

**A G E N D A**

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

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

**WORKSHOP SESSION - 6:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

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Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:30 P.M.**

- A. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Councilman Watts
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PRESENTATION:** Presentation of the National Recreation and Parks Association Innovation in Aging Award to the Lewisville Senior Activity Center.
- D. **PUBLIC HEARINGS:**
1. **Public Hearing Continued:** 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 Code of Ordinances on a 337.268 Acre Tract Located at 801 E. 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).

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**ADMINISTRATIVE COMMENTS:**

This item was tabled at the October 5 City Council meeting to give the applicant time to respond to concerns raised about the delay in completing College Street reconstruction. The applicant has provided a letter explaining their intentions and time frame for completion of the street improvements. Substantial progress on the improvements should be evident within 30 days if the plans are implemented.

**RECOMMENDATION:**

That the City Council continue the public hearing considering 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 to the December 7, 2009, City Council meeting.

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager  
Jason Edwards, Weaver Boos 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.
2. **APPROVAL OF MINUTES:** City Council Minutes of the October 19 2009, Workshop Session and Regular Session.
  3. **Approval of a Resolution Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (18508DEN).**

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**ADMINISTRATIVE COMMENTS:**

The Denton County Sheriff's Department conveyed the property identified as A0695A J. W. King, TR 19, .48 Acres, Old TR# 48, and further identified as account number 18508DEN (632 Willow Street), to the City of Lewisville at a Sheriff's Sale conducted pursuant to a Judgment and Order of Sale for delinquent ad valorem property taxes, Cause No. 2006-0136-362. The City now holds the property in trust for itself and all other taxing units participating in the judgment. The City is now requesting that the Denton County Sheriff's Department attempt to resell the property at public auction pursuant to authority under 34.05(c), Texas Property Tax Code.

**RECOMMENDATION:**

That the City Council approve the resolution requesting that the Denton County Sheriff resell certain property at public auction to recover delinquent taxes (18508DEN).

- 4. Approval of Acceptance of the 2009 Homeland Security Grant Program's UASI Grant; and a Supplemental Appropriation in the Amount of \$176,773 to the FY 2009-2010 Grant Fund.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville Fire Department received notice from the Chief of the Texas Division of Emergency Management of a sub-recipient award in the amount of \$176,773.50. The intent of the sub-grant is to aid our jurisdiction's capabilities to carry out homeland security projects that will significantly improve local and regional terrorism prevention, preparedness, and response capabilities. The performance period is through April 15, 2012. There is no matching amount required. Reimbursement will be requested after procurement of approved items.

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**RECOMMENDATION:**

That the City Council approve acceptance of the 2009 Homeland Security Grant Program's UASI Grant; and a supplemental appropriation in the amount of \$176,773 to the FY 2009-2010 Grant Fund.

- 5. Approval of a Bid Award for the Kealy Avenue Parking Lot Project to L & S Asphalt Construction, Inc.; d/b/a LandS Construction in the Amount of \$118,492; Approval of a Total Budget of \$122,050; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of fifty-seven (57) bid invitations were downloaded from Bidsync.com. Twenty-eight (28) bids were received and opened October 8, 2009. The recommended award to L & S Asphalt Construction, Inc.; d/b/a LandS Construction is based on lowest responsible bidder. This project consists of construction of a public concrete parking lot on the east side of Kealy Avenue south of East Main Street. The public parking lot will provide 42 parking spaces for the Old Town area. Funding is available in the Old Town Parking/Plaza/Pedestrian Improvement Capital Project.

**RECOMMENDATION:**

That the City Council approve a bid award for the Kealy Avenue Parking Lot Project to L & S Asphalt Construction, Inc.; d/b/a LandS Construction in the amount of \$118,492; approval of a total budget of \$122,050; and authorization for the City Manager to execute the contract.

- 6. Approval of a Bid Award for the Waterline Replacement 2008 & 2009 Phase 1 Project to RKM Utility Services, Inc., Carrollton, Texas, in the Amount of \$1,077,889.85; and Authorization for the City Manager to Execute the Contract.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**ADMINISTRATIVE COMMENTS:**

A total of twenty-seven (27) bid invitations were downloaded from Bidsync.com. Fourteen (14) bids were received and opened October 8, 2009. The recommended award to RKM Utility Services, Inc., is based on lowest responsible bidder. This 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. Funding is available in the Waterline Replacement 2008 & 2009 Capital Project.

**RECOMMENDATION:**

That the City Council approve a bid award for the Waterline Replacement 2008 & 2009 Phase 1 Project to RKM Utility Services, Inc., Carrollton, Texas, in the amount of \$1,077,889.85, and authorization for the City Manager to execute the contract.

- 7. Approval of a Bid Award for an Annual Requirements Contract for Ready Mix Concrete to Lattimore Materials, McKinney, Texas for an Estimated Amount of \$102,377.50.**

**ADMINISTRATIVE COMMENTS:**

A total of nine (9) bids were downloaded from Bidsync.com. Two (2) bids were received and opened October 6, 2009. This contract covers material delivered to City construction sites, as well as material picked up by City crews at the manufacturer's plant. The term of the contract will be twelve months, with an option to extend up to two (2) additional twelve-month periods.

**RECOMMENDATION:**

That the City Council approve a bid award for an annual requirements contract for Ready Mix Concrete to Lattimore Materials, McKinney, Texas for an estimated amount of \$102,377.50.

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**G. REGULAR HEARINGS:**

- 8. Consideration of a Request for Variance to the Lewisville City Code, Chapter 6, Article IX, Section 6-181 - Exterior Finish Requirements, Relating to the Residence Located at 921 Azalia Drive, as Requested by Frank and Charlene Hlatky, the Property Owners.**

**ADMINISTRATIVE COMMENTS:**

In 1989, the Zoning Ordinance required 70% brick exterior finish. The home was constructed with the required exterior finish based upon a common practice of calculating the first story only. Current code requires 80% brick veneer. The residence, the only one of its type in the subdivision, was constructed with a full garage opening with brick on the second story above it. This application of brick over time has fatigued and was breaking away from the house. The supporting structure is not appropriate for this application. The owners are requesting to remove that brick portion of the home and replace it with siding that matches the rest of the residence. This is consistent in appearance with other homes in the neighborhood.

**RECOMMENDATION:**

That the City Council approve the variance to the Lewisville City Code, Chapter 6, Article IX, Section 6-181 – exterior finish requirements, relating to the residence located at 921 Azalia Drive, as requested by Frank and Charlene Hlatky, the property owners.

**PRESENTATION:** Cleve Joiner, Building Official  
Frank and Charlene Hlatky

- 9. Consideration of a Request for Variances to the Lewisville City Code Section 6-161 – Driveway Paving, Section 6-92 – Driveway Radius and Section 6-92 – Sidewalk Paving Associated With a New Residential Home Located at 937 Timbercreek Drive, Requested by Bill Peck, William Peck and Associates, Representing the Owner.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**ADMINISTRATIVE COMMENTS:**

A new residential house is being constructed at 937 Timbercreek Drive. Variances to the Lewisville City Code are being requested that include a) to allow concrete pavers to be utilized in lieu of concrete or asphalt; (b) to allow a 2' driveway radius in lieu of the required 5' driveway radius; and, (c) to allow concrete pavers to be utilized for the sidewalk approach to the house in lieu of concrete. After review of these items, staff has no major concerns.

**RECOMMENDATION:**

That the City Council approve the requested variances to the Lewisville City Code Section 6-161 – Driveway Paving, Section 6-92 – Driveway Radius and Section 6-92 – Sidewalk Paving associated with a new residential home located at 937 Timbercreek Drive, requested by Bill Peck, William Peck and Associates, representing the owner.

**PRESENTATION:** Cleve Joiner, Building Official  
Bill Peck, William Peck & Associates

- 10. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Section 6-182 Hotel/Motel/Extended Stay Facilities, to add Requirements for New or Modified Hotels, Motels and Extended Stay Facilities.**

**ADMINISTRATIVE COMMENTS:**

At the hotels, the General Development Ordinance requires guest rooms in motels and extended stay facilities to have a minimum of 400 square feet in size and be accessible from a common interior corridor. Additionally the ordinance requires that at least one staff member is available on-site 24 hours a day, seven days a week. Staff is proposing additional requirements for new or modified facilities, including furnished rooms, swimming pool, public restaurant and meeting facilities.

**AGENDA  
LEWISVILLE CITY COUNCIL  
NOVEMBER 2, 2009**

**RECOMMENDATION:**

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 6, Section 6-182 Hotel/Motel/Extended Stay Facilities, to add requirements for new or modified hotels, motels and extended stay facilities.

**PRESENTATION:** Gene Lewis, Planning and Community Services Manager

- 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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