

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JULY 19, 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. Discussion of Unfunded Super Bowl and Arts Center Events
- B. 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:** Texas Comptroller of Public Accounts Gold Leadership Circle Award for "Texas Transparency"
- D. **PUBLIC HEARING:** Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant (CDBG) 2010 Annual Action Plan; and Authorization for the City Manager to Submit the Plan to the U.S. Department of Housing and Urban Development.

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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 \$635,106 in FY 2010-2011. The plan has been developed following priorities set by the 2007 Consolidated Plan and the 2005 Needs Assessment. The CDBG Advisory Committee reviewed applications submitted by non-profit agencies and City Departments for projects that address HUD national objectives as well as local priority needs. Committee recommendations were approved by City Council on June 21, 2010 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 consideration. The Annual Action Plan must be submitted to HUD by August 15, 2010. The CDBG Advisory Committee recommended adoption of the plan at its June 15, 2010 meeting by a vote of 5-0.

RECOMMENDATION:

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

PRESENTATION: Jamey Kirby, Grants Coordinator

- 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.

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- 1. Acceptance of a Donation of Used Railroad Equipment With a Value in Excess of \$30,000 From Denton County Transit Authority, North Texas Rail Group, and Trinity Rail Express; and Approval of a Resolution Presented to the Denton County Transportation Authority, North Texas Rail Group and Trinity Rail Express in Appreciation of the Donation of Used Railroad Equipment for Railroad Park.**

ADMINISTRATIVE COMMENTS:

Railroad Park was designed with a railroad theme. The theme embodies the deep tradition of the rail service, which is emphasized in the concession structures that parallel the original Katy depots. Boxcars have been placed near the main entrance and football pavilion to remind guests of the railroad heritage. The equipment being donated has become available as improvements are made to the rail along the DCTA route. The donated items including cross bucks, crossing lift arms, signal lights and miscellaneous signage will be used to enhance the railroad theme at Railroad Park.

RECOMMENDATION:

That the City Council accept the donation of railroad equipment; and approve the resolution.

G. REGULAR HEARINGS:

- 2. Consideration of a Variance to the Lewisville City Code, Section 107, Temporary Structures and Uses, Regarding Two Temporary Buildings for Shower and Locker Room Use to be Located at the Lewisville High School South Campus Located at 1250 West FM 3040, as Requested by Von Beougher of G&A Consultants, Representing the Lewisville Independent School District.**

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ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) desires to locate two (2) temporary shower and locker rooms for the tennis courts at the new High School South. The City of Lewisville Building Code does not allow portable or temporary buildings, other than classrooms, to be placed in the City on LISD property. LISD wishes to use the tennis courts prior to the school opening. The buildings are self-contained climate controlled buildings and will be removed, once the school building is completed, by June 1, 2011.

RECOMMENDATION:

That the City Council approve the requested variance as set forth in the caption above, provided that the buildings are removed by June 1, 2011.

PRESENTATION: Cleve Joiner, Building Official
Von Beougher, G&A Consultants, Inc.

- 3. Consideration of Three Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, for a Proposed Development Associated With Lewisville High School, Located at 1098 West Main Street, as Requested by Michael Glenn of Glenn Engineering, Inc., Representing the Owner.**

ADMINISTRATIVE COMMENTS:

At the March 2, 2010 Joint City Council/LISD School Board meeting, City Council approved the deferral of the implementation of the engineering site plan that was approved on December 7, 2009, until the July 19, 2010 City Council meeting. The Lewisville Independent School District is proposing to demolish the older existing portion of Lewisville High School and construct a new three-story building. An engineering site plan has been submitted for City staff to review, which contains three (3) variances that have been approved on a past site plan. The following three (3) remaining variances up for consideration are: a) to waive current landscape requirements in favor of an alternative landscaping plan; b) to waive the current screening wall requirements along certain portions of the property; and c) to allow a reduced number of required parking spaces for the stadium.

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RECOMMENDATION:

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

PRESENTATION: Eric Ferris, Director of Community Development

- 4. Consideration of a Request for Three Variances to the Lewisville City Code, Section 6-54, Sec 107 Temporary Structures and Uses, Section 6-103, Access Management Policy and Section 6-144 Screening Wall, Regarding an Engineering Site Plan for Two Temporary Buildings for Classroom Use to be Located at 1165 Round Grove Road, as Requested by Kyle Hogue of G&A Consultants, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

Parkway Bible Church desires to locate two (2) temporary classrooms on the existing church property located at 1165 Round Grove Road. An engineering site plan has been submitted and is currently under review by Staff. The additional square footage triggers an engineering site plan and additional General Development Ordinance requirements. The City of Lewisville building code does not allow portable buildings to be placed in the City for purposes of this type other than on LISD property. The Church is requesting three variances: a) to place the temporary classrooms for a period of 8 to 10 years; b) to waive the required deceleration lane and associated right of way dedication and, c) to waive the screening wall requirement.

RECOMMENDATION:

That the City Council consider the request for variances provided that the temporary classrooms be removed in 10 years or until such time prior should the church build a new building or addition.

PRESENTATION: Cleve Joiner, Building Official
Kyle Hogue, G&A Consultants, Inc.

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- 5. Consideration of an Ordinance Amending Ordinance No. 2747-12-2001 Eliminating Term Limits for TIRZ Number One Board Members.**

ADMINISTRATIVE COMMENTS:

The TIRZ Number One Board meets on an annual basis and its members serve two year terms. Currently, the members can only serve a maximum of three (3) consecutive two (2) year terms. In order to promote continuity of leadership for the Board and projects funded by the TIRZ Number One that may outlast the current term limitation, the elimination of term limits for Board members is recommended. The proposed ordinance removes term limitations for TIRZ Number One, which is in keeping with the board structure of the City's second TIRZ.

RECOMMENDATION:

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

- 6. Consideration of Conveyance of Certain Property and Acceptance of Deed of Certain Property, Declaration of Easements and Covenants and Related Matters Necessary to Effectuate the Hebron 121 Station Development Agreement Dated October 5, 2009; Consideration of a Resolution Approving the Conveyance and Acceptance of Certain Properties; and Authorization for the City Manager to Execute all Necessary Documents Related Thereto.**

ADMINISTRATIVE COMMENTS:

As part of the creation of TIRZ #2, the approved Project Plan and the Development Agreement for Hebron/121 Station project, certain properties were designated to be exchanged between the City and Riverside DPH, L.P. (Huffines Communities). Riverside DPH is ready to complete this exchange in order to start the construction. The City will receive 112.5 acres and will convey 22.6 acres to Riverside as shown on the attached exhibits. Since much development is anticipated after the exchange of the properties, including extensive, water, sanitary sewer, storm drainage improvements and floodplain reclamation to fully develop the site, the City and Riverside have agreed to a Declaration of Easements and Covenants in order to allow the improvements to take place on their respective properties.

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RECOMMENDATION:

That the City Council approve the conveyance and acceptance of certain properties and all related items as set forth in the caption above.

- 7. Consideration of a Sign Relocation Agreement and Lease Agreements With Santa Fe Realty Incorporated to Relocate Two Signs Within the Proposed Right-of-Way of I-35; and Authorization for the City Manager to Execute all Necessary Documents Related Thereto.**

ADMINISTRATIVE COMMENTS:

Santa Fe Realty, Inc., owned two existing signs adjacent to the current right-of-way of I-35. These signs are projected to be within the future right-of-way of I-35 and thus subject to relocation. Staff has been working with Santa Fe Realty, Inc., to allow the removal and relocation of the two existing signs in accordance with a Relocation Agreement and Lease Agreements to utilize advertising on the subject signs.

RECOMMENDATION:

That the City Council approve the Sign Relocation Agreement and all related items as set forth in the caption above.

- 8. Consideration of Direction to Staff Related to Proposed Placement and Installation of “Slicker Shy” Statue at City Hall; Consideration of Approval of a Revised Sculpture Consignment and Agreement With Sculpture Works, Inc.; and Authorization for the City Manager to Execute all Necessary Documents Related Thereto.**

ADMINISTRATIVE COMMENTS:

In February 2009, a consignment agreement was reached with Sculpture Works to display an original bronze sculpture by artist Herb Mignery. Original plans for placement and installation were deemed unsuitable, so the statue has remained at the Kealy Operations Center while other options were considered. At this time, Old Town Business Association has solicited donations toward the installation and is asking the City to move forward with the project at City Hall. Staff is seeking direction from Council on this project.

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RECOMMENDATION:

That the City Council provide direction to staff related to the placement and installation of “Slicker Shy”; approve a revised sculpture consignment and agreement; and authorize the City Manager to execute all necessary documents related thereto.

PRESENTATION: Amanda Ferguson, Old Town Business Association

- 9. Acknowledgement of Receipt of the FY 2010-11 Proposed Budget; and Consideration of Public Hearings for the Budget and the Proposed Tax Rate.**

ADMINISTRATIVE COMMENTS:

The Proposed Budget for FY 2010-11 has been prepared and submitted in accordance with Section 9.02 of the City Charter. A workshop session is scheduled for August 7th at 8:30 a.m. The workshop 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 August 23rd at a special called City 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 13th at a regularly scheduled Council meeting.

RECOMMENDATION:

That the City Council acknowledge receipt of the FY 2010-11 proposed budget and consider public hearings for the budget and proposed tax rate.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Health Plan Update

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- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.072 (Real Estate): Property Acquisition
 - 2. Section 551.074 (Personnel): Appointment of City Attorney
 - 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- J. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- K. **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).