

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 3, 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 the Week of May 2-8, 2010, as “National Drinking Water Week” and the Week of May 16-22, 2010, as “National Public Works Week”; and
 2. Declaring the Month of May, 2010, as “Motorcycle Safety and Awareness Month”; and
 3. Declaring the Week of May 9-15, 2010, as “Texas Tourism Week”; and
 4. Declaring the Week of May 9-15, 2010, as “National Police Week” and May 14, 2010, as “Police Memorial Day”.

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- D. PUBLIC HEARING: Consideration of an Ordinance for a Zone Change From Agricultural Open Space (AO) to Light Industrial (LI) on Seven Tracts Totaling 4.63 Acres, Located on the West Side of Holfords Prairie Road, South of Midway Road; Further Identified as Tracts 30, 34, 35, 40, 41 and 42 of the S. Hayden Survey Abstract 537; and Lot 1, Block A of Lee Estate, as Requested by Van Tuyl Group on Behalf of the Property Owner (Case No. PZ20100407).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification, Light Industrial (LI), is in keeping with the recommendations of the East Lewisville Plan and existing zoning in the surrounding area. The applicant would like to re-zone in order to expand the existing auto auction facility that they plan to buy. A site plan and plat are being drawn up to combine these tracts and the other existing lots into one large lot. Other properties in this area are zoned Light Industrial (LI) and Agricultural Open Space (AO). The Planning and Zoning Commission voted 6-0 in favor of the zone change request at their April 6, 2010, meeting.

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 Reineke, Economic Dev. and Planning Director
Von Beougher, G&A Consultants, Inc.

- 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 April 19, 2010, Workshop Session and Regular Session.**
2. **Approval of a Professional Services Agreement With Lockwood Andrews & Newnam, Inc., in the Amount of \$159,656 for Services Related to the Corporate Drive (From Waters Ridge to Railroad Street) Project; Approval of a Total Project Design Budget of \$164,500, Which Includes \$4,844 for Contingencies; and, Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Corporate Drive Project is a planned four (4)-lane divided street, which will extend the arterial roadway from Waters Ridge to Railroad Street. This project consists of providing for the design of Corporate Drive, including a new grade crossing of the DCTA Rail tracks. Coordination of design with DCTA for the rail crossing is also included in this contract. The engineer's estimated construction cost is in the amount of \$1,769,698. Staff has negotiated a Professional Services Agreement with Lockwood, Andrews & Newnam, Inc., in the amount of \$159,656 to include design services, surveying and geotechnical investigation. A total design budget of \$164,500 is requested, which includes \$4,844 for contingencies. Funding is available in the Corporate Drive Capital Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Lockwood, Andrews & Newnam as set forth in the caption above; and authorize the City Manager to execute the agreement.

3. **Approval of Renewal of a New Five-Year Agreement With First Southwest Company for Arbitrage Rebate Compliance Service; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

First Southwest Company has been engaged by the City to perform arbitrage rebate services related to municipal bond issuances since 1991. The most recent Arbitrage Rebate Compliance Service Agreement was for a five-year period that expired in March 2010. Arbitrage liability and rebate computation is a highly specialized and complex procedure. It requires a thorough understanding and continued monitoring of changes of the Internal Revenue Service Tax Code as it relates to arbitrage. The proposed new agreement reflects no increase to the fee structure. For each calculation period, the base fee of a variable rate issue is \$3,000 and \$2,000 for fixed rate issues.

RECOMMENDATION:

That the City Council approve the agreement for arbitrage rebate compliance services as set forth in the caption above; and authorize the City Manager to execute the agreement.

4. Approval of a Monetary Sponsorship Donation From Miller of Denton in the Amount of \$5,000.

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department will host the Third annual National Firefighter Symposium Bagpipes, Drums, and Honor Guard Symposium on May 12–14, in a continuing effort to encourage visitors to the Old Town area. This successful and growing event will host 350+ participants this year, increasing from the 2009 event's number of participants. In addition, this year the event will expand to include a National Honor Guard Academy on May 17– 21. One of the highlights of these events will be the Lewisville Fire Department Honor Guard, Pipes, and Drums Old Town Exhibition scheduled to be held in Old Town Lewisville on Thursday, May 13 from 6 pm–10pm on Church Street between Mill Street and Charles Street. This same site was used in 2009. The National Firefighter Symposium Bagpipes, Drums, and Honor Guard Symposium event plans have been approved by the special event permit application committee regarding site layout, staff support and necessary health and code permits.

RECOMMENDATION:

That the City Council approve a monetary donation as set forth in the caption above.

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- 5. Approval of Acceptance of the Texas Department of Transportation Grant Award in the Amount of \$7,000 for the Seat Belt Enforcement Program; Approval of a Supplemental Budget Appropriation in the Amount of \$7,000 to the Fiscal Year 2009-2010 Grant Fund; and Authorization for the City Manager to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The Texas Department of Transportation is awarding the City of Lewisville \$7,000 in grant funds. The grant will enable the City to conduct an occupant protection and enforcement program during the Memorial Day holiday. The grant funds will pay the officers' salaries at their overtime rate and for their vehicle mileage.

RECOMMENDATION:

That the City Council approve the acceptance of the Grant Award as set forth in the caption above; approve the supplemental appropriation; and authorize the City Manager to execute the agreement.

G. REGULAR HEARINGS:

- 6. Consideration of the Final Plat for Castle Hills, Phase VI, Section A, a 19.34 Acre Residential Subdivision With 134 Residential Lots and 5 HOA Lots, Designated Townhouse Two (TH-2), Located at the Northwest Corner of Essex Boulevard and Windhaven Parkway; and Consideration of Seven Variances to the Castle Hills Development Agreement, as Requested by Pate Engineers, Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

City Council approved the first three variances with the preliminary plat. Castle Hills has found a home builder who wishes to develop the site with the proposed new lot configuration. The original lot layout was for attached townhomes while the new lot layout is for a detached product. In light of these changes to the site the previously approved variances are no longer valid. The developer is requesting the same original three variances plus four additional variances. The Planning and Zoning Commission, at their April 20, 2010 meeting, voted 6-0 to recommend in favor of the final plat and the requested variances.

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RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Economic Dev. and Planning Director
Eric Stanley, Castle Hills Development Company

7. **Consideration of Variances to the Lewisville City Code, Chapter 6, Article III, Plan Submittal & Approval Procedures, Section 6-54 When an Engineering Site Plan is Required, and Article VIII, Off-Street Parking, Section 6-161 General Provisions for a Temporary Gravel Parking Lot Located at 501 Valley Ridge Boulevard, as Requested by North Texas Rail Group.**

ADMINISTRATIVE COMMENTS:

North Texas Rail Group (NTRG) being the contractors for the DCTA is leasing space at 501 Valley Ridge Boulevard for safety training for employees and contractors until the rail is completed. Periodically there is the need for overflow parking. NTRG is requesting the following variances: (a) to waive the engineering site plan due to the increase in parking spaces; and, (b) to waive the requirement that the parking area be asphalt or concrete. NTRG is requesting to build a temporary gravel covered lot for one year and then return the area to the existing grass covering.

RECOMMENDATION:

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

PRESENTATION: Cleve Joiner, Building Official
Kimberly Durnan, North Texas Rail Group

8. **Consideration of an Ordinance Amending the Lewisville City Code Chapter 4, Article X Fences, Section 4-453, General Requirements and Restrictions, to Allow Fences to be Constructed Within Private Drainage Easements.**

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ADMINISTRATIVE COMMENTS:

The City of Lewisville Fence Ordinance, Section 4-453 General Requirements and Restrictions (b) (3) states: No drainage easement, public or private, shall be fenced or obstructed in any manner, if the drainage is above ground. A gate shall be constructed in a fence along easements to allow ingress and egress for maintenance. The following amendment is being requested: Fences shall be allowed to be erected within private drainage easements provided that the materials used are either chain link, tubular steel or "Good Neighbor" board on board spacing.

RECOMMENDATION:

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

PRESENTATION: Cleve Joiner, Building Official

- 9. Consideration of an Ordinance Establishing an Ad Hoc I-35 Corridor Plan Advisory Committee; Consideration of Appointments to the Committee; and Appointment of a Chairperson.**

ADMINISTRATIVE COMMENTS:

City Council has selected the firm of Parsons Brinckerhoff to develop a plan for the I-35 corridor in Lewisville to study the land use impacts of the widening and to create a corridor development plan that will address challenges, identify opportunities and help the City maximize overall community benefits of the widening. The Committee will work with the consultant and stakeholders in the process of formulating the plan and will make recommendations to the City Council.

RECOMMENDATION:

That the City Council approve the ordinance as set forth in the caption above; make appointments to the committee; and appoint a Chairperson.

- 10. Consideration of Nominations to the North Central Texas Council of Governments 2011 Executive Board.**

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ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments has requested nominations for the Executive Board. Nominations are in order for the following seats: 1) an elected official from any member city or county government 2) an elected official from a member city with less than 25,000 population 3) an elected official from a member city with 25,000 or more population 4) an elected official from a member city with 100,000 or more population and 5) an elected official from a member county with less than 300,000 population. The deadline for nominations is Friday, May 14, 2010. Bobbie Mitchell is currently a board member representing Denton County for 2010-11. Her seat is not up for re-election.

RECOMMENDATION:

That the City Council consider nominations to the North Central Texas Council of Governments 2011 Executive Board.

- 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**

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).