

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 22, 2007

Present:

Gene Carey, Mayor

Council Members:

Greg Tierney

David Thornhill

Mike Nowels

Dean Ueckert, Deputy Mayor Pro Tem

Rudy Durham, Mayor Pro Tem

City Staff:

Claude King, City Manager

Donna Barron, Assistant City Manager

Steve Bacchus, Assistant City Manager

Julie Heinze, City Secretary

Ronald J. Neiman, City Attorney

WORKSHOP SESSION – 5:45 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Carey at 5:51 p.m. on Monday, January 22, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Parking in Single Family Front Yard
Setbacks**

(Agenda Item A)

Director of Community Development Eric Ferris presented a PowerPoint Presentation regarding Front Yard Paving Options as follows:

Recap

- Initial Presentation – October 16, 2006
- Item was tabled at the November 20, 2006 and December 18, 2006, City Council Meetings.
- Staff was directed to further investigate and develop options to restrict front yard paving to less than 50%

WORKSHOP SESSION – 5:45 P.M.

**Parking in Single Family Front Yard
Setbacks**

(Agenda Item A)

The Focus of the Problem

Mr. Ferris reviewed photos of the two houses that originally started drawing attention to the neighbors and City staff.

Background/Applicability

- Will apply to required front yards as defined by zoning
- Will apply to all detached single family or duplex residential uses (i.e. will apply to residential uses located in commercial zoning districts)
- Most larger sized lots will not be affected. (R-12 & R-18 lots are usually configured with houses and garages located well beyond the required front yard setback)

Options:

1. Match the garage door width
2. Match the garage door width plus one space (one space = 9' in width)
3. Limit to 27 feet (3 spaces)
4. For lots under 60' in width, allow up to 22' paving width; for Lots 60' and more, allow 27' width
5. For lots under 60' in width, allow 45% paving width; for lots 60' and more, allow 27; in width

Option #1 – Match the Garage Door Width

- Most restrictive option
- Not consistent house-to-house on same street
- A significant number of homes would be non-conforming
- Would not allow any additional on-site parking for front entry houses (previously addressed by Council in 1993)

Mr. Ferris reviewed a photo of a typical single car garage 10' drive and a photo of a typical two car garage 20' drive.

WORKSHOP SESSION – 5:45 P.M.

**Parking in Single Family Front Yard
Setbacks**

(Agenda Item A)

Option #2 – Match the Garage Door Width Plus One Space (One space = 9' in width)

- Unfair to owners with existing narrow driveways
- Not consistent house-to-house on same street
- A significant number of homes would be non-conforming

Mr. Ferris reviewed a photo of a single – 10' / Double 20' drive.

(Councilman Nowels stepped out of the City Council Conference Room.)

Option #3 – Limit to 27' (3 parking spaces)

- Provides maximum of three-car width parking
- Same standard for all homes
- Addresses original complaint while allowing extra off-street parking
- 2' wider than 50% for 50' wide lots (would not meet Council directive – less than 50%)

Mr. Ferris reviewed a photo of 27' Drive Width (three-car).

Option #4 – Lots Under 60' in Width, Allow up to 22' Paving Width; Lots 60; and More, Allow 27' in Width

- Same as Option #3, except this provides smaller maximum for lots less than 60' wide

(Councilman Nowels returned to the City Council Conference Room.).

Option #5 – (Staff Recommended) Lots Under 60' in Width, Allow 45% Paving Width, Lots 60' and More, Allow 27' in Width

- Same as #3, except allows 22.5' width for 50' lot up and up to 26.5 width for 59' lot
- City staff recommends this option

Mr. Ferris reviewed a photo of 40' Lots With 18' Drive Widths (45%) and advised that they would not be allowed anymore driveway width with Option #5

WORKSHOP SESSION – 5:45 P.M.

**Parking in Single Family Front Yard
Setbacks**

(Agenda Item A)

Enforcement

- Front yard driveways will require permits
- Enforcement may be difficult:
 - Determination of illegal versus legal non-conforming driveways (i.e. when was the driveway constructed and under what code?)
 - Neighborhood notification will be necessary. (N.E.T., Cable Television, City Website)
 - Most enforcement may be “after the fact” or “during construction”

Discussion held regarding how it would be handled when residents started doing work and the City staff finds out after the fact, or when they are almost done. City Manager King stressed the importance of the City Council being consistent when those cases occur.

Staff Recommendation: Option #5 – Lots Under 60’ in Width, Allow 45% Paving Width; Lots 60’ and More, Allow 27’ in Width

- Provides maximum of three-car width parking
- Same standard for all homes
- Addresses original complaint while allowing extra off-street parking
- Allows 22.5’ width for a 50’ lot and up to 26.5 width for a 59’ lot

Discussion held regarding creating a fee for the City Council to charge that would provide an incentive for a property owner to tear something out if they get caught if they came and asked for a variance. City Attorney Neiman pointed out that was included in the ordinance as the \$500 per day fine.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

Mayor Carey reviewed Agenda Item A, Invocation. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

Mayor Carey reviewed Agenda Item C, Proclamations: Declaring the Month of January, 2007, as “Lewisville’s 82nd Birthday”. There was no discussion on these items.

Mayor Carey reviewed Agenda Item D, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-1(a), Approval of Minutes: City Council Minutes of the December 18, 2006, Called Special Session; and, (b.) City Council Minutes of the January 8, 2007, Workshop and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Approval of a Bid Award for the Sale of City-Owned Scrap Metal to Commercial Metals Company - American, Dallas, Texas; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Approval of a Supplemental Appropriation in the Amount of \$7,500 From Park Development Fund Zone D Available Cash to the Lake Park Improvements Capital Project. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of a Construction, Maintenance and Operation of Improvements for Public Park Projects Agreement With the Lewisville Parks and Library Development Corporation (4B) Related to the Railroad Street Athletic Complex; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of a Revised Interlocal Agreement Between the Denton County Criminal District Attorney and the City of Lewisville Pertaining to Asset Seizure and Forfeiture Cases; and Authorization for the City Manager and the Police Chief to Execute the Agreement. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

Mayor Carey reviewed Agenda Item E-6, Approval of Acceptance of the Donation of a Cargo Trailer for the Life and Fire Safety Program From Mooring Recovery Services of Grand Prairie, Texas. At the request of Mayor Carey Fire Chief Rick Lasky explained how the cargo trailer would be used.

Mayor Carey reviewed Agenda Item F-7, Consideration of a Variance to the Lewisville Code of Ordinances, Chapter 6, Article VI, Section 6-123(b), Non-Residential Landscaping Requirements; for a Property Located at 2202 South State Highway 121 Business Known as Lot 1A2, Block B, Timber Creek Square Addition - Phase II, Requested by Texas Ice Express and Represented by Joni Martinez, Project Manager. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of a Variance to the Lewisville Old Town Development Ordinance, Chapter 6, Article VI, Section 6-92(i) Regarding Driveways, for Old Town Main Place 1, a Proposed Office Building Located on the South Side of Main Street and East of Harris Street, as Requested by Steve Homeyer, P.E. of Homeyer Engineering, Inc., Representing the Property Owner. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Tabled Item: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 6, Section 6-164, Location of Parking Spaces, Section 9.5-164, Location of Parking Spaces, and Chapter 15, Section 15-134, Special Vehicles, Recreational Vehicles and Other Vehicle Storage or Parking in Single Family Zoned Districts, Providing New Definitions and Limiting Paving on the Required Front Yard of Detached Single Family or Duplex Dwelling Units. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Second Reading: Ordinance Adopting Provisions for Pre-Payment for Gasoline and Diesel Fuel at Retail Fuel Businesses. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G, Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item H-Executive Session. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:38 p.m. on Monday, January 22, 2007.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Carey at 7:00 p.m. on Monday, January 22, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Carey, Councilman Thornhill gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Deputy Mayor Pro Tem Ueckert gave the pledge to the flag.

**Proclamation: Declaring the Month of
January, 2007, as "Lewisville's 82nd
Birthday"**

(Agenda Item C)

Mayor Carey read a proclamation declaring the month of January, 2007, as "Lewisville's 82nd Birthday."

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES:
 - a. City Council Minutes of the December 18, 2006, Called Special Session; and,
 - b. City Council Minutes of the January 8, 2007, Workshop and Regular Session.
2. Approval of a Bid Award for the Sale of City-Owned Scrap Metal to Commercial Metals Company - American, Dallas, Texas; and Authorization for the City Manager to Execute the Contract.
3. Approval of a Supplemental Appropriation in the Amount of \$7,500 From Park Development Fund Zone D Available Cash to the Lake Park Improvements Capital Project.
4. Approval of a Construction, Maintenance and Operation of Improvements for Public Park Projects Agreement With the Lewisville Parks and Library Development Corporation (4B) Related to the Railroad Street Athletic Complex; and Authorization for the City Manager to Execute the Agreement.
5. Approval of a Revised Interlocal Agreement Between the Denton County Criminal District Attorney and the City of Lewisville Pertaining to Asset Seizure and Forfeiture Cases; and Authorization for the City Manager and the Police Chief to Execute the Agreement.
6. Approval of Acceptance of the Donation of a Cargo Trailer for the Life and Fire Safety Program From Mooring Recovery Services of Grand Prairie, Texas.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville Code of Ordinances, Chapter 6, Article VI, Section 6-123(b), Non-Residential Landscaping Requirements; for a Property Located at 2202 South State Highway 121 Business Known as Lot 1A2, Block B, Timber Creek Square Addition - Phase II, Requested by Texas Ice Express and Represented by Joni Martinez, Project Manager

(Agenda Item F-7)

Mayor Carey advised that the Texas Ice Express is proposing to erect a 195 square-foot building on the CCA Resale Center property located at 2202 South State Highway 121 Business for the purposes of selling ice to the public. The addition of the building created the requirement of a new engineering site plan. The property did not meet the requirement of one (2-1/2" caliper) shade tree per fifteen (15) parking spaces criteria, per the current General Development Ordinance. Therefore, Texas Ice Express is requesting a variance to waive this requirement.

Mayor Carey stated the City staff's recommendation was that the City Council approve the variance to waive the interior parking requirement of one (2-1/2" caliper) shade tree per fifteen (15) parking spaces on the engineering site plan.

Eric Ferris, Director of Community Development and Joni Martinez, Project Coordinator, Texas Ice Express, were both present to respond to any questions posed by the City Council

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville Code of Ordinances, Chapter 6, Article VI, Section 6-123(b), Non-Residential Landscaping Requirements; for a Property Located at 2202 South State Highway 121 Business Known as Lot 1A2, Block B, Timber Creek Square Addition - Phase II, Requested by Texas Ice Express and Represented by Joni Martinez, Project Manager, to waive the interior parking requirement of one (2-1/2" caliper) shade tree per fifteen (15) parking spaces on the engineering site plan. The motion carried.

Consideration of a Variance to the Lewisville Old Town Development Ordinance, Chapter 6, Article VI, Section 6-92(i) Regarding Driveways, for Old Town Main Place 1, a Proposed Office Building Located on the South Side of Main Street and East of Harris Street, as Requested by Steve Homeyer, P.E. of Homeyer Engineering, Inc., Representing the Property Owner

(Agenda Item F-8)

Mayor Carey advised that the property located on the south side of Main Street and east of Harris Street is zoned Old Town Mixed Use 2 (OTMU2) and has been platted. The developer has submitted an engineering site plan and intends to use the lot for an office building. The developer intends to remove the existing driveway and build a new driveway along the west property line and has applied for a variance to allow the driveway radius to encroach in front of the adjoining property.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance.

David Salmon, P.E., Assistant City Engineer and Steve Homeyer, P.E., Homeyer Engineering, Inc., were both present to respond to any questions posed by the City Council

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ueckert and seconded by Councilman Nowels, the Council voted five (5) "ayes" and no (0) "nays" to approve a Variance to the Lewisville Old Town Development Ordinance, Chapter 6, Article VI, Section 6-92(i) Regarding Driveways, for Old Town Main Place 1, a Proposed Office Building Located on the South Side of Main Street and East of Harris Street, as Requested by Steve Homeyer, P.E. of Homeyer Engineering, Inc., Representing the Property Owner, to allow the driveway radius to encroach in front of the adjoining property. The motion carried.

Tabled Item: Consideration of Ordinance No. 3405-01-2007 Amending the Lewisville Code of Ordinances, Chapter 6, Section 6-164, Location of Parking Spaces, Section 9.5-164, Location of Parking Spaces, and Chapter 15, Section 15-134, Special Vehicles, Recreational Vehicles and Other Vehicle Storage or Parking in Single Family Zoned Districts, Providing New Definitions and Limiting Paving on the Required Front Yard of Detached Single Family or Duplex Dwelling Units

(Agenda Item F-9)

Mayor Carey advised that the City Council tabled this item at the November 20 and December 18, 2006, meetings in order to explore other options. Staff has reviewed other ways to address the original concern while allowing residents with front entry drives a reasonable amount of front yard parking. Staff is recommending a 27 foot width maximum for most driveways with a cap of 45 percent of the required front yard to be used for parking.

Mayor Carey stated the City staff's recommendation was that the City Council approve the proposed ordinance limiting front yard paving for single family and duplex dwellings.

Eric Ferris, Director of Community Development was present to respond to any questions posed by the City Council.

Discussion was held regarding which option the City Council preferred. General consensus was Option 5, with the exception of Mayor Pro Tem Durham who advised he was opposed to this ordinance at this time as he felt it was going farther than the City Council should proceed.

Deputy Mayor Pro Tem Ueckert in agreement – pointed out that sidewalks are not included in this percentage – it is only spaces for parking vehicles. As far as enforcement refer back to Councilman Tierney said in workshop – if we do we need to adhere to it and if people violate ordinance they tear out and adhere to ordinance.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Lewisville City Code Chapter 6, Land Development Regulations by Adding a Paragraph to Sections 6-164 and 9.5-164 by Adding a Paragraph Regarding Location of Parking Spaces; and, Amending Certain Sub-Sections of Section 15-134 by Limiting Front Yard Paving; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.”

Tabled Item: Consideration of Ordinance No. 3405-01-2007 Amending the Lewisville Code of Ordinances, Chapter 6, Section 6-164, Location of Parking Spaces, Section 9.5-164, Location of Parking Spaces, and Chapter 15, Section 15-134, Special Vehicles, Recreational Vehicles and Other Vehicle Storage or Parking in Single Family Zoned Districts, Providing New Definitions and Limiting Paving on the Required Front Yard of Detached Single Family or Duplex Dwelling Units (cont'd)

(Agenda Item F-9)

MOTION: Upon a motion made by Councilman Nowels and seconded by Deputy Mayor Pro Tem Ueckert, the Council voted four (4) “ayes” and one (1) “nays,” with Mayor Pro Tem Durham casting the negative vote to approve and adopt **Ordinance No. 3405-01-2007**, as captioned previously, with the selection of Option 5 - Lots Under 60’ in Width, Allow 45% Paving Width; Lots 60’ and More, Allow 27’ in Width, with the understanding that the paving did not include sidewalks or concrete around flower beds. The motion carried.

Second Reading: Ordinance Adopting Provisions for Pre-Payment for Gasoline and Diesel Fuel at Retail Fuel Businesses

(Agenda Item F-10)

Mayor Carey advised that at the January 8, 2007, City Council meeting, the Council approved the subject ordinance. Due to the lack of a 4/5’s vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. This will be the second reading of the ordinance.

Mayor Carey stated the City staff’s recommendation was that the City Attorney provide the second reading of the ordinance. No action is required by the Council.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Adopting Provisions for Prepayment for Gasoline and Diesel Fuel at Retail Fuel Businesses; Providing a Repealer; Providing for Severability; Providing a Penalty; and Providing an Effective Date.”

Reports

(Agenda Item G)

- Director of Parks and Leisure Services Robert Monaghan introduced Eric Anderson, with Life Source Troop 2 who was working toward his Eagle Merit Award.
- Fire Chief Lasky showed an article regarding Assistant City Manager Steve Bacchus' son graduating from the Fire Fighter Academy.
- Director of Public Services Carole Bassinger gave an update on the status of Lake Lewisville.
- Director of Community Services Eric Ferris advised that Secretary Jackie Miller and Traffic Engineer Robert Green would be retiring at the end of the month.
- Deputy Mayor Pro Tem Ueckert extended his gratitude for their years of service to the retiring employees.
- Mayor Carey commended Police Chief Steve McFadden for being named Citizen of the Year by the Chamber of Commerce.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Executive Session at 7:16 p.m. Monday, January 22, 2007, in accordance with the requirements of the Open Meetings Law.

Executive Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Executive Session at 7:20 p.m. on Monday, January 22, 2007, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Executive Session was adjourned at 7:29 p.m. on Monday, January 22, 2007.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Executive Session**

(Agenda Item I)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:30p.m. on Monday, January 22, 2007, in the Council Chambers of the Lewisville City Hall.

Mayor Carey opened the floor for action to be taken on the items discussed in the Executive Session. There was no action taken on the items discussed during the Executive Session.

Adjournment

(Agenda Item J)

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:30 p.m. on Monday, January 22, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 5th day of February, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY