

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
APRIL 20, 2009**

**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. DCTA Rail Crossing Closures
- B. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Councilman Ueckert
- C. **PROCLAMATIONS:**
  - 1. Declaring the Week of April 26 – May 2, 2009, as “Denton County Crime Victims’ Rights Week”.
  - 2. Declaring the Week of April 27 – May 2, 2009 as “National Cleaning For a Reason Week.”
  - 3. Declaring the Week of April 17, 2009 – May 1, 2009, as “Clean Your Files Event.”

- D. **PUBLIC HEARING: Tabled Item: Consideration of Condemnation of the Structures Located at 339 East College Street, A1167A E. Sutton, Tract 19, Lewisville, Texas.**

**ADMINISTRATIVE COMMENTS:**

This item was tabled at the April 20, 2009, City Council meeting at the request of City staff to allow for additional publication in the City's paper of record. The Building Official has deemed the structures located at the property known by the legal description of 339 East College Street, A1167A E. Sutton, and Tract 19 as substandard. The owners of record are Jose and Maria Sanchez. The main structure is an older residential structure and recently had a two story addition constructed over it. The owners did not apply for permits and there are no architectural drawings or engineering of the addition. Staff has recently come to an agreement for possible resolution. After an on-site meeting held April 9, 2009, between staff and the Sanchez', the resident agreed to have all unsightly material removed from the property by April 20, 2009. In addition, they agreed to apply for appropriate building permits and begin demolition of the substandard structure by April 20, 2009. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structures are substandard.

**RECOMMENDATION:**

That the City Council table this item indefinitely.

**PRESENTATION: Cleve Joiner, Building Official**

- E. **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.
- F. **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 April 6, 2009, Workshop Session and Regular Session.**

- 2. Approval of a Resolution Suspending the May 5, 2009, Effective Date of Texas-New Mexico Power Company's ("TNMP's") Requested Supplemental Application to Change Rates to Permit the City Time to Study the Request and to Establish Reasonable Rates; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel.**

**ADMINISTRATIVE COMMENTS:**

Texas-New Mexico Power Company ("TNMP") filed an application on August 29, 2008, with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$8.7 million. In December, the Company requested an abatement of the case in order for them to update their filing to include costs associated with Hurricane Ike and to update their cost of debt request. On March 31, 2009, the Company filed a Supplemental Application and Statement of Intent to Change Rates. In the Supplemental Application, the Company requests a net increase of approximately \$18.2 million over current rates, or an 11.75% overall increase. Because the Company is seeking a larger rate increase in the Supplemental Application, they are required to file the case with all cities having original jurisdiction. The resolution suspends the May 5, 2009, effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with other cities served by TNMP, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

**RECOMMENDATION:**

That the City Council approve the resolution.

- 3. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, the Town of Flower Mound, the City of The Colony, the Town of Little Elm and the County of Denton to Jointly Submit a Grant Application to the United States Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager or his Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville is eligible to receive a grant award under the Justice Assistance Grant (JAG) program; however, the City is required to make a joint application with the County (the grant administrator) to receive part of the \$368,482, allocated for the region. The JAG program supports a broad range of police activities. The JAG program does not require a city match. The Lewisville Police Department proposes to use its share of \$97,448 for critical training and the purchase of various law enforcement equipment.

**RECOMMENDATION:**

That the City Council approve the interlocal agreement between the City of Lewisville, the City of Denton, the Town of Flower Mound, the City of The Colony, the Town of Little Elm and the County of Denton to jointly submit a grant application to the U.S. Department of Justice under the Justice Assistance Grant Program; and authorize the City Manager or his designee to execute the agreement.

- 4. Approval of Acceptance of the Texas Department of Transportation Grant Award in the Amount of \$5,029 for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$5,029 to the Fiscal Year 2008-2009 Grant Fund; and Authorization for the City Manager or his Designee to Execute the Grant Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Texas Department of Transportation is awarding the City of Lewisville \$5,029 in grant funds. The grant will enable the City to conduct an occupant protection and enforcement program during the Memorial Day holiday. The grant funds will pay the officers' salaries at their overtime rate and for their vehicle mileage.

**RECOMMENDATION:**

That the City Council approve the acceptance of the Texas Department of Transportation Grant Award in the amount of \$5,029 for the Seat Belt Enforcement Program; approval of a supplemental budget appropriation in the amount of \$5,029 to the Fiscal Year 2008-2009 grant fund; and authorize the City Manager or his designee to execute the grant agreement.

- 5. Approval to Extend the Collections Contract Between the City of Lewisville and McCreary, Veselka, Bragg and Allen, P.C., Hereinafter Styled, "MVBA" for Collection of Outstanding Fines, Fees, Court Costs, Forfeited Bonds, Restitution and Other Amounts in Accordance With Article 103.0031, Texas Code of Criminal Procedure.**

**ADMINISTRATIVE COMMENTS:**

Article 103.0031, Texas Code of Criminal Procedure provides that a municipality may enter into a contract for the collections of fines, fees, court costs, forfeited bonds, restitution and other amounts due and owing to the municipality as ordered by the municipal court. The initial term of the contract, executed March 18, 2008, will be extended for twelve (12) months with the option to extend up to one additional twelve-month period subject to the approval of MVBA and the City.

**RECOMMENDATION:**

That the council authorize the City Manager to execute the contract.

**G. REGULAR HEARINGS:**

- 6. Consideration of a Request for Two Variances to the Lewisville City Code - Chapter 9.5, Old Town Development Relating to a Proposed Engineering Site Plan for The Lewisville Center for the Creative Arts Located at 201 West Main Street.**

**ADMINISTRATIVE COMMENTS:**

The subject 2.256 acre property is the proposed site for the Lewisville Center for the Creative Arts and is owned by the City of Lewisville. An Old Town Development Plan for the Arts Center is being reviewed by staff and complies with the Old town Development Ordinance with the exception of two variances, a) to allow head-in parking within the right of way on an arterial street for a commercial use; and b) to allow 20-foot spacing between commercial driveways on adjacent properties along an arterial street. The property is zoned Public Use (PU) and is located within the Old Town Design District.

**RECOMMENDATION:**

That the City Council consider the request for two variances to the Lewisville City Code – Chapter 9.5, Old Town Development relating to a proposed engineering site plan for the Lewisville center for the Creative Arts located at 201 W. Main Street.

**PRESENTATION:** David Salmon, P.E., Assistant City Engineer

7. **Tabled Item: Consideration of a Three Party Escrow Agreement to Allow Simultaneous Construction of Public and Private Infrastructure Improvements Requested by Peregrine Development; and Authorization for the City Manager, or His Designee, to Execute the Escrow Agreement.**

**ADMINISTRATIVE COMMENTS:**

This item was tabled at the April 6, 2009 City Council meeting for staff to obtain additional information. Peregrine Development is in the process of developing the Arthur James Addition, a multi-use commercial project site. The project includes public infrastructure improvements to include water and sanitary sewer with an estimated value of \$215,619. Waterside Hospitality Inc. has purchased a 1.98 acre tract from the developer for a Candlewood Suites extended stay hotel and is anxious to begin site improvements in order to secure financing for the project. The Candlewood site is located at the northwest corner of the property with access to I-35 Frontage Road. Peregrine Development is responsible for construction of the offsite public water and sewer to the Candlewood site. The developer is seeking a variance to obtain engineering site plan approval, a building permit and simultaneous construction of public offsite and private onsite improvements including building construction. Since the last Council meeting the developer has stated that the variance is no longer needed.

**RECOMMENDATION:**

That the City Council table this item indefinitely.

**PRESENTATION:** David Salmon, P.E., Assistant City Engineer

**8. Consideration of Appointment of the Board of Directors of the Tax Increment Reinvestment Zone, Number Two and Appointment of a Chairperson.**

**ADMINISTRATIVE COMMENTS:**

On October 20, 2008, City Council approved an ordinance creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, pursuant to Chapter 311 of the Texas Tax Code, and created a Board of Directors for this Zone. The Board of Directors will have seven members, with Positions One through Five to be appointed by the City Council and Places 6 and 7 to be appointed by Denton County. The Board will be responsible for approving a final Project Plan, Financing Plan, Budget and other documents that it deems necessary. Data sheets of applicants interested in being appointed to this board have been included for City Council consideration.

**RECOMMENDATION:**

That the City Council appoint Tax Increment Reinvestment Zone, Number Two, Board members to Positions One through Five, and appoint a Chairperson for 2009.

**PRESENTATION:** Sarah McLain, Economic Development Specialist

- 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**

<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>
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