

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 21, 2010**

**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 Consent Agenda Items and Regular Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:**
Mayor Pro Tem Durham
- 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 MINUTES:** City Council Minutes of the June 7, 2010, Workshop Session and Regular Session.

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- 2. Approval of Final Acceptance of the Installation of a Traffic Signal Vehicle Detection System on SH 121 Business; and Authorization to Make Final Payment to Roadway Solutions, Inc., in the Amount of \$19,317.16.**

ADMINISTRATIVE COMMENTS:

The City Council awarded the Traffic Signal Vehicle Detection System on SH 121 Business to Roadway Solutions, Inc., on January 4, 2010 in the amount of \$193,465 with a total budget amount of \$199,269. The contractor has completed the work on time and within budget, in the amount of \$193,171.60. TxDOT performed a final inspection of the project and issued a final inspection letter on May 21, 2010 authorizing the release of the retainage in the amount of \$19,317.16. Funding is available in the Traffic Improvements 2009 Capital Project Accounts.

RECOMMENDATION:

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

- 3. Approval of Acceptance of the FY 2009-2010 Texas Criminal Justice Assistance Grant; and Approval of a Supplemental Budget Appropriation in the Amount of \$11,428 to the FY 2009-2010 Grant Fund.**

ADMINISTRATIVE COMMENTS:

The Lewisville Police Department was successful in receiving the Violence Against Women Act grant. The \$11,428 award was approved to purchase four high quality digital cameras and accessories. This grant does not require a cash match.

RECOMMENDATION:

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

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- 4. Approval of a Contract Between the City of Lewisville and the Texas Department of Transportation for the Collection of Outstanding Fines and Other Amounts Pursuant to Section 702.003 of the Texas Transportation Code by Allowing the County Tax Assessor-Collector to Deny the Renewal of Vehicle Registration; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

Section 702 of the Texas Transportation Code authorizes municipalities to enter into agreements with the Texas Department of Transportation (TxDOT) to deny registration of motor vehicles if the vehicle owner has failed to appear or failed to pay a fine on a complaint that involves the violation of a traffic law. The program works by placing a "flag" on vehicle registration and in order to remove a "flag" the owner must contact the court and pay the fine. The cost to the City will be \$23.00 per computer run (file submission) plus \$0.12 (twelve cents) for each transaction in the file. The TxDOT contract also requires payment be remitted either at the time each file is submitted or, as an alternative, through a non-interest bearing escrow account that the city must establish. There is an inherent delay in collecting fines and costs through this method simply because a vehicle owner only renews the registration annually. However, similar state programs designed to enforce court orders have been successful and staff anticipates this will provide an additional tool to assist collections of past due fines and court costs.

RECOMMENDATION:

That the City Council approve the contract and all items as set forth in the caption above.

- 5. Approval of an Economic Development Agreement Between the City of Lewisville and 229 Huffines Ltd; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

The owners of Huffines Plaza, 229 Huffines Ltd, have planned a renovation project for the 50,336 square foot shopping center located on the east side of I-35 between the SH 121 and Fox Avenue interchanges. This redevelopment project provides for façade renovations, signage improvements, pavement reconstruction and landscaping at a total investment of \$850,000 to be completed by September 2011. The proposed agreement provides an Economic Development Grant for the project.

RECOMMENDATION:

That the City Council approve the Economic Development Agreement and all items as set forth in the caption above.

- 6. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2010-11; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City in Fiscal Year 1997-98 entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. Services provided have been satisfactory. One substantive change has been added to the agreement for Fiscal Year 2010-11. There has been a surcharge for parcels outside Denton County for the last several years due to the software vendor charging for the conversion of those records. This year, the County has changed vendors and the new vendor does not charge for that conversion, therefore, no surcharge to the City will be assessed in the coming year. The contract rate per statement remains at \$0.74. Money to cover this expenditure is proposed in the Finance Department General Fund 2010-11 budget.

RECOMMENDATION:

That the City Council approve the agreement and all items as set forth in the caption above.

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- 7. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, 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 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 \$72,640, 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 \$23,606 for the purchase of PD security cameras, shelving units and a commercial grade refrigerator for property and evidence.

RECOMMENDATION:

That the City Council approve the interlocal agreement and all items as set forth in the caption above.

- 8. Approval of a Cooperation Agreement and Intent Memo With TVPUG Entertainment Allowing for the Teen Court Program to be Pitched to Television Networks.**

ADMINISTRATIVE COMMENTS:

TVPUG Entertainment plans to pitch a documentary series based on teen court cases to networks. Several Texas teen courts are being approached for participation. If a network agrees to produce the series, the City will receive various forms of income including 10% of the net profits commensurate with participation in the series, a location fee, reimbursement of all expenses and contributions to a scholarship fund. Collin County and Longview have already approved this same agreement and Odessa, Midland and Arlington are considering.

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RECOMMENDATION:

That the City Council approve the agreement and all items as set forth in the caption above.

- 9. Approval of a Resolution Approving the Fiscal Year 2011 Financial Plan of the Denco Area 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

At their May 13, 2010 meeting, the Denco Area 9-1-1 District Board of Managers unanimously approved the FY 2011 draft financial plan. Pursuant to Section 772.309 of the Texas Health and Safety Code, Denco Area 9-1-1 is required to provide a draft of its FY 2011 financial plan to all participating jurisdictions soliciting comments. Response is requested prior to the July 8, 2010, District Board of Manager's meeting where they will consider final approval of the 2011 financial plan and consider responses on the draft budget. The plan provides for expanded services at the same rate that Denco has collected from district residents since its inception in 1987.

RECOMMENDATION:

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

- 10. Approval of a Resolution Authorizing the City of Lewisville to Participate in a Voluntary Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative Program to Implement a Comprehensive Plan to Reduce Sanitary Sewer Overflows and Provide Exemption From TCEQ Enforcement Action on Overflows Affiliated With the Plan; Authorize the City to Enter Into an SSO Agreement With TCEQ; and Authorize the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

In January 2009, regional representatives from the Texas Commission on Environmental Quality (TCEQ) conducted a record review of the City of Lewisville to determine compliance with applicable laws and regulations pertaining to wastewater collection systems. At that time the TCEQ advised the City of the Sanitary Sewer Overflow (SSO) Initiative Program, a voluntary program available to qualifying cities, and recommended City participation. The SSO initiative allows cities to submit a comprehensive plan for collection system repairs and upgrades over an identified period of time that will reduce the potential for sanitary sewer overflows and exempt the City from TCEQ enforcement action on sanitary sewer overflows. The City of Lewisville submitted a proposed SSO Initiative Plan on October 13, 2009 and received notice of TCEQ acceptance into the program and the Agreement document on May 18, 2010. A resolution authorizing participation and execution of the agreement, effective June 2010 through December 2013, has been prepared.

RECOMMENDATION:

That the City Council approve the resolution and all items as set forth in the caption above.

- 11. Approval of a Resolution Authorizing the Filing of a Project Application With the North Central Texas Council of Governments for a Regional Solid Waste Grant to Provide Funding for Electronic Plan Review Software and Equipment; Authorizing the City Manager or his Designee to Act on Behalf of the City of Lewisville in all Matters Related to the Application; Pledging That if a Project is Received, the City of Lewisville Will Comply With the Project Requirements of the NCTCOG, the Texas Commission on Environmental Quality, and the State of Texas.**

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ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments (NCTCOG) is the State-designated planning agency for municipal solid waste in the Dallas/Fort Worth area, and is authorized to provide pass-through funding to conduct local and regional solid waste projects that are consistent with the Regional Solid Waste Management Plan. One of the categories of grant funding is recycling, which includes projects focused on waste reduction. The City's Environmental Programs Office has coordinated with the Building Official to seek grant funding in the amount of \$85,940 to cover the cost of software licensing, project management and installation services, training, and related equipment to convert the City's plan review to a paperless electronic review process. NCTCOG requires applicants to provide evidence of the City Council's support of the proposed project. The proposed resolution meets that requirement.

RECOMMENDATION:

That the City Council approve the resolution and all items as set forth in the caption above.

- 12. Approval of a Resolution Authorizing Intervention in Texas-New Mexico Power Company's Request for Approval of an Advanced Metering System Deployment Plan and Request for AMS Surcharges Filed at the Public Utility Commission of Texas; Approving Cooperation With Cities Served by Texas-New Mexico Power Company to Review the Application, Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; and Requiring Notice of This Resolution to Legal Counsel.**

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ADMINISTRATIVE COMMENTS:

On May 26, 2010, Texas-New Mexico Power Company ("TNMP" or "Company") filed an Application for Approval of its Deployment Plan and a Request for a Surcharge for an Advanced Metering System (AMS) ("Application"). The Public Utility Commission ("Commission") assigned the Application Docket No. 38306. TNMP will provide full deployment of advanced meters to approximately 240,000 customers over a four year period (2011-2015). The overall cost of the plan is \$158 million. The resolution authorizes intervention in the PUC proceeding, participation with other Cities Served by TNMP ("TNMP Cities") and the hiring of attorneys and consultants to evaluate TNMP's filing, determine whether the filing complies with law, and to determine what further strategy, including settlement, to pursue.

RECOMMENDATION:

That the City Council approve the resolution and all items as set forth in the caption above.

- 13. Approval of a Resolution Accepting the Memorandum of Agreement for Wholesale Treated Water Between Dallas Water Utilities and the City of Lewisville, a DWU Wholesale Treated Water Customer; and Authorization for the City Manager or his Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

A 1979 Memorandum of Agreement (MOA) settled a dispute between Dallas and its wholesale treated water customers regarding rate-setting methodology, and has served as the rate-setting process for the term of thirty (30) year agreement which expired in December 2009, but was extended one year to allow sufficient time for the review process. A committee of customer city representatives and Dallas Water Utilities (DWU) representatives developed a revised and updated agreement, and DWU and its wholesale treated water customers will govern the rate-setting methodology for the next thirty (30) years.

RECOMMENDATION:

That the City Council approve the resolution and all items as set forth in the caption above.

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- 14. Approval of the FY 2010-2011 Community Development Block Grant (CDBG) Budget in the Amount of \$769,849; and Acknowledge Receipt of the Recommended FY 2010-2011 City Social Service Agency Fund Budget of \$170,000 From the CDBG Advisory Committee.**

ADMINISTRATIVE COMMENTS:

The U.S. Department of Housing and Urban Development (HUD) has announced that \$635,106 is available for Lewisville's Community Development Block Grant program for FY 2010-2011 (a 9.1% increase). Additionally, \$134,743 of unspent funds from prior years is available for re-allocation in FY 2010-2011 for Category I (bricks and mortar) projects. These unspent funds largely represent the cancelled Sycamore Park restroom project, fund balances from street improvement projects, and remaining un-programmed/contingency funds. The CDBG Advisory Committee evaluated proposals and prepared a Draft Budget. The Draft Budget is a step in preparing an Annual Action Plan to submit to HUD for receipt of CDBG entitlement funding. The CDBG Advisory Committee is also recommending allocations from the City Social Service Agency Fund in the amount of \$170,000. All Category II (social service) agencies submitted applications for a one-year funding cycle; three-year funding cycles can be resumed after a new Community Needs Assessment is completed. The CDBG Advisory Committee, at their May 18, 2010 meeting, voted 5-0 to adopt a proposed budget allocating a total of \$939,849 from the CDBG and City Fund programs.

RECOMMENDATION:

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

E. REGULAR HEARINGS:

- 15. Tabled Item: Consideration of a Variance to the Lewisville City Code, Article V, Special Events for the Parker House Located at 2301 North Stemmons Freeway, as Requested by Marc East of DFW Fright Nights.**

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ADMINISTRATIVE COMMENTS:

This item was tabled at the April 19, 2010 City Council meeting to allow staff time to provide additional information. Marc East, owner of DFW Fright Nights, claiming a hardship, is requesting that the Parker House (Haunted House) located at 2301 North Stemmons Freeway remain on site as constructed with all equipment associated with the event. Mr. East is also requesting that the event take place from September 24, 2010 through October 31, 2010. After the event is over, Mr. East will return the property to the original condition prior to the setting up of the event, by December 1, 2010. Mr. East further agrees to add an additional 60 feet of 8-foot solid wood fence on the northwest side of the property to screen the event from the adjacent neighborhood.

RECOMMENDATION:

That the City Council consider the requests to allow the event to be held from September 24, 2010 through October 31, 2010 and to allow the event materials and equipment to remain on the property until December 1, 2010.

PRESENTATION: Cleve Joiner, Building Official

- 16. Consideration of a Variance to the Lewisville City Code, Section 7-486 Seasonal/Temporary Sales; Expiration – 120 Days Between Permits for a Single Location to Allow 365 Continuous Days, as Requested by Michael Rhoades of Texas Chips and Cracks, LLC**

ADMINISTRATIVE COMMENTS:

Texas Chips and Cracks, a windshield repair service, has been in operation at the Vista Ridge Mall in the parking lot area between Sears and JC Penney for two months under the City's Seasonal/Temporary Permitting. Due to the success of this location, the owner of Texas Chips and Cracks is requesting that a variance to the City Code be allowed for a one-year period. Vista Ridge Mall Manager Leanne Lowry has contacted staff in support of this request.

RECOMMENDATION:

That the City Council consider the variance request.

PRESENTATION: Cleve Joiner, Building Official

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- 17. Consideration of a Variance to the Lewisville City Code for a Temporary On-Premise Leasing Office to be Located at The Evergreen at Lewisville Development Located at 455 Highland Drive, Requested by Churchill Residential Inc., as Represented by J. Anthony Sisk, Development Manager**

ADMINISTRATIVE COMMENTS:

Churchill Residential Inc., is currently constructing a multi-family project for senior citizens called Evergreen at Vista Ridge located at 455 Highland Drive. The applicant is requesting a variance to place a temporary leasing office on their site for the purpose of pre-leasing units to senior citizens before the project is completed. The City of Lewisville building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type.

RECOMMENDATION:

That the City Council approve the variance request provided that the temporary sales office be removed when a Certificate of Occupancy is issued for the multi-family project.

PRESENTATION: J. Anthony Sisk, Churchill Residential, Inc.

- 18. Consideration of Two Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 54, When An Old Town Development Plan is Required for the Property Located at 325 North Mill Street, as Requested by Porter Tire Company and Represented by Bill Ridinger, Owner.**

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ADMINISTRATIVE COMMENTS:

Porter Tire Company is requesting two variances to the Lewisville City Code. The requested variances are to: a) to waive the \$350 variance filing fee; and, b) to waive the Old Town Development Plan requirement for the property located at 325 North Mill Street. Porter Tire Company is requesting that the existing crushed concrete parking lot be allowed to remain for an additional 3 years. The lot is approximately 9,000 s.f. The owners have indicated that being allowed to use this lot for temporary parking will allow them time to make plans for permanent facilities. Porter Tire has indicated that the lot can be utilized for parking purposes during Old Town special events.

RECOMMENDATION:

That the City Council consider waiving the \$350 variance filing fee and consider the request to allow the crushed concrete parking lot to remain for a 3 year period.

PRESENTATION: Eric Ferris, Director of Community Development
Bill Ridinger, Porter Tire Company

- 19. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-36, Maximum Speed Limits Near Schools; Establishing New Times of Operation for Certain School Speed Zones; and Establishing New School Speed Zones on Country Ridge Road, McCartt Drive and Southwest Parkway.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District has revised the operational hours of all the schools throughout the district. As a result, some of the school speed zones will need to be adjusted to reflect these changes. Additionally, LISD will be opening a new elementary school campus on Country Ridge Road this fall. The new campus will generate pedestrian traffic and will require new school zones to be established. The Transportation Board considered these items separately at their April 20, 2010 meeting and voted (5) to (0) with one abstention to recommend approval of the adjustment of the school zone hours and voted unanimously (6) to (0) to recommend approval of the school zones for the new elementary school on Country Ridge Road.

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RECOMMENDATION:

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

20. 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. City Council identified interview teams at the June 7, 2010 meeting and now needs to consider the appointments.

RECOMMENDATION:

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

- F. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- G. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition
 2. Section 551.074 (Personnel Matters): Discussion of Replacement of City Attorney
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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

- I. **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).