

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 4, 2009**

**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. Discussion Regarding Amendments to Oil and Gas Drilling Ordinance
- B. Presentation by San Jacinto Public Affairs Related to Sustainable Materials Ordinance (Requested by Councilman Watts)
- C. 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. **PROCLAMATIONS:**
 - 1. Declaring the Month of May, 2009, as “Motorcycle Safety and Awareness Month”; and
 - 2. Declaring the Week of May 9-17, 2009, as, “Texas Tourism Week”; and
 - 3. Declaring the Week of May 10–16, 2009, as “National Police Week”; and May 15, 2009 as “Police Memorial Day”; and

4. Declaring Saturday, May 9, 2009 as “Arbor Day”; and
5. Declaring the Week of May 3-9, 2009, as “National Drinking Water Week” and May 17-23, 2009 as “National Public Works Week.”

- D. **PUBLIC HEARING: Consideration of an Ordinance for a Zone Change Request From Heavy Industrial (HI) to Public Use (PU) on a 9.08 Acre Tract Located at the Southeast Corner of College Street and the D.G.N.O. Railroad; Further Identified as the Hume Addition, Lot 1, Block A; as Requested by the Denton County Transportation Authority, the New Property Owner (Case No. PZ20090405).**

ADMINISTRATIVE COMMENTS:

This property was acquired by the Denton County Transportation Authority (DCTA) to provide one of three rail stops in Lewisville. Although public governmental agency uses are permitted in all zoning districts, the Public Use zoning district better reflects the actual proposed use for this site. The site is on the border of Old Town Lewisville. The proposed DCTA site will include a park and ride facility and rail platform. Only the park and ride facility will be located on this lot. The actual platform will be located on railroad right-of-way adjacent to this lot. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their April 7, 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 Heavy Industrial (HI) to Public Use (PU).

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Karl Crawley, Masterplan Consultants

- 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 April 20, 2009, Workshop Session and Regular Session.
 2. **Approval of a Purchase of Hydraulic Rescue Equipment, Including the Trade-in of Existing Equipment, to Advanced Rescue Systems, Caddo Mills, Texas in the Amount of \$51,364.50.**

ADMINISTRATIVE COMMENTS:

A total of twenty-one (21) request for proposals were downloaded from bidsync.com and five (5) proposals were received April 2, 2009. The hydraulic rescue equipment is used by the Fire Department for gaining entry into vehicles involved in collisions. This purchase also includes the trade-in of older existing equipment. Funding is available in the General Fund Non-Departmental FY 08-09 Budget.

RECOMMENDATION:

That the City Council approve a purchase of Hydraulic Rescue Equipment, including the trade-in of existing equipment, to Advanced Rescue Systems, Caddo Mills, Texas in the amount of \$51,364.50.

3. **Approval of a Bid Award for an Annual Contract for Firefighting Bunker Gear to NAFECO, Inc., Decatur, Alabama, for a Unit Price of \$1,849.**

ADMINISTRATIVE COMMENTS:

A total of twenty-two (22) bid invitations were downloaded from Bidsync.com Two (2) bids were received and opened on March 31, 2009 for Firefighting Bunker Gear. This bid was issued as an Interlocal purchasing effort between the Cities of The Colony and the Town of Flower Mound, with the City of Lewisville acting as lead agency. By combining quantities of all three agencies, the City of Lewisville realized an approximate 5% savings compared to bidding alone. The estimated amount for the annual replacement order is \$77,700.

RECOMMENDATION:

That the City Council approve an annual contract for Firefighting Bunker Gear to NAFECO, Inc., Decatur, Alabama, for a unit price of \$1,849.

- 4. Approval of Change Order No. 1 to the Dallas Water Supply Line No. 3 Phase 2 Project to Construct Water Improvements in the Amount of \$65,639.60; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

Change Order No. 1 consists of installing a 30-inch water main and associated 42-inch steel casing pipe by dry bore six (6) feet lower to avoid conflict with an existing gas line at the intersection of FM 2281 and Windhaven Parkway. Staff has negotiated Change Order No. 1 with Wilson Contractor Services, LLC to construct the water improvements, for a total amount of \$65,639.60. Funding is available in the Midway Pump Station/Dallas Water Supply No. 3 Capital Project Accounts.

RECOMMENDATION:

That the City Council approve Change Order No. 1 to the Dallas Water Supply Line No. 3 Phase 2 project to construct water improvements in the amount of \$65,639.60; and authorize the City Manager to execute the change order.

G. REGULAR HEARINGS:

- 5. Consideration of a Request for City In-Kind Support for the American Cancer Society Relay For Life Event, Located at the Killough LHS North Campus, 1301 Summit Avenue (as Requested by Councilman Tierney).**

ADMINISTRATIVE COMMENTS:

The 2009 Southeast Denton County Relay for Life event will be held from Friday, May 15, 2009 at 7:00 p.m. to 7:00 a.m. Saturday, May 16, 2009. A request is being made to: a) provide City in-kind support of eight (8) tents and staff time to set up and take down tents related to the event; and, b) to waive any associated fees for the event including fees for personnel to put up and take down tents.

RECOMMENDATION:

That the City Council consider the request for in-kind support for the American Cancer Society Relay For Life event.

- 6. Tabled Item: 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:

This item was tabled at the March 2, March 16 and April 6 City Council meetings. A special 30-day comment period was established by Council which ended on April 22, 2009. Staff has compiled a summary of comments from that period and has included a supplement memo in the Council package. 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. In addition to the changes originally proposed, staff has made some additional modifications based on comments received from several citizens and drilling operators. The new proposed changes provide clarification to wording in the ordinance and tighten the time allowed for violations to be corrected, add a requirement for a pressure gauge to detect underground leaks, and clarify that a public park is all the land within the park and not just a habitable building within a park.

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

- 7. Consideration of an Ordinance Establishing an Ad Hoc Neighborhood Preservation Committee; and Consideration of Appointments to the Committee.**

ADMINISTRATIVE COMMENTS:

Council has discussed forming an Ad Hoc committee to examine several issues common to various residential neighborhoods. These would include street parking, occupancy levels, current property codes, property maintenance, code enforcement, incentive strategies, etc.

RECOMMENDATION:

That the City Council approve the ordinance establishing an Ad Hoc Neighborhood Preservation Committee; make appointments to the committee; and, appoint a Chairperson.

- 8. Tabled Item: Consideration of Appointment of the Board of Directors of the Tax Increment Reinvestment Zone, Number Two and Appointment of a Chairperson.**

ADMINISTRATIVE COMMENTS:

On October 20, 2008, City Council approved an ordinance creating Tax Increment Reinvestment Zone, Number Two, for the City of Lewisville, pursuant to Chapter 311 of the Texas Tax Code, and created a Board of Directors for this Zone. The Board of Directors will have seven members, with Positions One through Five to be appointed by the City Council and Places 6 and 7 to be appointed by Denton County. The Board will be responsible for approving a final Project Plan, Financing Plan, Budget and other documents that it deems necessary. At the April 20, 2009 meeting, the City Council voted unanimously to table this item until the May 4 meeting to allow the Mayor and Council time to consider appointment of a Chairperson. Data sheets of applicants interested in being appointed to this board have been included for City Council consideration.

RECOMMENDATION:

That the City Council appoint Tax Increment Reinvestment Zone, Number Two, Board members to Positions One through Five, and appoint a Chairperson for 2009.

PRESENTATION: Nika Reinecke, Economic Development Director

- 9. Consideration of Approval of Temporary Alcohol Sales and Distribution on Public Property During the 2009 and All Future “Keeping Tradition Alive” Symposiums, and Acceptance of a Cash Donation from Miller of Denton in the Amount of \$5,000.**

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department will host its second “Keeping Tradition Alive” Bagpipes, Drums and Honor Guard Symposium on May 13 - 15. This event will host 350-plus participants this year, and will expand to include a National Honor Guard Academy on May 7-13. Symposium events are being held at the Lewisville Convention Center, the public jam session will return to Old Town on Thursday, May 14th, from 6 to 10 p.m. Beer was served and sold at last year’s event. Approval is being sought for distribution and sales on City property again this year and at future symposiums held at the same general location. Staff also is requesting formal acceptance of a \$5,000 sponsorship from Miller of Denton.

RECOMMENDATION:

That the City Council consider approving temporary alcohol sales on public property during the 2009 “Keeping Tradition Alive” Symposium and during future symposiums held in the same general location, and accept a cash donation of \$5,000 from Miller of Denton.

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

**AGENDA
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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).