

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
FEBRUARY 4, 2008**

**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:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Cub Scout Pack 729
- C. **PROCLAMATION:** Declaring February 9, 2008, as “Scouting for Food Day”.
- D. **PRESENTATION:**
  - a.) “Certificate of Achievement for Excellence in Financial Reporting” Award;
  - b.) DCTA Report Presented by Charles Emery

E. **PUBLIC HEARINGS:**

1. **Continued 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:**

At the January 7, 2008 City Council meeting, the public hearing was opened and then continued to this meeting as requested by the property owner. Staff has now received a letter from the property owner asking that the item be withdrawn from the agenda.

**RECOMMENDATION:**

That the City Council permit withdrawal of the zone change as requested by the property owner.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Local Commercial (LC) and Duplex (DU) to Medical District (MD) on 2.75 Acres Located at 169 Lake Park Road: Further Identified as Lot 1, Block A of the Cartwheel Addition, and 175 Lake Park Road: Further Identified as Lot 18R, Block 1 of the Oak Ridge Park Estates Addition Section 2; as Requested by Vilbig & Associates, With Authorization From the Current Property Owner Grand Villa PHX, Inc., DBA Lake Village Nursing and Rehabilitation (Case No. PZ20080104).**

**ADMINISTRATIVE COMMENTS:**

The Lake Village Nursing and Rehabilitation Center was built in the mid 1970's when nursing homes were allowed in commercial zoning. The Duplex (DU) zoned lot adjacent to this piece has an existing home on it which the nursing home owners have bought and plan on tearing down in order to expand the nursing and rehabilitation areas of the center. In order to expand the facility or do any changes to the footprint of the facility, a zone change to MD (which allows nursing/convalescent homes) is required. The owners of the nursing home plan on adding more private rooms and converting some of the existing space into rehabilitation and office space. In preliminary meetings with the architects, they have indicated that they do not plan to make the building appear more residential. A site plan and plat will be required. The use is in keeping with what is already there and the residential uses of the surrounding area. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their January 8, 2008 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 Local Commercial (LC) and Duplex (DU) to Medical District (MD).

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Chris Walton, Vilbig & Associates

- 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.

- 3. Approval of Award of Contract to Centennial Contractor's Enterprises, Inc., in the Amount of \$389,966 for Remodel of the Public Services Utility Building; Approval of a Total Project Budget of \$481,758 Including Contingency; and Approval of a Supplemental Appropriation in the Amount of \$287,118 From the Utility Capital Projects Fund.**

**ADMINISTRATIVE COMMENTS:**

The Public Services Utilities Building was built in 1986-87. The 5,100 square foot building currently houses Meter Services, both City staff and contract meter readers, and office and storage for the Environmental Programs Coordinator. Upon completion of the remodel, the Storm Water Activity will be also be in this building. The facility was built with a solid structural skeleton but due to several in-house modifications to meet changing demands, the layout is outdated and inefficient. In addition, extensive buildup of mold and mildew exists which has lead to termite infestation. Since it is a structural steel building it can be remodeled at a far more reasonable cost compared to total demolition. There is an existing capital project for this purpose.

**RECOMMENDATION:**

That the City Council approve the contract with Centennial Contractor's Enterprises, Inc., in the amount of \$389,966 for remodel of the Public Services Utility Building; approve a total project budget in the amount of \$481,758 including contingency; and approve a supplemental appropriation in the amount of \$287,118 from the Utility Capital Projects Fund.

- 4. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Victim Assistance Officer; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents.**

**ADMINISTRATIVE COMMENTS:**

This grant position is assigned to the Criminal Investigation Division specializing in coordinating and managing services for victims of crimes. This grant will fund the position from July 1, 2008 to June 30, 2009. The City's match is 21% (cash match of \$18,155 and an in-kind match of \$1,125). The Texas Criminal Justice Division will pay for 79% (\$74,154) of the program cost. Part of the match has been appropriated within FY 2007/2008 funds. The balance will be requested in the FY 2008/2009 proposed budget.

**RECOMMENDATION:**

That the City Council adopt the proposed resolution; and authorize the City Manager or his designee to execute the grant application documents.

- 5. Approval of a Resolution Endorsing the Denton County Transportation Authority Application to the Regional Transportation Council for a Regional Toll Revenue Funding Initiative (RTRFI) Grant to Facilitate Implementation of Regional Rail Service from Denton, Texas to Carrollton, Texas with a Connection to the Dallas Central Business District.**

**ADMINISTRATIVE COMMENTS:**

DCTA has received RTC approval for Phase I funding of \$57 million to contract for and acquire new railcars. DCTA has submitted an application for Phase II funding for design and construction of rail service for Denton County in the amount of \$193 million.

**RECOMMENDATION:**

That the City Council approve the resolution.

**H. REGULAR HEARINGS:**

- 6. Consideration of a Variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, Article V, Section 2(J), Turning Lanes, Associated With Lot 1, Block A, Castle Hills Phase 4 Section A, as Requested by Wier and Associates, Inc., Representing the Developer.**

**ADMINISTRATIVE COMMENTS:**

The subject lot, which is located on the northeast corner of Windhaven Parkway and Old Denton Road (FM 2281) and within Castle Hills, is proposed for a children's daycare. Constructed with the development will be a driveway with a deceleration lane on Old Denton Road. The Texas Department of Transportation approved the driveway location on Old Denton Road with the condition that the deceleration lane is constructed and that the associated right-of-way is dedicated to the City of Lewisville. Although twelve (12) feet of additional right-of-way is required by City ordinance, the developer is proposing to dedicate five (5) feet of additional right-of-way and an additional five (5) feet of street easement.

**RECOMMENDATION:**

That the City Council approve the requested variance.

**PRESENTATION:** David Salmon, Assistant City Engineer  
Ulys Lane, P.E., RPLS, Wier & Associates, Inc.

- 7. Consideration of a Variance to the Lewisville City Code Relating to Article V, Public Improvements, Section 6-57, Building Permit Issuance, for the Early Release of Building Permits for Eight (8) Lots for the Villas at Wellington Townhome Development Located at Bellaire and Valley Parkway As Requested by Portrait Homes, the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

Portrait Homes is currently developing a 225-unit townhome project on a 28.04 acre property zoned TH2, located at the northeast corner of Bellaire and Valley Parkway. The City Council approved a variance on January 28, 2008 for a temporary sales and marketing office trailer on the site for the purpose of pre-sales before the project is completed. Portrait Homes is requesting a variance for the early release of building permits for the eight lots approved for the temporary sales office and model homes provided that all roadways and fire hydrants are completed and sanitary sewer is provided for Phase I. The General Development Ordinance requires that all public improvements be accepted prior to the issuance of building permits. City Council approved a similar request for Portrait Homes townhome development located on the north side of Corporate Drive and west of Business Highway 121 in July of 2003.

**RECOMMENDATION:**

That the City Council approve the requested variance for the early release of building permits, provided that all roadways and fire hydrants are completed and sanitary sewer is provided for Phase I.

**PRESENTATION:** Kim S. Gilani, Marketing Coordinator Portrait Homes

- 8. Consideration of Variances to the Lewisville City Code, Relating to Chapter 6, Land Use, Exterior Finish Requirements, Screening Devices and Off Street Parking Requirements Associated With the Proposed Bella Madera Apartment Site Located at the South of Lake Ridge Road, Between East Hill Park Road and Leora Lane as Requested by the Developer Westwood Residential.**

**ADMINISTRATIVE COMMENTS:**

Westwood Residential is proposing a 612-unit apartment complex with a “Tuscan architectural design”. An engineering site plan has been submitted for staff review, which includes three requested variances: (a) to allow a living irrigated screen in lieu of the required 6-foot masonry screening wall; (b) to allow 40% brick and 60% stucco in lieu of the 80% brick veneer required; and, (c) to allow a reduction in parking from two (2) spaces per unit to 1.65 spaces per unit resulting in a net difference of 211 parking spaces.

**RECOMMENDATION:**

That the City Council approve the screening wall variance request and deny the variance requests relating to exterior finish requirements and reduction in parking.

**PRESENTATION:** Cleve Joiner, Fire Marshal and Interim Building Official  
Jeff Lindsey, Sr. Vice President, Westwood Residential

- 9. Consideration of a Resolution Authorizing a Council Resolution Required for Churchill Residential, Inc., to Apply to the Texas Department of Housing and Community Affairs for Funding for a Senior Living Community to be Built in Lewisville.**

**ADMINISTRATIVE COMMENTS:**

Vista Ridge Senior Community, L.P. has proposed a new development of senior housing at the northwest quadrant of Vista Ridge Mall Drive and Highpoint Oaks Drive, the approximate 2600 block of Highpoint Oaks Drive. The proposed community is to be named Evergreen at Vista Ridge Senior Living Community. In order to help provide funds and secure necessary financing approvals, Vista Ridge Senior Community, L.P. will apply for available HOME funds from the Texas Department of Housing and Community Affairs (the TDHCA). The TDHCA requires that the applicant obtain permission from the City Council to submit the application.

**RECOMMENDATION:**

That the City Council consider the resolution.

- 10. Consideration of Approval of a Resolution Recommending Consumer Review of Electric Provider Choices (as Requested by Mayor Pro Tem Ueckert).**

**ADMINISTRATIVE COMMENTS:**

Councilman Ueckert has requested that a resolution to all Lewisville electrical consumers be approved reminding the consumer of the right to choose their retail electric provider. Many consumers are unaware of the ability to select their electrical provider.

**RECOMMENDATION:**

That the City Council consider approval of the resolution.

- 11. Consideration of an Ordinance Ordering the Submission of Two Questions Regarding Whether to Allow Smoking in Certain Establishments Within the City for a Nonbinding Vote by the Citizens During the May 10, 2008, City Council Election.**

**ADMINISTRATIVE COMMENTS:**

At City Council request, staff has prepared an ordinance ordering the submission of two questions regarding whether to allow smoking in certain establishments within the City for a nonbinding vote by the citizens during the May 10, 2008, City Council Election.

**RECOMMENDATION:**

That the City Council consider the proposed ordinance.

**12. Tabled Item: Consideration of an Appointment to Place No. 6 on the Park Board.**

At the January 7, 2008, City Council meeting, Council accepted the resignation of Ken Judkins from Place No. 6 on the Park Board. It is now in order for Council to select a replacement for Mr. Judkins.

**RECOMMENDATION:**

That the City Council consider an appointment to fill the vacancy in Place No. 6 on the Park Board.

**13. Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Article VI, Chapter 4 by Establishing a New Residential Rental Inspection Program.**

**ADMINISTRATIVE COMMENTS:**

At the January 28, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. This will be the second reading.

**RECOMMENDATION:**

That the City Attorney provide the second reading of the ordinance.

**I. REPORTS:**

**AGENDA  
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- J.     **CLOSED SESSION:** In Accordance with Texas Government Code,  
Subchapter D,  
  
Section 551.071 (Consultation With Attorney)  
  
1.     Legal Anticipation of City Filing Regarding Chase Bank  
  
Section 551.072 (Real Estate):  
  
2.     Property Acquisition  
  
Section 551.087 (Economic Development):  
  
3.     Deliberation Regarding Economic Development Negotiations
- 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).