

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 7, 2010**

**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. Presentation by Denton County Transportation Authority on New Member Policy and Status of Rail Project
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Tierney
- C. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.
- D. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

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E. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) and Light Industrial (LI) to Public Use (PU) on a 77.98 Acre Tract Located on the West Side of Railroad Street, Approximately 2450 Feet North of Bennett Lane; Further Identified as Tracts 35, 36, 73 and 74 of the John W. King Survey, Abstract 695 and Tract 15 of the John H. Havens Survey, Abstract 541; as Requested by Denton County Transportation Authority (DCTA) and the Estate of Tilford Berry, the Property Owners (Case No. PZ20100508).**

ADMINISTRATIVE COMMENTS:

DCTA plans to convert this site into their maintenance facility. An engineering site plan is currently in review by staff. Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. The proposed zoning will better reflect the use of the property by a governmental agency and will be in keeping with the past zone changes of DCTA sites and those of other governmental facilities. The Planning and Zoning Commission recommended unanimous approval of the zoning request at their May 4, 2010 meeting,

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance, as set forth in the caption above.

PRESENTATION: Eric Ferris, Community Development Director
Tim Schmidt, Sr. Associate, Lockwood, Andrews & Newman, Inc.

- 2. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Light Industrial (LI) on 2.44 Acres, Three Tracts Located on the West Side of Holfords Prairie Road, Approximately 1,220 Feet South of Midway Road; Further Identified as S. Hayden Survey, Abstract 537, Tracts 27, 28, and 29, as Requested by the Van Tuyl Group on Behalf of the Property Owners, Milton Houser and G & H Storage (Case No. PZ20100509).**

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ADMINISTRATIVE COMMENTS:

The proposed zoning classification, Light Industrial (LI) is in keeping with the recommendations of the East Lewisville Plan and existing zoning in the surrounding area. The applicant would like to rezone in order to expand the existing auto auction facility that they plan to buy. A site plan and plat are being drawn up to combine these tracts and the other existing lots into one large lot. Other properties in this area are zoned Light Industrial (LI) and Agricultural Open Space (AO). The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their May 4, 2010, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance, as set forth in the caption above.

PRESENTATION: Eric Ferris, Community Development Director
Von Beougher, G&A Consultants, Inc.

- F. **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.
- G. **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 May 17, 2010, Workshop Session and Regular Session.
4. **Approval of a Resolution Approving the Terms and Conditions of an Agreement in Reinvestment Zone #31 and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Jafra Cosmetics International, Inc. for Property Located on a 8.867 Acre Tract of Land Know as Lot 1, Block A in the Majestic Addition; and Authorization for the City Manager to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

Cosmetics distribution company, Jafra Cosmetics International, Inc. (Jafra) has been working with staff since early March to establish a distribution center in Majestic Airport Center. The proposed agreement provides for 75% abatement of taxes for a period of 5 years on tenant improvements and business personal property owned by Jafra. These terms are the same as the original agreement on real property with DFW Lewisville Partners set forth in establishing Reinvestment Zone #31. Notice has been provided to the other taxing entities having jurisdiction in Lewisville as is required by statute.

RECOMMENDATION:

That the City Council approve the resolution; and authorize the City Manager to execute the contract as stated in the caption above.

- 5. Approval of a Bid Award for Sludge Handling and Dewatering Improvements to Crescent Constructors, Inc., Richardson, Texas, in the Amount of \$682,890 (Which Includes 3% for Contingencies); and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-three (23) bid invitations were downloaded from Bidsync.com. Five (5) bids were received and opened May 6, 2010. This project involves providing equipment and installation of a 2.0 Meter Belt Press, catwalk modifications, two new polymer systems, extension of the existing belt conveyor, a 250-gallon progressive cavity sludge pump and appurtenances, and associated electrical, instrumentation and control wiring at the Wastewater Treatment Plant. Funds are available from the Wastewater Treatment Plan Sludge Management Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for Sludge Handling and Dewatering Improvements as set forth in the caption above; and authorize the City Manager to execute the contract.

- 6. Approval of a Multimedia Franchise Interlocal Agreement With Denton County Freshwater Supply District 1-A; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

The 1996 Project Management Agreement between the City, Denton County Fresh Water Supply Districts (DCFWSOs) 1-A and 1-B and Bright Farm Partnership provides to the Districts the power to grant franchise agreements. The Strategic Partnership Agreement between the City and the DCFWSOs 1-A through 1-H requires that the Districts manage the delivery of cable services to Castle Hill residents in exchange for receipt of the franchise fees. The proposed agreement provides City support to the efforts of DCFWSO 1-A to collect and enforce franchise fees but clarifies that the City will pay no costs associated with these efforts.

RECOMMENDATION:

That the City Council approve the proposed agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

7. Approval of the FY 2009-2010 Mid-Year Budget Report.

ADMINISTRATIVE COMMENTS:

Staff completed an analysis of the financial position of all operating funds. Due to reduced actual collections so far this year in major revenue accounts such as sales tax collections, fines and forfeitures, hotel motel tax receipts, and interest earnings, reductions were made to the General, Hotel Motel, and 4B Fund revenue projections. However, increases in other revenue accounts such as property tax collections and building permits, as well as modifications in expenditures in these funds have also been made so that no supplemental appropriations will be required.

RECOMMENDATION:

That the City Council approve the FY 2009-2010 Mid-Year Budget Status report.

8. Approval of Acceptance of a Donation in the Amount of \$25,000 From the M.R. and Evelyn Hudson Foundation for the Purchase of an Upright Piano.

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ADMINISTRATIVE COMMENTS:

The M.R. Hudson Foundation invited the City to submit an application. The application focused on pianos needed for the arts center as well as monies for children's programming. A donation of \$25,000 was approved for the purchase of an upright piano that will be used in both the black box theatre and the multipurpose room.

RECOMMENDATION:

That the City Council approve the donation as set forth in the caption above.

- 9. Approval of a Contract Between the City of Lewisville and Sawko & Burroughs, L.L.P. for the Collection of Delinquent Taxes; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

On June 20, 2005 the City of Lewisville and the law firm of Sawko & Burroughs, L.L.P., entered into a contract for the collection of delinquent taxes. The contract was for the period of July 1, 2005 through June 30, 2008, and was renewed for an additional two-year term, which expires June 30, 2010. During the contract period, collections have been consistently strong. The proposed contract is identical in all essential terms to the 2005 contract, being for three years with an option to renew for two years. It should be noted that all attorney fees for collection are paid 100% by the delinquent taxpayer.

RECOMMENDATION:

That the City Council approve the contract with Sawko & Burroughs, L.L.P.; and authorize the City Manager to execute the contract.

- 10. Approval of Acceptance of a U.S. Department of Homeland Security Grant in the Amount of \$193,708.15; Approval of a Supplemental Budget Appropriation to the FY 2009/2010 Grant Fund in the Amount of \$193,708; and Authorization for the City Manager or his Designee to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

Under the Buffer Zone Protection Plan Program from the U.S. Department of Homeland Security, the City of Lewisville is eligible to receive a grant award of \$193,708.15. The award is to enhance security at the Lewisville Lake Dam against terrorist use of a weapon of mass destruction.

RECOMMENDATION:

That the City Council approve acceptance of the grant, the supplemental budget appropriation, and the execution of the agreement as set forth in the caption above.

- 11. Approval of Final Acceptance of the Kealy Avenue Parking Lot Project; and Authorization to Make Final Payment to L and S Asphalt Construction, Inc., in the Amount of \$12,845.20.**

ADMINISTRATIVE COMMENTS:

On November 2, 2009, the City Council awarded a contract to L and S Asphalt Construction, Inc. with a total budget amount of \$122,050 for the construction of the Kealy Avenue Parking Lot project. The actual construction cost of the project was \$119,488, resulting in a savings of \$2,562. The work has been completed in accordance with the contract documents and it is now in order to formally accept the project and make final payment. The final payment in the amount of \$12,845.20 is available in the Old Town Parking/Plaza/Pedestrian Improvements Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

RECOMMENDATION:

That the City Council accept the Kealy Avenue Parking Lot project as set forth in the caption above; and authorize final payment.

H. REGULAR HEARINGS:

- 12. Consideration of Three (3) Variance Requests for the Hebron 121 Station Engineering Site Plan, Zoned Mixed Use Ninety (MU-90), Bounded by Lakeside Circle to the North, S.H. 121 to the South, the Timber Creek to the West and the D.G.N.O. Railroad to the East.**

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ADMINISTRATIVE COMMENTS:

The Hebron 121 Station project is a proposed mixed use development with residential, retail, commercial and office component, located near the DCTA Hebron Station in the southern portion of Lewisville. The project is within the City's Tax Increment Reinvestment Zone #2. Phase I of the development consists of 234 residential units. The developer is requesting the following variances: (1) allow Palm trees as an approved tree for required landscaping on both public ROW and private property. The developer is escrowing funds for the trees in case they have to be replaced in the future and will support formation of a Public Improvement District (PID) for further maintenance; (2) use of brick pavers within the public right-of-way, medians and sidewalks with an agreement for maintenance of the pavers until a separate maintenance mechanism is put in place as part of the Tax Increment Reinvestment Zone or a PID; (3) allow a Completion and Payment Bond for Public Improvements in lieu of a cash escrow or Third Party Agreement.

RECOMMENDATION:

That the City Council approve the requested variances as set forth in the caption above.

PRESENTATION: Howard Porteus, Huffines Communities

- 13. Consideration of Seven Variances to the Lewisville City Code Section 6 – Land Development Regulations, Relating to Denton County Transportation Authority's Proposed Operation and Maintenance Facility, Zoned Public Use (PU) to be Located Along the D.G.N.O. Railroad Between Business S.H. 121 and Bennett Lane.**

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ADMINISTRATIVE COMMENTS:

Denton County Transportation Authority (DCTA) is proposing to construct an operations and maintenance facility in Lewisville for their rail transit services which are proposed to start at the end of this year. An engineering site plan has been reviewed by staff. DCTA is requesting, six permanent variances (A-F) and one temporary variance (G). The requested variances include: A) to reduce the number or required parking spaces; B) to allow a screening berm with trees in lieu of the required masonry wall; C) to pave over a City maintained waterline; D) requesting early grading and tree removal on the site prior to site plan approval; E) to allow a portion of an existing channel to remain earth lined; F) to allow less than the required 80% brick veneer; and G) to have a temporary operations and equipment facility while construction occurs for the permanent facilities for a period of up to 12 months from site plan approval.

RECOMMENDATION:

That the City Council approve requested variances A-F as listed in the caption above; and approve variance G for a period of 12 months from site plan approval.

PRESENTATION: Eric Ferris, Community Development Director
Steve Widacki, Sr. Engineer, Lockwood, Anders &
Newman, Inc.

14. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Articles I, III, and V, Relating to Various Fire Prevention Amendments.

ADMINISTRATIVE COMMENTS:

Staff has identified the need to amend the current requirements related to the fire prevention requirements contained in the General Development Ordinance (GDO). The amendment will correct contradictions with the adopted Fire Code and current practices in relation to fire hydrant spacing and minimum fire lane width, replace fire chief with fire marshal as the authority, remove requirements for color-coding water main size on fire hydrant, require that privately owned and maintained fire hydrants be painted white, remove the reflective blue dot street marker requirement, and reinstitute a provision for when an engineering site plan is required.

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RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

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

ADMINISTRATIVE COMMENTS:

Harlan Jefferson, Flower Mound Town Manager, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Jefferson's term expires on September 30, 2010 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by July 15, 2010. Mr. Jefferson has expressed his desire to serve another term, if appointed.

RECOMMENDATION:

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

16. Consideration of Appointment of General Growth Properties Representative for the Ad Hoc I-35 Corridor Plan Advisory Committee.

ADMINISTRATIVE COMMENTS:

On May 3, 2010, the City Council appointed members of an Ad Hoc I-35 Corridor Plan Advisory Committee. Leanne Lowry, General Manager of Vista Ridge Mall and Kevin Connell, Senior Director of Development for General Growth Properties had been recommended by City staff to serve on this committee to represent Vista Ridge Mall. Leanne Lowry was named by the City Council as the official representative; however, both nominees have expressed a desire that Mr. Connell serve as the official representative for General Growth Properties.

RECOMMENDATION:

That the City Council approve the appointment of Kevin Connell as the General Growth Properties Representative to the Ad Hoc I-35 Corridor Plan Advisory Committee.

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17. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.

ADMINISTRATIVE COMMENTS:

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

RECOMMENDATION:

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- J. **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
- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- L. **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>
