

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 17, 2010**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion Regarding Lewisville Center for the Creative Arts Issues
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Thornhill
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Girl Scout Troop 197
- C. **Consideration of Items Relating to the May 8, 2010, City of Lewisville General Election:**
 - 1. Canvass of the Election Returns for the City Council General Election
 - 2. Consideration of a Resolution Declaring the Results of the City Council Election
 - 3. Presentation of Certificates of Election by Mayor Pro Tem Watts and Oath-of-Office to Newly Elected Council Members Place No. 4 and Place No. 5 by Municipal Court Judge Brian Holman
- D. **PRESENTATIONS:**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

1. To Recognize Mr. Kevin Elias With a Citizen Certificate of Appreciation
 2. Teen Court Senior Volunteer Certificates
 3. Texas Optimization Program Award by the Texas Commission on Environmental Quality to the City of Lewisville's Water Treatment Plant
- E. **CONTINUE PUBLIC HEARING: 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 City Code on a 337.268 Acre Tract Located at 801 East 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).**

ADMINISTRATIVE COMMENTS:

This item was continued at several Council meetings to give the applicant time to respond to concerns raised about the delay in completing College Street and Valley Ridge Boulevard. Since the April 5th meeting, the contractor has substantially completed the concrete work. A punch list, minor grading, clean-up, as-built plans and bonds remain. Specific Use zoning is unique since any substantial changes to the site plan require that the zoning be reapplied for. The landfill is proposing to relocate their scale house facilities within the site and is adding a new office and maintenance building. They are also proposing to build a new haul road on-site parallel to Valley Ridge Blvd that will allow them a longer stacking length without having to have trucks queue in the street and blocking traffic. An engineering site plan has been submitted and reviewed by staff. There are two variances being requested to the General Development Ordinance including: a) to waive the building exterior requirement of 80% brick or stone; and, b) to allow a 40 ft wide driveway width along Valley Ridge Blvd when 35 ft is the maximum allowed by ordinance. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their September 1, 2009 meeting.

RECOMMENDATION:

That the City Council approve the proposed Specific Use (SU) zoning as set forth in the caption above.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

PRESENTATION: Eric Ferris, Director of Community Development
Jason Edwards, Weaver Boos Consultants

- F. **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.
- G. **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.
1. **APPROVAL OF MINUTES:** City Council Minutes of the May 3, 2010, Workshop Session and Regular Session.
 2. **Approval of a Bid Award for the Railroad Street Improvements Project to Weir Brothers, Inc., Dallas, Texas, in the Amount of \$3,616,533.84; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-seven (27) bid invitations were downloaded from Bidsync.com. Four (4) bids were received and opened April 29, 2010. The project consists of reconstruction of Railroad Street from Business 121 to Bennett Lane including replacement of existing water lines and installing storm sewer improvements. Funding is available in the Railroad Street Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Railroad Street Improvements Project to Weir Brothers, Inc., as set forth in the caption above; and authorize the City Manager to execute the contract.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

- 3. Approval of Wrecker Services Contracts Between the City of Lewisville and Brad's Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker, for the Provision of Towing and Wrecker Service; and Authorization for the City Manager to Execute the Contracts.**

ADMINISTRATIVE COMMENTS:

In an effort to regulate the storage, parking and towing of vehicles within the city limits, the City of Lewisville requested contract proposals from towing vendors. A total of five proposals were received. After proposal review and negotiation, City staff is recommending to contract with two local companies, including Brad Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker.

RECOMMENDATION:

That the City Council approve the wrecker services contracts and all other matters as set forth in the caption above; and authorize the City Manager to execute the contracts.

- 4. Approval of a Professional Services Agreement With Birkhoff, Hendricks and Carter, L.L.P., Consulting Engineers, in the Amount of \$75,000 for Water Distribution Master Plan and Wastewater Collection Master Plan Updates; Approval of a Supplemental Appropriation From Utility Capital Project Available Cash in the Amount of \$75,000 to the Master Water Map Update Capital Project; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville continually reviews the water distribution and wastewater collection systems for adequacy and planning purposes. This work is associated with updating of the City's Water and Wastewater Master Plans. Staff has negotiated an agreement with Birkhoff, Hendricks and Carter, L.L.P., Consulting Engineers, to perform hydraulic computer modeling of the water distribution and wastewater collection system.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Birkhoff, Hendricks and Carter, L.L.P., as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 5. Approval of a Professional Services Agreement With Bridgefarmer Associates, Inc., in the Amount of \$449,140 for Services Related to the Windhaven Parkway at KCS Railroad Project; Approval of a Total Project Design Budget of \$458,000, Which Includes \$8,860 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Windhaven Parkway at Kansas City Southern Railroad project is a planned four (4)-lane divided street extension under the KCS Railroad tracks. The project includes the design and construction of a new bridge over the roadway, drainage improvements, and connecting to the existing dead-end sections of Windhaven Parkway. Coordination of design with KCS Railroad for the rail crossing is also included in this contract. The engineer's estimated construction cost is in the amount of \$4,887,412. Staff has negotiated a Professional Services Agreement with Bridgefarmer Associates, Inc., in the amount of \$449,140 to include design services, surveying and geotechnical investigation. A total design budget of \$458,000 is requested, which includes \$8,860 for contingencies. Funding is available in the Corporate Drive/Windhaven Parkway (544-Josey) Capital Project.

RECOMMENDATION:

That the City Council approve the Professional Services Agreement with Bridgefarmer Associates, Inc., as set forth in the caption above; and authorize the City Manager to execute the agreement.

- 6. Approval of an Agreement With Amerisouth X, LTD DBA Basswood Manor Apartments for Pro-Rated Payment of Delinquent Water Accounts.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

ADMINISTRATIVE COMMENTS:

Amerisouth X, LTD DBA Basswood Manor Apartments is currently delinquent on water account payments to the City. Staff has met with Amerisouth and created a payment plan that is acceptable to both parties. The agreement has been reviewed by the legal department.

RECOMMENDATION:

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

H. **REGULAR HEARINGS:**

7. **Consideration of a Request to Establish a Mid-Block Crosswalk on Garden Ridge Boulevard Approximately 600 Feet South of Main Street (FM 1171), as Requested by the Evergreen at Lewisville (Active Senior Apartments) Located at 415 South Garden Ridge Boulevard.**

ADMINISTRATIVE COMMENTS:

Staff received a request from Evergreen at Lewisville (Active Senior Apartments) in October 2009 for a mid-block crosswalk on Garden Ridge Boulevard across an existing median opening. Staff took this item before the Transportation Board on January 19, 2010 and upon hearing residents' support and staff concerns for safety, the Transportation Board tabled the item and directed staff to provide additional information. The Transportation Board reconsidered this item at their April 20, 2010 meeting. Staff provided the additional information as requested and other options including a signalized pedestrian crossing. After considering the options, the Transportation Board vote ended in a split decision of three (3) to three (3). One Board member was absent at both the January 19 and April 20 meetings.

RECOMMENDATION:

That the City Council deny the request to establish a mid-block crosswalk.

PRESENTATION: T. S. Kumar, P.E., City Engineer

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

- 8. Consideration of Variances to the Lewisville City Code, Section 11-11 Permissible Signs Located in the Old Town Design District, Regarding a Freestanding Sign to be Located on the Frontage Road of I-35 at 500 West Main Street, Section 11-10 (G) Freestanding Signs (c) Manner Regulations for Medical District (MD) Size Not to Exceed 100 Square Feet, Requested by True Signs on Behalf of Medical Center of Lewisville.**

ADMINISTRATIVE COMMENTS:

Medical Center of Lewisville (MCL) is requesting to erect a freestanding sign twenty-six (26) feet in height with a display of four-hundred (400) square feet. The sign would be allowed if it was outside the Old Town Design District and would be allowed in zoning districts other than Medical, Multi-Family or Public Use. Also, signage along the I-35 frontage is allowed to be sixty (60) feet in height. MCL is requesting two variances: (1) to construct a freestanding sign in the Old Town Design District; and (2) to exceed the allowable display area of 100 square feet to 400 square feet. A major portion of the MCL frontage of I-35 is scheduled to be taken by the future I-35 expansion. The location of the sign is within the future right-of-way. MCL understands that the variances for the sign only apply up until such time the property becomes state right-of way.

RECOMMENDATION:

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

PRESENTATION: Cleve Joiner, Building Official

- 9. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of the 3rd Floor City Hall Rental Fees for the Southern Denton County Neighbor to Neighbor Reception Being Held on May 21, 2010.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

ADMINISTRATIVE COMMENTS:

A Southern Denton County Neighbor to Neighbor reception is being held on May 21, 2010 from 3:00 p.m. to 8:00 p.m. Rental of the venue is \$150 per hour, plus a \$500 deposit. They are requesting that the rental fee for this event be waived; however, they will be submitting payment for the \$500 deposit and providing the required insurance. Council approved the fee waiver for the 2008 and 2009 receptions.

RECOMMENDATION:

That the City Council approve waiving the 3rd Floor City Hall rental fees as set forth in the caption above, but require the deposit and insurance.

- 10. Consideration of an Ordinance Extending the Members' Terms of Office and Existence of the Neighborhood Preservation Committee From One (1) Year to Two (2) Years, or Until Such Time as Their Final Report is Prepared, Whichever First Occurs.**

ADMINISTRATIVE COMMENTS:

The Neighborhood Preservation Committee has been meeting to provide direction to Council regarding residential neighborhoods. Items discussed include street parking, occupancy levels, current property codes, property maintenance, code enforcement, incentive strategies, etc. Additional time is needed to complete the committee's mission and develop recommendations for Council consideration.

RECOMMENDATION:

That the City Council approve the ordinance as outlined in the caption above.

- 11. Consideration of an Ordinance Amending Chapter 7, Article X, Wrecker Services, of the Lewisville City Code by Repealing the Current Language in its Entirety and Replacing it With Language Providing for a Contractual Relationship for Wrecker Services Requested by the City.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

ADMINISTRATIVE COMMENTS:

The City has entered into agreements with two wrecker services to remove, at the City's request, vehicles which violate City ordinances and state law or which otherwise need to be removed, to operate and maintain a vehicle storage facility and to provide for the disposition of unclaimed stored vehicles. Therefore, it is necessary to repeal the existing wrecker services ordinance and replace the current language with language which provides that said services will now be provided to the City on a contractual basis.

RECOMMENDATION:

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

- 12. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 16, Article VIII, Discharge Regulations of (MS4) Storm Sewer System, to Provide Provisions for Additional Best Management Practices.**

ADMINISTRATIVE COMMENTS:

The Texas Commission On Environmental Quality, under the delegated authority from the U.S. Environmental Protection Agency, requires the City of Lewisville to operate a Municipal Separate Storm Sewer or "MS4" in compliance with Clean Water Act (33 United States Code §1251 et. seq.), the National Pollutant Discharge Elimination System (NPDES) regulations and Chapter 26 of the Texas Water Code. In 2008, the Storm Water Ordinance was adopted. Further modifications are now needed which include provisions for additional Best Management Practices.

RECOMMENDATION:

That the City Council approve the amendment of the Storm Water Ordinance, as set forth in the caption above.

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Rental Fees at the Lewisville Center for the Creative Arts.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

ADMINISTRATIVE COMMENTS:

The Lewisville Center for the Creative Arts (LCCA) is now under construction, with anticipated completion in December 2010. Staff is in the process of booking dates for use of the facility for the period January 1, 2011, through September 30, 2011. It is therefore necessary that a schedule of rental fees be established for the LCCA.

RECOMMENDATION:

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

PRESENTATION: Jim Wear, Arts Manager

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on Valley Ridge Boulevard From State Highway 121 Business to 3,860 Feet South of State Highway 121 Business of 40 Miles Per Hour.**

ADMINISTRATIVE COMMENTS:

Construction on Valley Ridge Boulevard south of State Highway 121 Business has recently been completed. The roadway now connects from College Street to the newly opened Railroad Park at its southern extent. Staff has completed a speed study and has determined the 85th percentile speed to be 44 miles per hour. In accordance with the Texas Manual of Uniform Traffic Control Devices and standard engineering practices, Staff recommends posting the speed at 40 miles per hour. The Transportation Board at their April 20, 2010 meeting, voted unanimously to approve the recommendation to the City Council with a vote of (6) to (0).

RECOMMENDATION:

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

PRESENTATION: T. S. Kumar, P.E., City Engineer

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

- 15. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Article II, Chapter 15, Section 15-36.3; Maximum Speed Limits for Special School Zone Areas During the Summer Months.**

ADMINISTRATIVE COMMENTS:

The Lewisville Independent School District (LISD) has adjusted the hours for the summer school classes. The District has added an additional release time during the afternoon for the new programs being offered to the students. The District has requested the adjustments to the school speed zone hours of operation and the new Killough LHS North campus be added for summer school use. On April 20, 2010, the Transportation Board voted 5-0 with one abstention, to approve the recommendation to the City Council to amend the ordinance adding the new hours of operation for the school speed zones.

RECOMMENDATION:

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

PRESENTATION: T. S. Kumar, P.E., City Engineer

- 16. Consideration of a Resolution Nominating a Representative to the North Central Texas Council of Governments Regional Transportation Council.**

ADMINISTRATIVE COMMENTS:

The City currently holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The City appointee to this position is Councilman Durham who was re-appointed in August 2008. The appointee is required to be an elected official who serves on the governing body they represent. Membership on the RTC is either by direct membership or group representation. Currently, the cities of Lewisville, Trophy Club, Roanoke, The Colony and the Town of Flower Mound share a seat on this council. The RTC's Bylaws and Operating Procedures state that "The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented."

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

RECOMMENDATION:

That the City Council approve a resolution nominating a representative to the North Central Texas Council of Governments Regional Transportation Council.

- 17. Consideration of a Resolution Nominating a Representative to the North Central Texas Council of Governments Clean Air Steering Committee.**

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments (NCTCOG) plans to reactivate the Clean Air Steering Committee in June 2010. NCTCOG is seeking nominations to fill six elected officials representing city government positions. The committee will be established to recommend strategies to attain and maintain state and federal air quality standards in North Central Texas.

RECOMMENDATION:

That the City Council approve a resolution nominating a representative to the North Central Texas Council of Governments Clear Air Steering Committee.

- 18. Tabled Item: Appointment of a Chairperson to the Ad Hoc I-35 Corridor Plan Advisory Committee.**

ADMINISTRATIVE COMMENTS:

At the May 3, 2010 meeting, City Council tabled the appointment of the Chairperson for the Ad Hoc I-35 Corridor Plan Advisory Committee to allow additional time to consider this appointment.

RECOMMENDATION:

That the City Council appoint a Chairperson.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Quarterly Investment Report for Period Ending March 31, 2010

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 17, 2010**

- J. **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

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

- L. **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).