

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 6, 2008**

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

**WORKSHOP SESSION - 5:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- B. Discussion of Regular Agenda Items and Consent Agenda Items
- C. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Wolves of Cub Scout Pack 66
- C. **PROCLAMATIONS:**
 - 1. Declaring October 25, 2008, as “Keep Lewisville Beautiful Day”; and
 - 2. Declaring Special Recognition to “Circle of Friends”.
- D. **PRESENTATION:** Presentation of Achievement of Excellence in Procurement Award

E. **PUBLIC HEARINGS:**

1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a Tract of Land Totaling 0.21 Acres Located at 367 Elm Street; and Identified as Lot 11, Block D of the Degan Addition; as Requested by the Property Owners, Luane and Joseph Williams (Case No. 20080820).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The tract is currently occupied by a single-family residence. The applicant wishes to re-zone for future flexibility of setbacks to construct an attached garage. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single-family residential and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 2, 2008 meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance Establishing Reinvestment Zone Number Thirty-Four (34) for Vinson Process Controls, Being a 4.87 Acre Tract, Situated in the R.H. Thompson, Survey Abstract No. 1274, Denton County, Texas; Said Tract Being Part of Lot 2R, Block C, Highpoint Oaks Addition; Consideration of a Resolution Providing the Terms and Conditions of a Tax Abatement Agreement by and Between the City of Lewisville, Texas, and Vinson Process Controls; and Authorization for the City Manager, or his Designee, to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Vinson Process Controls, a valve, regulator, and computer control manufacturer, is proposing building a 60,065 s.f. manufacturing facility in Highpoint Oaks, bringing 78 employees with an average salary of \$88,461.54 and \$4,750,000 in investment in real property. Given the economic indicators provided, it was determined that the prospect may be granted an abatement of fifty percent (50%) of real and business personal property taxes for a period of five years, provided that the company construct and occupy a minimum of 60,065 square feet of manufacturing facility, maintain a minimum of 78 employees at a payroll of \$6,900,000, invest a minimum of \$4,750,000 in real personal property, and provide a community support donation in the amount of \$5,000 dollars per year.

RECOMMENDATION:

That the City Council approve the ordinance establishing Reinvestment Zone Number Thirty-Four (34); approve the resolution providing the terms and conditions of a tax abatement agreement by and between the City of Lewisville, Texas, and Vinson Process Controls; and Authorize the City Manager, or his designee, to execute the agreement.

3. **Public Hearing: Consideration of Designating a Continuous Geographic Area of Approximately 427 Acres Located at the Northeast Corner of Interstate 35 and State Highway 121 Within the City of Lewisville as Tax Increment Reinvestment Zone, Number Two, for Tax Increment Financing Purposes, Pursuant to Chapter 311 of the Texas Tax Code.**

ADMINISTRATIVE COMMENTS:

Prior to the creation of a Tax Increment Reinvestment Zone (TIRZ), Chapter 311 of the Texas Tax Code requires preparation of a Preliminary Project Plan and Reinvestment Zone Financing Plan and for the City to hold a public hearing and receive comments on the creation of the zone. The City of Lewisville (TIRZ) #2 is proposed to help pay for infrastructure costs to facilitate a mixed use project know as Hebron/121 Station. The project is comprised of approximately 1,750 multi-family units, 736,000 sq.ft of mixed use commercial development and 149 acres of parkland/open space area. The developer is requesting that the City and Denton County participate in the district at 80% of the property tax revenue on the new increment. The developer is also proposing to front the majority of the costs to build the infrastructure and receive reimbursement when tax increment revenue is generated by the project.

RECOMMENDATION:

That the City Council conduct the public hearing and receive input on the creation of Tax Increment Reinvestment Zone Two for the City of Lewisville. No additional action is necessary at this time.

PRESENTATION: Nika Reinecke, Economic Development Director

- 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.

4. APPROVAL OF MINUTES:

- a. **City Council Minutes of the September 8, 2008 Workshop and Regular Session;**
- b. **City Council Minutes of the September 15, 2008, Workshop Session and Regular Session; and**

- c. **City Council Minutes of the September 29, 2008, Called-Special Session.**
5. **Approval of a Bid Award for the Valley Ridge Southeast Water Lines, Line A Project to W. R. Hodgson Co., L.P., Celina, Texas, in the Amount of \$1,534,076.85; and Authorization for the City Manager, or his Designee, to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty (30) bid invitations were issued, including two (2) downloaded from DemandStar.com. Seven (7) bids were received and opened August 28, 2008. This project consists of the construction of a new 30-inch water line north of Bennett Lane at Lakeway Drive to Railroad Street then to East Main Street. Funding is available in the Valley Ridge Southeast Water Line Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Valley Ridge Southeast Water Lines, Line A Project to W. R. Hodgson Co., L.P., Celina, Texas, in the amount of \$1,534,076.85; and authorize the City Manager, or his designee, to execute the contract.

6. **Approval of a Bid Award for the Elm Fork Sanitary Sewer Phase IB Project to Patco Utilities, Inc., Grand Prairie, Texas, in the Amount of \$316,788.45; and Authorization for the City Manager, or his Designee, to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-one (31) bid invitations were issued, including two (2) downloaded from DemandStar.com. Nine (9) bids were received and opened September 18, 2008. This project consists of construction of a new sanitary sewer line from the north end of the Railroad Athletic Complex, north to SH 121 Business. Funding is available in the Elm Fork Sanitary Sewer Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Elm Fork Sanitary Sewer Phase IB Project to Patco Utilities, Inc., Grand Prairie, Texas, in the amount of \$316,788.45; and authorize the City Manager, or his designee, to execute the contract.

- 7. Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager, or his Designee, to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

Denton County has requested that the Lewisville Public Library provide library services to all residents of Denton County. In exchange for such services October 1, 2008–September 30, 2009, Denton County will pay the City of Lewisville \$0.732 per capita (\$108,300), based upon Lewisville’s population in NCTCOG’s figures. This agreement is a reduction of \$1,000 from the FY 2007-08 funding. Denton Commissioner’s Court Judge Mary Horn has indicated her intent to eliminate funding for the four largest libraries over the next several years.

RECOMMENDATION:

That the City Council approve the Interlocal Cooperation Agreement for Library Services with Denton County; designate Ann Wiegand as the official liaison for the City of Lewisville; and authorize the City Manager, or his designee, to execute the contract.

- 8. Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; Between the City of Lewisville and City Social Service Agency Fund Recipients; and, Between the Community Development Department and Public Services Department for FY 2008-2009; and Authorization for City Officials to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville, a U.S. Department of Housing and Urban Development (HUD) Entitlement City, has submitted its 2008 Annual Action Plan as required by HUD to receive Community Development Block Grant (CDBG) funds. A contract is forthcoming from HUD and funds will be appropriated soon for FY 2008-2009. Additional funds are allocated from the City Social Service Agency Fund. Agreements have been prepared for the City Manager to execute with each of the non-profit entities and a Letter of Agreement has been prepared for the Director of Community Development to execute with the Public Services Department for funds under the approved CDBG budget.

RECOMMENDATION:

That the City Council approve the resolution and authorize appropriate City officials to execute the agreements.

- 9. Approval of a Resolution for the Acceptance of a \$213,349.57 Grant From the Texas Department of Transportation for the Traffic Safety Program; and Authorization for the City Manager or his Designee to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation is awarding the City of Lewisville \$213,349.57 in grant funds. The grant will enable the City to conduct a speed enforcement program throughout FY 2008-2009, FY 2009-2010 and FY 2010-2011. The grant funds will pay the officers' salaries at their overtime rate. The City is responsible for the 10% match, of which \$582.34 is in the form of a cash match and the balance of \$10,536.20 is an indirect match for each of the first two fiscal years. The grant and match for the third year is 35% (\$16,415.01 in cash match and \$14,733.23 indirect match). The match for FY 2008-2009 has already been appropriated. The matches for the subsequent fiscal years will be requested through the respective fiscal year budget process.

RECOMMENDATION:

That the City Council approve the resolution to accept the Texas Department of Transportation grant award in the amount of \$213,349.57; and authorize the City Manager or his designee to execute the grant agreement.

- 10. Approval of a Resolution Approving the Acquisition of Certain Property in the City by the Denton County Transportation Authority Through the Right of Eminent Domain.**

ADMINISTRATIVE COMMENTS:

Pursuant to State law, DCTA has formally requested that the City approve DCTA's right of eminent domain to secure Lot 1A, block F, Lakepointe Phase III (an approximate 9.265 acre platted lot located at the east side of Lakeside Circle, south of Hebron Parkway). The site will be used for DCTA's South Lewisville Park and Ride Facility.

RECOMMENDATION:

That the City Council approve the resolution.

H. REGULAR HEARINGS:

- 11. Consideration of a Request for a Variance to the Lewisville City Code to Allow Grading, Including Tree Removal on a 35-Acre Site South and East of the Intersection of Midway Road and Holford's Prairie Road Prior to Engineering Site Plan Approval, as Requested by Steve Homeyer, P.E., on Behalf of the Property Owner.**

ADMINISTRATIVE COMMENTS:

The 35.23 acre property, a former dump site, is located near the southeast corner of Midway Road and Holford's Prairie Road in East Lewisville and is zoned Light Industrial (LI). The owner has a permit to perform excavation in an effort to remove undesirable materials from the site and to stockpile soil. The owner wishes to continue site grading in an effort to make the site more marketable for future development and submitted a "Phase 2" grading plan for review which includes the removal of two American Elm Trees and seventeen Cottonwood Trees, neither of which are protected species. The developer has applied for a variance to allow continued grading of the property and removal of trees without an approved engineering site plan. No grading or filling has been proposed in the floodplain. There have not been any development proposals submitted for the site.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Steve Homeyer P.E., Homeyer Engineering, Inc.

- 12. Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Mockingbird Management on Behalf of Lakeside at 121 Apartments.**

ADMINISTRATIVE COMMENTS:

An off-premise sign measuring 64 sf (8' x 8') and 15 feet in height is being proposed at Highway 121 and Leora Lane, to be located 20 feet back from the curb approximately 300 feet north of Leora Lane. Due to the location of the Lakeside at 121 Apartments, it has been necessary to hire someone to stand alongside the roadway, holding signs to advertise the availability of the apartments for lease. An off-premise sign would alleviate this need and increase safety by notifying passersby of the upcoming turn into the complex. Lakeside at 121 Apartments has an agreement with Lakepointe Marina at 121, GP, LLC to allow this off-premise sign to be placed on their property. Staff has no objection to this proposal and requests that the City Council consider the requested variance, but place a two-year time limit thereon.

RECOMMENDATION:

That the City Council consider the requested variance with a limit of two years.

PRESENTATION: Cleve Joiner, Building Official
Jeanette Moore, Mockingbird Management

- 13. Consideration of a Request for a Variance to the Lewisville City Code, Relating to Chapter 6, Screening Devices Associated With the Proposed Opus Building Located on the North Side of S.H. 121 Frontage Road, Between East Hill Park Road and Leora Lane as Requested by the Developer.**

ADMINISTRATIVE COMMENTS:

The property is partially developed including a 490,000 square foot building built in 2003. The developer is proposing an addition of 461,000 square feet to this building. The variance relates to the screening requirement along the northern property line between the apartments and this site. The ordinance requires that an 8-foot masonry screening wall separate the two properties, namely to provide a visual barrier for the residents. The developers are requesting that the screening wall be waived based on a variety of factors.

RECOMMENDATION:

That the City Council approve the screening wall variance request.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Dewey Daniels, P.E., Project Manager, JBI Partners

- 14. Consideration of a Request for a Variance to the Lewisville City Code, Section 60-54(B), When An Engineering Site Plan is Required For a Proposed Retail Facility Located at 1844 North Stemmons Freeway, As Requested By Moh Yasin, the Owner.**

ADMINISTRATIVE COMMENTS:

Mr. Moh Yasin is proposing a flooring store utilizing the vacant gas station building and site. The General Development Ordinance Section 60-54(b) requires that, if the use or operation of the structure or property ceases or becomes vacant for a period of twelve (12) months or more, an engineering site plan must be submitted. A variance is being requested to waive the requirement to submit a full submission of a new engineering site plan and allow the use of the 1997 submitted site plan including the variances approved by council on June 2, 1997. Staff has no objection to this proposal and requests that the City Council consider the requested variance.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: Cleve Joiner, Building Official

- 15. Tabled Item: Discussion of Policy Related to Translations of City Publications and Communications (Requested by Deputy Mayor Pro Tem Watts).**

ADMINISTRATIVE COMMENTS:

The City does not currently have a policy that would guide staff regarding which of its many publications and communications should be translated into other languages. Decisions about translations are generally made by the various departments with City Manager review unless they are required by some other law (for example, ballot language, disabled persons, etc.). A formal policy could provide direction to staff on when translations should be performed. This item was tabled at the August 18, 2008, City Council meeting.

RECOMMENDATION:

That the City Council provide direction to staff.

- 16. Consideration of a Resolution Establishing English as the Official Language of the City of Lewisville (Requested by Deputy Mayor Pro Tem Watts).**

ADMINISTRATIVE COMMENTS:

Councilman Lathan Watts prepared a resolution establishing English as the official language of the City of Lewisville. The resolution is submitted to City Council for consideration as requested by Councilman Watts.

RECOMMENDATION:

That the City Council consider a resolution establishing English as the official language of the City of Lewisville.

- 17. Consideration of Lewisville City Code, Chapter 7, Article XVIII, Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville (Requested by Deputy Mayor Pro Tem Watts).**

ADMINISTRATIVE COMMENTS:

On September 8, 2008, Council adopted an ordinance amending guidelines and requirements related to the drilling and production of oil and gas wells within the City. Deputy Mayor Pro Tem Watts has requested that the changes amending Lewisville City Code, Chapter 7, Article XVIII by the passage of Ordinance No. 3601-09-2008 be reviewed.

RECOMMENDATION:

That the City Council consider Lewisville City Code, Chapter 7, Article XVIII regulating the drilling and production of oil and gas wells within the City.

- 18. Consideration of Dates for the Annual City Council Retreat.**

ADMINISTRATIVE COMMENTS:

Each year, the City Council retreat is normally held on a Thursday through Saturday timeframe during the first or second week of February. This year, the first set of dates proposed would be Thursday, February 5 – through Saturday, February 7th; and the second set of dates would be February 12th – 14th. The Worthington Hotel, the Ashton Hotel, and The Hilton Garden Inn are all available on both dates.

RECOMMENDATION:

That the City Council review the available dates and locations, and direct City staff as to which date and location is preferred.

I. **REPORTS:**

1. Third Quarter Boards/Commissions/Committees Attendance Reports

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**

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).