

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JANUARY 22, 2007**

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

**WORKSHOP SESSION - 5:45 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:45 P.M.

- A. Parking in Single Family Front Yard Setbacks
- 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:** Councilman Thornhill
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Ueckert
- C. **PROCLAMATION:** Declaring the Month of January, 2007, as “Lewisville’s 82nd Birthday”.
- D. **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.

- E. **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:

- a. **City Council Minutes of the December 18, 2006, Called Special Session; and,**
- b. **City Council Minutes of the January 8, 2007, Workshop and Regular Session.**

- 2. Approval of a Bid Award for the Sale of City-Owned Scrap Metal to Commercial Metals Company - American, Dallas, Texas; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of eight (8) bid invitations were issued and the bid invitation was advertised on DemandStar.com. Two (2) bids were received. This contract will cover the sale of City-owned scrap metals including copper, iron, steel, whole water meters, and aluminum. The price received will be the amount of the daily spot price of metals as stated in the American Metal Market Index, less 48%. The term of the contract will be twelve months with option to extend for up to two additional twelve month periods.

RECOMMENDATION:

That the City Council approve a bid award for the sale of City-owned scrap metal to Commercial Metals Company-American, Dallas, Texas; and authorize the City Manager to execute the contract.

- 3. Approval of a Supplemental Appropriation in the Amount of \$7,500 From Park Development Fund Zone D Available Cash to the Lake Park Improvements Capital Project.**

ADMINISTRATIVE COMMENTS:

The Greater Lewisville Area Soccer Association (GLASA) has requested our assistance in providing a lightning prediction and warning system at the Lake Park Athletic Complex. Lightning strikes frequently in the Lake Park area and, in the 1980's, did strike a young baseball player. GLASA has also asked Flower Mound and Highland Village to install the same system on their local complexes. The proposed Thor Guard system is far superior to the small hand-held devices currently used and would alert the entire complex at one time and would take away the individual interpretation and hesitation to call off a game, thus making the complex safer for all participants. Installation is estimated at \$7,500. Funding is available in Zone D.

RECOMMENDATION:

That the City Council approve a supplemental appropriation from Park Development Fund Available Cash in the amount of \$7,500 from Zone D.

- 4. Approval of a Construction, Maintenance and Operation of Improvements for Public Park Projects Agreement With the Lewisville Parks and Library Development Corporation (4B) Related to the Railroad Street Athletic Complex; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City Council and the 4B board approved Amendment #2 to the Construction, Maintenance and Operation of Improvements Agreement in November of 2006 to encompass the first phase of the Railroad Street Athletic Complex design process including the design of the dog park and skate park at a cost of \$899,000. At a meeting held earlier tonight, the 4B board approved an agreement between the Corporation and the City regarding construction, maintenance, and operations related to the remainder of the work required for the Railroad Street Athletic Complex. This agreement also requires City Council approval. Once both the board and the City Council approve the contract, an addendum to the current architectural agreement to complete the athletic field design will be submitted for approval. A bond sale of \$18.2M needed to cover construction, issuance costs and any other soft costs will be issued during the spring of 2007.

RECOMMENDATION:

That the City Council approve the Construction, Maintenance and Operation of Improvements Agreement with the Lewisville Parks and Library Development Corporation; and authorize the City Manager to execute the agreement.

- 5. Approval of a Revised Interlocal Agreement Between the Denton County Criminal District Attorney and the City of Lewisville Pertaining to Asset Seizure and Forfeiture Cases; and Authorization for the City Manager and the Police Chief to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Article 59 (Forfeiture of Contraband) of the Texas Code of Criminal Procedure authorizes "local agreements" between the attorney representing the state and law enforcement agencies to effect the disposition of forfeited contraband. The current interlocal agreement between the District Attorney and the City of Lewisville has been in effect since October 7, 2002. The revised interlocal agreement streamlines the procedures and processes. The City Attorney has reviewed and approved the revised interlocal agreement.

RECOMMENDATION:

That the City Council approve the Interlocal Agreement between the Denton County Criminal District Attorney and the City of Lewisville; and authorize the City Manager and the Police Chief to execute the agreement.

- 6. Approval of Acceptance of the Donation of a Cargo Trailer for the Life and Fire Safety Program From Mooring Recovery Services of Grand Prairie, Texas.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Fire Department has been offered a 2006 Cargo Mate enclosed trailer, valued at \$5,309.59, for the Life & Fire Safety Program. The trailer would be used mostly by the Clown Program to transport props and equipment to the various programs and events they participate in, and for storage.

RECOMMENDATION:

That the City Council approve acceptance of the donation of a cargo trailer for the Life & Fire Safety Program from Mooring Recovery Services of Grand Prairie, Texas.

F. REGULAR HEARINGS:

- 7. Consideration of a Variance to the Lewisville Code of Ordinances, Chapter 6, Article VI, Section 6-123(b), Non-Residential Landscaping Requirements; for a Property Located at 2202 South State Highway 121 Business Known as Lot 1A2, Block B, Timber Creek Square Addition - Phase II, Requested by Texas Ice Express and Represented by Joni Martinez, Project Manager.**

ADMINISTRATIVE COMMENTS:

Texas Ice Express is proposing to erect a 195 square-foot building on the CCA Resale Center property located at 2202 South State Highway 121 Business for the purposes of selling ice to the public. The addition of the building created the requirement of a new engineering site plan. The property did not meet the requirement of one (2-1/2" caliper) shade tree per fifteen (15) parking spaces criteria, per the current General Development Ordinance. Therefore, Texas Ice Express is requesting a variance to waive this requirement.

RECOMMENDATION:

That the City Council approve the variance to waive the interior parking requirement of one (2-1/2" caliper) shade tree per fifteen (15) parking spaces on the engineering site plan.

PRESENTATION: Eric Ferris, Director of Community Development
Joni Martinez, Project Coordinator, Texas Ice Express

- 8. Consideration of a Variance to the Lewisville Old Town Development Ordinance, Chapter 6, Article VI, Section 6-92(i) Regarding Driveways, for Old Town Main Place 1, a Proposed Office Building Located on the South Side of Main Street and East of Harris Street, as Requested by Steve Homeyer, P.E. of Homeyer Engineering, Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The property located on the south side of Main Street and east of Harris Street is zoned Old Town Mixed Use 2 (OTMU2) and has been platted. The developer has submitted an engineering site plan and intends to use the lot for an office building. The developer intends to remove the existing driveway and build a new driveway along the west property line and has applied for a variance to allow the driveway radius to encroach in front of the adjoining property.

RECOMMENDATION:

That the City Council approve the requested variance.

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

9. **Tabled Item: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 6, Section 6-164, Location of Parking Spaces, Section 9.5-164, Location of Parking Spaces, and Chapter 15, Section 15-134, Special Vehicles, Recreational Vehicles and Other Vehicle Storage or Parking in Single Family Zoned Districts, Providing New Definitions and Limiting Paving on the Required Front Yard of Detached Single Family or Duplex Dwelling Units.**

ADMINISTRATIVE COMMENTS:

The City Council tabled this item at the November 20 and December 18, 2006, meetings in order to explore other options. Staff has reviewed other ways to address the original concern while allowing residents with front entry drives a reasonable amount of front yard parking. Staff is recommending a 27 foot width maximum for most driveways with a cap of 45 percent of the required front yard to be used for parking.

RECOMMENDATION:

That the City Council approve the proposed ordinance limiting front yard paving for single family and duplex dwellings.

PRESENTATION: Gene Lewis, Planning and Community Services Manager

10. **Second Reading: Ordinance Adopting Provisions for Pre-Payment for Gasoline and Diesel Fuel at Retail Fuel Businesses.**

ADMINISTRATIVE COMMENTS:

At the January 8, 2007, City Council meeting, the Council approved the subject ordinance. Due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. This will be the second reading of the ordinance.

RECOMMENDATION:

That the City Attorney provide the second reading of the ordinance. No action is required by the Council.

G. **REPORTS:**

H. **EXECUTIVE SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development Negotiations

I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Executive Session.

J. **ADJOURNMENT**

The City Council reserves the right to adjourn into executive 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).