

A G E N D A

LEWISVILLE CITY COUNCIL CALLED-SPECIAL MEETING SEPTEMBER 29, 2008

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

REGULAR SESSION – 6:00 P.M.

Call to Order and Announce a Quorum is Present.

REGULAR SESSION - 6:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Thornhill
- C. **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.
- D. **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 a Waiver of Amphitheatre Rental Fees for the Southern Denton County Neighbor to Neighbor Reception Being Held on October 16, 2008.**

ADMINISTRATIVE COMMENTS:

A Southern Denton County Neighbor to Neighbor reception is being held at the amphitheatre on October 16, 2008 from 5:30 p.m. to 10 p.m. Rental of the Amphitheatre is \$125 per hour (non-resident rate) with a three hour minimum, plus a \$300 deposit. They are requesting that the rental fee for this event be waived; however, they will be submitting payment for the \$300 deposit.

RECOMMENDATION:

That the City Council approve waiving the amphitheatre rental fees for the Southern Denton County Neighbor to Neighbor reception being held on October 16, 2008.

E. REGULAR HEARINGS:

2. Consideration of an Ordinance Adopting the FY 2008-2009 Operating Budget.

ADMINISTRATIVE COMMENTS:

The proposed operating budget for all funds has been prepared by staff and reviewed by the City Council. Approval of this ordinance adopts an operating budget for all funds beginning October 1, 2008 and ending September 30, 2009. Included in this year's ordinance is clarifying language regarding capital project funding. The City's practice has been to roll over the current appropriation balance in all capital projects as of September 30 to October 1. The ordinance formalizes this practice. A draft budget document is available for public review at the City Secretary's Office, the Library, and on the City website.

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2008-2009 Operating Budget.

3. Consideration of a Vote to Ratify the Property Tax Revenue Increase Reflected in the FY 2008-2009 Operating Budget.

ADMINISTRATIVE COMMENTS:

State law now requires that the adoption of a budget that will raise more revenue from property taxes than in the previous year also requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. The FY 2008-09 budget will raise more total property taxes than last year's budget by \$1,420,277 (includes General, TIF and Debt Service funds).

RECOMMENDATION:

That the City Council ratify the property tax revenue increase reflected in the 2008-2009 Operating Budget.

4. Consideration of an Ordinance Adopting the FY 2008-2009 Tax Rate.

ADMINISTRATIVE COMMENTS:

This action will adopt the City's annual ad valorem tax rate for all taxable property at \$0.44021 per \$100 of assessed valuation. The rate combines the following: Maintenance and Operations \$0.32156 and Principal and Interest on Debt \$0.11865 for a total tax rate of \$0.44021. While the proposed tax rate for FY 2008-2009 is less than the 2007-2008 tax rate of \$0.44050, the proposed tax rate exceeds the effective tax rate of \$0.42922. Therefore, specific language is required in the ordinance, the vote on this ordinance must be a record vote, and the motion to adopt the ordinance must be made in the following form: "I move that property taxes be increased by the adoption of a tax rate of \$0.44021 per \$100 of assessed valuation."

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2008-2009 tax rate with the following motion: "I move that property taxes be increased by adoption of a tax rate of \$0.44021 per \$100 of assessed valuation through approval of the proposed ordinance."

5. Consideration of an Amended Lease and Management Agreement With SCI Lewisville Hotel, LTD; Consideration of an Assignment and Assumption of Lease and Management Agreement and an Assignment and Assumption of Tax Abatement Agreement With SCI Lewisville Hotel, LTD and Apple Nine Hospitality Ownership, Inc.; and Consideration of an Allonge to Note With Apple Nine Hospitality Ownership, Inc.

ADMINISTRATIVE COMMENTS:

The City entered into a Lease and Management Agreement with SCI Lewisville Hotel, LTD on April 4, 2005 for the development and operation of the Lewisville Convention Center and the Hilton Garden Inn Hotel. The hotel and center are being purchased by Apple Nine Hospitality, a real estate investment trust (REIT) specializing in hotel acquisitions. The original agreement allows assignment of SCIs rights and obligations (including payment of a note in favor of the City) with the City's permission (not unreasonably withheld). Several clarifying amendments to the original lease have been made also.

RECOMMENDATION:

That the City Council approve the Amended Lease and Management Agreement with SCI Lewisville Hotel, LTD; approve the Assignment and Assumption of Lease and Management Agreement and the Assignment and Assumption of Tax Abatement Agreement with SCI Lewisville Hotel, LTD and Apple Nine Hospitality Ownership, Inc.; and approve the Allonge to Note with Apple Nine Hospitality Ownership, Inc.

F. **REPORTS:**

G. **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

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

I. **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>
