

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JUNE 6, 2016

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore, Mayor Pro Tem
Leroy Vaughn, Deputy Mayor Pro Tem
R Neil Ferguson
Brent Daniels
Brandon Jones

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
Lauren Crawford, Assistant City Attorney

WORKSHOP SESSION – 6:00 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 6:00 p.m. on Monday, June 6, 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 Flood Mitigation Assistance Grant

(Agenda Item A)

At the request of City Manager Donna Barron, Emergency Management Coordinator Joshua Roberts conducted the attached PowerPoint Presentation for City Council.

City Manager Donna Barron advised that there was an item on the Agenda for consideration of City Council approval on this topic. She further advised that she had not asked for a supplemental appropriation at this time until the funding details had been worked through regarding the local match; however, it would be brought back at a later date for consideration.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

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, Public Hearing: Consideration of an Ordinance Granting a Zone Change Request from General Business District (GB) to Planned Development-Townhouse Two District (PD-TH2) and Five Associated Variances on an Approximately 10.055-Acre Tract of Land out of the G.W. Hagler Survey, Abstract No. 572, Located on the Northeast Corner of Business SH 121 and Forestbrook Drive, as Requested by G&A Consultants, Inc. on Behalf of Heatley Properties Inc., the Property Owner (Case No. PZ-2016-05-13). Discussion was held that the streets would be concrete and any expenses associated with repair due to utilities under this street would be at the cost of the HOA. There was no further discussion on this item.

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

Mayor Durham reviewed Agenda Item E, Closed Session: In Accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate): Discussion of Property Acquisition. There was no discussion on this item. Mayor Durham advised that per City staff, this closed session was no longer needed. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-1, Approval of City Council Minutes of the May 16, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-2, Approval of a Public Road Crossing License Agreement Between the Denton County Transportation Authority and the City of Lewisville for Jones Street; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-3, Approval of the City of Lewisville to Enter Into the FY 2015 Flood Mitigation Assistance Grant Award Contract; and Authorization for the City Manager to Execute the Necessary Documents. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item G-4, Approval of an Amendment to the Interlocal Cooperation Agreement for the Operation and Maintenance of Traffic Signals Between the Texas Department of Transportation and the City of Lewisville to Add the Maintenance of the Traffic Signals on FM 423 at Lake Highlands Drive and at Lone Star Ranch Parkway in the City of The Colony; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-5, Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2016; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. At the request of City Manager Donna Barron, Jason Hughes with First Southwest (A Division of Hilltop Securities) submitted and reviewed the information regarding the General Obligation Refunding & Improvement Bonds sale that had been held. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-6, Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, Tax Notes, Series 2016; Levying a Tax in Payment Thereof; Approving the Sale Thereof; Authorizing the Execution and Delivery of a Purchase Agreement, Approving a Paying Agent/Registrar Agreement; Prescribing the Form of Said Notes; Approving the Official Statement and Enacting Other Provisions Relating to the Subject. At the request of City Manager Donna Barron, Jason Hughes with First Southwest (A Division of Hilltop Securities) submitted and reviewed the information regarding the Tax Notes sale that had been held. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-7, Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. At the request of City Manager Donna Barron, Jason Hughes with First Southwest (A Division of Hilltop Securities) submitted and reviewed the information regarding the Water and Sewer Revenue Refunding & Improvement Bonds sale that had been held. There was no further discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item H-8, Consideration of the Preliminary Plat of Castle Hills - Realm West, Lots 1-17, 18X, 19-22, 23X, 24-32, and 33X, Block A; Lots 1X, 2-10, 11X, 12-23, Block B; Lots 1-9 and 10X, Block C; Lots 1-12, Block D, Designated Estate Townhouse (ETH) and Lots 1 and 2, Block E, Designated General Business Two (GB2); Located on 18.09-Acres of Land on the South Side of SH 121, Between Castle Hills Drive and Essex Boulevard; With Four Associated Variances; as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner. City Manager Donna Barron advised that Eric Stanley, President and COO with Bright Realty was present to address any questions posed by the City Council.

Mayor Durham reviewed Agenda Item H-9, Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses Regarding Three Temporary Buildings for Classroom Use to be Located at 1301 Waters Ridge Dr, as Requested by William Chandler on Behalf of Responsive Education Solutions, the Property Owner. Discussion was held regarding the number of private schools that were currently located within the City of Lewisville. Further discussion was held that this had been done for private schools, that LISD had a standing agreement to allow this type of structure, and that it had been done for private businesses. City Manager Donna Barron pointed out that City staff had always been very careful to recommend a set a time limit for these structures when bringing these items before City Council for consideration. She verified that City staff does monitor these closely as they reach their deadlines for removal. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-10, Second and Final Reading: Consideration of an Ordinance Amending the Franchise Ordinance for the Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables; Apartment Recycling; and, Containerized Commercial Solid Waste With Waste Management of Texas, Inc. by Deleting Attachments C & D and Replacing With New Attachments. Mayor Pro Tem Gilmore advised that he would be abstaining from this item as he was employed by Waste Management of Texas, Inc. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-11, Consideration of an Ordinance Repealing Section 8-5 of the Lewisville City Code Concerning E-Cigarette Regulations. There was no discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item H-12, Consideration of an Ordinance Amending Sections 3-156 and 3-159 of the Lewisville City Code Regarding Regulations for Keeping of Domestic Chickens in the City. Councilman Daniels advised that he felt this allowed more residents to be able to have domestic chickens. Mayor Pro Tem Gilmore stated that he still did not understand the fence within a fence; however, he supported this change. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-13, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 4, by Adopting the National Electric Code 2014 Edition With Local Amendments and Standards. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-14, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. Discussion was held that Mayor Durham would have City Secretary Heinze read the teams and their particular assigned board/commission/committee. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item I, Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item J-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:40 p.m. on Monday, June 6, 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, June 6, 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, Deputy Mayor Pro Tem Vaughn gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Councilman Jones gave the pledge to the American and Texas flags.

Public Hearing: Consideration of Ordinance No. 4279-06-2016 (Z) Granting a Zone Change Request from General Business District (GB) to Planned Development-Townhouse Two District (PD-TH2) and Five Associated Variances on an Approximately 10.055-Acre Tract of Land out of the G.W. Hagler Survey, Abstract No. 572, Located on the Northeast Corner of Business SH 121 and Forestbrook Drive, as Requested by G&A Consultants, Inc. on Behalf of Heatley Properties Inc., the Property Owner (Case No. PZ-2016-05-13)

(Agenda Item C)

The purpose of the Planned Development (PD) zoning district is to accommodate innovative design concepts and provide flexibility in order to achieve a more desirable development. The subject site is an infill property along Business SH 121 impacted by a natural drainage system and limited access. The proposal offers 111 single family attached lots with increased amenities to its residents, additional open space and an increased level of landscaping in a gated community setting. The PD identifies the following five variances: a) to allow a private gated community with private streets to be maintained by the HOA; b) to allow alternate fencing in lieu of the required fencing material required by the Land Development Regulations and that all fencing be maintained by the HOA; c) to waive the alley requirement and allow front-entry; d) to allow radial lot lines for two attached units, and e) to allow a minimum 32.5-foot lot width with a 6.5-foot control of access for corner lots at intersections in lieu of the required minimum 40-foot lot width with a 20-ft control of access for corner lots at intersections. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of May 3, 2016.

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

Nika Reinecke, Director of Economic Development and Planning along with Randi Rivera, G&A Consultants, Inc., 111 Hillside Drive, Lewisville, Texas, were both present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 4279-06-2016 (Z) Granting a Zone Change Request from General Business District (GB) to Planned Development-Townhouse Two District (PD-TH2) and Five Associated Variances on an Approximately 10.055-Acre Tract of Land out of the G.W. Hagler Survey, Abstract No. 572, Located on the Northeast Corner of Business SH 121 and Forestbrook Drive, as Requested by G&A Consultants, Inc. on Behalf of Heatley Properties Inc., the Property Owner (Case No. PZ-2016-05-13) (cont'd)

(Agenda Item C)

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning an Approximately 10.055-Acre Tract of Land Out of the G.W. Hagler Survey, Abstract No. 572; Located on the Northeast Corner of Business SH 121 and Forestbrook Drive; From General Business District (GB) Zoning to Planned Development-Townhouse Two District (PD-TH2) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing For a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4279-06-2016 (Z)**, as previously captioned; and approved the following five associated variances on an approximately 10.055-acre tract of land out of the G.W. Hagler Survey, Abstract No. 572, located on the northeast corner of Business SH 121 and Forestbrook Drive: a) to allow a private gated community with private streets to be maintained by the HOA; b) to allow alternate fencing in lieu of the required fencing material required by the Land Development Regulations and that all fencing be maintained by the HOA; c) to waive the alley requirement and allow front-entry; d) to allow radial lot lines for two attached units, and e) to allow a minimum 32.5-foot lot width with a 6.5-foot control of access for corner lots at intersections in lieu of the required minimum 40-foot lot width with a 20-ft control of access for corner lots at intersections; with the provision that any expenses associated with repairs to the street due to utilities repairs under these streets would be at the cost of the Home Owners Association, as requested by G&A Consultants, Inc. on behalf of Heatley Properties Inc., the property owner (Case No. PZ-2016-05-13). The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

Ben Casey, 3045 Lakeside Drive, Highland Village, Texas, spoke on behalf of Rosa and Jim Helwick, 726 Abilene Drive, Lewisville, Texas 75077, regarding a recent sewer backup and requested that they be provided assistance in paying for the costs associated with this event. At the request of City Manager Donna Barron, Neighborhood Services Director Cleve Joiner spoke with the Helwick's regarding their concerns and what the City could do to assist them.

No one else appeared to speak at this time.

Mayor Durham advised that the Closed Session listed on the agenda was not needed and moved on to Consent Agenda.

CONSENT AGENDA

(Agenda Item G)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the May 16, 2016, Workshop Session and Regular Session.
2. Approval of a Public Road Crossing License Agreement Between the Denton County Transportation Authority and the City of Lewisville for Jones Street; and Authorization for the City Manager to Execute the Agreement.
3. Approval of the City of Lewisville to Enter Into the FY 2015 Flood Mitigation Assistance Grant Award Contract; and Authorization for the City Manager to Execute the Necessary Documents.
4. Approval of an Amendment to the Interlocal Cooperation Agreement for the Operation and Maintenance of Traffic Signals Between the Texas Department of Transportation and the City of Lewisville to Add the Maintenance of the Traffic Signals on FM 423 at Lake Highlands Drive and at Lone Star Ranch Parkway in the City of The Colony; and Authorization for the City Manager to Execute the Agreement

The motion carried.

END OF CONSENT AGENDA

**Consideration of Ordinance No. 4280-06-2016
Authorizing the Issuance and Sale of City of
Lewisville, Texas, General Obligation
Refunding and Improvement Bonds, Series
2016; Levying a Tax in Payment Thereof;
Authorizing the Execution and Delivery of a
Bond Purchase Agreement, a Paying
Agent/Registrar Agreement and an Escrow
Agreement; Calling Certain Outstanding
Bonds for Redemption; Approving the
Official Statement; and Enacting Other
Provisions Relating Thereto**

(Agenda Item H-5)

The issuance of approximately \$15,670,000 of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2016 will provide funds for refunding of a portion of the City's Series 2007 General Obligation Refunding and Improvement Bonds, 2007A Combination Tax and Revenue Certificates of Obligation, 2007B Combination Tax and Revenue Certificates of Obligation and Series 2008 General Obligation Bonds and will provide design and construction of improvements to the City's streets, sidewalks and related improvements, design and construction of improvements to the City's parks, open spaces, trails, park and recreation facilities, design and construction of an indoor aquatic center, costs related to public art at certain improvements and facilities, and costs associated with the issuance of the bonds.

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

At the request of Mayor Durham, Jason Hughes, Managing Director with FirstSouthwest (A Division of Hilltop Securities) spoke before the City Council regarding the recent sales on this item and Agenda Items H-6 and H-7.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2016 in the Aggregate Principal Amount of \$15,300,000; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.”

**Consideration of Ordinance No. 4280-06-2016
Authorizing the Issuance and Sale of City of
Lewisville, Texas, General Obligation
Refunding and Improvement Bonds, Series
2016; Levying a Tax in Payment Thereof;
Authorizing the Execution and Delivery of a
Bond Purchase Agreement, a Paying
Agent/Registrar Agreement and an Escrow
Agreement; Calling Certain Outstanding
Bonds for Redemption; Approving the
Official Statement; and Enacting Other
Provisions Relating Thereto (cont'd)**

(Agenda Item H-5)

MOTION: Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Jones, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4280-06-2016**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 4281-06-2016
Authorizing the Issuance and Sale of
City of Lewisville, Texas, Tax Notes, Series
2016; Levying a Tax in Payment Thereof;
Approving the Sale Thereof; Authorizing the
Execution and Delivery of a Purchase
Agreement, Approving a Paying
Agent/Registrar Agreement; Prescribing the
Form of Said Notes; Approving the Official
Statement and Enacting Other Provisions
Relating to the Subject**

(Agenda Item H-6)

The issuance of approximately \$8,875,000 of City of Lewisville, Texas, Tax Notes, Series 2016 will finance the City’s new public safety digital communication system, park land and improvements, and costs associated with the issuance of the notes.

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

Consideration of Ordinance No. 4281-06-2016 Authorizing the Issuance and Sale of City of Lewisville, Texas, Tax Notes, Series 2016; Levying a Tax in Payment Thereof; Approving the Sale Thereof; Authorizing the Execution and Delivery of a Purchase Agreement, Approving a Paying Agent/Registrar Agreement; Prescribing the Form of Said Notes; Approving the Official Statement and Enacting Other Provisions Relating to the Subject (cont'd)

(Agenda Item H-6)

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Tax Notes, Series 2016, in the Aggregate Principal Amount of \$8,760,000; Levying a Tax in Payment Thereof; Approving the Sale Thereof; Authorizing the Execution and Delivery of a Purchase Agreement, Approving a Paying Agent/Registrar Agreement; Prescribing the Form of Said Notes; Approving the Official Statement and Enacting Other Provisions Relating to the Subject”

MOTION: Upon a motion made by Councilman Jones and seconded by Councilman Daniels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4281-06-2016**, as captioned previously. The motion carried.

Consideration of Ordinance No. 4282-06-2016 Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

(Agenda Item H-7)

The issuance of approximately \$11,565,000 of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016 will provide funds for refunding a portion of the City's Series 2008 Revenue Bonds and will provide new funding for constructing, acquiring and installing improvements, additions, and extensions to the City's waterworks and sewer system and costs associated with the issuance of the bonds.

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance of the City Council of The City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016 in the Aggregate Principal Amount of \$10,880,000; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto"

MOTION: Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 4282-06-2016**, as captioned previously. The motion carried.

Consideration of the Preliminary Plat of Castle Hills - Realm West, Lots 1-17, 18X, 19-22, 23X, 24-32, and 33X, Block A; Lots 1X, 2-10, 11X, 12-23, Block B; Lots 1-9 and 10X, Block C; Lots 1-12, Block D, Designated Estate Townhouse (ETH) and Lots 1 and 2, Block E, Designated General Business Two (GB2); Located on 18.09-Acres of Land on the South Side of SH 121, Between Castle Hills Drive and Essex Boulevard; With Four Associated Variances; as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner

(Agenda Item H-8)

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 Castle Hills Agreement. The total site contains 18.09 acres of land to be developed in two phases; Phase I will contain 72 single-family detached residential lots, designated Estate Townhouse (ETH) and Phase II is designated General Business Two (GB2) for future commercial. The Preliminary Plat identifies the following four variances: a) allow 41-foot street easement with 6-foot sidewalk and utility easements in lieu of the required 50-foot right of way; b) waive the alley requirement for lots less than 10,000 sq. ft. in area; c) allow for private streets and a gated community that the H.O.A. will maintain; d) allow public utilities in an easement under private paving. The Planning and Zoning Commission recommended unanimous approval of the plat and requested variances (4-0) at their May 17, 2016, meeting.

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

Jeff Kelly, P.E., Assistant City Engineer and Eric Stanley, President and COO with Bright Realty, 800 Sir Galahad Lane, Castle Hills, Texas, were both present to address any questions posed by the City Council.

Consideration of the Preliminary Plat of Castle Hills - Realm West, Lots 1-17, 18X, 19-22, 23X, 24-32, and 33X, Block A; Lots 1X, 2-10, 11X, 12-23, Block B; Lots 1-9 and 10X, Block C; Lots 1-12, Block D, Designated Estate Townhouse (ETH) and Lots 1 and 2, Block E, Designated General Business Two (GB2); Located on 18.09-Acres of Land on the South Side of SH 121, Between Castle Hills Drive and Essex Boulevard; With Four Associated Variances; as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner (cont'd)

(Agenda Item H-8)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Jones, the Council voted five (5) “ayes” and no (0) “nays” to approve the Preliminary Plat of Castle Hills - Realm West, Lots 1-17, 18X, 19-22, 23X, 24-32, and 33X, Block A; Lots 1X, 2-10, 11X, 12-23, Block B; Lots 1-9 and 10X, Block C; Lots 1-12, Block D, Designated Estate Townhouse (ETH) and Lots 1 and 2, Block E, Designated General Business Two (GB2), located on 18.09-acres of land on the south side of SH 121, between Castle Hills Drive and Essex Boulevard, with the following four associated variances a) allow 41-foot street easement with 6-foot sidewalk and utility easements in lieu of the required 50-foot right of way; b) waive the alley requirement for lots less than 10,000 sq. ft. in area; c) allow for private streets and a gated community that the H.O.A. will maintain; d) allow public utilities in an easement under private paving, as requested by Brian Dench, P.E. of Land Design, on behalf of the owner. The motion carried.

Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses Regarding Three Temporary Buildings for Classroom Use to be Located at 1301 Waters Ridge Dr, as Requested by William Chandler on Behalf of Responsive Education Solutions, the Property Owner

(Agenda Item H-9)

Responsive Education Solutions desires to locate three temporary classrooms on the existing school property located at 1301 Waters Ridge Dr. The three temporary buildings are needed to accommodate additional students in the rapidly growing school. The construction of a new 2-story classroom building is scheduled to be completed by July 2017. The three temporary classroom buildings will be needed for the school year beginning in August 2016 through July 2017 and will be removed upon the completion of the new 2-story classroom building. Five similar variances have been granted since 2010.

The City staff's recommendation was that the City Council consider the variance request provided that the temporary classroom be used for educational purposes only, and be removed upon completion of the new 2-story classroom building or August 31, 2017, whichever occurs first.

Cleve Joiner, Director of Neighborhood Services and William Chandler, Responsive Education Solutions, 1301 Waters Ridge, Lewisville, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses regarding three temporary buildings for classroom use to be located at 1301 Waters Ridge Drive, as requested by William Chandler on behalf of Responsive Education Solutions, the property owner, provided that the temporary classroom be used for educational purposes only, and be removed upon completion of the new 2-story classroom building or August 31, 2017, whichever occurs first. The motion carried.

Mayor Pro Tem Gilmore advised that he would be abstaining from discussion and consideration of the following item as he is employed by Waste Management of Texas, Inc. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary. Mayor Pro Tem Gilmore stepped away from the dais.

Second and Final Reading: Consideration of Ordinance No. 4283-06-2016 Amending the Franchise Ordinance for the Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables; Apartment Recycling; and, Containerized Commercial Solid Waste With Waste Management of Texas, Inc. by Deleting Attachments C & D and Replacing With New Attachments

(Agenda Item H-10)

In April 2014, City Council approved a 10-year solid waste and recycling franchise agreement with Waste Management. After review of cost components and franchise fees collected in 2015, two revisions are needed to comply with the intent of the franchise. The first modification to Attachment C relates to the cost of service component which Waste Management retains for roll-off services. Modification to Attachment C is for Waste Management to retain the cost of service disposal rate for the first four tons in the cost of services component and all waste over four tons is billed by Waste Management to the customer. Secondly, Attachment D relates to the multifamily recycling program. Attachment D modification is to delete the descriptive size of the individual apartment collection bin stated as 18 gallon and replace with generic wording "apartment unit bin" as several concepts and collections practices are in place at multiple apartment complexes. The ordinance amendment requires two readings per the Charter. The first reading occurred on April 18, 2016. This will be the second and final reading.

The City staff's recommendation was that the City Council conduct the second and final reading of this ordinance as set forth in the caption above.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance of The City Council of The City of Lewisville, Texas Amending Ordinance No. 4062-04-2014 for the Contract and Exclusive Franchise for Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables, Containerized Commercial Solid Waste and Multi-Family Recycling Within the City of Lewisville, Texas by Deleting the Existing Attachment C and Attachment D and Replacing With a New Attachment C and Attachment D; Providing a Repealer; Providing for Severability; and Providing an Effective Date"

Mayor Pro Tem Gilmore returned to the dais.

Consideration of Ordinance No. 4284-06-2016 Repealing Section 8-5 of the Lewisville City Code Concerning E-Cigarette Regulations

(Agenda Item H-11)

Section 8-5 of the Lewisville City Code bans the sale to minors of e-cigarettes, their component parts and liquid nicotine, bans the provision of samples of such to minors, and prohibits self-service merchandising of liquid nicotine or e-cigarettes and their components. In 2015, the Texas Legislature enacted Senate Bill 97, which, among other regulations, also enacts similar regulations with regard to minors and e-cigarettes, their components, parts, or accessories and liquid nicotine. The City's ordinance is now redundant and may cause confusion in enforcement. Therefore, it is recommended that the City repeal its e-cigarette regulation ordinance.

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of The Lewisville City Council, Amending Chapter 8, Miscellaneous Offenses, of The Lewisville City Code; by Repealing Section 8-5, E-Cigarette Regulations, in its Entirety, Providing for a Repealer, Severability, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4284-06-2016**, as captioned previously. The motion carried.

Consideration of Ordinance No. 4285-06-2016 Amending Sections 3-156 and 3-159 of the Lewisville City Code Regarding Regulations for Keeping of Domestic Chickens in the City

(Agenda Item H-12)

At the April 11th workshop, staff briefed the City Council on current regulations for keeping domestic chickens within the City. At that meeting, City Council directed staff to eliminate the 7,500 square foot minimum lot size requirement and the ten-foot minimum setback from the homeowner's primary structure. The proposed ordinance makes these changes.

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

Claire Swann, Assistant City Manager and Sherry Harper, Health and Animal Services Manager, were both present to respond to any questions posed by the City Council.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council Amending Chapter 3, Animals, of the Lewisville City Code, Sections 3-156 and 3-159 to Amend the Regulations Regarding Chickens; Providing for a Repealer, Severability and a Penalty; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4285-06-2016**, as captioned previously. The motion carried.

Consideration of Ordinance No. 4286-06-2016 Amending the Lewisville City Code, Chapter 4, by Adopting the National Electric Code 2014 Edition With Local Amendments and Standards

(Agenda Item H-13)

City Council adopted the 2015 edition of the International Codes with NCTCOG amendments on May 2, 2016. After that meeting, staff realized that the National Electrical Code (NEC) was omitted from the agenda caption and therefore The NEC and its local amendments are being brought back to City Council for adoption.

The City staff's recommendation was that the City Council adopt the 2014 National Electric Code with the proposed local amendments.

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Article III, Electrical Standards; Section 4-46, 4-47 and 4-48 of the Code of Ordinances of the City by Adopting the National Electrical Code 2014 Edition Published by the National Fire Protection Association and Related Matters; and Deleting the Current Language in Section 4-46, 4-47 and 4-48 Providing a Repealer; Providing a Severability Clause; Providing for a Penalty; Providing for an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4286-06-2016**, as captioned previously. The motion carried.

**Discussion and Consideration of
Appointments to Various City
Boards/Commissions/Committees**

(Agenda Item H-14)

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

The City staff's recommendation was that the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

At the request of Mayor Durham, City Secretary Julie Heinze read the following recommended teams and their assigned Board/Commission/Committee interview groups:

Mayor Durham/Mayor Pro Tem Gilmore: Planning and Zoning Commission, Animal Services Advisory Committee, Community Development Block Grant Advisory Committee, TIRZ #2.

Deputy Mayor Pro Tem Vaughn/Councilman Daniels: Zoning Board of Adjustment, Arts Advisory Board, Lewisville Industrial Development Corporation, Library Board, Park Board.

Councilman Ferguson/Councilman Jones: Tax Increment Reinvestment Zone, No. 1, Board of Directors, Lewisville Housing Finance Corporation, Oil & Gas Advisory Board, Old Town Design Review Committee,

MOTION: Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to move forward with the following teams and their assigned Board/Commission/Committee interview groups: Mayor Durham/Mayor Pro Tem Gilmore: Planning and Zoning Commission, Animal Services Advisory Committee, Community Development Block Grant Advisory Committee, TIRZ #2; Deputy Mayor Pro Tem Vaughn/Councilman Daniels: Zoning Board of Adjustment, Arts Advisory Board, Lewisville Industrial Development Corporation, Library Board, Park Board; Councilman Ferguson/Councilman Jones: Tax Increment Reinvestment Zone, No. 1, Board of Directors, Lewisville Housing Finance Corporation, Oil & Gas Advisory Board, Old Town Design Review Committee. The motion carried.

Reports

(Agenda Item I)

- Director of Public Services Keith Marvin gave an update on the status of Lake Lewisville.
- Mayor Pro Tem Gilmore reminded everyone that school was out and encouraged anyone with children using the “I’m Bored Language” to check out the phenomenal activities that are put on by the Parks and Library Departments. He advised information could be obtained on these events through the City of Lewisville website.
- Parks Recreation Manager Hilary Boen gave an update on the status of the pools opening.
- Mayor Durham advised of the last day of school and reminded everyone that the kids were now out and about and to be watchful.
- Councilman Ferguson gave an update on upcoming events at MCL Grand.
- Mayor Durham thanked the Police Officers present for their service to the community.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:36 p.m. Monday, June 6, 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 7:36 p.m. on Monday, June 6, 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 for Potential Company Relocation.

The Closed Session was adjourned at 8:52 p.m. on Monday, June 6, 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 8:52 p.m. on Monday, June 6, 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 Councilman 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 8:52 p.m. on Monday, June 6, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of June, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY



Flood Mitigation Assistance Grant Program



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.



Overview

Flood Mitigation Assistance (FMA) Grant Program

- Provides funds for projects that reduce or eliminate risk of flood damage to structures that are insured under the National Flood Insurance Program (NFIP).
- Funding is appropriated by Congress annually; highly competitive grant program.
- In the FY 2015 offering, 226 project sub-applications were submitted (17 from Texas) & 91 of those were selected (6 from Texas).



FEMA

FY 2015 FEMA/TWDB Program Priorities

- Property acquisition and structure demolition projects.
- Severe Repetitive Loss (SRL) and Repetitive Loss (RL) properties.
- Mitigation of risk to contiguous NFIP-insured properties.





Project Overview

Lewisville, TX

- NCTCOG provided Notice of Funding Opportunity (NOFO) in mid-2015; project sub-application was submitted in August 2015.
- Eligibility made possible by FEMA Approved Hazard Mitigation Action Plan (HazMAP). [*Recent Council adoption of 2016 Denton County Multi-Jurisdictional HazMAP at Feb. 1, 2016 Meeting*]
- Acquisition and demolition of identified flood prone residential structures (through voluntary participation), and reimbursement of associated eligible costs.



Project Overview

Lewisville, TX

TWDB provided official notice of intent to award last month (May 2016).

Total Project Cost	Federal Cost Share	Local Cost Share
\$1,193,878.80	\$1,046,285.00	\$147,593.84*

**Local cost share varies by property loss type (per grant rules).*

Project Detail

Timber Creek Acres – Lewisville, TX

- Submitted project was to acquire and demolish identified flood prone structures along the north bank of Timber Creek.
- The Timber Creek Acres neighborhood is located on the east side of South Valley Parkway and north of Corporate.
- 8 homes were approached for participation in grant application; 5 of them indicated interest thru signing a Letter of Interest (LOI).
- No floodplain ordinance to enforce when these homes were built.

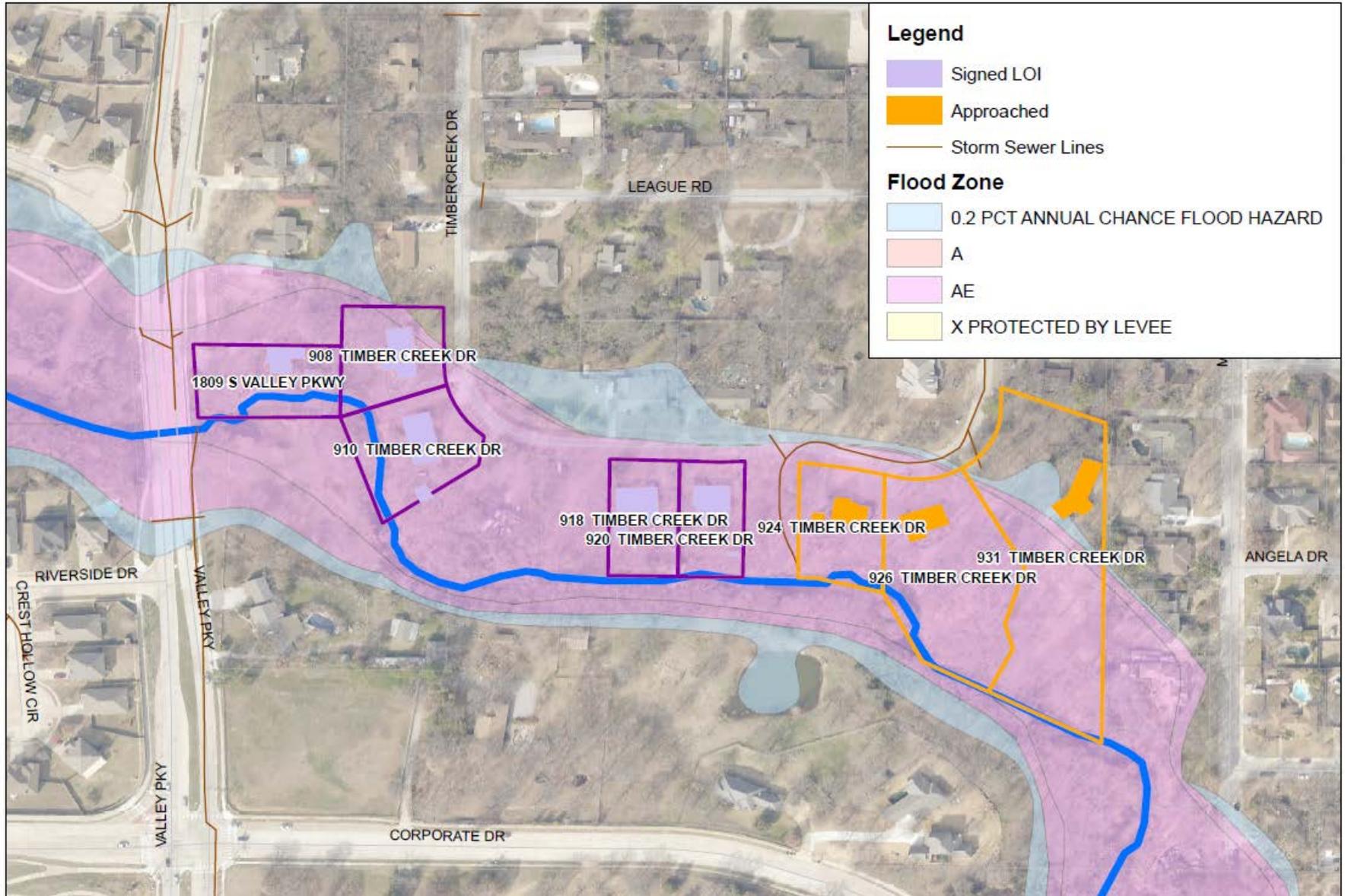




Timbercreek Buy-Out Project



0 500 Feet



Legend

- Signed LOI
- Approached
- Storm Sewer Lines

Flood Zone

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- AE
- X PROTECTED BY LEVEE



Analysis of Projected Costs

Per sub-application submission and award. Projected costs were determined using recommended and reasonable methodologies for favorable return during cost-benefit analysis.

***Actual costs will likely vary.**

Address	Calculated Value (1.2 x DCAD)	Appraisal Fee	Closing Costs	Demolition Costs (\$10/sq ft)	Pre-award application	Project Cost	FEMA Share \$	Local Share \$
1809 Valley	\$216,000	\$750	\$7,500	\$30,000	\$200	\$254,450	\$229,005	\$25,445
908 Timber Creek	\$222,842.40	\$750	\$7,500	\$21,720	\$200	\$253,012.40	\$227,711	\$25,301.24
910 Timber Creek	\$108,000	\$750	\$7,500	\$28,070	\$200	\$144,520	\$144,520	\$0
918 Timber Creek	\$216,000	\$750	\$7,500	\$33,060	\$200	\$257,510	\$231,759	\$25,751
920 Timber Creek	\$249,836.40	\$750	\$7,500	\$26,100	\$200	\$284,386.40	\$213,289.80	\$71,096.60
Total	\$1,012,678.80	\$3,750	\$37,500	\$138,950	\$1000	\$1,193,878.80	\$1,046,285	\$147,593.84

Property Acquisition



- **Eligible Cost:** Current market value of real property

Address	2015 DCAD Appraised Value	Calculated Value (1.2 x DCAD)	2016 DCAD Prelim Appraised Value	Difference (calc vs. prelim)	(Actual Cost) Current Market Value
1809 Valley	\$180,000	\$216,000	\$140,756	(\$75,244.00)	?
908 Timber Creek	\$185,702	\$222,842.40	\$222,595	(\$247.40)	?
910 Timber Creek	\$90,000	\$108,000	\$85,000	(\$23,000.00)	?
918 Timber Creek	\$180,000	\$216,000	\$237,207	\$21,207.00	?
920 Timber Creek	\$208,197	\$249,836.40	\$226,844	(\$22,992.40)	?
Total	\$843,899	\$1,012,678.80	\$912,402	(\$100,276.80)	?

- State-certified real estate appraiser performs appraisal to determine current market value.



Closing

- Actual closing costs typically range from 2% to 5% of purchase price, and costs may include:
 - *Title search and transfer fees.*
 - *Title insurance.*
 - *Property surveys.*
 - *Deed fees (preparation/recordation).*
- Property owner must be able to convey free and clear title to property.



Demolition

- Must be completed within 90 days of settlement.
- Will include asbestos survey/testing and any necessary removal.
- Project award includes \$10 per sq. foot in calculated eligible demolition costs.

Address	Demolition Costs (\$10/sq ft)
1809 Valley	\$30,000
908 Timber Creek	\$21,720
910 Timber Creek	\$28,070
918 Timber Creek	\$33,060
920 Timber Creek	\$26,100
Total	\$138,950

910 Timber Creek



Severe Repetitive Loss
100% Federal Share

Year Built: 1976

2015 DCAD
Appraised Value:
\$90,000

2016 DCAD
Appraised Value
(prelim): \$85,000



1809 Valley Parkway



Repetitive Loss
90% Federal Share

Year Built: 1973

2015 DCAD
Appraised Value:
\$180,000

2016 DCAD
Appraised Value
(prelim): \$140,756



908 Timber Creek



Repetitive Loss
90% Federal Share

Year Built: 1973

2015 DCAD
Appraised Value:
\$185,702

2016 DCAD
Appraised Value
(prelim): \$222,595



918 Timber Creek



Repetitive Loss
90% Federal Share

Year Built: 1976

2015 DCAD
Appraised Value:
\$180,000

2016 DCAD
Appraised Value
(prelim): \$237,207

920 Timber Creek



Floodplain Structure
75% Federal Share

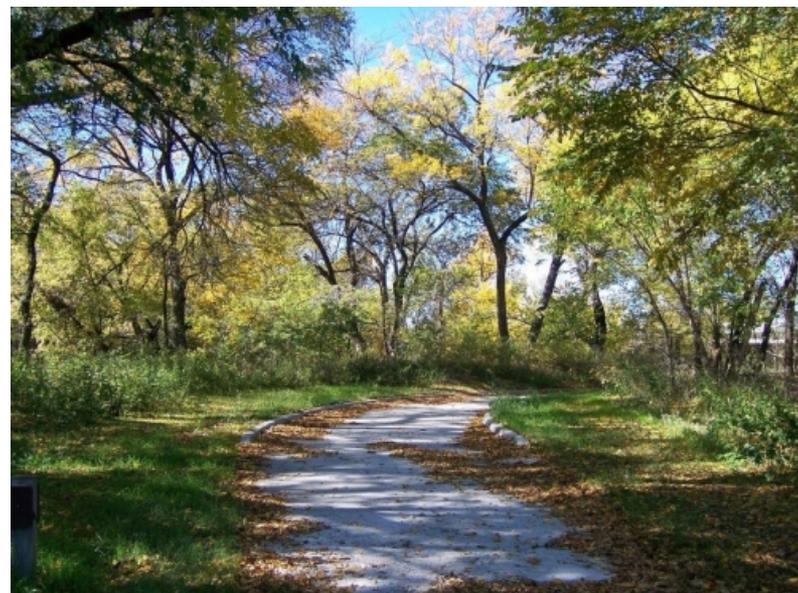
Year Built: 1976

2015 DCAD
Appraised Value:
\$208,197

2016 DCAD
Appraised Value
(prelim): \$226,844

Use of Open Space

- Goal of grant program is to mitigate flood risk
- Consult with Floodplain Manager and TWDB
- Uses may include...
 - Vegetative site stabilization
 - Public picnic pavilions (no walls)
 - Small-scale recreational courts
 - Ball fields
 - Bike and walking paths





Timeline

Performance period ends October 30, 2018, unless otherwise amended.

Action Item	Estimated Date
Property owners indicate interest	August 2015
Grant application submitted for review	August 2015
Official Intent to Award Provided	May 2016
City Returns Signed Contract to TWDB	By June 10, 2016
Property Owner Notification of Award	June 2016
Project Contract Executed	August 2016
City Kick Off Meeting with TWDB	Late Summer/Fall 2016
Property Owner Meeting	Late Summer/Fall 2016
Appraisal	Winter 2016
Agreement of Sale	Spring 2016
Closing	Summer 2017
Demolition	Summer 2017



For More Information:
Office of Emergency Management
Office Main Line: (972) 219-5089

