

LEWISVILLE CITY COUNCIL

REGULAR SESSION

APRIL 2, 2007

Present:

Gene Carey, Mayor

Council Members:

Greg Tierney
David Thornhill
Mike Nowels
Rudy Durham, Mayor Pro Tem

Absent:

Dean Ueckert, Deputy Mayor Pro Tem

City Staff:

Claude King, City Manager
Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 6:00 p.m. on Monday, April 2, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance including the following staff members: Assistant Police Chief Jerry Galler, Division Chief Scott Thompson, Assistant Fire Chief Tim Tittle, Assistant City Attorney Liz Plaster, and Management Project Coordinator Jason Kirkland. Library Manager Ann Loggins was present for Parks and Leisure Services Director Robert Monaghan.

Highway Incident Management

(Agenda Item A)

City Manager King advised that this presentation was for informational purposes only so that the City Council could understand what the Public Safety Departments deal with, especially on Interstate 35. Assistant Police Chief Jerry Galler and Division Chief Scott Thompson presented a PowerPoint Presentation regarding Highway Incident Management.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

Mayor Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C, Proclamations: (1) Declaring the Month of April, 2007, as "Child Abuse Prevention Month" and the Year 2007 as, "The Year of CASA"; (2) Declaring the Month of April, 2007, as "Fair Housing Month" and, (3) Declaring April 2-20, 2007, as "Clean Your Files Month". There was no discussion on these items.

Mayor Carey reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 1.70 Acre Tract Located at the Southeast Corner of Texas Street and McDonnell Street and Further Identified as Lot 1, Block A, Owen Family Addition; as Requested by Assistant Chief Tim Tittle on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070305). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 3.0 Acre Tract Located on the North Side of Windhaven Parkway, West of Trinity Drive and Further Identified as Lot 5, Block B, Austin Ranch West Addition; as Requested is Being Made by Jeffery Kelly, City Project Engineer on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070306). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Multi-Family Two (MF-2) to Light Industrial (LI) on an 8.44 Acre Tract Located on the North Side of S.H. 121, West of Lake Vista Drive and Further Identified as Part of Lot 1, Block H, Vista Ridge Addition; as Requested by Demian Salmon, Vice President of General Partner with Authorization from Jackson Shaw/Vista Point East Limited Partnership, the Current Property Owner (Case No. PZ20070307). There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-4, Public Hearing: Consideration of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review as Prepared by Birkhoff, Hendricks, and Conway, Consulting Engineers, Dallas, Texas; Approval of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review; and Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2,

Article VIII, Fees, Section 2-201, and Chapter 16, Article IV, Water and Sewer Extension, Section 16-207, Concerning Capital Recovery Fees for Water and Wastewater Utilities. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-5, Public Hearing: Consideration of the Advisability of Improvements in the Proposed Castle Hills Public Improvement District (PID) #4. City Manager King reviewed this item with the City Council and explained the involvement of the legislature. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Approval of Minutes: City Council Minutes of the March 19, 2007, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-7, Approval of a Bid Award for the Purchase of Sixty Rifles (With a Trade-in Allowance of \$6,400 for 32 Ruger Rifles) to Kiesler Police Supply in the Amount of \$42,050. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Approval of a Bid Award to Furnish and Install an Iron Fence at Austin Kent Ellis Park and Iris Lane Park to Construction Rent-A-Fence, Inc., Thrall, Texas, in the Amount of \$35,849; and Authorization for the City Manager to Execute the Contract.. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Approval of a Bid Award for an Annual Requirements Contract for the Repair of Screening Walls to Ratliff Hardscape, LTD., Lewisville, Texas, for an Estimated Amount of \$182,228. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Approval of Construction Manager at Risk Contracts With The Ridgemont Company, Irving, Texas, for the Construction of the Jail, on the Following Terms: (i) Phase 1 Pre-Construction Services in the Amount of \$2,500; (ii) Phase 2 Construction Management Services in the Amount of \$135,000; (iii) General Conditions in an Amount Not-to-Exceed \$234,601; and (iv) With the Cost of the Work and Guaranteed Maximum Price to be Determined at the End of Phase 1, Subject to Approval by the City Council; and Authorization for the City Manager to Execute the Contract. City Manager King advised that the

Guaranteed Maximum Price had not been determined as was too early in the process. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-12, Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$76,000; Approval of a Professional Service Agreement (PSA) With PageSoutherlandPage LLP of Dallas, Texas, for the Preliminary Design Phase of the Lewisville Arts Activity Center in the Amount of \$70,000; Approval of a Preliminary Design Phase Budget in the Amount of \$76,000; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Approval of a Resolution Supporting the Establishment of a Foreign Trade Zone to Include 15.06 Acres Along Trinity Drive, as Requested by The Apparel Group, Ltd. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-14, Approval of a Resolution Making Findings as to the Feasibility of Improvements in the Proposed Castle Hills Public Improvement District No. 4 and Creating Public Improvement District No. 4. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-15, Tabled Item: Consideration of a Request From JDB Coppell Commercial G.P., LLC to Allow the Encroachment of Two Stone Wall Entry Features Within a City of Lewisville Sanitary Sewer Easement, Located at SH 121 and Plaza Boulevard. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-16, Consideration of a Request for a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric. City Attorney Ron Neiman advised that the City Council did not have a lot of choice in granting the variance unless they were willing to pay the extra costs for underground lines. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-17, Consideration of Temporary Parking and Lighting Improvements to the Old Town Center District; Consideration of a Variance to the Lewisville City Code, Article 9.5, Old Town Development, Section 54(a), Old Town Development Plan, for a Temporary Parking Lot Located at 138 West Church Street. (Requested by Councilman Tierney). City Manager King reviewed the lighting issue from a staff perspective. Councilman Tierney questioned the cost on the lighting. Assistant City Manager Steve Bacchus advised it would be about \$600 - \$800 a year. Discussion was held regarding the current lighting and if it would be enough. Discussion held regarding how much the parking would cost per spot. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-18, Consideration of Approval of a Resolution Establishing a Preliminary Assessment/Service Plan and Assessment Roll for Castle Hills Public

Improvement District No. 4 and Scheduling a Date for a Hearing on the Plan and Proposed Roll. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-19, Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees for the Cinco de Mayo Festival; Consideration of Providing In-Kind Event Support Through City Staff; Consideration of Providing Financial Support in the Amount of \$1,000; Approval of the Request to Place Event Signage Along City Streets; and Consideration of a Supplemental Budget Appropriation From the Hotel/Motel Fund Balance in the Amount of \$10,000. Discussion held regarding the checks and balances requested by City staff and where the street closures would be done. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G-20, Consideration of a Special Called Joint Meeting With the Park Board. (Requested by Mayor Carey). There was no discussion on this item.

Mayor Carey reviewed Agenda Item H, Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item I-Closed Session. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:56 p.m. on Monday, April 2, 2007.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Carey at 7:05 p.m. on Monday, April 2, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Councilman Thornhill gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Mayor Pro Tem Durham gave the pledge to the flag.

Proclamation: Declaring the Month of April, 2007, as “Child Abuse Prevention Month” and the Year of 2007, as “The Year of CASA”.

(Agenda Item C-1)

Mayor Carey read and presented a proclamation declaring the month of April, 2007, as “Child Abuse Prevention Month” and the Year of 2007, as “The Year of CASA” to Sherri Gideon and Jaime McLeod.

Proclamation: Declaring the Month of April, 2007, as “Fair Housing Month”.

(Agenda Item C-2)

Mayor Carey read and presented a proclamation declaring the month of April, 2007, as “Fair Housing Month” to Ray Hooper, Abby Martinez, and Jennifer Stewart.

Proclamation: Declaring April 2-20, 2007, as “Clean Your Files Month”.

(Agenda Item C-3)

Mayor Carey read and presented a proclamation declaring April 2-20, 2007, as “Clean Your Files Month” to Lisa Weaver.

Public Hearing: Consideration of Ordinance No. 3428-04-2007(Z) for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 1.70 Acre Tract Located at the Southeast Corner of Texas Street and McDonnell Street and Further Identified as Lot 1, Block A, Owen Family Addition; as Requested by Assistant Chief Tim Tittle on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070305)

(Agenda Item D-1)

Mayor Carey advised that the site is located at the southeast corner of Texas St. and McDonnell St. It served as the Owen Family Restaurant since the early 1990’s, until it closed in 2006. The City has since purchased the property to construct Fire Station #7. The truck company, battalion Chief, and training division will be relocating from the Central Fire Station to this location. The move is an effort to centrally locate these services within the City, giving better access to I-35 and Business S.H. 121. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use

facility. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Public Use (PU).

Mayor Carey opened the public hearing.

Gene Lewis, Planning & Community Services Manager and Tim Tittle, Assistant Fire Chief were both present to answer any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 1.7 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Light Industrial (LI) District Zoning to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3428-04-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3429-04-2007(Z) for a Zone Change Request From Light Industrial (LI) to Public Use (PU) on a 3.0 Acre Tract Located on the North Side of Windhaven Parkway, West of Trinity Drive and Further Identified as Lot 5, Block B, Austin Ranch West Addition; as Requested is Being Made by Jeffery Kelly, City Project Engineer on Behalf of the City of Lewisville, the Current Property Owner (Case No. PZ20070306)

(Agenda Item D-2)

Mayor Carey advised that the site is located at the northwest quadrant of Windhaven Parkway and Trinity Drive. It will house an elevated storage tank and is the potential site for a future fire station. Currently Windhaven Parkway is being extended to this site. A change in zoning is not required since government uses are allowed in all zoning districts. The City however, prefers to zone government property to Public Use, making it easy to identify and better reflect the use of the property as a public use facility. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Public Use (PU).

Mayor Carey opened the public hearing

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 3.0 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Light Industrial (LI) District Zoning to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General

Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3429-04-2007(Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 3430-04-2007(Z) a Zone Change Request From Multi-Family Two (MF-2) to Light Industrial (LI) on an 8.44 Acre Tract Located on the North Side of S.H. 121, West of Lake Vista Drive and Further Identified as Part of Lot 1, Block H, Vista Ridge Addition; as Requested by Demian Salmon, Vice President of General Partner with Authorization from Jackson Shaw/Vista Point East Limited Partnership, the Current Property Owner (Case No. PZ20070307)

(Agenda Item D-3)

Mayor Carey advised that the site is located on the north side of S.H. 121, west of Lake Vista Dr. The entire site is approximately 18.94 acres, with the front 10.5 acres already zoned Light Industrial and the remaining 8.44 acres in the rear zoned Multi-Family Two. The site is bound on the east and north by a drainage channel owned and maintained by the Levee District. Across the channel to the east of this site is other LI zoning on which the Hilton Garden Inn Hotel and Conference Center is being constructed. The current property owners are requesting to rezone this portion of their site to LI so that the entire parcel is consistent in zoning. Light Industrial zoning allows a variety of uses including retail, wholesale, office and service uses and campus style light manufacturing and industrial uses. Jackson Shaw plans to develop the site in phases and has discussed building two office buildings (90,000 and 50,000 sq. ft) in the first phases of development, with additional office and warehouse uses in later phases. The requested zoning is consistent with the zoning in that area. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their March 6, 2007, meeting.

Mayor Carey stated the City staff’s recommendation was that the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Multi-Family Two (MF-2) to Light Industrial (LI).

Mayor Carey opened the public hearing.

Gene Lewis, Planning and Community Services Manager and Christopher Gardner, Dallas, Texas were both present to respond to any question posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 8.44 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Multi-Family Two (MF-2) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving All Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 3430-04-2007(Z), as previously captioned. The motion carried.

Public Hearing: Consideration of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review as Prepared by Birkhoff, Hendricks, and Conway, Consulting Engineers, Dallas, Texas; Approval of the 2006 Engineering Evaluation Report of the Five Year Water and Wastewater Impact Fee Review; and Consideration of Ordinance No. 3431-04-2007 Amending the Lewisville City Code, Chapter 2, Article VIII, Fees, Section 2-201, and Chapter 16, Article IV, Water and Sewer Extension, Section 16-207, Concerning Capital Recovery Fees for Water and Wastewater Utilities

(Agenda Item D-4)

Mayor Carey advised that Texas Local Government Code Chapter 395 requires a political subdivision imposing an impact fee to review and evaluate the Capital Improvements Plan every

five years. Engineering Consultants Birkhoff, Hendricks, and Conway have completed the review and determination of water and sewer impact fees. The report calculates the maximum allowable water and sewer fees be set at \$2,830.86 and \$1,780.64 respectively. However, the staff's recommendation in Exhibit "A" utilizes a methodology that would increase the fee gradually each year beginning in 2007 and result in the maximum fee being charged only in year 5 of the plan. The average annual increase for the schedule would be 7.3% for water and 2.8% for sewer. This compares to 9.2% for water and 2.5% for sewer in previous years.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing; approve the engineering report; and amend the Lewisville City Code concerning capital recovery fees for water and wastewater utilities.

Mayor Carey opened the public hearing.

At the request of Mayor Carey, City Manager King reviewed this item with the City Council.

John Birkhoff, Birkhoff, Hendricks & Conway, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

"An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 2, Article VIII, Fees §2-201, and Chapter 16, Article IV, Water and Sewer Extension §16-207 of the Lewisville Code of Ordinances Concerning Capital Recovery Fees for Water and Wastewater Utilities; Providing a Method of Determining Such Fees; Providing Time of Payment; Providing a Repealer; Providing for Severability; and Providing an Effective Date."

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3431-04-2007**, as previously captioned. The motion carried.

**Public Hearing: Consideration of the
Advisability of Improvements in the
Proposed Castle Hills Public Improvement
District (PID) #4**

(Agenda Item D-5)

Mayor Carey advised that Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of proposed improvements in the PID. Notice of this hearing was published in a newspaper of general circulation and sent to owners of property in the PID. This notice included information on the estimated cost of improvements, boundaries of the proposed district, the proposed method of assessment and the proposed apportionment of cost between the improvement district and the municipality.

Mayor Carey stated the City staff's recommendation was that the City Council conduct the public hearing.

Mayor Carey opened the public hearing.

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

Melanie Locket, 1260 Logan Drive, Lewisville, Texas, submitted a Petition to Have Two Pit Bulls (Canines) Removed from a home located at 1421 Crutchfield, Lewisville, Texas. The petition contained 32 signatures. Discussion was held regarding the wording of the fence ordinance to make sure that it contained language that a fence must adequately maintain an animal. Staff advised Ms. Locket of the legal proceedings that were scheduled for April 5, 2007. Staff further explained that while City ordinances did not allow for removal of the dogs in a dog-on-dog situation, a review was being done to address similar situations in the future should this ever occur again.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

- 6 APPROVAL OF MINUTES: City Council Minutes of the March 19, 2007, Workshop Session and Regular Session.

7. Approval of a Bid Award for the Purchase of Sixty Rifles (With a Trade-in Allowance of \$6,400 for 32 Ruger Rifles) to Kiesler Police Supply in the Amount of \$42,050.
8. Approval of a Bid Award to Furnish and Install an Iron Fence at Austin Kent Ellis Park and Iris Lane Park to Construction Rent-A-Fence, Inc., Thrall, Texas, in the Amount of \$35,849; and Authorization for the City Manager to Execute the Contract.
9. Approval of a Bid Award for an Annual Requirements Contract for the Repair of Screening Walls to Ratliff Hardscape, LTD., Lewisville, Texas, for an Estimated Amount of \$182,228.
10. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.
11. Approval of Construction Manager at Risk Contracts With The Ridgmont Company, Irving, Texas, for the Construction of the Jail, on the Following Terms: (i) Phase 1 Pre-Construction Services in the Amount of \$2,500; (ii) Phase 2 Construction Management Services in the Amount of \$135,000; (iii) General Conditions in an Amount Not-to-Exceed \$234,601; and (iv) With the Cost of the Work and Guaranteed Maximum Price to be Determined at the End of Phase 1, Subject to Approval by the City Council; and Authorization for the City Manager to Execute the Contract.
12. Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$76,000; Approval of a Professional Service Agreement (PSA) With PageSoutherlandPage LLP of Dallas, Texas, for the Preliminary Design Phase of the Lewisville Arts Activity Center in the Amount of \$70,000; Approval of a Preliminary Design Phase Budget in the Amount of \$76,000; and Authorization for the City Manager to Execute the Agreement.
13. Approval of **Resolution No. 3432-04-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Supporting the Establishment of a Foreign Trade Zone to Include 15.06 Acres Along Trinity Drive Located Within the City of Lewisville.
14. Approval of **Resolution No. 3433-04-2007(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Making Findings as to the

Feasibility and Desirability of a Public Improvement District to be Known as the Lewisville Castle Hills Public Improvement District No. 4 (the "District"); Making Findings as to the Advisability, Nature and Estimated Cost of the Proposed Improvements and the Method of Assessment Within the Boundaries of the District; Creating the District as a Public Improvement District Pursuant to Chapter 372 of the Local Government Code; Making Provisions Related Thereto and Declaring an Effective Date.

The motion carried.

END OF CONSENT AGENDA

Tabled Item: Consideration of a Request From JDB Coppel Commercial G.P., LLC to Allow the Encroachment of Two Stone Wall Entry Features Within a City of Lewisville Sanitary Sewer Easement, Located at SH 121 and Plaza Boulevard

(Agenda Item G-15)

Mayor Carey advised that this item was tabled at the March 19, 2007 City Council meeting. Staff was directed to look at other alternatives with the developer. The Plaza Development is a mixed use development located on the northwest corner of Ridgemont Drive and SH 121 (Bypass). The development has improvements in both the City of Lewisville and Coppel jurisdictions. During the process of commercial development in Coppel, the developers failed to notice the restrictions of a City of Lewisville sanitary sewer easement on the property and constructed two stone wall entry features. Staff and the developer met on March 26, 2007, and have agreed in principle, to receive a non-refundable one-time payment from the developer in the amount of \$6,650 to help pay for any potential future replacement costs of the entry features.

Mayor Carey stated the City staff's recommendation was that the City Council approve the request from JDB Coppel Commercial G.P., L.L.C., and authorize the City Manager to execute the agreement.

T. S. Kumar, P.E., City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Nowels and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to receive a non-refundable one-time payment from the developer in the amount of \$6,650 to help

pay for any potential future replacement costs of the entry features. The motion carried.

Consideration of a Request for a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric

(Agenda Item G-16)

Mayor Carey advised that CoServ Electric is preparing to extend new service lines in East Lewisville and is requesting a variance to install overhead electric lines in two locations. The first location is along the north side of Hwy 121 at the 121 Tollway and 121 Business split and the second is along the south side of Lakeridge Road between the Lakeridge Townhome Subdivision and the City's Eastside Pump Station. The purpose of the extensions is to provide a two-way feed to serve the Meridian Subdivision, Pier 121 Marina, and the Eastside Pump Station.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance

David Salmon, P.E., Assistant City Engineer and Jerry Fielder, P.E. CoServ Electric, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill , the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as requested by CoServ Electric to allow the installation of overhead lines along the north side of Highway 121 at the 121 Tollway and 121 Business split and also along the south side of Lakeridge Road between the Lakeridge Townhome Subdivision and the City's Eastside Pump Station. The motion carried.

Consideration of Temporary Parking and Lighting Improvements to the Old Town Center District; Consideration of a Variance to the Lewisville City Code, Article 9.5, Old Town Development, Section 54(a), Old Town Development Plan, for a Temporary Parking Lot Located at 138 West Church Street. (Requested by Councilman Tierney)

(Agenda Item G-17)

Mayor Carey advised that in 2005, the City upgraded the northwest alley and a portion of the alleyway in the northeast Old Town block. OTBA and various Old Town merchants have

expressed concern over the years about insufficient parking and the lack of pedestrian lighting around the central commercial district. As the City continues to implement improvements that will benefit the attractiveness and usability of Old Town, staff has developed a concept to install temporary parking at 138 W. Church Street and additional security lighting in various locations. This new lot would be temporary in nature due to the long range plans to create permanent parking and expanded plaza facilities. It is estimated that the cost of the demolition, temporary parking lot, landscaping, signage and lighting will be less than \$50,000. Funding for this project exists in the Capital Improvements fund from previously allocated TIRZ parking funding.

Mayor Carey stated the City staff's recommendation was that the City Council consider temporary parking and lighting improvements to the Old Town Center District and consider a variance request to the Lewisville Code of Ordinances, Article 9.5, Old Town Development, Section 54(a), to waive the Old Town Development Plan requirement.

Zane Miller, Economic Development Director, was present to respond to any questions posed by the City Council.

At the request of Mayor Carey, Councilman Tierney reviewed the parking issues in Old Town and his concern that there be more lighting in this area. Councilman Tierney stated that he felt for the minimal expense involved he would be in support for adding for the lighting for security and safety issues.

City Manager King reviewed the cost of lighting and where additional lighting could be added.

Councilman Nowels stated that he would like to postpone lighting until the building has been torn down and see if the extra lighting is needed for this temporary parking location. Mayor Pro Tem Durham advised that he concurred with Councilman Nowels.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve temporary parking improvements to the Old Town Center District and consider a variance request to the Lewisville Code of Ordinances, Article 9.5, Old Town Development, Section 54(a), to waive the Old Town Development Plan requirement and look at lighting once the building has been demolished. The motion carried.

Consideration of Approval of Resolution No. 3434-04-2007(R) Establishing a Preliminary Assessment/ Service Plan and Assessment Roll for Castle Hills Public Improvement District No. 4 and Scheduling a Date for a Hearing on the Plan and Proposed Roll

(Agenda Item G-18)

Mayor Carey advised that a five-year assessment and service plan has been submitted. This plan defines the annual indebtedness and projected costs of the improvements for the PID. The assessments must be based upon the special benefits that accrue to the property because of the improvements. A public hearing must be held to consider approving the Preliminary Assessment/Service Plan and the Proposed Assessment Roll as the Final Assessment/Service Plan and Assessment Roll of the PID. The recommended date for the public hearing is May 21, 2007.

Mayor Carey stated the City staff's recommendation was that the City Council approve the resolution establishing the preliminary assessment/service plan and assessment roll and call for a public hearing on the plan and the roll on May 21, 2007.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Nowels, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 3434-04-2007(R)**. The motion carried.

Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees for the Cinco de Mayo Festival; Consideration of Providing In-Kind Event Support Through City Staff; Consideration of Providing Financial Support in the Amount of \$1,000; Approval of the Request to Place Event Signage Along City Streets; and Consideration of a Supplemental Budget Appropriation From the Hotel/Motel Fund Balance in the Amount of \$10,000

(Agenda Item G-19)

Mayor Carey advised Dallas Tortilla & Tamale Factory owner Rebecca Behnke will again produce a Cinco de Mayo event to be held on Saturday, May 5. Staff has provided in-kind support for this event. This support is given through zero cost items, which will include street closures, police presence, vendor tents and setup, trash containers, city-media marketing and promotion, and waiver of all event permit fees. In addition, the City has covered the cost of

generators and port-a-lets which equates to less than \$1,000. This year, Rebecca Behnke is requesting an increase in support for this event to also provide sound, stage, lights, entertainment, event barricading required by TABC to allow alcohol sales at event, and décor for the 2007 event.

Mayor Carey stated the City staff's recommendation was that the City Council approve the request to waive permit fees; approve the request to provide in-kind zero cost support through city staff; approve the request to maintain the same level of support in the amount of \$1,000; approve the request to place event signage along city streets; and consider the request for a supplemental appropriation from hotel/motel fund balance in the amount of \$10,000.

Mayor Carey advised that Rebecca Behnke, 122 Campbell, Lewisville, Texas had filled out a card in support of this item. Ms. Behnke also spoke before the City Council to review the scheduled events, scholarships, and sponsorship information.

City Manager King recommended that if the City Council approved this request that the expenses be circulated through the City similar to how the generator for this event is handled. Ms. Behnke advised that she was in agreement with that recommendation.

Discussion was held regarding street closures and if Mill Street was going to be enough. Ms. Behnke advised that with the sale of alcoholic beverages it was best to handle it in the "T" - configuration that had decided upon. Councilman Tierney questioned if Ms. Behnke was working with the Old Town Business Association. Ms. Behnke advised that she was waiting to hear from them as their Board of Directors had just been selected; however, she felt they would endorse the event.

Mayor Carey questioned if Ms. Behnke received enough sponsorships would she need the whole \$10,000. Ms. Behnke advised that she would not and that she had hoped to get Miller as a sponsor. Ms. Behnke further advised that Miller had expressed an interested in sponsoring the City of Lewisville for the Western Days Event.

Councilman Nowels reviewed the recommendation of City staff with Ms. Behnke to make sure she understood what would be required if the City Council granted her request: Ms. Behnke advised she understood and that would not be a problem.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Nowels, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Special Event Fees for the Cinco de Mayo Festival; approved of providing In-Kind Event Support through City Staff; approved providing financial support in the amount of \$1,000; approved of the request to

place Event Signage along City Streets; and approved a supplemental budget appropriation from the Hotel/Motel Fund Balance in the amount of \$10,000, with the following stipulations: 1) the event must contribute to goals established in the tourism plan and be spent in accordance with state law; 2) city staff must have final approval authority over what expenditures may be made with hotel motel funds; all expenditures must have a tourism objective; 3) no cash will be given directly to a third party; invoices for expenditures authorized by City staff must be submitted to the City with checks made payable directly to vendors; and 4) a full accounting of all revenues and expenditures for the event must be provided to City staff within 30 days after the event is held. No future dollars will be made available unless a complete accounting of the event is supplied. The motion carried.

Consideration of a Special Called Joint Meeting With The Park Board. (Requested by Mayor Carey)

(Agenda Item G-20)

Mayor Carey advised that he has requested that the Council consider calling a special meeting to meet with the Park Board. It is suggested that the meeting take place during the Park Board's normally scheduled meeting, April 11, 2007, at 7:00 pm in the Community Room.

Mayor Carey stated the City staff's recommendation was that the City Council consider calling a special joint meeting with the Park Board.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve a special joint meeting with the Park Board on April 11, 2007. The motion carried.

Reports

(Agenda Item H)

- First Quarter 2007 Boards/Commissions/Committees Attendance Reports
- Director of Public Services Carole Bassinger gave an update on the status of Lake Lewisville.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:02 p.m. Monday, April 2, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 8:05 p.m. on Monday, April 2, 2007, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 8:59 p.m. on Monday, April 2, 2007.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session**

(Agenda Item J)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:59 p.m. on Monday, April 2, 2007, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Nowels and seconded by Mayor Pro Tem Durham, the Council voted three (3) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:59 p.m. on Monday, April 2, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 16th day of April, 2007.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
APRIL 2, 2007**

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APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY