

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
SEPTEMBER 18, 2017**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 6:00 P.M.
REGULAR SESSION – 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion of the Denton County Homelessness Task Force
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Councilman Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Durham
- C. **PRESENTATION:** Life Saving Award to Police Officers Austin Slye and Timothy O'Hare
- D. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.072 (Real Estate): Property Acquisition
 - 2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- E. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

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F. PUBLIC HEARING:

- 1. Continued Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) to Warehouse District (WH), on Approximately 6.68 Acres Legally Described as Lots 11 & 12, Block A, ARTX Park Addition, Bounded by East Valley Ridge Boulevard on the Northeast Side and Mario Court on the West Side, and an Ordinance Granting a Special Use Permit and Four Associated Variances to Allow a Wholesale Establishment With Outside Storage on More Than 10% of the Platted Lot on the Above-Referenced Land, Both Requested by Richard DeOtte, DeOtte Inc., on Behalf of Jim Bedworth Jr., of REW Gray Properties, LLC, the Property Owner (Case No. PZ-2017-07-15 and Case No. SUP-2017-07-11).**

ADMINISTRATIVE COMMENTS:

The property owner, REW, is proposing to relocate from their current site on South Mill Street to the subject site in ARTX Park. The zone change is necessary to consider a Special Use Permit. The following four variances are requested: a) to allow a reduction in exterior material requirements from 80% brick veneer to 30% brick veneer for the main building; b) to allow a reduction in exterior material requirements from 80% brick veneer to 0% brick veneer for the two three-sided storage sheds; c) to allow storage to exceed the height of the screening wall; and d) to allow precast panel screening wall within 25 feet of the street right-of-way in lieu of the required brick or stone screening wall. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request and the SUP request at their meeting on July 18, 2017.

RECOMMENDATION:

That the City Council continue the public hearing to the October 2, 2017, City Council meeting.

AVAILABLE FOR - Richard E. Luedke, Planning Director
QUESTIONS: - Richard DeOtte, DeOtte Inc.

- G. VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

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- H. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
2. **APPROVAL OF MINUTES:** a) **City Council Minutes of the September 5, 2017, Special Called Session;** and b) **City Council Minutes of the September 11, 2017, Workshop Session and Regular Session.**
3. **Approval of a Bid Award to Advanced Transol Consultants, LLC, Dallas, Texas, for the Purchase of Gateway Monument Signs & Installation in the Amount of \$218,500; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

A total of thirty-seven (37) bid invitations were downloaded from Bidsync.com. Two (2) bids were received and opened August 17, 2017. The low bid was submitted by Advanced Transol Consultants, LLC, of Dallas, Texas. Reference checks and an interview were conducted. Advanced Transol Consultants, LLC has completed similar sign projects for private and public entities within the City of Lewisville and surrounding cities. Funding is available in the Gateway Signs Capital Project.

RECOMMENDATION:

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

4. **Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2016 through March 31, 2017.**

ADMINISTRATIVE COMMENTS:

The Semi-Annual Report is to provide information on the progress of the Capital Improvements Plan associated with the Impact Fee Program and the Land Use Assumption Plan. In accordance with the Local Government Code, Section 395, the Capital Improvements Advisory Committee has reviewed the Semi-Annual Report and is recommending Council approval.

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RECOMMENDATION:

That the City Council approve the Semi-Annual Report for the period of October 1, 2016 through March 31, 2017.

- 5. Approval of a Professional Services Agreement with Halff Associates, Inc. and a Design Budget in the Amount of \$2,153,691 for Final Design and Construction Services Relating to Segments 2, 3 & 4 of the Corporate Drive Project; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Corporate Drive project consists of thoroughfare improvements connecting Railroad Street in Lewisville with Old Denton Road in Carrollton. Funding has been provided through Regional Toll Revenue and an Interlocal Agreement with Denton County. The professional services agreement for segments 2, 3 & 4 consists of final design and construction phase services for Corporate Drive from Railroad Street to Holfords Prairie Road in Lewisville. Staff has negotiated a Professional Services Agreement with Halff Associates, Inc. in the amount of \$2,051,391.00 and is requesting a design budget of \$2,153,691.00 to include final design and construction services relevant specifically to segments 2, 3 & 4. Funding is available in the Corporate Drive Capital Project.

RECOMMENDATION:

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

- 6. Approval of a Letter of Support for The Trust for Public Land 10-Minute Walk to a Park Campaign.**

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ADMINISTRATIVE COMMENTS:

The 10-Minute Walk to a Park Campaign is an initiative built by The Trust For Public Land with the support of the National Recreation and Park Association and the Urban Land Institute to celebrate communities that have made a commitment to creating an equitable, safe and healthy environment for their residents and visitors. Through the Lewisville 2025 Vision Plan, Parks Master Plan and Trails Master Plan, the City has demonstrated its commitment to providing a quality park system. As the Parks & Recreation Department is working to update the Parks, Recreation and Open Space Master Plan, the campaign will dovetail with efforts to determine levels of service and set new park development goals. The 10-Minute Walk to a Park has become an industry standard for measuring the level of service provided by a community and has recently been added to the department's performance measure dashboard.

RECOMMENDATION:

That the City Council approve signing the letter of support as set forth in the caption above.

I. REGULAR HEARINGS:

- 7. Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 3256 Lakewood Dr. Part of Lakewood Hills Dr. Addition, a Single Family Detached Development Located South of Windhaven Parkway. East of Josey Lane, as Requested by John Bishop, Representing Lennar Homes, The Property Owner.**

ADMINISTRATIVE COMMENTS:

Lennar Homes is currently developing a 133-unit single family detached residential project on a 44.860-acre property zoned PUD, located south of Windhaven Parkway east of Josey Ln. The engineering site plan has been issued for construction and currently awaiting building permits. A variance is being requested to place a temporary sales and marketing trailer on their site for the purpose of pre-sales before the model home is completed. The building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type.

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RECOMMENDATION

That the City Council approve the variance as set forth in the above caption not to exceed twelve (12) months or until the issuance of a Certificate of Occupancy, whichever occurs first.

AVAILABLE FOR QUESTIONS: - Wayne K. Snell Jr., Director of Neighborhood & Inspection Services

- 8. Consideration of a Request for a Variance to the Lewisville City Code, Chapter 4, Article II, Section 4-28, 108.5.2. Screening and Placement, Regarding Outdoor Receptacles to be Located in LLELA, as Requested by Stacie Anaya, Director of Parks and Recreation.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville currently leases property owned by the Army Corp of Engineers utilized by the City as LLELA. The proposed Outdoor receptacles would be located behind the current temporary buildings used by staff and surrounded by a “living screen” wall. Due to limitations of creating permanent structures, a variance is being requested to allow a living screen in lieu of the masonry requirements on three sides. City code does not allow living screen as for the purposes of screening outdoor receptacles.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: - Wayne K. Snell Jr., Director of Neighborhood & Inspection Services

- 9. Consideration of an Ordinance Amending Chapter 4 Buildings and Building Regulations of the City of Lewisville Code of Ordinances to Include Article XIV. - Vacant Buildings and an Ordinance Amending Chapter 2-201 Fee Schedule of the City of Lewisville Code of Ordinances to Adopt Associated Fees.**

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ADMINISTRATIVE COMMENTS:

Our City Code currently does not address vacant buildings other than to require the same basic maintenance that apply to all buildings. Vacant buildings, however, pose additional concerns that occupied buildings do not. They have higher incidents of code violations, attract vagrants and criminal activity, draw and harbor vermin, and are vulnerable to fires. To better address these risks, staff proposes adopting a vacant building ordinance and a separate ordinance establishing the associated fees.

RECOMMENDATION:

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

10. Consideration of an Ordinance Adopting the FY 2017-2018 Tax Rate.

ADMINISTRATIVE COMMENTS:

This action will adopt the City's annual ad valorem tax rate for all taxable property at \$0.436086 per \$100 of assessed valuation. The rate combines the following: Maintenance and Operations \$0.318766 and Principal and Interest on Debt \$0.117320 for a total tax rate of \$0.436086. While the proposed tax rate for FY 2017-2018 is the same as the 2016-2017 tax rate of \$0.436086, the proposed tax rate exceeds the effective tax rate of \$0.416250. Therefore, specific language is required in the ordinance, the vote on this ordinance must be a record vote and approved by at least 60 percent of the members of the governing body. For the City of Lewisville this would equal at least four voting members. The specific language of the motion to adopt the ordinance must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.436086, which is effectively a 4.7654 percent increase in the tax rate."

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2017-2018 tax rate with the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.436086, which is effectively a 4.7654 percent increase in the tax rate."

11. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

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ADMINISTRATIVE COMMENTS:

As part of the annual budget process, changes to the fee schedule based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees are reviewed and modifications proposed. These changes include items discussed at the Budget Workshop held on August 12th, as well as newly proposed modifications. Details for each recommended change are included in the back up information.

RECOMMENDATION:

That the City Council approve the ordinance amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

12. Consideration of an Ordinance Amending the FY 2016-17 Adopted Budget.

ADMINISTRATIVE COMMENTS:

The purpose of this ordinance is to amend the FY 2016-17 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year. Many of the remaining supplements were discussed during the Mid-Year workshop held in June. Others relate to actions taken to fund unbudgeted items during the year.

RECOMMENDATION:

That the City Council approve the ordinance amending the FY 2016-17 budget.

13. Consideration of an Ordinance Adopting the FY 2017/2018 Operating Budget.

ADMINISTRATIVE COMMENTS:

The proposed operating budget for all funds has been prepared by staff and reviewed by the City Council. Approval of this ordinance adopts an operating budget for all funds beginning October 1, 2017 and ending September 30, 2018. A draft budget document is available for public review at the City Secretary's Office, the Library, and on the City website.

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RECOMMENDATION:

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

- 14. Consideration of a Variance to the Lewisville City Code Section 2-201, Fee Schedule, Regarding Waiving Fees Associated with the Shared Table Fundraiser on October 15, 2017, and to Provide In-Kind Equipment and Staff Support, as Requested by Main & Mill Association.**

ADMINISTRATIVE COMMENTS:

Main & Mill Association is requesting a fee waiver, expected to total \$1,474.72, in connection with the Shared Table event to be held Oct. 15 in Wayne Ferguson Plaza. This is the first time a waiver request has been received for an event in the plaza.

RECOMMENDATION:

That City Council approve the variance as set forth in the caption above, as long as funds raised through the event are used for Old Town public art or Old Town marketing activities; and approve providing in-kind marketing support for the Shared Table event.

AVAILABLE FOR QUESTIONS: - James Kunke, Community Relations & Tourism Director

- 15. Consideration of a Resolution Appointing Two City Councilmembers to the Parks Master Plan Steering Committee for the Purpose of Updating the Parks, Recreation and Open Space Master Plan.**

ADMINISTRATIVE COMMENTS:

The current Parks, Recreation and Open Space Master Plan requires a mid-term update in order to maintain compliance with Texas Parks & Wildlife Department grant scoring standards. The Parks & Recreation Department will be working with Halff Associates, Inc. to complete the update. A steering committee will be formed to provide guidance on the process, give insight into the recreation and open space needs of the community and serve as a conduit of information amongst stakeholders and other city appointed boards and commissions. Staff requests formal participation in the committee by the appointment of two City Councilmembers to serve on the Steering Committee through the process of updating the master plan.

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RECOMMENDATION:

That City Council appoint two Councilmembers as set forth in the caption above.

- J. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- K. **ADJOURNMENT**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).