

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 3, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:30 P.M.

- A. Discussion of Special Events Planning With Jerry Thompson of Promoter Line Inc.
- B. Continued Discussion on Retreat Recap/Direction
- C. Discussion of Regular Agenda Items and Consent Agenda Items
- D. 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. **PUBLIC HEARINGS:**

1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 2.0 Acre Tract Located at 335 McDonnell Street; Further Identified as Tract 66 of the J.W. King Survey, Abstract 695; as Requested by Michael Sandefur, the Current Property Owner (Case No. PZ20080205).**

ADMINISTRATIVE COMMENTS:

The existing building has been on the property for more than thirty (30) years and has served as home to a variety of restaurants and private clubs. All but three of the other tracts along McDonnell Street are zoned Light Industrial (LI). The three tracts include the former Owens Restaurant site, now owned by the City for use as Fire House #7, a small portion of a mobile home park and a lot shown as Agricultural-Open Space on the zoning map. While the owner could lease the building as a private club or restaurant again, there has been some interest in using the building as an office/warehouse, a use that is not allowed in the General Business zoning district. The LI zoning would be consistent with other zoning in the area. The property would still be required to comply with applicable code requirements if the zoning is approved and a new use moves into the building. The Planning and Zoning Commission unanimously recommended approval of the zone change request at their February 5, 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 General Business (GB) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Michael Sandefur, Owner

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open-Space (AO) to Light Industrial (LI) on a 2.82 Acre Tract Located on Business State Highway 121; Further Identified as Tract 13 of the V.R. Sutton Survey, Abstract 1153 As Requested by Wilbarger Street, LP, With Authorization From the Current Property Owner Ray H. Wright (Case No. PZ20080206).**

ADMINISTRATIVE COMMENTS:

The majority of the property along Business SH 121 in this area is zoned either Light Industrial or Heavy Industrial. The proposed zoning and use would be consistent with what has been located in this area for several decades, although a new business would be required to comply with many development standards that were not in place at the time most of the existing businesses were established. The zoning is consistent with the East Lewisville Plan. The Planning and Zoning Commission voted 6-0 in favor of approving the zone change request at their February 5, 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 Agriculture Open Space (AO) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Steve Homeyer, Homeyer Engineering, Inc.

3. **Continued 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 Matisse, With Authorization From the Current Property Owner (Case No. PZ20071229).**

ADMINISTRATIVE COMMENTS:

Mr. Matisse requested ETH zoning for the property at the January 7, 2008 City Council meeting. Council opted to continue the request and allow Mr. Matisse an opportunity to go before the Zoning Board of Adjustment to request relief from the 100 ft setbacks. Mr. Matisse's case was heard by the Zoning Board of Adjustment on February 6, 2008. The Zoning Board of Adjustment unanimously granted Mr. Matisse a variance to the 100 ft front, side and rear yard setbacks allowing him to have 50 ft front and rear setbacks and 25 ft side yard setbacks, thereby allowing Mr. Matisse the necessary room to construct a home on the 2.94 acres. With this variance obtained, Mr. Matisse no longer requires the ETH zoning, and is therefore asking that this item be withdrawn from consideration.

RECOMMENDATION:

That the City Council approve the request to withdraw this item from consideration.

- 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.
4. **APPROVAL OF MINUTES:** City Council Minutes of the February 18, 2008, Workshop Session and Regular Session.
5. **Approval of an Award for the Purchase of Two Electronic Fingerprint Systems From Mentalix, Inc., Plano, Texas in the Amount of \$81,030.**

ADMINISTRATIVE COMMENTS:

A total of eleven (11) request for proposals were issued, including five (5) downloaded from DemandStar.com. Two (2) proposals were received and evaluated. The firm of Mentalix, Inc. is being recommended for award after receiving the highest evaluation score. These fingerprint systems will be used by the Police Department for digital storage and processing of prisoner information and identification. Funding is available in the Livescan Workstation Project.

RECOMMENDATION:

That the City Council approve an award for the purchase of two electronic fingerprint systems from Mentalix, Inc., Plano, Texas in the amount of \$81,030.

6. **Approval of Change Order No. 1 to the Elm Fork Sanitary Sewer Phase IA Project to Construct Sanitary Sewer Improvements in the Amount of \$59,162.05; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

Change Order No. 1 consists of constructing 700 linear feet of 21-inch sanitary sewer (line B of the Elm Fork Sanitary Sewer Master Plan) to be constructed to avoid conflict with the future parking lot of the Railroad Street Athletic Complex. Staff has negotiated Change Order No. 1 with W.R. Hodgson Company, L.P. to construct the sanitary sewer improvements, for a total amount of \$59,162.05. Funding will be available from Texas Water Development Board Revenue Bond funds.

RECOMMENDATION:

That the City Council approve Change Order No. 1 to the Elm Fork Sanitary Sewer Phase IA project to construct sanitary sewer improvements in the amount of \$59,162.05, and authorize the City Manager to execute the change order.

- 7. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding for One Family Violence Investigator; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents.**

ADMINISTRATIVE COMMENTS:

The grant position is assigned to the Criminal Investigation Division specializing in investigation, prevention, and education regarding domestic violence crimes. This application is to fund the position from September 1, 2008 to August 31, 2009. The Texas Criminal Justice Division's estimated award is \$60,770 (65% of the allowable program costs). The City's match is 35% (\$35,063) plus \$2,341 in disallowed program costs, such as overtime, on-call pay and property insurance. Part of the match has been appropriated within fiscal year 2007/2008 funds. The balance will be requested in the fiscal year 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.

- 8. Approval of a Resolution Authorizing a Joint Agreement Between the City of Lewisville and the Lewisville Independent School District for a Joint Election Process for the May 10, 2008, General Election; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The annual joint election agreement has been prepared which will authorize a joint election process between the City of Lewisville and the Lewisville Independent School District. The agreement will allow the City to conduct the early voting and election day voting process for the school district, with costs of the joint election to be shared equally. The City will utilize the same polling locations, Lewisville City Hall, Lewisville Municipal Annex, and the Memorial Park Recreation Center.

RECOMMENDATION:

That the City Council approve the resolution; and authorize the City Manager to execute the agreement.

- 9. Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the May 10, 2008, General Election.**

ADMINISTRATIVE COMMENTS:

Historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for rental of the voting machines and equipment, with the estimated associated costs of \$12,386. Funding for the rental expenses is available in the election accounts and through the Joint Election Agreement with the Lewisville Independent School District.

RECOMMENDATION:

That the City Council approve the proposed resolution.

- 10. Approval of a Resolution Appointing the Election Officials for the May 10, 2008, the City of Lewisville City Council Election, Setting the Rate of Pay, and Establishing the Maximum Number of Clerks for Polling Places.**

ADMINISTRATIVE COMMENTS:

The proposed resolution outlines the election judges for the May 10, 2008, election for the Memorial Park Recreation Center, the Lewisville Municipal Annex, and the Lewisville City Hall and identifies their alternate judges. It also identifies the judge of the Early Voting Ballot Board. The salary for the judges will be \$9 per hour and \$8 per hour for the clerks, as allowed by the Election Code, with an additional \$25 to each election judge for delivery of supplies to the Denton County Elections Administrator's Office. The maximum number of clerks allowed will be three per polling location.

RECOMMENDATION:

That the City Council approve the proposed resolution.

- 11. Approval of a Resolution Establishing a Time Limit on the Amount of Time City Personnel are Required to Spend Responding to Public Information Requests Without Recovering Costs Attributable to Those Requests, in Addition to any Other Charges Permitted by Law, From the Requestor.**

ADMINISTRATIVE COMMENTS:

House Bill 2564, enacted by the Legislature in 2007, amends the Texas Government Code to add a section which provides for the recovery of costs attributable to personnel time, along with overhead and materials, spent responding to public information requests that require large amounts of personnel time. The proposed resolution would establish a time limit of 36 hours as the amount of time City personnel would be required to spend producing public information for inspection or duplication or providing copies to a requestor during each fiscal year without recovering costs attributable to that personnel time. While this has not been an issue at the City, the establishment of a 36-hour time limit will prevent any such issue in the future.

RECOMMENDATION:

That the City Council approve the proposed resolution.

F. REGULAR HEARINGS:

- 12. Consideration of an Amending Plat for Castle Hills Phase IV, Section C, a 62.57 Acre Tract Designated Estate Towne House (ETH) With 275 Residential Lots and 4 Common Area Lots, Bounded by FM 544 to the North, Castle Hills Drive (Abandoned) to the West, Castle Hills Golf Course to the East and Lady of the Lake Boulevard to the South; and a 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 City Code, as Requested by TRC Hunter, on Behalf of the Property Owner.**

ADMINISTRATIVE COMMENTS:

Castle Hills is located in Lewisville's Extraterritorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to Lewisville's General Development Ordinance and Zoning Ordinance. Four variances were approved by the City Council on February 20, 2006 at the time of the preliminary plat and a fifth variance was approved by the City Council at their November 6, 2006 meeting. The developer has submitted an amended plat of Section 4C which includes a sixth variance to the Castle Hills Development Ordinance regarding clear vision areas at intersections. The Planning and Zoning Commission considered the amending plat and variance at their February 19, 2008 meeting and voted 4-0 to recommend in favor of the amended plat and the requested variance.

RECOMMENDATION:

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

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Doug Walker, Castle Hills Development Company

- 13. Consideration of a Preliminary Plat of Lewisville Towne Crossing, a 54.61 Acre Tract Designated Light Industrial (LI) With Nine (9) Commercial Lots, Bounded by Highway 121 to the North, Josey Lane on the West and Windhaven Parkway to the South, With a Variance to the 1996 Castle Hills Agreement Relating to the Castle Hills Development Code, Article V, Section 2(J), Turning Lanes, as Requested by Lawrence A. Cates & Associates, LLP Representing the Developer.**

ADMINISTRATIVE COMMENTS:

Castle Hills is located in Lewisville's Extra Territorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. Additionally, the City Council granted several variances to the Castle Hills Development based on the 1996 General Development Ordinance, which was incorporated into the 1996 Agreement. The developer of the commercial project proposes a large retail development with at least two anchors and several pad sites and has applied for a variance regarding right-of-way dedication for a proposed right-turn deceleration lane on Josey Lane along with the preliminary plat. The Planning and Zoning commission voted 4-0 to recommend approval of the plat and variance at their February 19, 2008 meeting.

RECOMMENDATION:

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

PRESENTATION: David Salmon, Assistant City Engineer
Larry Cates, P.E., Lawrence A. Cates & Associates, LLP

- 14. Consideration of a Request for Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Multi-Tenant Sign to be Located at 2589 MacArthur Boulevard Known as Vista Ridge Office Park Addition, Lots 3R & 4, Block A, as Requested by Robert Pearson of Cedar Creek Development, LLC.**

ADMINISTRATIVE COMMENTS:

Vista Ridge Office Park Addition is a Multi-Tenant mix of retail and office buildings located on three lots identified as 2585 (Lot 1R), 2589 (Lot 3R) & 2597 (Lot 4) MacArthur Boulevard. Lot 1R has 237 feet of street frontage on MacArthur Boulevard. Lots 3R and 4 sit directly behind Lot 1R, however Lot 3R has a flag lot to MacArthur Boulevard for signage. Cedar Creek Development is requesting that Lots 3R and 4, which are located behind Lot 1R, be allowed to share a sign on MacArthur Boulevard, thereby maintaining a cleaner appearance to the Office Park and eliminates the cluttered look of signage in a short frontage area. In order to accomplish this, City Council action is required to allow Lot 4 to have off-premise signage by sharing Lot 3R's sign.

RECOMMENDATION:

That the City Council approve the requested variance with the stipulation that no pole signs shall be allowed on Lot 4.

PRESENTATION: Cleve Joiner, Interim Building Official
Robert Pearson, Cedar Creek Development, LLC

- 15. Consideration of the Final Acceptance of the Garden Ridge Boulevard-Phase II Improvements Constructed by Site Concrete, Inc.; Approval of the Final Cost Accounting Submitted by the Town of Flower Mound; and Authorization for the City Manager to Proceed With Boundary Adjustments in Accordance With the Interlocal Agreement.**

ADMINISTRATIVE COMMENTS:

The Garden Ridge Boulevard-Phase II improvements, between Bellaire Boulevard and Corporate Drive, was constructed as a four-lane divided roadway. This project is a jointly-funded project between the City of Lewisville and the Town of Flower Mound. The project was completed with a final acceptance by the Town of Flower Mound on October 15, 2007. The final construction cost to the City of Lewisville is in the amount of \$2,210,495.43. In accordance with the approved Interlocal Agreement, the City of Lewisville can proceed with the boundary adjustments.

RECOMMENDATION:

That the City Council approve the final acceptance of the Garden Ridge Boulevard-Phase II Improvements constructed by Site Concrete, Inc.; approve the final cost accounting submitted by the Town of Flower Mound; and authorize the City Manager to proceed with boundary adjustments in accordance with the Interlocal Agreement.

- 16. Consideration of a Nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC).**

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments (NCTCOG) recently notified the City that there is a vacancy on the Regional Emergency Preparedness Planning Council. This Council is composed of elected officials from participating cities and counties. Cities are grouped into population brackets in accordance with current population estimates. Due to the two-year term limitations of the council members, there is currently a vacancy in the 80,000–119,000 population, for which the City of Lewisville is eligible. The nomination form needs to be returned to the NCTCOG Executive Board no later than March 12, 2008.

RECOMMENDATION:

That the City Council consider a nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council.

G. REPORTS:

1. Quarterly Investment Report – October 1, 2007 – December 31, 2007

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).