

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 7, 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. Review of Multi-City Employee Health Clinic Option (Cont'd)
- 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:** Deputy Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Councilman Durham
- C. **PROCLAMATIONS:** Declaring the Week of April 13-19, 2008, as "National Library Week".

D. **PUBLIC HEARINGS:**

1. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Old Town Center Business (OTC) on a 0.09 Acre Tract of Land Located on the North Side of Main Street Between Charles Street and Mill Street; and Identified as Lot 9, Block 6 of O.T. Lewisville as Requested by the Property Owner, Brian Burns (Case No. 20080307).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Center Business (OTC) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for better future flexibility of setbacks on the property. GB zoning allows setbacks of: front— 25 feet, sides—10 to 15 feet, rear—0 to 25 feet. The new zoning states that the front façade of the buildings in OTC must be set at the front property line and the side façade of a building that is located on a lot adjoining a side street shall be located at the property line. There are no rear yard setbacks in the OTC zoning classification. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their March 4, 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 Old Town Center Business (OTC).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Local Commercial (LC) to Old Town Mixed Use Two (OTMU2) on a 0.239 Acre Tract of Land Located on the North Side of Perry Street Between Cowan Avenue and Hatcher Avenue; and Identified as Tract 155, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Alphonsine M. Ugochukwu (Case No. 20080410).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use Two (OTMU2) is in keeping with the recommendations of the Old Town Master Plan. The applicant has plans to build an office building on the property and would like to re-zone for better flexibility of setbacks on the property. LC zoning allows setbacks of 25 feet in front, 10 to 15 feet on sides, and 0 to 25 feet in the rear. The new zoning will allow for front setbacks of 0 feet, sides of 6.5 feet for residential or 0 feet for commercial, rear of 20 feet for single-family residential, 6.5 feet for single-family attached and multi-family, and 10 feet for commercial. OTMU2 also allows additional uses such as two-family dwellings, single-family dwellings and dwelling units above retail space. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their April 1, 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) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Multi-Family One (MF-1) to Old Town Mixed Use Two (OTMU2) on Two Tracts of Land Totaling 1.058 Acres Located on the South Side of Main Street Between Cowan Avenue and Milton Street; and Identified as Tracts 151 and 152, Abstract 696 of the J.W. King Survey, as Requested by the Property Owner, Geoffrey Bossiere (Case No. 20080411).**

ADMINISTRATIVE COMMENTS:

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 of setbacks and use on the property. MF-1 zoning allows setbacks of 25 feet in front, 25 feet on sides, and 25 feet in rear. The new zoning will allow for front setbacks of 0 feet, sides of 6.5 feet for residential or 0 feet for commercial, rear of 20 feet for single-family residential, 6.5 feet for single-family attached and multi-family, and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their April 1, 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 Multi-Family One (MF-1) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Sarah McLain, Economic Development Specialist

- E. **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.
 - F. **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 March 17, 2008, Workshop Session and Regular Session.
 5. **Approval of an Award for the Construction of Fire House #7 to Alshall Construction Company, Carrollton, Texas, in the Amount of \$2,935,178.98; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-eight (38) request for proposals were issued, including three (3) downloaded from DemandStar.com. Nine (9) proposals were received and opened February 27, 2008. Alshall Construction Company is being recommended on the basis of receiving the highest evaluation score. Funding is available in the Fire Station #7 Capital Project.

RECOMMENDATION:

That the City Council approve an award for the construction of Fire House #7 to Alshall Construction Company, Carrollton, Texas, in the amount of \$2,935,178.98; and authorize the City Manager to execute the contract.

- 6. Acceptance of a Donation of \$10,000 from Psychiatric Solutions, Inc. for the Implementation of the Lewisville Police Department Commercial Vehicle Enforcement Program.**

ADMINISTRATIVE COMMENTS:

To be in compliance with the City of Lewisville Tax Abatement Program, Psychiatric Solutions, Inc., (parent company of Horizon Health Corporation) wishes to donate \$10,000 to assist the Lewisville Police Department to implement the Commercial Vehicle Enforcement Program. The police department proposes to use the funds to purchase a mechanical scale, a stalker radar and various application hardware and software needed for this program.

RECOMMENDATION:

That the City Council accept the donation of \$10,000 offered by Psychiatric Solutions, Inc., for the implementation of the Police Department Commercial Vehicle Enforcement Program.

- 7. Approval of a Revised Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice; Approval of a Supplemental Budget Appropriation in the Amount of \$2,072 to the FY 2007/2008 Grant Budget; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

On June 18, 2007, City Council authorized the City to submit a joint application with the County (the grant administrator) and the City of Denton to receive part of the \$62,135, allocated for the region. The allocation was computed with the County's share being 10% more as they were designated as the administrator. U.S. Department of Justice disapproved the County obtaining more and requested the allocated funds be evenly distributed. The City of Lewisville is now eligible to receive an additional \$2,072. The Lewisville Police Department proposes to use these additional funds for the purchase of two air tasers.

RECOMMENDATION:

That the City Council approve the revised interlocal agreement between the City of Lewisville, the City of Denton, and the County of Denton to jointly submit a grant application; approve the supplemental budget appropriation; and authorize the City Manager to execute the agreement.

- 8. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase a Digital Live Scan Fingerprint System; and Authorization for the City Manager or his Designee to Execute the Grant Application Documents.**

ADMINISTRATIVE COMMENTS:

The Lewisville Police Department is preparing a grant application to obtain funding from the State of Texas under its Criminal Justice Planning (Fund 421) Program. The application seeks funding for a Digital Live Scan Fingerprint system. The total equipment cost is \$43,857, which will be fully funded by the grant if our application is approved. The maintenance cost (approximately \$5,740 annually) will be funded by the department.

RECOMMENDATION:

That the City Council adopt the proposed resolution authorizing the City to submit a grant application to the Texas Criminal Justice Division to obtain funding to purchase a Digital Live Scan Fingerprint system; and authorize the City Manager or his designee to execute the grant application documents.

- 9. Approval of a Supplemental Appropriation in the Amount of \$1,633,580.38 From Various Available Bond Cash Balances to the Serendipity Village Capital Project; Approval of a Total Project Budget in the Amount of \$6,943,706.38; Approval of a Bid Award to Gilco Contracting, LP, Benbrook, Texas, in the Amount of \$6,943,706.38; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-six (26) bid invitations were issued, including two (2) downloaded from DemandStar.com. Six (6) bids were received and opened March 20, 2008. This project consists of replacing the existing asphaltic pavement with concrete paving, water, sanitary sewer, and storm sewer improvements, and replacement of sidewalks for selected streets within the Serendipity Village Subdivision (see map). There are several General and Utility Bond available balances that can be utilized to supplement the current funding in the Serendipity Capital Project. These are included in the agenda item backup information.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$1,633,580.38 from various available bond cash balances to the Serendipity Village Capital Project; approval of a total project budget in the amount of \$6,943,706.38; approval of a bid award to Gilco Contracting, LP, Benbrook, Texas, in the amount of \$6,943,706.38; and authorize the City Manager to execute the contract.

G. REGULAR HEARINGS:

- 10. Consideration of Variance Requests to the Lewisville City Code, Chapter 6, Land Development Regulations, Relating to Paving, Landscaping Requirements, and Exterior Finish Requirements, for the Proposed Agricultural Facility Located on the Lewisville Independent School District Outdoor Learning Area Property on Fish Hatchery Road, As Requested by Von Beougher, G&A Consultants, Representing the Lewisville Independent School District, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) is proposing a new Agricultural Facility to be located on the Lewisville Independent School District Outdoor Learning Area (LISDOLA) property on Fish Hatchery Road. LISD is requesting the following variances: a) To allow gravel overflow parking/maneuvering, and to pave only fifteen (15) parking spaces; b) To waive the requirement of a landscape/irrigation plan; c) To waive the requirement of sidewalks along street frontage; and, d) To waive the brick veneer gateway requirement for the barn structure to house the animals.

RECOMMENDATION:

That the City Council approve the requested variances.

PRESENTATION: Cleve Joiner, Building Official
Von Beougher, G&A Consultants

- 11. Consideration of a Variance to the Lewisville City Code to Allow Grading Including Tree Removal Prior to Engineering Site Plan Approval as Requested by Steve Homeyer, P.E., on Behalf of Kenneth Hartwell, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The property is located on the west side of North Mill Street and south of Ferguson Lane and is zoned General business (GB). The developer has applied for a variance to allow grading the property including filling in a portion of a pond and removal of trees without an approved engineering site plan. A grading plan has been submitted for review and has been approved by staff pending outcome of the variance. The site contains a house and several commercial greenhouses. No additional development is anticipated at this time.

RECOMMENDATION:

That the City Council approve the requested variance.

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

- 12. Consideration of the Final Plat of NEC 1171 and Valley Parkway Addition, Lots 3R1-A and 3R3, Block B, Being a Replat of Lot 3R1, Block B, Zoned General Business (GB) and Bounded by Civic Circle on the North, Valley Parkway on the West and FM 1171 (Main Street) to the South, With a Requested Variance to the Lewisville City Code, as Requested by Jim Lane, Surveyor, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

The subject lot is a long and narrow shaped property on the east side of Valley Parkway and north of FM 1171. It has been previously replatted and is almost entirely developed with the exception of the north end near Civic Circle. The owner of the lot wishes to sell the undeveloped portion of the lot and is required to replat in order to legally separate the property into two lots. The General Development Ordinance will require installation of a right-turn lane at the intersection of Valley Parkway and Civic Circle when the remainder of the lot is developed. The owner is willing to construct the right-turn lane, but has applied for a variance to construct a shorter right-turn lane that will fit on the undeveloped portion. The Planning and Zoning commission voted 6-0 to recommend approval of the plat and variance at their March 18, 2008 meeting.

RECOMMENDATION:

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

PRESENTATION: David Salmon, Assistant City Engineer

- 13. Consideration of Variances to Lewisville City Code Chapter 2-201 Fees, Waiver of Special Event Permit Fees in the Amount of \$2,799.50; Consideration of a Variance to Lewisville City Code 11-14, Signs, to Allow Off-Premise Event Signage Along City Streets; Chapter 7-177 Special Events, to Allow Farmers Market, Located on City Property, to Run for a Longer Duration Than Fourteen Days; and, Consideration of Providing In-Kind Support Through City Staff and Equipment.**

ADMINISTRATIVE COMMENTS:

In 2008, The Old Town Business Association (OTBA) plans to produce a Farmers Market in a continuing effort to attract visitors to the Old Town area. The Farmers Market will be held every Saturday from April 19 through November 29 from 8 a.m. to noon in the North Ferguson Plaza (vendors will begin set up at 7 a.m.). This year, OTBA is expecting to have 10 vendors participating in the market. The cost for a vendor to participate in the Farmers Market is \$12 per Saturday. A key component of a successful downtown revitalization program is the promotion of events, such as the Farmers Market. City contribution of in-kind items, those services that use existing personnel and materials, can provide tremendous support for events. OTBA has requested several variances to hold the Farmers Market this year.

RECOMMENDATION:

It is City staff's recommendation that the City Council waive permit fees in the amount of \$2,799.50; approve a variance to allow the duration of the event for 33 consecutive Saturdays; approve a variance to allow off-premise event signage along city streets; and approve in-kind support through City staff and equipment.

- 14. Consideration of a Variance to Lewisville City Code 2-201, Waiver of Special Event Permit Fees in the Amount of \$3,363; Consideration of Providing In-Kind Support Through City Staff; Approval of Road Closure on Main Street From 5 p.m. Friday, May 2, Through 11 p.m. Saturday, May 3, and on Church Street and Charles Street From 7 a.m. to 11 p.m. Saturday, May 3; Approval of Temporary Event Signage in City Rights-of-Way.**

ADMINISTRATIVE COMMENTS:

Dallas Tortilla & Tamale Factory owner Rebecca Behnke will again produce a Cinco de Mayo event to be held on Saturday, May 3, 2008. As directed by City Council, staff has provided support for this event, including street closures, police presence, vendor tents and setup, trash containers, marketing and promotion, and waiver of all event permit fees. In 2007, council approved spending up to \$11,000 on direct-billed expenses for staging, generators, portalets and similar items. Event organizer Rebecca Behnke is requesting the same level of support for the 2008 festival.

RECOMMENDATION:

That the City Council approve the request to waive permit fees in the amount of \$3,363; approve closing Main Street from 5 p.m. Friday, May 2, through 11 p.m. Saturday, May 3; approve closing Church Street and Charles Street from 7 a.m. to 11 p.m. on Saturday, May 3; and approve temporary event signage in city rights-of-way.

- 15. Consideration of Temporary Road Closure on Church Street From 1 to 11 p.m. on Thursday, May 1, 2008, for the “Keeping Tradition Alive” Pipes, Drums & Color Guard Symposium; Consideration of Temporary Event Signage in City Rights-of-Way in Support of the Event; and Consideration of a Supplemental Appropriate in the Amount of \$15,346 From Hotel Occupancy Tax Fund Reserves.**

ADMINISTRATIVE COMMENTS:

On May 1-2, 2008, the Lewisville Fire Department will hold the “Keeping Tradition Alive” Pipes, Drums & Color Guard Symposium. This event will be the first of its kind in the country. Anticipated attendance for the first-year event is 250 participants from across the United States. Symposium breakout sessions will be held at the Lewisville Convention Center/Hilton Garden Inn. In addition, participants will stage a “jam session” in Old Town Lewisville on Thursday, May 1, as the highlight event of the symposium. Holding this event in Old Town will require some street closures, and allowing off-site promotional signage would increase public attendance. In addition, a supplemental appropriation of \$15,346 from HOT reserves is needed to fund the event.

RECOMMENDATION:

That the City Council approve the request for a temporary road closure on Church Street from 1 to 11 p.m. on Thursday, May 1, 2008; approve the request to place temporary event signage in city rights-of-way promoting the event; and approve a supplemental appropriation in the amount of \$15,346 from Hotel Occupancy Tax Fund reserves.

- 16. Consideration of Waiver of Lake Park Admission Fees and Reduced Lake Park Admission Fees for the Women’s Bassmaster Tour Fishing Tournament to be Held April 10-12, 2008.**

ADMINISTRATIVE COMMENTS:

The city will host the Women's Bassmaster Tournament on April 10-12, 2008, at Lewisville Lake. This tournament will provide exposure of Lewisville Lake through its sponsor, ESPN Outdoors. A waiver of park fees for tournament anglers and approval of reduced resident-rate park entrance fees for all tournament spectators (reduction from \$10 to \$3) is being requested.

RECOMMENDATION:

That the City Council waive the park admission fees for tournament anglers on April 8-12, 2008, and charge reduced park admission fees for tournament spectators on April 10-12, 2008.

- 17. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 9.5, Old Town Development, Sec. 9.5-164, Location of Parking Spaces, With Substantive Changes.**

ADMINISTRATIVE COMMENTS:

The Old Town Development Ordinance contains Section 9.5-164 that addresses locations for parking spaces and driveways in the Old Town Design District. Upon review, staff has identified a change to be made in this section. The substantive change to be made is to modify the language of Section 9.5-164(c) to ensure that the maximum width and maximum coverage requirements for parking areas in residential front yards apply to properties that do not have required front yard setbacks. On March 17, 2008 the Old Town Design Review Committee voted unanimously to recommend approval of the proposed changes to the ordinance. Staff is asking City Council to approve the changes by repealing the existing Section 9.5-164 of the Old Town Development Ordinance and approving the new Section 9.5-164 of the Old Town Development Ordinance with substantive changes.

RECOMMENDATION:

That the City Council adopt the ordinance.

PRESENTATION: Sarah McLain, Economic Development Specialist

- 18. Consideration of a Storm Water Ordinance, Creating a New Section of the Lewisville City Code, Chapter 16, to Provide Protection for the City's Municipal Separate Storm Sewer (MS4).**

ADMINISTRATIVE COMMENTS:

The Texas Commission on Environmental Quality (TCEQ), under the delegated authority from the U.S. Environmental Protection Agency (EPA), requires the City of Lewisville to operate a Municipal Separate Storm Sewer or (MS4) in compliance with Clean Water Act (33 United States Code §1251 et. seq.). Phase II of the Clean Water Act, requires cities, including Lewisville, to develop a Storm Water Management Program (SWMP) to prevent or reduce the discharge of contaminated storm water runoff from construction, industrial, and residential sites into the MS4 and surface waters within the city. The State MS4 permit states that cities with authority to pass an enforcement ordinance are required to do so. The Storm Water Ordinance provides enforcement for construction, industrial and other entity activities to prohibit specific discharges, illicit connections, unpermitted discharges, and provides enforcement of sampling requirements, record-keeping, right of entry, charges and fees, legal action, and penalties.

RECOMMENDATION:

That the City Council adopt a Storm Water Ordinance, creating a new section of the Lewisville City Code, Chapter 16, to provide a control mechanism to meet federal and state requirements for protection of the City's Municipal Separate Storm Sewer (MS4).

- 19. Consideration of Various Changes to Special Events.**

ADMINISTRATIVE COMMENTS:

At the March 3 City Council meeting work session, Jerry Thompson of Promoter Line, Inc., discussed various options for enhancing special events. Staff is requesting that the City Council provide specific direction on these options. In addition, the Tourism Strategic Planning Committee considered special events changes proposed by Mr. Thompson. The committee's recommendations are included for City Council consideration.

RECOMMENDATION:

That the City Council provide specific direction regarding various changes to special events.

20. Consideration of Direction to Staff Regarding the 2008 Retreat.

ADMINISTRATIVE COMMENTS:

Final direction to staff on various items of discussion at the February retreat was delayed due to time constraints. Staff has developed recommendations for direction based on the discussions that weekend. Council may modify, add, or delete these at will.

RECOMMENDATION:

That the City Council provide final retreat direction to staff.

21. Consideration of Upcoming Meeting Dates for the City's Budget Process.

ADMINISTRATIVE COMMENTS:

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City's budget process. The Budget Workshop is recommended to be scheduled for August 16th, with August 18-20th reserved for evening workshops, if necessary.

RECOMMENDATION:

That the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

22. Consideration of Nominations to the Lewisville Economic Development Foundation Board of Directors.

ADMINISTRATIVE COMMENTS:

On March 11, 2008 the Lewisville Economic Development Foundation (LEDF) voted to amend their bylaws regarding membership on its Board of Directors. Prior to this change, the Mayor and City Manager were specifically named as members of the Board. The amendment to the bylaws removes this stricter language and replaces it with “two people from the City of Lewisville’s senior management staff and/or the City Council”. This change in membership designation allows the Council to now appoint two new members to the Board or keep the current members (Mayor and City Manager).

RECOMMENDATION:

That the City Council consider appointing two members to the LEDF Board of Directors.

H. REPORTS:

1. First Quarter Boards/Commissions/Committees Attendance Reports.

I. 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

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

K. 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).