

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
OCTOBER 19, 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 Resolution Designating I35E as Liberty Freeway as Presented by the City of Farmers Branch (requested by Mayor Ueckert and Councilman Gorena).
- B. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Mayor Ueckert
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Gorena
- C. **PROCLAMATIONS:**
  - 1. Declaring October 24, 2009, as “Keep Lewisville Beautiful Day in Conjunction With Make a Difference Day”; and
  - 2. Declaring the Week of October 19-23, 2009, as “Texas Chamber of Commerce Week”.

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**D. PUBLIC HEARINGS:**

- 1. Public Hearing: Consideration of Deeming Substandard a Structure Located at 301 Uecker Lane, Lewisville, Texas.**

**ADMINISTRATIVE COMMENTS:**

The Building Official has deemed the structure as substandard. The owner of record is Sharon M. Vault. The main structure is a single-family ranch style house built in 1977 and has been abandoned for several years. The structure is in extreme disrepair and law enforcement has visited this site on occasion to remove transients. Proper notification and procedures by the City has been accomplished.

**RECOMMENDATION:**

That the City Council deem the structure as substandard.

**PRESENTATION:** Cleve Joiner, Building Official

- 2. Public Hearing: Consideration of the Removal of Deed Restrictions on a 6.158 Acre Tract of Land Located at the Northeast Corner of Rockbrook Drive and Highland Drive; Further Identified as The Manors at Vista Ridge II in its Entirety and Formerly Known as Lot 2A, Block A of Rockbrook Elementary School Addition; as Requested by Churchill Residential, Inc. (Case No. PZ20091012).**

**ADMINISTRATIVE COMMENTS:**

The property was zoned Townhouse Two in 2006, was platted but was never developed. At that time voluntary deed restrictions were put in place that would require greater minimum home sizes to be built on the property than what was required by ordinance. The intent of the deed restrictions was to regulate the size of single family homes on the site. The property has since been rezoned to Medical District and Office District. A new plat and site plan proposing a senior living facility have been submitted to staff for review on the Medical District portion of the property. The new zoning and proposed use make the deed restrictions irrelevant and an encumbrance to the property. The Planning and Zoning Commission voted 5-0 in favor of the request to release deed restrictions on the property.

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**RECOMMENDATION:**

That the City Council approve the release of deed restrictions as requested by the applicant.

**PRESENTATION:** Gene Lewis, Manager of Planning & Community Services

- 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.
3. **APPROVAL OF MINUTES:** City Council Minutes of the October 5, 2009, Workshop Session and Regular Session.
4. **Approval of Bid Awards for Annual Requirements Contracts for HVAC Repairs to CBS Mechanical Services, Denton, Texas (Primary Contractor) and DMI Corporation, Cedar Hill, Texas (Secondary Contractor).**

**ADMINISTRATIVE COMMENTS:**

A total of seventeen (17) bid invitations were downloaded from Bidsync.com. Eight (8) bids were received and opened on September 22, 2009. Due to the nature of these repairs, material costs are unknown and work is predicated upon equipment failure. Because repairs are often time sensitive, specifications stated a primary and secondary contractor would be selected. Funding is available in the FY 2009/2010 Public Services General Fund Budget.

**RECOMMENDATION:**

That the City Council approve bid awards for annual requirements contracts for HVAC Repairs to CBS Mechanical Services, Denton, Texas (Primary Contractor) and DMI Corporation, Cedar Hill, Texas (Secondary Contractor).

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- 5. Acceptance of a Loan Star Libraries FY2010 Grant in the Amount of \$29,634 to Purchase Equipment, Supplies, Automation Upgrade, Furniture Repair and Staff Training; Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$29,634; and Authorization for the City Manager to Execute the Texas State Libraries and Archives Commission Contract.**

**ADMINISTRATIVE COMMENTS:**

The Loan Star Libraries FY2010 Grant will be used to purchase: equipment \$17,500, supplies \$2,680, automation upgrade \$1,500, furniture repair \$600, staff training \$7,354.

**RECOMMENDATION:**

That the City Council accept the Loan Star Libraries FY2010 Grant in the amount of \$29,634; approve a supplemental appropriation to the Grant Fund in the amount of \$29,634; and authorize the City Manager to execute the Texas State Libraries and Archives Commission contract.

- 6. Approval of a Second Amendment to an Economic Development Agreement Between the City of Lewisville and Venus Leasing, Inc.; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

In May of 2007, the City Council approved an Economic Development Agreement between the City and Venus Leasing, Inc., a company building a Hampton Inn & Suites near the Hilton Garden Inn and Convention Center. The agreement required the developer to build a pedestrian bridge across the canal south of the property to connect to the Hilton Garden Inn. In the past year, the City and the LID have been working on a master plan to enhance the open space around the lakes/canals and add more pedestrian connections to the area including several pedestrian bridges. In order to have a consistent bridge design and timing of construction, the developer has agreed to escrow \$140,000 to meet their obligation for the bridge construction as stated in their development agreement. The funds would then be used by the City to construct the bridge along with the Vista Ridge Levee Improvement District trails when the master plan for the area is complete and a bridge design has been approved for construction.

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**RECOMMENDATION:**

That the City Council approve the Second Amendment to an Economic Development Agreement between the City of Lewisville and Venus Leasing, Inc.; and authorize the City Manager to execute the agreement.

**G. REGULAR HEARINGS:**

- 7. Consideration of a Request for a Variance to the Lewisville General Development Ordinance (GDO), Article IX, Section 6-181 Exterior Finish Requirements, Subsection (b) Residential, Regarding Exterior Standards for Residential 80% Brick Veneer Required at 1007 Timber Creek Drive, Blue Horizon Addition, Lot 2, Block A, as Requested by Michael and Laura Burgess, Owners.**

**ADMINISTRATIVE COMMENTS:**

Michael and Laura Burgess own and reside at 1007 Timber Creek Drive which is a 4.230 acre lot zoned Residential (R-18). The property is secluded and in addition to their private residence is used as pasture for their horses. The owners desire to construct a barn of 1152 square feet. The barn meets the city setback and use requirements; however, the barn is required by the GDO to be 80% brick. The owners are requesting a variance from the brick requirement to allow them to build the barn which is proposed to be metal exterior matching two existing loafing sheds and the color of the residence.

**RECOMMENDATION:**

That the City Council consider the requested variance.

**PRESENTATION:** Cleve Joiner, Building Official  
Michael & Laura Burgess, Owners

- 8. Consideration of Two Variances to Lewisville City Code, Chapter 6, Land Development, Section 6-144, Screening Between Commercial and Residential Uses and Section 6-57(f), Three Party Contracts Relating to an Engineering Site Plan for LISD High School South Requested by G&A Consultants; and Authorization for the City Manager, or His Designee, to Execute the Three Party Contract.**

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**ADMINISTRATIVE COMMENTS:**

The Lewisville Independent School District is planning to construct a 9<sup>th</sup> and 10<sup>th</sup> grade center at the southeast corner of Round Grove Road (FM 3040) and Duncan Lane. LISD is seeking two variances: a) to provide 6-foot chain link fencing in lieu of the required screening fence along a 175 foot portion of the east property line of the site; and b) to obtain engineering site plan approval, a building permit and simultaneous construction of public offsite and private onsite improvements including building construction. No building permit will be issued for vertical construction beyond the foundation until fire access lanes and functional fire hydrants are completed and pass inspection.

**RECOMMENDATION:**

That the City Council approve the variances and a Three-Party Escrow Agreement to allow simultaneous construction of public and private infrastructure improvements; and, if approved, authorize the City Manager, or his designee, to execute the agreement.

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

- 9. Consideration of a Request for a Variance to the Lewisville City Code, Chapter 11, Regarding Banner Signs for Amaranth Senior Living Apartments to be Located at 2500 Windhaven Parkway, as Requested by Carmelita Dolores, Limited Partner.**

**ADMINISTRATIVE COMMENTS:**

Amaranth Senior Living is a large apartment complex in east Lewisville south of State Highway 121 north of the intersection of Cookie Lane and Windhaven. The building is 850 feet from State Highway 121 which is the primary exposure for potential customers attempting to visit the location. Amaranth is requesting to display a 450 square foot banner, which exceeds the minimum of 50 square feet, until such time that Windhaven is connected at the railroad tracks which is undetermined. City Code allows the display of banner signs for thirty (30) consecutive days, four (4) times per year. City Council action is required to allow a banner sign in excess of size requirements and extension of display time.

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**RECOMMENDATION:**

That the City Council deny the requested variance.

**PRESENTATION:** Cleve Joiner, Building Official

- 10. Consideration of a Variance to the Lewisville City Code, Chapter 11 Signs to Allow an Awning Sign as a Secondary Entrance Sign, as Requested by Bill Thorne of the Greater Lewisville Community Theater at 160 West Main Street.**

**ADMINISTRATIVE COMMENTS:**

In conjunction with renovation plans on the rear façade of the building, the Greater Lewisville Community Theater (GLCT) has plans for a secondary entrance sign to be installed on the awning to be located at the rear façade. A secondary entrance sign is allowed for an entrance that is accessible by the public and facing an alley, right-of-way, or parking lot. However, the Sign Ordinance requires such signs to be projecting signs or wall signs. The GLCT is requesting a variance to allow an awning sign as a secondary entrance sign. On July 13, 2009 the Old Town Design Review Committee voted 4-0 to approve the design of the sign subject to City Council's approval of a variance. The proposed sign meets all other criteria in the Sign Ordinance for a secondary entrance sign and for a sign in the Old Town Center District.

**RECOMMENDATION:**

That the City Council approve the variance to the Lewisville City Code, Chapter 11 Signs for the Greater Lewisville Community Theater at 160 West Main Street.

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

- 11. Third and Final Reading: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule.**

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**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 third and final reading. This ordinance will become effective October 20, 2009.

**RECOMMENDATION:**

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

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
  
- I. **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
  
- J. **RECONVENE** into Regular Session and Consider Action, if any, on Items Discussed in Closed Session.
  
- K. **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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