

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
MARCH 5, 2007**

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

**WORKSHOP SESSION - 6:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:30 P.M.**

- A. Discussion of Regular Agenda Items and Consent Agenda Items
- B. Items of Interest to the Council

**REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Deputy Mayor Pro Tem Ueckert
- B. **PLEDGE TO THE FLAG:** Councilman Thornhill
- C. **MAYOR'S STATE OF THE CITY ADDRESS**
- D. **PUBLIC HEARING:**
  - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Multi-Family Two (MF-2) on a 6.58 Acre Tract Located Along the West Side of Rockbrook Drive Approximately 320 Feet South of Round Grove Road (FM 3040); and Further Identified as Lot 1A-R2, Block A, Vista Ridge Square Addition, Phase IV; as Requested by Jason Rose With Authorization From GDC Vista Pointe, Ltd., the Property Owner (Case No. PZ20070203).

**ADMINISTRATIVE COMMENTS:**

The site is located at the southwest quadrant of Round Grove Road and Rockbrook Drive. It sits between the large Chapel Hill Apartments development and retail commercial businesses along the major traffic carrier Round Grove Road. To the east, across the street, are more retail and restaurant businesses and the new Settler's Village townhouse development by Ashton Woods. The character of the area lends itself to the zoning request. The proposed development will be zoned multi-family which will allow it some flexibility in design, but is planned to be developed to have the look and feel of a townhome condominium product. The developer is proposing deed restrictions which are attached and provide living units that double the average unit size required by multi-family zoning and exceed the minimum unit size required by townhome zoning. The property seems better suited for residential uses considering it is not directly on a major traffic carrier and would match the surrounding uses. There has been some resistance in the past to converting commercially zoned property to residentially zoned property, but this appears to be a reasonable request considering the size and location of the property. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their February 6, 2007, meeting.

**RECOMMENDATION:**

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 General Business (GB) to Multi-Family Two (MF-2); and acknowledge receipt of the proposed deed restrictions.

**PRESENTATION:** Gene Lewis, Planning & Community Services Manager  
Jason Rose, JR Rose Development Companies

- 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.

- 2. Approval of a Bid Award for a Pre-Constructed Communications Building to Mobile Mini, LLP, Dallas, Texas in the Amount of \$43,962.**

**ADMINISTRATIVE COMMENTS:**

A total of sixteen (16) bid invitations were issued, including three (3) downloaded from DemandStar.com. Three (3) bids were received and opened February 20, 2007. This building is needed to house public safety communication equipment required for the Simulcast Expansion Project. Mobile Mini, LLP, is being recommended for award in accordance with Section 2252.002 of the Texas Government Code, which is the reciprocal preference ruling which allows a 5% preference to be given to the Texas bidder. In addition, Mobile Mini has provided the existing two communications buildings and the purchase from Mobile Mini will allow the new building to match the existing buildings, thus creating the best value for award to Mobile Mini. Funding is available in the Radio Communications System Project.

**RECOMMENDATION:**

That the City Council approve a bid award for a pre-constructed communications building to Mobile Mini, LLP., Dallas, Texas, in the amount of \$43,962.

- 3. Approval of an Appropriation in the Amount of \$280,000 From Park Development Fund Available Cash to Various Capital Projects for the Improvement of Parks.**

**ADMINISTRATIVE COMMENTS:**

Park Development Fees are collected from developers for the acquisition or improvement of parks. The funds must be spent in a park located within the same "Park Zone" as the development, unless this requirement is waived by the developer to be used anywhere throughout the Park System. Various qualifying projects have been identified including improvements at Central Park, shade shelters at the Lake Park Baseball Fields, and improvements to the Brazos Greenbelt.

**RECOMMENDATION:**

That the City Council approve an appropriation from Park Development Fund Available Cash in the amount of \$280,000, with \$75,000 from Zone A; \$31,187 from Zone B; \$3,000 from Zone D; and \$170,813 from Zone Z for the various projects.

- 4. Approval of an Agreement With Zambelli Fireworks International, New Castle, PA, to Provide a Fireworks Display Show for the Red, White, and Lewisville July Fourth Event in the Amount of \$35,000; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

A total of eight (8) requests for proposals were issued, including one (1) downloaded from DemandStar.com. Two (2) proposals were received on November 29, 2006. The recommended vendor, Zambelli Fireworks International, received the highest overall evaluation score. Funding is available in the General Fund Community Relations and Tourism department FY 2006-2007 budget.

**RECOMMENDATION:**

That the City Council approve an agreement with Zambelli Fireworks International, New Castle, PA, to provide a Fireworks Display Show for the Red, White, and Lewisville July Fourth Event in the amount of \$35,000; and authorize the City Manager to execute the agreement.

- 5. Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$437,700 for Design Services Relating to the Westwood Estates I Project; Approval of a Total Project Design Amount of \$450,831; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Westwood Estates I is a 2003 G.O. Bond Project consisting of replacing existing asphalt and concrete street pavement with concrete pavement and sidewalks and replacing the storm drainage system, water, and sewer lines within the Westwood Estates subdivisions, south of Fox Avenue. Staff has negotiated a Professional Services Agreement with Teague Nall and Perkins, Inc. for surveying, geotechnical investigation and design services. The total fee for identified services is \$437,700. A total amount of \$450,831 is requested, which includes \$13,131 (approximately 3%) for contingencies. The construction estimate for the project is \$6.93 million. Funding for professional services is available in the Westwood Estates Capital Projects Account.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement with Teague Nall and Perkins, Inc., in the amount of \$437,700; approve a total project design amount of \$450,831; and authorize the City Manager to execute the agreement.

- 6. Approval of a Professional Services Agreement With Birkhoff, Hendricks and Conway, L.L.P. in the Amount of \$356,000 for Design Services Relating to the Westwood Estates II Project; Approval of a Total Project Amount of \$366,680; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Westwood Estates II is a 2003 G.O. Bond Project consisting of replacing existing asphalt and concrete street pavement with concrete pavement and sidewalks and replacing the storm drainage system, water, and sewer lines within the Westwood Estates subdivisions, north of Fox Avenue. Staff has negotiated a Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P. for surveying, geotechnical investigation and design services. The total fee for identified services is \$356,000. A total amount of \$366,680 is requested, which includes \$10,680 (approximately 3%) for contingencies. The construction estimate for the project is \$5.67 million. Funding for professional services is available in the Westwood Estates II Capital Projects Account.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement with Birkhoff, Hendricks and Conway, L.L.P. in the amount of \$356,000; approve a total project design amount of \$366,680; and authorize the City Manager to execute the agreement.

- 7. Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$119,552 for a Collection System Flow Monitoring Study; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Inflow/Infiltration Program was initiated in 1995 to identify and correct defects in the sanitary sewer system that allows storm water and ground water to enter the system. Initial work has been completed in various stages to identify and correct defects in limited areas. Staff is proposing a system-wide flow monitoring study to quantify flows and identify the problem basins within the entire system. The RJN Group Inc. is an engineering firm that has extensive experience in successful Inflow/Infiltration reduction programs. Funding is available in the Inflow/Infiltration Capital Project.

**RECOMMENDATION:**

That the City Council approve the Professional Services Agreement with the RJN Group, Inc., in the amount of \$119,552; and authorize the City Manager to execute the agreement.

- 8. Acknowledgement of Receipt of a Petition to Establish Lewisville Castle Hills Public Improvement District Number 4; and Approve a Resolution Calling for a Public Hearing to Consider the Advisability of Proposed Improvements.**

**ADMINISTRATIVE COMMENTS:**

Castle Hills Property Company filed a petition to establish Lewisville Castle Hills Public Improvement District Number 4 with the City Secretary's Office on February 21, 2007. The City Council is requested to acknowledge receipt of this petition. In addition, in order to establish a public improvement district, a public hearing is required to consider the advisability of the proposed improvements. The requested date for the public hearing is April 2, 2007.

**RECOMMENDATION:**

That the City Council acknowledge receipt of a petition to establish Lewisville Castle Hills Public Improvement District Number 4; and approve a resolution calling for a public hearing to consider the advisability of proposed improvements.

- 9. Approval of a Contract With Promoter Line, Inc., in the Amount of \$30,000 to Provide Logistical and Production Support Services Related to the 2007 Western Day and Holiday at the Hall Festivals; and Authorization for the City Manager, or His Designee, to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

In November 2006, City Council voted to accept the Old Town Business Association's request for the City to begin overseeing and producing the Western Day festival starting in September of 2007. OTBA had one year remaining in a two-year contract with Promoter Line, Inc. event-planning company, and the City was asked to assume the second year of that contract at a cost of \$15,000. City staff worked with Promoter Line in 2006 in conjunction with the Red White & Lewisville and Holiday at the Hall events and was pleased with the work performed. Therefore, staff renegotiated Promoter Line's agreement to include both Western Day and Holiday at the Hall in 2007 for a total cost of \$30,000. Funding is available in the Hotel/Motel Fund budget.

**RECOMMENDATION:**

That the City Council approve a contract with Promoter Line Inc., in the amount of \$30,000 to provide logistical and production support services related to the 2007 Western Day and Holiday at the Hall festivals; and authorize the City Manager, or his designee, to execute the contract.

**G. REGULAR HEARINGS:**

- 10. Consideration of the Preliminary Plat for Majestic-Cobb Addition, an Addition to the City of Lewisville Located North of Highway 121, West of Edmonds Lane, and South of Round Grove Road (FM 3040), Which Includes a Request for Three Variances to the Lewisville Code of Ordinances Chapter 6, Land Development Regulations; as Requested by the Developer.**

**ADMINISTRATIVE COMMENTS:**

The zoning for this 226.138 acre piece of property is currently Light Industrial (LI) and Agricultural Open (AO). Large scale office/warehouse use is proposed for the property south of Spinks Road. The developer has submitted the preliminary plat including proposed right of way dedication for the extension of Spinks Road and Valley Parkway and is requesting the following three variances to their preliminary plat: a) to relocate existing overhead electric lines as overhead in a new location; b) to waive required improvements to ACE Lane where it abuts the property; c) to allow construction of detention ponds offsite of the property on separate lots and prior to final plat and engineering site plan approval. The Planning and Zoning Commission, at their February 20, 2007 meeting, voted 5-1 to recommend in favor of the preliminary plat and the requested variances with Commissioner Fowler voting in opposition.

**RECOMMENDATION:**

That the City Council approve the preliminary plat of Majestic-Cobb Addition and the requested variances.

**PRESENTATION:** David Salmon, P.E., Assistant City Engineer  
Al Sorrels, Majestic Realty

- 11. Consideration of a Joint Request by Lakepointe Marina at 121, Ltd. and Amaranth II L.P. for a Three Party Escrow Agreement to Allow Simultaneous Construction of Public and Private Infrastructure Improvements; and Authorization for the City Manager to Execute the Escrow Agreement.**

**ADMINISTRATIVE COMMENTS:**

Lakepointe Marina at 121, Ltd. is in the process of developing the Crossroads Centre South Project, a multi-use commercial and residential project site. The developers are seeking a variance to obtain a building permit and begin simultaneous construction of public and private on-site improvements including building construction. The General Development Ordinance allows a developer to enter into an escrow agreement between the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. Similar agreements have been approved on other developments, most recently for the Opus West development in June 2003.

**RECOMMENDATION:**

That the City Council approve the Three-Party Escrow Agreement; authorize the City Manager to execute the agreement and stipulate that all public improvements be completed and accepted by the City prior to issuance of any certificate of occupancy.

**PRESENTATION:** David Salmon, Assistant City Engineer

- 12. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Administration, Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools.**

**ADMINISTRATIVE COMMENTS:**

The Parks and Leisure Services Department is requesting City Council to expand special activities of the Sun Valley and Old Town Aquatic Centers. Currently, the fee ordinance allows for Lewisville Baseball Association Appreciation Day; one dollar off of regular price to players wearing an LBA jersey. Based on response, staff is requesting Council approval to expand that program to become "Group Recognition Days." The groups proposed for 2007 would be marketed to affiliated youth sports programs, public service agency employees and youth scouting programs.

**RECOMMENDATION:**

That the City Council approve and adopt the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 2, Administration Article VIII, Fees, Section 2-201, Parks and Leisure Services Department, Swimming Pools.

- 13. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 11, Signs, With Non-Substantive Changes.**

**ADMINISTRATIVE COMMENTS:**

City Council approved the Sign Ordinance in November, 2006. Upon review, staff has identified minor errors and omissions that need to be corrected in the ordinance. Staff is asking City Council to approve the corrections by repealing the existing sign ordinance and approving the new sign ordinance with non-substantive changes.

**RECOMMENDATION:**

That the City Council adopt the ordinance.

**H. REPORTS:**

- I. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.071 (CONSULTATION WITH ATTORNEY)**

1. Pending Litigation: City of Lewisville vs. Lawyers Title Insurance Corporation.

Section 551.072 (REAL ESTATE):

2. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

3. Deliberation Regarding Economic Development Negotiations

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

**K. ADJOURNMENT**

<p>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 <u>Texas Government Code</u> 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).</p>
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