

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
NOVEMBER 17, 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. IH-35E Expansion Review
- B. DCTA Quarterly Report
- C. DCTA Presentation Regarding Rail Noise Mitigation
- D. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Ueckert
- B. **PLEDGE TO THE FLAG:** Mayor Pro Tem Thornhill
- C. **PRESENTATION:** Kick-Off of the Salvation Army 2008 Red Kettle Season
- 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.
1. **APPROVAL OF MINUTES: City Council Minutes of the November 3, 2008, Workshop Session and Regular Session.**
 2. **Acceptance of a Donation of \$3,000 From the Denton Area Teachers Credit Union to Fund the Police Department's Annual Awards Banquet.**

ADMINISTRATIVE COMMENTS:

The Lewisville Police Department will be holding its annual awards banquet at the Hilton Garden Inn on March 26, 2009. Mr. Dale Kimble of the Denton Area Teachers Credit Union has expressed his interest to contribute \$3,000 towards this banquet.

RECOMMENDATION:

That the City Council accept the donation of \$3,000 offered by Denton Area Teachers Credit Union to fund the Police Department's annual awards banquet.

3. **Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$61,984; and Authorization for the City Manager or his Designee to Execute the Grant Document.**

ADMINISTRATIVE COMMENTS:

The Police Department (with Council approval) applied for funding of one investigator provided by the U.S. Department of Justice in accordance with the Prevention of Violence Against Women Act Grant. The primary duties of the investigator are to aggressively and thoroughly investigate domestic violence offenses and provide referral services to victims. For this period, the grant will pay 65% of the costs. The City's portion is projected to be \$33,378 for the grant period. The cash match is available in the General Fund Police Department FY 2008-09 budget.

RECOMMENDATION:

That the City Council approve the acceptance of grant funding in the amount of \$61,984 for the Prevention of Violence Against Women Grant from the U.S. Department of Justice; and authorize the City Manager or his designee to execute the grant document.

- 4. Approval of a Resolution to Execute a Local Participation Advanced Funding Agreement (LPAFA) With TxDOT to Install Video Detection and Communications at Thirteen Traffic Signals on State Highway 121 Business; and Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$321,425.**

ADMINISTRATIVE COMMENTS:

This is a CMAQ (Congestion Mitigation Air Quality) grant for \$321,425 from the North Central Texas Council of Governments. The project is scheduled to be complete by August 2009. The project includes the installation of video detection cameras (VIVDS) and wireless communications for thirteen traffic signals on State Highway 121 Business. This equipment replaces loop detectors buried in the pavement at each traffic signal and reduces maintenance costs by approximately 50% over a ten-year period. The City will also be required to optimize traffic signal timing and provide a before/after study to NCTCOG at the end of the project. The project will be designed in-house and is 100% funded by Federal and State funds. A CIP project will be set up to track the Grant Fund expenses.

RECOMMENDATION:

That the City Council execute the LPAFA as requested by TxDOT and move forward with the design and construction of VIVDS and wireless communications for the thirteen signals on State Highway 121 Business; and approve a supplemental appropriation to the Grant Fund in the amount of \$321,425.

- 5. Approval of a Supplemental Appropriation in the Amount of \$14,689 to the Fiscal Year 2008-2009 Grant Fund.**

ADMINISTRATIVE COMMENTS:

The Lewisville City Council approved the Fire Department's acceptance of the 2007 UASI-HSGP grant for \$32,500 on June 16, 2008. The grant was for the purchase of equipment for HazMat incidents, Emergency Management's KnowWhat2Do Program, and the Regional Dive/Rescue/Search Team. The grant expires December 30, 2009. The scene light for the Dive vehicle (\$7,738), and various items for Emergency Management programs (\$10,073.31) have been purchased; however, \$14,688.69 was not spent or encumbered by September 30, 2008. The remaining funding is being requested to be re-appropriated.

RECOMMENDATION:

That the City Council approve a supplemental appropriation in the amount of \$14,689 to the Fiscal Year 2008-2009 Grant Fund.

F. REGULAR HEARINGS:

- 6. Tabled Item: 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:

This item was tabled at the November 3, 2008 City Council meeting at the request of the applicant for review of further options. 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. Staff met with representatives of Crest Manor on November 7, 2008 to discuss alternatives/options related to the development. As a result of that meeting, Crest Manor is requesting a modified variance to allow simultaneous construction of on-site public improvements, release of a building permit for “foundation only” to include slabs, and waiving the requirement of escrow for on-site public improvement construction thus allowing the building permit for “foundation only” construction to commence.

RECOMMENDATION:

That the City Council consider the variance to allow simultaneous construction of both on-site and off-site improvements, release of a building permit for “foundation only” to include concrete slabs, and waive the requirement of escrow for on-site public improvement construction thus allowing the building permit for “foundation only” construction to commence.

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

- 7. Consideration of a Request for Variances to the Lewisville City Code, Section 6-123, Landscape Requirements, as Requested by Lewisville Learning Center Located at 1601 Edmonds Lane and the Dale Jackson Career Center at 1597 Edmonds Lane Both on a Single Lot, Which is Owned and Operated by Lewisville Independent School District (LISD).**

ADMINISTRATIVE COMMENTS:

G&A Consultants, Inc. has submitted an engineering site plan for an existing site known as Lewisville Learning Center and Dale Jackson Center, a campus of two buildings located at 1597 and 1601 Edmonds Lane. The engineering site plan is being invoked due to a proposed classroom addition of 6,000 square feet being added to the existing Lewisville Learning Center building. Because the campus is a single platted lot, improvements such as the addition to a building over 5,000 square feet or over 10% of the existing building require the entire lot to meet current City Code. LISD is requesting that only a portion of the campus landscape requirements be required to meet City Code.

RECOMMENDATION:

That the City Council approve the variance to waive the requirements of the landscape strip and parking screening shrubs along Edmonds Lane on the portion that fronts the Dale Jackson Career Center and landscape islands in the interior parking area of the Dale Jackson Career Center.

PRESENTATION: Cleve Joiner, Building Official
Kyle Hogue, G&A Consultants, Inc.

- 8. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on the State Highway 121 Frontage Roads Within the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

With the opening of the main toll lanes on State Highway 121 and in accordance with standard engineering practice and State law, TxDOT has provided a speed study for the State Highway 121 frontage roads. The study recommends a speed of 60 miles per hour on two sections of the frontage roads as determined by the 85th percentile speed. The Transportation Board considered this item at the October 21, 2008 meeting and voted to recommend the change to the posted speeds with a 5-0 vote.

RECOMMENDATION:

That the City Council adopt the ordinance amending the maximum speed limits on the State Highway 121 frontage roads.

PRESENTATION: T.S. Kumar, City Engineer

- 9. Consideration of a Resolution Acknowledging Existing Truck Prohibitions Based on Engineering Studies; and Consideration of Three Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets.**

ADMINISTRATIVE COMMENTS:

Wayne Kurfees from Kimley-Horn & Associates presented a "Lewisville Truck Prohibition Study" at the Council workshop on September 15, 2008. Council considered existing and proposed truck prohibitions on October 20, 2008 and asked staff to prepare a resolution acknowledging all existing truck prohibitions based on the engineering study presented. Council also asked staff to prepare ordinances for truck prohibitions for the following three street segments: a) College Parkway from the western City limit to its intersection with Interstate Highway 35E southbound service road; b) Corporate Drive from the western City Limit to its intersection with State Highway 121 Business; and, c) High School Drive from its intersection with the Interstate 35E northbound service road to its intersection with Mill Street.

RECOMMENDATION:

That the City Council approve the resolution acknowledging all existing truck prohibitions based on the engineering study from Kimley-Horn & Associates; and approve the ordinances amending the Lewisville City Code Section 15-104(a).

PRESENTATION: T. S. Kumar, P.E., City Engineer

- 10. Consideration of Adding Purnell Street From IH35E to Mill Street as a Prohibited Truck Traffic Route. (Requested by Councilman Tierney)**

ADMINISTRATIVE COMMENTS:

On October 20, 2008, Council directed staff to prepare a resolution acknowledging all existing truck prohibition routes within the City and to prepare ordinances that will prohibit through truck traffic for College Parkway, Corporate Drive, and High School Drive. Councilman Tierney is requesting Council consideration of prohibiting through truck traffic on Purnell from IH35E to Mill Street.

RECOMMENDATION:

That the City Council provide direction to staff as to any action to be considered regarding the prohibition of truck traffic on Purnell Street from IH35E to Mill Street.

- 11. Consideration of a Request From Jack & Jill of America to Waive Fees for the Vista Ridge Amphitheater.**

ADMINISTRATIVE COMMENTS:

Jack & Jill of America has requested the City Council to consider waiving fees for a Walk Against Child Abuse to be held at the Vista Ridge Amphitheater tentatively scheduled for April 25, 2009. The rental fee is \$337.50. The deposit is still required, as is liability insurance.

RECOMMENDATION:

That the City Council consider the request to waive rental fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse and require deposit and appropriate insurances.

PRESENTATION: Myekye Hamilton, Chairperson-Jack & Jill of North Texas

- 12. Acceptance of Resignation of Sarah Jo Jackson From Place No. 1 on the Old Town Design Review Committee; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee.**

ADMINISTRATIVE COMMENTS:

Sarah Jo Jackson has submitted a letter advising that due to personal and business reasons, she is resigning from the Old Town Design Review Committee. The resignation of Sarah Jo Jackson has created a vacancy in Place No. 1 of the Old Town Design Review Committee.

RECOMMENDATION:

That the City Council accept the resignation of Sarah Jo Jackson from Place No. 1 on the Old Town Design Review Committee; declare a vacancy exists; and consider an appointment to fill the vacancy on the Old Town Design Review Committee.

- 13. Consideration of Appointments to the Board of Directors of the Lewisville Parks and Library Development Corporation (LPLDC).**

ADMINISTRATIVE COMMENTS:

The two year terms for the board members of the Lewisville Parks and Library Development Corporation are currently expiring. Per the provisions of the Act, the City Council must appoint a seven-member board of directors. Four of the members may be elected officials. Requirements for membership on the board are residents of Lewisville and at least 18 years of age. All of the current boardmembers have expressed an interest in being reappointed. These appointments may be discussed by the Council in Closed Session.

RECOMMENDATION:

That the City Council consider the appointments to the Lewisville Parks and Library Development Corporation.

- 14. Consideration of Primary and Alternate Representatives to the Regional Transportation Council.**

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Government (NCTCOG) recently notified staff of changes to the Regional Transportation Council (RTC) bylaws. These changes include revisions to the membership structure based on population changes. Under this new structure, Lewisville shares a seat with the cities of Flower Mound, The Colony, Trophy Club and Roanoke. In addition, a new provision was added to permit each seat on the RTC to have an alternate member that can attend meetings and vote in the absence of the primary member. The NCTCOG has asked that each City notify them of their primary and alternate member selection. Councilman Durham was selected for the primary seat in September 2008 and the City Council merely needs to confirm his selection for this seat. The City Council should then consider selection of the alternate member.

RECOMMENDATION:

That the City Council confirm Councilman Durham's selection as the primary member to the RTC and consider selection of an alternate member.

- G. **REPORT:** Attorney General Opinion GA-668 Regarding Notice Requirements for Agenda Items.

- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.072 (Real Estate): Property Acquisition

 - 2. Section 551.074 (Personnel): Appointments to the Board of Directors of the Lewisville Parks and Library Development Corporation (LPLDC).

 - 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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

**AGENDA
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J. 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).