

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MARCH 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. Retreat Recap/Direction
- B. 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. **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.
- D. **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:

- a. City Council Minutes of the February 2, 2009, Workshop Session and Regular Session;**
- b. City Council Minutes of the February 16, 2009, Workshop Session and Regular Session.**

2. Approval of a Resolution Declaring That the Elm Fork Sanitary Sewer Phase IA Project Improvements Have Been Completed; and Authorization for the Mayor to Execute the Resolution.

ADMINISTRATIVE COMMENTS:

The Texas Water Development Board requires a resolution be approved by the City Council to declare that the Elm Fork Sanitary Sewer Phase IA Project improvements have been completed and accepted by the City. The approved resolution and other required documentation to be submitted will allow the Texas Water Development Board to release funds for the final payment to the contractor.

RECOMMENDATION:

That the City Council approve the resolution declaring that the Elm Fork Sanitary Sewer Phase IA Project improvements have been completed; and authorization for the Mayor to execute the resolution.

3. Approval of a Professional Service Agreement With Freese & Nichols Inc., in the Amount of \$204,027 for Professional Engineering Services for the Design and Construction of a Belt Press; and a Comprehensive Sludge Study for the Wastewater Treatment Plant.

ADMINISTRATIVE COMMENTS:

The Wastewater Treatment Plant (WWTP) currently utilizes one belt press in the sludge treatment process. Increase in flow, more stringent State requirements and the need for backup treatment facilities warrant the construction of an additional sludge press and determination of a long term sludge management and treatment process. Engineering consultant Freese & Nichols has submitted a professional services agreement to perform professional engineering services for design and construction of an additional belt press at the WWTP in the amount of \$153,417 and a comprehensive sludge study at a lump sum fee of \$50,610 for a total amount of \$204,027. The comprehensive sludge study will determine a long term sludge management process that will ensure continued compliance with State requirements.

RECOMMENDATION:

That the City Council approve a Professional Services Agreement with Freese & Nichols, Inc., in the amount of \$204,027 for professional engineering services for the design and construction of a belt press; and a comprehensive sludge study for the Wastewater Treatment Plant.

- 4. Approval of a Supplemental Appropriation in the Amount of \$18,720 to the Court Technology Fund for a Part-Time, Document Imaging Clerk/Typist.**

ADMINISTRATIVE COMMENTS:

A Municipal Court Document Imaging Clerk/Typist position is currently being paid from the document imaging capital improvement project for back-scanning paper records. The document imaging project is funded from General Fund cash. In order to allow more of the document imaging project budget to be spent on General Fund-related expenses, staff recommends funding the part-time, Municipal Court Document Imaging Clerk/Typist position in the Court Technology Fund, which can only be used for improvements to Court Technology.

RECOMMENDATION:

That the City Council approve the supplemental appropriation to the Court Technology Fund in the amount of \$18,720.

E. REGULAR HEARINGS:

- 5. Tabled Item: Consideration of a Request for Five Variances to the Lewisville City Code - Chapter 6, Land Development Relating to a Proposed Engineering Site Plan for the New Delay Middle School (Formerly Milliken), Located on the West Side of Savage Drive, North of Lake Park Road as Requested by G&A Consultants Representing Lewisville Independent School District.**

ADMINISTRATIVE COMMENTS:

This item was tabled at the February 16, 2009 Council meeting to allow LISD to resolve issues with regard to the screening along the north property line as well as landscaping issues. LISD has now agreed to comply with the General Development Ordinance regarding the north screening fence requirement, thus narrowing the variance count from five to four for this project: 1) to waive some of the street trees and the parking lot trees; 2) to waive the additional required parking spaces for the site; 3) to allow more than 2 cubic feet per second of drainage runoff per driveway to flow into Savage Lane; and, 4) to waive the required deceleration lanes at the driveways to the site. The zoning for the property is Public Use (PU).

RECOMMENDATION:

That the City Council approve the requested variances.

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

- 6. Consideration of a Variance Request to the Lewisville City Code - Chapter 6, Land Development Relating to a Deceleration Lane on Country Ridge Road for LISD Elementary School #40, Located on the West Side of Business 121, and North of McCartt Drive, as Requested by G&A Consultants Representing Lewisville Independent School District.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) intends to construct a new elementary school on Country Ridge Road west of Business 121 and north of McCartt Drive. The property is 13.459 acres in size and is currently zoned Public Use. The property is being platted and site planned so the entire site will be required to comply with the current General Development Ordinance. LISD intends to comply with the GDO with the exception of one variance: to waive the required deceleration lane at the driveway to the site.

RECOMMENDATION:

That the City Council approve the requested variance.

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

- 7. Consideration of an Ordinance Amending the Lewisville City Code - Chapter 11, Relating to Prohibited Signs, Free Standing Signs, Low Profile/Monument Signs, and Definitions.**

ADMINISTRATIVE COMMENTS:

At the February 7, 2009 Council Retreat, staff was advised to present the option allowing variable message electronic reader boards on low profile monument signs to the City Council at a regularly scheduled meeting for consideration of adoption.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Eric Ferris, Director of Community Development

- 8. Consideration of an Ordinance Amending the Lewisville City Code - Chapter 4, Relating to Temporary Structures and Uses; Regulating Personal on Demand Storage Units and Dumpsters on Residential Properties.**

ADMINISTRATIVE COMMENTS:

City code enforcement staff has determined that some persons in residential neighborhoods are utilizing portable storage containers on their residential properties for an extended period of time despite the fact that such containers are intended and designed for temporary use and that such uses are incompatible with the aesthetic concerns of surrounding residents. Similarly, while the Building Code requires that a contractor or homeowner provide dumpsters during construction, units are also being left on site for extended periods of time and are incompatible with the aesthetics of a residential neighborhood. Staff is proposing an ordinance which establishes guidelines and time limits for use of portable storage units and dumpsters in residential zoned districts.

RECOMMENDATION:

That the City Council approve the proposed ordinance.

PRESENTATION: Cleve Joiner, Building Official

- 9. Consideration of an Ordinance Amending the Lewisville City Code, Article XVIII, Section 7-601 Through 7-619 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Additional Landscaping and Fencing Requirements, Changing Noise Regulations, and Other Related Matters.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville originally adopted an ordinance regulating oil and gas drilling in 2006, revising it last September. Since that time the first permit has been issued for a natural gas well and staff has done additional research on ordinances adopted by other cities, especially Fort Worth. Based on this research, staff is proposing amendments to our current drilling ordinance. Proposed changes include new definitions, changing the wording of the Road Maintenance Agreement to a Road Usage agreement, adding a 30 foot landscape buffer for all pad sites, adding additional landscape and fence requirements, adding a provision requiring a Road Usage agreement for using city roads to access wells outside the city, expanding noise regulations, increasing the setback distance for gas venting and adding paint color requirements for tanks, buildings and related facilities.

RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville City Code Article XVIII Sections 7-601 through 7-619 regulating the drilling and production of oil and gas wells within the City.

PRESENTATION: Eric Ferris, Director Community Development Department

F. **REPORTS:**

1. State of the City.
2. Quarterly Investment Report for Period October 1, 2008 Through December 31, 2008.

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>
