

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**AUGUST 15, 2016**

**Present:**

Rudy Durham, Mayor (Absent)

**Council Members:**

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

**City Staff:**

Donna Barron, City Manager  
Eric Ferris, Assistant City Manager  
Claire Swann, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, 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 Deputy Mayor Pro Tem Vaughn at 6:00 p.m. on Monday, August 15, 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 Regarding Multi-Family  
Recycling**

**(Agenda Item A)**

City of Lewisville Sustainability Manager Lisa Weaver and Tim Yatko, Recycling Consultant conducted the attached PowerPoint for City Council consideration.

Discussion was held regarding when the containment dumpsters could not be picked up due to containment that it was the responsibility of the apartment complex to either remove the containments or arrange for different pick up options.

**WORKSHOP SESSION – 6:00 P.M.**

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

**(Agenda Item B)**

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item A, Invocation. There was no discussion on this item.

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

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item C-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station, on an Approximately 1.379-Acre Lot Located at the Northeast Corner of FM 544 and Old Denton Road (FM 2281), Legally Described as Lot 1R, Block M, Wyndale Meadows Addition Phase I and Zoned General Business District (GB), as Requested by Karen Mitchell of Mitchell Planning Group, LLC on Behalf of Parker Denton Crossing, L.P., the Property Owner (Case No. SUP-2016-08-07). Deputy Mayor Pro Tem Vaughn advised that pursuant to the applicant's request, a motion would be needed to continue this public hearing to the September 12, 2016, City Council meeting..

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item C-2, Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) and Old Town Mixed Use Two District (OTMU2) to Old Town Mixed Use Two District (OTMU2), on Approximately 5.5-Acres Consisting of Multiple Tracts Situated in the A.G. King Survey, Abstract No. 698, Located at the Southeast Corner of East Walters Street and Henrietta Street and the Southwest and Southeast Corners of East College Street and Leonard Street, as Requested by HW Ventures, LLC on Behalf of Lieven J. Van Riet, Trustee for the Property Owner (Case No. PZ-2016-08-19). There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item D, Visitors/Citizens Forum. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-3, (a) Approval of City Council Minutes of the July 18, 2016, Workshop Session and Regular Session; and (b) Approval of City Council Minutes of the August 1, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-4, Acceptance and Appropriation of Regional Toll Revenue Funding in the Amount of \$4,700,000 for Valley Ridge Blvd (Mill Street to College Street) and Re-Appropriation of \$4,700,000 of Local Funding for Kealy Avenue (Main to Mill) and College Street (I-35 to Mill). 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)**

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-5, Approval of an Agreement for Furnishing and Installing of Traffic Signal Equipment Between the City of Lewisville and TxDOT for Costs Related to Providing New Equipment for the Traffic Signal on FM 423 at Lone Star Ranch Parkway Within the City of The Colony; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-6, Approval of a Professional Services Agreement With Halff Associates, Inc. in the Amount of \$608,750 for Design and Construction Phased Services Relating to the Timberbrook Neighborhood Improvement Project; Approval of a Total Project Design Budget of \$639,187; and Authorization for the City Manager or Her Designee to Execute the Agreement. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-7, Approval of Change Order No. 1 Modifying the Contract to JNA Painting and Contracting Co. in the Amount of \$132,072 for a Revised Contract Amount of \$770,662 for the Painting of the C.R. Feaster Water Plant Exterior and Filter and Chemical Rooms; Approval of a 60-Day Extension of the Contract Time; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-8, Approval of Wrecker Services Contracts Between the City of Lewisville and Brad's Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker, for the Provision of Towing and Wrecker Services; and Authorization for the City Manager to Execute the Contracts. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-9, Approval of a Bid Award for Jones Street Improvements (Mill Street to Cowan Avenue) to McMahon Contracting, L.P., Grand Prairie, Texas, in the Amount of \$2,454,174.92; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-10, Approval of an Agreement for Assessment Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2016-17; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item E-11, Approval of Waiving the Penalty and Interest on Property Tax Account 662758DEN for 2015. 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)**

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item F-12, Consideration of an Ordinance of the City of Lewisville approving the 2016-2017 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Josey Lane Public Improvement District with Chapter 372, Texas Local Government Code, as Amended; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency.. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item F-13, Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses Regarding Three Temporary Buildings for Classroom Use Located at 2680 MacArthur Blvd, as Requested by Danny McDaniel, the Property Owner. City Manager Donna Barron submitted additional information regarding the concept plan that had been received showing the replacement of temporary buildings. She advised that based on the updated information, City staff was requesting specific language be read into the record. There was no further discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item F-14, Consider and Act upon Adoption of a Resolution Authorizing the Acquisition of Right-Of-Way (In Fee Simple) and Easements for the Construction, Access, and Maintenance of Midway Road and Drainage Improvements from the intersection of Midway Road and Huffines Boulevard to Fire Station #6 at 2120 Midway Road, and to Undertake all Associated Utility Improvements (The “Project”); Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager (or Her Designee) to take Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Property if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date. Discussion was held regarding the specific motion that needed to be made for this item. There was no further discussion for this item.

**WORKSHOP SESSION – 6:00 P.M.**

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

**(Agenda Item B)**

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item F-15, Consider and Act upon Adoption of a Resolution Authorizing the Acquisition of Easements for the Construction, Access, and Maintenance of the Midway Branch Sanitary Sewer Force Main from a future Midway Lift Station Site across from 527 Holfords Prairie Rd to the north Right-of-Way of S.H. 121 and to Undertake all Associated Utility Improvements (The “Project”); Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Easement Rights to be Acquired; Authorizing the City Manager (or Her Designee) to take Steps Necessary to Acquire the Needed Easement Rights in Compliance with all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Easements if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date. Discussion was held regarding the specific motion that needed to be made for this item. There was no further discussion for this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item F-16, Consideration of a Resolution Authorizing the City Manager to Submit an Application to the Texas Department of Housing and Community Affairs for the Homeowner Rehabilitation Assistance Program; Approval of a Language Access Plan for the Grant; and Approval to Commit Matching Funds Should the Grant be Awarded. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item G, Reports. There was no discussion on this item.

Deputy Mayor Pro Tem Vaughn reviewed Agenda Item H-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:39 p.m. on Monday, August 15, 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 Deputy Mayor Pro Tem Vaughn at 7:00 p.m. on Monday, August 15, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

Deputy Mayor Pro Tem Vaughn gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station, on an Approximately 1.379-Acre Lot Located at the Northeast Corner of FM 544 and Old Denton Road (FM 2281), Legally Described as Lot 1R, Block M, Wyndale Meadows Addition Phase I and Zoned General Business District (GB), as Requested by Karen Mitchell of Mitchell Planning Group, LLC on Behalf of Parker Denton Crossing, L.P., the Property Owner (Case No. SUP-2016-08-07)**

**(Agenda Item C-1)**

The applicant has requested that this item be continued to the September 12, 2016, City Council meeting. The Special Use Permit request is for a 7-Eleven brand gasoline service station with six pumps that will also have a neighborhood convenience store. This facility is proposed to operate 24 hours a day, seven days a week. The proposed facility is part of the Wyndale Meadows neighborhood. The gasoline service station portion of this site requires approval of a Special Use Permit. On August 2, 2016, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP with a condition that the required masonry screening wall be increased from six feet (6') to eight feet (8') in height.

The City staff's recommendation was that the City Council continue the public hearing to the September 12, 2016, City Council meeting.

Nika Reinecke, Director of Economic Development and Planning was available to answer any questions posed by the City Council.

Deputy Mayor Pro Tem Vaughn opened the public hearing.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the September 12, 2016, City Council meeting, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4302-08-2016 (Z) Granting a Zone Change Request From Light Industrial District (LI) and Old Town Mixed Use Two District (OTMU2) to Old Town Mixed Use Two District (OTMU2), on Approximately 5.5-Acres Consisting of Multiple Tracts Situated in the A.G. King Survey, Abstract No. 698, Located at the Southeast Corner of East Walters Street and Henrietta Street and the Southwest and Southeast Corners of East College Street and Leonard Street, as Requested by HW Ventures, LLC on Behalf of Lieven J. Van Riet, Trustee for the Property Owner (Case No. PZ-2016-08-19)**

**(Agenda Item C-2)**

The approximate 5.5-acre property is vacant and is made up of multiple pieces of land located at the three locations: southeast corner of Walters Street and Henrietta Street and the southwest corner and southeast corner of College Street and Leonard Street. The requested zoning of Old Town Mixed Use Two (OTMU2) is consistent with the Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of August 2, 2016.

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

Deputy Mayor Pro Tem Vaughn opened the public hearing.

Nika Reinecke, Director of Economic Development and Planning was available to answer any questions posed by the City Council.

Mark Wood, 6617 Precinct Line Rd #200, North Richland Hills, Texas, spoke before the City Council in support of this item

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4302-08-2016 (Z) Granting a Zone Change Request From Light Industrial District (LI) and Old Town Mixed Use Two District (OTMU2) to Old Town Mixed Use Two District (OTMU2), on Approximately 5.5-Acres Consisting of Multiple Tracts Situated in the A.G. King Survey, Abstract No. 698, Located at the Southeast Corner of East Walters Street and Henrietta Street and the Southwest and Southeast Corners of East College Street and Leonard Street, as Requested by HW Ventures, LLC on Behalf of Lieven J. Van Riet, Trustee for the Property Owner (Case No. PZ-2016-08-19)**

**(Agenda Item C-2)**

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

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning Approximately 5.5 Acres Consisting of Multiple Tracts Situated in the A.G. King Survey, Abstract No. 698 Located at the Southeast Corner of East Walters Street and Henrietta Street and the Southwest and Southeast Corners of East College Street and Leonard Street; From Light Industrial District (LI) Zoning and Old Town Mixed Use Two District (OTMU2) Zoning to Old Town Mixed Use Two District (OTMU2) 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 Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4302-08-2016 (Z)**, as previously captioned. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item D)**

Colby Bannister, 7608 Shadow Wood, North Richland Hills, Texas, spoke before the City Council to advise of the upcoming Special Olympics being held on September 10, 2016.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. APPROVAL OF MINUTES: (a) City Council Minutes of the July 18, 2016, Workshop Session and Regular Session; and (b) City Council Minutes of the August 1, 2016, Workshop Session and Regular Session.
4. Acceptance and Appropriation of Regional Toll Revenue Funding in the Amount of \$4,700,000 for Valley Ridge Blvd (Mill Street to College Street) and Re-Appropriation of \$4,700,000 of Local Funding for Kealy Avenue (Main to Mill) and College Street (I-35 to Mill).
5. Approval of an Agreement for Furnishing and Installing of Traffic Signal Equipment Between the City of Lewisville and TxDOT for Costs Related to Providing New Equipment for the Traffic Signal on FM 423 at Lone Star Ranch Parkway Within the City of The Colony; and Authorization for the City Manager to Execute the Agreement.
6. Approval of a Professional Services Agreement With Halff Associates, Inc. in the Amount of \$608,750 for Design and Construction Phased Services Relating to the Timberbrook Neighborhood Improvement Project; Approval of a Total Project Design Budget of \$639,187; and Authorization for the City Manager or Her Designee to Execute the Agreement.
7. Approval of Change Order No. 1 Modifying the Contract to JNA Painting and Contracting Co. in the Amount of \$132,072 for a Revised Contract Amount of \$770,662 for the Painting of the C.R. Feaster Water Plant Exterior and Filter and Chemical Rooms; Approval of a 60-Day Extension of the Contract Time; and Authorization for the City Manager to Execute the Contract.
8. Approval of Wrecker Services Contracts Between the City of Lewisville and Brad's Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker, for the Provision of Towing and Wrecker Services; and Authorization for the City Manager to Execute the Contracts.
9. Approval of a Bid Award for Jones Street Improvements (Mill Street to Cowan Avenue) to McMahan Contracting, L.P., Grand Prairie, Texas, in the Amount of \$2,454,174.92; and Authorization for the City Manager to Execute the Contract.

CONSENT AGENDA (cont'd)

(Agenda Item E)

10. Approval of an Agreement for Assessment Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2016-17; and Authorization for the City Manager to Execute the Agreement.
11. Approval of Waiving the Penalty and Interest on Property Tax Account 662758DEN for 2015.

The motion carried.

END OF CONSENT AGENDA

**Consideration of Ordinance No. 4303-08-2016 of the City of Lewisville approving the 2016-2017 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Josey Lane Public Improvement District with Chapter 372, Texas Local Government Code, as Amended; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency**

(Agenda Item F-12)

On October 6, 2014, the City created Josey Lane Public Improvement District for construction of street and water/wastewater improvements in a designated area located along Josey Lane north of FM544 and south of Windhaven Drive. An update to the Service Plan and Assessment Roll must be considered and approved by City Council. This plan identifies public improvement costs to be provided by the PID along with the manner of assessing the property in the PID and the assessment roll.

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

Deputy Mayor Pro Tem Vaughn advised that a bard had been submitted in support of this item from Abdi Yassin, 1800 Valley View Lane, Farmers Branch, Texas.

**Consideration of Ordinance No. 4303-08-2016 of the City of Lewisville approving the 2016-2017 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Josey Lane Public Improvement District with Chapter 372, Texas Local Government Code, as Amended; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency (cont'd)**

(Agenda Item F-12)

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

“An Ordinance of the City of Lewisville Approving the 2016-2017 Annual Service Plan Update to The Service and Assessment Plan and Assessment Roll For Public Improvements for the Josey Lane Public Improvement District With Chapter 372, Texas Local Government Code, as Amended; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4303-08-2016**, as captioned previously. 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 Located at 2680 MacArthur Blvd, as Requested by Danny McDaniel, the Property Owner**

(Agenda Item F-13)

Bethel Dallas Church of Lewisville operates out of the Champion Center located at 2680 MacArthur Blvd. They are requesting an extension of a previously awarded variance allowing temporary classrooms for church use only. Currently, the classrooms are located to the west and rear of the campus screening the classrooms from the frontage on MacArthur Blvd and frontage along Vista Ridge Mall Drive. A conceptual plan for Phase I has been submitted to demonstrate the owner’s intent to build a 5000-8000 square foot addition of classroom space to the existing facility which should be under construction and complete within the 2-year period extension being requested. Similar variances have been granted since 2010 for churches and private schools.

**Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses Regarding Three Temporary Buildings for Classroom Use Located at 2680 MacArthur Blvd, as Requested by Danny McDaniel, the Property Owner (cont'd)**

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**(Agenda Item F-13)**

The City staff's recommendation was that the City Council consider the requested variance as set forth in the caption above, subject to the following conditions: (1) An Engineering Site Plan must be submitted to City Staff within one year; (2) the Phase I plan must be under construction within 18 months; and (3) Should the church cease operations, the temporary buildings must be removed.

Cleve Joiner, Director of Neighborhood Services, and Danny McDaniel, Champion Center Owner, 157 Cottonwood Drive, Coppell, Texas, were both available to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to get approve a variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses regarding three temporary buildings for classroom use located at 2680 MacArthur Blvd, as requested by Danny McDaniel, the Property Owner, with the following conditions: (1) an Engineering Site Plan must be submitted to City staff within one year; (2) the most recent Phase I plan must be under construction within 18 months; and (3) should the church cease operations, the temporary buildings must be removed. The motion carried.

**Consider and Act upon Adoption of Resolution No. 4304-08-2016 (R) Authorizing the Acquisition of Right-Of-Way (In Fee Simple) and Easements for the Construction, Access, and Maintenance of Midway Road and Drainage Improvements from the intersection of Midway Road and Huffines Boulevard to Fire Station #6 at 2120 Midway Road, and to Undertake all Associated Utility Improvements (The “Project”); Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager (or Her Designee) to take Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Property if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date**

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**(Agenda Item F-14)**

Associated with the scope of work for the Project, right-of-way and easements will need to be acquired from numerous parcels. As required by Texas Property Code Section 21.0113, the City is required to first attempt to acquire the necessary acquisition(s) from the landowners voluntarily through the making of a bona fide offer prior to filing any eminent domain procedure. Funding is available in the Midway Capital Project.

It is City staff’s recommendation that the City Council consider and adopt the Resolution as set forth in the caption above by using the following motion, which is prescribed by Texas Government Code Section 2206.053(e):

“I move that the City of Lewisville, Texas adopt the Resolution described in Agenda No. 14 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Attachment 1 attached to the Resolution, said description and depiction being incorporated into this motion for all purposes, for the construction, access, and maintenance of Midway Road and other associated drainage, slope, and utility improvements. This vote applies to all units of property described and depicted in Attachment 1 attached to the Resolution.”

**Consider and Act upon Adoption of Resolution No. 4304-08-2016 (R) Authorizing the Acquisition of Right-Of-Way (In Fee Simple) and Easements for the Construction, Access, and Maintenance of Midway Road and Drainage Improvements from the intersection of Midway Road and Huffines Boulevard to Fire Station #6 at 2120 Midway Road, etc. (cont'd)**

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**(Agenda Item F-14)**

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the following City Council Members voted “aye:” Deputy Mayor Pro Tem Leroy Vaughn, Councilman R Neil Ferguson, Councilman Brent Daniels, and Councilman Brandon Jones and no City Council Members voted “nay” that the City of Lewisville, Texas adopt Resolution No. 4304-08-2016 (R) described in Agenda No. 14 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Attachment 1 attached to the Resolution, said description and depiction being incorporated into this motion for all purposes, for the construction, access, and maintenance of Midway Road and other associated drainage, slope, and utility improvements. This vote applies to all units of property described and depicted in Attachment 1 attached to the Resolution; (A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the Acquisition of Right-Of-Way (In Fee Simple) and Easements for the Construction, Access and Maintenance of Midway Road and Drainage Improvements From the Intersection of Midway Road and Huffines Boulevard to Firestation #6 at 2120 Midway Road, and to Undertake all Associated Utility Improvements (The “Project”); Determining The Public Necessity Of Such Acquisition; Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager (or Her Designee) to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance With all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Property Rights if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date). The motion carried.

**Consider and Act upon Adoption of Resolution No. 4305-08-2016 (R) Authorizing the Acquisition of Easements for the Construction, Access, and Maintenance of the Midway Branch Sanitary Sewer Force Main from a future Midway Lift Station Site across from 527 Holfords Prairie Rd to the north Right-of-Way of S.H. 121 and to Undertake all Associated Utility Improvements (The “Project”); Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Easement Rights to be Acquired; Authorizing the City Manager (or Her Designee) to take Steps Necessary to Acquire the Needed Easement Rights in Compliance with all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Easements if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date**

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**(Agenda Item F-15)**

Associated with the scope of work for the Project, easements will need to be acquired from two parcels. As required by Texas Property Code Section 21.0113, the City is required to first attempt to acquire the necessary acquisition(s) from the landowners voluntarily through the making of a bona fide offer prior to filing any eminent domain procedure. Funding is available in the Midway Capital Project.

The City staff’s recommendation was that the City Council consider and adopt the Resolution as set forth in the caption above by using the following motion, which is prescribed by Texas Government Code Section 2206.053(e):

“I move that the City of Lewisville, Texas adopt the Resolution described in Agenda No. 15 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Attachment 1 attached to the Resolution, said description and depiction being incorporated into this motion for all purposes, for the construction, access, and maintenance of the Midway Branch Forcemain and other associated utility improvements.”

**Consider and Act upon Adoption of Resolution No. 4305-08-2016 (R) Authorizing the Acquisition of Easements for the Construction, Access, and Maintenance of the Midway Branch Sanitary Sewer Force Main from a future Midway Lift Station Site across from 527 Holfords Prairie Rd to the north Right-of-Way of S.H. 121 and to Undertake all Associated Utility Improvements (The “Project”), etc. (cont’d)**

(Agenda Item F-15)

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” that the City of Lewisville, Texas adopt the **Resolution No. 4305-08-2016 (R)** described in Agenda No. 15 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Attachment 1 attached to the Resolution, said description and depiction being incorporated into this motion for all purposes, for the construction, access, and maintenance of the Midway Branch Forcemain and other associated utility improvements; (A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the Acquisition of Easements for the Construction, Access and Maintenance of Midway Branch Sanitary Sewer Forcemain From a Future Midway Liftstation Site Across From 527 Holfords Prairie Road to the North Right-Of-Way of S.H. 121 and to Undertake all Associated Utility Improvements (The “Project”); Determining the Public Necessity of Such Acquisition; Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Easement Rights to be Acquired; Authorizing the City Manager (or Her Designee) to Take all Steps Necessary to Acquire the Needed Easement Rights in Compliance With all Applicable Laws and Resolutions; and Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Easements if Purchase Negotiations are not Successful; Providing for Repealing, Savings, and Severability Clauses; and Providing for an Effective Date). The motion carried.

**Consideration of Resolution No. 4306-08-2016 (R) Authorizing the City Manager to Submit an Application to the Texas Department of Housing and Community Affairs for the Homeowner Rehabilitation Assistance Program; Approval of a Language Access Plan for the Grant; and Approval to Commit Matching Funds Should the Grant be Awarded**

(Agenda Item F-16)

The U.S. Department of Housing and Urban Development (HUD) makes an annual allocation of funds for the HOME Investment Partnership Program (HOME) to the state of Texas. The Texas Department of Housing and Community Affairs (TDHCA), in turn, makes the funds available through a competitive grant to local entities that are not already direct recipients from HUD. The City will apply for \$200,000. The resolution includes a commitment for local match of 15% (\$30,000) which can include cash, waived permit fees and in-kind donations of services or material. It also includes approval of a Language Access Plan as required by the grant.

The City staff's recommendation was that the City Council approve the resolution and authorize the City Manager to submit the application as set forth in the caption above.

**MOTION:** Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4306-08-2016 (R)**; a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the Filing of an Application With The Texas Department of Housing and Community Affairs; Adopting a Language Access Plan; and Committing Cash Reserves and Matching Funds for a Grant Under The National Affordable Housing Act of 1990, as Amended. The motion carried.

**Reports**

(Agenda Item G)

- Quarterly Investment Report From April 1, 2016 – June 30, 2016
- Police Chief William Kerbow reminded everyone that school zones would be back in effect beginning next week and encouraged everyone to be aware of these areas.
- Director of Public Services Keith Marvin updated the City Council on the lake status and advised it was currently ½ foot below conservation.
- Finance Director Brenda Martin advised of the Procurement Division being awarded the annual achievement in excellence.
- Assistant City Manager Claire Swann advised that the tickets for the Furr Ball – the Animal Services fundraiser for the Animal Shelter were currently on sale. She advise that the theme was 1920's attire.

**Reports (cont'd)**

**(Agenda Item G)**

- Councilman Daniels gave an update on upcoming events for Keep Lewisville Beautiful.
- Councilman Jones advised that he had already purchased his tickets for the Furr Ball and encouraged anyone interested in providing a sponsorship to contact the City. He wished a Happy 77<sup>th</sup> Birthday to the Police Department.
- Councilman Ferguson gave an update on upcoming events at the Medical Center of Lewisville. He thanked all the City staff that had helped put together a very comprehensive and concise and digestible budget presentation on Saturday. He stated that this meeting had went extraordinarily well and had been highly organized.
- Deputy Mayor Pro Tem Vaughn thanked the Police Officers that were present and all their team members for keeping Lewisville safe.

There were no additional reports at this time.

Deputy Mayor Pro Tem Vaughn advised that there were no items to be discussed for Closed Session.

**Adjournment**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Daniels, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:31 p.m. on Monday, August 15, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 12<sup>th</sup> day of September, 2016.

APPROVED

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TJ Gilmore  
MAYOR PRO TEM

ATTEST:

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Julie Heinze  
CITY SECRETARY

# Multi-Family Recycling in Lewisville

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OFFICE OF SUSTAINABILITY

# Multi-Family Recycling - Highlights

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- History
- Multi-Family Recycling in Other Cities
- How to Recycle at Lewisville Apartments
- Apartment Recycling Snapshot
- Challenges
- Best Practices in Place
- Next Steps

# History

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- Ordinance modeled on Cedar Hill program
- Effective in August 2014
- April 2015 roll-out
- February 2016 hired contractor for outreach

## Implementation Timeline for Multi-Family Recycling Program

2011  
Initial Proposal

2012-2013  
Franchise  
Negotiations

August 2014  
MF Franchised  
Stakeholder  
Meetings

April 2015  
Roll-out

February 2016  
Hired Contractor  
for Outreach

# Multi-Family Recycling in Other Cities

Lewisville	Mandatory	Franchised	Totes
Cedar Hill	Mandatory	Franchised	Totes or Bags
Allen	Mandatory	Franchised	City provides bag upon request
Euless	Mandatory	Franchised	Resident provides
Grapevine	Mandatory	Franchised	Bags
Fort Worth	Mandatory	Open Market	Resident provides
Dallas	Voluntary	Open Market	City provides bag upon request
Denton	Voluntary	Open Market	Resident provides
Richardson	Voluntary	Open Market	Resident provides
Carrollton	Voluntary	Franchised	Resident provides

# How to Recycle at Lewisville Apartments

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- 6-gallon totes were issued to residents as a bridge from apartment to dumpster
- Yellow lid dumpster for recycling (green lid for trash)
- 26% of apartments have valet recycling service
- 74% of apartments do not offer valet recycling
- Tuesday collection with dedicated trucks



# Apartment Recycling Snapshot

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- 76 multi-family properties participating - 20,566 units
- Average number of units per complex city-wide is 270
- Ratio of 3.65 trash dumpsters for every 1.57 recycling dumpsters
  - Goal is 1:1
- Apartment managers feedback: 93% Supportive, 7% Not Supportive

# First Year Results

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<b>MULTI-FAMILY</b>	<b>SINGLE FAMILY</b>
950 Tons (Annual)	4,900 Tons (Annual)
20,566 Households (Apartment Units)	20,805 Households
25% Average Contamination	7% Average Contamination
70 Pounds per Household per Year	438 Pounds per Household per Year
6 Gallon Recycling Container	96 Gallon Recycling Container

# Ideal Property

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- Engaged property manager
- Informed residents/low turn over
- Paired trash and recycling dumpsters
- Cooperative valet service
- Gated



# Challenges

## Turnover in Apartment Community

- Average 3 year turnover for managers
- Varying turnover rates for residents

## Contamination from Residents

- Uninformed residents
- Dumpster placement and convenience
- Dumpster color confusing
- Underserviced trash
- No options for bulky waste



# Challenges

## Contamination from Illegal Dumping

- Occurs after office hours
- Weekends
- Proximity to arterial roads
- Having a gated community makes a difference



# Best Practices in Place - City

- Dedicated position to educate and coordinate with property managers
  - 5 on-site education events for apartment residents
  - 2 public events
- Educational materials to managers for move-ins and upon request
- Recycling signage on dumpsters
- Engage with residents about recycling at apartment events
- Regular interaction and outreach with managers (in-person, phone)
- Newsletters addressed to apartment managers
- Enforcement tools for contamination



# Best Practices For Property Managers

**Recycling Works in Our Complex!**

We encourage you to do your part to control our garbage costs and conserve valuable resources by separating recyclables and putting them in the blue labeled containers.

The Recycling Champion for our complex is \_\_\_\_\_  
phone # \_\_\_\_\_, email \_\_\_\_\_  
She/he can answer your questions and help you get the information you need to recycle properly.

**Why recycle?**

- Recycling helps control garbage costs
- Recycling is the right thing to do
- Recycling saves resources
- Making recycled paper:
  - Generates 74% less air pollution
  - Generates 35% less water pollution
  - Requires 58% less water
  - Requires 64% less energy

**OUR RECYCLING PROGRAM IS EASY AND CONVENIENT.**

All clean and empty recyclables go into your recycling container including:

- Plastic bottles, jars, jugs, cups, and round dairy tubs (yogurt containers, etc.) No lids or caps!
- Drink cartons, paper cups, and freezer boxes
- Paper and flattened cardboard
- Aluminum, tin cans, empty non-toxic aerosol cans, and small metals (size limit is 2x2x2 ft and 35 lbs).
- Glass bottles and jars. No lids or caps!

**All recyclables must be clean.** Please empty bags and boxes into the recycling container to make sorting easier at the recycling center.

We have recycling guidelines to give you the information you need to recycle properly. Please post and refer to them as needed.

**Sort plastics by shape not numbers! Bottles, cups, jugs and tubs are accepted. No plastic bags! Reuse plastic bags or recycle them at your local grocery store.**

**BEYOND THE CURB**

- **Remember to buy recycled products.** Complete the recycling loop by purchasing products with post-consumer content (material that has been previously used and recycled). Check for recycling content when you buy toilet paper, paper towels or facial tissue.
- **Reuse is even better than recycling!** Using fewer disposable items means there is less to haul away, either as garbage or as recycling. Remember to reduce packaging by buying in bulk and reusing bags and containers. Use durable products like refillable coffee mugs and reusable shopping bags, and donate items instead of throwing them away. Check out [freecycle.org](http://freecycle.org), a website promoting reuse. It all helps!

**Electronics, Fluorescent Bulbs and Tubes, and Hazardous Waste:**

Fluorescent tubes and bulbs, electronics (computers, cell phones, TVs etc.), batteries, syringes and needles, and hazardous products (cleaners, solvents, etc.) do not go in the recycling or garbage. For safe disposal information visit:

- [wmnorthwest.com](http://wmnorthwest.com)
- [ecyclewashington.org](http://ecyclewashington.org)
- [takeitbacknetwork.org](http://takeitbacknetwork.org)
- [lamptracker.com](http://lamptracker.com)
- [thinkgreenfromhome.com](http://thinkgreenfromhome.com)
- [medwaste.wm.com](http://medwaste.wm.com)
- 1-800-Recycle

Thanks for doing your part to help our complex successfully recycle and prevent waste!  
**More waste prevention information: [wmnorthwest.com](http://wmnorthwest.com)**

♻️ 30% post-consumer recycled paper

## ■ Educate and Communicate

- List recycling as amenity on webpage/print media
- Communicate with residents at move-in about recycling
- Hang posters in common areas
- Include information electronically on intranet portal/apartment's social media
- Demonstrate appropriate recycling behavior

# Best Practices For Property Managers

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## ■ Logistics

- Pair recycling dumpsters with trash dumpsters
- Provide sufficient trash service
- Provide options for bulky waste
- Install common area recycling (mail kiosks, pools, club house)



# Next Steps to Success

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- Continue conducting outreach
- Develop annual outreach program calendar to reach all apartments (multi-department)
- Work on getting recycling in common areas such as pools/club houses
- Update ordinances for new construction to accommodate recycling dumpster (“amenity not an afterthought”)

