

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 19, 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. Boards and Commissions Structure
- B. Arts Center Design
- 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. **Consideration of Items Relating to the May 10, 2008, City of Lewisville General Election:**
 - a. Canvass of the Election Returns for the City Council General Election.
 - b. Consideration of a Resolution Declaring the Results of the City Council Election.

D. PRESENTATIONS:

- 1. PRESENTATION OF CERTIFICATES OF ELECTION BY MAYOR AND CEREMONIAL ADMINISTRATION OF OATH OF OFFICE TO RE-ELECTED COUNCIL MEMBERS.**
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.

E. PROCLAMATION: Declaring the Week of May 18-24, 2008, as “Emergency Medical Services Week”.

F. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Office District (OD) and Old Town Mixed Use Two (OTMU2) to Public Use (PU) on a 2.257 Acre Tract Located at 201 West Main Street; and Identified as Parts of Lots 1, 2, 3, 9, 11 and All of Lots 4, 10, 12; Block 2 of O.T. Lewisville, as Requested by the Property Owner, The City of Lewisville (Case No. 20080512).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Public Use (PU) is in keeping with the recommendations of the Old Town Master Plan. The property is vacant land (previously Temple Baptist Church) that is planned for the City Cultural Arts and Activities Center. The City of Lewisville wishes to rezone to Public Use (PU) to be in compliance with the Old Town Master Plan. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their May 6, 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 Old Town Mixed Use Two (OTMU2) and Office District (OD) to Public Use (PU).

PRESENTATION: Sarah McLain, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.31 Acre Tract of Land Located at 115 Leonard Street; and Identified as Lots 7 and 8, Block 14 of the Kealy Addition, as Requested by Tim Garvey, on Behalf of the Property Owner, Garvey Homes, Ltd. (Case No. 20080515).**

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. Light Industrial (LI) zoning allows setbacks of: front 25 feet, sides 10 to 15 feet, rear 0 to 50 feet. The new zoning will allow for front setbacks 0, sides 6.5 feet for residential or 0 feet for commercial, rear 20 to 6.5 feet for residential and 10 feet for commercial. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their May 6, 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 Light Industrial (LI) 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 General Business (GB) to Old Town Center Business (OTC) on Two Tracts of Land Totaling 0.15 Acres Located at 136 and 138 West Main Street; and Identified as Tracts 120 and 121, Abstract 696 of the J.W. King Survey as Requested by Michelle Grote, on Behalf of the Property Owner, Thirteen Fevers, LLC (Case No. 20080513).**

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 May 6, 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

- G. **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.
- H. **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 May 5, 2008, Workshop Session and Regular Session.
 5. **Approval of Revisions to Administrative Policy 1.12.0, "Use of City Information Outlets".**

ADMINISTRATIVE COMMENTS:

Administrative Policy 1.12.0 establishes guidelines for the use of city-controlled information tools. The policy last was updated in 2004. Since then, name changes have been enacted and new communication tools developed that are not reflected in the current policy. The revised policy includes those changes and clarifies appropriate uses for city-controlled outlets.

RECOMMENDATION:

That the City Council approve revisions to Administrative Police 1.12.0, "Use of City Information Outlets".

- 6. Approval of an Award for the Construction of the Railroad Street Athletic Complex to Core Construction Services of Texas, Inc., Frisco, Texas, in the Amount of \$20,118,190; Approval of a Total Construction Budget in the Amount of \$20,178,190; Approval of a Supplemental Appropriation in the Amount of \$2,677,954 From Various Funds; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-six (26) request for proposals were issued, including nine (9) downloaded from DemandStar.com. Four (4) proposals were received and opened March 13, 2008. Core Construction Services of Texas, Inc., is being recommended on the basis of receiving the highest evaluation score. Funding is available from in the Athletic Field Development – Railroad Street Park Capital Project.

RECOMMENDATION:

That the City Council approve an award for the construction of the Railroad Street Athletic Complex to Core Construction Services of Texas, Inc., Frisco, Texas, in the amount of \$20,118,190; approve a total construction budget in the amount of \$20,178,190; approve a supplemental appropriation in the amount of \$2,677,954 from various funds; and authorize the City Manager to execute the contract.

- 7. Approval of a Supplemental Appropriation in the Amount of \$150,000 From Screening Wall Developer Fees to the Screening Wall Repair Capital Project for Maintenance and Repair of Screening Walls.**

ADMINISTRATIVE COMMENTS:

Additional funding is needed to complete routine maintenance and repairs to screening walls. This work includes repair to walls that are damaged by accidents and routine repairs and maintenance identified by inspection and reports of failure. Repairs typically include replacing columns and panels, replacing soldier course rows that become loose, and replacing missing decorative caps. This work is scheduled and completed as needed. We are requesting that \$150,000 be allocated for these repairs.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$150,000 to the Screening Wall Repair Capital Project to continue maintenance and repairs.

- 8. Approval of a Resolution Authorizing the City Manager to Prepare, File and Prosecute With Texas Commission on Environmental Quality an Application for Amendments to Certificates of Adjudication Nos. 08-2349 and 08-2350 to Combine Same and to Amend the Diversion Points for, and the Places of Use of Water Under, the Certificates.**

ADMINISTRATIVE COMMENTS:

The City has obtained approximately 453 acre feet of combined water rights as authorized by Certificates of Adjudication Nos. 08-2349 and 08-2350. The resolution authorizes the City Manager to execute all documents necessary to combine said rights and to change the location for use of irrigation water to the City of Lewisville parkland located east of Railroad Street south of SH121 Business and North of SH121.

RECOMMENDATION:

That the City Council approve the resolution.

I. REGULAR HEARINGS:

- 9. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract, and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of an estimated \$8,850,000 of City of Lewisville, Texas General Obligation Bonds, Series 2008 will provide estimated new funding of \$8,850,000 for the construction of street and drainage improvements.

RECOMMENDATION:

That the City Council approve the ordinance authorizing the issuance and sale of City of Lewisville, Texas, General Obligation Bonds, Series 2008; levying a tax in payment thereof; authorizing the execution and delivery of a bond purchase contract, and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Boyd London, First Southwest Company

- 10. Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of an estimated \$10,470,000 of City of Lewisville, Texas Waterworks and Sewer System Revenue Bonds, Series 2008 will provide funding of \$5,500,000 for the Sewer Meter and Lift Station project as well as sewer line replacements of \$4,650,000.

RECOMMENDATION:

That the City Council approve the ordinance of the City Council of the City of Lewisville, Texas, authorizing the issuance and sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2008; providing for the security for and payment of said bonds; authorizing the execution and delivery of a bond purchase contract and a paying agent/registrar agreement; approving the official statement; and enacting other provisions relating thereto.

PRESENTATION: Boyd London, First Southwest Company

- 11. Consideration of the Preliminary Plat of UNICLA Addition, Lots 1-4, Block B and Lot 1, Block C, Zoned Light Industrial (LI), Generally Located North and East of the Intersection of FM 407 (Justin Road) and Archer Way, With a Requested Variance to the Lewisville City Code, as Requested by Mark Sutherland, Attorney, Representing UNICLA of America, Inc.**

ADMINISTRATIVE COMMENTS:

The subject 9.05-acre tract is located along the east side of Archer Way and north of FM 407. The future extension of Moccasin Trail as shown on the City Thoroughfare Plan will divide the tract into two separate parcels. The original owners of the property have sold a 1.03-acre tract south of the Moccasin Trail extension fronting on Archer Way (proposed lot 1, Block B) so the entire 9-acre property is being preliminary platted before the 1.03 acre parcel can be final platted. The General Development Ordinance will require dedication of right-of-way and the construction of Moccasin Trail through the 9-acre property and requires a proportionate cost share between all lots when the property is final platted. The variance will allow Lot 1, Block B to be excluded from participating in the road improvements with the cost being proportionately shared by the remaining lots. The Planning & Zoning commission recommended approval of the plat and variance with a vote of 7-0 at their May 6, 2008 meeting.

RECOMMENDATION:

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

PRESENTATION: David Salmon, Assistant City Engineer

- 12. Tabled Item: Consideration of Variances to the Lewisville City Code, Chapter 11, Signs, to Allow Size of a Wall Sign, and to 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 which is the maximum allowed for a wall sign on a primary façade in Old Town according to the Sign Ordinance. Therefore, to reface part of the sign and obtain a sign permit, both tenants would need to remove and reinstall a separate sign together. 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. At the April 21, 2008 City Council meeting, this item was tabled until May 19 by request of the applicant.

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.

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on Round Grove Road (FM 3040) From Old Orchard Lane to Interstate Highway 35E of 50 MPH Within the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

In accordance with standard engineering practice and state law, TxDOT has provided a speed study for Round Grove Road (FM 3040) from Old Orchard to I-35E. The study indicates the 85th percentile speed ranged from 48 to 52 miles per hour and recommends a speed limit of 50 miles per hour. The Transportation Board considered this item at the January 17, 2008 meeting and voted to table the item requesting further information. At the April 17, 2008 meeting the Transportation Board approved the 50 mph speed limit recommendation with a 4-2 vote. Members in opposition indicated safety concerns over raising the speed limit on the section from SH 121 Business to I-35E.

RECOMMENDATION:

That the City Council adopt the ordinance amending the maximum speed limit on Round Grove Road from Old Orchard Lane to I-35E.

PRESENTATION: T.S. Kumar, City Engineer

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-36; Maximum Speed Limits Near Schools; Establishing a School Zone on Windhaven Parkway and Establishing a Summer School Zone for Huffines Middle School.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District will be opening Elementary School No. 39 on Windhaven Parkway this fall. This item will establish a school speed zone on Windhaven Parkway for this campus. Additionally, the current ordinance describes the Lewisville High School campus as the only campus specially designated for upper level summer school speed zones. This item will amend the ordinance by adding the Huffines Middle School as an additional campus for upper level summer school speed zones. The Transportation Board unanimously approved these items with a 6-0 vote at the April 17, 2008 meeting.

RECOMMENDATION:

That the City Council adopt the ordinance amending maximum speed limits near schools; establishing a school zone on Windhaven Parkway and establishing a summer school zone for Huffines Middle School.

PRESENTATION: T.S. Kumar, City Engineer

- 15. Consideration of an Ordinance Amending the Existing Gas Franchise Between the City and Atmos Energy Corporation to Provide an Increase to City Franchise Payments.**

ADMINISTRATIVE COMMENTS:

As a result of the settlement agreement regarding the 2007 Atmos Gas rate request, Texas cities may increase the city franchise payments from the current 4% rate to 5% effective May 1, 2008. The 1% increase would yield approximately \$142,000 in general fund revenue. In accordance with the City's Charter, it is necessary to have two readings of the ordinance. The second reading will take place at the July 7, 2008, City Council meeting.

RECOMMENDATION:

That the City Council approve the ordinance.

- 16. Discussion of the City of Lewisville Sign Ordinance as it Relates to Political Signs, as Requested by Councilman Tierney.**

ADMINISTRATIVE COMMENTS:

Councilman Tierney has requested a discussion regarding the City's policy on the posting of political signs.

RECOMMENDATION:

That the City Council provide direction to staff.

J. REPORTS:

- K. CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,

1. Section 551.072 (Real Estate): Property Acquisition
2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 19, 2008**

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

- M. **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).