the W.B. Cowan Addition, as Requested by the Property Owners, Robert and Hazel Gregory (Case No. 20070921).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicants would like to re-zone for better flexibility of use and setbacks on the property. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property for the future which includes office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, 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

- 5. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) to Old Town Mixed Use Two (OTMU2) on a 0.226 Acre Tract of Land Located on the Southwest Corner of Milton Street and Main Street; and Identified as Tract 143, Abstract 696 of the J.W. King Survey, as Requested by Alex Buck With the Permission of Bob Jackson, Representing the Property Owner Jackson Family Trust (Case No. 20070922).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification OTMU2 is in keeping with the recommendations of the Old Town Master Plan. The applicants would like to re-zone for better flexibility of use and setbacks on the property. OD zoning allows setbacks of: front— 30 feet, sides—10 feet, rear— 25 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single family residential, 6.5 feet for multi-family residential and 10 feet for commercial. OTMU2 also allows additional uses on the property which includes residential, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 4, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, 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

- 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.
6. **APPROVAL OF MINUTES:** City Council Minutes of the October 1, 2007, Workshop Session and Regular Session.
7. **Approval of a Bid Award for an Annual Requirements Contract for Chemical Analysis to ERMI Environmental Laboratories, Allen, Texas, in the Estimated Amount of \$88,130.41.**

ADMINISTRATIVE COMMENTS:

A total of eighteen (18) bid invitations were issued, including eight (8) downloaded from DemandStar.com. Seven (7) bids were received and opened September 18, 2007. This service is for the chemical analysis of water and wastewater samples to ensure quality standards are being met and that legally defensible analytical methods and results are produced. Funding is available in the Public Services' Utility Fund budget.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for Chemical Analysis to ERMI Environmental Laboratories, Allen, Texas, in the estimated amount of \$88,130.41.

- 8. Approval of Interlocal Agreements Between the City of Lewisville and Participating Users for Use of the City of Lewisville Radio System; and Authorization for the City Manager to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

The current agreement with users (Highland Village, Lake Dallas, Flower Mound, Coppell, Lake Cities Fire) of the City of Lewisville 800 megahertz radio system needs revision to include charges associated with the radio system conversion to a two-site, simulcast system, and to include recurring infrastructure costs. The Lewisville City Attorney drafted the new agreement and user charges were calculated by the Lewisville City Manager's office. All users have received approval of the agreement from their governing bodies.

RECOMMENDATION:

That the City Council approve the interlocal agreements between the City of Lewisville and participating users for use of the City of Lewisville radio system; and authorize the City Manager to execute the agreements.

- 9. Approval of an Economic Development Agreement Between the City of Lewisville and Brookfield Asset Management and Authorization for the City Manager to Execute the Agreement; Approval of an Appropriation From Available General Capital Projects Cash to Reimburse Brookfield Asset Management in an Amount Not to Exceed \$436,538, Contingent Upon the Satisfactory Completion of the Provisions of the Economic Development Agreement.**

ADMINISTRATIVE COMMENTS:

Brookfield Asset Management, a large real estate opportunity fund out of Toronto purchased ConVergence in November, 2006, and has been making substantial improvements to the facility to initiate leasing. Brookfield secured a lease earlier this year with Fidelity to lease 160,000 square feet in two phases, each 80,000 square feet. At full occupancy of the two phases, the tenant will have 1,000–1,200 employees at the ConVergence site. Fidelity also has the first rights to an additional 80,000 square feet with an additional 500 employees. The major concern that Fidelity has expressed with the site, as well as other large prospects in the past, is access to the site for their employees that primarily work in a single shift. In February, staff presented a plan for Council consideration to assist Brookfield with site access improvements to address Fidelity’s concerns. These improvements include reworking the main SH 121 entrance to accommodate two traffic lanes inbound and two traffic lanes outbound with a divided median and re-opening the southern SH 121 entrance to the site. The cost for the work in the public right-of-way is not to exceed \$436,538, which will be reimbursed when the project is completed and accepted by the City.

RECOMMENDATION:

That the City Council approve an Economic Development Agreement with Brookfield Asset Management; and authorize the City Manager to execute the agreement; and approve the appropriation from available General Capital Projects Cash to reimburse Brookfield Asset Management in an amount not to exceed \$436,538, contingent upon the satisfactory completion of the provisions of the Economic Development Agreement.

G. REGULAR HEARINGS:

- 10. Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Development, for Huffines and Hedrick Middle Schools, as Requested by G&A Consultants Inc., on Behalf of the Lewisville Independent School District (LISD), the Property Owner.**

ADMINISTRATIVE COMMENTS:

LISD is constructing weight rooms that are approximately 2,300 square feet in size in all of their middle schools as part of their bond project. There are five middle schools in Lewisville (Delay, Killian, Durham, Huffines and Hedrick). A site plan for both the Huffines and Hedrick campuses revealed that these two school properties abut residential properties and by ordinance require screening. There is some screening on the Huffines site, although it doesn't fully comply with the GDO's current requirement for brick columns and wrought iron fencing. The proposed weight room additions are small in comparison to the overall campus and existing facilities and in most cases will not even be visible to the adjacent residential properties. Staff is of the opinion that the weight room additions will have a minimal impact on the site and its neighbors, and, therefore, staff is not opposed to the requested variance for the two sites in question.

RECOMMENDATION:

That the City Council approve the requested variance to waive the required screening wall.

PRESENTATION: Gene Lewis, Planning & Community Services Manager
Von Beougher, G&A Consultants, Inc.

- 11. Consideration of Variances to the Lewisville City Code, Section 6-54(1) - When an Engineering Site Plan is Required, Section 6-181 - Exterior Finish Requirements, Section 6-92(h) - Paving, and Section 11-10(j)(1) - Monument Signs for the Convergence Office Campus Located 1205 SH 121 Business; as Requested by Ashley Lawrence, Senior Associate of Brookfield Asset Management Company, the Property Owner.**

ADMINISTRATIVE COMMENTS:

About a year ago, Brookfield Asset Management bought the 185 acre site originally developed by Texas Instruments at the southwest corner of SH 121 Business and FM 3040, and known today as the ConVergence campus. Brookfield has now completed the first portion of their planning process for redevelopment of the site but due to the size of the property, which is platted as a single lot, they are asking for variances to allow them to develop the 185 acres in phases without having to submit a new engineering site plan for the entire site. Brookfield Asset Management would submit an engineering site plan for each phase when required for that phase. The following variances are being requested: (a) to waive the engineering site plan process for the entire platted lot by providing engineering site plans for each phase as depicted on the Master Phasing Plan dated September 28, 2007; (b) for Texas Instruments to add a 900 square foot metal electrical equipment building without a brick veneer and an engineering site plan; (c) to waive the requirement for a sidewalk along Business SH 121; and, (d) to allow monument signs of 10 feet and 18 feet in height instead of the six foot maximum permitted by the sign ordinance.

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: Gene Lewis, Planning & Community Service Manager
John W. Combs, General Manager, Capstar Commercial
Real Estate Services, Ltd.

- 12. Consideration of Variances to Lewisville City Code, Chapter 7-177 Special Events, to Extend the Duration of Farmers Market and to Continue to Allow Farmers Market to Run for a Longer Duration Than 14 Days and Chapter 2-201 Fees, Waiver of Special Event Permit Fees, as Requested by the Old Town Business Association.**

ADMINISTRATIVE COMMENTS:

The Old Town Business Association (OTBA) coordinates a Farmers Market that is held every Saturday from mid-May through October. Because of the success of Farmers Market, OTBA is requesting that City Council grant a variance to allow the Farmers Market to continue until November 17, 2007, and to waive the special events permit fees that would be associated with the event extension.

RECOMMENDATION:

That the City Council approve the request to allow the extension in duration of the event to November 17, 2007, and approve the request to waive the additional permit fees associated with this extension.

- 13. Consideration of an Ordinance Amending the Lewisville City Code Chapter 6, Land Development Regulations by Prohibiting the Conversion, Enclosure or Alteration of a Garage for Non-Parking Use in Single Family Dwellings.**

ADMINISTRATIVE COMMENTS:

Currently, the Lewisville City Code does not specifically prohibit conversion, enclosure or alteration of any garage for any purpose. Due to increasing traffic loads and inadequate off-street parking, staff is recommending that an amendment to the existing ordinance regulating parking be implemented. Staff is recommending an ordinance change that will prohibit conversion, enclosure or alteration of a one or two-car garage for non-parking use.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Larry Finney, Building Official

H. REPORTS:

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

1. Property Acquisition

**AGENDA
LEWISVILLE CITY COUNCIL
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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).