

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JUNE 2, 2008**

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

**WORKSHOP SESSION – 5:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION – 5:30 P.M.**

- A. Timber Creek Erosion Study
- B. Naming of Park Located on Railroad Street
- C. Discussion of Regular Agenda Items and Consent Agenda Items
- D. Items of Interest to the Council

**REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Councilman Durham
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PROCLAMATION:** Declaring the Week of June 1-8, 2008, as “National Fishing & Boating Week”.
- D. **PRESENTATION:** Special Presentation to City Council by Denton County Commissioner Bobbie Mitchell.

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- E. **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.
- F. **PUBLIC HEARINGS:**
1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Mixed Use Ninety (MU-90), Including a Concept Plan With Variances, on a 90.08 Acre Tract Located North of State Highway 121, West of the D.G.N.O. Railroad, South of Lakeside Circle, and East of Timbercreek; Further Identified as McKinney & William Survey, Abstract 936, Tract 3A, A.J. Hitchcock Survey, Abstract 614, Tracts 2, 2A, 3, B.B.B. & C.R.R. Co. Survey, Abstract 144, Tracts 1A and 9, as Requested by Riverside DPH, LP., the Current Property Owner (Case No. PZ20080514).

**ADMINISTRATIVE COMMENTS:**

This request is the first under consideration using the relatively new Mixed-Use 90 Zoning District. The zoning district allows a mixture of residential, office and retail uses on tracts of at least 90 acres. The request under consideration is for 1,726 apartments and 20,000 square feet of office and retail space. The tract is located along the south side of Lakeside Circle and adjacent to the DCTA's proposed South Lewisville Train Station. There are five variances being requested on the concept plan in conjunction with the zoning: (a) to utilize the smaller street sections allowed for Old Town streets; (b) to allow head-in parking in the right-of-way and to allow this "off-site" parking to count toward the required parking; (c) to allow 1.65 parking spaces per dwelling unit; (d) to allow the future rail crossing to be within the 25 year flood elevation; and (e) to allow two dead-end streets to exceed the 600 foot maximum. The Planning and Zoning Commission recommended approval of the zone change request with a 6-1 vote at their May 6, 2008 meeting.

**RECOMMENDATION:**

That the City Council consider the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Mixed Use-90 (MU-90), including a concept plan with variances.

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Howard Porteous, Project Manager, Huffines Communities

2. **Public Hearing:** Consideration of an Ordinance Renewing Reinvestment Zone Number Twenty-One (21) for Ricos Products Company, Inc., Being All of Lot 1RA, Block B of the Austin Ranch Addition; Consideration of a Resolution Providing the Terms and Conditions of an Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Ricos Products Company, Inc.; and Authorization for the City Manager to Execute the Agreement.

**ADMINISTRATIVE COMMENTS:**

Ricos Products Company, Inc., a food products manufacturing company, currently operating in Carrollton has selected Austin Ranch Distribution Center in East Lewisville as a preferred site for its expansion plans. The company is proposing to occupy roughly 38,000 square feet in the facility, bringing 25 employees and \$3,000,000 in investment in business personal property. Given the economic indicators provided, it was determined that the prospect warrants an abatement of fifty percent (50%) of business personal property taxes for a period of five years, provided that the company occupy a minimum of 38,000 square feet of space in the Austin Ranch Distribution Center facility for the purposes of establishing a food product manufacturing operation, invest a minimum of \$3,000,000 in business personal property, and provide a community support donation in the amount of \$3,500 dollars per year.

**RECOMMENDATION:**

That the City Council approve the ordinance renewing Reinvestment Zone Number Twenty-One (21); approve the resolution providing the terms and conditions of a Tax Abatement Agreement by and between the City of Lewisville, Texas, and Ricos Products Company, Inc.; and authorize the City Manager to execute the agreement.

**PRESENTATION:** Elizabeth Trospen, Economic Development Specialist  
David Hart, Ricos Products Company, Inc.

3. **Public Hearing: Consideration of a Request to Annex a Five Foot Strip Totaling 0.275 Acres of 23.820 Acres Belonging to the Castle Hills Property Company Situated in the R.P. Hardin Survey Abstract 613, B. Schoonover Survey Abstract 1209, and the T. Wilson Survey Abstract 1352, as Requested by Castle Hills Property Company, the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

Castle Hills Property Company has acquired a 23.82 acre tract which was located in the Town of Hebron and on the fringe of the City of Lewisville's ETJ area. Castle Hills Property Company would like to add this property into the City of Lewisville's ETJ area, thereby consolidating all of their property into Lewisville's ETJ. The Town of Hebron de-annexed the property in November 2007. This public hearing represents the first of two public hearings necessary before the annexation can be formally approved.

**RECOMMENDATION:**

That the City Council conduct this first of two public hearings on the proposed annexation.

**PRESENTATION:** Gene Lewis, Planning & Community Services Manager  
Eric Stanley, Castle Hills Property Company

4. **Public Hearing: Consideration of an Amendment to the Community Development Block Grant (CDBG) 2007 Annual Action Plan Adding the 400 Block of Hickory Street to the Sanitary Sewer Rehabilitation Project; and Authorization for the City Manager to Submit the Amendment to the U.S. Department of Housing and Urban Development.**

**ADMINISTRATIVE COMMENTS:**

An Annual Action Plan was adopted by the City Council at the August 8, 2007 meeting and submitted to the U.S. Department of Housing and Urban Development (HUD) to receive Community Development Block Grant (CDBG) funds beginning October 1, 2007. That plan included using prior year funds to add sanitary sewer line replacement to the Edna-Charles Street Rehabilitation Project. The plan submitted to HUD specified locations-the sewer project included Hatcher, Perry, and Elm and Hickory East of Cowan. Funding was not considered available for the 400 block of Hickory or the 200 block of South Milton. This Amendment adds the 400 block of Hickory to the scope of the project using existing funding. A 30 day public comment period, including this public hearing, is required before adoption. The CDBG Committee recommended this amendment at the April 15, 2008 meeting by a vote of 7 to 0.

**RECOMMENDATION:**

That the City Council approve the amendment to the 2007 Community Development Block Grant Annual Action Plan adding the 400 block of Hickory Street to the scope of the Sanitary Sewer Rehabilitation Project; and authorize the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development.

- G. **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.
- H. **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:** City Council Minutes of the May 19, 2008, Workshop Session and Regular Session.
6. **Approval of Final Acceptance of the Valley Ridge Southeast Water Lines Line B; and Authorization to Make Final Payment to Texas United Excavators, L.L.C., in the Amount of \$35,750.75.**

**ADMINISTRATIVE COMMENTS:**

On July 16, 2007, the City Council awarded a contract to Texas United Excavators, L.L.C. in the amount of \$737,705 for the construction of the Valley Ridge Southeast Water Lines-Line B project. The work has been completed and, in accordance with the contract documents, it is now in order to formally accept the project and make final payment. The final payment in the amount of \$35,750.75 is available in the Valley Ridge Southeast Waterlines Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

**RECOMMENDATION:**

That the City Council accept the Valley Ridge Southeast Water Lines Line B Project; and authorize final payment in the amount of \$35,750.75 to Texas United Excavators, L.L.C.

- 7. Approval of Change Order No. 1 in the Amount of \$41,650 to Erosion and Retaining Wall Structures, Inc., for Additional Repairs to an Existing Concrete Retaining Wall in Prairie Creek.**

**ADMINISTRATIVE COMMENTS:**

On January 28, 2008, Council awarded a contract to Erosion and Retaining Wall Structures, Inc., in the amount of \$252,7657.55 for erosion repair work to the Prairie Creek channel. The project included channel excavation, reestablishment of the embankment, and installation of rock berm, riprap and gabions to re-establish the creek bank and protect it from future erosion along the southern border of the Wastewater Treatment Plant sludge field. The change order is requested for these same types of repairs to an existing concrete retaining wall, constructed in the early 1990s, which lies downstream to the east of the project. This concrete retaining wall has incurred significant soil erosion and subsidence. The change order will increase the total cost of the project to \$294,417.55. Funding is available in the Wastewater Treatment Plant Sludge Management Capital Project.

**RECOMMENDATION:**

That the City Council approve Change Order No.1 in the amount of \$41,650 to Erosion and Retaining Wall Structures, Inc. for additional repairs to an existing concrete retaining wall in Prairie Creek.

- 8. Approval of an Amendment to an Economic Development Agreement Between Lowen Hospitality and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement Amendment.**

**ADMINISTRATIVE COMMENTS:**

On May 7, 2007, the City Council approved an Economic Development Agreement with Lowen Hospitality to construct two hotels at the southwest intersection of Vista Ridge Mall Drive and Lake Vista Drive. Paragraph 3.1 of the Agreement states that construction must commence on the premises by March 15, 2008 and that the improvements must be substantially complete by July 15, 2009. Lowen Hospitality has requested that these dates be extended to December 15, 2008 and December 10, 2010, respectively.

**RECOMMENDATION:**

That the City Council approve the amendment to the Economic Development Agreement with Lowen Hospitality; and authorize the City Manager to execute the agreement amendment.

- 9. Approval of a Capital Budget Action Request Transferring \$1,202,804 From the North Old Town Streets Capital Project to a Newly Created Purnell Street Capital Project; and Approval of a Supplemental Appropriation in the Amount of \$200,000 From General Capital Projects Available Cash to the Purnell Street Capital Project.**

**ADMINISTRATIVE COMMENTS:**

Funding in the North Old Town Streets Capital Project was earmarked for improvements to Richland Street. At the February, 2008 Retreat Council directed staff to transfer funding to the Purnell Street Project. Sewer line improvements to Purnell Street were approved as part of the 2008 Revenue Bond sale. In conjunction with the sewer line improvements, the reconstruction of Purnell Street (paving and drainage) from IH-35E to Mill Street is being requested. Council has the option in the future to appropriate other G.O. Bond funds to the Richland Street Project, if desired.

**RECOMMENDATION:**

That the City Council approve the capital budget action request in the amount of \$1,202,804; and approve the supplemental appropriation from general capital projects available cash in the amount of \$200,000.

- 10. Approval of a Supplemental Appropriation From General Capital Projects Cash to the Valley Ridge Capital Project in the Amount \$1,262,903.**

**ADMINISTRATIVE COMMENTS:**

Denton County Transportation Authority has released the remaining Enhanced Local Assistance Program funding. This funding is programmed to be used for Valley Ridge from Business 121 South to the new park on Railroad Street. This funding is to be used for street improvements on Valley Ridge Boulevard.

**RECOMMENDATION:**

That the City Council approve the supplemental appropriation to the Valley Ridge Capital Project in the amount of \$1,262,903.

- 11. Approval of a Supplemental Appropriation From General Capital Projects Cash to the Southwest Lewisville Capital Project in the Amount of \$263,820.**

**ADMINISTRATIVE COMMENTS:**

Funding in the amount of \$263,820 was received from Denton County as reimbursement for funds spent on the design of new roads in Southwest Lewisville including Valley Parkway from FM 3040 south to SH 121 Business; and Spinks Drive from Duncan Lane to Edmonds Lane. This is a project funded jointly by the County and property owners. The County has agreed to fund half of the design and construction costs associated with these improvements, up to \$5,000,000. Future supplements to this project will be required once construction amounts are determined, property owner contributions are received, and reimbursements are needed.

**RECOMMENDATION:**

That the City Council approve the supplemental appropriation to the Southwest Lewisville Capital Project in the amount of \$263,820.

- 12. Approval of the FY 2007-2008 Mid-Year Budget Status Report; and Approval of a Supplemental Appropriation in the Amount of \$80,000 to the Recreation Fund.**

**ADMINISTRATIVE COMMENTS:**

This year, the mid-year report reflects activity occurring through the month of April, making this a 7 month report, instead of the normal mid-year report showing only 6 months of activity. Sales tax revenue is a large portion of the General Fund (33%) and because this revenue is so volatile right now, it was more beneficial to use the most current revenue received to project the end of year status. Staff has completed an analysis of the financial position of all of the operating funds and all operating funds are performing at or above expectations. The Recreation Fund will require a supplemental appropriation due to the large response associated with offering a Boot Camp. The additional revenue received from the Boot Camp will more than offset this supplemental request.

**RECOMMENDATION:**

That the City Council approve the FY 2007-2008 Mid-Year Budget Status report and approve the supplemental appropriation.

- 13. Approval of a Resolution Determining the Necessity of Acquiring Certain Property for Public Purposes and Authorization to Proceed With Eminent Domain Proceedings on the Dallas Water Supply Line No. 3, Phase 2 and Midway Pump Station, Project No. U60512.**

**ADMINISTRATIVE COMMENTS:**

In order to complete water line improvements, acquisition of certain property is necessary. Standard procedures are being followed for the land acquisition. However, if the owner does not accept the appraised value as a result of these procedures, then the City can file an eminent domain proceeding to acquire the property. It is necessary to have a resolution adopted by the City Council stating that the property is necessary for public purposes prior to the eminent domain proceedings.

**RECOMMENDATION:**

That the City Council approve the proposed resolution and authorize the City staff to proceed with the eminent domain proceedings on the Dallas Water Supply Line No. 3 – Phase 2 and Midway Pump Station, Project No. U60512.

**I. REGULAR HEARINGS:**

- 14. Consideration of an Ordinance Amending Chapters 2, 10, and 15 of the Lewisville City Code; by Revising the Duties of the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board; Changing the Number of Members Comprising the Park Board and Transportation Board and the Standard for Their Removal; and Making Minor Changes to Other Sections as Noted; and Consideration of a Resolution Dissolving the Waters Ridge PID #1 Board.**

**ADMINISTRATIVE COMMENTS:**

Per direction received from the City Council during the May 19<sup>th</sup> City Council meeting, staff has prepared an ordinance amending the Park Board, Library Board, Community Development Block Grant Advisory Committee and Transportation Board duties. In addition, the proposed ordinance changes the number of members on the Park Board, changes the appointment process to the Transportation Board and changes the standard for removal from both boards to be at will. Other minor changes are included in the back up information provided. In addition, a resolution has been prepared dissolving the Waters Ridge PID #1 Board.

**RECOMMENDATION:**

That the City Council adopt the proposed ordinance and resolution.

- 15. Consideration of a Resolution Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors.**

**ADMINISTRATIVE COMMENTS:**

The City has received correspondence from the Denco Area 9-1-1 District advising of the expiring term of office on their District Board of Managers. The District is requesting submission of any nominations by July 15, 2008. This position is currently held by Harlan Jefferson, Flower Mound Town Manager, and he is willing to serve an additional term. A resolution has been prepared concurring with the nomination of Harlan Jefferson, Flower Mound Town Manager.

**RECOMMENDATION:**

That the City Council approve the resolution nominating one candidate to the Denco Area 9-1-1 District Board of Directors.

**16. Consideration of Designating a Voting Representative to the North Central Texas Council of Governments.**

**ADMINISTRATIVE COMMENTS:**

The City has received correspondence from the North Central Texas Council of Governments (NCTCOG) requesting certification of the City of Lewisville's voting representative. Under the Bylaws of the North Central Texas Council of Governments, each member government is entitled to one voting representative on the General Assembly. The voting representative must be an elected official from the governing body of the member government. This voting representative serves as a liaison between the local government and NCTCOG; receives publications and announcements from NCTCOG; and is eligible to vote on proposed Bylaws amendments and for candidates to serve on NCTCOG's Executive Board. A city or county official must be a designated voting representative in order to be considered for service on the Executive Board.

**RECOMMENDATION:**

That that the City Council designate a voting representative to the North Central Texas Council of Governments.

**17. 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. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**18. Consideration of Naming of New Park Located at Railroad Street and Bennett Lane.**

**ADMINISTRATIVE COMMENTS:**

The City Council discussed the naming of the new park located at Railroad Street and Bennett Lane at the earlier work session. Staff is requesting approval of a name for the park due to the fact construction is close to commencing.

**RECOMMENDATION:**

That the City Council proceed with naming the new park located at Railroad Street and Bennett Lane.

**J REPORTS:**

**K. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D,**

1. Section 551.072 (Real Estate): Property Acquisition
2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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