

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 19, 2007**

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

LEWISVILLE PARKS AND LIBRARY DEVELOPMENT CORPORATION – 5:30 P.M.

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

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:** Mayor Pro Tem Durham
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PRESENTATION:** Life-Saving Award to Officer Steve Dickens
- D. **PUBLIC HEARING:** Consideration of An Ordinance Amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance, Section 17-3 Definitions, Changing the Zoning Ordinance Definitions for Display and Storage.

ADMINISTRATIVE COMMENTS:

The primary difference between storage and display requirements in the current ordinance is that the displayed goods must be placed on a paved surface in addition to being neatly arranged for customer viewing. However, there is still a fine line dividing whether items are displayed or stored and staff is proposing additional clarification. Items displayed by retailers tend to be self contained units such as books, cars, plants or items that can be bought individually. Sometimes, however, a business will want to display a retail item that is not pre-packaged. The proposed amendment allows the outside display of such items in bulk while placing limitations on the size of the display and requiring that bulk items be displayed within a bin for containment. The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their February 20, 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 proposed changes in the Zoning Ordinance definitions for Display and Storage.

PRESENTATION: Gene Lewis, Planning & Community Services Manager

- 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.

1. APPROVAL OF MINUTES:

- a. **City Council Minutes of the February 5, 2007, Workshop Session and Regular Session;**
- b. **City Council Minutes of the February 19, 2007, Workshop Session and Regular Session; and,**

- c. City Council Minutes of the March 5, 2007, Workshop Session and Regular Session.**
 - 2. Approval of a Bid Award for a Pre-Constructed Communications Building to Modular Connections, LLC, Bessemer, Alabama in the Amount of \$43,273.**

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. Modular Connections, LLC is being recommended for award based on low bid. 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 Modular Connections, LLC, Bessemer, Alabama, in the amount of \$43,273.

- 3. Approval of an Economic Development Agreement Between the City of Lewisville and Sunquist Family Partnership, L.P., and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City has been working with Joseph Strange who is proposing a new 16,000 square foot office/retail building at 140 East Main Street. The proposed 2-story building will house their offices which are currently located at 101 West Main, and will contain space for ground floor retail development. Mr. Strange has requested, as a development incentive, that the City waive the development related fees associated with the project. Estimated development related fees for this project to be waived are \$10,685.50 which includes building permits and various construction related fees. Also, included is a grant request in the amount of \$25,798.55 which equals capital recovery fees and fees that have already been paid prior to their request for platting and site plan review fees. This project is the first new construction within the Center District and begins to draw the core of Old Town to the east towards Main Street Village and the DCTA station.

RECOMMENDATION:

That the City Council approve an Economic Development Agreement with Sunquist Family Partnership, L.P.; and authorize the City Manager to execute the agreement.

- 4. Approval of a Historic Preservation Agreement By and Between the City of Lewisville and Edward Resh for Costs Associated With Façade Improvements at 478 Richland Street; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The proposed historic preservation improvements are presented for consideration under the Historic Preservation Section of Administrative Policy 5.2.1 which was approved by the City Council in June of 2006. The project includes removal and replacement of the front porch planks, repairing column structures, removal and replacement of brick steps, painting the exterior of the home and installation of a door to match the character of existing doors. The total construction budget is \$9,525.00. Under the residential preservation grant program, the owner will be reimbursed for 50% of costs-or \$4,762.50, whichever is less-of project costs for exterior improvements. The funding limitation for the program is \$10 per square foot of interior floor space or a maximum reimbursement of \$10,000. At the conclusion of the project, the owner will provide City staff with paid invoices and receipts for all work performed. Funding is available in the Residential Preservation Capital Project.

RECOMMENDATION:

That the City Council approve the Historic Preservation Agreement.

- 5. Approval of a Resolution Authorizing Continued Participation With the Atmos Cities Steering Committee; and Authorization of the Payment of 10 Cents Per Capita to the Atmos Cities Steering Committee to Fund Regulatory and Related Activities.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is a member of the Atmos Cities Steering Committee (ACSC) which has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries. In order for ACSC to continue its participation in these activities, it must assess its members for such costs. A resolution authorizing the City's continued participation in ACSC and payment of the 10 cents per capita based on population is necessary to continue with these activities.

RECOMMENDATION:

That the City Council approve the resolution authorizing continued participation with the Atmos Cities Steering Committee; authorizing the payment of 10 cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities.

6. Acceptance of the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR).

ADMINISTRATIVE COMMENTS:

The independent annual audit of the City's financial statements is complete. The 2006 Comprehensive Annual Financial Report is provided in compliance with Administrative Policy and Procedure 3.1.2, Accounting, Auditing and Financial Reporting. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included are reports for the Lewisville Parks and Library Development Corporation, the City of Lewisville Health Benefit Trust and the Single Audit Report on Federal Financial Assistance and the Auditor's Report to Management. No material weaknesses were noted involving the internal control over financial reporting and its operations.

RECOMMENDATION:

That the City Council accept the Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR).

- 7. Approval of a Contract for Election Services Between the City of Lewisville and the Elections Administrator of Denton County Agreeing to the Coordination, Supervision, and Running of the City of Lewisville, May 12, 2007, General Election in Denton County; and Authorization for the City Secretary to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

Pursuant to the State Legislative Body ordering a Constitutional Amendment Election to be held on May 12, 2007, it is necessary to enter into a contract with the Denton County Elections Administrator regarding the coordination, supervision, and running of the City of Lewisville, May 12, 2007, General and Special Elections. This will allow voters to cast their ballots for both the City Elections and the Constitutional Amendment at the same location, allow for ample election equipment, and reduce the City's cost for the General and Special Election. The contract will allow the City to conduct the early voting and election day voting process for the county, with costs of the joint election to be shared equally. The City will utilize the same polling locations previously approved by the Council (Lewisville City Hall, Lewisville Municipal Annex, and the Memorial Park Recreation Center).

RECOMMENDATION:

That the City Council approve the proposed contract; and authorize the City Secretary to execute the contract.

- 8. Termination of a Program Grant Agreement With Industrial Developments International (Texas) L.P. Dated December 18, 2006; Approve a New Program Grant Agreement by and Between the City of Lewisville, Texas and Industrial Developments International (Texas) L.P., for a 29.71 Acre Area of Land Located on Ace Lane South of F.M. 3040; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

On December 18, 2006, the Council approved Program Grant Agreements for all properties within the Southwest Lewisville area. At that time, staff was finalizing the agreement with Industrial Developments International (IDI) and working through the final legal review anticipating signature by the owners. Three changes have been made to the agreement which were substantive in nature. The items relate to maximum financial exposure, maximum right-of-way to dedicate, and maximum completion date of the infrastructure.

RECOMMENDATION:

That the City Council terminate the Program Grant Agreement with Industrial Developments International (Texas) L.P. dated December 18, 2006; and approve the new Program Grant Agreement by and between the City of Lewisville, Texas and Industrial Developments International (Texas) L.P., for a 29.71 acre area of land located on Ace Lane south of F.M. 3040; and authorize the City Manager to execute the agreement.

G. REGULAR HEARINGS:

- 9. Consideration of the Preliminary Plat of Castle Hills, Phase V, Section A, a 78.47 Acre Tract Containing 72.97 Acres Designated Estate Townhouse Residential (ETH) and 5.5 Acres of Undesignated Use with 270 Residential Lots, 8 Common Area Lots and 1 Undesignated Use Lot, Bounded by FM 544 to the North, S.H. 121 to the West and FM 2281 to the East, with a Requested Variance to the 1996 Agreement Between the City of Lewisville, Bright Farm Partnership and the Denton County Fresh Water Supply Districts, Based on the 1996 Lewisville Code of Ordinances, Chapter 6, Land Use, Article V, Section 6-92 Streets, as Requested by TRC Hunter, on Behalf of the Property Owner.**

ADMINISTRATIVE COMMENTS:

The developer is requesting a variance to the Castle Hills Development Ordinance with regard to street rights-of-way with the Preliminary Plat of Castle Hills Phase V, Section A to vary the minimum allowable street right-of-way from 50 feet wide to 44 feet wide plus 6-foot sidewalk and utility easements along both sides of the right of way. The Planning and Zoning Commission considered the preliminary plat and variance at their March 6 meeting and recommended approval by a vote of 5-0.

RECOMMENDATION:

That the City Council approve the final plat and the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Eric Stanley, Castle Hills Development Company

- 10. 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 State Highway 121 and Plaza Boulevard.**

ADMINISTRATIVE COMMENTS:

The Plaza Development is a mixed use development located on the northwest corner of Ridgmont Drive and SH 121 (Bypass). The development has improvements in both the City of Lewisville and Coppell jurisdictions. During the process of commercial development in Coppell, 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. The developers additionally constructed the stone wall without a permit. City staff has directed the developers to remove the structures from within the easement.

RECOMMENDATION:

That the City Council deny the request from JDB Coppell Commercial G.P., L.L.C.

PRESENTATION: T. S. Kumar, P.E., City Engineer
William Anderson, JDB Coppell Commercial G.P., L.L.C.

- 11. Consideration of a Variance to the Lewisville City Code, Article IV, Chapter 11, Signs, Section 11-12 Permissible Signs Located Within the Old Town Center District That Require a Permit, as Requested by Hasmig Minassian.**

ADMINISTRATIVE COMMENTS:

Currently, the Lewisville Code of Ordinances does not allow buildings in the Old Town Center District more than one wall sign nor does it allow roof signs. The owner of the property at 124 N. Mill is requesting a variance to the Sign Ordinance to allow two secondary signs of the maximum square footage of 25 square feet, in addition to the primary wall sign, a maximum of 50 square feet. The owner also requests that the \$350 variance request fee be waived. The sign design was approved by the Old Town Design Review Committee on February 26, 2007 and will provide the owner with an alternative to the existing pole sign on the property, which will be removed upon mounting the wall and roof signage.

RECOMMENDATION:

That the City Council approve the variance request and waive the variance request fee.

PRESENTATION: Elizabeth Trospen, Economic Development Specialist

- 12. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting the Current Ordinance and Replacing it With New Text.**

ADMINISTRATIVE COMMENTS:

The current Special Events ordinance is in need of revision for clarification purposes. Staff met with the Special Events Committee and various City departments to discuss changes to the current Special Events ordinance. Staff is requesting that City Council repeal the existing ordinance and replace it with the proposed ordinance.

RECOMMENDATION:

That the City Council adopt the ordinance.

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 10, Parks and Leisure Services, by Making Certain Changes Providing Additional Prohibitions Within the Limits of a City Park.**

ADMINISTRATIVE COMMENTS:

Staff has reviewed the code of ordinances as it relates to the parks and has identified prohibitions that should be added to Chapter 10, including lighting fires during a fire ban, failing or refusing to properly remove animal waste, operating any public address system without first obtaining a permit, and playing golf or using or playing with golf balls within any part of any park not designated as a golf facility.

RECOMMENDATION:

That the City Council adopt the ordinance.

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Section 6-32 through 6-43, the Park Dedication Requirements of the General Development Regulations.**

ADMINISTRATIVE COMMENTS:

The requirements for park dedications related to residential development have been in effect for over twenty years, and staff has made several changes to the ordinance to reflect current conditions. The substantive changes are that the Park Board will no longer be involved since no land will be dedicated by the developer, but each building permit will require payment of the park development fee. There will be no division of the City into zones, but rather the entire City will be one zone. The time for the City to spend each park development fee is increased from 3½ to 10 years.

RECOMMENDATION:

That the City Council adopt the ordinance.

- 15. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Parks and Leisure Services Department, Park Development Fee.**

ADMINISTRATIVE COMMENTS:

As part of the review of the Park Dedication requirements of the General Development regulations of the City, it is recommended that the fee remain at \$750 per dwelling unit, and that the amount be located in the fee section of the Lewisville City Code.

RECOMMENDATION:

That the City Council adopt the ordinance.

16. Consideration of Upcoming Meeting Dates for the City's Budget Process.

ADMINISTRATIVE COMMENTS:

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City's budget process. The Budget Workshop is recommended to be scheduled for August 18th, with August 20-22nd reserved for evening workshops, if necessary.

RECOMMENDATION:

That the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

H. REPORTS:

I. CLOSED 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

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

K. ADJOURNMENT

**AGENDA
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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).