

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
FEBRUARY 5, 2007**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items
- B. Items of Interest to the Council

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Carey
- B. **PLEDGE TO THE FLAG:** Troop 822 and Pack 822 from Westside Baptist Church of Lewisville.
- C. **PROCLAMATION:** Declaring February 10, 2007, as “Scouting for Food Day”.
- D. **PRESENTATION:** Keep Lewisville Beautiful 2006 Recap

E. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance for a Zone Change Request From Light Industrial (LI) to Old Town Mixed Use Two (OTMU2) on a 0.13 Acre Tract of Land Located on the North East Corner of the Intersection of Henrietta and Main Street; and Identified as Tract 1 of Lots 11 and 12, Block 14 of the Kealy Addition, as Requested by Victor Myers With the Authorization of the Property Owner (Case No. 20070102).**

ADMINISTRATIVE COMMENTS:

The proposed zoning classification is in keeping with the recommendations of the Old Town Master Plan. The owner plans to develop a professional office building which would extend the presence of professional office development from the Old Town Center Core to the easterly Main Street corridor of Old Town. Additionally, the lot in question is underutilized with no development currently housed on the 0.13 acre lot. Rezoning the property OTMU2 would allow the applicant more flexibility regarding placement of structures. Given the size of the lot, the flexibility of the OTMU2 zoning classification is needed to make the site developable. The lot currently has front setbacks-25 feet, sides-15 feet, rear-0 feet. The new zoning will allow for front setbacks-0, sides-0, rear-10 and a 10 foot landscape strip along Main and Henrietta Streets should the building be set back further than that amount of square footage on either street. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their January 9, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Light Industrial (LI) to Old Town Mixed Use Two (OTMU2).

PRESENTATION: Elizabeth Trospen, Economic Development Specialist

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Light Industrial (LI) on a 2.5 Acre Tract Located Directly Northwest of the Intersection of Jones Street and Cowan Avenue at 417 East Jones Street; Further Identified as Tract 2 in the J. Wagner Survey, Abstract 1399; as Requested by Eliu Platas the Property Owner (Case No. PZ20070101).**

ADMINISTRATIVE COMMENTS:

The site is surrounded by U.S Army Corps of Engineers property to the north and east, and by Light Industrial and the City's water treatment plant operations to the west and south. A small lot zoned Agricultural Open Space with a residence is next door to this property to the west and is also owned by the applicant. The entire area is commercial in nature with the exception of a mobile home park that is southeast of this site with access off of Cowan Avenue. The applicant wishes to eventually operate his construction business from this site. In order to do so the applicant wishes to rezone the property to Light Industrial (LI) and will have to plat and site plan the property. A house currently exists on the property. Light Industrial zoning allows for up to 10% outside storage that would have to be screened according to the Lewisville General Development Ordinance. The Planning and Zoning Commission voted 5-0 in favor of the zone change request at their January 9, 2007, meeting.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville Code of Ordinances, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Agriculture Open Space (AO) to Light Industrial (LI).

PRESENTATION: Gene Lewis, Planning & Community Services Manager
Johnathan Mills, G&A Consultants, Inc.

- 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.

3. **APPROVAL OF MINUTES:** City Council Minutes of the January 22, 2007, Workshop Session and Regular Session.

4. **Approval of a Bid Award for the Valley Ridge Northeast 30-Inch Waterline Project to Wilson Contractor Service, LLC, Denton, Texas, in the Amount of \$1,383,226.10; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

Bids were opened on January 11, 2007 for the Valley Ridge Northeast 30-Inch Waterline Project. Twenty-three (23) bid invitations were issued, including two (2) that were downloaded from DemandStar.com and five (5) bids were received. The bids were evaluated and the lowest responsible bidder was determined to be Wilson Contractor Service, LLC in the amount of \$1,383,226.10. The project consists of construction of a new 30-inch waterline from Valley Ridge Boulevard at SH 121 Business to College Street at the railroad tracks near Railroad Street. Funding is available in the Valley Ridge Northeast Waterline Capital Project.

RECOMMENDATION:

That the City Council approve a bid award for the Valley Ridge Northeast 30-Inch Waterline Project to Wilson Contractor Service, LLC, Denton, Texas, in the amount of \$1,383,226.10; and authorize the City Manager to execute the contract.

5. **Approval of a Bid Award for an Annual Requirements Contract for Ready Mix Concrete to Lattimore Materials, McKinney, Texas, for an Estimated Amount of \$130,065.**

ADMINISTRATIVE COMMENTS:

A total of seven (7) bid invitations were issued, including two (2) downloaded from DemandStar.com. Two (2) bids were received and opened on January 9, 2007. This contract covers material delivered to City construction sites, as well as material picked-up by City crews at the manufacturer's plant. The term of the contract will be twelve months, with option to extend for up to two (2) additional twelve month periods.

RECOMMENDATION:

That the City Council approve a bid award for an annual requirements contract for ready mix concrete to Lattimore Materials, McKinney, Texas, for an estimated amount of \$130,065.

- 6. Approval of a Supplemental Budget Appropriation in the Amount of \$3,620 to the Grant Fund to Complete the Project Authorized Under the Buffer Zone Protection Grant.**

ADMINISTRATIVE COMMENTS:

On April 17, 2006, the City Council authorized the purchase of security products totaling \$48,700 to enhance security at the Vista Ridge Mall against the use of a weapon of mass destruction. Funding for this program is provided by the U.S. Department of Homeland Security through its Buffer Zone Protection Grant. The grant has an unspent balance of \$6,999; however, the budget lapsed at the end of FY 2005/2006. Therefore, a supplemental budget appropriation to the FY 2006/2007 budget of \$3,620 is needed to complete the project authorized under this program.

RECOMMENDATION:

That the City Council approve the supplemental budget appropriation in the amount of \$3,620 to the grant fund.

- 7. Ratification of Emergency Expenditures in the Amount of \$648,119 for the Maintenance, Repair, and Replacement of a 42-Inch Sanitary Sewer Located on Lot 1A and 1B Block F of the Lakepointe, Phase III Subdivision; and Approval of a Supplemental Appropriation in the Amount of \$648,119 From Utility Capital Project Available Cash to Various Utility Capital Projects.**

ADMINISTRATIVE COMMENTS:

On December 26, 2006 Public Services identified a failure of a 42-inch sanitary sewer line on Lake Circle Drive south of Hebron Parkway. Emergency repairs in accordance with the City of Lewisville Administrative Policies and Procedures, Number 3.2.1, Purchasing Procedures, Section XI, were authorized to prevent sewer spillage and to return the line back to service. The emergency repair cost is estimated at \$648,119. Transfers were made from several utility capital project accounts to initiate the repairs. A supplemental appropriation is requested to replenish the accounts. The emergency repairs should be completed by the end of February 2007.

RECOMMENDATION:

That the City Council ratify the emergency expenditure in the amount of \$648,119 for the emergency repair of sanitary sewer line; and approve the Supplemental Appropriation in the amount of \$648,119 from Utility Capital Project Available Cash to various Utility Capital Projects.

- 8. Approval of an Election Calendar and a Resolution Calling the May 12, 2007, Lewisville City Council Election and Designating the City's Polling Places, the Early Voting Place, and Clerk; and Authorization for the Mayor to Sign the Election Order.**

ADMINISTRATIVE COMMENTS:

An election calendar has been prepared for May 12, 2007, City Council Election, which will include Place No. 4 and Place No. 5 on the ballot. State law requires that canvassing of the election be held between the 3rd and 11th day following an election. City staff recommends conducting the canvassing at the regularly scheduled meeting on May 21, 2007. The designated polling places are the Memorial Park Recreation Center for Precincts 300, 301, 305, 310, 312, 315, 318, 321, 327, and Dallas County Election Precincts 4702, 4705, 4707 and 4708; Lewisville Municipal Annex for Precincts 306, 308, 311, 319, 322, 324, and 329; and Lewisville City Hall for Precincts 113, 114, 138, 221, 227, and 309. The City Secretary is designated the Early Voting Clerk, with early voting being conducted at the City Hall and Municipal Annex buildings.

RECOMMENDATION:

That the City Council approve the election calendar, approve the proposed resolution calling the May 12, 2007, City Council Election and designating the City's polling places and the early voting polling places and clerk; and authorize the Mayor to sign the election order.

- 9. Approval of a Resolution Authorizing a Joint Agreement Between the City of Lewisville and the Lewisville Independent School District for a Joint Election Process for the May 12, 2007, General Election; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The annual joint election agreement has been prepared which will authorize a joint election process between the City of Lewisville and the Lewisville Independent School District. The agreement will allow the City to conduct the early voting and election day voting process for the school district, with costs of the joint election to be shared equally. The City will utilize the same polling locations, Lewisville City Hall, Lewisville Municipal Annex, and the Memorial Park Recreation Center.

RECOMMENDATION:

That the City Council approve the resolution; and authorize the City Manager to execute the agreement.

- 10. Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and Denton County for Rental of Voting Machines and Equipment for the May 12, 2007, General Election.**

ADMINISTRATIVE COMMENTS:

Historically, the City of Lewisville has rented voting equipment from Denton County. The Denton County Election Administrator has prepared an agreement for rental of the voting machines and equipment, with the estimated associated costs of \$10,301.50. Funding for the rental expenses is available in the election accounts and through the Joint Election Agreement with the Lewisville Independent School District.

RECOMMENDATION:

That the City Council approve the proposed resolution.

- 11. Approval of a Resolution Appointing the Election Officials for the May 12, 2007, City of Lewisville City Council Election, Setting Rate of Pay, and Establishing Maximum Number of Clerks for Polling Places.**

ADMINISTRATIVE COMMENTS:

The proposed resolution outlines the election judges for the May 12, 2007, election for Memorial Park Recreation Center, Lewisville Municipal Annex, and the Lewisville City Hall and identifies their alternate judges. It also identifies the judge of the Early Voting Ballot Board. The salary for the judges will be \$9 per hour and \$8 per hour for the clerks, as allowed by the Election Code, with an additional \$25 to each election judge for delivery of supplies to the Lewisville City Hall. The maximum number of clerks allowed will be three per polling location.

RECOMMENDATION

That the City Council approve the proposed resolution.

- 12. Approval of a Supplemental Appropriation to the General Fund From General Fund Balance to the Fire Station No. 7 Capital Project in the Amount of \$2,750,000.**

ADMINISTRATIVE COMMENTS:

The Fire Department has developed cost estimates for the design and construction of Fire Station No. 7. The cost estimate includes three 100' foot bays, training center, living quarters for the Truck Company and future growth, Battalion and FIT office and dorm area, Captain's office, and Assistant Chief's office. Currently, staff is in the process of negotiating with BRW Architects for the design of the station.

RECOMMENDATION:

That the City Council approve the supplemental appropriation to the General Fund in the amount of \$2,750,000.

H. REGULAR HEARINGS:

- 13. Consideration of a Variance to the Lewisville Code of Ordinances, Chapter 6, Article V, Sections 6-58(e) Grading to Include Tree Removal Prior to Engineering Site Plan Approval as Requested by Pacheco Koch Consulting Engineers, on Behalf of Majestic Realty Group, the Property Owners.**

ADMINISTRATIVE COMMENTS:

The property located generally west of Edmonds Lane and north of Hwy. 121 (Business) is zoned Light Industrial (LI). A Phase I grading plan has been submitted for review and the preliminary plat is tentatively scheduled for P&Z consideration on February 20, 2007. The developer has applied for a variance to allow grading the property including the removal of trees before an engineering site plan is approved. The developer has agreed to mitigate 1,073 caliper inches for a total of \$71,500. The site is proposed for large scale office-warehouse development.

RECOMMENDATION:

That the City Council approve the requested variance.

PRESENTATION: David Salmon, P.E., Assistant City Engineer
Javier Jaramillo P.E., Pacheco Koch Consulting Engineers.

- 14. Consideration of a Variance to the Lewisville Code of Ordinances, Off Street Parking Requirements, Chapter 6, Article VIII, Section 6-162(21) and Section 6-164, For a Proposed Amusement/Restaurant Project Located at 2565 MacArthur Blvd. in Lewisville, Texas as Requested by G&A Consultants, Inc., on Behalf of Going Bonkers, Owner.**

ADMINISTRATIVE COMMENTS:

G & A Consultants, Inc. is requesting a variance to the parking requirements of the General Development Ordinance in conjunction with the proposed Going Bonkers restaurant/amusement site located at 2565 MacArthur Blvd. In order to comply with the General Development Ordinance there are a minimum of 187 parking spaces required for the site. G & A Consultants, Inc., on behalf of the owner, is requesting a variance to provide 124 parking spaces with an additional thirteen (13) parking spaces provided by formal agreement with Tropic Car Wash. This would be a variance to not provide 50 parking spaces required by ordinance. Staff has concerns regarding the parking issues related to the site and is asking City Council to consider the variance request.

RECOMMENDATION:

That the City Council consider the requested variance to the off street parking requirements of the General Development Ordinance.

PRESENTATION: Eric Ferris, Director of Community Development
J. Marc Tolson, Galier.Tolson.French Design Assoc.

15. Third and Final Reading: Ordinance Adopting Provisions for Pre-Payment for Gasoline and Diesel Fuel at Retail Fuel Businesses.

ADMINISTRATIVE COMMENTS:

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 has to be read on three separate days to meet the City Charter requirements. This will be the third and final reading of the ordinance.

RECOMMENDATION:

That the City Attorney provide the third and final reading of the ordinance. No action is required by the Council.

16. Consideration of Naming Jail Facility.

ADMINISTRATIVE COMMENTS:

Staff is recommending that the City Council consider naming the jail facility which is currently under design. Construction on this facility will begin in mid-June, 2007, with an expected completion date of mid-June, 2008.

RECOMMENDATION:

That the City Council consider naming the jail facility.

I. REPORTS:

J. EXECUTIVE SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE):

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development Negotiations

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

L. ADJOURNMENT

The City Council reserves the right to adjourn into executive 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).