

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JULY 7, 2008**

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

**WORKSHOP SESSION - 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items
- B. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Watts
- C. **PROCLAMATION:** Declaring the Month of July, 2008, as “Parks and Recreation Month”.
- D. **PRESENTATIONS:**
 - 1. Certificates of Appointment and Oaths-of-Offices to Reappointed and Newly Appointed Members of the City’s Boards/Commissions/Committees; and
 - 2. Texas Municipal Library Directors Association 2007 Achievement of Excellence in Libraries Award.

E. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Medical District (MD) on a 4.0 Acre Tract Located at the Northwest Corner of Highpoint Oaks Drive and Vista Ridge Mall Drive, and Further Identified as Part of Lot 1, Block A of the Highpoint Oaks Addition; as Requested by Churchill Residential, Inc., With Authorization of the Current Property Owner Highpoint Oaks, Ltd. (Case No. PZ20080408).**

ADMINISTRATIVE COMMENTS:

The site is currently zoned Light Industrial and is part of a larger lot in the Highpoints Oaks Addition, an industrial park located at the southwest corner of SH 121 Business and Denton Tap Road. In order for senior apartments to qualify under Medical District zoning the apartments must have an age restriction allowing only senior citizens as well as provide a level of senior programs not typically found in apartments. Churchill Residential has a good reputation for building a quality retirement community including their facility on Garden Ridge Boulevard just south of Main Street, one of at least seven independent living, assisted living or nursing home facilities in Lewisville. Three of the existing senior housing projects are adjacent to Light Industrial zoning, but in each of these situations the senior apartments are at least on the outskirts of a residential neighborhood. Unlike the other senior projects, however, all of the land adjacent to or across the street from this proposed project is in an industrial park, giving this request the appearance of spot zoning. The Planning and Zoning Commission recommended approval of the request on a vote of 4-3 at their June 3, 2008, meeting. The applicant has asked for the public hearing to be continued to the July 21, 2008 meeting to allow time to prepare a legal description of the tract.

RECOMMENDATION:

That the City Council continue the public hearing until July 21 on the requested zone change from Light Industrial (LI) to Medical District (MD).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Sandy Jacobs, By Consensus, Inc.
Tony Sisk, Churchill Residential, Inc.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Public Use (PU) on a 6.06 Acre Tract Located at 900 South Mill Street; Further Identified as Lot 1, Block A of the Payless Cashways Addition, Section One, as Requested by the Lewisville Independent School District, the Current Property Owner (Case No. PZ20080616).**

ADMINISTRATIVE COMMENTS:

This property was originally the location of the Payless Cashways store, which later became 84 Lumber and is currently zoned General Business. General Business has a limitation on outdoor storage of 10 percent of the platted lot. The LISD is planning on using this facility primarily for book storage and supplemental parking for school buses. If there is surplus bus parking on the lot for vehicles not in use on a regular basis, such as during the summer months, that use is typically counted as storage. The change in zoning will allow LISD to use more than 10 percent of the lot for this type of bus parking, although any "storage" will still have to be screened from view. Were this case to be denied, the LISD would have to operate under the parking regulations in General Business. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 7-0 at their June 3, 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 Public Use (PU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Von Beougher, P.E., G&A Consultants, Inc.

- F. **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.
- G. **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.

- 3. APPROVAL OF MINUTES: City Council Minutes of the June 16, 2008, Workshop Session and Regular Session.**
- 4. Approval of Change Order No. 1 to Trenchless Methods, Inc., West Monroe, Louisiana, in the Amount of \$37,119.50 for the 2007 CDBG Sanitary Sewer Rehab Project; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

The City Council recently approved an amendment to the CDBG 2007 Annual Action Plan by adding the 400 block of Hickory Street to the Sanitary Sewer Rehabilitation project. Trenchless Methods, Inc. was awarded the construction contract for this project in May of this year. This change order will consist of replacing existing 6-inch clay pipe along the 400 block of Hickory Street with 8-inch polyethylene pipe. Funding is available in the CDBG Block Grant Budget.

RECOMMENDATION:

That the City Council approve Change Order No. 1 to Trenchless Methods, Inc., West Monroe, Louisiana, in the amount of \$37,119.50 for the 2007 CDBG Sanitary Sewer Rehab Project; and authorize the City Manager to execute the change order.

- 5. Approval of a Change Order to the Construction Manager at Risk Contract With the Ridgemont Company, Irving, Texas, in the Amount of \$95,598 for the Construction of a Vehicle Storage Shelter for the Police Department; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

The Ridgemont Company is currently constructing the new jail. This change order will provide for the construction of a vehicle storage shelter consisting of approximately 1,500 square feet. This shelter will allow the Police Department to store their command van and TAC ambulance. Funding is available in the Jail Facility Capital project.

RECOMMENDATION:

That the City Council approve a change order to the Construction Manager at Risk contract with the Ridgemont Company, Irving, Texas, in the amount of \$95,598 for the construction of a vehicle storage shelter for the Police Department; and authorize the City Manager to execute the change order.

- 6. Approval of a Professional Services Agreement With PFM Asset Management LLC for Consulting, Investment Advisory and Management Services in Connection With the Creation of a Post-Employment Health Benefits Liability Management Program; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In response to the Government Accounting Standards Board (GASB) Statement 45 which governs the City's accounting approach toward post-employment health benefits liability, staff has reviewed options concerning future funding and the potential impact of this liability to the City's financial condition. Staff is recommending PFM Asset Management LLC for consulting and management services necessary for the establishment and administration of a post-employment (retiree) health benefit trust. PFM will assist staff in the creation of the necessary documentation and proposed investment strategy and provide investment management services for the trust.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement for consulting, investment advisory and management services between the City of Lewisville and PFM Asset Management LLC; and authorize the City Manager to execute the agreement.

- 7. Approval of a Professional Services Agreement With the RJN Group Inc., in the Amount of \$229,958 for a Sanitary Sewer Evaluation Study; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Inflow/Infiltration Program was initiated to identify and correct defects in the sanitary sewer system that allows storm water and ground water to enter the system. In 2007 a system-wide flow study was conducted to quantify flows and identify the problem basins within the entire system. The problem basins have been prioritized and targeted for a detailed Sanitary Sewer Evaluation Study (SSES). This study will identify and locate the specific defects in the system that are the sources of the Inflow/Infiltration and recommend rehabilitation methods. The RJN Group Inc. is an engineering firm that has extensive experience in successful Inflow/Infiltration reduction programs. The initial term of this agreement is for one (1) year, with an option to extend the contract up to two (2) more years for additional services, with Council approval. Funding is available in the Inflow and Infiltration Capital Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with the RJN Group, Inc., in the amount of \$229,958; and authorize the City Manager to execute the agreement.

- 8. Approval of a Supplemental Appropriation in the Amount of \$5,500 to the Fiscal Year 2007-2008 Fire Training Fund.**

ADMINISTRATIVE COMMENTS:

Staff is requesting a supplemental appropriation of \$5,500 for Fire Training expenditures for the remainder of this fiscal year. Due to more Fire Departments in North Texas using our training facilities, we have incurred more overtime and supply expenses (and off-setting revenue) than anticipated. Funding is available in the Fire Training Fund.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$5,500 to the Fiscal Year 2007-2008 Fire Training Fund.

- 9. Approval of a Resolution Suspending the August 8, 2008, Effective Date of Oncor Electric Delivery Company Requested Rate Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With Oncor Cities Steering Committee to Hire Legal and Consulting Services and to Negotiate With the Company and Direct any Necessary Litigation and Appeals; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel for the Steering Committee.**

ADMINISTRATIVE COMMENTS:

Oncor Electric Delivery Company (formerly TXU Electric Delivery) filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. The Company asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. The resolution suspends the August 8, 2008 effective date of the Company's rate increase for a period of 90 days to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing. The City has approximately 500 customers in isolated pockets throughout the City.

RECOMMENDATION:

That the City Council approve the resolution.

- 10. Approval of a Variance to Lewisville City Code Chapter 11, Signs, to Allow Off-Premise Event Banner Signage, Size, and Frequency and Duration for a Farmers Market Banner at 320 West Main Street; as Requested by Judy Kay Ferguson.**

ADMINISTRATIVE COMMENTS:

The Old Town Business Association (OTBA) is sponsoring a Farmers Market in a continuing effort to attract visitors to the Old Town area. The Farmers Market is held every Saturday from April 19 through November 29 from 8 a.m. to 12 p.m. on the North Ferguson Plaza. In an effort to increase promotion for the event, Mrs. Ferguson and OTBA have requested that she be granted variances to allow for a banner of approximately 4ft. x 17 ft. to be placed on the second story balcony of her home promoting the market. The variances to the sign ordinance requested are to allow a) off-premise event banner signage; b) a banner sign on her property for a longer frequency and duration than thirty consecutive days, two times per calendar year; c) a banner sign larger than twenty square feet in area. This variance was approved last year.

RECOMMENDATION:

That the City Council approve the variances to the Lewisville City Code, Chapter 11 Signs for a Farmers Market banner at 320 West Main Street.

H. REGULAR HEARINGS:

- 11. Consideration of a Variance to the Lewisville City Code, Section 11-14(B), Prohibited Signs, Regarding an Electronic Message Center Sign to be Located at the CVS Pharmacy Located at 100 West Corporate Drive as Requested by Kaliki Mendoza With Southwest Signs, Representing the Owner.**

ADMINISTRATIVE COMMENTS:

CVS Pharmacy is requesting a variance to upgrade the existing free-standing sign by re-facing the upper sign of 62.4 sf., which is allowable according the ordinance, and replacing the lower informational sign with an electronic message board at a reduced size of 40 sf. The Lewisville City Code prohibits electronic message boards that display any message beyond the time, date and temperature. Southwest Signs is requesting the electronic message board for the purpose of advertisement. City staff has reviewed the request and recommends denial.

RECOMMENDATION:

That the City Council deny the requested variance.

PRESENTATION: Cleve Joiner, Building Official
John Von, Southwest Signs

- 12. Consideration of a Variance to the Lewisville City Code, Chapter 6, Land Use, Relating to Street Design Criteria; Associated With the Texas New Mexico Power Substation Site on Garden Ridge Boulevard as Requested by G&A Consultants Inc., Representing the Owner.**

ADMINISTRATIVE COMMENTS:

Texas New Mexico Power is expanding their office building at the Garden Ridge Boulevard substation located south of College Parkway. Therefore, a new engineering site plan is being prepared for the property. Staff has reviewed the proposed engineering site plan prepared by G&A Consultants, Inc., and has identified a variance to allow dedication of a street, sidewalk and utility easement instead of additional right-of-way on Garden Ridge Boulevard for a proposed deceleration lane.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Kyle Hogue, P.E., G&A Consultants Inc.

- 13. Consideration of a Variance to the Lewisville City Code, Chapter 9, Section 9.5-29 Plat Required, Allowing a Building Permit to be Issued for a Smoker Shelter at 136 West Main Street.**

ADMINISTRATIVE COMMENTS:

At the present time, the General Development Ordinance and Old Town Development Ordinance each require property to be platted and have an approved Engineering Site Plan or Old Town Development Plan before a building permit can be issued. Staff is currently working on an amendment to allow an exception under certain circumstances when the new building or add-on is small enough to not significantly impact the site. An Old Town Development Plan is in review for this site, which has long been used for a restaurant and adjoining patio, but it was discovered that the two tracts have never been platted. The tracts are currently identified as Tracts 120 and 121 of the J.W. King Survey, Abstract 696. The expense and time necessary to plat the property are out of proportion for a small smoker shelter as proposed. Staff feels this is a good example of circumstances when a plat provides little direct benefit.

RECOMMENDATION:

That the City Council approve the variance to the Lewisville City Code, Chapter 9, Section 9.5-29 Plat Required, allowing a building permit to be issued for a smoker shelter at 136 West Main Street.

PRESENTATION: Gene Lewis, Planning and Community Services Manager

- 14. Consideration of a Variance to Lewisville City Code, Article 5, Special Events, Chapter Section 7-150(1), 7-150(5); Church Street and Charles Street Temporary Road Closures on July 10 and July 24, 2008, for “Reel Lewisville” Outdoor Movie Nights.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville Community Relations and Tourism department will present Reel Lewisville on Thursday, July 10, and Thursday, July 24 on the City-owned vacant property located at the corner of Church Street and Charles Street. Reel Lewisville will be a free outdoor movie series designed to enhance development of Old Town Lewisville as a local and regional entertainment destination.

RECOMMENDATION:

That City Council approve temporary road closures on Church Street, between Mill Street and Herod Street, and on Charles Street, between Walters Street and Main Street, from 8 to 11:30 p.m. on Thursday, July 10, and Thursday, July 24.

- 15. Consideration of the FY 2008-2009 Community Development Block Grant (CDBG) Draft Budget in the Amount of \$569,895; and Acknowledge Receipt of the Recommended FY 2008-2009 City Social Service Agency Fund Budget of \$173,250 From the CDBG Advisory Committee.**

ADMINISTRATIVE COMMENTS:

The U.S. Department of Housing and Urban Development (HUD) has announced that \$569,895 is available for funding eligible Community Development Block Grant projects for FY 2008-2009 (down from \$583,141 this year and a high of \$676,110 in 04/05). The CDBG Advisory Committee evaluated and prioritized proposals and prepared a Draft Budget. Grant Administration is capped at \$113,979. The Draft Budget is a step in preparing an Annual Action Plan to submit to HUD as required for receipt of CDBG entitlement funding. Additionally, the Committee is recommending \$173,250 in City Social Service Agency Funds. All currently funded Category II agencies applied this year for renewal funding. The CDBG Advisory Committee, at their June 17, 2008 meeting voted 7-0 to adopt a proposed budget allocating a total of \$743,145 from the CDBG and City Social Service Agency programs.

RECOMMENDATION:

That the City Council approve the FY 2008-2009 Community Development Block Grant (CDBG) Draft Budget in the amount of \$569,895; and acknowledge receipt of the recommended FY 2008-2009 City Social Service Agency Fund Budget of \$173,250 from the CDBG Advisory Committee.

PRESENTATION: Jamey Kirby, Grants Coordinator

- 16. Consideration of an Ordinance Disannexing a Five Foot Strip Totalling 0.3668 Acres Situated in the R.P. Hardin Survey Abstract 613, B. Schoonover Survey Abstract 1209, and the T. Wilson Survey Abstract 1352, as Requested by Castle Hills Property Company, the Property Owner.**

ADMINISTRATIVE COMMENTS:

Castle Hills Property Company has acquired a 23.82 acre tract which was located in the Town of Hebron and is on the fringe of the City of Lewisville's ETJ area. The Town of Hebron disannexed the property in November 2007. Castle Hills Property Company would like to add this property into the City of Lewisville's ETJ area, thereby consolidating all of their property into Lewisville's ETJ. Prior to annexing this new property, the City must disannex the current five foot strip in this area, which will allow for a new five foot strip to take its place which incorporates the 23.82 acre addition. The City of Lewisville held two public hearings on the requested annexation in June 2008.

RECOMMENDATION:

That the City Council approve the proposed ordinance disannexing the five foot strip totaling 0.3668 acres from the City of Lewisville as requested by Castle Hills Property Company.

PRESENTATION: Gene Lewis, Planning & Community Services Manager
Eric Stanley, Castle Hills Property Company

- 17. Consideration of an Ordinance Annexing a Five Foot Strip Totaling 0.275 Acres of 23.820 Acres Belonging to the Castle Hills Property Company Situated in the R.P. Hardin Survey Abstract 613, B. Schoonover Survey Abstract 1209, and the T. Wilson Survey Abstract 1352, as Requested by Castle Hills Property Company, the Property Owner.**

ADMINISTRATIVE COMMENTS:

Castle Hills Property Company has acquired a 23.82 acre tract which was located in the Town of Hebron and on the fringe of the City of Lewisville's ETJ area. Castle Hills Property Company would like to add this property into the City of Lewisville's ETJ area, thereby consolidating all of their property into Lewisville's ETJ. The Town of Hebron disannexed the property in November 2007. The City of Lewisville held two public hearings on the requested annexation in June 2008.

RECOMMENDATION:

That the City Council approve the proposed ordinance annexing this new five foot strip totaling 0.275 acres into the City of Lewisville as requested by Castle Hills Property Company.

PRESENTATION: Gene Lewis, Planning & Community Services Manager
Eric Stanley, Castle Hills Property Company

- 18. Declare a Vacancy Exists in Place No. 7 on the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Place No. 7 on the Lewisville Parks and Library Development Corporation.**

ADMINISTRATIVE COMMENTS:

Due to the passing of Wayne Ferguson there is a vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation. The City Council will need to consider a new appointment to fill the vacancy in Place No. 7.

RECOMMENDATION:

That the City Council declare a vacancy exists; and consider an appointment to fill the vacancy in Place No. 7 of the Lewisville Parks and Library Development Corporation.

- 19. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.**

ADMINISTRATIVE COMMENTS:

At the June 16, 2008 City Council meeting, Board/Commission/Committee members who had indicated their desire to continue serving were reappointed. Four members had indicated they no longer were able to continue to serve. Those vacancies exist on the following: Animal Services Advisory Committee – 2; Zoning Board of Adjustment -1; and Old Town Design Review Committee – 1.

RECOMMENDATION:

That the City Council proceed with the appointment process to the vacancies on the Animal Services Advisory Committee, Zoning Board of Adjustment, and Old Town Design Review Committee.

- 20. Consideration of a Variance to the Lewisville City Code, Sec. 6-101(b) Underground Utilities; as Requested by CoServ Electric for Proposed Overhead Service Located East of Holford's Prairie Road on a Segment of Future Corporate Drive Right-of-Way.**

ADMINISTRATIVE COMMENTS:

At the last Council meeting, Staff incorrectly advised you that the variance request was approved by your 2-1 vote. Actually, the City Charter requires that all actions must receive at least 3 affirmative votes. Accordingly, the agenda item is still open for some action to be taken. Since that meeting several issues have arisen and a survey is being prepared for the applicant to determine with certainty if the lines will be in the Lewisville city limits. Therefore, it is recommended that this item be tabled until the July 21, 2008 meeting

RECOMMENDATION:

That the City Council table this issue until the July 21, 2008 meeting.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Ron Neiman, City Attorney

I. REPORTS:

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

J. CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D,

1. Section 551.072 (Real Estate): Property Acquisition
2. Section 551.074 (Personnel): Appointment to the Lewisville Parks and Library Development Corporation
3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

**AGENDA
LEWISVILLE CITY COUNCIL
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- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

- L. **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).