

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
AUGUST 20, 2007**

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

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

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 5:30 P.M.**

- A. Buxton Retail Report
- 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 Ueckert
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Thornhill
- C. **PRESENTATION:** Plaques and Certificates of Appreciation to Outgoing Members of the City's Boards/Commissions/Committees
- 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 August 6, 2007, Workshop Session and Regular Session.
  2. **Approval of Acceptance of a \$4,000 Grant From the Texas Comptroller of Public Accounts for the Tobacco Education and Prevention Initiative Program; and Authorization for the City Manager to Execute the Grant Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Texas Comptroller of Public Accounts is awarding the City of Lewisville \$4,000 in grant funds. The grant will enable the City to conduct on-site compliance inspections of tobacco permitted outlets and compliance education to retailers for the purposes of enforcing the Texas Health and Safety Code. The grant budget for FY 2007/2008 has been amended to reflect the planned expenditures.

**RECOMMENDATION:**

That the City Council approve the acceptance of the Texas Comptroller of Public Accounts grant award in the amount of \$4,000; and authorize the City Manager to execute the grant agreement.

F. **REGULAR HEARINGS:**

3. **Consideration of the Preliminary Plat of Castle Hills, Phase VI, a 163.81 Acre Tract Proposed for Townhouse Two (TH-2), Estate Townhouse (ETH) and Undesignated Commercial Uses Generally Bounded by S.H. 121 to the North, KCS Railroad to the Southwest, and a TXU Transmission Line to the Southeast; and Consideration of Four Variances to the Castle Hills Development Agreement as Requested by Dean Plunk, Project Manager with TRC Engineers, Inc., Representing the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

The following variances are being requested by the developer for the subject phase: a) to allow TH-2 Zoning for Sections A, B, & C with a minimum dwelling size of 1400 square feet per deed restriction; b) to allow 41-foot street right of ways with 6-foot sidewalk and utility easements for sections A & B; c) to allow 44-foot street right of ways with 6-foot sidewalk and utility easements for sections C & D; and d) waive the alley requirement for sections A, B, C, & D. The Planning and Zoning Commission at their August 7, 2007 meeting voted 7-0 to approve the preliminary plat and the variances.

**RECOMMENDATION:**

That the City Council approve the preliminary plat and the requested variances.

**PRESENTATION:** David Salmon, Assistant City Engineer  
Eric Stanley, Bright Properties

- 4. Consideration of the Final Plat for Bulloch Addition, an Addition to the City of Lewisville Located at the Southeast Corner of Purnell Street and Hardy Street, Which Includes a Request for Two Plat Related Variances; and, Consideration of Four Engineering Site Plan Related Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, as Requested by Scott Bulloch, the Owner of Bulloch Fabricating.**

**ADMINISTRATIVE COMMENTS:**

The owner of the property intends to expand the existing metal fabricating business from 48,450 square feet to 71,030 square feet and has accumulated additional property adjacent to the existing business to facilitate the expansion, thus requiring a re-plat for the property and a new engineering site plan submittal. The developer is requesting the following variances: a) to allow dedication of a 5-foot sidewalk and utility easement along Hardy Street on Lot 1, Block A in lieu of dedicating an additional 5 (five) feet of right-of-way; b) to waive the requirement to improve both Hardy Street and McKenzie Street; c) to allow four (4) 12'x80' and three (3) 12'x60' loading spaces in lieu of the required six 12'x 80' loading spaces; d) to waive the requirement to provide an 80% masonry exterior finish on the proposed building; e) to allow the construction of a wooden screening fence between the commercial and residential properties in lieu of the required masonry wall; and, f) to waive the requirement to provide a fire sprinkler system on both the proposed and existing building areas. The Planning & Zoning Commission considered the plat and the two plat related variances (variances a & b), at their June 19, 2007 meeting and voted 5-0 to recommend approval of the final plat and variance "a" (right-of-way dedication on Hardy Street). The commission voted 3-2 to recommend denial of variance "b" (street improvements on Hardy Street and McKenzie Street).

**RECOMMENDATION:**

That the City Council approve the preliminary plat and variance "a" (right-of-way on Hardy Street), consider variance "b" (street improvements on Hardy and McKenzie Streets) approve variance "c" (loading spaces) and deny variance "d" (exterior finish), variance "e" (screening wall), and variance "f" (fire sprinklers).

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

5. **Tabled Item: Consideration of a Variance to the Lewisville City Code, Chapter 11 Signs to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade as Requested by Barry E. Bente on Behalf of Miracle Home Health at 571 West Main Street.**

**ADMINISTRATIVE COMMENTS:**

The proposed sign is a wall sign to be installed on the primary façade (the South elevation) of the building at 571 West Main Street. At the August 6, 2007 City Council meeting, this item was tabled while the applicant obtained documentation to show that owner would only allow one additional wall sign on the primary façade and would remove the sign when the tenant vacated the building. Currently, the applicant is working with staff, but has not yet obtained the necessary documentation. Staff recommends that City Council table the item until the applicant has the necessary documentation to proceed.

**RECOMMENDATION:**

That the City Council table indefinitely the variance to the Lewisville City Code, Chapter 11 Signs for Miracle Home Health at 571 West Main Street.

**PRESENTATION:** Sarah McLain, Economic Development Specialist

- 6. Consideration of a Request for a Variance to the Lewisville City Code, Section 6-54, Regarding When An Engineering Site Plan is Required, for a Proposed Building on the Delay Middle School Campus, Located at 136 Purnell Street, as Requested by Neal Wilson, Director of Athletics for the Lewisville Independent School District.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Independent School District is upgrading all middle school campuses by adding a weight room/physical education building to all sites. The building will be made of brick and/or block to match the existing main campus building and will be approximately 2,000 square feet in size. An engineering site plan is required for the Delay Middle School site. Representatives from the Lewisville Independent School District are requesting that the engineering site plan requirements be waived allowing for the construction of the building. In addition, the district will provide a conceptual site plan exhibit that will address the location and setbacks for the building.

**RECOMMENDATION:**

That the City Council approve the variance request.

- 7. Consideration of a Request for Five Variances to the Lewisville City Code, Chapter 6, Land Development Regulations, for a Proposed Development Associated With Lewisville High School, Located at 1098 West Main Street, as Requested by Kyle Hogue, G&A Consultants, Inc., Representing the Owner.**

**ADMINISTRATIVE COMMENTS:**

Two additional buildings are proposed to be constructed at the Lewisville High School campus. A new two-story fine arts building, approximately 40,000 square feet in size, and a new activities building, approximately 4,000 square feet in size, are proposed for the campus. An engineering site plan has been submitted for City staff to review that contains five (5) variances that were previously approved by the City Council, but need to be reconsidered due to the new construction. The variances include: a) to waive the deceleration lane requirements related to Valley Parkway; b) to allow the existing drives to remain within the control of access zone along Valley Parkway; c) to waive driveway spacing requirements for existing drive approaches; d) to waive current landscape requirements; and, e) to waive the current screening wall requirements along certain portions of the property. After review of the engineering site plan, staff has determined that the impact of the new construction is minimal compared to existing conditions.

**RECOMMENDATION:**

That the City Council approve the requested variances.

**PRESENTATION:** Eric Ferris, Director of Community Development  
Kyle Hogue, P.E., G&A Consultants, Inc.

- 8. Consideration of a Variance to the Lewisville City Code, Section 6-144 - Screening Walls, for the Brownstones at Vista Ridge, Located on the West Side of Rockbrook Drive, South of FM 3040; as Requested by Jason Rose of JR Rose Development Companies, the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

The site is located at the southwest quadrant of Round Grove Road and Rockbrook Drive. A masonry screening wall is required where residential zoning abuts commercial zoning. The property sits between the large Chapel Hill Apartments development, where a wall is not required, and retail businesses along Round Grove Road, where a masonry screening wall is required. The proposed wrought iron fence with landscaping as proposed will provide a more appealing separation than a masonry screening wall that only goes a portion of the way around the site. An engineering site plan is currently under review and, with the exception of this particular variance, all other requirements meet City codes.

**RECOMMENDATION:**

That the City Council approve the variance request to waive the required masonry screening wall in lieu of the proposed wrought iron fence and landscaping.

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

- 9. Consideration of a Variance to the Fee Ordinance Related to Pet Registration Fees; Consideration of a Variance to the Special Events Ordinance Related to Overnight Housing of Stock Animals; Consideration of Sale and Consumption of Alcohol on City Property as Required by Administrative Policy 4.1.1, City Facilities; and Consideration of Temporary Street Closures on Main Street and Mill Street for Western Day 2007 Festival.**

**ADMINISTRATIVE COMMENTS:**

The 2007 Western Day festival is scheduled for Saturday, September 1. Several variances and Council approvals are necessary to carry out the festival activities. A variance to the fee ordinance is requested for waiving of the pet registration fee from August 21 to September 1 to coincide with an emphasis on pets at this year's festival. A variance is also requested to the ordinance related to overnight housing of stock animals during special events in order keep the 32 longhorn cattle that will lead off the parade in Old Town from 7:00 a.m. Saturday, September 1 until 11:00 a.m. Sunday, September 2. Council approval is requested for the sale and consumption of alcohol on City property so that a beer garden can be set up on the west parking lot of City Hall. Finally, staff is requesting Council approval for the closing of the streets which will be used for the festival.

**RECOMMENDATION:**

That the City Council approve the requested variances to the Fee Ordinance and Special Events Ordinance; approve alcohol sales on city property during Western Day; and approve temporary street closures on Main and Mill Streets.

- 10. Consideration of a Two-Year Bank Depository Contract With Three (3) One-Year Renewal Options With Wachovia Bank, N.A., as Depository for City Funds; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

On June 13, 2007, the City mailed a request for proposal for Depository and Safekeeping Service applications to prospective banking institutions with banking facilities located within the City. The request for proposal requested information for the cost of both services currently being received as well as the cost for anticipated new services not currently being provided. Two qualified banking institutions submitted proposals. Both proposals were evaluated on the criteria listed in the request for proposal. Wachovia Bank, N.A. received the highest overall score from the evaluation panel.

**RECOMMENDATION:**

That the City Council approve a two-year Bank Depository Contract with three (3) one-year renewal options with Wachovia Bank, N.A. as Depository for City Funds; and authorize the City Manager to execute the contract.

- 11. Consideration of an Ordinance Adopting Provisions for the Automated Traffic Signal Enforcement Program in the City of Lewisville, Texas.**

**ADMINISTRATIVE COMMENTS:**

On July 16, 2007, City Council approved the implementation and operation of a photographic red light enforcement program in the City of Lewisville. An ordinance has been prepared imposing civil penalty for violations and enforcement procedures.

**RECOMMENDATION:**

That the City Council adopt the ordinance for the automatic traffic signal enforcement program.

- 12. Discussion of the Restriction of Smoking in Designated Public Places (as Requested by Mayor Carey).**

**ADMINISTRATIVE COMMENTS:**

Currently no state law or city ordinance bans smoking in public places. House Bill 9, which banned smoking in designated public places, was introduced by Representative Crownover in the last legislative session. The bill passed in the House but failed in the Senate. Forty-seven Texas cities have passed an ordinance that bans smoking in some form. The City Council has considered this issue in the past and directed staff to put an incentive program in place that would encourage restaurants to ban smoking. This program was placed on hold pending the outcome of HB 9. Mayor Carey requested that this issue be reexamined in light of the fact that the statewide bill failed to pass.

**RECOMMENDATION:**

That the City Council provide staff direction as to whether or not they wish to develop a more restrictive smoking ordinance and as to whether or not this change should be made by Council action or a public election; and call a special meeting for August 27, 2007 to approve the election order.

**G REPORTS:**

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

1. Property Acquisition

Section 551.074 (PERSONNEL MATTERS):

2a. City Manager Claude King

2b. City Attorney Ronald J. Neiman

2c. Chief Municipal Court Judge Brian Holman

2d. City Secretary Julie Heinze

Section 551.087 (ECONOMIC DEVELOPMENT):

3. 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).