

A G E N D A

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

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

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Ueckert
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Gorena
- C. **PRESENTATION:** Plaques and Certificates to Outgoing Members of the City's Boards/Commissions/Committees.
- D. **PUBLIC HEARINGS:**
1. **Public Hearing:** Consideration of a Strategic Partnership Agreement Between the City of Lewisville and Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H; and Consideration of an Ordinance Adopting the Strategic Partnership Agreement.

ADMINISTRATIVE COMMENTS:

The Strategic Partnership Agreement provides for a limited annexation, by the City, for sales tax purposes, of designated tracts of land including commercially zoned properties as well as all public rights of way in the specified Districts. A map delineating these areas is included for consideration. Public rights of way are included in the limited annexation to achieve contiguity between all commercial tracts. The Agreement authorizes the imposition of a Sales and Use Tax within the annexed areas. Texas Local Government Code, section 43.0751, requires the governing bodies of the municipality and the specified Districts, to hold two public hearings regarding the limited annexation. The first public hearing was held on July 6, 2009 and this is the second required public hearing for this item. All the Districts have held the required public hearings and approved the agreements. The Texas State Comptroller's Office requires that an ordinance be submitted to their office authorizing the Strategic Partnership Agreement. The ordinance is submitted for consideration.

RECOMMENDATION:

That the City Council conduct the public hearing and approve the ordinance.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Townhouse Two (TH-2) to 3.65 Acres of Medical District (MD) and 2.50 Acres of Office District (OD) on a 6.15 Acre Tract Located at the Northeast Corner of Rockbrook Drive and Highland Drive; Further Identified as The Manors at Vista Ridge II Addition, in its Entirety; as Requested by Churchill Residential Inc., on Behalf of the Property Owners (Case No. PZ20090608).**

ADMINISTRATIVE COMMENTS:

Churchill Residential is proposing an independent living facility for seniors on the Medical District (MD) portion of the site. In order to qualify for MD zoning the apartments must have an age restriction allowing only senior citizens as well as provide a level of senior programs not typically found in standard garden apartments. The Office District zoning is a more restrictive zoning category allowing professional administrative offices, medical and dental offices, churches, schools and government uses. It does not allow outside storage. The site is contiguous to Rockbrook Elementary and Rockbrook Montessori Schools. Vista Ridge Estates, a single-family residential subdivision, is directly across the street, and The Hearthstone, an assisted living facility, is located diagonally across the intersection. The proposed uses would complement the existing uses in that area. The Planning and Zoning Commission voted in favor of this request (6-0) on June 2, 2009. The applicant has requested that the item be continued to the August 3rd meeting, allowing them time to work on their payment in lieu of taxes (PILOT) agreement, use restrictions for the State and tax credit application to TDHCA.

RECOMMENDATION:

That the City Council continue the public hearing to the August 3, 2009, City Council meeting as requested by the applicant.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Karl Crawley, Masterplan Consultants

- 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.
3. **APPROVAL OF MINUTES:** City Council Minutes of the July 6, 2009, Workshop Session and Regular Session.
 4. **Approval of 2009-10 Castle Hills Police and Fire/EMS Agreements.**

ADMINISTRATIVE COMMENTS:

The City currently contracts with Denton County Fresh Water Supply District No. 1-A, a conservation and reclamation district established under authority of Article XVI, Section 59 of the Texas Constitution, and Castle Hills Master Association, Inc. for Police, Fire, and EMS services. The agreements have been updated based on the prior four quarters experience and on the current funding levels. In the past, these agreements have renewed automatically, however, this year, minor changes to the agreements are recommended relating to the timing of billing and submittal of calls for service summary sheets, and in the methodology of the calculation.

RECOMMENDATION:

That the City Council approve the agreements.

- 5. Approval of a Professional Services Agreement With Halff Associates, Inc., in the Amount of \$59,000 for Design and Construction of the Holford's Prairie Road 30-Inch Parallel Sanitary Sewer; Approval of a Total Project Design Budget of \$60,770, Which Includes \$1,770 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Holford's Prairie Road 30-Inch Parallel Sanitary Sewer Project includes the construction of a new sanitary sewer gravity line to provide additional sanitary sewer capacity to serve the Midway Branch area in east Lewisville. Staff has negotiated a Professional Services Agreement with Halff Associates, Inc., for surveying and design services. The total fee for the identified services is \$59,000. Funding for the design is available in the Holford's Prairie Road Sanitary Sewer Utility Capital Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Halff Associates, Inc., in the amount of \$59,000 for services related to the Holford's Prairie Road 30-Inch Parallel Sanitary Sewer Project; approve a total project design budget of \$60,770, which includes \$1,770 for contingencies; and, authorize the City Manager to execute the agreement.

- 6. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2009-10; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In fiscal year 1997-98, the City entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. Services provided have been satisfactory. Two substantive changes have been added to the agreement for fiscal year 2009-10. First is a requirement that the County be supplied a copy of the delinquent tax attorney collection contract. The second change allows the county to deduct their fee from tax collections should the City become delinquent in paying its invoices. The contract also raises the rate per statement from \$0.73 to \$0.74. Money to cover this expenditure is proposed in the Finance Department General Fund 2009-10 budget.

RECOMMENDATION:

That the City Council approve the agreement for ad valorem tax billing and collection between the City of Lewisville and Denton County for fiscal year 2009-10; and authorize the City Manager to execute the agreement.

G. REGULAR HEARINGS:

- 7. Consideration of the FY 2009-10 Community Development Block Grant (CDBG) Draft Budget in the Amount of \$582,076; and Acknowledgement of Receipt of the Recommended FY 2009-10 City Social Service Agency Fund Budget of \$173,250 From the CDBG Advisory Committee.**

ADMINISTRATIVE COMMENTS:

The U.S. Department of Housing and Urban Development (HUD) has announced that \$582,076 is available for funding eligible Community Development Block Grant projects for FY 2009-10 (up from \$569,895 from FY 2008-09). The CDBG Advisory Committee, at their June 16, 2009 meeting voted 6-0 to adopt a proposed budget allocating a total of \$755,326 from the CDBG and City Social Service Agency programs, which includes \$173,250 for social service agencies from General Fund Reserves.

RECOMMENDATION:

That the City Council approve the FY 2009-10 Community Development Block Grant (CDBG) Draft Budget in the amount of \$582,076; and acknowledge receipt of the recommended FY 2009-10 City Social Service Agency Fund Budget of \$173,250 from the CDBG Advisory Committee.

PRESENTATION: Jamey Kirby, Grants Coordinator

- 8. Consideration of a Resolution to Execute a Local Participation Advanced Funding Agreement (LPAFA) With TxDOT to Install Video Detection and Communications at Ten Traffic Signals on FM 1171 (Main Street).**

ADMINISTRATIVE COMMENTS:

This is a CMAQ (Congestion Mitigation Air Quality) grant for \$249,090 awarded by the North Central Texas Council of Governments and managed by TxDOT. The project includes the installation of video detection cameras (VIVDS) and wireless communication equipment for ten traffic signals on FM 1171 (Main Street) from Garden Ridge Boulevard to the IH35E frontage roads. The City will be required to optimize traffic signal timing and provide a before/after study to NCTCOG at the end of the project. The project will be designed and managed in-house by staff. The project is 100% funded by federal and state funds.

RECOMMENDATION:

That the City Council approve a resolution and execute the LPAFA agreement as requested by TxDOT and move forward with the design and construction of VIVDS and wireless communications for the ten traffic signals on FM 1171 (Main Street).

- 9. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Charging Fees for Police Accident Reports.**

ADMINISTRATIVE COMMENTS:

Individuals and insurance companies are frequent customers of the Police Department's Records Section seeking to obtain a copy of an accident report. The department currently allows citizens to pick-up reports over the counter at no charge (a non-certified copy) or \$10 for a certified copy. A recent change in state law requires cities to charge a fee of \$6 for non-certified copies and \$8 for certified copies for police accident reports.

RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule by charging fees for police accident reports.

- 10. Consideration of an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee ("Steering Committee") and Atmos Energy Corp., Mid-Tex Division ("Company") Regarding the Company's Rate Review Mechanism Filing in all Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Adopting Tariffs that Reflect Rate Adjustments Consistent with the Negotiated Settlement and Finding the Rates to be Set by the Attached Tariffs to be Just and Reasonable; Approving Atmos' Proof of Revenues; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the Steering Committee's Legal Counsel; and Declaring an Emergency.**

ADMINISTRATIVE COMMENTS:

On March 6, 2009, Atmos filed with the City an application to increase natural gas rates by \$20.2 million. The City is a member of the Atmos Cities Steering Committee and has negotiated an increase of \$2.6M which will impact the average residential customer approximately \$0.15 per month.

RECOMMENDATION:

That the City Council approve the ordinance.

- 11. Acknowledgement of Receipt of the FY 2009-10 Proposed Budget; and Consideration of Public Hearings for the Budget and the Proposed Tax Rate.**

ADMINISTRATIVE COMMENTS:

The proposed budget for FY 2009-10 has been prepared and submitted in accordance with Section 9.02 of the City Charter. Workshop sessions are scheduled for August 8th at 8:30 a.m. and August 10, 11, and 12th 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 a 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 14th 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 21th at a regularly scheduled Council meeting.

RECOMMENDATION:

That the City Council acknowledge receipt of the FY 2009-10 Proposed Budget and consider public hearings for the budget and proposed tax rate.

- 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).