

A G E N D A

LEWISVILLE CITY COUNCIL MEETING SEPTMEBER 14, 2015

**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

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:**
Deputy Mayor Pro Tem Tierney
- C. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance Granting an Amended Special Use Permit for a Drive-In Theater on a 34.529-Acre Tract of Land out of the S.M. Hayden Survey, Abstract No. 537; Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road, as Requested by Coyote Theater, LLC (Case No. SUP-2015-08-08).

ADMINISTRATIVE COMMENTS:

A Special Use Permit (SUP) for a proposed five-screen drive-in theater was approved in January 2015. The purpose of the proposed SUP amendment is to add a sixth screen to the site and to relocate the main entry drive into the drive-in theater. All other aspects of the proposal remain as originally presented. The Planning and Zoning Commission recommended unanimous approval of the amended SUP by a vote of 6-0 at their meeting on August 18, 2015.

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RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Glenn Solomon, Coyote Theater, LLC

2. **Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Repealing and Replacing the Chapter in its Entirety; Altering Definitions; Modifying, Deleting and Adding Uses Within Zoning Districts; Replacing the Planned Unit Development (PUD) District with a New Planned Development (PD) District; Replacing the Mixed Use Thirty District (MU-30) With a New Mixed Use District (MU); and Revising Regulations Within the Various Mixed Use Districts.**

ADMINISTRATIVE COMMENTS:

Over the years, amendments to the Zoning Ordinance have been adopted from time to time to respond to changes in the community and to provide more effective requirements and efficient processes. The proposed amendments will improve the development standards and provide needed changes that will greatly enhance our delivery of service to the development community and our citizens. The Planning and Zoning Commission recommended unanimous approval of the proposed amendments by a vote of 7-0 at their meeting on September 1, 2015.

RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

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- 3. Public Hearing: Consideration of the Proposed FY 2015-2016 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2015-16 budget, property tax revenue increase, and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2015-16 property tax rate is .436086, equal to the current .436086 tax rate. The proposed budget includes changes made by City Council at the budget workshop held on August 1st. The first public hearing was held on August 17th. Tonight's public hearing will be the second, and final, public hearing to be held. An agenda item to adopt the budget, property tax revenue increase, and property tax rate will be on the September 21, 2015 City Council meeting at 7:00 p.m. in the Council Chambers.

RECOMMENDATION:

That the City Council conduct the public hearing.

- D. **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.
- E. **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.

4. APPROVAL OF MINUTES:

- a. **City Council Minutes of the August 3, 2015, Workshop Session and Regular Session; and**
- b. **City Council Minutes of the August 17, 2015, Workshop Session and Regular Session.**

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- 5. Approval of Waiving the Penalty and Interest on Property Tax Account 652742DEN for 2014.**

ADMINISTRATIVE COMMENTS:

This account is one of a number of tax delinquencies recently discovered to have been placed in an “Exempt” status under the name of “TxDOT”. They involved a condemnation process whereby the Texas Department of Transportation acquired property from taxpayers in the year 2014 that is at issue here for unpaid taxes. Timely notice was not provided to the taxpayers of taxes owed for the portion of the year the property was owned by the taxpayers. Upon recent notification by Sawko & Burroughs, the City’s delinquent tax collector, that this 2014 tax was unpaid, the taxpayer timely paid same under protest, together with accrued penalty and interest, and filed this request for waiver and refund of the penalty and interest paid. It is the opinion of Sawko & Burroughs, based on the information provided, the circumstances in this case satisfy the waiver provision in state law. Waiver for this taxpayer totals \$422.84.

RECOMMENDATION:

That the City Council approve the waiver of the penalty and interest on the property tax account 652742DEN for 2014.

- 6. Approval of an Economic Development Agreement Between the City of Lewisville and Witherspoon Distillery; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Witherspoon Distillery is renovating and re-occupying a 15,300 SF space at 225 South Charles Street. The company is renovating an existing building with a projected investment of \$907,000. The proposed agreement provides for a Start-Up Grant where the City will reimburse Witherspoon Distillery for certain actual expenses not to exceed \$95,859.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above.

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- 7. Approval of Bid Awards for Annual Requirements Contracts for Hot-Mix Asphalt to Reynolds Asphalt Construction Company, Euless, Texas (Primary Vendor) and Austin Asphalt LP, Irving, Texas (Secondary Vendor).**

ADMINISTRATIVE COMMENTS:

A total of eight (8) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened on August 13, 2015. Specifications stated a primary vendor and a secondary vendor would be selected based upon the unit price of hot-mix asphalt quoted coupled with the internal cost of the City to acquire the material. This material is used by the Street Division in making routine street repairs throughout the City. The terms of the contracts will be twelve months with options to extend for up to two (2) additional twelve month periods. The estimated annual expenditure is \$60,000 with funding available from the Public Services departmental budget.

RECOMMENDATION:

That the City Council approve the bid awards as set forth in the caption above.

- 8. Approval of Bid Award for Civic Circle / Bennett Lane Water Line Replacement and Main Street Wastewater Line Replacement Project to SYB Construction Company, Inc., Irving, Texas, in the Amount of \$1,906,478.70; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-seven (27) bid invitations were downloaded from Bidsync.com. Six (6) bids were received and opened August 13, 2015. The project consists of replacement of 8-inch water line on Civic Circle, 12-inch water line on Bennett Lane and a 15-inch sanitary sewer crossing DART right-of-way on Main Street. Funds are available in Capital Improvement Projects.

RECOMMENDATION:

That the City Council approve the bid award as set forth in the caption above.

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F. REGULAR HEARINGS:

- 9. Consideration of a Preliminary Plat of Castle Hills Phase 9 Section A Containing 177 Residential Lots and 15 Common Area Lots, Located on 34.367 Acres, Designated Estate Townhouse (ETH) With Two Associated Variances; Located on the Northeast Corner of Standridge Drive and Hebron Parkway, as Requested by LandDesign Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The 1996 Bright Farms Agreement was amended to add the subject property into the ETJ by City Council on April 20, 2015. The subject property is being platted for the purpose of constructing a single-family residential development. The preliminary plat has two variances associated with its development: a) allow 41-foot street rights-of-way with 6-foot sidewalk and utility easements in lieu of the required 50 foot rights-of-way; and b) waive the alley requirement. The Planning and Zoning Commission recommended approval of the preliminary plat and all variances at their August 18, 2015, meeting (6-0).

RECOMMENDATION:

That the City Council approve the preliminary plat and the variances as set forth in the caption above.

PRESENTATION: Jeff Kelly, P.E., Assistant City Engineer

- 10. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase A, Section 1, a 5.748 Acre Tract Zoned PUD2 (Ordinance No. 4128-10-2014), Containing 60 Residential Lots and Two HOA Lots; Located in the Southwest Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

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ADMINISTRATIVE COMMENTS:

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase A, Section 1 includes 60 lots covering 5.748 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

RECOMMENDATION:

That the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

- 11. Consideration of a Final Plat, Development Plan and Project Plan for Windhaven Crossing Addition, Phase B, Section 1, an 8.408 Acre Tract Zoned PUD (Ordinance No. 4128-10-2014), Containing 90 Residential Lots and Eight HOA Lots; Located in the Southeast Corner of State Highway 121 and the Atchison, Topeka and Santa Fe Railroad, as Requested by Texas Development Services on Behalf of CADG Windhaven LLC, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The proposed Windhaven Crossing Addition consists of 372 single family attached lots on 34.916 acres zoned Planned Unit Development (PUD). The PUD regulations of the Zoning Ordinance require City Council approval of the final plat together with the Development Plan and Project Plan to complete the PUD zoning process. The final plat for Windhaven Crossing, Phase B, Section 1 includes 90 lots covering 8.408 acres. The final plat, development plan and project plan demonstrate full compliance with the associated PUD regulations. The Planning and Zoning Commission recommended unanimous approval of the final plat, development plan and project plan by a vote of 7-0 at their meeting on September 1, 2015.

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RECOMMENDATION:

That the City Council approve the Final Plat, Development Plan and Project Plan as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

- 12. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Special Event Fees for National Night Out Events on Tuesday, October 6, 2015.**

ADMINISTRATIVE COMMENTS:

Texas will observe National Night Out on October 6, 2015. The Police Department anticipates no more than 12 neighborhoods will hold a National Night Out event. Normal fees associated with a block party, such as a National Night Out event, are an administrative fee of \$15.50, a road closure fee of \$80 for two roadways and \$10 for each additional roadway closed. To encourage groups to hold a National Night Out event, the Police Department recommends that City Council waive these fees. The Police Department estimates that the waived fees could total \$1,146.

RECOMMENDATION:

That the City Council approve the variance as set forth in the caption above.

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): Legal Issues Related to the Construction of the Old Town Park Plaza

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2. Section 551.071 (Consultation with Attorney/Pending Litigation): *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
 3. Section 551.072 (Real Estate): Property Acquisition
 4. Section 551.074 (Personnel): Annual Staff Reviews:
 - (1) City Manager Donna Barron
 - (2) City Secretary Julie Heinze
 - (3) City Attorney Lizbeth Plaster
 - (4) Chief Municipal Court Judge Brian Holman
 - (5) Alternate Municipal Court Judges
 5. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **ADJOURNMENT**

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