

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
FEBRUARY 2, 2009**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion of Old Town Planning Proposals
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Deputy Mayor Pro Tem Watts
- C. **PRESENTATION:** Presentation of the Texas Recreation and Parks Society Advocate of the Year Award to Rena and Carl Steelman of United Financial Services.
- D. **PUBLIC HEARING:** Consideration of a Zone Change Request From Agriculture Open Space (AO) to Public Use (PU) on a 13.46 Acre Tract Located on the North Side of Country Ridge Road Where Country Ridge Road Intersects With McCart Drive and is Bounded by Business State Highway 121 to the West; Further Identified as Tract 15 of the W. Hunter Survey, Abstract 552; as Requested by the Lewisville Independent School District (Case No. PZ20090101).

ADMINISTRATIVE COMMENTS:

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. Agriculture Open Space has 100 foot setbacks in all directions which severely restricts placement of buildings on the property. The proposed use for this site is an elementary school with a playground and enough room for future expansion. There will be no direct access to Business S.H. 121. The site will be accessed from McCart and Country Ridge roads. The change in zoning will allow LISD to use the property more effectively and follows the latest practice of having the school district zone their property to Public Use which better conforms with the actual use of the property. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 7-0 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 Agriculture Open Space (AO) to Public Use (PU).

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

- E. **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.

- F. **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 26, 2009, Workshop Session and Regular Session.

 - 2. **Approval of Revisions to Administrative Policy 2.12.8 Family and Medical Leave (FMLA).**

ADMINISTRATIVE COMMENTS:

This policy is being revised to reflect the new federal regulations effective January 16, 2009, for Family and Medical Leave as amended by the National Defense Authorization Act for Fiscal Year 2008.

RECOMMENDATION:

That the City Council approve the revisions to Administrative Policy 2.12.8 Family and Medical Leave (FMLA).

3. Authorization to Solicit Donations to the 2009 Lewisville Public Library Summer Reading Program.

ADMINISTRATIVE COMMENTS:

In previous years, local businesses and organizations have donated reading incentive prizes to be earned by children and teens who participate in the Summer Reading Program. Request authorization per City Administrative Policies and Procedures; Administration, Donations: 1.7.2 to solicit donations from Jason's Deli 1,700 coupons valued at \$3.00 each/\$5,100 total; Joe's Crab Shack 2,000 coupons valued at \$3.75 each/\$7,500 total; Interstake Roller Rink 2,400 coupons valued at \$4.00 each/\$9,600 total; Studio Movie Grill 2,500 passes valued at \$5.75 each/\$14,375 total; Texas Rangers 2,500 tickets valued at \$7.50 each/\$18,750 total; F.C. Dallas Soccer Club 1,200 tickets valued at \$18.00 each/\$21,600 total; Chick-fil-A 2,000 coupons valued at \$2.50 each/\$5,000 total; Chili's 1,500 tickets valued at \$4.29 each/\$6,435 total; Ft. Worth Museum of Science and History 2,000 tickets valued at \$7.00 each/\$14,000 total; Fullhouse Smokehouse 2,000 coupons valued at \$4.99 each/\$9,980 total; Captain D's 1,000 coupons valued at \$2.99 each/\$2,990 total; On the Border 1,000 coupons at \$4.69 each/\$4,690 total; Whataburger 2,500 coupons valued at \$1.00 each/\$2,500 total. Donations will be used as incentives to reward reading at designated levels.

RECOMMENDATION:

That the City Council authorize staff to solicit donations for the 2009 Summer Reading Program.

- 4. Approval of a Professional Services Agreement With C&P Engineering, Ltd., in the Amount of \$164,957 for Services Relating to Waterline Replacements 2009; Approval of a Total Project Design Amount of \$169,906, Which Includes \$4,949 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Waterline Replacements 2009 project consists of reconstruction of water lines in all the streets in High Point Addition, a few streets in The Highlands Addition and a 12-inch water line from FM 407 to the KCS Railroad just west of High Point Addition. In the High Point Addition, the water lines will be replaced in the following streets: Cliff View Drive, Hilltop Drive, Trail Ridge Drive, Hillcrest Drive, Green Slopes Drive, Happy Pass Drive, Treecrest Drive, Rocky Point Drive, and High Point Drive. In The Highlands Addition, the water lines will be replaced in the following streets: Cripple Creek Lane, Vail Place, and Sierra Drive from FM 407 to Crested Butte Drive.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with C&P Engineering, Ltd., in the amount of \$164,957; approve a total project design amount of \$169,906, which includes \$4,949 for contingencies; and authorize the City Manager to execute the agreement.

- 5. Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$258,000 for Services Related to Developing Urban Design Plans for Old Town Plaza, Old Town Transit Oriented Development and Mill Street Corridor Streetscape; Approval of an Appropriation From General Fund Reserves in the Amount of \$222,000; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The Old Town TIF Board also directed staff to look at developing a Transit Oriented Development Plan (TOD) for future developments around the new rail station and the Mill Street Corridor. A comprehensive scope of services is proposed to create a cohesive urban design plan for the larger downtown area and engage all stakeholders in the process. Funding related to the plaza portion of this project (\$36,000) is available in the Old Town Plaza Capital Improvements Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$258,000; approval of an appropriation from General Fund in the amount of \$222,000; and authorize the City Manager to execute the contract.

- 6. Approval of a Professional Services Agreement With Design Workshop Inc., in the Amount of \$138,500 for Preliminary Design and Surveying Related to the Old Town Plaza and Associated Pedestrian Improvements; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The City received a Sustainable Development Grant from NCTCOG in the amount of \$1,440,000 (plus a City match of \$360,000) for the Old Town Plaza Project and associated pedestrian improvements in 2006. Funds from other sources were also allocated to this project. The proposed design process is to engage the stakeholders including residents, business owners, council, boards, staff, TXDOT, other applicable agencies throughout the process so that consensus is reached and issues are resolved prior to construction. Funding is available in the Old Town Plaza Capital Improvements Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Design Workshop Inc., in the amount of \$138,500; and authorize the City Manager to execute the contract.

G. REGULAR HEARINGS:

- 7. Consideration of an Amended Final Plat for Lots 72-78, Block B, Villas at Wellington, Phase 2 Located Near the Northeast Corner of Bellaire Boulevard and Valley Parkway; and a Request for Three Variances to the Lewisville City Code - Chapter 6, Land Development Relating to Screening Wall Materials, and Location and Sidewalk Location as Requested by the Developer.**

ADMINISTRATIVE COMMENTS:

The subject property is platted for seven (7) townhouse lots within the Villas at Wellington, Phase 2. In order to save a row of large trees, the developer and builder, Portrait Homes, constructed the screening wall and sidewalk in an alternate location and has submitted an amended final plat and three variances for these lots. The following variances are being requested: A) to allow up to a maximum of 40% non masonry materials for the screening wall where lots back up to Valley Parkway; B) to allow a public screening wall on private property within an easement adjacent to Valley Parkway; and, C) to allow portions of a public sidewalk to be placed on private property within an easement. The amended plat revises the width of the private drainage easement along the backs of the lots, revises the width of the public wall maintenance easement, adds a 4-foot pedestrian access easement across the backs of the lots, and adds a 4-foot utility easement along the north property line. The Planning & Zoning Commission recommended approval of the amended plat and variances (6-0) at their January 20, 2009 meeting.

RECOMMENDATION:

That the City Council approve the amended plat and requested variances.

PRESENTATION: David Salmon, P.E., Assistant City Engineer

- 8. Tabled Item: 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:

This item was tabled at the January 26, 2009, City Council meeting in order for staff to obtain additional information. 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 Codes Division.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Cleve Joiner, Building Official

- 9. Tabled Item: Consideration of a Resolution Regarding the Naming of the Proposed DCTA Lewisville Lake Station. (Requested by Mayor Carey)**

ADMINISTRATIVE COMMENTS:

This item was tabled on January 26, 2009 by City Council who requested a modification of the resolution. 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.

- 10. Consideration of a Resolution Evidencing the Need for and Support of Building an Affordable Senior Living Community; and Authorizing Vista Ridge Senior Community L.P. to Apply to the Texas Department of Housing and Community Affairs for Funding for Senior Housing to be Built in Lewisville.**

ADMINISTRATIVE COMMENTS:

Churchill Residential, Inc. and Vista Ridge Senior Community, L.P. have proposed a new development of senior housing at approximately 425 Highland Drive on the northeast quadrant of Highland Drive and Rockbrook Drive. The proposed development is to be named Evergreen at Vista Ridge Senior Living community. In order to help provide funds and secure necessary financing approvals, Vista Ridge Senior Community L.P. will apply for available HOME funds from the Texas Department of Housing and Community Affairs (TDHCA). The TDHCA requires that the applicant obtain permission from the City Council to submit the application.

RECOMMENDATION:

That the City Council consider the resolution.

- 11. Consideration of a Resolution Supporting CAPP 2009 Legislative Agenda.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is a member of Cities Aggregation Power Project, Inc. (CAPP). The CAPP Board of Directors has voted to authorize certain legislative efforts on behalf of its members during the 81st Texas Legislative Session. CAPP will capitalize on the presence its members established in the last three legislative sessions to apprise legislators of CAPP Cities' perspective on electric issues and to recommend legislative action. The CAPP Board recommends that each CAPP member approve a resolution supporting the CAPP 2009 legislative agenda and forward the signed resolution to senators and representatives in their area.

RECOMMENDATION:

That the City Council approve a resolution supporting CAPP 2009 Legislative Agenda.

- 12. Consideration of a Resolution Supporting the Continued Operation of the Old Town Post Office as Requested by City Councilman Dean Ueckert; and Direction Concerning Additional Staff Efforts to Gain Support for the Continued Operation of the Old Town Post Office by the U.S. Postal Service.**

ADMINISTRATIVE COMMENTS:

Staff earlier met with representatives of the U.S. Postal Service concerning continued operation of the Old Town Post Office. Staff was informed that, during the period of time that gas prices were having a negative financial impact on postal service operational cost, cost saving options including facility closures were discussed. The closure of the Old Town post office was included due to the level of utilization of the facility and the fact it is located in a rented building. No decision has been made by the U.S. Postal Service to date concerning closure of the facility. Councilman Dean Ueckert requested that a resolution be drafted supporting continued operation of the facility. In addition, staff is seeking direction on any other staff efforts the City Council may wish be made to keep the facility open.

RECOMMENDATION:

That the City Council consider a resolution supporting the continued operation of the Old Town Post Office as requested by City Councilman Dean Ueckert; and provide direction concerning additional staff efforts to gain support for the continued operation of the Old Town Post Office by the U.S. Postal Service.

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

- 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).