

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JANUARY 7, 2008**

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

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

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Call to Order and Announce a Quorum is Present.

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

- A. Briefing on Castle Hills Public Improvement District No. 4 by Glenn Opel
- 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 Tierney
- B. **PLEDGE TO THE FLAG:** Councilman Durham
- C. **PROCLAMATIONS:**
  - 1. Declaring the Month of January, 2008, as “National Mentoring Month”;
  - 2. Declaring the Month of January, 2008, as “Lewisville’s 83<sup>rd</sup> Birthday”.
- D. **PRESENTATIONS:** Plaque of Appreciation to Ron Aljoe, Member of Planning and Zoning Commission

E. **PUBLIC HEARINGS:**

1. **Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.79 Acre Tract of Land Located on the Southeast Corner of Main Street and Kealy Avenue; and Identified as Lots 1-4 (W25'), 7(W25'), 8, Block 5 of the Kealy Addition as Requested by Greg Tierney on Behalf of the Property Owner, A.G. & G.T. Investments (Case No. 20071227).**

**ADMINISTRATIVE COMMENTS:**

This public hearing is continued from the December 17, 2007, City Council meeting. The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better flexibility setbacks on the property. Light Industrial (LI) zoning allows setbacks of: front— 25 feet, sides—10 to 15 feet, rear—0 to 50 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 to 6.5 feet for residential and 10 feet for commercial. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their December 4, 2007 meeting.

**RECOMMENDATION:**

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Old Town Mixed Use Two (OTMU2).

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

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Townhouse Two Residential (TH-2) on Two Tracts Totaling 26.33 Acres; the First Tract is Located on the Northeast Corner of Oakbend Drive and Vista Ridge Mall Drive, Further Identified as Lot 5, Block B, Campbell Ranch Addition; the Second Tract is Located on the South Side of Vista Ridge Mall Drive Between Oakbend Drive and Club Ridge Road, Further Identified as a Portion of Tract 5, of the G.C. Woolsey Survey, Abstract 1402; as Requested by Portrait Homes, With Authorization From the Current Property Owner (Case No. PZ20071126).**

**ADMINISTRATIVE COMMENTS:**

TH-2 zoning was created in 2003 to encourage some type of single family development on vacant multi-family tracts. The Portrait Homes representatives have been made aware that City staff typically recommends denial of requests for Townhouse Two unless the request involves the removal of Multi-Family zoning. This zone change request does not eliminate any apartment zoning, although Portrait is proposing voluntary deed restrictions to meet standards for Townhouse (TH) zoning except for setbacks. The applicant will also be seeking conceptual approval of three variances from the General Development Ordinance. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007 meeting. Staff has received a letter from the owners of the property asking that the public hearing be continued to the February 4, 2008 City Council meeting.

**RECOMMENDATION:**

That the City Council continue the public hearing to the February 4, 2008 City Council meeting as requested by the owners of the property.

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Bruce Prine, Portrait Homes

3. **Public Hearing: Consideration of Two Ordinances for Zone Changes From General Business (GB) to Multifamily Two (MF-2) and Multifamily Two (MF-2) to General Business (GB) on Portions of Four Tracts of Land Totaling 28.85 Acres Identified as 3, 4, 5 & 6, J. Watkins Survey Abstract 1527; the Request Constitutes a Land Swap of 0.19 Acres Redistributing 0.19 Acres of GB and 0.19 Acres of MF-2 On-Site; as Requested by Crest Manor Apartments, the Current Property Owner (Case No. PZ20071228).**

**ADMINISTRATIVE COMMENTS:**

The property is located on the south side of FM 3040, just east of Ace Lane. This applicant owns the GB and MF-2 tracts which are currently vacant. This zone change request is to address the existing zoning configuration and result in a change of 0.19 acres of land currently zoned GB along FM 3040 being rezoned to MF-2, while 0.19 acres of MF-2 located along the interior of the tracts being rezoned to 0.19 acres of GB. The resulting effect would be to give the apartment property access and signage at FM 3040 while still maintaining the same amount of GB and MF-2 property. The Planning and Zoning Commission voted 6-0 in favor of recommending approval of the zone change request at their December 4, 2007, meeting.

**RECOMMENDATION:**

That the City Council approve two ordinances amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone changes from General Business (GB) and Multi-Family Two (MF-2) and Multi-Family Two (MF-2) to General Business (GB).

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Samuel Ng, KSNG Architects, Inc.

4. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture-Open Space (AO) to Estate Townhouse (ETH) on a 2.94 Acre Tract of Land Located at 301 East Uecker Lane; Further Identified as Tract 9, L. Burgois Survey, Abstract A0052A; as Requested by Dan Matise, With Authorization From the Current Property Owner (Case No. PZ20071229).**

**ADMINISTRATIVE COMMENTS:**

The property is one of fifteen AO zoned tracts located north of FM 3040, west of Rockbrook and south and east of Oak Bend. The 15 AO tracts, which added together are just under 30 acres, have mostly older single family homes on tracts ranging from .75 acres to five acres. The 2.94 acre request under consideration is not adjacent to existing commercial zoning. Zoning this tract, or any of the tracts not already adjacent to commercial zoning, for any commercial use would not be consistent with the existing residential nature of the roughly 30 acres. The ETH requested by Mr. Matise offers a compatible use, flexibility for individual property owners and a marketable zoning for someone wanting to sell. Three of the four residents who attended the meeting and spoke, were not in favor of residential zoning. These three were all long time residents of the area, waiting on selling for commercial development. The fourth resident, who has lived there since 2006, was in favor of the residential request. The Planning and Zoning Commission voted 6-0 in favor of recommending denial of the zone change request at their December 4, 2007, meeting.

**RECOMMENDATION:**

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Agriculture Open Space (AO) to Estate Townhouse (ETH).

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Dan Matise, Applicant

5. **Public Hearing: Consideration of a Proposed Supplemental Assessment Roll to Correct Boundaries of Public Improvement District No. 4; Consideration of Approval of a Resolution Correcting the Boundaries of Public Improvement District No. 4; and Consideration of an Ordinance Approving the Supplemental Assessment/Service Plan.**

**ADMINISTRATIVE COMMENTS:**

The City Council took various actions beginning in March 2007 to establish Castle Hills Public Improvement District (PID) No. 4. Due to several recent Attorney General's office directives, changes are now required to be made to the boundaries of the District and to the Assessment Service Plan. The public hearing considers a revised assessment roll and district boundaries.

**RECOMMENDATION:**

That the City Council approve the proposed supplemental assessment roll correcting the boundaries of Public Improvement District No. 4; approve the resolution correcting the boundaries of Public Improvement District No. 4; and approve an ordinance establishing the supplemental assessment/service plan.

- F. **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.
- G. **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.
6. **APPROVAL OF MINUTES:** City Council Minutes of the December 17, 2007, Workshop Session and Regular Session.
7. **Approval of Final Acceptance of the CDBG Project, Rolling Ridge Addition Curb and Gutter; and Authorization to Make Final Payment to Ken-Do Contracting in the Amount of \$19,381.75.**

**ADMINISTRATIVE COMMENTS:**

On May 2, 2007, City Council awarded a contract to Ken-Do Contracting in the amount of \$389,574.15 for the CDBG Projects - Rolling Ridge Addition Curb & Gutter Contract. Field changes resulted in a net reduction of \$1,939.17, for a completed total of \$387,634.98. Work began on this project on July 26, 2007, and was completed on October 12, 2007. All punch list items have been completed. The warranty period is two years from date of final acceptance. This project completed curb and gutter and sidewalk repairs to Rolling Ridge, Ridgecrest, and University Drive.

**RECOMMENDATION:**

That the City Council accept the CDBG Project, Rolling Ridge Addition Curb & Gutter, and authorize final payment to Ken-Do Contracting in the amount of \$19,381.75.

- 8. Approval of an Amendment to the Contract With GoGo Creative in the Amount of \$6,500 for Creative Development Related to a Community Branding and Marketing Campaign; and Authorization for the City Manager to Execute the Amendment.**

**ADMINISTRATIVE COMMENTS:**

As part of the Tourism Strategic Plan adopted by City Council in July 2006, City staff has been working with a professional marketing firm on development of a community branding and marketing campaign. The research phase of the project was completed in the summer of 2007 and the creative development phase has begun. The total contract (\$49,900) was below the State bid limit and therefore did not require Council approval; however, staff wants to expand the scope of work being performed. This will result in a total new contract of \$56,400 and thus does require Council approval. If approved, the new community brand is expected to be launched around May 2008.

**RECOMMENDATION:**

That the City Council approve an amendment to the contract with GoGo Creative in the amount of \$6,500; and authorize the City Manager to execute the amendment..

**9. Approval of Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments.**

**ADMINISTRATIVE COMMENTS:**

The Amended and Restated 2007 Joint Utility Agreement clarifies that a maximum of 90% of the cost of the bond principle, interest and issuance costs may be paid through a property tax levied by the Fresh Weather Supply District (FWSD). The Agreement for Collection of Special Assessments makes FWSD No. 1-A responsible for collection of the special assessment and establishes the methodology by which the property owner pays the assessment. The special assessment is a maximum of 10% of the costs of the bond principle, interest and issuance costs.

**RECOMMENDATION:**

That the City Council approve the Amended and Restated 2007 Joint Utility Agreement and Agreement for Collection of Special Assessments.

**H. REGULAR HEARINGS:**

**10. Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Relating to Off-Street Parking Requirements, as Requested by Nortex Modular Space Located at 555 Jubilee Lane.**

**ADMINISTRATIVE COMMENTS:**

Nortex Modular Space is a company that provides wheeled mobile offices and temporary classrooms for sale to the public. A new engineering site plan for their existing site on Jubilee Lane in the Riverview Industrial Park development has been submitted for staff review, which contains a new 2,352 square foot office building. A variance is being requested to provide a total of twenty (20) parking spaces in lieu of the thirty-six (36) parking space requirement. Due to the low parking demand of this specific facility, staff has no major objection should Council wish to approve this request. A variance was approved by the City Council on January 26, 2004 also related to parking for this particular site. At that time, a total of thirty-eight (38) were required and the development provided a total of thirteen (13).

**RECOMMENDATION:**

That the City Council consider the variance request to the Lewisville City Code in regards to off street parking requirements, but restrict the variance to the modular sales use only.

**PRESENTATION:** Jim Attrell, Nortex Modular Space

- 11. Consideration of an Ordinance Authorizing the Issuance of \$20M City of Lewisville Combination Contract Revenue and Special Assessment Bonds.**

**ADMINISTRATIVE COMMENTS:**

A total of \$32M of bonds may be sold in PID No. 4. The initial sale is \$20M. The ordinance submitted for City Council consideration authorizes the Trust Agreement and the Preliminary Placement Memorandum. Due to unforeseen issues regarding this item, it is necessary this item be tabled indefinitely to allow for placement of the bond.

**RECOMMENDATION:**

That the City Council table this item indefinitely.

- 12. Consideration of a Resolution Casting Lewisville's Runoff Vote for Director to the Dallas Central Appraisal District Board.**

**ADMINISTRATIVE COMMENTS:**

By state law, the nomination process for persons to serve on the Dallas Central Appraisal District Board of Directors has been completed. The City of Lewisville is entitled to one vote. The voting which was submitted by December 15, 2007 requires a runoff. The results of the suburban cities election are: Scott Wheeler of Addison 9 votes, Dwayne Gentsch of Garland 6 votes, Michael Hurtt of Desoto 6 votes, Rita Burks of Balch Springs 4 votes, James Daniels of Lancaster 2 votes and Robert Thornton of Grand Prairie 1 vote. Two cities abstained from voting. Since there was no one candidate receiving 16 votes (majority of the 30 votes eligible), a runoff election is necessary. A coin flip between the two candidates who shared the second highest number of votes, Dwayne Gentsch and Michael Hurtt, resulted in Michael Hurtt securing a place on the ballot. The City of Lewisville cast its one vote for Michael Hurtt in the December election.

**RECOMMENDATION:**

That the City Council consider casting a vote to the Dallas Central Appraisal District Review Board.

- 13. Acceptance of Resignation of Ken Judkins From Place No. 6 on the Park Board; Declare a Vacancy Exists; and Consideration of an Appointment to Place No. 6 on the Park Board.**

**ADMINISTRATIVE COMMENTS:**

On December 19, 2007, staff received an e-mail from Ken Judkins advising that he is resigning from the Park Board effective immediately. The resignation of Ken Judkins has created a vacancy in Place No. 6 of the Park Board.

**RECOMMENDATION:**

That the City Council accept the resignation of Ken Judkins from Place No. 6 on the Park Board; declare a vacancy exists; and consider appointments to fill the vacancy on the Park Board.

- 14. Consideration of a Request Submitted by Vista Ridge Mall for Funding of Maintenance of the Soft Play Area and Marketing Opportunities.**

**ADMINISTRATIVE COMMENTS:**

The City Council previously shared with the Medical Center of Lewisville the funding of the design and construction of the soft play area located in Vista ridge Mall. The costs of design and construction were paid out over five years at \$35,000 per year with the final payment in fiscal year 2006-2007. Vista Ridge Mall is again requesting that the City and Medical Center continue support of the Soft Play Area and have added some enhanced marketing opportunities. The cost again would be \$35,000 per year for five years.

**RECOMMENDATION:**

That the City Council consider the request submitted by Vista Ridge Mall for funding of maintenance of the Soft Play Area and marketing opportunities.

- 15. Consideration of a Resolution Encouraging the Texas Legislature to Establish Statewide Residency Restrictions for Convicted Sex Offenders no Longer on Probation or Parole.**

**ADMINISTRATIVE COMMENTS:**

The proposed resolution encourages the Texas Legislature to pass a uniform, statewide law extending the residency restrictions of sex offenders beyond the current requirements to include the period of time after a convicted sex offender has completed their sentence and probationary terms.

**RECOMMENDATION:**

That the City Council approve the resolution.

- 16. Discussion of Report From Chief of Police on Local Jurisdiction's Sex Offender Residency Restriction Data.**

**ADMINISTRATIVE COMMENTS:**

At the November 19, 2007 City Council meeting, Council asked Chief Kerbow to look into data from several local cities with sexual offender residency restrictions. A report summarizing his findings is provided.

**RECOMMENDATION:**

That the City Council discuss the report and provide any further direction to staff.

**I. REPORTS:**

- ◆ Fourth Quarter Boards/Commissions/Committees Attendance Reports

**J. 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

**AGENDA  
LEWISVILLE CITY COUNCIL  
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- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
  
- L. **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).