

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 5, 2008**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Corridor Aesthetic Program
- 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 Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of May 4-10, 2008, as “National Drinking Water Week” and May 18-24, 2008, as “National Public Works Week.”
 - 2. Declaring the Week of May 11-17, 2008, as “National Police Week” and May 15, 2008, as “Police Memorial Day.”
 - 3. Declaring the Week of May 10-18, 2008, as “Texas Tourism Week.”

- D. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Light Industrial (LI) on a 1.59 Acre Tract Located at 817 Clary Road, Further Identified as Tract 36 of the P. Higgins Survey, Abstract 525; as Requested by Jose Lopez the Current Property Owner (Case No. PZ20080409).

ADMINISTRATIVE COMMENTS:

A mobile home with a carport is currently on this site. The property backs up to the Highland Acres Mobile Home Communities formerly known as Bunker Hill Mobile Home Park and is adjacent to other AO property with residential uses on them. A couple of properties north of this one are zoned LI. Almost all of the property along Business SH 121 and south of this area is zoned either LI or AO. The proposed zoning would be consistent with what has been happening in the area. The trend is conversion to Light Industrial and it seems that this trend will continue especially when Corporate Drive is extended through this area in the future. The Planning and Zoning Commission unanimously recommended approval 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 Agriculture Open Space (AO) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Jose Lopez, Owner

- 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 21, 2008, Workshop Session and Regular Session.

- 2. Approval of a Bid Award for the 2007 CDBG Sanitary Sewer Rehab Project to Trenchless Methods, Inc., West Monroe, Louisiana, in the Amount of \$240,587; Approval of a Total Budget of \$247,805; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixty-eight (68) bid invitations were issued, including four (4) downloaded from DemandStar.com. Seven (7) bids were received and opened March 6, 2008, including one bid that was incomplete. This project consists of rehabilitating the sewer mains on Perry Street, Hatcher Avenue, Elm Street and Hickory Street. The old 6" clay pipe will be upsized to 8" polyethylene pipe. Funding is available in the CDBG Block Grant Budget.

RECOMMENDATION:

That the City Council approve a bid award for the 2007 CDBG Sanitary Sewer Rehab Project to Trenchless Methods, Inc., West Monroe, Louisiana, in the amount of \$240,587; approval of a total budget of \$247,805; and authorize the City Manager to execute the contract.

- 3. Approval of a Professional Services Agreement With TRC Engineers, Inc., in the Amount of \$232,050 for Design Services Related to the Purnell Street Sanitary Sewer Project; Approval of a Total Project Design Budget of \$239,012, Which Includes \$6,962 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Purnell Street Sanitary Sewer Project includes the construction of new sanitary sewer gravity lines to enlarge sanitary sewer capacity to serve central and south sections of Old Town. Staff has negotiated a Professional Services Agreement with TRC Engineers, Inc., for surveying, geotechnical investigation, design services, and governmental agency approvals. The total fee for identified services is \$232,050. Funding for the design is available in the Purnell Street Sanitary Sewer Utility Capital project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with TRC Engineers, Inc., in the amount of \$232,050 for design services related to the Purnell Street Sanitary Sewer project; approve a total project design budget of \$239,012, which includes \$6,962 for contingencies; and authorize the City Manager to execute the agreement.

- 4. Approval of Acceptance of a \$3,001 Grant From the Texas Department of Transportation for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$3,001 to the Fiscal Year 2007/2008 Grant Fund; and Authorization for the City Manager to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation is awarding the City of Lewisville \$3,001 in grant funds. The grant will enable the City to conduct an occupant protection and enforcement program during the Memorial Day holiday. The grant funds will pay the officers' salaries at their overtime rate.

RECOMMENDATION:

That the City Council approve the acceptance of the Texas Department of Transportation Grant Award in the amount of \$3,001; approve a supplemental budget appropriation to the grant fund in the amount of \$3,001; and authorize the City Manager to execute the grant agreement.

G. REGULAR HEARINGS:

- 5. Tabled Item: Consideration of a Request for 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. The City Council tabled this item at the April 21, 2008 City Council meeting in order to explore additional options with Sonic. Staff suggested that Sonic remove the existing pole sign, thus allowing the proposed roof-mounted sign. Representatives from Sonic Drive-In indicated that they were not in favor of removing the existing pole sign.

RECOMMENDATION:

That the City Council deny the requested variance.

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

- 6. Consideration of a Request for a Variance to the 1996 Castle Hills Agreement to Allow Two (2) Three Party Escrow Agreements to Allow Simultaneous Construction of Public and Private Infrastructure Improvements, as Requested by Weber/Inland American Lewisville TC L.P.; and Authorization for the City Manager to Execute Escrow Agreement A for City of Lewisville Improvements.**

ADMINISTRATIVE COMMENTS:

Weber/Inland American Lewisville TC L.P., is in the process of developing the Lewisville Towne Crossing Project, a 54.61 acre multi-lot retail center within the Castle Hills Development. The 1996 General Development Ordinance allows a developer to enter into a 3-party escrow agreement between the City, Developer and a financial institution performing the services of an escrow agent subject to approval by the City Council. In this case, two separate agreements are required, one for the City improvements and one for the Fresh Water District Improvements. Agreement A covers the City of Lewisville portion of the improvements. Agreement B, which covers the Fresh Water District improvements will be executed by the Fresh Water District.

RECOMMENDATION:

That the City Council approve the variance request and the Three-Party Escrow Agreement for the City of Lewisville improvements (Agreement A); authorize the City Manager to execute Agreement A; and stipulate that all City of Lewisville improvements be completed and accepted by the City prior to issuance of any certificate of occupancy by the Denton County Fresh Water District.

- 7. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding the Waiver of Facility Rental Fees at the Vista Ridge Amphitheater per a Request by Running With Scissors Players.**

ADMINISTRATIVE COMMENTS:

Running With Scissors players are planning to perform the musical “You’re a Good Man Charlie Brown” at the Amphitheater June 27, 28, 29, and July 4, 5, and 6, 2008. The beneficiaries of the performances will be the Down Syndrome Guild of Dallas and a local family struggling financially to support their Down Syndrome child. The theatre group is requesting waiver of the amphitheater rental fees for all six dates. Rental fees normally cover cost of City services such as custodial services, facilities maintenance and staff presence. They are prepared to submit the required facility deposit.

RECOMMENDATION:

That the City Council consider approval of the variance regarding the waiver of facility rental fees at the Vista Ridge Amphitheater, as requested by the Running with Scissors players.

PRESENTATION: Bailey Frankenberg and Eric Nelson, Running With Scissors Players

- 8. Consideration of Waiving the Third Floor Rental and Deposit Fees for the Southern Denton County Neighbor to Neighbor Victory Party on May 20, 2008 (as Requested by Mayor Pro Tem Ueckert).**

ADMINISTRATIVE COMMENTS:

The Southern Denton County (SDC) Neighbor to Neighbor is a newly established fund raising federation representing Lewisville area social service agencies. The City Council approved this organization as the exclusive fund raising federation for the City of Lewisville. Rental of the third floor is \$150 an hour with a two hour minimum along with a \$500 deposit. They would like to hold their Victory Party for surpassing the 2007-2008 fund raising goal of \$75,000 on May 20, 2008 on the third floor of City Hall and are requesting that the fees for this event be waived.

RECOMMENDATION:

That the City Council consider waving the third floor rental and deposit fees for the Southern Denton County Neighbor to Neighbor Victory Party on May 20, 2008.

9. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 11, Signs, Regarding Flashing Signs.

ADMINISTRATIVE COMMENTS:

On February 28, 2008, the Texas Department of Transportation Commissioners adopted new rules to allow multi-colored electronic changeable message billboards along State highways unless specific municipal ordinances prohibit said signs. Although the City has prohibited signs that flash, scroll, electronically change or have intermittent or varying intensity of illumination for several years, staff identified the need to clarify the City's position to continue to prohibit these types of signs regardless of the new rules promulgated by the Commission. The new State law becomes effective June 1, 2008, therefore staff recommends that the City Council approve this ordinance.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Eric Ferris, Director of Community Development

H. REPORTS:

1. First Quarter 2008 Investment Report

**AGENDA
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- I. **CLOSED SESSION**: In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.071 (Consultation with Attorney): CAPP Long Term Contract
 - 2. Section 551.072 (Real Estate): Property Acquisition
 - 3. Section 551.087 (Economic Development): 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).