

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
NOVEMBER 3, 2008**

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

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

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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

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

- A. **INVOCATION:** Deputy Mayor Pro Tem Watts
- B. **PLEDGE TO THE FLAG:** Mayor Carey
- C. **PUBLIC HEARINGS:**
1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Light Industrial (LI) on a 6.31 Acre Tract Located 0.49 Miles South of Corporate Drive, on the West Side of I35E; Further Identified as Timber Creek Crossing Addition, Lots 1 and 2, Block A, as Requested by American Properties, LLC, the Current Property Owner (Case No. PZ20081022).

**ADMINISTRATIVE COMMENTS:**

The site is currently a mix of predominantly Light Industrial zoning with some General Business zoning. The area is surrounded by Light Industrial zoning to the north and south and Timber Creek separates it from the Multi-Family property to the southwest. The property was originally platted as one large lot that was proposed for boat and RV storage. This plan did not come to fruition and the owners are now in the process of platting it into 21 smaller lots that will most likely be individually owned. The zone change request affects two of the proposed lots substantially and an additional two lots to a negligible extent. The Planning and Zoning Commission recommended approval of the zoning request by a vote of 6-0 at their October 7, 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 Light Industrial (LI).

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Thomas Hoover, Thomas Hoover Engineering, LLC.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Multi-Family Two (MF-2) to Local Commercial (LC) on a 4.46 Acre Tract Located at 1165 West FM 3040; Further Identified as Lot 1, Block A, Parkway Baptist Church Addition, as Requested Parkway Bible Church, the Property Owner (Case No. PZ20081021).**

**ADMINISTRATIVE COMMENTS:**

Parkway Bible Church is located on this parcel of land which is currently platted as one large lot. The area is surrounded by Multi-Family Two (MF-2) zoning to the north (which contains Valley Parkway Elementary School), Single Family Residential (R-6) to the west and Local Commercial (LC) to the east. The church is planning to subdivide the property and sell off a portion on the east side of the site in order to help fund the church's expansion plan on the remainder of the site. The requested zoning would be in keeping with the surrounding area especially the abutting property also zoned LC to the east. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their October 7, 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 Two (MF-2) to Local Commercial (LC).

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Steve Connell, Church Elder

- D. **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.
- E. **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 October 20, 2008, Workshop Session and Regular Session.
4. **Approval of a Bid Award for the Dallas Water Supply Line No. 3, Phase 2 Project to Wilson Contractor Services, LLC, Denton, Texas, in the Amount of \$1,426,580.90; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of twenty-eight (28) bid invitations were issued, including one (1) downloaded from DemandStar.com. Ten (10) bids were received and opened October 2, 2008. This project consists of construction of a new 30-inch water line from the northeast corner of FM 2281 (Old Denton Road) and Hebron Parkway to the Castle Hills/Carrollton border along FM 2281 (Old Denton Road). Funding is available in the Midway Pump Station Capital Project.

**RECOMMENDATION:**

That the City Council approve a bid award for the Dallas Water Supply Line No. 3, Phase 2 Project to Wilson Contractor Services, LLC, Denton, Texas in the amount of \$1,426,580.90; and authorize the City Manager to execute the contract.

- 5. Approval of Change Order No. 1 in the Amount of \$48,600 to Reynolds Asphalt & Construction Company for Additional Paving of the Parking Lots in Old Town.**

**ADMINISTRATIVE COMMENTS:**

On October 20, 2008, Council awarded a contract to Reynolds Asphalt and Construction Company in the amount of \$324,724.05. The Public Services Department, Street Division, is in the process of coordinating the construction of parking lots on the east and west side of Poydras Street north of Elm Street. Once the sub-grade work is completed, an asphalt overlay will be needed for paving of the two lots. This work will also include repaving Poydras Street from Elm Street to the South Plaza. A change order is requested to allow for the additional paving to be included in the contract with Reynolds Asphalt. The Change Order will increase the total cost of the project to \$373,324.05. Funding is available in the Parking Plaza Pedestrian Improvements Capital Project.

**RECOMMENDATION:**

That the City Council approve Change Order No. 1 in the amount of \$48,600 to Reynolds Asphalt & Construction Company for additional paving for the Old Town parking lots.

- 6. Approval of Special Events/Parade Management Policy 1.13.0.**

**ADMINISTRATIVE COMMENTS:**

The Human Resources Department and the City's Special Events Committee propose a Special Events/Parade Management policy related to the safety of City parade participants and citizens. The policy is designed to reduce the risk of serious injuries and accidental deaths resulting from unsafe behaviors during City parades.

**RECOMMENDATION:**

That the City Council approve the Special Events/Parade Management Policy.

- 7. Approval of an Interlocal Cooperative Agreement Between the North Central Texas Council of Governments (NCTCOG) and City of Lewisville for Sustainable Development Transportation Land Banking Project; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Old Town Land Banking Project was approved as part of the NCTCOG Sustainable Development Program on September 14, 2006. This program enables the city to purchase property within the Old Town area for sustainable developments and be reimbursed as a loan of funds for the repayment of expenses incurred for land acquisition. This loan must be repaid once the city releases the property for development purposes. The total amount allocated to the Lewisville Land Banking Project is \$937,500, which includes \$187,500 in local match.

**RECOMMENDATION:**

That the City Council approve the Interlocal Cooperative Agreement between the North Central Texas Council of Governments (NCTCOG) and the City of Lewisville for Sustainable Development Transportation Land Banking Project; and authorize the City Manager or his designee to execute the agreement.

- 8. Approval of a Third Amendment to the Memorandum of Agreement Between the City of Lewisville and Lewisville Landfill TX, L.P., Related to the Timeline Extension of Infrastructure Improvements; and Authorization for the City Manager to Execute the Amendment.**

**ADMINISTRATIVE COMMENTS:**

In October of 2003, a Memorandum of Agreement (MOA) was approved which required Lewisville Landfill TX, L.P., (Allied Waste) to provide improvements to Valley Ridge Boulevard, College Street, and adjacent screening devices and sidewalks by June 2007. The first amendment to extend the project time from June 2007 to June 2008 was approved by Council on June 5, 2007. The second amendment to extend the project time to October 31, 2008 was approved on November 19, 2007. The project is near completion; however, due to utility relocations, Lewisville Landfill is requesting an extension to December 31, 2008.

**RECOMMENDATION:**

That the City Council approve the third amendment to the Memorandum of Agreement by extending the time to complete all construction requirements to December 31, 2008, excluding the trail system which shall be completed in a timeframe concurrent with the installation of the City's Trail System associated with the Railroad Street Park south of SH 121 Business; and authorize the City Manager to execute the third amendment.

**F. REGULAR HEARINGS:**

- 9. Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(B), Prohibited Signs, Regarding an Electronic Message Center Sign to be Located at the Garden Ridge Church of Christ Located at 102 North Garden Ridge, as Requested by Steve White, Representing the Church.**

**ADMINISTRATIVE COMMENTS:**

Garden Ridge Church of Christ is requesting a variance to upgrade the existing free-standing sign and lower informational sign with a larger sign cabinet of 116 square feet that includes an electronic message board of 26 square feet. The overall height is proposed to be 15 feet. A free-standing sign up to 250 square feet and 30 feet in height is allowable according to the sign ordinance. The Lewisville City Code prohibits electronic message boards that display any message beyond the time, date and temperature. Garden Ridge Church of Christ is requesting the electronic message board for the purpose of advertising events and services.

**RECOMMENDATION:**

That the City Council consider the requested variance.

**PRESENTATION:** Cleve Joiner, Building Official  
Steve White, Garden Ridge Church of Christ

- 10. Consideration of a Variance to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-57 to Allow Simultaneous Construction of On-Site and Off-Site Improvements for Crest Manor, a Multi-Family Development Located Near the South East Corner of FM 3040 and Ace Lane as Requested by Robert Driegert, Attorney/Mediator on Behalf of the Owner.**

**ADMINISTRATIVE COMMENTS:**

Crest Manor is a proposed mixed use development on the south side of FM 3040, (Round Grove Road) east of Ace Lane. The site is dependent on downstream sanitary sewer service, which will be installed by the City as part of the Southwest Lewisville Infrastructure Improvements, which has not been bid. The owners of the development, Crest Property Management, have secured financing but are required to begin construction in November 2008 to retain the loan commitment. Crest has requested a variance to allow construction of on-site improvements before the off-site sewer improvements have been completed. Crest agrees to release and hold the City harmless for any claims resulting from the granting of the variance. Crest will also provide a letter from the bank in which the bank acknowledges the risks associated with the granting of the variance. Crest further agrees to not request Certificates of Occupancy for any structures until the applicable sanitary sewer line system has been constructed and accepted.

**RECOMMENDATION:**

That the City Council consider the variance to allow simultaneous construction of on-site and off-site improvements.

**PRESENTATION:** Eric Ferris, Director of Community Development  
Quinn Chen, President, Crest Property Management

- 11. Consideration of Nominations to the Denton Central Appraisal District Appraisal Review Board.**

**ADMINISTRATIVE COMMENTS:**

The Board of Directors of the Denton Central Appraisal District (DCAD) is requesting candidates for possible appointment to the Appraisal Review Board. A list of candidates will need to be returned to the DCAD by November 7, 2008. The DCAD Board of Directors will make their final decision at their December meeting. Each jurisdiction may nominate more than one candidate.

**RECOMMENDATION:**

That the City Council consider nominations to the Denton Central Appraisal District Appraisal Review Board.

- 12. Tabled Item: Consideration of a Resolution Making Certain Findings in Accordance with Section 271.9051 of the Local Government Code Regarding American Landscape Systems, a Lewisville, Texas Company, and Awarding a Bid for Median Improvements to Said Company in the Amount of \$778,244.31.**

**ADMINISTRATIVE COMMENTS:**

A total of seventeen (17) bid invitations were issued, including five (5) downloaded from DemandStar.com. Five (5) bids were received and opened September 18, 2008. This project consists of median improvements to MacArthur Boulevard, College Boulevard and Valley Parkway Boulevard. City staff recommended the bid be awarded to the low bidder, Legends Landscapes, LLC of Plano, Texas in the sum of \$776,620.00. At the October 20, 2008 meeting, Council directed staff to prepare a resolution in accordance with the state law which Council could consider and authorize the bid award to the Lewisville company.

**RECOMMENDATION:**

That the Council adopt the proposed resolution and award the bid for \$778,244.31 to American Landscape Systems.

- 13. Discussion and Consideration of Appointment of a Director to the Denton County Transportation Authority (DCTA) Board of Directors.**

**ADMINISTRATIVE COMMENTS:**

Charles Emery has served as a Director to the Denton County Transportation Authority (DCTA) since 2003. Mr. Emery is currently serving his third term which expires on November 12, 2008. This resolution would reappoint him to serve in the same capacity for a term of two years, pursuant to 460.201 of the Texas Transportation Code.

**RECOMMENDATION:**

That the City Council approve the resolution.

- G. **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
- H. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- I. **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).