

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
OCTOBER 5, 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. Arts Center Design
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Thornhill
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Deputy Mayor Pro Tem Durham
- C. **PROCLAMATIONS:**
 - 1. Declaring the Week of October 4-10, 2009, as “Fire Prevention Week”;
 - 2. Declaring the Month of October, 2009, as “Harry Potter Month at the Library”; and
 - 3. Proclamation Showing Appreciation to Waste Management for a Job Well Done After the June Storm Event.

D. PRESENTATION:

1. Presentation of Achievement of Excellence in Procurement Award; and
2. Special Presentation Regarding the Vintage Baseball Game.

E. PUBLIC HEARINGS:

1. **Continued Public Hearing: Consideration of Deeming Substandard the Structure Located at 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the structure located at the property known by the legal description of 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, as substandard. The owner of record is Katherine A. Lippi. The structure is an older storage shed/residence converted into a 100% residential use (duplex). All work on the structure was performed without any engineering, architectural drawings or permits. Proper notification and procedures by the City has been accomplished. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structures are substandard. This item was continued on September 14, 2009 in order for staff to meet with the property owner; to determine the status of the property in 1994 and when the current site plan was approved. The result of the meeting is that Katherine Lippi has agreed to return the structure to its legal non-conforming use. The structure will revert back to a residential/storage use, therefore eliminating the duplex condition within sixty (60) days.

RECOMMENDATION:

That the City Council deem the structure located at legal address 255A East FM 3040, Lippi Addition, Block A, Lot 1, Old DCAD A0052a, Tract 19, as substandard and order that the structure either be returned to residential/storage, removed or demolished within 60 days.

PRESENTATION: Cleve Joiner, Building Official

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential (R7.5) to Old Town Mixed Use One (OTMU1) on a 0.38 Acre Tract of Land Located at 242 Samuel Street at the South East Corner of Milton Street and Samuel Street; and Identified as Lot 1 and the (W33’’) of Lot 2 Block A of the L. M. Kealy Addition, as Requested by the Property Owner, Manuel Villagomez (Case No. PZ20090910).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification Old Town Mixed Use One (OTMU1) is in keeping with the recommendations of the Old Town Master Plan. The applicant would like to re-zone for 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, rear—20. The Planning and Zoning Commission voted unanimously in favor of the zone change request at their September 1, 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 One (OTMU1).

PRESENTATION: Sarah McLain, Economic Development Specialist

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Specific Use District (SU) - Landfill to Specific Use District (SU) - Landfill and Two Variances to the Lewisville City Code on a 337.268 Acre Tract Located at 801 East College Street; Further Identified as Lewisville Landfill Addition, Lot 1, Block A; as Requested by Lewisville Landfill TX, LP, the Property Owner (Case No. PZ20090909).**

ADMINISTRATIVE COMMENTS:

The landfill is proposing to relocate their scale house facilities within the site and is adding a new office and maintenance building. They are also proposing to build a new haul road on-site parallel to Valley Ridge Blvd that will allow them a longer stacking length without having to have trucks queue in the street and blocking traffic. An engineering site plan has been submitted and reviewed by staff. There are two variances being requested to the General Development Ordinance including: a) to waive the building exterior requirement of 80% brick or stone; and, b) to allow a 40 ft wide driveway width along Valley Ridge Blvd when 35 ft is the maximum allowed by ordinance. The Planning and Zoning Commission recommended approval of the zoning request and variances on a vote of 6-0 at their September 1, 2009 meeting. However, since that time, staff is recommending that final consideration of this item be tabled in order to resolve performance issues related to the College Street/Valley Ridge Boulevard construction project.

RECOMMENDATION:

That the City Council table the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Specific Use (SU) – Landfill to Specific Use (SU) – Landfill and the two requested variances until November 2, 2009.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Jason Edwards, Weaver Boos Consultants

- 4. Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) and Agricultural Open Space (AO) to Public Use (PU) on a 2.55 Acre Tract Located at the Southeast Corner of Garden Ridge Boulevard and I-35E Northbound; Further Identified as Tracts 2 and 3 of the P. K. Waggoner Survey, Abstract 1342; as Requested by Denton County Transportation Authority, the Property Owner (Case No. PZ20090911).**

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 proposed DCTA site will include a park and ride facility and rail platform. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their September 1, 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 Agricultural Open Space (AO) and General Business (GB) to Public Use (PU).

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

- F. **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.
- G. **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.

5. APPROVAL OF MINUTES:

- a. **City Council Minutes of the August 24, 2009, Called-Special Session;**
- b. **City Council Minutes of the September 14, 2009, Workshop Session and Regular Session; and**
- c. **City Council Minutes of the September 21, 2009, Workshop Session and Regular Session.**

- 6. Appointment of Library Board Member Joy Bunnell as North Texas Regional Library System Assembly Representative and Library Board Member Carolyn Richard as Alternate.**

ADMINISTRATIVE COMMENTS:

The Lewisville Public Library is a member of the North Texas Regional Library System. Lay persons appointed as System Assembly Representative and Alternates vote on decisions regarding funding and services available to member libraries. Appointees must be able to attend meetings throughout the 22 counties of the North Texas Regional Library System.

RECOMMENDATION:

That the City Council appoint Joy Bunnell as the North Texas Regional Library System Assembly Representative and Carolyn Richard as Alternate Assembly Representative for the September 1, 2009-August 31, 2011 term.

- 7. Approval of an Interlocal Cooperation Agreement for Library Services With Denton County; Designation of the Library Manager as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Denton County has annually requested that the Lewisville Public Library provide library services to all residents of Denton County. In exchange for such services October 1, 2009 – September 30, 2010, Denton County will pay the City of Lewisville \$94,900 (\$0.63 per capita), based upon Lewisville's population per North Central Texas Council of Governments figures and a proportionate share of unserved Denton County residents.

RECOMMENDATION:

That the City Council approve the Interlocal Cooperation Agreement for Library Services with Denton County; designate Ann Wiegand as the official liaison for the City of Lewisville; and authorize the City Manager to execute the agreement.

- 8. Approval of an Advance Funding Agreement Between the Texas Department of Transportation and the City of Lewisville Related to the SH 121 Regional Toll Revenue Funds; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation received the SH 121 Regional Toll Revenue funds from North Texas Tollway Authority for the right to develop and maintain SH 121 as a tollway. The funds are allocated to municipalities, counties, and TxDOT for improving both off-system and on-system roadways throughout the DFW Metroplex. The City of Lewisville has been approved to receive funds for the extension of Corporate Drive from Waters Ridge Drive to Trinity Drive. The project cost share will be 80% TxDOT (RTR Funds), 10% Denton County (TRIP-08 Funds), and 10% City of Lewisville.

RECOMMENDATION:

That the City Council approve the Advance Funding Agreement with TxDOT; and authorize the City Manager to execute the agreement.

- 9. Approval of an Interlocal Cooperation Agreement With Denton County, Related to the Construction of Valley Ridge Boulevard From Mill Street to College Street; Approval of a Supplemental Appropriation From General Capital Projects Cash in the Amount of \$5,000,000; and Authorization for the Mayor to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Valley Ridge Boulevard Improvement Project, from Mill Street to College Street, is an approved Denton County TRIP-04 Bond Program Project. The project funding is cost-shared 50/50 between the City of Lewisville and Denton County. The total estimated cost of the project is approximately \$10.0 million. The Denton County funding is available and ready to be encumbered. A portion of Lewisville's funding has been appropriated (\$1.2M) and will be used initially for design and right-of-way costs. The remainder of Lewisville's 50/50 share will need to be appropriated upon receipt of bids for the construction project.

RECOMMENDATION:

That the City Council approve the Interlocal Cooperation Agreement with Denton County; approve a supplemental appropriation from General Capital Projects Cash in the amount of \$5,000,000; and authorize the Mayor to execute the agreement.

- 10. Approval of the Project Plan and Financing Plan for the Lewisville Tax Increment Reinvestment Zone Number Two, a 427 Acre Property Located at the North East Corner of I-35 and SH 121 Bypass.**

ADMINISTRATIVE COMMENTS:

In October 2008, the City created the Lewisville Tax Increment Reinvestment Zone Number Two, (TIRZ #2) to help pay for infrastructure costs to facilitate a 427-acre mixed use development, Hebron 121 Station, near the DCTA Hebron Station. Staff has been working with the TIRZ #2 Board to finalize the Project Plan and the Finance Plan for the Zone. At the June 25, 2009 meeting the TIRZ #2 Board voted unanimously to approve the Project Plan and Finance Plan for the Zone.

RECOMMENDATION:

That the City Council approve both the Project Plan and the Finance Plan for the Lewisville Tax Increment Reinvestment Zone, Number Two.

- 11. Approval of a Development Agreement By and Among the City of Lewisville, the Lewisville Tax Increment Reinvestment Zone Number 2 and Riverside DPH, LP for Public Improvements Within the Lewisville Tax Increment Reinvestment Zone Number Two; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Development Agreement among the City of Lewisville, the Tax Increment Reinvestment Zone Number Two (TIRZ #2) and Riverside DHP covers the terms and conditions of financing of the public improvements to be paid for by the TIRZ #2. The Development Agreement also covers the process for annual budgeting for the Zone and the terms of a property exchange between the City of Lewisville and Riverside DHP. On September 22, 2009 the TIRZ #2 Board approved the Development Agreement by a 5-0 vote.

RECOMMENDATION:

That the City Council approve the development agreement and authorize the City Manager to execute the agreement.

- 12. Approval of a Contract Award to Relocate Aerial Lines Along Charles and Main Streets for the Lewisville Center for the Creative Arts to Verizon in the Amount of \$89,593.35.**

ADMINISTRATIVE COMMENTS:

Verizon has provided a contract amount of \$89,593.35 to remove and relocate the aerial lines along Charles and Main Street to underground. The line on Charles Street is planned to go underground starting in the middle of the block to the immediate north of Church Street and continue to a point south of Main Street. A second line along Main Street the length of the property shall also be moved below ground. Funding is available within the Corridor Beautification Capital Project.

RECOMMENDATION:

That the City Council approve a contract award to relocate aerial lines along Charles and Main Streets for the Lewisville Center for the Creative Arts to Verizon in the amount of \$89,593.35.

- 13. Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; Between the City of Lewisville and City Social Service Agency Fund Recipients; and, Between the Community Development Department and Public Services Department for FY 2009-2010; and Authorization for City Officials to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville, a U.S. Department of Housing and Urban Development (HUD) Entitlement City, has submitted its 2009 Annual Action Plan as required by HUD to receive Community Development Block Grant (CDBG) funds. A contract is forthcoming from HUD and funds will be appropriated soon for FY 2009-2010. Additional funds are allocated from the City Social Service Agency Fund. Agreements have been prepared for the City Manager to execute with each of the non-profit entities and a Letter of Agreement has been prepared for the Director of Community Development to execute with the Public Services Department for funds under the approved CDBG budget.

RECOMMENDATION:

That the City Council approve the resolution; and authorize appropriate City officials to execute the agreements.

H. REGULAR HEARINGS:

- 14. Consideration of a Variance to the Lewisville City Code, Article VIII, Section 2-201, Fee Schedule, Regarding a Waiver of Vista Ridge Amphitheatre Rental Fees for Jack & Jill of America.**

ADMINISTRATIVE COMMENTS:

Jack & Jill of America has requested the City Council consider waiving fees for a Walk Against Child Abuse to be held at the Vista Ridge Amphitheater tentatively scheduled for April 24, 2010. The fees have been waived for the previous two years.

RECOMMENDATION:

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

- 15. Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.**

ADMINISTRATIVE COMMENTS:

At the September 21, 2009, 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 second reading.

RECOMMENDATION:

That the City Attorney provide the second reading of the ordinance.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
 - 1. Third Quarter 2009 Attendance Report for Boards/Commissions/Committees

- J. **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

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

- L. **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).