

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 4, 2007**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion of Old Town Park and Art Center Concept Plan
- 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 Durham
- B. **PLEDGE TO THE FLAG:** Councilman Tierney
- C. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on a 0.313 Acre Tract of Land Located on the North Side of West Walters Between Herod Street and Charles Street; and Identified as the Southwest Part of Lots 5, Block F of the Original Old Town Lewisville Addition; as Requested by the Property Owner Mark King (Case No. PZ20070408).

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use One (OTMU1) is in keeping with the recommendations of the Old Town Master Plan. The property owner has no immediate plans to redevelop or sell the property, rather he feels that re-zoning is an opportunity to make his property more attractive to buyers should he wish to sell it in the future. Rezoning the property OTMU1 will allow the applicant more flexibility regarding placement of structures and uses on the property. The Planning and Zoning Commission voted 4-0 in favor of the zone change request at their May 1, 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 Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1).

PRESENTATION: Sarah McLain, Economic Development Specialist

- 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:** City Council Minutes of the May 21, 2007, Workshop Session and Regular Session.
 2. **Approval of a Bid Award for the Purchase of Concrete Box Culverts, Related to the Fox Avenue Reconstruction Project, to Hanson Pipe & Precast, Inc., Grand Prairie, Texas, in the Amount of \$66,370.20; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of four (4) bid invitations were issued, including two (2) downloaded from DemandStar.com. Two (2) bids were received and opened May 17, 2007. The concrete box culverts consist of 3-barrels, 9' X 5' and are 67 linear feet each. Bidders are very limited for this purchase, as these items are made and shipped directly by the manufacturer. Funding is available in the Fox Avenue Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the purchase of concrete box culverts, related to the Fox Avenue Reconstruction Project, to Hanson Pipe & Precast, Inc., Grand Prairie, Texas, in the amount of \$66,370.20; and authorize the City Manager to execute the contract.

- 3. Approval of a Bid Award for Demolition Services to Billy L. and Joan Nabors, Inc., Seagoville, Texas, in the Amount of \$59,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty (20) bid invitations were issued, including five (5) downloaded from DemandStar.com. Four (4) bids were received and opened May 21, 2007. The demolition service involves the demolition of the Old Town Activity Center (formally Temple Baptist Church) and adjacent parking lot. The parking lot is scheduled to be demolished following Western Days activities. Funds are available from the General Fund.

RECOMMENDATION:

That the City Council approve a bid award for Demolition Services to Billy L. and Joan Nabors, Inc., Seagoville, Texas, in the amount of \$59,000; and authorize the City Manager to execute the contract.

- 4. Approval of Final Acceptance of the Emergency 42 Inch Sanitary Sewer Replacement (South of Hebron Parkway); and Authorization to Make Final Payment to McMahon Contracting, L.P., in the Amount of \$24,393.**

ADMINISTRATIVE COMMENTS:

On February 5, 2007, the City Council ratified the emergency expenditure and award of a contract to McMahon Contracting, L.P. in the amount of \$480,975 for the construction of the Emergency 42 Inch Sanitary Sewer Replacement (South of Hebron Parkway) project. The work has been completed and it is now in order to formally accept the project and make final payment. The work was completed in accordance with the contract documents and no liquidated damages are applied. The warranty period is two years from the date of final acceptance by the City Council.

RECOMMENDATION:

That the City Council accept the Emergency 42 Inch Sanitary Sewer Replacement (South of Hebron Parkway) project and authorize final payment in the amount of \$24,393 to McMahon Contracting, L.P.

5. **Tabled Item: Approval of Supplemental Appropriation From the Grant Fund Balance in the Amount of \$82,063 to the Grant Fund; Approval of a Bid Award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the Amount of \$389,574.15; Approval of a Total Budget of \$393,063; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of forty-eight (48) bid invitations were issued, including six (6) downloaded from DemandStar.com. Six (6) bids were received and opened May 3, 2007. This project involves the rehabilitation of concrete curb, gutter, and drive approaches of three streets in the Rolling Ridge Addition: Rolling Ridge, Ridgecrest and University Drive. Currently, funding is available in the CDBG Block Grant Budget in the amount of \$311,000.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$82,063 to the Grant Fund; approve a bid award for CDBG Concrete Curb and Gutter Project to Ken-Do Contracting, LP, DeSoto, Texas, in the amount of \$389,574.15; approve of a total budget of \$393,063; and authorize the City Manager to execute the contract.

- 6. Approval of Purchase of Special Events Insurance Brokered Through McGriff, Seibels and Williams From K&K Insurance in the Amount of \$26,711; and Authorization for the City Manager to Execute All Required Contracts.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville purchased special events insurance in 2005 and 2006 to cover three events: Holiday at the Hall, July 4th and the Sounds of Lewisville. For 2007, the City added four additional events to the special events coverage including the Great Race, Cinco de Mayo, Western Day and the Farmers Market. The annual premium has increased from \$18,358 to \$26,711, now requiring City Council approval since it exceeds \$25,000 as required by Administrative Policy 3.2.

RECOMMENDATION:

That the City Council approve the purchase of special events insurance from K&K Insurance; and authorize the City Manager to execute all required contracts.

- 7. Approval of a Contract Between the City of Lewisville and McGriff, Seibels and Williams of Texas, Inc., for Risk Management Consulting Services in the Amount of \$26,000; and Authorization for the City Manager to Execute All Required Contracts.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville sent out Requests for Proposals in February 2003 for Risk Management Consulting Services and accepted a proposal with McGriff, Seibels & Williams effective July 1, 2003, at an annual cost of \$24,000. In August, 2006, staff requested that McGriff provide additional contractor bonding requirement review services which increased the overall contract amount to \$26,000 now requiring City Council approval since it exceeds \$25,000 as required by Administrative Policy 3.2.

RECOMMENDATION:

That the City Council approve the agreement between the City of Lewisville and McGriff, Seibels & Williams of Texas, Inc., for risk management services; and authorize the City Manager to execute all required contracts.

- 8. Approval of a Professional Services Agreement With Teague Nall and Perkins, Inc., in the Amount of \$148,200 for Services Related to the Elm Fork Sanitary Sewer Phase II Project; Approval of a Total Project Design Budget of \$152,650, Which Includes \$4,450 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Elm Fork Sanitary Sewer Phase II Project includes the construction of new 24", 18", 15", and 12" sanitary sewer gravity lines to serve the properties along the south side of Business Highway 121 between Railroad Street and Valley Ridge Boulevard. Staff has negotiated a Professional Services Agreement with Teague Nall and Perkins, Inc., for surveying, geotechnical investigation, design services, and governmental agency approvals. The total fee for identified services is \$148,200. Funding for the design is available in the Elm Fork Sanitary Sewer Utility Capital project account.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Teague Nall and Perkins, Inc., in the amount of \$148,200 for services related to the Elm Fork Sanitary Sewer Phase II project; approve a total project design budget of \$152,650, which includes \$4,450 for contingencies; and authorize the City Manager to execute the agreement.

- 9. Approval of a Second Amendment to the Historic Preservation Agreement Between the City of Lewisville and Caroline Berend for the Rehabilitation of the Building at 139 West Main Street; and Authorization for the City Manager to Execute the Amendment.**

ADMINISTRATIVE COMMENTS:

On November 7, 2005 Caroline Berend was awarded first-year funding under the Historic Preservation Façade Grant program. As stipulated in the agreement, grant awardees must “complete construction within one (1) year from the date the grant is approved”. Ms. Berend was unable to begin construction within the allotted one-year timeframe and requested a six-month extension, which the City Council approved on December 18, 2006. Since that time, Ms. Berend has made improvements to her building including replacing windows and doors, and installing a new storefront. However, the awning and painting remain to be completed and Ms. Berend has requested a second extension to the agreement to allow time for this work to be completed. The amendment will allow a total nine (9) month extension to the original agreement.

RECOMMENDATION:

That the City Council approve the extension to the Historic Preservation Agreement; and authorize the City Manager to execute the agreement extension.

10. Approval of a Resolution Supporting the Establishment of a Foreign Trade Zone to Include 27.6111 Acres Along Trinity Drive, as Requested by The Apparel Group.

ADMINISTRATIVE COMMENTS:

Council approved a resolution in April, 2007 in support of creating a Foreign Trade Zone for The Apparel Group in Austin Ranch. The original resolution was for a site that was 15 acres along Trinity Drive. However, since that time, The Apparel Group has purchased additional land to accommodate future expansions. In order to modify the resolution to expand the boundary, a new resolution must be approved. Foreign Trade Zone’s (FTZ) are beneficial to companies that import products into the United States by allowing the deferment of payment of duties until the goods are entered into commerce of the U.S.

RECOMMENDATION:

That the City Council approve the resolution in support of establishing a Foreign Trade Zone of approximately 27.6111 acres on Trinity Drive for The Apparel Group.

F. REGULAR HEARINGS:

- 11. Consideration of Three Variances to the Lewisville City Code, Section 6-162, Off Street Parking Requirements, Section 6-123(d) Non-Residential Landscaping Requirements, and Section 6-57, Procedures for Issuance of a Building Permit, to Obtain a Building Permit for a Construction Trailer Prior to Issuance of a Building Permit for Lot 3, Block A, Majestic Addition, as Requested by Majestic Realty Group and Represented by Al Sorrels.**

ADMINISTRATIVE COMMENTS:

Majestic Realty Group is developing a property located on S. Edmonds Lane at Highway 121 Business. An engineering site plan has been submitted and is currently in staff review. The building on this site is approximately 1,020,030 square feet in size. The developer is asking the City Council to grant the following variances to the Lewisville City Code: (a) to provide 498 parking spaces in lieu of the required 673 parking spaces on site (Exhibit A); (b) to exclude the interior landscaping requirement of one tree per 15 parking spaces on the east and west side parking areas of the site (plant trees in alternate locations on site, Exhibit A); and, (c) to permit a construction trailer on-site prior to obtaining a building permit for the office/warehouse building (Exhibit EX1).

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: Larry Finney, Building Official
Al Sorrels, Majestic Realty Group

- 12. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 9.5, Old Town Development Ordinance, Section 9.5-198, Signage in Old Town, By Deleting the Current Section in its Entirety.**

ADMINISTRATIVE COMMENTS:

The Old Town Development Ordinance (OTDO), as revised in Fall 2004, contains Section 198 that addresses requirements for signage in both the Old Town Center District and the Old Town Design District. This information is also provided in the Lewisville Sign Ordinance. Rather than maintain the information in two places, staff is requesting to delete Sec. 9.5-198, Signage in Old Town, in its entirety from the Old Town Development Ordinance.

RECOMMENDATION:

That the City Council adopt the ordinance.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule by Establishing a Non-Emergency Lake Response Fee and Revising Ambulance Service Charges.**

ADMINISTRATIVE COMMENTS:

Staff presented information concerning the establishment of a non-emergency lake response fee and revision of ambulance charges at the May 21, 2007 work session. Staff recommended the establishment of a fee in the amount of \$432 for such non-emergency responses. Increases in various ambulance charges were also recommended to reflect the increasing costs of drugs and program management. The ordinance revises the fees in accordance with these earlier recommendations.

RECOMMENDATION:

That the City Council consider the ordinance amending the Lewisville City Code, Chapter 2, Section 2-201 Fee Schedule by establishing a non-emergency lake response fee and revising ambulance service charges.

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3 Animals, Relating to Dangerous Dogs and Dogs That Attack Other Animals.**

ADMINISTRATIVE COMMENTS:

The current ordinances relating to dogs that attack other animals were approved by City Council in the mid to late 1990's. There are no provisions in the ordinance that require such dogs to be seized and confined pending a determination hearing in court; there are no provisions for destruction of a dog that seriously injures or kills another animal and the dog owner is only required to carry \$10,000 of liability insurance to cover future attacks. Ordinance provisions for incidents involving a human that is seriously injured or killed by a dog include seizure and confinement of the dog; destruction of a dog that kills a person; and \$100,000 of liability insurance to cover future attacks. The proposed ordinance revisions equalize the requirements for dogs that seriously injure or kill other animals with those for dogs that seriously injure or kill a human. The Animal Services Advisory Board, at their May 23, 2007 meeting, recommended approval of this amendment by a vote of 7 to 0.

RECOMMENDATION:

That the City Council approve the proposed ordinance revisions.

PRESENTATION: Sherry Harper, Health and Code Enforcement Manager

15. Consideration of a Resolution Nominating One Candidate to the Denco Area 9-1-1 District Board of Directors.

ADMINISTRATIVE COMMENTS:

The City has received correspondence from the Denco Area 9-1-1 District advising of the expiring term of office on their District Board of Managers. The District is requesting submission of any nominations by July 16, 2007. This position is currently held by Olive Stephens, Mayor of Shady Shores, and she is willing to serve an additional term. A resolution has been prepared concurring with the nomination of Olive Stephens, Mayor of Shady Shores.

RECOMMENDATION:

That the City Council approve the resolution nominating one candidate to the Denco Area 9-1-1 District Board of Directors.

16. Consideration of Nominations to the North Central Texas Council of Governments Regional Transportation Council.

ADMINISTRATIVE COMMENTS:

The City holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The city appointee to this position is Councilman Mike Nowels. His seat on the RTC will need to be filled upon his resignation from City Council. The appointee is required to be an elected official who serves on the governing body they represent. This seat term expires in June 2008. The City of Lewisville's appointee represents Lewisville, Flower Mound, Highland Village, Corinth, Lake Dallas, Little Elm, and The Colony.

RECOMMENDATION:

That the City Council consider a nomination to the North Central Texas Council of Governments Regional Transportation Council.

- 17. Tabled Item: Discussion of a Potential Ordinance to Prohibit Residency of Sex Offenders Within Certain Areas of the City (Requested by Mayor Carey).**

ADMINISTRATIVE COMMENTS:

This item was tabled at the August 21, 2006, City Council meeting until this meeting to determine what action the State Legislature would take on this topic. Various cities in Texas have been enacting local ordinances that prohibit residency of certain sex offenders within certain locations. Typically these ordinances define sexual offenders as persons registered on the Texas Department of Public Safety database due to violations involving persons under sixteen years of age. Most restrict residency from within 1000 feet of areas "frequented" by children such as public parks, public or private schools, or day care centers. There are often various "exceptions" or affirmative defenses provided as well. The pros/cons of such ordinances are many and range from protecting children from predators to unintended effects such as driving predators "underground," the cost of enforcement, and disproportionate relocation of offenders into certain communities or neighborhoods. To staff's knowledge, at this time the legislature did not make any changes that would address this issue.

RECOMMENDATION:

That the City Council provide direction to staff regarding any desired research and ordinance options.

**AGENDA
LEWISVILLE CITY COUNCIL
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- G. **REPORTS:**

- H. **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

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

- J. **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).