

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
NOVEMBER 5, 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. Briefing on Section 287(G) Program by Police Department (Requested by Councilman Tierney)
- 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. **PUBLIC HEARINGS:**
 - 1. **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 0.24 Acre Tract of Land Located on the South Side of West College Street Between Degan Avenue and Lynn Avenue; and Identified as Lot 11, Block B of the Westridge Park Addition, as Requested by the Property Owner, Anna McDonald (Case No. 20071023).

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use One (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. 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 of 0, sides—6.5 feet and rear—20 feet for single family residential or 6.5 feet for single-family attached residential. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their October 2, 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

2. **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 Among 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 Among 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 2-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 5 years with no provision to terminate the zone. A RZ may be renewed by Council action for additional periods, with each renewal valid for 5 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). The economic development agreement originally planned is no longer needed. A stand-alone parking agreement has been developed.

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 agreements.

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU) on a 286 Acre Tract Bounded by Railroad Street to the West, Business State Highway 121 to the North, the Elm Folk Trinity River and Future Corporate Drive to the East; as Requested by the City of Lewisville, the Current Property Owner (Case No. PZ20071024).**

ADMINISTRATIVE COMMENTS:

The City of Lewisville owns two contiguous sites being rezoned in this request. One parcel is approximately 37 acres and fronts on Business SH 121. There are no immediate plans for this site. The second property is approximately 249 acres and fronts onto Railroad Street. There is currently a plat and an engineering site plan in review for a premier athletic complex containing four football fields, four baseball fields, ten soccer fields, a dog park, a skate park, natural areas, lakes, as well as a maintenance facility. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use facility. This is in keeping with other facilities in the City. The Planning and Zoning Commission voted 7-0 in favor of the zone change request at their October 2, 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 Light Industrial (LI) and Multi-Family Two (MF-2) to Public Use (PU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Bob Monaghan, Director of Parks and Leisure Services

- D. **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.
- E. **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 Acceptance of the Donation of a RES-Q-JACK Stabilization System From Firehouse Subs Public Safety Foundation of Jacksonville, Florida.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Fire Department applied for safety equipment through Firehouse Subs Public Safety Foundation of Jacksonville, Florida. The City was approved for a RES-Q-JACK stabilization system valued at \$10,886.40.

RECOMMENDATION:

That the City Council accept the donation of a RES-Q-JACK stabilization system from Firehouse Subs Public Safety Foundation.

- 5. Approval of Amendment No. 1 in the Amount of \$63,975 to the Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P., for Design of the Midway Pump Station, Ground Storage Tank and Dallas Water Meter Station; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

On April 3, 2006, the City Council approved a Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P. for the design of the Midway Pump Station. The approved fee of \$351,860 was based on an estimated construction cost of \$4,569,000. Following commencement of the Professional Services Agreement (PSA), it was determined that the pump station needed to be modified to provide back-up water service to Castle Hills and the 735 Service areas. Additionally, due to operational characteristics and changes in water delivery services, the new design will provide variable frequency drive pumps and the addition of chlorination units to the pump station. In order to address the design modifications, an additional \$63,975 is being requested for an amendment to the Professional Services Agreement. Funding is available from the Midway Pump Station Capital Project.

RECOMMENDATION:

That the City Council approve Amendment No. 1 in the amount of \$63,975 to the Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P. for design of the Midway Pump Station, Ground Storage Tank and Dallas Water Meter Station; and authorize the City Manager to execute the agreement.

- 6. Approval of an Amendment to Establish the Guaranteed Maximum Price of \$3,420,650 for the Construction of the Jail to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas,; Approval of an Appropriation in the Amount of \$318,452 From General Capital Projects Available Cash; and Authorization for the City Manager to Execute the Contract Amendment.**

ADMINISTRATIVE COMMENTS:

On April 2, 2007, the City Council approved a Construction Manager at Risk contract with the Ridgemont Company for construction of the new jail. At the time of award, the Guaranteed Maximum Price had not been determined. The Guaranteed Maximum Price has now been determined to be \$3,420,650 and the contract requires amending to include this cost. The cost of construction has increased due to the increased cost of steel and concrete. After this appropriation, total funding will be available in the Jail Facility Capital Project.

RECOMMENDATION:

That the City Council approve an amendment to establish the Guaranteed Maximum Price of \$3,420,650 for the construction of the jail to the Construction Manager at Risk contract with the Ridgemont Company, Irving, Texas; approve an appropriation in the amount of \$318,452 from General Capital Projects Available Cash; and authorize the City Manager to execute the contract amendment.

- 7. Approval of an Appropriation in the Amount of \$100,000 From Screening Wall Repair Available Cash for Maintenance and Repair to Screening Walls.**

ADMINISTRATIVE COMMENTS:

Additional funding is needed to complete routine maintenance and repairs to screening walls. This work includes repair to walls that are damaged by accidents, routine repairs and maintenance identified by inspection, and reports of failure. Repairs typically include replacing columns and panels, replacing soldier course rows that become loose, and replacing missing decorative caps. This work is scheduled and completed as needed.

RECOMMENDATION:

That the City Council approve an appropriation in the amount of \$100,000 for maintenance and repairs to screening walls.

- 8. Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase 1A Project to W. R. Hodgson Company, L.P., Celina, Texas, in the Amount of \$320,056; Approval of a Total Project Budget of \$329,658; Which Includes \$9,602 for Contingencies; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-six (36) bid invitations were issued, including seven (7) downloaded from DemandStar.com. Twelve (12) bids were received and opened on October 18, 2007. This project consists of construction of a new 21-inch and 30-inch sanitary sewer line from DFW Landfill north to East Main Street. Funding is available from the 1999 Texas Water Development Board Revenue Bond Funds.

RECOMMENDATION:

That the City Council approve a bid award for the Elm Fork Sanitary Sewer Phase 1A Project to W. R. Hodgson Company, L.P., Celina, Texas, in the amount of \$320,056; approve a total project budget of \$329,658; which includes \$9,602 for contingencies; and authorize the City Manager to execute the contract.

- 9. Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$59,586; and Authorization for the City Manager or His Designee to Execute the Grant Document.**

ADMINISTRATIVE COMMENTS:

On April 30, 2007, the Police Department (with Council approval) applied for funding of one investigator provided by the U.S. Department of Justice in accordance with the Prevention of Violence Against Women Act Grant. The primary duties of the investigator are to aggressively and thoroughly investigate domestic violence offenses and provide referral services to victims. For this period, the grant will pay 65% of the costs. The City's portion is projected to be \$32,085 for the grant period. The cash match is available in the Police Department budget.

RECOMMENDATION:

That the City Council approve the acceptance of grant funding in the amount of \$59,586 for the Prevention of Violence Against Women Grant from the U.S. Department of Justice; and authorize the City Manager or his designee to execute the grant document.

10. Approval of a Resolution Amending Authorized Representatives at Texpool, an Investment Service for Public Funds.

ADMINISTRATIVE COMMENTS:

The City of Lewisville has used Texpool investment services since 1997. Some transactions require two signatures of authority to process. Currently, the City has only two employees with this authority. The attached resolution will increase that number to four which should alleviate delays in processing in case of a lack of availability of staff. The two currently are Claude King, City Manager and Clifford Howard, Fiscal Services Manager. This resolution adds Donna Barron, Assistant City Manager and Lauren Crowley, Director of Finance.

RECOMMENDATION:

That the City Council approve the resolution amending authorized representatives at Texpool.

11. Approval of a Resolution Supporting Proposition 12, on the November 6, 2007 State Election Ballot, Which Would Authorize the Texas Transportation Commission to Issue Five Billion Dollars in General Obligation Bonds to Provide Funding for Highway Improvement Projects.

ADMINISTRATIVE COMMENTS:

The 80th Texas Legislature passed Senate Joint Resolution 64 which calls for a constitutional amendment election that will allow the Texas Transportation Commission to issue up to five billion dollars in general obligation bonds in order to fund highway projects. The North Central Texas Council of Governments Regional Transportation Council, of which the City of Lewisville is a member, unanimously voted to support Proposition 12 and has asked member cities to also pass a resolution in support of this proposition.

RECOMMENDATION:

That the City Council approve the resolution.

- 12. Approval of Revisions to Administrative Policy 3.2.1, Purchasing Procedures.**

ADMINISTRATIVE COMMENTS:

The Purchasing Policy has been revised from its current version, which was approved last year. The revisions encompass recent changes in the State's purchasing laws, which went into effect September 1, 2007, as well as general house-keeping changes.

RECOMMENDATION:

That the City Council approve Administrative Policy 3.2.1, Purchasing Procedures, as amended.

- 13. Approval of a Parking Lot Agreement With Lake Vista Partners, L.P.; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

On September 17, 2007, City Council tabled a proposed Economic Development Agreement with Jamex, an oil and gas company planning to take occupancy in Holt Lunsford's new development at 2871 Lake Vista Drive. The agreement was tabled in order for staff to address issues with the negotiated package to reimburse 50% of tree mitigation fees in exchange for a Parking Lot Agreement near the Vista Ridge Amphitheater. The approved site plan incurred no tree mitigation fees and thus the Economic Development Agreement would not provide for any reimbursement of funds and therefore a Parking Lot Agreement would not be exchanged in return. Staff has consulted with Holt Lunsford regarding alternatives for establishing a Parking Lot Agreement, and the group is willing to participate in a stand alone Parking Lot Agreement with the City. A Parking Lot Agreement has been drafted and is presented for the Council's consideration.

RECOMMENDATION:

That the City Council approve the Parking Lot Agreement with Lake Vista Partners, L.P.; and authorize the City Manager to execute the agreement.

14. Approval of Three Nominees for the Waters Ridge Public Improvement District Board of Directors.

ADMINISTRATIVE COMMENTS:

City of Lewisville Resolution No. 2078-1-96(R) which established the Waters Ridge Public Improvement District states that the Board of Directors must be comprised of three representatives of record owners of real property as well as two appointees of the Lewisville City Council. At this time, the three representatives of real property owners are in need of appointment by the City Council. Mr. Steve Trese of CB Richard Ellis is nominated to represent Teachers Insurance & Annuity Association (TIAA), a group owning roughly 88 acres of property in the district. Mr. Tim Terrell of Stream Realty is nominated to represent Rushmore Properties, a group owning roughly 9 acres of property in the district. Mr. Bert Milam is nominated to represent Vantage Companies, a group owning roughly 68 acres of property in the district.

RECOMMENDATION:

That the City Council approve the nominees for the Waters Ridge Public Improvement District Board of Directors.

- 15. Tabled Item: Approval of an Interlocal Cooperation Agreement for Library Services with Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

This item was tabled from the October 1, 2007, City Council meeting in order for staff to work out details with Denton County. Denton County has requested that the Lewisville Public Library provide library services to all residents of Denton County. In exchange for such services October 1, 2007 – September 30, 2008, Denton County will pay the City of Lewisville \$0.751 per capita (\$109,300), based upon Lewisville’s population in NCTCOG’s figures.

RECOMMENDATION:

That the City Council approve the Interlocal Cooperation Agreement for library services with Denton County; designate the Library Manager as the official liaison for the City of Lewisville; and authorize the City Manager to execute the contract.

F. REGULAR HEARINGS:

- 16. Consideration of a Request From Jack & Jill of America to Waive Fees for the Vista Ridge Amphitheater.**

ADMINISTRATIVE COMMENTS:

Jack & Jill of America has requested the City Council to consider waiving fees for a Walk Against Child Abuse to be held at the Vista Ridge Amphitheater scheduled for April 26, 2008.

RECOMMENDATION:

That the City Council consider the request to waive fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse.

PRESENTATION: Mykeye Hamilton, Chairperson-Jack & Jill of North Texas

- 17. Consideration of a Variance to the Lewisville City Code, Section 6-101(b) Private Utilities for Installation of a City-Owned Fiber Optic Network.**

ADMINISTRATIVE COMMENTS:

The City's voice and data network infrastructure backbone between our major campuses uses dark fiber leased through Time Warner. This five year lease will expire in June 2008. Funding for replacing this infrastructure was previously approved by City Council in a supplemental appropriation request. City Engineering staff has recommended an aerial route on the East IH 35 E in the Old Town area. The rights-of-way are narrow and contain many underground utilities. Adding a new underground utility was not advised. The route chosen has sufficient above ground poles and space to install the fiber on existing poles. The pole utility companies have been contacted and the poles can be leased annually for an estimated annual cost of \$3,750.

RECOMMENDATION:

That the City Council approve the requested variance to the Lewisville City Code, Section 6-101(b) to allow installation of the City owned fiber optic network.

- 18. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 11, Signs, Article X, Permissible Signs Located in the Old Town Design District that Require a Permit and Article XI, Permissible Signs Located in the Old Town Design District That Require a Permit, With Substantive Changes.**

ADMINISTRATIVE COMMENTS:

City Council approved the Sign Ordinance in November, 2006 and amended it in March, 2007. Staff is recommending several additional changes and clarifications to the Old Town section of this ordinance.

RECOMMENDATION:

That the City Council adopt the ordinance.

- 19. Tabled Item 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:

This item was tabled at the October 15, 2007 City Council meeting at which time staff was directed to add allowances to the proposed ordinance for conversion, enclosure or alteration of existing garages when specific requirements are met. Staff is submitting new wording for a proposed ordinance that would allow conversion, enclosure or alteration of an existing garage if an equivalent garage is constructed on the lot prior to any changes being made to the existing garage.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Larry Finney, Building Official

- 20. Consideration of an Ordinance Amending the Lewisville City Code By Adding Provisions for the Creation of a Juvenile Case Manager Fund and Collection of Fees.**

ADMINISTRATIVE COMMENTS:

The 79th Texas Legislature passed H.B. 1575 authorizing the creation a "juvenile case manager fund" ("Fund"). This fund allows local governments to collect a fee, not to exceed \$5.00, to pay for the salary and benefits of a juvenile case manager. The case manager will be responsible for all juvenile cases, including but not limited to teen court, with priority given to cases involving failure to attend school and parents contributing to the failure to attend school. Based on the needs of the court and considering the number of cases filed, it is recommended that a fee of \$4.00 be imposed at this time. This will allow for adequate funding of the position and is consistent with the municipal court technology fund fee which is also set at \$4.00. (This fee was adopted along with the other fee modifications as part of the FY 2007-2008 budget process). The fund will allow the position to be entirely self-funded by cost courts assessed against those persons for whom a judgment has been entered.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

21. Consideration of Nominations to the Denton and Dallas Central Appraisal District Appraisal Review Boards.

ADMINISTRATIVE COMMENTS:

The Denton and Dallas Central Appraisal Districts have requested that the City nominate a candidate(s) to their Appraisal Review Boards. Both Appraisal Districts' Board of Directors will appoint Review Board members at their December Board of Directors meetings by majority vote recorded by resolution.

RECOMMENDATION:

That the City Council consider nominations to the Denton and Dallas Central Appraisal District Appraisal Review Boards.

22. Consideration of Dates for the Annual City Council Retreat.

ADMINISTRATIVE COMMENTS:

Each year, the City Council retreat is normally held on a Thursday through Saturday timeframe during the first or second week of February. This year, the first set of dates proposed would be Thursday, January 31st through Saturday, February 2nd; and the second set of dates would be February 7th – 9th. The Worthington Hotel and the Ashton Hotel are available the 31st through the 2nd. The Worthington Hotel and the Hilton Garden Inn are available the 7th – 9th. The Hilton Garden Inn is also available the 14th – 16th).

RECOMMENDATION:

That the City Council review the available dates and locations, and direct City staff as to which date and location is preferred.

G. REPORTS:

**AGENDA
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- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):
 - 1. Property AcquisitionSection 551.087 (ECONOMIC DEVELOPMENT):
 - 2. Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **ADJOURNMENT**

<p>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 <u>Texas Government Code</u> 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).</p>
