

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JULY 3, 2017

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore, Mayor Pro Tem

Bob Troyer

R Neil Ferguson

Brent Daniels

Brandon Jones

City Staff:

Donna Barron, City Manager

Eric Ferris, Deputy 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 Mayor Durham at 6:13 p.m. on Monday, July 3, 2017, 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 Charter Review Election

(Agenda Item A)

City Manager Barron advised that whatever direction the City Council provided at this meeting, an ordinance would be brought back at the next meeting to call the Charter Amendment Election. She questioned what the City Council wanted to include on the ballot.

Consensus of the City Council was to only include the items dealing with governance and filling vacancies (Items 1 and 2) at this time as the other issue were governed by State Law and were basically clean up items. City Manager Barron pointed out that education will be very important on the governance issue as it can get confusing.

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, Closed Session: In Accordance with Texas Government Code, Subchapter D, Section 551.074 (Personnel): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D, Proclamation: Declaring the Month of July as “Parks and Recreation Month”. Mayor Durham advised that he wanted to move this item up on the Agenda in order to allow the staff that were present to accept the proclamation to be able to leave prior to Closed Session. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-1, Public Hearing: Consideration of a Zone Change Request From Townhouse District (TH) to Planned Development – Townhouse 2 District (PD-TH2) and Three Associated Variances, on an Approximately-9.059 Acre Tract of Land out of the E. Pickett Survey, Abstract 1014, Located at the Northwest Corner of Bellaire Boulevard and Oakwood Lane, as Requested by Scott Johns, ARK Design Concepts, on Behalf of Haider Rizvi, HRDC, LLC., the Property Owner (Case No. PZ-2017-06-13). There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-2, Public Hearing: Consideration of a Zone Change Request From Local Commercial District (LC) to Planned Development – R-5 Single Family Residential District (PD-R-5) and one Associated Variance for a Residential Development Consisting of 46 Single-Family Detached Units and One Open Space Lot, on an Approximately 8.325-Acre Tract of Land out of the Henry Turner Survey, Abstract No.1249, Located on the East and West Sides of Vista Drive, Approximately 318 Feet North of West Round Grove Road (FM 3040), as Requested by Steve Homeyer of Homeyer Engineering Inc. on Behalf of Ken Hodge of KDH Partners, Ltd. the Property Owner (Case No. PZ-2017-06-14). There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item G-3, Approval of City Council Minutes of the June 5, 2017, Workshop Session and Regular Session. 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 Agreements for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2017-18; and Authorization for the City Manager to Execute the Agreements. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-5, Approval of a Professional Services Agreement with Kimley-Horn and Associates in the Amount of \$81,000 for Design and Construction Phase Services Relating to Proposed Traffic Signals at: SH 121 Business and Huffines Boulevard, FM 2281 (Old Denton Road) and Magic Mantle Drive and FM 407 and Summit Avenue; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-6, Approval of an Economic Development Agreement by and Between the City of Lewisville and 125 S. Walters, LLC; and Authorization for the City Manager to Execute the Contract. City Manager Barron reviewed this item for the City Council. She pointed out this item involved the parking lot at the corner of Walters and Mill Street and reviewed what was being proposed. She stated that for safety of City employees, they would probably be moved to the east parking lot during the construction of this project. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-7, Approval of an Economic Development Agreement by and Between the City of Lewisville and Legacy Pointe, LLC; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-8, Approval of an Agreement Among the City of Lewisville, Bright Realty and Hawes Hill & Associates for Professional Services in the Amount of \$70,000 Related to a Proposed Denton County Fresh Water Supply Districts 1-G and 1-H (DCFWS) Tax Increment Financing District (TIF) Related to DCFWS 1-G and 1-H; and Authorization for City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-9, Approval of an Agreement by and Between the City of Lewisville and McGee Country Store Inc.; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item I-Closed Session. Mayor Durham advised that these items would be done at the same time as the first scheduled Closed Session. 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)

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:21 p.m. on Monday, July 3, 2017.

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, July 3, 2017, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

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

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Proclamation: Declaring the Month of July
as “Parks and Recreation Month”**

(Agenda Item C)

Councilman Daniels read and presented a proclamation declaring the month of July as “Parks and Recreation Month” to the following City of Lewisville employees, LLELA employees, and Park Board Members: Lorelai Boen, Stacie Anaya, Darrin Williams, Nick Makarenko (LLELA), Erin Piper (LLELA), James Collier (Park Board Member), Erika Tang, Henry Chica, Konni Cooper, Paul Moore, and Christina Rial.

At the request of City staff, Mayor Durham requested a motion that Item No. 9 be pulled from Consent Agenda to be discussed in Closed Session under Section 551.087 (Economic Development) before consideration of the item.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to remove Agenda Item No. 9 from the Consent Agenda to be discussed in Closed Session under Section 551.087 (Economic Development) before consideration of the item. The motion carried.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:06 p.m. Monday, July 17, 2017, in accordance with the requirements of the Open Meetings Law.

**CLOSED SESSION: In Accordance with
Texas Government Code, Subchapter D,
Section 551.074 (PERSONNEL): Discussion
of Election of Mayor Pro Tem and Deputy
Mayor Pro Tem**

(Agenda Item C)

In accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL), the Lewisville City Council convened into Closed Session at 7:06 p.m. on Monday, July 3, 2017, 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. Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem

Section 551.072 (Real Estate):

2. Property Acquisition

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 7:26 p.m. on Monday, July 3, 2017.

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

(Agenda Item C)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:26 on Monday, July 3, 2017, 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.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Troyer, the Council voted five (5) “ayes” and no (0) “nays” to authorize the City Manager or her designee to sign all documents necessary to sell the approximate 1.086 acres of real property situated in Lot 1, Block A, of Vision Division, generally located on the southeast corner of Main Street and Mill Street, in Lewisville, Denton County, Texas to Matthews Southwest Properties Inc., for \$915,000 with a 365 day inspection period. The motion carried.

**Approval of an Agreement by and Between
the City of Lewisville and McGee Country
Store Inc.; and Authorization for the City
Manager to Execute the Contract**

(Consent Agenda Item G-9)

McGee Country Store Inc., the “Owner” of McGee's Country Store Deli located at the southeastern corner of McGee and FM 407, intends to make certain site improvements. The property is located in the City’s northern gateway, which is targeted for redevelopment. Due to the importance of this gateway, staff has reviewed the proposed additional improvements to the site and recommends providing the Owner with a beautification grant to incentivize additional enhanced landscaping and beautification for the site. The City will provide a maximum beautification grant of \$59,405.13 in support of the project. This grant would only be paid as a reimbursement at substantial completion.

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

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 the City Manager Agreement by and Between the City of Lewisville and McGee Country Store Inc.; and Authorization for the City Manager to execute the Contract. The motion carried.

**CLOSED SESSION: In Accordance with
Texas Government Code, Subchapter D,
Section 551.074 (PERSONNEL): Discussion
of Election of Mayor Pro Tem and Deputy
Mayor Pro Tem**

(Agenda Item C)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve Councilman Brent Daniels as Mayor Pro Tem and Brandon Jones as Deputy Mayor Pro Tem. The motion carried.

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

Public Hearing: Consideration of Ordinance No. 4388-07-2017 (Z) a Zone Change Request From Townhouse District (TH) to Planned Development – Townhouse 2 District (PD-TH2) and Three Associated Variances, on an Approximately-9.059 Acre Tract of Land out of the E. Pickett Survey, Abstract 1014, Located at the Northwest Corner of Bellaire Boulevard and Oakwood Lane, as Requested by Scott Johns, ARK Design Concepts, on Behalf of Haider Rizvi, HRDC, LLC., the Property Owner (Case No. PZ-2017-06-13)

(Agenda Item E-1)

The proposed development includes a combination of two and three-story single-family attached units and one community building. The development will be completed in two phases, providing approximately 104 units. The development will provide trails and common areas throughout the site and a large open space over an existing gas line easement. The following variances are requested: a) to waive the alley requirement and allow front-entry, b) to allow a gated community with private streets, and c) to allow an alternative street intersection layout. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of June 6, 2017.

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

Richard E. Luedke, Planning Director along with Kareem Hakemy and Taha Rizvi, with HRDC LLC, 2727 LBJ Frw Suite 927, Dallas, Texas, were all present to respond to any questions posed by the City Council.

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 4388-07-2017 (Z) a Zone Change Request From Townhouse District (TH) to Planned Development – Townhouse 2 District (PD-TH2) and Three Associated Variances, on an Approximately-9.059 Acre Tract of Land out of the E. Pickett Survey, Abstract 1014, Located at the Northwest Corner of Bellaire Boulevard and Oakwood Lane, as Requested by Scott Johns, ARK Design Concepts, on Behalf of Haider Rizvi, HRDC, LLC., the Property Owner (Case No. PZ-2017-06-13)

(Agenda Item E-1)

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 an Approximately 9.059-Acre Tract of Land out of the E. Pickett Survey, Abstract No. 1014; Located at the Northwest Corner of Bellaire Boulevard and Oakwood Lane; From Townhouse District (TH) Zoning to Planned Development-Townhouse 2 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 Mayor Pro Tem Daniels and seconded by Deputy Mayor Pro Tem Jones, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4388-07-2017 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4389-07-2017 (Z) a Zone Change Request From Local Commercial District (LC) to Planned Development – R-5 Single Family Residential District (PD-R-5) and one Associated Variance for a Residential Development Consisting of 46 Single-Family Detached Units and One Open Space Lot, on an Approximately 8.325-Acre Tract of Land out of the Henry Turner Survey, Abstract No.1249, Located on the East and West Sides of Vista Drive, Approximately 318 Feet North of West Round Grove Road (FM 3040), as Requested by Steve Homeyer of Homeyer Engineering Inc. on Behalf of Ken Hodge of KDH Partners, Ltd. the Property Owner (Case No. PZ-2017-06-14)

(Agenda Item E-2)

The proposed development consists of 46 single-family detached lots that feature a front-entry product with enhanced building materials, screening landscaping and useable open space. The development will be completed in one phase. The following variance is requested: a) to waive the alley requirement and allow front-entry. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of June 6, 2017.

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

Richard E. Luedke, Planning Director along with Matt Haskins with Homeyer Engineering, Inc., 602 Elm Street, Lewisville, Texas and Ken Hodge with KDH Partners, LTD, 1213 Noble Way, Flower Mound, Texas were all available to address any questions posed by the City Council.

Planning and Zoning Member James Collier, 1020 Cassion Drive, Lewisville, Texas, spoke before the City Council in support of this item.

Mayor Durham opened the public hearing.

Public Hearing: Consideration of Ordinance No. 4389-07-2017 (Z) a Zone Change Request From Local Commercial District (LC) to Planned Development – R-5 Single Family Residential District (PD-R-5) and one Associated Variance for a Residential Development Consisting of 46 Single-Family Detached Units and One Open Space Lot, on an Approximately 8.325-Acre Tract of Land out of the Henry Turner Survey, Abstract No.1249, Located on the East and West Sides of Vista Drive, Approximately 318 Feet North of West Round Grove Road (FM 3040), as Requested by Steve Homeyer of Homeyer Engineering Inc. on Behalf of Ken Hodge of KDH Partners, Ltd. the Property Owner (Case No. PZ-2017-06-14) (cont'd)

(Agenda Item E-2)

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

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 an Approximately 8.325-Acre Tract of Land out of the Henry Turner Survey, Abstract No. 1249; Located on the East and West Sides of Vista Drive, Approximately 318 Feet North of West Round Grove Road (FM 3040); From Local Commercial District (LC) Zoning to Planned Development–Single Family Residential District (PD-R-5) 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 Gilmore and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4389-07-2017 (Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Jones and seconded by Councilman Troyer, 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:

3. APPROVAL OF MINUTES: City Council Minutes of the June 5, 2017, Workshop Session and Regular Session.
4. Approval of Agreements for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2017-18; and Authorization for the City Manager to Execute the Agreements.
5. Approval of a Professional Services Agreement with Kimley-Horn and Associates in the Amount of \$81,000 for Design and Construction Phase Services Relating to Proposed Traffic Signals at: SH 121 Business and Huffines Boulevard, FM 2281 (Old Denton Road) and Magic Mantle Drive and FM 407 and Summit Avenue; and Authorization for the City Manager to Execute the Agreement.
6. Approval of an Economic Development Agreement by and Between the City of Lewisville and 125 S. Walters, LLC; and Authorization for the City Manager to Execute the Contract.
7. Approval of an Economic Development Agreement by and Between the City of Lewisville and Legacy Pointe, LLC; and Authorization for the City Manager to Execute the Contract.
8. Approval of an Agreement Among the City of Lewisville, Bright Realty and Hawes Hill & Associates for Professional Services in the Amount of \$70,000 Related to a Proposed Denton County Fresh Water Supply Districts 1-G and 1-H (DCFWS) Tax Increment Financing District (TIF) Related to DCFWS 1-G and 1-H; and Authorization for City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Reports

(Agenda Item H)

- Public Services ECS Manager Jordan Strickler gave an update on the status of the lake.
- Councilman Daniels highlighted the July 4th event that would be occurring in Old Town.
- Councilman Gilmore reminded residents that on July 11th from 11 a.m. – 6 p.m. at in the Recital Hall at the MCL Grand there would be a “Meet the Artist” event. The special guest will be Andrew Dufford, the artist chose to create and install the first piece of public art in the new Multigenerational Recreation Center.
- Councilman Ferguson gave an update on the upcoming events at the MCL Grand.
- Mayor Durham thanked the police officers present for their service to the community.

There were no additional reports at this time.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Daniels, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:34 p.m. on Monday, July 3, 2017. The motion carried.

These minutes approved by the Lewisville City Council on the 7th day of August, 2017.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY