

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 25, 2016

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem
Greg Tierney, Deputy Mayor Pro Tem
Leroy Vaughn
TJ Gilmore
Brent Daniels

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 Durham at 6:28 p.m. on Monday, January 25, 2016, 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 Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item C, Proclamations: 1) Declaring the Month of January, 2016, as “Lewisville’s 91st Birthday Celebration”; and 2) Declaring the Month of January, 2016 as “School Board Recognition Month”. 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 Durham reviewed Agenda Item D, Presentations: 1) Presentation of Poem Celebrating Lewisville's 91st Birthday as Composed by Lewisville Poet Laureate J. Paul Holcomb; and 2) United Way of Denton County presents Community Spirit Award to The City of Lewisville. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E, Public Hearing: Consideration of an Ordinance Approving a Zone Change Request From Local Commercial District (LC) to Medical District (MD) on a 14.31-Acre Tract of Land out of the Jesse Watkins Survey, Abstract No. 1327, Located at the Southwest Corner of Ace Lane and FM 3040, as Requested by Mark Bouldin of Senior Care Living VI, LLC, on Behalf of Hawkeye Realty West Lewisville, L.P., the Property Owner (Case No. PZ-2015-12-21). There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item G-1, Approval of City Council Minutes of the January 4, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-2, Approval of a Bid Award for an Annual Requirements Contract for Asphalt Rehab Projects to Reynolds Asphalt and Construction Company, Euless, Texas, in the Estimated Amount of \$443,482. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-3, Acceptance of Property Located on a Portion of 1002 Lakeland Drive; Further Identified as a Portion of Lot 15, Block F, Lakeland Terrace 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed From Rhonda Blackall, Linda Scheer and Frank Scheer. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-4, Acceptance of Property Located on a Portion of 696 South Stemmons Freeway; Further Identified as a Portion of Lot 23, Block 3, James Degan Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed From Bobby Joe Moseley and Betty Moseley. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-5, Approval of the Dates for the 2016 City Council Retreat. Discussion was held that the meeting would be starting at 9 a.m. 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 Durham reviewed Agenda Item G-6, Approval of an Access Easement to Connell Development Company Across City Property for the Purpose of Constructing and Maintaining an Access Drive From Bennett Lane to 591 Bennett Lane; and Authorization for the Mayor to Execute the Access Easement. At the questioning of Councilman Vaughn, City Manager Donna Barron explained that as the property does not abut a roadway this would provide an access easement for the requestor. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-7, Consideration of a Variance to the Lewisville City Code, Section 6-144, Regarding Screening Walls Between Commercial and Residential Uses, for the Denton County Precinct 3 Government Center and the Remington Apartments, Located at the Northwest Corner of Civic Circle and Valley Parkway, as Requested by the Denton County Department of Public Works, on Behalf of Denton County, the Property Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-8, Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting a Franchise to Oncor Electric Delivery Company LLC; and Providing an Effective Date. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-9, Provide Direction to City Staff Regarding a Potential Date for a Charter Amendment Election. City Manager Donna Barron advised that this had been reviewed by the City Council during the summer of 2015; however, the direction the City Council wished to proceed was not clear. Discussion was held regarding concerns of conducting three elections at one time and the difficulty in educating the public on both the Crime and Fire Sales Tax elections and a City Charter Amendment election. Further discussion was held that due to no definite timeline regarding the annexation of Castle Hills, combined with the limitation of only holding a Charter Amendment every two years, calling an election for May 2016 could be problematic to allow voters to determine any City Council recommended changes to the Charter due to the annexation. The consensus of the City Council was not to hold an election in May 2016; however, for City staff to bring back a potential Charter Amendment election to be considered in January 2017.

Mayor Durham reviewed Agenda Item I, Reports: Fourth Quarter 2015 Boards/Commissions/Committees Attendance Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item J-Closed Session. 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)

City Manager Donna Barron introduced Claire Swann as the new Assistant City Manager. City Attorney Lizbeth Plaster introduced the new Assistant City Attorney Lauren Crawford.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:39 p.m. on Monday, January 25, 2016.

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 Durham at 7:00 p.m. on Monday, January 25, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Durham, Councilman Daniels gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Deputy Mayor Pro Tem Tierney gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Month of
January, 2016, as “Lewisville’s 91st
Birthday Celebration”**

(Agenda Item C-1)

Mayor Durham read a proclamation declaring the month of January, 2016 as “Lewisville’s 91st Birthday Celebration.”

**Proclamation: Declaring the Month of
January, 2016 as “School Board
Recognition Month”**

(Agenda Item C-2)

Mayor Durham read and presented proclamation declaring the month of January, 2016 as “School Board Recognition Month’ to School Board Trustee’s Trisha Sheffield, Brenda Latham, Angie Cox, and Kristi Hassett.

**Presentation: Presentation of Poem
Celebrating Lewisville's 91st Birthday as
Composed by Lewisville Poet Laureate J.
Paul Holcomb**

(Agenda Item D-1)

Poet Laureate J. Paul Holcomb read and presented the following poem celebrating Lewisville's 91st Birthday:

Lewisville Rocks

Our city grows, expands, sets a fast pace
while still maintaining a years ago charm.
Lewisville rocks. It's a happenin' place.

Wayne Ferguson Plaza affords a fresh face,
yet Old Town retains the feel of the farm.
Our city grows, expands, sets a fast pace.

MCL Grand provides a secure base
as sold-out concerts constitute the norm.
Lewisville rocks. It's a happenin' place.

While LLELA plans its Nature Center space,
brand-new restaurants continue to form.
Our city grows, expands, sets a fast pace.

The Coyote Drive In will make a case
for outside movies, a new-old reform.
Lewisville rocks. It's a happenin' place.

Lewisville carries its changes with grace.
Population, innovation hit like a storm.
Our city grows, expands, sets a fast pace.
Lewisville rocks. It's a happenin' place.

J. Paul Holcomb
Lewisville Poet Laureate, 2014-2016

**Presentation: United Way of Denton County
presents Community Spirit Award to The
City of Lewisville**

(Agenda Item D-2)

Sheri Dragoo, 2916 Dumas Court, Flower Mound, Texas along with Carol Kryer presented the United Way Community Spirit Award to The City of Lewisville.

**Public Hearing: Consideration of Ordinance
No. 4241-01-2016 (Z) Approving a Zone
Change Request From Local Commercial
District (LC) to Medical District (MD) on a
14.31-Acre Tract of Land out of the Jesse
Watkins Survey, Abstract No. 1327, Located
at the Southwest Corner of Ace Lane and
FM 3040, as Requested by Mark Bouldin of
Senior Care Living VI, LLC, on Behalf of
Hawkeye Realty West Lewisville, L.P., the
Property Owner (Case No. PZ-2015-12-21)**

(Agenda Item E)

The subject request is for a proposed memory care facility and an assisted-living facility with approximately 110 units along with an additional independent living facility in a future phase. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 7-0 at their meeting on December 15, 2015.

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

Mayor Durham opened the public hearing.

Richard E. Luedke, Planning Manager and Cliff Davis, Senior Care Living VI, LLC., were both present to respond to any questions posed by the City Council.

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

Public Hearing: Consideration of Ordinance No. 4241-01-2016 (Z) Approving a Zone Change Request From Local Commercial District (LC) to Medical District (MD) on a 14.31-Acre Tract of Land out of the Jesse Watkins Survey, Abstract No. 1327, Located at the Southwest Corner of Ace Lane and FM 3040, as Requested by Mark Bouldin of Senior Care Living VI, LLC, on Behalf of Hawkeye Realty West Lewisville, L.P., the Property Owner (Case No. PZ-2015-12-21) (cont'd)

(Agenda Item E)

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 the Zoning Ordinance of the City of Lewisville, Texas by Rezoning an Approximately 14.31-Acre Tract of Land Out of the Jesse Watkins Survey, Abstract No.1327; Located at the Southwest Corner of Ace Lane and FM 3040; From Local Commercial District (LC) Zoning to Medical District (MD) 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 This Zoning Change and Amendment Therein Made; Providing A Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4241-01-2016 (Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

Kristi Hassett, 3500 Beringer Ct, Flower Mound, Texas, along with Brenda Latham, spoke before the City Council requesting support for a bill that the Lewisville Independent School District (LISD) has created regarding “Transparency in Legislation Act.” Ms. Hassett submitted handouts to Mayor Durham regarding the bill and requested that the City Council considering partnering with LISD to get support of this bill and move it forward.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, 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 January 4, 2016, Workshop Session and Regular Session.
1. Approval of a Bid Award for an Annual Requirements Contract for Asphalt Rehab Projects to Reynolds Asphalt and Construction Company, Euless, Texas, in the Estimated Amount of \$443,482.
2. Acceptance of Property Located on a Portion of 1002 Lakeland Drive; Further Identified as a Portion of Lot 15, Block F, Lakeland Terrace 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed From Rhonda Blackall, Linda Scheer and Frank Scheer.
4. Acceptance of Property Located on a Portion of 696 South Stemmons Freeway; Further Identified as a Portion of Lot 23, Block 3, James Degan Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed From Bobby Joe Moseley and Betty Moseley.
5. Approval of the Dates for the 2016 City Council Retreat.
6. Approval of an Access Easement to Connell Development Company Across City Property for the Purpose of Constructing and Maintaining an Access Drive From Bennett Lane to 591 Bennett Lane; and Authorization for the Mayor to Execute the Access Easement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Section 6-144, Regarding Screening Walls Between Commercial and Residential Uses, for the Denton County Precinct 3 Government Center and the Remington Apartments, Located at the Northwest Corner of Civic Circle and Valley Parkway, as Requested by the Denton County Department of Public Works, on Behalf of Denton County, the Property Owner

(Agenda Item H-7)

Denton County Precinct 3 is constructing a new government building at the northwest corner of Civic Circle and Valley Parkway. The County is requesting a variance to allow a metal ornamental fence with irrigated landscaping in lieu of the required masonry screening wall along the northwest corner of the site and the north-south boundary of the adjacent dry cleaners and apartments north of the site. The request is due to the location of a sanitary sewer line and storm water line and concerns over City maintenance of the lines.

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

Richard E. Luedke, Planning Manager was available to address any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variance to the Lewisville City Code, Section 6-144, Regarding Screening Walls Between Commercial and Residential Uses, for the Denton County Precinct 3 Government Center and the Remington Apartments, located at the northwest corner of Civic Circle and Valley Parkway to allow a metal ornamental fence with irrigated landscaping in lieu of the required masonry screening wall along the northwest corner of the site and the north-south boundary of the adjacent dry cleaners and apartments north of the site, as requested by the Denton County Department of Public Works, on behalf of Denton County, the property owner. The motion carried.

Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting a Franchise to Oncor Electric Delivery Company LLC; and Providing an Effective Date

(Agenda Item H-8)

On June 20, 2011, Council approved an ordinance for the Oncor Electric Delivery Company LLC (Oncor) franchise, which will expire on March 31, 2016. Staff is requesting an extension of the current franchise ordinance, which allows the continuation of the terms and conditions of Ordinance No. 3871-06-2011 until March 31, 2021. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between. The second reading will be March 7, 2016.

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

Holly Raeder, 3100 South Garrison, Corinth, Texas, representing Oncor was present to address 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 Ordinance No. 3871-06-2011, Which Grants a Franchise to Oncor Electric Delivery Company LLC, by Extending the Term and Providing for its Renewal; Further Providing That This Ordinance is Cumulative; Finding and Determining That the Meeting at Which This Ordinance is Adopted is Open to the Public as Required by Law; Providing an Effective Date; and Providing for Acceptance by Oncor Electric Delivery Company LLC.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to approve an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting a Franchise to Oncor Electric Delivery Company LLC; and Providing an Effective Date, as captioned previously. The motion carried.

**Provide Direction to City Staff Regarding a
Potential Date for a Charter Amendment
Election**

(Agenda Item H-9)

City Council received the 2015 Charter Review Commissions' final recommendations at the July 20, 2015, City Council meeting. Discussion was held regarding potential election dates including the possibility of a May election, but no definitive direction was given. At that time, the continuation elections for the Fire Control, Prevention and Emergency Medical Service District and Crime Control and Prevention District had not been called for May 2016. Staff does not recommend that the City Council call a May 2016 City Charter Amendment Election and is seeking direction regarding potential dates for a Charter Amendment Election.

The City staff's recommendation was that the City Council provide direction to City staff regarding potential date for a Charter Amendment Election.

MOTION: Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) "ayes" and no (0) "nays" to direct City staff to bring back an item in January 2017 for the City Council to consider setting a date for a future Charter Amendment Election. The motion carried.

Reports

(Agenda Item I)

- Fourth Quarter 2015 Boards/Commissions/Committees Attendance Reports
- Director of Public Services Keith Marvin advised that the Lewisville Lake was currently at 527.31, which was below the spillway but above conservation.
- Councilman Gilmore advised of the new session of the Citizen's Fire Academy beginning on March 8th and encouraged anyone interested to check out the City's website for additional information.
- Mayor Pro Tem Ferguson advised of the upcoming events at the MCL Grand Theatre.
- Mayor Durham thanked the Police Officers for their presence.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:27 p.m. Monday, January 25, 2016, 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 7:27 p.m. on Monday, January 25, 2016, 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 Negotiations

The Closed Session was adjourned at 7:47 p.m. on Monday, January 25, 2016.

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

(Agenda Item K)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:47 p.m. on Monday, January 25, 2016, in the Council Chambers of the Lewisville City Hall.

Mayor Durham 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 Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:47 p.m. on Monday, January 25, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 1st day of February, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY