

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 21, 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. Health Insurance Presentation by Mayor Pro Tem Ueckert
- 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 Carey
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Ueckert
- C. **PROCLAMATIONS:**
 - 1. Declaring April 25, 2008, as “Red Hat Society Day”;
 - 2. Declaring the Week of April 13-19, 2008, as “Denton County Crime Victims’ Rights Week”; and
 - 3. Declaring the Month of May, 2008, as “Motorcycle Safety and Awareness Month”.

D. PRESENTATIONS:

1. Teen Court Volunteer Senior Recognition.
2. Recognition of Mr. Don Thayer With Psychiatric Solutions, Inc., for the Donation of \$10,000 for the Lewisville Police Department Commercial Vehicle Enforcement Program.
3. Presentation of the Texas Recreation and Parks Society Outstanding Service to Aging Award to Hearthstone Assisted Living Center.

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.

1. **APPROVAL OF MINUTES: City Council Minutes of the April 7, 2008, Workshop Session and Regular Session.**
2. **Approval of a Professional Services Agreement With the Beck Group, in the Amount of \$55,000 Plus \$4,000 in Reimbursable Expenses, to Develop a Master Plan for the North Lewisville Area Relative to the Proposed Garden Ridge Rail Station; Approval of an Appropriation From General Capital Projects Available Cash in the Amount of \$59,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

At the City Council retreat in February, staff was directed to develop a master plan for North Lewisville in response to the proposed Garden Ridge Rail Station to accommodate future Transit Oriented Developments. The Beck Group has submitted a proposal to develop a master plan for the area to study the appropriate land uses, buildings, open space, circulation, utilities and parking.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with the Beck Group, in the amount of \$55,000 plus \$4,000 in reimbursable expenses; approve the appropriation from General Capital Projects Available Cash in the amount of \$59,000; and authorize the City Manager to execute the agreement.

- 3. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Innovative Transportation Solutions, Inc., has been providing consultation services on a variety of transportation issues for the City of Lewisville since March 2000. Their services include a variety of tasks including coordinating the transportation needs of the City, seeking federal/state/county funding for new projects, and working with the North Central Texas Council of Governments and Denton County on future mobility needs. Innovative Transportation Solutions, Inc., in the past year, has been working on behalf of the City related to the SH 121 Regional Toll Revenue Funds, IH-35E, and other project selections. Innovative Transportation Solutions, Inc. is seeking a renewal of their contract in the amount of \$90,000, which is the current contract amount. Funding is available in the Community Development Department General Fund budget.

RECOMMENDATION:

That the City Council approve the Transportation Services Agreement with Innovative Transportation Solutions, Inc., in the amount of \$90,000; and authorize the City Manager to execute the agreement.

- 4. Approval of a Resolution Extending the Current Delinquent Tax Collection Contract for an Additional Two-Year Term.**

ADMINISTRATIVE COMMENTS:

In June 2005, the City entered into a three-year contract with Sawko & Burroughs for the collection of delinquent taxes. The contract has an option to renew and extend the contract on its identical terms for an additional two-year term. Staff supports the two-year renewal of the delinquent tax collection contract. Sawko & Burroughs has been aggressive in its efforts and cooperative when called upon.

RECOMMENDATION:

That the City Council approve the proposed resolution.

G. REGULAR HEARINGS:

- 5. Consideration of a Final 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, 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 1996 Agreement, is subject to be developed according to the City of Lewisville General Development Ordinance (GDO) and Zoning Ordinance. The developer of the commercial project proposes a large retail development and has applied for a variance regarding the placement of public water mains in easements underneath private pavement instead of "grass only" easements along with the final plat. Staff is in support of this request due to the fact that there are numerous platted lots for retail uses, thus making it difficult to design a "grass only" easement for waterline distribution within the tract. The Planning & Zoning commission recommended approval of the plat and variance with a vote of 6-0 at their April 15, 2008 meeting.

RECOMMENDATION:

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

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

- 6. Consideration of Variances to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-92 Paving (L) (2) Median Openings and Article IX, Section 6-181 (d) (1), Exterior Finish Requirements, Relating to the Proposed Crest Manor Apartment Site Located Near the Southeast Corner of FM 3040 and Ace Lane, as Requested by Crest Property Development, the Developer.**

ADMINISTRATIVE COMMENTS:

Crest Property Development is proposing a 600-unit apartment complex with a “differentiation architectural design”. An engineering site plan has been submitted for staff review, which includes two requested variances: (a) to allow full median openings on FM 3040 at 620 feet apart in lieu of the required 1320 foot spacing in order to provide full access to the property: and, (b) to allow 35% stone and 65% stucco in lieu of the 80% brick veneer required.

RECOMMENDATION:

That the City Council approve the median opening spacing variance and deny the variance request relating to exterior finish requirement.

PRESENTATION: Cleve Joiner, Building Official
David Salmon, Assistant City Engineer

- 7. Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street.**

ADMINISTRATIVE COMMENTS:

The Medical Center of Lewisville is hosting its Second Annual Health & Safety Fair on May 17 from 8 a.m. to 1 p.m. to benefit the Lewisville, Flower Mound and Highland Village Communities. In an effort to increase awareness of the event, the Medical Center is requesting to be granted variances to allow for two temporary banners to be placed on the wall of the existing monument sign at the southeast corner of Main Street and IH-35E Service Road. The banners will be up for approximately twenty-six days and will be removed on May 17 after the event has concluded. The variances to the Sign Ordinance requested are to allow a) two banner signs larger than twenty square feet in area; b) allow two banner signs to be placed on the wall of the monument sign. The Medical Center of Lewisville is also requesting that the variance request fee of \$350 be waived.

RECOMMENDATION:

That the City Council approve the variance to the Lewisville City Code, Chapter 11 Signs for the size and location of temporary banners to be located at 500 West Main Street; and deny waiving the variance request fee.

PRESENTATION: Sarah McLain, Economic Development Specialist
Courtney Kennedy, Medical Center of Lewisville

- 8. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees and Deposits at the Vista Ridge Amphitheater per a Request by the Elizabeth Toon Foundation.**

ADMINISTRATIVE COMMENTS:

Larry Toon, Executive Vice President of The Staubach Company and representative of the Elizabeth Toon Foundation, will be hosting a day-long charity event on May 9, 2008 comprised of a Jack Ingram concert at the Vista Ridge Amphitheater following a skeet shoot at the Dallas Gun Club. This event has garnered significant attention from the Dallas/Fort Worth real estate community and is anticipated to draw roughly 800 industry leaders from across the metroplex. The City Council has accommodated fee waiver and heightened cleaning requests for a LEDF/Holt Lunsford sponsored event held at the Vista Ridge Amphitheater in 2007. However, last year's event was not for charity, as is this year. It is staff's opinion that the potential exposure and benefit of the event would warrant waiver of the deposit and fees. The various other requests for incentives outlined in the letter provided by the Foundation cannot be accommodated.

RECOMMENDATION:

That the City Council approve the variance regarding the waiver of facility rental fees and deposits at the Vista Ridge Amphitheater, as requested by the Elizabeth Toon Foundation.

PRESENTATION: Elizabeth Trospen, Economic Development Specialist
John Hctor, Holt Lunsford

- 9. Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding a Roof Sign at the Sonic Drive-In Located at 1413 West FM 407, as Requested by Bobby Esh of CPE Sign Services, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

The Sonic Drive-In located at 1413 West FM 407 is currently going through renovation. A variance request is proposed to install a sign, above the roof line, to enable view from both east and west elevations. The sign ordinance does not allow roof signs to project above the highest point of the building. This location already has a permitted 30-foot pole sign.

RECOMMENDATION:

That the City Council deny the requested variance.

PRESENTATION: Cleve Joiner, Building Official
Bobby Esh, CPE Sign Services

- 10. Consideration of a Variance to the Lewisville City Code, Chapter 11, Signs, Regarding the Size of a Wall Sign; Consideration of a Variance to Lewisville City Code, Chapter 2, Fees, Waiver of Variance Request Fee as Requested by Rebecca Behnke of Dallas Tortilla and Tamale at 310 South Mill Street.**

ADMINISTRATIVE COMMENTS:

Rebecca Behnke of Dallas Tortilla and Tamale is proposing to re-face part of the existing wall sign at 310 South Mill. The existing sign is legal nonconforming for Old Town and is shared between Ms. Behnke and another tenant. However, refacing a portion of the sign triggers a sign permit and compliance with the current Sign Ordinance. The wall sign is currently larger than 50 square feet (at 78 square feet) which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to obtain a sign permit, the two tenants would need to be on a new sign of equal to or less than 50 square feet. Instead, Ms. Behnke is requesting a variance to allow her portion of the sign to be refaced and reinstalled. This change will not alter the dimensions of the sign and therefore, will not proliferate additional signage in Old Town. The variance to the sign ordinance requested is to allow a wall sign on a primary façade larger than fifty square feet in area. Ms. Behnke is also requesting that the variance request fee of \$350 be waived.

RECOMMENDATION:

That the City Council approve the variance to the Lewisville City Code, Chapter 11, Signs, for Ms. Behnke at 310 South Mill Street; and deny waiving the variance request fee.

PRESENTATION: Sarah McLain, Economic Development Specialist

H. **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**

**AGENDA
LEWISVILLE CITY COUNCIL
APRIL 21, 2008**

Page 9

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).