

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JANUARY 4, 2010**

**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. Review and Discussion of E-Verify Program (Requested by Councilman Gorena)
- B. Update on Federal 287G Program (Requested by Mayor Ueckert and Councilman Gorena)
- C. 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:** Deputy Mayor Pro Tem Durham
- C. **PRESENTATION:** Presentation of “Certificate of Achievement for Excellence in Financial Reporting” Award

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- D. **PUBLIC HEARING:** Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Light Industrial (LI) on a 3.7 Acre Tract Located at 1926 Through 1954 East Business State Highway 121; Further Identified as Tract 8 of the S. M. Hayden Survey, Abstract 537, as Requested by Joey Hurst, the Property Owner (Case No. PZ20091213).

ADMINISTRATIVE COMMENTS:

A variance was granted on November 16, 2009 by City Council to waive the engineering site plan including associated improvements for Midway Road, thus allowing water and sewer taps for the development. The applicant agreed to zone the property, process a final plat of the property, provide a 10-foot landscape strip along road frontages, install a fire lane and pay associated capital recovery fees. The property is "legal non-conforming" to current code status and can continue to operate "as-is". The change in zoning would bring it in compliance on a zoning aspect and staff is in favor of this request. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their December 1, 2009, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

PRESENTATION: Gene Lewis, Planning and Community Services Manager
Joey Hurst, Applicant

- 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.

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1. **APPROVAL OF MINUTES: City Council Minutes of the December 21, 2009, Workshop Session and Regular Session.**
2. **Approval of a Bid Award for Installation of a Video Image Vehicle Detection System on State Highway 121 Business to Roadway Solutions, Inc., Carrollton, Texas, in the Amount of \$193,465, Which Includes 3% for Contingencies; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty-three (33) bid invitations were downloaded from Bidsync.com. Seven (7) bids were received and opened October 28, 2009. The Video Image Vehicle Detection System will involve thirteen traffic signals on SH 121. Funding is available in the 2009 Traffic Improvements Capital Project. All expenditures will be reimbursed by TxDOT.

RECOMMENDATION:

That the City Council approve a bid award for installation of a video image vehicle detection system on State Highway 121 Business to Roadway Solutions, Inc., Carrollton, Texas, as set forth in the caption above.

3. **Approval of a Bid Award for the Purnell Street Sanitary Sewer, Phase 1 Project to John Burns Construction Company of Texas, Inc., Lewisville, Texas, in the Amount of \$528,419; Approval of a Total Project of \$544,272, Which Includes 3% for Contingencies; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of thirty (30) bid invitations were downloaded from Bidsync.com. Twelve (12) bids were received and opened December 17, 2009. The recommended award to John Burns Construction Company of Texas is based on lowest responsible bidder. This project consists of construction of a new 21-inch sanitary sewer line along Purnell Street from Red Bud Street to Railroad Street and along Railroad Street from Purnell Street to College Street and replacement of an existing 16-inch water line parallel to the sanitary sewer from Main Street to College Street. Funding is available in the Purnell Street Sanitary Sewer Capital Project.

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RECOMMENDATION:

That the City Council approve a bid award for the Purnell Street Sanitary Sewer, Phase 1 Project to John Burns Construction Company of Texas, Inc., Lewisville, Texas, as set forth in the caption above.

- 4. Approval of a Professional Services Agreement With Parsons Brinckerhoff Americas, Inc., in the Amount of \$161,203.42 for Services Related to the I-35 Corridor Development Plan, Phases 1 Through 6; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

The proposed highway expansion is a unique opportunity to re-examine the I-35 corridor, identify the opportunities and barriers for existing uses and the redevelopment potentials for properties along the corridor to maximize economic development. The Corridor Development Plan will focus on recapturing lost tax revenue and assisting the property owners with the redevelopment of their properties. This is a 2 year planning process which will include 9 phases and various meetings for public input. Funds were appropriated in the 2009 General Fund operating budget for phases 1 through 6 of the Plan. In order to complete the project, additional funds for phases 7 to 9 need to be appropriated in the next budget cycle.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Parsons Brinckerhoff Americas, Inc., as set forth in the caption above.

G. REGULAR HEARINGS:

- 5. Consideration of Two Variances to the Lewisville City Code - Chapter 6, Land Development, Section 6-92 Sidewalks, and Section 6-124, Landscaping Regarding Mary's Southern Cuisine Located at 385 Storage Court, as Requested by Thomas Hoover, Thomas Hoover Engineering, L.L.C., Representing the Owner.**

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ADMINISTRATIVE COMMENTS:

The General Development Ordinance (GDO) requires landscaping and a sidewalk parallel to public rights-of-way. The proposed location for Mary's Southern Cuisine and Entertainment has frontage along the I-35 (Stemmons) service road which is within the 100-year floodplain. In addition, the area is bridged by the service road eliminating any access from the service road. Once the I-35 expansion takes place, it is staffs' understanding that the state will provide a pedestrian way on the bridge that will provide connectivity to the existing sidewalks on neighboring properties outside of the floodplain. The following variances are being requested: 1) to waive the required sidewalk; and 2) to waive the required landscaping.

RECOMMENDATION:

That the City Council approve the requested variances as set forth in the caption above.

PRESENTATION: Cleve Joiner, Building Official

- 6. Consideration of the Final Plat for Castle Hills, Phase V, Section A, Lots 1R-2R and 43-45X Block A, a 1.02 Acre Tract Designated Estate Townhouse (ETH), With Four Residential Lots and One Common Area Lot, Located South of FM 544, East of and Adjacent to 121 Tollway; and Consideration of Two Variances to the Castle Hills Development Agreement, as Requested by Pate Engineers Representing the Property Owner.**

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ADMINISTRATIVE COMMENTS:

This small subdivision is substantially complete with several homes constructed and occupied. In response to resident and builder complaints about cut-through traffic in the subdivision, the developer has chosen to remove and vacate Lancer Lane between 121 Tollway and Four Stones Boulevard by re-platting the subject lots and eliminating any direct access to the subdivision from 121 Tollway. The original preliminary plat of Castle Hills Phase V, Section A was approved with one variance by the City Council on March 19, 2007. The following variances are being requested: 1) to allow 44-foot street right of ways with 6-foot sidewalk and utility easements (previously approved on March 19, 2007); and, 2) to waive the required sidewalk along the 121 Tollway adjacent to Castle Hills, Phase V, Section A. The Planning and Zoning Commission recommended approval of the plat and variances at the December 15th Planning & Zoning Commission meeting by a vote of 6-0.

RECOMMENDATION:

That the City Council approve the final plat and requested variances as set forth in the caption above.

PRESENTATION: David Salmon, Assistant City Engineer
Doug Walker, Castle Hills Development Company

- 7. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 16, Sections 16-111 Through 16-140, Industrial Wastes by Replacing it With New Provisions, Regulating the Discharge of Wastes Into the Sanitary Sewers of the City of Lewisville, Texas, as Required by the Texas Commission on Environmental Quality (TCEQ); and Approval of the Funding Resolution Providing for Continuation of Adequate Funding for Implementation of the City of Lewisville's Pretreatment Program.**

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ADMINISTRATIVE COMMENTS:

The TCEQ requires that regulatory language conform to changes in the Texas Water Code, provide for protection of the publically owned treatment works through the establishment of specific discharge limitations, permitting, testing and sampling, and conform with the City of Lewisville's pretreatment program procedures. Amendments to this ordinance are mandatory to meet the recommended requirements of federal and state regulations. The TCEQ also requires a funding resolution for the continuation of the City of Lewisville's pretreatment program for submission with the required ordinance modifications.

RECOMMENDATION:

That the City Council approve the ordinance and resolution as set forth in the caption above.

- 8. Consideration of Direction to Staff Regarding Use of the Federal E-Verify Program for City Contracts and Purchases (Requested by Councilman Gorena).**

ADMINISTRATIVE COMMENTS:

The Federal E-Verify Program was mandated by recent Executive Order for certain Federal contracts and contractors. Several states have variations of an E-Verify mandate ranging from requiring use by all employers to just state contractors, state agencies or both; however, Texas is not among them. Some cities have also passed various E-Verify requirements, though none in Texas, to staff's knowledge.

RECOMMENDATION:

That the City Council pursue statewide use of E-Verify as a legislative initiative for the 2011 legislative session.

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- 9. Consideration of Direction to Staff Regarding Use of the Federal 287G Program (Requested by Mayor Ueckert and Councilman Gorena).**

ADMINISTRATIVE COMMENTS:

The Federal 287G Program continues to evolve, most recently through significant tightening of the required MOA and oversight by Immigration and Customs Enforcement (ICE). Various elements of what may once have been done under 287G agreements have been or are becoming available to local authorities, without use of the 287G agreement and with less liability exposure. Examples include the Criminal Alien Program (CAP) which has been utilized by Lewisville since 2007, Community Shield (Gang Task Force) and Secure Communities (a new database/biometrics sharing and access program). The Chief of Police is pursuing involvement in both the latter two programs as a more targeted and effective means of addressing local illegal immigration issues with I.C.E. at this time, and continues to monitor these and other programs as they develop or change.

RECOMMENDATION:

That the City Council support utilization of I.C.E. Programs, as deemed useful, necessary and cost-effective by the Police Department.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Fourth Quarter 2009 Boards/Commissions/Committees Attendance Reports
- 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

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

- K. **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).