

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JULY 21, 2008**

**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. Western Day Event Marketing Plan
- B. Parade Management
- 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:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Councilman Ueckert
- C. **PROCLAMATION:** Declaring the Month of July, 2008 as the 25th Anniversary of the Lewisville Independent School District Special Olympics.
- D. **PRESENTATIONS:**
 - 1. Presentation of Plaques to Outgoing Members of the City's Boards/Commissions/Committees;

2. Certificate of Achievement to 9-1-1 Dispatcher Diana Fairchild for her Nomination as a “Silent Hero” by the Commission on State Emergency Communications.
- E. **Public Hearing - Continued: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Medical District (MD) on a 4.0 Acre Tract Located at the Northwest Corner of Highpoint Oaks Drive and Vista Ridge Mall Drive, And Further Identified as Part of Lot 1, Block A of the Highpoint Oaks Addition; As Requested by Churchill Residential, Inc., With Authorization of the Current Property Owner Highpoint Oaks, Ltd. (Case No. PZ20080408). This Hearing is Continued From the July 7 Meeting.**

ADMINISTRATIVE COMMENTS:

This hearing is continued from the July 7, 2008, meeting. The site is currently zoned Light Industrial and is part of a larger lot in the Highpoints Oaks Addition, an industrial park located at the southwest corner of SH 121 Business and Denton Tap Road. In Lewisville, in order for senior apartments to qualify under Medical District zoning the apartments have to have an age restriction allowing only senior citizens as well as provide a level of senior programs not typically found in standard garden apartments. Churchill Residential has a good reputation for building a quality retirement community including their facility on Garden Ridge Boulevard just south of Main Street, one of at least seven independent living, assisted living or nursing home facilities in Lewisville. Three of the existing senior housing projects are adjacent to Light Industrial zoning, but in each of these situations the senior apartments are at least on the outskirts of a residential neighborhood. Unlike the other senior projects, however, all of the land adjacent to or across the street from this proposed project is in an industrial park, giving this request the appearance of spot zoning. The Planning and Zoning Commission recommended approval of the request on a vote of 4-3 at their June 3, 2008, meeting.

RECOMMENDATION:

That the City Council deny the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Medical District (MD).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Sandy Jacobs, By Consensus, Inc.
Tony Sisk, Churchill Residential, Inc.

- F. **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.
- G. **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.
1. **APPROVAL OF MINUTES:** City Council Minutes of the July 7, 2008, Workshop Session and Regular Session.
 2. **Approval of a Bid Award for the Waterline Replacements 2006, Phase 2 Project to RKM Utility Services, Inc., Carrollton, Texas, in the Amount of \$762,112.45; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-seven (27) bid invitations were issued, and five (5) bids were received and opened on July 3, 2008. This project consists of reconstruction of water lines in the following streets: Abilene Drive, Applegate Drive, Beechwood Drive, Beechwood Court, Cherry Hill Lane and Cheyenne Road. Funding is available from Capital Improvements Projects.

RECOMMENDATION:

That the City Council approve a bid award for the Waterline Replacements 2006, Phase 2 project to RKM Utility Services, Inc., Carrollton, Texas, in the amount of \$762,112.45; and authorize the City Manager to execute the contract.

3. **Approval of Final Acceptance of the Westlake Park II Improvements Project; and Authorization to Make Final Payment to JRJ Paving, L.P., in the Amount of \$230,995.51.**

ADMINISTRATIVE COMMENTS:

On November 6, 2006, the City Council awarded a contract to JRJ Paving, L.P. in the amount of \$5,927,315.91 for the construction of the Westlake Park II Improvements project. The work has been completed in accordance with the contract documents, and it is now in order to formally accept the project and make final payment the amount of \$230,995.51 is available in the Westlake Park II Improvements Capital Project Fund. The warranty period is two years from the date of final acceptance by the City Council.

RECOMMENDATION:

That the City Council accept the Westlake Park II Improvements Project; and authorize final payment in the amount of \$230,995.51 to JRJ Paving, L.P.

- 4. Authorization to Solicit a Donation to the 2008 Lewisville Public Library Summer Reading Program.**

ADMINISTRATIVE COMMENTS:

In previous years, local businesses and organizations have donated reading incentive prizes to be earned by children and teens who participate in the Summer Reading Program. Request authorization per City Administrative Policies and Procedures; Administration, Donations: 1.7.2 to solicit a donation from Full House Smokehouse of 700 food coupons valued at \$4.99 each/\$3,493 total. Donations will be used as incentives to reward reading at designated levels.

RECOMMENDATION:

That the City Council authorize staff to solicit a donation for the 2008 Summer Reading Program

- 5. Approval for the Lewisville Fire Department to Apply for the Fiscal Year 2008 Emergency Operations Center (EOC) Grant Program in the Amount of \$244,030; and Authorization for the City Manager to Sign the Application and Any Further Documents Pertaining to the Grant.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Fire Department received information on a Department of Homeland Security grant offered specifically for EOC construction or renovation. The recommended grant application is \$244,030 for the renovation of the existing EOC located at Central Fire Station. There is a 25% match amount required. The match amount will be allowed through in-kind services.

RECOMMENDATION:

That the City Council approve the Lewisville Fire Department's application for the Fiscal Year 2008 Emergency Operations Center (EOC) Grant Program for \$244,030, and authorize the City Manager to sign the application and any further documents pertaining to the grant.

- 6. Approval of a Supplemental Budget Appropriation to the FY 2007/2008 Municipal Court Technology Fund in the Amount of \$71,800 From Municipal Court Technology Fund Balance for the Purchase of Technological Enhancements for the Court.**

ADMINISTRATIVE COMMENTS:

Municipal Court is requesting funding for the development and implementation of a courtroom workflow software system. This will allow the court to reduce reliance on paper documents and increase efficiency and service to the public. Other items also being requested included security cameras and related software, a digital projector and a PlateScan system (a license plate recognition software system) that will be used to search for outstanding municipal court warrants.

RECOMMENDATION:

That the City Council approve the supplemental budget appropriation in the amount of \$71,800.

- 7. Approval of a Resolution Consenting to the Appointment of Kelly Hart and Hallman, LLP, as New Bond Counsel for Castle Hills Public Improvement District and Waiving any Conflict of Interest so Long as it is Not Detrimental to the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

The Bright Farm Partnership is desirous of employing new legal counsel to represent it, as well as the Castle Hills Water Districts, the PID's and for the issuance of bonds. The legal relationship will remain the same as with previous counsel, whereby Glenn Opel of Vinson & Elkins will continue to review all bond issuances. The resolution provides that such representation will not adversely affect their representation of the City or disclosure of information detrimental to the City.

RECOMMENDATION:

That the City Council approve the resolution.

- 8. Approval of a Program Grant Agreement By and Between the City of Lewisville and E. Dean Ragsdale and Deborah K Ragsdale, Trustees of the Ragsdale Family Living Trust; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City has been working with the property owners in Southwest Lewisville for several years in an effort to develop a plan that would extend city utilities and infrastructure into the area to stimulate development. The area contains approximately 800 acres of land and is owned by a combination of 12 different owners. The City has executed Program Grant Agreements with all of the property owners in the area with the Ragsdale tract being the last remaining property on which right-of-way has not been secured. As such, the City has engaged in continued negotiations for this portion of the right-of-way, and having now reached an agreement, is presenting the Program Grant Agreement for the Council's consideration.

RECOMMENDATION:

That the City Council approve the Program Grant Agreement; and authorize the City Manager to execute the agreement

- 9. Acknowledgement of Receipt of Petitions to Establish Lewisville Castle Hills Public Improvement Districts Nos. 5 and 6; Approval of a Resolution Calling for a Public Hearing to Consider the Advisability of Proposed Improvements in Districts No. 5; Approval of a Resolution Calling for a Public Hearing to Consider the Advisability of Proposed Improvements in District No. 6; Acknowledgement of Receipt of a Petition and Approval of a Resolution for the Addition of Lands to Denton County Fresh Water District No. 1-H; and Approval of an Addendum to the 1996 Operating Agreement With Bright Partnership Adding Property to District 1-H**

ADMINISTRATIVE COMMENTS:

Castle Hills Property Company is requesting establishment of two additional Public Improvement Districts (PID), No. 5 and No. 6, in the Denton County Fresh Water Supply Districts (DCFWS) G and H respectively. These two districts are primarily commercial developments. Establishment of a PID requires a fairly lengthy process with the first two steps being the petition and public hearing request submitted for consideration. The purpose of the public hearing is to determine the advisability of the proposed improvements. In addition to the PID establishment, a petition is filed and a resolution is submitted adding land located at the northeast boundary of the Castle Hills Development to the Denton County Fresh Water District 1-H. At the July 7, 2008 City Council meeting, a five foot strip was annexed around the property so that all Castle Hills Property Company land is consolidated into the city's extra territorial jurisdiction. An addendum to the 1996 Operating Agreement adding this property to land included in the DCFWS is also submitted for approval.

RECOMMENDATION:

That the City Council approve the proposed resolutions and petitions; and authorize the Mayor to execute the Addendum to the 1996 Operating Agreement with Bright Partnership adding property to District 1-H.

H. REGULAR HEARINGS:

- 10. Tabled Item: Consideration of a Variance to the Lewisville City Code, Section 11-14(B), Prohibited Signs, Regarding an Electronic Message Center Sign to be Located at the CVS Pharmacy Located at 100 West Corporate Drive, as Requested by Kaliki Mendoza With Southwest Signs, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

CVS Pharmacy is requesting a variance to upgrade the existing free-standing sign by re-facing the upper sign of 62.4 sf., which is allowable according the ordinance, and replacing the lower informational sign with an electronic message board at a reduced size of 40 sf. The Lewisville City Code prohibits electronic message boards that display any message beyond the time, date and temperature. This item was tabled at the July 7, 2008 meeting. The City Council requested that Southwest Signs contact CVS Pharmacy to determine if one advertisement change every twenty-four (24) hours, similar to the agreement with Walgreens, is acceptable. In order to remain consistent with the ordinance, staff is recommending denial of this request.

RECOMMENDATION:

That the City Council deny the requested variance.

PRESENTATION: Cleve Joiner, Building Official
John Von, Southwest Signs

11. Consideration of Temporarily Suspending Enforcement Efforts Associated With the Timbercreek Erosion Target Area as Defined by the May 8, 2008 Halff Associates Study.

ADMINISTRATIVE COMMENTS:

The City of Lewisville has contracted with Halff Associates to prepare an Erosion Study along a specific target area of Timbercreek. The target area is defined as from just east of Edmonds Lane to Valley Parkway. Staff is recommending that the City Council consider temporarily suspending enforcement efforts associated with the Timbercreek Erosion Target Area until such time that final decisions are made regarding the study.

RECOMMENDATION:

That the City Council consider temporarily suspending enforcement efforts associated with the Timbercreek Erosion Target Area.

PRESENTATION: Cleve Joiner, Building Official

- 12. Acknowledgement of Receipt of the FY 2008-09 Proposed Budget; and Consideration of Public Hearings for the Budget and the Proposed Tax Rate.**

ADMINISTRATIVE COMMENTS:

The Proposed Budget for FY 2008/09 has been prepared and submitted in accordance with Section 9.02 of the City Charter. Workshop sessions are scheduled for August 16th at 8:30 a.m. and August 18, 19, and 20th at 6:00 p.m. if needed. All sessions will take place in the Community Room of the Municipal Annex. The City Council is required to set a time and place for the Public Hearing on the budget when submitted. The date must be at least 15 days after the budget is filed with the City Secretary and prior to the tax levy being set. Staff recommends setting the date for September 8th at a regularly scheduled Council meeting. If the proposed budget exceeds the lower of either the rollback or effective tax rate, a second public hearing is required. Staff recommends setting the date for this public hearing for September 15th at a regularly scheduled Council meeting.

RECOMMENDATION:

That the City Council acknowledge receipt of the FY 2008-09 Proposed Budget; and consider public hearings for the budget and proposed tax rate.

- 13. Tabled Item: Consideration of a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric for Proposed Overhead Service Located East of Holford's Prairie Road on a Segment of Future Corporate Drive Right-of-Way.**

ADMINISTRATIVE COMMENTS:

At the last Council meeting, this agenda item was tabled to allow time for the preparation of a survey to determine with certainty if the lines will be in the Lewisville city limits. The survey is not complete. Therefore, it is recommended that this item be tabled until the August 4, 2008 meeting.

RECOMMENDATION:

That the City Council table this issue until the August 4, 2008 meeting.

14. Tabled Item: Consideration of an Appointment to Place No. 7 on the Lewisville Parks and Library Development Corporation.

ADMINISTRATIVE COMMENTS:

This item was tabled at the July 7, 2008, City Council meeting. Due to the passing of Wayne Ferguson there is a vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation. The City Council will need to consider a new appointment to fill the vacancy in Place No. 7.

RECOMMENDATION:

That the City Council consider an appointment to fill the vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation.

I. REPORT:

1. Annual Health Plan Report

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

1. Section 551.072 (Real Estate): Property Acquisition

2. Section 551.074 (Personnel): Appointment to the Lewisville Parks and Library Development Corporation

3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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

L. 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(Economic Development).