

LEWISVILLE CITY COUNCIL

REGULAR SESSION

APRIL 6, 2015

Present:

Dean Ueckert, Mayor (Absent)

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 Pro Tem Gilmore at 6:30 p.m. on Monday, April 6, 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 Pro Tem Gilmore reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Pro Tem Gilmore 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 A)

Mayor Pro Tem Gilmore reviewed Agenda Item C, Proclamations: 1) Declaring the Month of April, 2015, as “Marcus High School Marching Band Month”; 2) Declaring the Month of April, 2015, as “Keep Lewisville Beautiful Month”; 3) Declaring the Week of April 12-18, 2015, as “National Library Week”; 4) Declaring the Week of April 12-18, 2015, as “National Public Safety Telecommunicators Week”; 5) Declaring the Week of April 13-18, 2015, as “National Volunteer Week”; 6) Declaring April 15, 2015, as “Stick a Fork in Cancer Day” and May 15, 2015, as “Relay for Life Lewisville/Flower Mound Day”; and 7) Declaring the Week of April 19-25, 2015, as “Crime Victims’ Rights Week”. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item D, Presentations: 1) Life Saving Award to Officers Steven Schaffer and Jacque Moore; and 2) Presentation of a Corporate Arts Award Plaque to the City of Lewisville by Texas Nonprofit Theatres, Inc., in Recognition of the City's Sponsorship of AACTFest 2015, Presented by Linda Lee, Executive Director of Texas Nonprofit Theatres, Inc. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-1, Approval of City Council Minutes of the March 16, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-2, Approval of a Professional Services Agreement With Binkley & Barfield – C & P, Inc., in the Amount of \$53,070 for Design and Engineering Services Related to the Midway Branch 12-Inch Water Line Project, and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-3, Approval of a Professional Services Agreement in the Amount of \$77,272, With HDR Engineering, Inc. for Engineering Services to Update the Distribution System H2ONET Model for Advanced Water Quality Modeling. 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 Pro Tem Gilmore reviewed Agenda Item F-4, Approval of a Professional Services Agreement in the Amount of \$74,623, With Perkins Engineering Consultants, Inc. for Engineering Services Related to Collection System Odor Evaluation. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-5, Approval of a Resolution Adopting Guidelines for a Clean Fleet Policy. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-6, Approval of a Professional Services Agreement in the Amount of \$60,000, With Freese and Nichols, Inc. for Engineering Services for Wastewater Treatment Plant Capacity Evaluation. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item F-7, Approval of a License Agreement Between the City of Lewisville and Specified Properties LVIII LP for Contractor Parking on East Hill Park Road, as Related to the Construction of the Rose Hill Multifamily Development; and Authorization for the City Manager or Her Designee to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item G-8, Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Driveway Width and Driveway Spacing at Fire Station No. 6 Located at the 2120 Midway Road, as Requested by Robert Pretus, P.E., Jaster-Quintanilla Dallas, LLP, on Behalf of the City of Lewisville. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item G-9, Consideration of a Final Plat of Studio 13 Addition, Lot 1, Block A, a 0.231-Acre Parcel Zoned Old Town Mixed Use Two (OTMU2) Located Near the Southeast Corner of Main Street and Cowan Avenue With a Requested Variance to the City Code, Requested by the Property Owner, Leonard Reeves of Studio 13, LLC. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item G-10, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 11, Signs, by Adding Regulations Related to Ball Field Fencing Signs. City Manager Donna Barron advised that this Ordinance affects this specific ball field and allows them to have advertising signage just as the City currently does at Railroad Park. 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 Pro Tem Gilmore reviewed Agenda Item H, Reports: First Quarter 2015 Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Pro Tem Gilmore reviewed Agenda Item I-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:35 p.m. on Monday, April 6, 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 Pro Tem Gilmore at 7:00 p.m. on Monday, April 6, 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 Pro Tem Gilmore, Deputy Mayor Pro Tem Ferguson gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Pro Tem Gilmore, Councilman Vaughn gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Month of April,
2015, as “Marcus High School Marching
Band Month”**

(Agenda Item C-1)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the month of April 2015, as “Marcus High School Marching Band Month” to the following representatives: Chase Howard, Hannah Hudden, Amanda Elmendont, Nick Kohn, and Besnik Abrashi.

**Proclamation: Declaring the Month of April,
2015, as “Keep Lewisville Beautiful Month”**

(Agenda Item C-2)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the month of April 2015, as “Keep Lewisville Beautiful Month” to Amy Wells with Keep Lewisville Beautiful.

**Proclamation: Declaring the Week of April
12-18, 2015, as “National Library Week”**

(Agenda Item C-3)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the week of April 12-18, 2015, as “National Library Week” to Library Director Ann Wiegand.

**Proclamation: Declaring the Week of April
12-18, 2015, as “National Public Safety
Telecommunicators Week”**

(Agenda Item C-4)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the week of April 12-18, 2015, as “National Public Safety Telecommunicators Week” Police Department Communications Supervisor Angela Sherrod.

**Proclamation: Declaring the Week of April
13-18, 2015, as “National Volunteer Week”**

(Agenda Item C-5)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the week of April 13-18, 2015, as “National Volunteer Week” to volunteer representatives.

**Proclamation: Declaring April 15, 2015, as
“Stick a Fork in Cancer Day” and
May 15, 2015, as “Relay for Life
Lewisville/Flower Mound Day”**

(Agenda Item C-6)

Mayor Pro Tem Gilmore read and presented a proclamation declaring April 15, 2015, as “Stick a Fork in Cancer Day” and May 15, 2015, as “Relay for Life Lewisville/Flower Mound Day” Kathy Locke and Kristen Tinsley with American Red Cross.

Proclamation: Declaring the Week of April 19-25, 2015, as “Crime Victims’ Rights Week”

(Agenda Item C-7)

Mayor Pro Tem Gilmore read and presented a proclamation declaring the week of April 19-25, 2015, as “Crime Victims’ Rights Week” Police Department CID Detective Scott Austin.

Presentation: Life Saving Award to Officers Steven Schaffer and Jacque Moore

(Agenda Item D-1)

Police Chief Russ Kerbow along with Mayor Pro Tem Gilmore, read and presented a Life Saving Award to Officer Steven Schaffer and Jacque Moore.

Presentation: Presentation of a Corporate Arts Award Plaque to the City of Lewisville by Texas Nonprofit Theatres, Inc., in Recognition of the City's Sponsorship of AACTFest 2015, Presented by Linda Lee, Executive Director of Texas Nonprofit Theatres, Inc.

(Agenda Item D-2)

Linda Lee, Executive Director of Texas Nonprofit Theatres, Inc., presented a Corporate Arts Award Plaque to the City of Lewisville.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

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 all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the March 16, 2015, Workshop Session and Regular Session.
2. Approval of a Professional Services Agreement With Binkley & Barfield – C & P, Inc., in the Amount of \$53,070 for Design and Engineering Services Related to the Midway Branch 12-Inch Water Line Project, and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item F)

3. Approval of a Professional Services Agreement in the Amount of \$77,272, With HDR Engineering, Inc. for Engineering Services to Update the Distribution System H2ONET Model for Advanced Water Quality Modeling.
4. Approval of a Professional Services Agreement in the Amount of \$74,623, With Perkins Engineering Consultants, Inc. for Engineering Services Related to Collection System Odor Evaluation.
5. Approval of a Resolution No. 4171-04-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Adopting Guidelines to be Used in the Implementation of Clean Fleet Policy.
6. Approval of a Professional Services Agreement in the Amount of \$60,000, With Freese and Nichols, Inc. for Engineering Services for Wastewater Treatment Plant Capacity Evaluation.
7. Approval of a License Agreement Between the City of Lewisville and Specified Properties LVIII LP for Contractor Parking on East Hill Park Road, as Related to the Construction of the Rose Hill Multifamily Development; and Authorization for the City Manager or Her Designee to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Driveway Width and Driveway Spacing at Fire Station No. 6 Located at the 2120 Midway Road, as Requested by Robert Pretus, P.E., Jaster-Quintanilla Dallas, LLP, on Behalf of the City of Lewisville

(Agenda Item G-8)

The subject site is a 1.62-acre lot zoned Public Use (PU) within Fire Station 6 Addition. The City of Lewisville is proposing a building addition to the existing Fire Station No. 6. Staff has reviewed and approved the Engineering Site Plan subject to the City Council approval of the following variances: a) to allow a driveway width greater than 35 feet; and b) to allow the driveway spacing to be less than 75 feet. Funding for the renovation of Fire Station 6 was approved in the FY 13-14 and 14-15 budgets. The bid award for construction was approved by City Council on March 16, 2015.

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Ferguson and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variances to the Lewisville City Code Section 6-103 (Access Management) Regarding Driveway Width and Driveway Spacing at Fire Station No. 6, located at the 2120 Midway Road: a) to allow a driveway width greater than 35 feet; and b) to allow the driveway spacing to be less than 75 feet, as requested by Robert Pretus, P.E., Jaster-Quintanilla Dallas, LLP, on behalf of the City of Lewisville. The motion carried.

Consideration of a Final Plat of Studio 13 Addition, Lot 1 , Block A, a 0.231-Acre Parcel Zoned Old Town Mixed Use Two (OTMU2) Located Near the Southeast Corner of Main Street and Cowan Avenue With a Requested Variance to the City Code, Requested by the Property Owner, Leonard Reeves of Studio 13, LLC

(Agenda Item G-9)

The purpose of the plat is to create a lot of record. On March 16, 2015 the City Council approved rezoning the property from Local Commercial (LC) to Old Town Mixed Use 2 (OTMU2). The existing building on the property is being remodeled as an office for Studio 13 Design Group. In conjunction with the plat, the applicant has applied for a variance to waive the required right-of-way dedication on Main Street. The Planning and Zoning Commission voted 5-0 to recommend approval of the final plat and requested right-of-way variance.

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

Jeff Kelly P.E. Assistant City Engineer and Leonard W Reeves, 4410 Tree House Lane, Corinth, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve a Final Plat of Studio 13 Addition, Lot 1 , Block A, a 0.231-acre parcel zoned Old Town Mixed Use Two (OTMU2) located near the southeast corner of Main Street and Cowan Avenue with a requested variance to the City Code to waive the required right-of-way dedication on Main Street, as requested by the property owner, Leonard Reeves of Studio 13, LLC. The motion carried.

Consideration of Ordinance No. 4171-04-2015 Amending the Lewisville City Code, Chapter 11, Signs, by Adding Regulations Related to Ball Field Fencing Signs

(Agenda Item G-10)

Staff has identified the need for ordinance changes to address ball field fencing signs. Staff is requesting that ball field fencing signage be allowed without a permit as long as certain criteria are met as outlined in the ordinance. The current sign ordinance prohibits this type of signage, thus the reason for the proposed change.

Consideration of Ordinance No. 4171-04-2015 Amending the Lewisville City Code, Chapter 11, Signs, by Adding Regulations Related to Ball Field Fencing Signs (cont'd)

(Agenda Item G-10)

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

Cleve Joiner, Director of Neighborhood Services was present to respond to any questions posed by the City Council.

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, Amending Chapter 11, Signs, of The Lewisville City Code, by Adding Regulations Related to Ball Field Fencing Signs; 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 Tierney and seconded by Councilman Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4171-04-2015**, as captioned previously. The motion carried.

Reports

(Agenda Item H)

- First Quarter 2015 Boards/Commissions/Committees Attendance Reports
- Director of Public Services Carole Bassinger gave an update on Lake Lewisville and advised that it was officially only 4 feet low with only 29.33 percent depletion rate, which was the best it has been in 18 months. She stated that the lake was now rated as a Low Rainfall Area and no longer a Drought Area. She encouraged everyone to keep conserving and reminding them that May 1st started the official conservation period.
- Councilman Durham reminded everyone that we are in the pollen season.
- Deputy Mayor Pro Tem Ferguson gave a briefing on the upcoming events at the MCL Grand.
- Mayor Pro Tem Gilmore thanked the officer for his attendance.
- Mayor Pro Tem Gilmore advised that Lewisville Senior Activity Health Fair was Friday, April 10th at Memorial Park.

There were no additional reports at this time.

Mayor Pro Tem Gilmore adjourned the regular session of the Lewisville City Council into Closed Session at 7:49 p.m. Monday, April 6, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:49 p.m. on Monday, April 6, 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 551.071 (Consultation with Attorney/Pending Litigation):

2. *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B

Section 551.072 (Real Estate)

3. Property Acquisition

Section 551.087 (Economic Development):

4. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 7:56 p.m. on Monday, April 6, 2015.

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

(Agenda Item J)

Mayor Pro Tem Gilmore reconvened the Regular Session of the Lewisville City Council at 7:56 p.m. on Monday, April 6, 2015, in the Council Chambers of the Lewisville City Hall.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session (cont'd)**

(Agenda Item J)

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

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to direct the City Attorney and special counsel, including but not limited to Blackburn and Carter, to take all steps necessary to oppose Municipal Solid Waste Permit Amendment, Proposed Permit No. 1312B, including, but not limited to, submitting comments and requesting a contested case hearing as an “affected person” on this amendment, which, as proposed, would allow the City of Farmers Branch to vertically and horizontally expand the Camelot Landfill. The motion carried.

There was no additional action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:58 p.m. on Monday, April 6, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of April, 2015.

APPROVED

Dean Ueckert
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY