

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 17, 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:** Deputy Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'),7(W25'),8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227).

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility setbacks on the property. Light Industrial (LI) zoning allows setbacks of: front— 25 feet, sides—10 to 15 feet, rear—0 to 50 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 to 6.5 feet for residential and 10 feet for commercial. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their December 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 Light Industrial (LI) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of the Creation of Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC, for a 100.7 Acre Property out of Abstract 541, J.W. Haven Survey, Tracts 15, 22, 23, 23A, 24, 25, and Abstract 11, E. Aday Survey, Tracts 1A, 34, 37, 38, 40, 46, 49, 49A; Consideration of an Ordinance Creating Reinvestment Zone Number Thirty-Three (33) for Hillwood Development Company, LLC; Consideration of a Resolution Approving the Terms and Conditions of an Agreement and Providing for Commercial Tax Abatements By and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; Consideration of an Economic Development Agreement by and Between the City of Lewisville, Texas, and Hillwood Development Company, LLC; and Authorization for the City Manager, or his Designee, to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

Hillwood Development Company and City staff have been working together on a speculative industrial development called Waters Ridge North in the area west of Railroad Street and north of Bennett Lane. The proposed development consists of two buildings, totaling 1,265,000 square feet of industrial building space. This development pursues reclamation and development of environmentally contaminated sites north of Bennett Lane and south of Business Highway 121. This version excludes the Berry, Corona and Harrison tracts, while moving forward with development on parcels to the south. Hillwood's proposal meets the City's economic incentive policy criterion. Thus, the proposed Tax Abatement Agreement contains provisions for a standard speculative agreement by policy of seventy-five percent (75%) for a period of five (5) years. The main points of the economic development agreement include waiving escrow fees; 100% of the impact fees being paid; 50% of all other building fees being paid except for the construction plan review, which is waived; Hillwood pays for the relocation of an existing sanitary sewer line, and the City grants an access easement from City property on Bennett Lane to the Hillwood development.

RECOMMENDATION:

That the City Council conduct the public hearing on the creation of Reinvestment Zone #33; approve the ordinance creating Reinvestment Zone #33; approve the resolution to enter into the Tax Abatement Agreement with Hillwood Development Company, LLC; approve the Economic Development Agreement with Hillwood Development Company, LLC; and authorize the City Manager, or his designee, to execute the agreements.

PRESENTATION: Nika Z. Reinecke, Economic Development Director
Dan Tatsch, Hillwood Development Company

- 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.

- 3. APPROVAL OF MINUTES: City Council Minutes of the December 3, 2007, Workshop Session and Regular Session.**
- 4. Approval of an Appropriation in the Amount of \$145,014 From Park Development Fund Available Cash to General Capital Projects for the Improvement of Vista Ridge and Lake Park Athletic Fields.**

ADMINISTRATIVE COMMENTS:

Park Development fees were appropriated in January, 2007, to begin renovations to the Lake Park athletic fields. Phase One included providing shading for bleachers on baseball fields 1 through 4 and adult softball fields 9 and 10. The cost of Phase One was \$145,000. Staff is requesting a supplemental appropriation from the Park Development Fund to complete the remaining bleachers at Lake Park on baseball fields 5 through 8, to recover dugouts on fields 1 through 8, cover bleachers and dugouts at Vista Ridge Park on fields 1 through 3, and replace scoreboards at Lake Park fields 9 and 10 and Vista Ridge Park 1 through 3.

RECOMMENDATION:

That the City Council approve an appropriation from Park Development Fund Available Cash in the amount of \$60,543 from Zone C and \$84,471 from Zone Z to complete the athletic field projects at Lake Park and Vista Ridge Park.

- 5. Approval of a Supplemental Appropriation in the Amount of \$48,500 to the General Fund for the Fire House Station #7 Project; Approval of a Change Order to the Architectural Contract With Brown Reynolds Watford Architects, Inc., Dallas, Texas in the Amount of \$48,500; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The funding for the construction of the new fire house has increased from the original amount of \$2,750,000 to \$3,987,394.70. The need for additional funding was a result of not being able to design and construct an adequately sized building using the original funds that would meet the requirements of the Fire Department. Brown Reynolds Waterford Architects, Inc. is requesting a change order to their contract for additional architectural services that are needed in designing a larger sized building. These additional architectural services include services for increased exterior shell and interior finish out, increased structural foundation and structural steel framing systems, increased mechanical heating, ventilation, air conditioning systems, increased plumbing and fire protection sprinkler systems, and increased electrical power and lighting systems.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$48,500 to the General Fund for the Fire House Station #7; approve a change order to the architectural contract with Brown Reynolds Watford Architects, Inc., Dallas, Texas, in the amount of \$48,500; and authorize the City Manager to execute the contract.

- 6. Acknowledgement of the Waste Management 2008 Cost of Service Rates for Residential Solid Waste/Recycling and Commercial Solid Waste Collection and Disposal Services.**

ADMINISTRATIVE COMMENTS:

In January 2004 Council approved Ordinance No. 3023-01-2004, which authorized the City to enter into an agreement with Waste Management of Texas, Inc., to provide solid waste services. The agreement authorizes an annual cost of service adjustment based upon Consumer Price Index (CPI). The CPI adjustment for 2008 is 1.5% and is applied to the collection component of the rate structure. The new cost of service rates will be effective January 1, 2008.

RECOMMENDATION:

That the City Council acknowledge the cost of service rate increase for solid waste collection and disposal services.

F. REGULAR HEARINGS:

- 7. Consideration of a Variance to Lewisville City Code, Section 6-92 (i)(2) Regarding Commercial Drives, Located at 414 North Kealy Avenue, As Requested by Homeyer Engineering Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The property is located at 414 North Kealy Avenue, just north of College Street. The site is 0.934 acres and zoned Light Industrial (LI). The existing single-family residence on the site is being converted into an office for an evacuation company. As part of the engineering site plan, the developer is requesting a variance to waive the required 50-foot driveway spacing requirement and allow an existing driveway on Kealy Avenue to remain approximately 20 feet from an existing commercial driveway on an adjacent property. A similar variance was approved by the City Council on August 7, 2006 for a project located at 528 North Cowan Avenue.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Steve Homeyer, P.E., Homeyer Engineering

- 8. Consideration of a Request for a Variance to the Lewisville City Code, Chapter 3, Animals as Requested by Dr. Kyle Jones, Located at 816 Sylvan Creek.**

ADMINISTRATIVE COMMENTS:

On December 9, 2007, Veterinarian Dr. Kyle Jones submitted a letter to the Health and Code Division requesting to occasionally keep a kangaroo at his residence, located at 816 Sylvan Creek. According to Dr. Jones, the kangaroo, which has been under his care for seven (7) to eight (8) weeks, is required to graze on grass (in Dr. Jones' backyard) to restore it's health. City Code prohibits kangaroos from being kept within the city limits. Dr. Jones is requesting to keep the kangaroo at his residence located at 816 Sylvan Creek. Should the Council wish to consider this request, staff would recommend a period not to exceed ninety (90) days.

RECOMMENDATION:

That the City Council consider the requested variance for a period not to exceed ninety (90) days, allowing Dr. Jones to keep the kangaroo at his residence located at 816 Sylvan Creek with the following stipulations proposed by staff: a) Animal Services shall be allowed to inspect the premises at 816 Sylvan Creek at least once every thirty (30) days or as needed for public safety and for the welfare of the animal; b) the number of prohibited animals cannot increase during the 90-day period; c) the animal must be secured in such a manner as to protect public safety and to prevent escape; and, d) the City Council may revoke the variance if the animal on the premises presents a public safety concern or threat, or causes a nuisance as defined by code.

PRESENTATION: Sherry Harper, Health & Code Manager

- 9. Consideration of Ordinances Amending the Lewisville City Code, Chapter 4, Adopting the 2006 International Construction Codes With North Central Texas Council of Government Amendments and Standards, Including the Building Code, Residential Building Code, Plumbing and Fuel Gas Code, Mechanical Code, Energy Code; and Chapter 5, Fire Code.**

ADMINISTRATIVE COMMENTS:

Staff is submitting the 2006 edition of the International Codes to the City Council for adoption. The new codes are necessary to insure that the Building Division and Fire Prevention Division for the City keep pace with State laws, changing technology and practices of the construction industry.

RECOMMENDATION:

That the City Council adopt the ordinances regarding the adoption of the 2006 International Codes with North Central Texas Council of Government amendments and standards.

PRESENTATION: Larry Finney, Building Official

- 10. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule Related to Solid Waste Rates.**

ADMINISTRATIVE COMMENTS:

On January 26, 2004 Waste Management entered into an agreement to provide residential and commercial solid waste collection. The agreement allows for cost of service increase based upon the Dallas Fort Worth Urban Consumer Price Index, which is 1.5%. The rate increase is effective January 1, 2008. Although the rate increase to Waste Management is by contract, the City must set the customer rates for residential and commercial customers. Staff recommends that the commercial customer rates be increased to correspond to the CPI cost of service increase of 1.5%.

RECOMMENDATION:

That the City Council adopt the ordinance.

11. Consideration of an Appointment to Place No. 1 on the Zoning Board of Adjustment.

ADMINISTRATIVE COMMENTS:

At the November 19, 2007, City Council meeting James Davis was appointed to Place No. 7 on the Planning and Zoning Commission to replace a member who had resigned effective January 1, 2008. The appointment of James Davis on the Planning and Zoning Commission has created a vacancy in Place No. 1 of the Zoning Board of Adjustment.

RECOMMENDATION:

That the City Council consider appointments to fill the vacancy on the Zoning Board of Adjustment.

12. Consideration of Reappointment of Tourism Strategic Planning Committee.

ADMINISTRATIVE COMMENTS:

City staff is requesting reappointment of the Tourism Strategic Planning Committee to assist with assessing current plan status, planning for future years, and providing input on existing projects including reviewing branding campaign alternatives.

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RECOMMENDATION:

That the City Council reappoint the Tourism Strategic Planning Committee, as requested.

G. REPORT:

**H. 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

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

J. 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).