

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 26, 2015

Present:

Dean Ueckert, Mayor

Council Members:

TJ Gilmore, Mayor Pro Tem
R Neil Ferguson, Deputy Mayor Pro Tem
Leroy Vaughn
Greg Tierney
Rudy Durham

City Staff:

Donna Barron, City Manager
Steve Bacchus, Assistant City Manager
Melinda Galler, Assistant City Manager
Eric Ferris, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:30 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 6:30 p.m. on Monday, January 26, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

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

(Agenda Item A)

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.

Mayor Ueckert reviewed Agenda Item C, Visitors/Citizens Forum. 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 A)

Mayor Ueckert reviewed Agenda Item D-1, a) City Council Minutes of the December 15, 2014, Workshop Session and Regular Session; and b) City Council Minutes of the January 5, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-2, Approval of Bid Awards for HVAC Repair Annual Requirements Contracts to 3D Mechanical Services, Crandall, Texas (Primary Contractor) and EEC, Enviro Services Company, LLC., Red Oak, Texas (Secondary Contractor). At the request of Deputy Mayor Pro Tem Ferguson, City Manager Donna Barron gave a brief synopsis of this item utilizing the backup material. She confirmed that unless work was performed there would be no cost incurred. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item D-3, Approval of the Fiscal Year 2014-2015 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement. Councilman Vaughn requested clarification on this item and if the City was receiving adequate funding and if they were putting themselves into a bill collecting situation. Discussion was held by City staff to explain the process. Assistant City Manager Melinda Galler reminded the City Council that they had approved an agreement during Budget Retreat where reimbursement can be collected for non-insured individuals and Medicare through the State. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item D-4, Approval of the Fiscal Year 2014-2015 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-5, Approval of Changes to Policy Statement 1.0 Administration, Section I – City Council Travel and Business Expenses. City Manager Donna Barron advised this change was bringing the policy statement into compliance with IRS Regulations. 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 A)

Mayor Ueckert reviewed Agenda Item D-6, Approval of the Annual Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability; Approval of a Supplemental Appropriation in the Amount of \$5,040 From the Utility Capital Projects Bond Funds Unappropriated Cash Balances; Approval of a Supplemental Appropriation in the Amount of \$3,780 From the General Capital Projects Bond Funds Unappropriated Cash Balances; and Approval of a Supplemental Appropriation in the Amount of \$420 From the TIRZ 1 (Old Town) General Capital Projects Fund Unappropriated Cash Balance. At the request of Councilman Vaughn, City Manager Donna Barron reviewed this item for the City Council. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item D-7, Approval of a Resolution Calling the May 9, 2015 Lewisville City Council General Election; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-8, Approval of a Resolution Adopting the City's Legislative Agenda for the 2015 Texas Legislature; and Authorizing the Mayor and City Manager to Communicate the City's Adopted Legislative Priorities. City Manager Donna Barron advised that this item represented discussion that had previously been held with the City Council. Discussion was held that it is basically all the same, with the exception that the DCTA Sales Tax in Castle Hills item had been removed and will not be pursued until the next legislative session. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item E-9, Consideration of a Variance to the Lewisville City Code Section 9.5-98(e)(1)(a) Regarding Water Line Requirements for Fire Protection Related to Lewisville Town Square Located on the Northwest Corner of Church Street and Charles Street, as Requested by John Measels P.E. of John Thomas Engineering Representing Old Town Development, LLC. City Manager Donna Barron advised that this property had been closed on and that the project was moving forward. Clarification was given that the same with the stipulation that the property owner will be responsible for the pavement and dumpster enclosure repairs within the easement area due to any City repair or replacement of the water line had been included. 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 A)

Mayor Ueckert reviewed Agenda Item E-10, Consideration of a Variance to the Lewisville City Code Section 6-103(c)(2)(a) (Access Spacing) Regarding Driveway Spacing Requirements, Related to Garden Ridge Assisted Living Located at 301 North Garden Ridge Boulevard, as Requested by Doug Weaver, P.E. of G&A Consultants, LLC, on Behalf of the Owner. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item E-11, Consideration of an Ordinance Providing for the Abandonment of an Unnamed Road Right-of-Way South of S.H. 121 Business, North of Vista Ridge Mall Drive and East of Highpoint Oaks Drive. Assistant City Manager Eric Ferris displayed an aerial photograph of this area. Discussion was held that this item is really a cleanup and that the private entity property will be responsible for any future maintenance.

Mayor Ueckert reviewed Agenda Item F, Reports: Fourth Quarter 2014 Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-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, January 26, 2015.

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, January 26, 2015, 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, Councilman Vaughn 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.

Visitors/Citizens Forum

(Agenda Item C)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item D)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, 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 15, 2014, Workshop Session and Regular Session; and
 - b. City Council Minutes of the January 5, 2015, Workshop Session and Regular Session.
2. Approval of Bid Awards for HVAC Repair Annual Requirements Contracts to 3D Mechanical Services, Crandall, Texas (Primary Contractor) and EEC, Enviro Services Company, LLC., Red Oak, Texas (Secondary Contractor).
3. Approval of the Fiscal Year 2014-2015 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.
4. Approval of the Fiscal Year 2014-2015 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.
5. Approval of Changes to Policy Statement 1.0 Administration, Section I – City Council Travel and Business Expenses.

CONSENT AGENDA (cont'd)

(Agenda Item D)

6. Approval of the Annual Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability; Approval of a Supplemental Appropriation in the Amount of \$5,040 From the Utility Capital Projects Bond Funds Unappropriated Cash Balances; Approval of a Supplemental Appropriation in the Amount of \$3,780 From the General Capital Projects Bond Funds Unappropriated Cash Balances; and Approval of a Supplemental Appropriation in the Amount of \$420 From the TIRZ 1 (Old Town) General Capital Projects Fund Unappropriated Cash Balance.
7. Approval of Resolution No. 4150-01-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Authorizing a General Municipal Election to be Held on May 9, 2015 for the Purpose of Electing Two (2) Members of the City Council (Mayor and Place No. 2) to Hold Office for a Period of Three Years; and Providing an Effective Date.
8. Approval of Resolution No. 4151-01-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas Approving the City's Legislative Agenda for the 84th Texas Legislative Session, Authorizing Certain Persons to Represent and Communicate the City's Legislative Interests, Authorizing the Mayor and City Manager to Sign All Letters, Petitions, and/or Other Documents on Behalf of the City to Promote the City's Legislative Agenda.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code Section 9.5-98(e)(1)(a) Regarding Water Line Requirements for Fire Protection Related to Lewisville Town Square Located on the Northwest Corner of Church Street and Charles Street, as Requested by John Measels P.E. of John Thomas Engineering Representing Old Town Development, LLC

(Agenda Item E-9)

The subject property is proposed to be developed with three restaurants per the Economic Development Agreement approved by City Council on March 17, 2014. The 1.9 acre property is being platted into three lots in the Lewisville Town Square Addition. The plat was approved by the Planning & Zoning Commission on January 6, 2015. Staff has reviewed and approved the Old Town Development Plan subject to City Council approval of a variance to allow placement of paving and a trash enclosure within the 15 foot restricted water line easement.

The City staff's recommendation was that the City Council approve the variance as set forth in the caption above with the stipulation that the property owner will be responsible for the pavement and dumpster enclosure repairs within the easement area due to any City repair or replacement of the water line.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code Section 9.5-98(e)(1)(a) Regarding Water Line Requirements for Fire Protection Related to Lewisville Town Square located on the northwest corner of Church Street and Charles Street to allow placement of paving and a trash enclosure within the 15 foot restricted water line easement with the stipulation that the property owner will be responsible for the pavement and dumpster enclosure repairs within the easement area due to any City repair or replacement of the water line, as requested by John Measels P.E. of John Thomas Engineering representing Old Town Development, LLC. The motion carried.

Consideration of a Variance to the Lewisville City Code Section 6-103(c)(2)(a) (Access Spacing) Regarding Driveway Spacing Requirements, Related to Garden Ridge Assisted Living Located at 301 North Garden Ridge Boulevard, as Requested by Doug Weaver, P.E. of G&A Consultants, LLC, on Behalf of the Owner

(Agenda Item E-10)

The subject site is a 1.403-acre lot zoned Medical District (MD) and Light Commercial (LC) within the Garden Ridge Church of Christ Addition located near the Northeast corner of Garden Ridge Boulevard and Main Street. City Council approved the rezoning of the property on November 17, 2014. The property owner is proposing to redevelop the property from a self-service car wash to an assisted living facility. Staff has reviewed and approved the Engineering Site Plan subject to the City Council approval of a variance to reduce the required separation between driveways to less than 230 feet.

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

Jeff Kelly, P.E., Assistant City Engineer along with Doug Weaver, 111 Hillside Drive, Lewisville, Texas and Chip Tabor, 231 Roma, Lewisville, Texas, were all present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code Section 6-103(c)(2)(a) (Access Spacing) Regarding Driveway Spacing Requirements, Related to Garden Ridge Assisted Living Located at 301 North Garden Ridge Boulevard to reduce the required separation between driveways to less than 230 feet, as requested by Doug Weaver, P.E. of G&A Consultants, LLC, on behalf of the owner. The motion carried.

Consideration of Ordinance No. 4152-01-2015 Providing for the Abandonment of an Unnamed Road Right-of-Way South of S.H. 121 Business, North of Vista Ridge Mall Drive and East of Highpoint Oaks Drive

(Agenda Item E-11)

The City of Lewisville and Hawkeye Realty Schreiber LTD entered into a Program Grant Agreement in February of 2009 stipulating the City would abandon the subject prescriptive right-of-way parcel to the adjacent owners in exchange for dedication of right-of-way for the extension of Vista Ridge Mall Drive. The Vista Ridge Mall Drive extension was completed in November 2011. The right-of-way to be abandoned is roughly 370 feet long by 36 feet wide (0.304 acres). A 15-foot wide utility easement adjacent to the west line of the abandonment parcel will be dedicated by the developer simultaneously with filing the abandonment deeds to accommodate existing overhead electric and telephone service.

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

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Providing for the Abandonment, Vacation, and Closure of the Following Street Segments to Wit: an Unnamed Road Right of Way South of S.H. 121 Business, North of Vista Ridge Mall Drive and East of Highpoint Oaks Drive; and Providing for the Terms and Conditions of This Abandonment, Vacation, and Closure; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4152-01-2015**, as captioned previously. The motion carried.

Reports

(Agenda Item F)

- Fourth Quarter 2014 Boards/Commissions/Committees Attendance Reports
- Director of Public Services Carole Bassinger advised of the cleanup process currently going on along the 121 corridor and the plan to start progressing to Mesquite Creek to clean along the east side.
- Mayor Pro Tem Gilmore advised of his volunteering for the Big D Climb for The Leukemia and Lymphoma Society. He stated that he would be representing the City Council and thanked City staff for allowing him to be a part of this opportunity.

Reports (cont'd)

(Agenda Item F)

- At the request of Deputy Mayor Pro Tem Ferguson, Director of Public Services Carole Bassinger gave an update on the status of the Lake. She advised that due to the ground now being wet, the level may rise a bit with another rain. She also pointed out that on the weather map; this area is no longer listed in the severe drought area but the moderate drought area.
- Deputy Mayor Pro Tem Ferguson gave an update on the upcoming events at the MCL Grand Theatre.
- Mayor Ueckert thanked the officer for being present and for his daily service.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:14 p.m. Monday, January 26, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:14 p.m. on Monday, January 26, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.072 (Real Estate):

2. Property Acquisition

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 7:27 p.m. on Monday, January 26, 2015.

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

(Agenda Item H)

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:27 p.m. on Monday, January 26, 2015, 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 I)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:27 p.m. on Monday, January 26, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of February, 2015.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY