

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JANUARY 26, 2009**

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

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

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Call to Order and Announce a Quorum is Present.

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

- A. Discussion of Legislative Priorities
- B. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Mayor Pro Tem Thornhill
- B. **PLEDGE TO THE FLAG:** Councilman Ueckert
- C. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2) on a 0.2261 Acre Tract of Land Located at 151 West Walters Street; and Identified as Lot 2 of the Crawford Addition, as Requested by the Naomi Crawford Estate (Case No. PZ20090102).

**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 would like to re-zone for future flexibility of use and setbacks on the property. R7.5 zoning allows setbacks of: front— 30 feet, sides—10% of lot width, rear—20 feet. The new zoning will allow for front setbacks—0, sides—6.5 feet for residential or 0 feet for commercial, rear—20 feet for single-family residential and 10 feet for commercial. OTMU2 also allows additional uses which include office, retail, and other similar uses. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their January 6, 2009 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 Single-Family Residential (R7.5) to Old Town Mixed Use Two (OTMU2).

**PRESENTATION:** Sarah McLain, Economic Development Specialist

- 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 January 5, 2009, Workshop Session and Regular Session.
  2. **Approval of Final Acceptance of Fox Avenue Paving and Drainage Improvements Project; and Authorization to Make Final Payment to Tiseo Paving Inc., in the Amount of \$157,081.45.**

**ADMINISTRATIVE COMMENTS:**

On June 18, 2007, the City Council awarded a contract to Tiseo Paving Inc., in the amount of \$3,677,987.70 for the construction of the Fox Avenue Paving and Drainage Improvements. A total project amount of \$3,788,327.33 was approved to include \$110,339.63 for contingencies. Two change orders totaling \$20,427.10 were approved, one to include a message board prior to the start of construction and one for a water main relocation at the intersection of Fox Avenue and Edmonds Lane. The project consisted of reconstructing and widening Fox Avenue from I-35 to Valley Parkway along with drainage and sewer improvements. The final cost of the project including change orders is \$3,641,629.07. The work was not substantially completed within the specified time in accordance with the contract documents and therefore, liquidated damages of \$25,000 were assessed. The final payment in the amount of \$157,081.45 is available in the Fox Avenue Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

**RECOMMENDATION:**

That the City Council accept the Fox Avenue Paving and Drainage Improvements Project; and authorize final payment in the amount of \$157,081.45 to Tiseo Paving Inc.

- 3. Approval of an Election Calendar and a Resolution Calling the May 9, 2009 Lewisville City Council Election and Designating the City's Polling Places, the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order.**

**ADMINISTRATIVE COMMENTS:**

An election calendar has been prepared for May 9, 2009, City Council Election, which will include the Mayor position and Place No. 2 on the ballot. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing at the regularly scheduled meeting on May 18, 2009. The designated polling places are the Memorial Park Recreation Center for Precincts 301, 305, 312, 315, 318, 319, 321 and, 327, and Dallas County Election Precincts 4705, 4707, 4708, and 4709; Lewisville Municipal Annex for Precincts 300, 308, 311, 324, and 329; and Lewisville City Hall for Precincts 113, 114, 138, 221, 227, and 309. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings.

**RECOMMENDATION:**

That the City Council approve the election calendar, approve the proposed resolution calling the May 9, 2009, City Council Election and designating the City's polling places and the early voting polling places and clerk; and authorize the Mayor to sign the election order.

**F. REGULAR HEARINGS:**

- 4. Consideration of the Final Plat for Castle Hills, Phase VI, Section D, a 57.21 Acre Tract Designated Estate Townhouse (ETH), With 260 Residential Lots and Two Common Area Lots, Located South of Windhaven Parkway Between Essex Boulevard and the KCS Railroad; and Consideration of Five Requested Variances to the Castle Hills Development Agreement as Requested by TRC Solutions, Inc., Representing the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

Castle Hills is located in Lewisville's Extraterritorial Jurisdiction (ETJ) and, by the agreement put in place in 1996, is subject to be developed according to Lewisville's General Development Ordinance and Zoning Ordinance. The following variances are being requested: (1) to allow 44-foot street right-of-ways with 6-foot sidewalk and utility easements; (2) to waive the alley requirement; (3) to exceed geometric limitations for street horizontal and vertical alignments; (4) to revise the required Sight Visibility Triangles within Section D for all interior secondary streets; and, (5) to exceed the number of lots in a block before a fire break easement is required in Section D, Block F only. City Council approved Variance 1 and Variance 2 (44-foot street right of way and no alleys) with the preliminary plat and Variance 3 (street geometry) with the original final plat. Since that time the home builder for Section D is no longer involved with the project and Castle Hills has been unable to find a builder to develop the lots as currently configured although the public improvements have been installed. Castle Hills has found two home builders who wish to develop the site with the proposed new lot configuration. In light of these changes to the site the previously approved variances are no longer valid. The developer is requesting the three variances previously granted for Section D plus two additional variances (sight visibility triangles and number of lots without a fire break). The Planning and Zoning Commission, at their January 6, 2009 meeting, voted 5-0 to recommend in favor of the final plat and the requested variances.

**RECOMMENDATION:**

That the City Council approve the final plat and requested Variances 1-3 and 5 and consider Variance 4.

**PRESENTATION** David Salmon, Assistant City Engineer  
Doug Walker, Castle Hills Development Company

- 5. Consideration of a Request for a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at the Corner of Highway 121 and Leora Lane Requested by Westwood Residential Management on Behalf of Bella Madera Apartments.**

**ADMINISTRATIVE COMMENTS:**

A 64 square foot off-premise sign is being proposed at Highway 121 and Leora Lane, to be located approximately 300 feet north of Leora Lane. The sign is fourteen (14) feet in height and will be located twenty (20) feet back from the curb. Due to the location of the Bella Madera Apartments, visibility is limited and early notification would benefit traffic along Hwy 121 directing potential clients to the apartments for lease. Bella Madera Apartments has an agreement with Lakepointe Marina at 121, GP, LLC to allow this off-premise sign to be placed on their property. Staff has no objection to this proposal and requests that the City Council consider the requested variance, with a two-year time limit placed thereon.

**RECOMMENDATION:**

That the City Council consider the requested variance with a limit of two years.

**PRESENTATION:** Cleve Joiner, Building Official  
Brooke Lee, Westwood Residential

- 6. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Establishing the Minimum Standards for Installation of Irrigation Systems Within the Corporate Limits of the City and its Extraterritorial Jurisdiction.**

**ADMINISTRATIVE COMMENTS:**

Section 401.006 of the Texas Local Government Code requires a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city's extraterritorial jurisdiction. The new ordinance incorporates new licensing and installation requirements in addition to the practices already in place being performed by the Building Inspection Division.

**RECOMMENDATION:**

That the City Council approve the proposed ordinance.

**PRESENTATION:** Cleve Joiner, Building Official

7. **Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3, Animals, Regarding Definitions, Prohibited Sales, Animal as Prizes, Promotions and Novelties, Transportation of an Animal in an Open Bed of a Vehicle, and Unlawful Restraint of Dogs.**

**ADMINISTRATIVE COMMENTS:**

At the December 15, 2008, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the third and final reading. The ordinance will become effective February 9, 2009.

**RECOMMENDATION:**

That the City Attorney provide the third and final reading of the ordinance.

8. **Consideration of a Resolution Regarding the Naming of the Proposed DCTA Lewisville Lake Station. (Requested by Mayor Carey)**

**ADMINISTRATIVE COMMENTS:**

Discussion between Lewisville and Highland Village has been ongoing regarding the name of the Lewisville Lake Station located on Garden Ridge Boulevard and IH35E. On November 11, 2008, the City of Highland Village passed a resolution to be forwarded to DCTA for formal action proposing the name of this station be changed from Lewisville Lake Station to “Highland Village/Lewisville Lake Station.” On December 1, 2009, Lewisville Council recommended the name of the station to remain as “Lewisville Lake Station” with secondary signage to include the “Highland Village” name. Additional discussion of the station name occurred at the December 2008 DCTA Board of Directors meeting. On January 5, 2009, the mayors and city managers of Lewisville and Highland Village met to discuss the naming issue. On January 13, 2009, Highland Village Council passed a second resolution recommending the name of the station be “Highland Village/ \_\_\_\_\_ Station, with the second wording to be determined by the City of Lewisville.

**RECOMMENDATION:**

That the City Council consider the name for the DCTA Lewisville Lake Rail Station; adopt a resolution; and provide direction to staff.

**9. Consideration of Approval of Adjustment of Sanitary Sewer Rates for Creekside Utility, Inc. (Creekside Community).**

**ADMINISTRATIVE COMMENTS:**

Creekside Utility, Inc., (Creekside Community), a manufactured home community located at 4000 Ace Lane in southwest Lewisville, has approximately 600 units and operates its own water system and sewer collection system. Lewisville receives and meters sewage from the Creekside Community and bills the Community monthly. The City has original jurisdiction over Creekside’s water and sewer rates and tariffs under Texas Water Code Section 13.042. Creekside Community is requesting an increase of sewer rates to match the City of Lewisville 2008-2009 rate of \$7.96 for the first 2,000 gallons and \$3.20 for each additional 1,000 gallons.

**RECOMMENDATION:**

That the City Council approve the adjustment of sanitary sewer rates for Creekside Utility, Inc. (Creekside Community).

**10. Consideration of Legislative Priorities.**

**ADMINISTRATIVE COMMENTS:**

The 81st Session of the Texas Legislature began January 13, 2009. Various issues of interest that will likely be introduced during the session were discussed with the City Council during the earlier work session. Staff is seeking City Council direction in establishing a legislative agenda. This agenda will provide direction to staff as bills are introduced throughout the session.

**RECOMMENDATION:**

That the City Council provide direction in establishing a legislative agenda.

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

<p>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 <u>Texas Government Code</u> 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).</p>
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