

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JUNE 7, 2010

Present:

Dean Ueckert, Mayor

Council Members:

Lathan Watts, Mayor Pro Tem
Rudy Durham, Deputy Mayor Pro Tem
Greg Tierney (arrived at 6:10 p.m.)
David Thornhill
John Gorena

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 – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:01 p.m. on Monday, June 7, 2010, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project**

(Agenda Item A)

Charles Emery, DCTA Board of Directors introduced Jim Cline, DCTA President, who gave the following Presentation on New Member Policy and Status of Rail Project:

- DCTA Update Overview
- A-train Construction Progress
- A-train Vehicle Procurement and Delivery
- New Member Policy Development
- Service Plan Update
- Record Bus Ridership

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

- Bus Operations and Maintenance Facility
- Passenger Amenities
- Vanpool Program
- Upcoming Fare and Service Modification Public Meetings

A-train Construction – Hebron Station

- 9.266 Acres
 - Phase 1 – 6.06 Acres
 - Phase 2 – 3.026 Acres
- Parking
 - Phase 1 – 393/13 ADA
 - Phase 2 – 267
 - Total – 610/13 ADA
- Partially funded through CMAQ and ARRA
- 40% Complete

A-train Construction – Old Town Station

- 9.085 Acres
 - Phase I – 5.285 Acres
 - Phase 2 – 3.80 Acres
- Parking
 - Phase 1 – 357/12 ADA
 - Phase 2 – 240
 - Total – 587/12 ADA
- 55% Complete

A-train Construction – Highland Village/Lewisville Lake Station

- 2.805 Acres
- Parking
 - Phase 1 – 133/5 ADA
 - Phase 2 – 467/ 10 ADA
 - Total – 600/15 ADA
- Rerouting of Eagle Point around eastside of station
- 35% Complete

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

A-train Upcoming Construction Activities in Lewisville

- Pour platform and erect structural steel at Hebron Station
- Business 121 crossing will be under construction for next five to six weeks
- Demolish existing building at Old Town
- Stucco and roofing will be installed at Old Town station
- Signal work at College Street, Mill and Jones
- Highland Village/Lewisville Lake Station grade beams will be finished

Ongoing Coordination

- Jurisdictional Coordination
 - Utilities
 - Traffic control planning
 - Maintenance agreements
- Operating Agreement
- Quiet Zone Implementation
- Reciprocal Fare Agreement
- Fare Structure and Enforcement
- Bus-to-Rail Connectivity
- Alternative Vehicle Compliance

A-train Vehicle Procurement

- Open with interim vehicle (RDCs) for 18 months
- New Generation Vehicle (DMUs)
 - 1st vehicle: August 2011
 - Final delivery: June 2012
 - Regional applications through alternative compliance (Crash Energy Management)
 - First alternative compliant vehicle in US

Alternative Vehicle Technology

- Railroad Safety Advisory Committee Engineering Task Force developing guidelines for crashworthiness
- DCTA vehicle modifications for alternative compliance (Stadler GTWs)
 - Passenger and operator seat standards
 - End, side, corner, rollover and coupler strength requirements

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

Alternative Vehicle Technology

- Increased Safety
- Regional Flexibility and Service Expansion
- Operate with Compliant Equipment
- No Temporal Separation
- Increased Competition

(Councilman Tierney arrived at 6:10 p.m.)

New Member Policy

- Tiered membership structure
- Comparable, perpetual funding sources
- Capital component contingent upon project status in Service Plan (near-term or long-term)
- Full membership required prior to project implementation

	Full Member Near Term Fixed Guideway		Full Member Long Term Fixed Guideway		Associate Member/ Contract
	Sales Tax	Compar. Multi Year	Sales Tax	Compar. Multi Year	Per-Capita/ Contract
Funding Source					
Annual Appropriations	No	No	No	No	Yes
Voter Approval	Yes	Depends	Yes	Depends	No
Capital Component	Yes	Yes	No	No	Depends

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

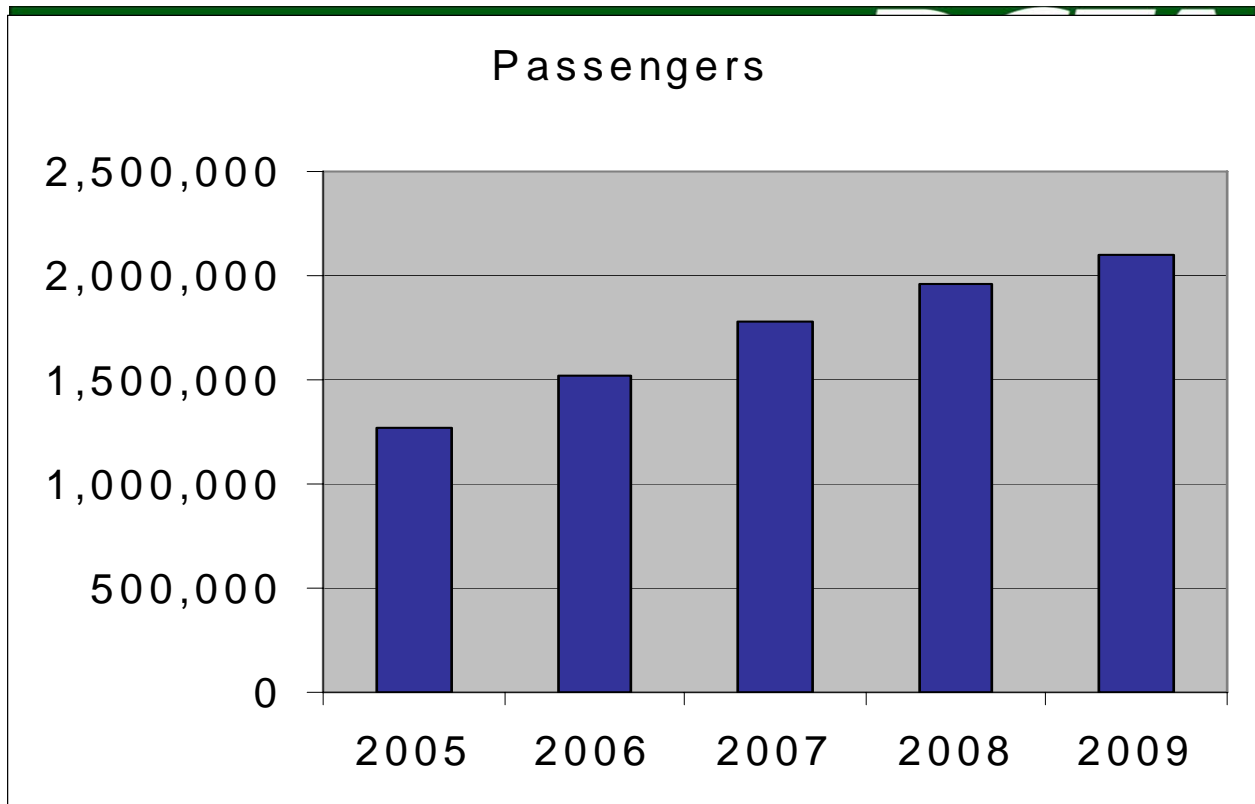
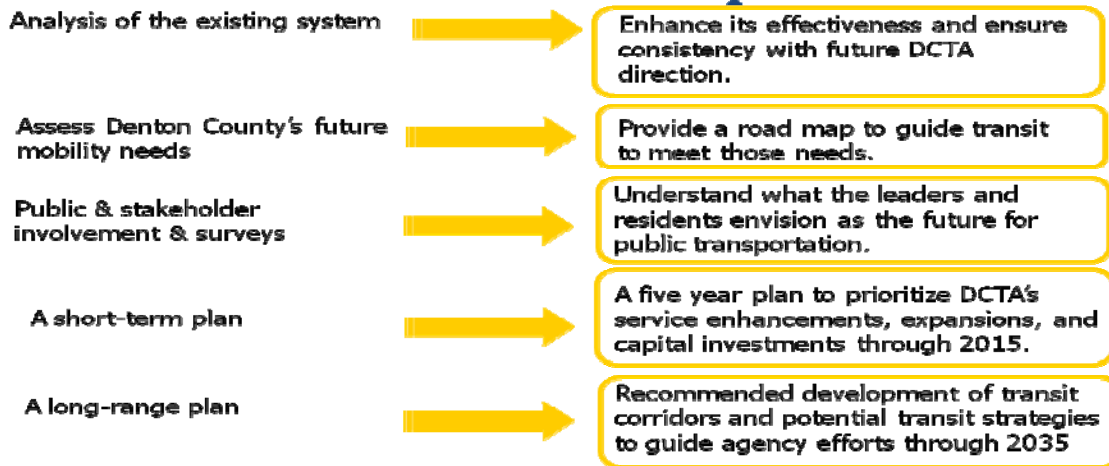
	Full Member Near Term Fixed Guideway		Full Member Long Term Fixed Guideway		Associate Member/ Contract
	Sales Tax	Compar. Multi Year	Sales Tax	Compar. Multi Year	Per-Capita/ Contract
Funding Source	No	No	Yes	Yes	No
Payment to Cash Reserves	Yes	Yes	Yes	Yes	Yes
Interlocal Agreement	Yes – Needs only	Needs and Revenue potential.	Yes – Needs only	Needs and Revenue potential	No
Initial Assessment	Sales Tax	Compar. Multi Year	Sales Tax	Compar. Multi Year	Per-Capita/ Contract
Funding Source	Maybe	Maybe	Maybe	Maybe	No
Service Plan Amendment	Yes	Yes	Yes	Yes	Planning and Contracted Service only
Full Transit Services (bus/rail)	Full	Full	Full	Full	No
Voting Rights	Yes	Yes	Yes	Yes	Yes
Board Approval					

WORKSHOP SESSION – 6:00 P.M.

Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)

(Agenda Item A)

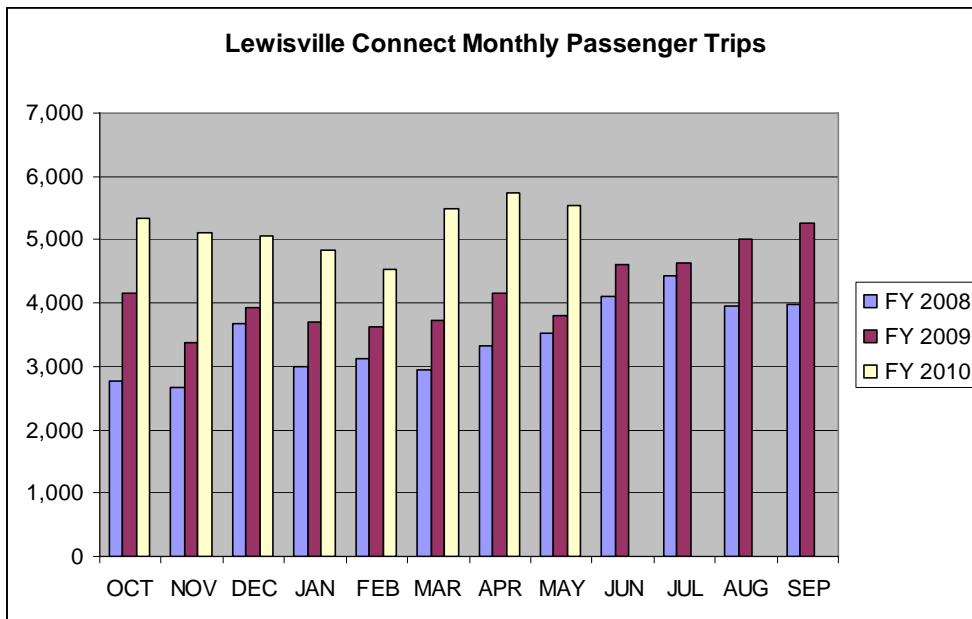
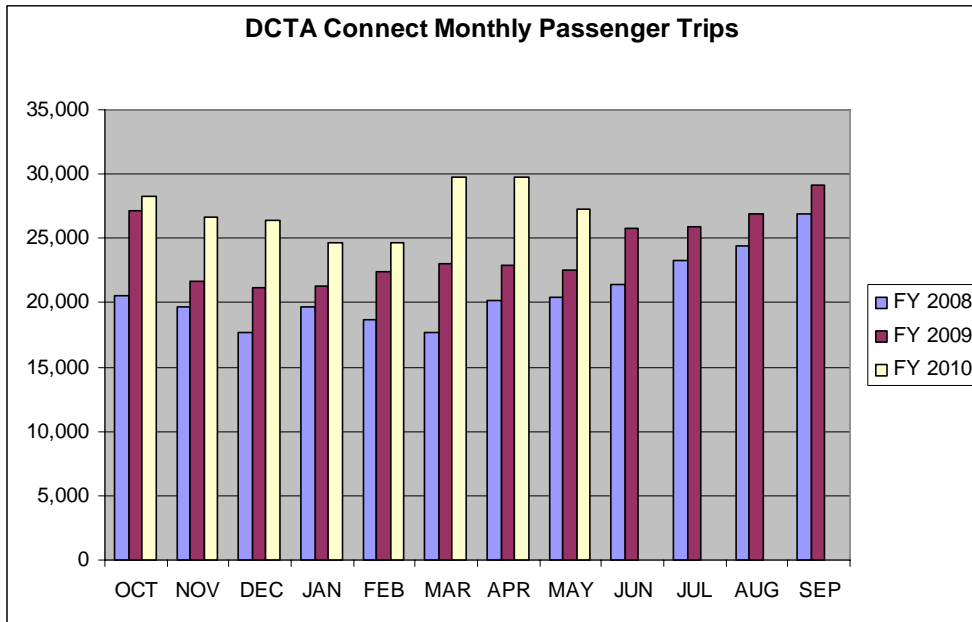
Service Plan Update



WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)



WORKSHOP SESSION – 6:00 P.M.

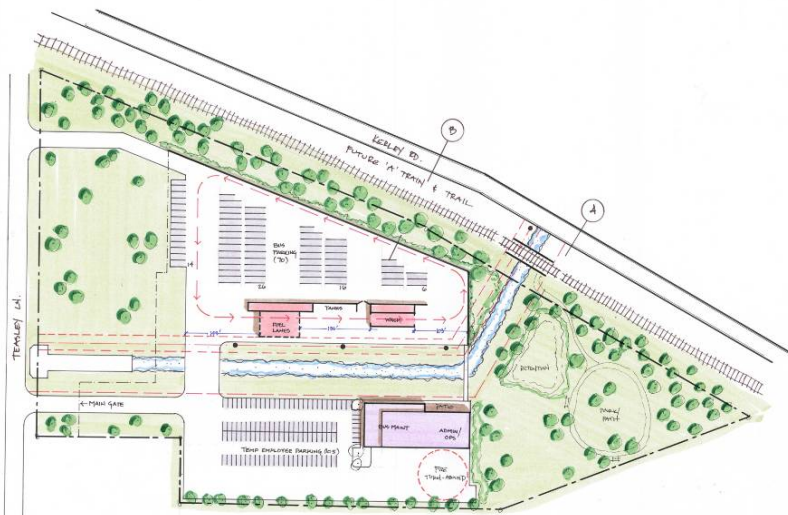
Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)

(Agenda Item A)

Mr. Cline then reviewed the vision of the layout map of the ultimate Operation and Maintenance Bus Facility as follows:



Mr. Cline then reviewed the vision of the layout map of the interim facility Operation and Maintenance Bus Facility in Denton as follows:



WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

Mr. Cline then returned to the PowerPoint Presentation as follows:

Bus Operating and Maintenance Facility

Passenger Amenities

- DCTA has recently purchased 39 passengers shelters, with integrated benches and adjacent trash receptacles
- 13 shelters have been installed in Lewisville
- 26 shelters are set to be installed in Denton
- Shelter installations include infrastructure improvements to make each shelter (and surround area) ADA accessible

Commuter Vanpools

- DCTA has a contract with VPSI, Inc. for vanpool service
- Vanpools provide shared-ride service for 8 to 15 passengers with similar travel patterns
- Vans are driven by vanpool participants who also determine each van's route and schedule
- Vanpool costs are shared by participants and DCTA (the more participants in a van, the lower the cost to each member).

Fare and Service Modification Activities

- Over the next six months, DCTA will finalize:
 - Fare for bus and rail
 - Bus and rail integration
 - A-train operating schedule
- Public meetings will be held in June & July
 - June 14, 6:30 p.m. – Highland Village City Hall
 - June 21, 6:30 p.m. – Denton City Hall
 - June 24, 6:30 p.m. – Lewisville Municipal Annex
- Board adoption of fare structure in Sept/Oct with implementation in December 2010.
- Last fare increase was January 2007.

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

Proposed Fare Structure

- Fare will consist of two zones
 - Local – Within Denton County (bus and rail)
 - Bus only base fare will increase from \$1.25 to \$1.50
 - Paratransit fare will increase from \$2.50 to \$3.00
 - Rail one-way base fare will be \$3.00 with day passes at \$6.00. Honored on bus system as well.
 - Discounted passes for fixed route services (bus and rail) will be available for elderly, disabled and students.
 - Discount rates are available through purchase of weekly, monthly, and annual passes.
 - Regional-Regional trips connecting through Trinity Mills(access to DART and The T)
 - Regional one-way fare will be \$5.00 with day passes at \$10.00.
 - Discounted passes available for elderly, disabled and students.
 - Discounted multi-ride passes available (weekly, monthly, annual)

At the request of Councilman Thornhill, Mr. Cline reviewed the discounts received by seniors, students, and disabled.

Mr. Cline reviewed that the speed of the trains would depend on the section and condition of track and would probably be at least 40 mph and advised that wherever the stations were located would also control the speed.

Mayor Ueckert questioned the expected time from the Denton North Station to the Downtown Dallas Station. Mr. Cline advised that it would take approximately 30 minutes from Denton to get to the Trinity Mills Station and then the rider would switch over to DART, so he would estimate a total time of 40 to 45 minutes.

Councilman Gorena questioned if the Public Meetings were posted on the DCTA website. Mr. Cline advised that they were. Discussion was held that paratransit riders are the disabled riders that meet ADA criteria and are provided door to door service within Lewisville or any of the areas that DCTA services. Further discussion was held regarding these fares are currently being reviewed to make sure they are set correctly.

WORKSHOP SESSION – 6:00 P.M.

**Presentation by Denton County
Transportation Authority on New Member
Policy and Status of Rail Project (cont'd)**

(Agenda Item A)

Charles Emery, DCTA Board of Directors, briefed the City Council on the current work being done by the Regional Transportation Council on which both he and Deputy Mayor Pro Tem Durham serve. At the request of City Council, Mr. Emery reviewed the current timeline of the DCTA being up and running and advised that they are currently looking and passenger modeling and making sure that they have the optimum service date to open financially strong. He stated that they do not plan on having a phased opening at this time and anticipate being up and running by June 2011. Mr. Emery advised that on December 6, 2010 a train will run from Lewisville to the Trinity Mills station and a spike will driven in along with the DART line.

Discussion was held regarding the lease agreement with DART to lease cars until the RDC cars have arrived.

Deputy Mayor Pro Tem Durham advised he had received a lot of comments about how clean and quick the work had been at the crossings and where tract was being laid. Mr. Cline thanked the City of Lewisville residents and City Council for their support.

Mayor Ueckert requested clarification that a rider from Denton to Carrollton would not have to make any transfers until they needed to get on the DART line. Mr. Cline advised that was correct. Discussion was held regarding the proposed fare costs and how the purchased tickets can be utilized. Mr. Cline advised most commuters will have monthly passes that will allow them to ride the whole system. He further advised that the proposed monthly cost for the DCTA system for 30 days is \$100 and the reduced cost is \$50 and for the regional system the proposed monthly cost would be \$120 and the reduced cost would be \$60.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

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

Mayor Ueckert reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item C, Closed Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) and Light Industrial (LI) to Public Use (PU) on a 77.98 Acre Tract Located on the West Side of Railroad Street, Approximately 2450 Feet North of Bennett Lane; Further Identified as Tracts 35, 36, 73 and 74 of the John W. King Survey, Abstract 695 and Tract 15 of the John H. Havens Survey, Abstract 541; as Requested by Denton County Transportation Authority (DCTA) and the Estate of Tilford Berry, the Property Owners (Case No. PZ20100508). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-2, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agricultural Open Space (AO) to Light Industrial (LI) on 2.44 Acres, Three Tracts Located on the West Side of Holfords Prairie Road, Approximately 1,220 Feet South of Midway Road; Further Identified as S. Hayden Survey, Abstract 537, Tracts 27, 28, and 29, as Requested by the Van Tuyl Group on Behalf of the Property Owners, Milton Houser and G & H Storage (Case No. PZ20100509). There was no discussion on this item.

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

Mayor Ueckert reviewed Agenda Item G-3, Approval of Minutes: City Council Minutes of the May 17, 2010, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-4, Approval of a Resolution Approving the Terms and Conditions of an Agreement in Reinvestment Zone #31 and Providing for Commercial Tax Abatement By and Between the City of Lewisville, Texas, and Jafra Cosmetics International, Inc. for Property Located on a 8.867 Acre Tract of Land Know as Lot 1, Block A in the Majestic Addition; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item G-5, Approval of a Bid Award for Sludge Handling and Dewatering Improvements to Crescent Constructors, Inc., Richardson, Texas, in the Amount of \$682,890 (Which Includes 3% for Contingencies); and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-6, Approval of a Multimedia Franchise Interlocal Agreement With Denton County Freshwater Supply District 1-A; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-7, Approval of the FY 2009-2010 Mid-Year Budget Report. City Manager King pointed out that the City has managed to adapt to the current economic situation; however, next year will be challenging as he did not feel sales tax will be much better and the property tax lags. He stated that the City Council would have less than what they had this current year and to be prepared for a tough year. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-8, Approval of Acceptance of a Donation in the Amount of \$25,000 From the M.R. and Evelyn Hudson Foundation for the Purchase of an Upright Piano. Councilman Gorena advised that he wanted this item pulled to have a little bit of extra publicity that the City is receiving this donation. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-9, Approval of a Contract Between the City of Lewisville and Sawko & Burroughs, L.L.P. for the Collection of Delinquent Taxes; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-10, Approval of Acceptance of a U.S. Department of Homeland Security Grant in the Amount of \$193,708.15; Approval of a Supplemental Budget Appropriation to the FY 2009/2010 Grant Fund in the Amount of \$193,708; and Authorization for the City Manager or his Designee to Execute the Agreement. City Manager King advised that this item was somewhat vague in description due to the fact it was a Homeland Security Grant. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item G-11, Approval of Final Acceptance of the Kealy Avenue Parking Lot Project; and Authorization to Make Final Payment to L and S Asphalt Construction, Inc., in the Amount of \$12,845.20. Discussion was held regarding Councilman Tierney abstaining from this item as he had done in the past. City Attorney Neiman advised that it was not required as it was just making payment. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H-12, Consideration of Three (3) Variance Requests for the Hebron 121 Station Engineering Site Plan, Zoned Mixed Use Ninety (MU-90), Bounded by Lakeside Circle to the North, S.H. 121 to the South, the Timber Creek to the West and the D.G.N.O. Railroad to the East. Mayor Ueckert advised he would be abstaining from this item as he does business with Huffiness family. City Manager King reviewed the variance requests with the City Council and the concerns City staff had regarding the palm trees and brick pavers. He advised that the developers had addressed these concerns by agreeing to escrow funds and offered to establish a Public Improvement District, or some other similar type of District, to maintain the palm trees and brick pavers. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H-13, Consideration of Seven Variances to the Lewisville City Code Section 6 – Land Development Regulations, Relating to Denton County Transportation Authority's Proposed Operation and Maintenance Facility, Zoned Public Use (PU) to be Located Along the D.G.N.O. Railroad Between Business S.H. 121 and Bennett Lane. City Manager King reviewed this item and explained that the reason for the brick veneer requirement was that DCTA has an access driveway that comes up to 121, and if they did not have this driveway, they would not have this particular requirement. He advised City staff was in support of this variance request. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H-14, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Articles I, III, and V, Relating to Various Fire Prevention Amendments. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-15, Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District. Mayor Ueckert stated that Harlan Jefferson, Town Manager of Flower Mound was interested in being reappointed and questioned if any City Council Member had anyone else in mind. There was no further discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Ueckert reviewed Agenda Item H-16, Consideration of Appointment of General Growth Properties Representative for the Ad Hoc I-35 Corridor Plan Advisory Committee. there was no discussion on this item.

Mayor Ueckert reviewed Agenda Item H-17, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. Mayor Ueckert recommended the following interview teams: Councilman Goren and Councilman Tierney - Animal Services Advisory Committee and Community Development Block Grant Committee; Deputy Mayor Pro Tem Durham and Councilman Thornhill – Planning and Zoning Commission and Zoning Board of Adjustment; and Mayor Pro Tem Watts and Mayor Ueckert – Old Town Design Review Committee, Library Board, and Park Board. He requested that the City Council conduct their interviews and be prepared at the next meeting to make their recommendations. Discussion was held regarding a memo contained in their Board and Commission booklets reviewing members attendance and the City Council was encouraged to do due diligence in visiting with existing members and current applicants. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item I-Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item J-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:43 p.m. on Monday, June 7, 2010.

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 Ueckert at 7:00 p.m. on Monday, June 7, 2010, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Ueckert, Deputy Mayor Pro Tem Durham gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Ueckert, Councilman Tierney gave the pledge to the American and Texas flags.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:06 p.m. Monday, June 7, 2010, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item C)

In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL) the Lewisville City Council convened into Closed Session at 7:07 p.m. on Monday, June 7, 2010, 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. Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem

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

(Agenda Item D)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:12 p.m. on Monday, June 7, 2010, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert opened the floor for action to be taken on the items discussed in the Closed Session.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Mayor Pro Tem Watts, the Council voted five (5) "ayes" and no (0) "nays" to appointed Councilman Rudy Durham as Mayor Pro Tem and Councilman Tierney as Deputy Mayor Pro Tem. The motion carried.

There was no further action taken.

Public Hearing: Consideration of Ordinance No. 3776-06-2010(Z) for a Zone Change Request From Agricultural Open Space (AO) and Light Industrial (LI) to Public Use (PU) on a 77.98 Acre Tract Located on the West Side of Railroad Street, Approximately 2450 Feet North of Bennett Lane; Further Identified as Tracts 35, 36, 73 and 74 of the John W. King Survey, Abstract 695 and Tract 15 of the John H. Havens Survey, Abstract 541; as Requested by Denton County Transportation Authority (DCTA) and the Estate of Tilford Berry, the Property Owners (Case No. PZ20100508)

(Agenda Item E-1)

DCTA plans to convert this site into their maintenance facility. An engineering site plan is currently in review by staff. Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. The proposed zoning will better reflect the use of the property by a governmental agency and will be in keeping with the past zone changes of DCTA sites and those of other governmental facilities. The Planning and Zoning Commission recommended unanimous approval of the zoning request at their May 4, 2010 meeting,

The City staff's recommendation was 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.

Mayor Ueckert opened the public hearing.

Eric Ferris, Community Development Director, Steven Widacki and Suzanne Darnell with Lockwood, Andrews & Newman, Inc., were all present to answer questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3776-06-2010(Z) for a Zone Change Request From Agricultural Open Space (AO) and Light Industrial (LI) to Public Use (PU) on a 77.98 Acre Tract Located on the West Side of Railroad Street, Approximately 2450 Feet North of Bennett Lane; Further Identified as Tracts 35, 36, 73 and 74 of the John W. King Survey, Abstract 695 and Tract 15 of the John H. Havens Survey, Abstract 541; as Requested by Denton County Transportation Authority (DCTA) and the Estate of Tilford Berry, the Property Owners (Case No. PZ20100508) (cont'd)

(Agenda Item E-1)

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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning changes on the 77.98 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agricultural Open Space (AO) and Light Industrial (LI) to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3776-06-2010(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 3777-06-2010(Z) for a Zone Change
Request From Agricultural Open Space (AO)
to Light Industrial (LI) on 2.44 Acres, Three
Tracts Located on the West Side of Holfords
Prairie Road, Approximately 1,220 Feet
South of Midway Road; Further Identified as
S. Hayden Survey, Abstract 537, Tracts 27,
28, and 29, as Requested by the Van Tuyl
Group on Behalf of the Property Owners,
Milton Houser and G & H Storage (Case No.
PZ20100509)**

(Agenda Item E-2)

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 rezone 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 May 4, 2010, meeting.

The City staff's recommendation was 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.

Mayor Ueckert opened the public hearing.

Eric Ferris, Community Development Director and Von Beougher, G&A Consultants, Inc., were present to answer any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 3777-06-2010(Z) for a Zone Change Request From Agricultural Open Space (AO) to Light Industrial (LI) on 2.44 Acres, Three Tracts Located on the West Side of Holfords Prairie Road, Approximately 1,220 Feet South of Midway Road; Further Identified as S. Hayden Survey, Abstract 537, Tracts 27, 28, and 29, as Requested by the Van Tuyl Group on Behalf of the Property Owners, Milton Houser and G & H Storage (Case No. PZ20100509) (cont'd)

(Agenda Item E-2)

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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 2.44 Acres Located Over Several Tracts of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Agricultural Open Space (AO) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; and Declaring an Emergency

MOTION: Upon a motion made by Councilman Gorena and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3777-06-2010(Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

Kelly Reeves, 344 West Walters Street, Lewisville, spoke before the City Council as a member of the Old Town Business Association (OTBA) to advise them of the upcoming OTBA Night Golf Tournament.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

Mayor Ueckert advised that the following items would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 8 – Approval of Acceptance of a Donation in the Amount of \$25,000 From the M.R. and Evelyn Hudson Foundation for the Purchase of an Upright Piano.
2. Consent Agenda item No. 11 - Approval of Final Acceptance of the Kealy Avenue Parking Lot Project; and Authorization to Make Final Payment to L and S Asphalt Construction, Inc., in the Amount of \$12,845.20.

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

3. APPROVAL OF MINUTES: City Council Minutes of the May 17, 2010, Workshop Session and Regular Session.
4. Approval of a **Resolution No. 3778-06-2010(R)**: A Resolution of the City Council of the City of Lewisville, Approving the Terms and Conditions of an Agreement by and Between the City of Lewisville, Texas, and Jafra Cosmetics International, Inc.; and Providing for a Commercial/Industrial Tax Abatement With Jafra Cosmetics International in Reinvestment Zone #31 in Lewisville, Texas; Authorizing Execution of the Agreements by the City Manager or in his Absence the Assistant City Manager; and Providing an Effective Date.
5. Approval of a Bid Award for Sludge Handling and Dewatering Improvements to Crescent Constructors, Inc., Richardson, Texas, in the Amount of \$682,890 (Which Includes 3% for Contingencies); and Authorization for the City Manager to Execute the Contract.
6. Approval of a Multimedia Franchise Interlocal Agreement With Denton County Freshwater Supply District 1-A; and Authorization for the City Manager to Execute the Agreement.
7. Approval of the FY 2009-2010 Mid-Year Budget Report.

CONSENT AGENDA (cont'd)

(Agenda Item G)

9. Approval of a Contract Between the City of Lewisville and Sawko & Burroughs, L.L.P. for the Collection of Delinquent Taxes; and Authorization for the City Manager to Execute the Contract.
10. Approval of Acceptance of a U.S. Department of Homeland Security Grant in the Amount of \$193,708.15; Approval of a Supplemental Budget Appropriation to the FY 2009/2010 Grant Fund in the Amount of \$193,708; and Authorization for the City Manager or his Designee to Execute the Agreement.
11. Approval of Final Acceptance of the Kealy Avenue Parking Lot Project;

The motion carried.

END OF CONSENT AGENDA

Approval of Acceptance of a Donation in the Amount of \$25,000 From the M.R. and Evelyn Hudson Foundation for the Purchase of an Upright Piano

(Consent Agenda Item G-8)

The M.R. Hudson Foundation invited the City to submit an application. The application focused on pianos needed for the arts center as well as monies for children's programming. A donation of \$25,000 was approved for the purchase of an upright piano that will be used in both the black box theatre and the multipurpose room.

The City staff's recommendation was that the City Council approve the donation as set forth in the caption above.

At the request of the City Council, City Manager Claude King gave a brief explanation of how the City had received this donation. He acknowledged the assistance of Economic Development Director Nika Reinecke in obtaining this donation. City Manager King advised that donations are still needed for the Arts Center and requested if anyone knew of organizations interested in donating to please refer them to City staff.

MOTION: Upon a motion made by Councilman Thornhill and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to accept a donation in the amount of \$25,000 from the M.R. and Evelyn Hudson Foundation for the purchase of an upright piano. The motion carried.

Approval of Final Acceptance of the Kealy Avenue Parking Lot Project; and Authorization to Make Final Payment to L and S Asphalt Construction, Inc., in the Amount of \$12,845.20

(Consent Agenda Item G-11)

Councilman Tierney advised that he would be abstaining from discussion and consideration of this item to avoid any appearance of impropriety. Councilman Tierney stepped away from the dais.

On November 2, 2009, the City Council awarded a contract to L and S Asphalt Construction, Inc. with a total budget amount of \$122,050 for the construction of the Kealy Avenue Parking Lot project. The actual construction cost of the project was \$119,488, resulting in a savings of \$2,562. The work has been completed in accordance with the contract documents and it is now in order to formally accept the project and make final payment. The final payment in the amount of \$12,845.20 is available in the Old Town Parking/Plaza/Pedestrian Improvements Capital Project. The warranty period is two years from the date of final acceptance by the City Council.

The City staff's recommendation was that the City Council accept the Kealy Avenue Parking Lot project as set forth in the caption above; and authorize final payment.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Watts, the Council voted four (4) "ayes" and no (0) "nays" to accept a donation in the amount of \$25,000 from the M.R. and Evelyn Hudson Foundation for the purchase of an upright piano. The motion carried.

Deputy Mayor Pro Tem Tierney returned to the dais.

Consideration of Three (3) Variance Requests for the Hebron 121 Station Engineering Site Plan, Zoned Mixed Use Ninety (MU-90), Bounded by Lakeside Circle to the North, S.H. 121 to the South, the Timber Creek to the West and the D.G.N.O. Railroad to the East

(Agenda Item H-12)

Mayor Ueckert advised that he would be abstaining from discussion and consideration of this item due to a conflict of interest. The appropriate Conflict of Interest Affidavit has been filled out and filed with the City Secretary. Mayor Ueckert moved away from the dais. Councilman Watts took over the meeting for Mayor Ueckert.

Consideration of Three (3) Variance Requests for the Hebron 121 Station Engineering Site Plan, Zoned Mixed Use Ninety (MU-90), Bounded by Lakeside Circle to the North, S.H. 121 to the South, the Timber Creek to the West and the D.G.N.O. Railroad to the East (cont'd)

(Agenda Item H-12)

The Hebron 121 Station project is a proposed mixed use development with residential, retail, commercial and office component, located near the DCTA Hebron Station in the southern portion of Lewisville. The project is within the City's Tax Increment Reinvestment Zone #2. Phase I of the development consists of 234 residential units. The developer is requesting the following variances: (1) allow Palm trees as an approved tree for required landscaping on both public ROW and private property. The developer is escrowing funds for the trees in case they have to be replaced in the future and will support formation of a Public Improvement District (PID) for further maintenance; (2) use of brick pavers within the public right-of-way, medians and sidewalks with an agreement for maintenance of the pavers until a separate maintenance mechanism is put in place as part of the Tax Increment Reinvestment Zone or a PID; (3) allow a Completion and Payment Bond for Public Improvements in lieu of a cash escrow or Third Party Agreement.

The City staff's recommendation was that the City Council approve the requested variances as set forth in the caption above.

Howard Porteus, Huffines Communities and Mike Peterson, Graham Associates were available for any questions posed by City Council.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Gorena, the Council voted five (5) "ayes" and no (0) "nays" to approve the following three (3) variance requests for the Hebron 121 Station Engineering Site Plan, Zoned Mixed Use Ninety (MU-90), Bounded by Lakeside Circle to the North, S.H. 121 to the South, the Timber Creek to the West and the D.G.N.O. Railroad to the East: (1) allow Palm trees as an approved tree for required landscaping on both public ROW and private property. The developer is escrowing funds for the trees in case they have to be replaced in the future and will support formation of a Public Improvement District (PID) for further maintenance; (2) use of brick pavers within the public right-of-way, medians and sidewalks with an agreement for maintenance of the pavers until a separate maintenance mechanism is put in place as part of the Tax Increment Reinvestment Zone or a PID; (3) allow a Completion and Payment Bond for Public Improvements in lieu of a cash escrow or Third Party Agreement. The motion carried.

Mayor Ueckert returned to the dais.

**Consideration of Seven Variances to the
Lewisville City Code Section 6 – Land
Development Regulations, Relating to
Denton County Transportation Authority’s
Proposed Operation and Maintenance
Facility, Zoned Public Use (PU) to be
Located Along the D.G.N.O. Railroad
Between Business S.H. 121 and Bennett Lane**

(Agenda Item H-13)

Denton County Transportation Authority (DCTA) is proposing to construct an operations and maintenance facility in Lewisville for their rail transit services which are proposed to start at the end of this year. An engineering site plan has been reviewed by staff. DCTA is requesting, six permanent variances (A-F) and one temporary variance (G). The requested variances include: A) to reduce the number or required parking spaces; B) to allow a screening berm with trees in lieu of the required masonry wall; C) to pave over a City maintained waterline; D) requesting early grading and tree removal on the site prior to site plan approval; E) to allow a portion of an existing channel to remain earth lined; F) to allow less than the required 80% brick veneer; and G) to have a temporary operations and equipment facility while construction occurs for the permanent facilities for a period of up to 12 months from site plan approval.

The City staff’s recommendation was that the City Council approve requested variances A-F as listed in the caption above; and approve variance G for a period of 12 months from site plan approval.

Eric Ferris, Community Development Director, Steven Widacki and Suzanne Darnell with Lockwood, Andrews & Newman, Inc., were all present to answer questions posed by the City Council.

Discussion was held regarding how the City would be able to ensure that the maintenance and/or replacement of these items would be handled. Director of Community Development Eric Ferris advised that this would be determined during annual inspections conducted by City staff and if there was a need for maintenance or replacement, the property owner would be asked to fix and maintain the issue as per the approved site plan.

**Consideration of Seven Variances to the
Lewisville City Code Section 6 – Land
Development Regulations, Relating to
Denton County Transportation Authority’s
Proposed Operation and Maintenance
Facility, Zoned Public Use (PU) to be
Located Along the D.G.N.O. Railroad
Between Business S.H. 121 and Bennett Lane
(cont’d)**

(Agenda Item H-13)

MOTION: Upon a motion made by Councilman Watts and seconded by Councilman Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve the following seven variances to the Lewisville City Code Section 6 – Land Development Regulations, Relating to Denton County Transportation Authority’s proposed Operation and Maintenance Facility, Zoned Public Use (PU) to be located along the D.G.N.O. Railroad between Business S.H. 121 and Bennett Lane: A) to reduce the number or required parking spaces; B) to allow a screening berm with trees in lieu of the required masonry wall; C) to pave over a City maintained waterline; D) requesting early grading and tree removal on the site prior to site plan approval; E) to allow a portion of an existing channel to remain earth lined; F) to allow less than the required 80% brick veneer; and G) to have a temporary operations and equipment facility while construction occurs for the permanent facilities for a period of up to 12 months from site plan approval. The motion carried.

**Consideration of Ordinance No. 3779-06-
2010 Amending the Lewisville City Code,
Chapter 6, Articles I, III, and V, Relating to
Various Fire Prevention Amendments**

(Agenda Item H-14)

Staff has identified the need to amend the current requirements related to the fire prevention requirements contained in the General Development Ordinance (GDO). The amendment will correct contradictions with the adopted Fire Code and current practices in relation to fire hydrant spacing and minimum fire lane width, replace fire chief with fire marshal as the authority, remove requirements for color-coding water main size on fire hydrant, require that privately owned and maintained fire hydrants be painted white, remove the reflective blue dot street marker requirement, and reinstitute a provision for when an engineering site plan is required.

**Consideration of Ordinance No. 3779-06-2010
Amending the Lewisville City Code, Chapter 6,
Articles I, III, and V, Relating to Various Fire
Prevention Amendments (cont'd)**

(Agenda Item H-14)

The City staff's recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

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, Article I., Definitions, by Amending the Fire Lane Definition; Article III., Plan Submittal, by Addressing When an Engineering Site Plan is Required; Article V., Public Improvements, by Modifying Fire Hydrant Spacing and Colors; and Modifying Lists and Tables to Reflect These Changes; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency

MOTION: Upon a motion made by Councilman Thornhill and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3779-06-2010**, as captioned previously. The motion carried.

**Consideration of Resolution No. 3780-06-
2010(R) Nominating One Member to the
Board of Managers of the Denco Area 9-1-1
District**

(Agenda Item H-15)

Harlan Jefferson, Flower Mound Town Manager, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Jefferson's term expires on September 30, 2010 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by July 15, 2010. Mr. Jefferson has expressed his desire to serve another term, if appointed.

The City staff's recommendation was that the City Council approve the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution No. 3780-06-2010(R)**: A Resolution of the City of Council of the City of Lewisville, Texas, Nominating Harlan Jefferson, Flower Mound Town Manager to the Board of Managers of the Denco Area 9-1-1 District. The motion carried.

**Consideration of Appointment of General
Growth Properties Representative for the Ad
Hoc I-35 Corridor Plan Advisory Committee**

(Agenda Item H-16)

On May 3, 2010, the City Council appointed members of an Ad Hoc I-35 Corridor Plan Advisory Committee. Leanne Lowry, General Manager of Vista Ridge Mall and Kevin Connell, Senior Director of Development for General Growth Properties had been recommended by City staff to serve on this committee to represent Vista Ridge Mall. Leanne Lowry was named by the City Council as the official representative; however, both nominees have expressed a desire that Mr. Connell serve as the official representative for General Growth Properties.

The City staff's recommendation was that the City Council approve the appointment of Kevin Connell as the General Growth Properties Representative to the Ad Hoc I-35 Corridor Plan Advisory Committee.

MOTION: Upon a motion made by Mayor Pro Tem Durham and seconded by Councilman Watts, the Council voted five (5) "ayes" and no (0) "nays" to approve the appointment of Kevin Connell as the General Growth Properties Representative to the Ad Hoc I-35 Corridor Plan Advisory Committee. The motion carried.

**Discussion and Consideration of
Appointments to Various City
Boards/Commissions/Committees**

(Agenda Item H- 17)

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

**Discussion and Consideration of
Appointments to Various City
Boards/Commissions/Committees (cont'd)**

(Agenda Item H- 17)

The City staff's recommendation was that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted five (5) "ayes" and no (0) "nays" to set the following interview teams: Councilman Gorena and Councilman Tierney - Animal Services Advisory Committee and Community Development Block Grant Committee; Deputy Mayor Pro Tem Durham and Councilman Thornhill - Planning and Zoning Commission and Zoning Board of Adjustment; and Mayor Pro Tem Watts and Mayor Ueckert - Old Town Design Review Committee, Library Board, and Park Board and for each interview team to bring their recommendations back to the June 21, 2010 City Council meeting. The motion carried.

Reports

(Agenda Item I)

- Assistant Fire Chief Tim Tittle updated the City Council on the June 5, 2010 Battle of Badge which was coordinated by the Lewisville Police and Citizens Academy to raise funds for the Children's Advocacy Center of Denton County.
- Director of Public Services Carole Bassinger updated the City Council on the status of Lake Lewisville and advised that the City has maintained elevation for about the past 14 months, which was considerably better than past years.
- Mayor Pro Tem Durham reminded everyone that Lewisville Independent School District was still in session until Thursday, June 10, 2010. He stated that the aquatic centers appear to be packed.
- Deputy Mayor Pro Tem Tierney encouraged everyone to come out to the OTBA's Glow in the Dark Golf Outing.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:34 p.m. Monday, June 7, 2010, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item J)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:35 p.m. on Monday, June 7, 2010, 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 Closed Session was adjourned at 8:00 p.m. on Monday, June 7, 2010.

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

(Agenda Item K)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 8:01 p.m. on Monday, June 7, 2010, in the Council Chambers of the Lewisville City Hall.

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

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Councilman Watts and seconded by Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 8:01 p.m. on Monday, June 7, 2010. The motion carried.

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
JUNE 7, 2010**

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These minutes approved by the Lewisville City Council on the 21st day of June, 2010.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY