

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
FEBRUARY 15, 2010**

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

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

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:** Mayor Pro Tem Watts
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PROCLAMATIONS:**
1. Declaring February 23, 2010, as “National Pancake Day Celebration”;
 2. Declaring February 23, 2010, as “Rotary Day”; and
 3. Declaring the Week of February 21-27, 2010, as “Severe Weather Awareness Week”.

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of Deeming Substandard a Single Family Dwelling Located at 656 Hembry, McKenzie Hembry Addition, Block 2, Lot 13, Lewisville, Texas.**

ADMINISTRATIVE COMMENTS:

The Building Official has deemed the single family dwelling located at 656 Hembry as substandard. The owner of record is L.C. Brown. The condition of the structure is due to improper maintenance and neglect. Proper notification and procedures by the City have been accomplished without acceptable response. The Lewisville City Code requires that a public hearing be held in order for the City Council to determine if the structure is substandard.

RECOMMENDATION:

That the City Council deem the single family structure substandard as set forth in the caption above.

PRESENTATION: Cleve Joiner, Building Official

- 2. Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) to Medical District (MD) on Five Tracts Totaling 2.78 Acres, Located Along the I-35E Frontage Road Between Elm Street and Purnell Street; Further Identified as Tracts 91, 98 and 99 of the J. Craft Survey, Abstract 295; an Abandoned Portion of Elm Street and Lot 1, Block A of the Holzem Addition; as Requested by the Columbia Medical Center of Lewisville (Case No. PZ20100205).**

ADMINISTRATIVE COMMENTS:

The property is currently zoned General Business (GB) and contains a portion of Elm Street which has been abandoned, and four other commercial properties that have some vacated buildings on them. The hospital has bought the properties and plans to combine them with the remainder of their property as part of their overall campus. The zone change request complies with the Old Town Master Plan. The Planning and Zoning Commission voted 7-0 in favor of the zone change request at their February 2, 2010, meeting.

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RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance, as set forth in the caption above.

PRESENTATION:

Nika Z. Reinecke, Director, Economic Development & Planning
Robert Di Bernardo, Columbia Medical Center of Lewisville

- 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 a Supplemental Appropriation in the Amount of \$49,633 for Repairs and Maintenance of Screening Walls.

ADMINISTRATIVE COMMENTS:

Additional funding is needed to continue maintenance and repairs to screening walls. This work includes repair to walls that are damaged by accidents and routine repairs and maintenance identified by inspection and reports of failure. This work is scheduled and completed as needed. Staff is requesting that \$49,633 be appropriated from escrowed funds provided by developers for this purpose. Funding will be put into existing capital project for this purpose.

RECOMMENDATION:

That the City Council approve a supplemental appropriation as set forth in the caption above.

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- 4. Approval of a Bid Award for the Waterline Replacements 2008 & 2009, Phase 2 Project to RKM Utility Services, Inc., Carrollton, Texas, in the Amount of \$1,044,327.30; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixteen (16) bid invitations were downloaded from Bidsync.com. Ten (10) bids were received and opened January 14, 2010. The recommended award to RKM Utility Services, Inc. is based on lowest responsible bidder. This project consists of reconstruction of water lines in the following streets and areas: Glenhill Lane, Cimmaron Strip, Laramie Drive, Lark Lane, Swallow Lane, Oriole Lane, Ferguson Drive, Willow Ridge Apartments, Green Valley Townhomes and Mill Street between Valley Ridge Boulevard and Jones Street. Funding is available in the Waterline Replacement 2008 & 2009 Capital Improvement Projects.

RECOMMENDATION:

That the City Council approve the bid award as set forth in the caption above.

- 5. Approval of a Bid Award for the Annual Requirements Contract for Type D, Grade 1 Flex Base Materials to Big City Crushed Concrete, Dallas, Texas, for an Estimated Amount of \$87,000.**

ADMINISTRATIVE COMMENTS:

A total of nineteen (19) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened January 14, 2010. 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 (12) months, with an option to extend for up to two (2) additional twelve-month periods.

RECOMMENDATION:

That the City Council approve the bid award as set forth in the caption above.

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- 6. Approval of Supplemental Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability; Approval of Supplemental Appropriations in the Utility Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$24,552, and in the General Capital Projects Fund From Bond Account Unappropriated Cash Balances in the Amount of \$24,415; and Authorization of Payment for Service Fees to First Southwest Company in the Amount of \$42,605 for Twenty Reports.**

ADMINISTRATIVE COMMENTS:

First Southwest Company has completed all arbitrage calculations for 2009 to comply with Internal Revenue Service Arbitrage Regulations. The Federal Tax Reform Act of 1986 requires local governments to report and rebate interest earnings related to tax exempt bond proceeds which exceed interest allowed or paid on the bonded debt. The reports show no arbitrage liability as of September 30, 2009. Arbitrage liabilities are recalculated every year, and payment of liabilities is only required if the issues have a positive liability on five-year anniversary or final maturity dates. Appropriations are adjusted annually to reflect liabilities and compliance calculation fees after updated arbitrage reports are received.

RECOMMENDATION:

That the City Council approve the Supplemental Arbitrage Rebate Reports; approve supplemental appropriations in the Utility and General Capital Project Funds; and authorize payment to First Southwest Company.

- 7. Approval of a Resolution Approving the Acquisition of Certain Property in the City by the Denton County Transportation Authority Through the Right of Eminent Domain.**

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ADMINISTRATIVE COMMENTS:

Pursuant to State law, DCTA has formally requested that the City approve DCTA's right of eminent domain to secure a 46.695 acre tract of land situated in the John W. King Survey, Abstract No. 695, Denton County, Texas. The subject property is the primary parcel on which the DCTA Rail Operations and Maintenance Facility will be located and is located west of Railroad Street and south of Business 121. DCTA has eminent domain power, but only with approval of the governing body of the affected municipality.

RECOMMENDATION:

That the City Council approve the resolution.

G. REGULAR HEARINGS:

- 8. Consideration of a Variance to the Lewisville City Code, Chapter 11 – Signs, to Allow Both a Monument Sign and a Wall Sign on the Primary Building Façade, as Requested by Dr. Zahaluk of Main Street Medical.**

ADMINISTRATIVE COMMENTS:

The applicant is proposing to add a wall sign to the primary building façade at 571 West Main Street for a physician's office. According to the Sign Ordinance, in the Old Town Design District, "there shall be only one of the following sign types: a wall sign; a low profile/monument sign; or a projecting sign" on the primary building façade. Currently, this building has an existing monument sign which displays the business names of all the tenants of the building, which prevents any additional signage to be added without a variance. The proposed sign is 3 feet by 10 feet – ½" thick MDO board painted black with a white border and white vinyl Garamond text. A similar variance by Miracle Home Health, also a tenant of this building, was requested in 2007 and failed. On January 11, 2010, the Old Town Design Review Committee voted 3-0 to approve the design of the sign subject to Council consideration of this variance.

RECOMMENDATION:

That the City Council deny the variance request.

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PRESENTATION: Nika Reinecke, Director of Economic Development and Planning
Dr. Zahaluk, Main Street Medical Urgent Care

- 9. Consideration of Multiple Variances to the Lewisville City Code, Chapter 11 – Signs, as Requested by CSN Signs on Behalf of Select Inn.**

ADMINISTRATIVE COMMENTS:

The Days Inn Hotel located at 200 North Stemmons Freeway has changed brand names and is now part of the Select Inn hotels. The applicant is proposing to replace the signs for the Days Inn hotel with the new Select Inn name. There are three signs that have been requested to be refaced – the pole sign, monument sign and wall sign on the secondary façade. The variances being requested are: a) To allow all three signs to be illuminated internally by fluorescent lamps; b) To allow a pole sign; and c) To allow a sign of 84 square feet in lieu of the allowable 25 square feet on a secondary façade. The Old Town Design Review Committee met on January 25, 2010 to review this item and recommended that the design of all three signs be approved with the stipulation that certain portions of the sign that were not part of the logo be blacked out or opaque when the sign is lit. The design approval by OTDRC is subject to approval of the variances by the City Council.

RECOMMENDATION:

That the City Council consider the variance request.

PRESENTATION: Nika Reinecke, Director of Economic Development and Planning
Marvin Utter, CSN Signs

- 10. Consideration of an Ordinance Amending the Lewisville City Code, Article XVIII, Section 7-617 Regulating the Drilling and Production of Oil and Gas Wells Within the City of Lewisville by Providing Requirements for the Technical Advisor.**

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ADMINISTRATIVE COMMENTS:

At the December 21, 2009 City Council meeting, a 30-day public comment period was established by Council regarding proposed changes to the City's Oil and Gas Well Drilling Ordinance. This comment period ended on January 22, 2010. The proposed changes, arising from a request of Councilman Thornhill, requires that a Technical Advisor for oil and gas wells possess, at a minimum, a degree in petroleum engineering and have a background in this field or possess a background in oil and gas wells to adequately advise the City. Additionally, staff recommends deleting the requirement for Council approval of the Technical Advisor in order to expedite the process of employing a Technical Advisor.

RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville City Code, as set forth in the caption above.

PRESENTATION: Tim Ippolito, Fire Marshal

11. **Second Reading: Consideration of an Ordinance Amending the Lewisville City Code, Article IV, Parking Regulations; Section 15-126; Prohibited Parking on Specific Streets; Related to Prohibited Parking on Savage Street.**

ADMINISTRATIVE COMMENTS:

At the February 1, 2010, 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.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Quarterly Investment Report for Period Ending December 31, 2009

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- 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**

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).