

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
AUGUST 4, 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. DCTA Rail Station Review
- B. Police Facility Remodel
- 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:** Deputy Mayor Pro Tem Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Local Commercial (LC) to General Business (GB) on a 0.56 Acre Tract Located at 1342 South Business SH 121; Further Identified as Tract 30C of the W.M. King Survey, Abstract 697, as Requested by E.K. & J Arledge IV, Family LP, the Current Property Owner (Case No. PZ20080717).

ADMINISTRATIVE COMMENTS:

This request originally came before the Planning and Zoning Commission and City Council in 2005. The request was recommended for approval 7-0 by the Planning and Zoning Commission, but denied by the City Council 4-1. The applicant is now asking that the City reconsider the request to allow GB zoning on the lot currently zoned LC. The site is surrounded by tracts that are zoned Light Industrial or General Business. The requested zoning would be consistent with the surrounding area of Business S.H. 121, including the four adjacent lots that are also used car dealers. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their July 1, 2008, 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 Local Commercial (LC) to General Business (GB).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Steve Homeyer, Homeyer Engineering, Inc.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Public Use (PU) to Light Industrial (LI) on a 1.91 Acre Tract Located at 756 West Jones Street; Further Identified as Lot 1, Block A of the Denton County Addition, as Requested by DDM Construction Corporation on Behalf of Denton County, the Current Property Owner (Case No. PZ20080718).**

ADMINISTRATIVE COMMENTS:

The City of Lewisville acquired the property in the 1970's and used it for the Parks Department offices as well as the first senior center. Several years ago the City traded the property to Denton County in exchange for some county land adjacent to the water treatment plant on Jones at Cowan. Denton County is planning on selling the property to DDM Construction Corporation, but the Public Use zoning will not allow a non-public commercial use. The property is just west of the Lake Lewisville Townhome Addition but otherwise is adjacent to Light Industrial zoning on the remaining three sides. The prospective buyer plans to use the site primarily for an office, with some use of the accessory buildings, but any use will require compliance with Light Industrial zoning regulations. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their July 1, 2008, 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 Public Use (PU) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Steve Homeyer, Homeyer Engineering, Inc.

3. **Public Hearing: Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant (CDBG) 2008 Annual Action Plan; Authorization for the City Manager to Submit the Plan to the U.S. Department of Housing and Urban Development; and Approval of an Amendment to the 2007 Annual Action Plan Allocating an Additional \$40,000 to the First-Time Homebuyer Assistance Program.**

ADMINISTRATIVE COMMENTS:

An Annual Action Plan must be adopted by the City of Lewisville and submitted to the U.S. Dept. of Housing and Urban Development (HUD) as a requirement to receive Community Development Block Grant (CDBG) funds of \$569,895 in FY 2008-2009. The plan has been developed following priorities set by the 2007 Consolidated Plan and the 2005 Needs Assessment. The CDBG Advisory Committee reviewed renewal applications submitted by non-profit agencies and City Departments for projects that address HUD national objectives as well as local priority needs. Committee recommendations were approved by City Council on July 7, 2008 in the form of a draft budget for inclusion in the Plan. The Plan was made available for a 30 day Public Comment period and is now ready for a Public Hearing before adoption. The CDBG Advisory Committee recommended adoption of the plan at their July 15, 2008 meeting by a vote of 5 to 0. The Annual Action Plan must be submitted to HUD by August 15, 2008. The Plan and public notices also include an amendment authorizing an additional \$40,000 to be allocated to the First-time Homebuyer Program to complete the current 2007 Annual Action Plan year.

RECOMMENDATION:

That the City Council approve the resolution adopting the 2008 Community Development Block Grant Annual Action Plan; authorize the City Manager to submit the plan to the U.S. Department of Housing and Urban Development; and approve an amendment to the 2007 Annual Action Plan allocating an additional \$40,000 to the First-Time Homebuyer Assistance Program.

PRESENTATION: Jamey Kirby, Grants Coordinator

- 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 MINUTES:** City Council Minutes of the July 21, 2008, Workshop Session and Regular Session.

- 5. Approval of a Professional Services Agreement in the Amount of \$296,480 With Birkhoff, Hendricks and Conway for Professional Engineering Services for the Timber Creek Wastewater Pump Station Expansion Project.**

ADMINISTRATIVE COMMENTS:

Timber Creek Pump Station was originally constructed in 1973 and is an essential pump station that transfers wastewater flows to the Wastewater Treatment Plant. Revenue bond funding was allocated in May 2008 for the rehabilitation and expansion of Timber Creek Wastewater Pump Station to make needed repairs, modifications, and accommodate growth. Birkhoff, Hendricks, & Conway, Consulting Engineers has submitted a Professional Services Agreement (PSA) in the amount of \$236,860 for engineering services for the design and construction of the project; and allowance of \$59,620 for special services to be approved by the City, if needed, for a total project amount of \$296,480. The project includes construction of a new wet well and new pumps with variable frequency drives. Attached to the PSA is the Engineer's opinion of construction cost and proposal for the geotechnical study and construction materials testing. Funding is available in the Timber Creek Lift Station Capital Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Birkhoff, Hendricks and Conway in the amount of \$296,480 for professional engineering services for the Timber Creek Wastewater Pump Station Expansion Project.

- 6. Approval of a Supplemental Appropriation to the Hotel-Motel Fund in the Amount of \$34,425 From the Hotel-Motel Occupancy Tax Fund Balance in Support of North Texas Super Bowl XLV Host Committee.**

ADMINISTRATIVE COMMENTS:

The Lewisville Convention and Visitors Bureau was among the many North Texas bureaus and cities that assisted in the region's bid to host Super Bowl XLV. That bid was successful and the game will be played in 2011 at the new Dallas Cowboys stadium in Arlington. Bureaus and cities are being asked to provide financial support for marketing and logistics needs related to hosting the event. Based on the number of hotel rooms in Lewisville and the city's distance from the stadium, Lewisville CVB is being asked for a one-time contribution of \$34,425.

RECOMMENDATION:

That the City Council approve a supplemental appropriation to the Hotel-Motel Fund in the amount of \$34,425 from the Hotel-Motel Occupancy Tax Fund Balance in support of North Texas Super Bowl XLV Host Committee.

- 7. Acceptance of the 2008 Certified Tax Roll in Accordance With Section 26.04(b) of the State Property Tax Code.**

ADMINISTRATIVE COMMENTS:

The 2007 Roll is comprised of a total market value for all property, both exempt and non-exempt of \$7,170,286,205; an assessed value of \$6,867,441,692, which represents the total market value minus exempt properties such as church and governmental properties; and a total taxable value (excluding the over 65 and disabled freeze taxable amounts of \$150,432,444 and including protest values of \$308,557,505) of \$6,245,303,639, which is the total assessed value minus exemptions for over age 65, disabled veterans, freeport exemptions, etc. Included in these figures are values for the Lewisville TIF Zone Number 1. The 2001 taxable value for Lewisville TIF Zone Number 1 amounts to \$69,240,597. This figure, when subtracted from the 2007 TIF taxable value of \$154,633,728 and TIF protest value of \$3,103,312 represents the \$88,496,443 tax increment for the TIF in 2007. This increment is then subtracted from the \$6,245,303,639 Lewisville gross taxable value resulting in a net taxable value of \$6,156,807,196. New improvements included in the above figures total \$116,348,203. Because this roll does not include any value for properties subject to the freeze, our tax levy calculation will need to be adjusted for the taxes that will be received from these properties. This amount has been estimated by the Appraisal District to be \$597,495 after adjusting for a 98% collection rate.

RECOMMENDATION:

That the City Council accept the 2008 Certified Tax Roll in accordance with Section 26-04(b) of the State Property Tax Code.

- 8. Certification of the 2008 Anticipated Collection Rate for the Period of July 1, 2008 Through June 30, 2009, and Certification of Excess Debt Collection During the Period of July 1, 2007 Through June 30, 2008, as Required by the State Property Tax Code Section 26.04.**

ADMINISTRATIVE COMMENTS:

Pursuant to Section 26.04 of the Texas Property Tax Code, the anticipated collection rate has been certified for the period of July 1, 2008 through June 30, 2009 to be 98%. The purpose of this law is to permit a taxing unit to adjust the debt portion of its effective/rollback tax rate to account for anticipated delinquencies. The truth-in-taxation laws of Chapter 26 also require the Tax Assessor/Collector to compare the amount of debt tax dollars actually collected during the period from July 1, 2007 through June 30, 2008 with the amount of debt tax dollars that should have been collected according to the 2007 anticipated collection rate. If a taxing unit collects more debt tax dollars than anticipated, the collector certifies the excess amount to the governing body. The adjusted amount of debt tax dollars in 2007 was \$7,159,677; however, the actual debt collections during the same period were \$7,620,058. Therefore, the City staff has certified that \$460,381 is the full, true, and correct amount of excess debt collections. The above stated anticipated collection rate and the amount of excess debt collections were used in the calculation of the effective/rollback tax rate for 2008.

RECOMMENDATION:

That the City Council certify the 2008 anticipated collection rate as 98 percent for the period of July 1, 2008 through June 30, 2009, and certify excess debt collection as \$460,381 during the period of July 1, 2007 through June 30, 2008, as required by the State Property Tax Code Section 26.04.

- 9. Acceptance of the Report Identifying the Calculation of the 2008 Effective and Rollback Tax Rates; and Authorization to Publish Notices as Required by the Property Tax Code Section 26.04(e).**

ADMINISTRATIVE COMMENTS:

Section 26.04(e) of the Property Tax Code requires that the calculated effective tax rate and rollback tax rate be submitted to the Council and that a notice of calculated effective and rollback tax rates be published in the City's official newspaper. The calculated rates are as follows: 2008 Effective Tax Rate - \$0.42922, 2008 Effective Maintenance and Operation Rate - \$0.31219, 2008 Debt Rate - \$0.11865, and 2008 Rollback Rate - \$0.45581.

RECOMMENDATION:

That the City Council accept the report identifying the calculation of the 2008 effective and rollback tax rates and authorize the publication of notices as required by the Property Tax Code Section 26.04(e).

F. REGULAR HEARINGS:

10. Consideration of a Resolution Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District.

ADMINISTRATIVE COMMENTS:

On June 2, 2008, the City Council nominated Flower Mound Town Manager Harlan Jefferson to serve as a representative to the District Board of Managers for Denco Area 9-1-1. This year there are two candidates that have been nominated for this position; therefore, the Denco Area 9-1-1 District has requested that each participating city vote for one of the candidates and advised the district of its selection prior to 5 p.m. on September 15, 2008. The two candidates are Drew Bradley Corn and Harlan Jefferson.

RECOMMENDATION:

That the City Council approve the resolution appointing one member to the Board of Managers of the Denco Area 9-1-1 District.

11. Discussion and Consideration of Appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

ADMINISTRATIVE COMMENTS:

The terms for Place No. 2 and Place No. 5 on the Tax Increment Reinvestment Zone, Number One, Board of Directors have expired. In accordance with the ordinance that established this board, members are only allowed to serve for no more than three (3) consecutive two (2) year terms. Based on this stipulation, Larry Smith, Place No. 2 is no longer eligible for reappointment. Staff has contacted Naomi Wilson who currently occupies place No. 5. Due to personal reasons, Ms. Wilson has advised she will not be able to continue serving on this board. Place No. 2 does not have any requirements; however, Place No. 5 is required to be a TIRZ Property Owner. A roster of the board members has been prepared for City Council review.

RECOMMENDATION:

That the City Council consider appointments to the Tax Increment Reinvestment Zone, Number One, Board of Directors.

- 12. 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.

RECOMMENDATION:

That the City Council table this item indefinitely.

- 13. Consideration of a Resolution Nominating a Representative to the North Central Texas Council of Governments Regional Transportation Council.**

ADMINISTRATIVE COMMENTS:

The City currently holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The City appointee to this position is Councilman Durham who was appointed in June 2007 to fill the unexpired position when Mike Nowels resigned. The appointee is required to be an elected official who serves on the governing body they represent. Membership on the Regional Transportation Council is either by direct membership or group representation. Currently, the Cities of Lewisville, Highland Village, Corinth, Lake Dallas and the Colony and the Towns of Flower Mound and Little Elm share a seat on this council. The RTC's Bylaws and Operating Procedures state that "The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented."

RECOMMENDATION:

That the City Council approve a Resolution nominating a representative to the North Central Texas Council of Governments Regional Transportation Council.

14. Consideration of the Adoption of a Resolution Calling Certain General Obligation Bonds for Redemption.

ADMINISTRATIVE COMMENTS:

City staff has identified 1999 general obligation bonds that can be redeemed at the current time. Doing so will result in \$240,000 in additional principal and \$6,300 in additional interest being added to the debt service to be paid in FY 2008-09. Staff recommends redeeming the bonds which will allow this debt to be retired early, while also stabilizing the debt portion of the tax rate.

RECOMMENDATION:

That the City Council consider the adoption of a resolution calling certain general obligation bonds for redemption.

G. REPORTS:

H. 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

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).