

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
AUGUST 3, 2009**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion Regarding Sustainable Materials Ordinance (Requested by Councilman Watts)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Watts
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PUBLIC HEARINGS:**
 - 1. **Continued 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:

This item was continued at the July 20th City Council meeting. 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.

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 Townhouse Two (TH-2) to Office District (OD) and Medical District (MD).

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

2. **Public Hearing: Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant (CDBG) 2009 Annual Action Plan; Authorization for the City Manager to Submit the Plan to the U.S. Department of Housing and Urban Development; and Consideration of Amendments to the 2008 Annual Action Plan Allocating an Additional \$40,000 to the Day Stay for Adults Facility and \$20,000 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 \$582,076 in FY 2009-2010. Committee recommendations were approved by City Council on July 20, 2009 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 its July 21, 2009 meeting by a vote of 4 to 0. The Annual Action Plan must be submitted to HUD by August 15, 2009. The Plan and public notices also include amendments authorizing an additional \$40,000 to be allocated to the Day Stay for Adults Facility Project for a fire safety system and \$20,000 to the First-time Homebuyer Program to complete the current 2008 Annual Action Plan year.

RECOMMENDATION:

That the City Council approve the resolution adopting the 2009 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 consider amendments to the 2008 Annual Action Plan allocating an additional \$40,000 to the Day Stay for Adults Facility and \$20,000 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.
3. **APPROVAL OF MINUTES:** City Council Minutes of the July 20, 2009, Workshop Session and Regular Session.

4. Approval of Revisions to Administrative Policy 2.12.2 – Holiday.

ADMINISTRATIVE COMMENTS:

The Texas Legislature recently passed House Bill 2113 which established September 11 as a holiday for all firefighters. This new law amends Section 142.0013 (c) of the Local Government Code and requires cities to provide firefighters the same number of vacation days and holidays, or days in lieu of vacation days or holidays, granted to other municipal employees, at least one of which shall be designated as September 11th. The law is effective September 1, 2009. The revised policy eliminates the current Labor Day holiday and substitutes the September 11th holiday for all sworn firefighters.

RECOMMENDATION:

That the City Council approve changes to Administrative Policy 2.12.2 –Holiday.

5. Approval of the Award of Third Party Administration Services for the Health Plan to CIGNA HealthCare in the Amount of \$418,808 for a One Year Period With an Option to Renew for Two Additional One Year Periods; and Approval of the Award to CIGNA for Individual and Aggregate Stop Loss Insurance in the Amount of \$511,955; and Authorization for the City Manager to Execute all Necessary Documents.

ADMINISTRATIVE COMMENTS:

The City sent out a Request for Proposals in May for Third Party Administration Services/PPO/Pharmacy and reinsurance for the partially self-insured Health Plan. Eight vendors, including all major carriers, submitted proposals. CIGNA submitted the best proposal for Third Party Administration, Preferred Provider Network (PPO) discounts, pharmacy service and Individual and Aggregate Stop Loss Insurance. The PPO discounts are a deciding factor in determining selection of the provider. Funding is available in the Health Fund.

RECOMMENDATION:

That the City Council award the Third Party Administration services and Stop Loss Insurance coverage contract to CIGNA HealthCare; and authorize the City Manager to execute all necessary documents.

- 6. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for Technological Initiative for Public Safety Projects; and Authorization for the City Manager or his Designee to Execute the Grant Application.**

ADMINISTRATIVE COMMENTS:

This grant application is to seek funding for various police programs and projects through the Texas Criminal Justice Division Justice Assistance Grant Program. The grant funding period is from October 1, 2009 to September 30, 2010. The total program cost is \$706,346. This application is to seek grant funding of \$700,593. Since this application is strictly for law enforcement related projects, the grant agency requires a match of \$5,753 for the radio console project since the console would be partly used to dispatch for the fire department. The match would be appropriated within the department budget should we get the funding.

RECOMMENDATION:

That the City Council approve the proposed resolution; and authorize the City Manager or his designee to execute the grant application.

- 7. Approval of a PILOT Agreement for Payment In Lieu Of Taxes for a Proposed Senior Independent Living Facility Located at the Northeast Corner of Rockbrook Drive and Highland Drive, as Submitted by Churchill Residential Inc.; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Churchill Residential plans on constructing an assisted living or independent living facility restricted to persons age 55 and older on a 3.48 acre tract listed on tonight's City Council agenda for zoning to Medical District. Because of the method being used for financing, the facility will be tax exempt. As they have on previous developments, Churchill has offered to make a Payment In Lieu Of Taxes, or PILOT Agreement. The PILOT Agreement proposes to make a payment to the City of Lewisville no later than January 31 each year equal to all of the city ad valorem taxes that would normally be due based on the appraised value of the property. This agreement is virtually the same as previously approved by the City when previously offered by Churchill Residential on other properties. The agreement continues in effect until payment is made for the year 2049. Anthony Sisk, principal of Churchill Residential, Inc., has notified staff that closing on the property will not happen until December 2009. Therefore, Churchill has agreed to withhold building permits until such time that the agreement can be executed by Churchill.

RECOMMENDATION:

That the City Council accept the PILOT Agreement offered by Churchill Residential, subject to approval of the proposed change in zoning that will allow the construction of the proposed senior housing project and; authorize the City Manager to execute the agreement; however, withhold building permits until the PILOT Agreement is fully executed by Churchill Residential, Inc.

F. REGULAR HEARINGS:

- 8. Consideration of a Variance to the Lewisville City Code, Chapter 6 – Land Use Regulations, Regarding Screening Walls for Edmonds Lane Bible Chapel Located at 1724 South Edmonds Lane, as Requested by the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject property is zoned Multi-Family, is platted and currently being used for a church. The owners are providing a new engineering site plan to facilitate the addition of a new 1560 sq. ft building which is to be used for classroom instruction. The church is requesting one variance: a) to waive the required screening wall. The applicant has spoken to the adjacent property owner, who has signed their letter indicating that they are in favor of the variance.

RECOMMENDATION:

That the City Council approve the requested variance to waive the required screening wall.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
George John, Pastor of Edmonds Lane Baptist Church

- 9. Consideration of an Interlocal Cooperation Agreement Between TxDOT and Five Cities to Obtain Reimbursement for the Operation and Maintenance of Traffic Signals; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

This is a renewal of an agreement approved by Council on March 1, 1999. TxDOT procedures require cities with greater than 50,000 population to maintain traffic signals on state highways within their incorporated City limits. The Interlocal Cooperation Agreement allows the City of Lewisville to assist TxDOT in maintaining state traffic signals in The Colony, Coppell, Corinth, Hickory Creek and Lake Dallas which are less than 50,000 population. TxDOT benefits from this agreement because the City of Lewisville can respond faster than TxDOT crews operating out of Mesquite, Texas. The City of Lewisville benefits from the agreement because annual reimbursements exceed operating costs for this activity. The proposed Interlocal Cooperation Agreement increases annual reimbursements from \$3,702.75 to \$4,195 per year for the 14 traffic signals listed in the agreement. A new reimbursement rate of \$5,120 per year is also included in the agreement for two traffic signals in Corinth on IH35E that require additional control equipment.

RECOMMENDATION:

That the City Council approve the Interlocal Cooperation Agreement with TxDOT and five member cities to operate and maintain 16 traffic signals; and authorize the City Manager to execute the agreement.

PRESENTATION: John Black, Traffic Engineer

- 10. Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving the Special Event Permit Fees for the Annual Masonic Lodge Race for the Children 5K Run.**

ADMINISTRATIVE COMMENTS:

The Lewisville Masonic Lodge No 201 is requesting City Council to waive permit fees in the amount of \$1,630.43 for the Annual Masonic Lodge Race for The Children 5K Run. The event will be held on Saturday, September 19, 2009. All requested City services are the same as last year's race. The fees were paid in full at the 2005 event and a variance to all special event fees for the event was granted in 2006, 2007 and 2008.

RECOMMENDATION:

That the City Council approve waiving the special event permit fees in the amount of \$1,630.43.

PRESENTATION: Tim Browning, Lewisville Masonic Lodge No. 201

- 11. Consideration of an Ordinance Approving a Settlement Agreement Between the TNMP Cities and Texas-New Mexico Power Company ("TNMP" or "Company") Regarding the Company's Statement of Intent to Change Electric Rates in all Cities Exercising Original Jurisdiction; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Settlement Agreement and Finding the Rates to be Set by the Attached Tariffs to be Just And Reasonable; Determining That This Ordinance was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; Repealing any Prior Ordinances Inconsistent With This Ordinance; Requiring Delivery of This Ordinance to the Company and Legal Counsel; and Declaring an Emergency.**

ADMINISTRATIVE COMMENTS:

The City, along with nine other cities served by Texas-New Mexico Power Company (“TNMP” or “Company”) is a member of a coalition referred to as TNMP Cities. Since June, TNMP Cities' members have worked with TNMP representatives to explore options to address TNMP's request to increase rates by \$24.4 million which includes \$18.2 million base rate increase plus \$1.1 associated with carrying charges on TNMP's stranded cost balance plus \$5.1 million related to Hurricane Ike costs. The Settlement Agreement will reduce the amount of increase as follows (48% reduction):

	Request	Amount	Settlement	Amount
Residential Base Rate (average)	31.31%	\$9.48	3.83%	\$1.10
Residential - Hurricane Ike 5 yr.		\$1.90		\$1.04
Commercial Base Rate (average)	93.92%	\$14.62	14.46%	\$1.91
Commercial - Hurricane Ike 5 yr.		\$1.95		\$0.87
Street Lighting Cost	88.43%		2.12%	

RECOMMENDATION:

That the City Council adopt the ordinance.

- 12. Second Reading: 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.**

ADMINISTRATIVE COMMENTS:

At the July 20, 2009, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

RECOMMENDATION:

That the City Attorney provide the second reading of the ordinance.

- 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>
