

A G E N D A

LEWISVILLE CITY COUNCIL MEETING NOVEMBER 20, 2017

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

WORKSHOP SESSION - 5:45 P.M.

REGULAR SESSION – 7:00 P.M.

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION – 5:45 P.M.

- A. Review and Discuss Administrative Modifications and Alternative Standards Associated With the Draft I-35E Corridor Overlay District
- B. Animal Services Volunteer Program
- C. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Councilman Troyer
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Deputy Mayor Pro Tem Jones
- C. **Consideration of Items Relating to the November 7, 2017, City of Lewisville Charter Amendment Election:**
 - 1. Canvass of the Election Returns for the City of Lewisville Charter Amendment Election
 - 2. Consideration of a Resolution Declaring the Results of the City of Lewisville Charter Amendment Election
- D. **PRESENTATION:** Certificate of Achievement for Planning Excellence

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E. PUBLIC HEARINGS:

- 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 71% brick veneer on the west elevation of the main building and 100% stucco on the north, south and east elevations; b) to allow a reduction in exterior material requirements from 80% brick veneer to 0% brick veneer for the two three-sided storage sheds except for 100% stucco on the east elevation of the eastern storage building; 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 December 18, 2017 City Council meeting.

AVAILABLE FOR QUESTIONS:

- Richard E. Luedke, Planning Director
- Richard DeOtte, DeOtte Inc.

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2. **Continued Public Hearing: Consideration of an Ordinance Granting a Zone Change From Heavy Industrial District (HI) to Specific Use – Landfill Accessory Uses District (SU – Landfill Accessory Uses) and one Associated Variance; on a 15.0 Acre lot Legally Described as Lot 1, Block A, D/FW Recycling & Disposal Facility Addition, Located at 1600 South Railroad Street; as Requested by Richard A. Dormier, Freeman-Millican, Inc. on Behalf of Guy R. Campbell, Waste Management of Texas, Inc., the Property Owner (Case No. PZ-2017-10-18).**

ADMINISTRATIVE COMMENTS:

The 15.0-acre lot consists of supplementary structures for the adjacent landfill, including an office building, service shop, truck wash, gas plant, storage building, paint shop and maintenance building. The zone change is necessary to accommodate the construction of a new break room and an expansion of the truck wash and service shop. The variance is requested to allow a dead-end water line to exceed 600 feet. On October 3, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request.

RECOMMENDATION:

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

AVAILABLE FOR - Richard E. Luedke, Planning Director
QUESTIONS: - Richard Dormier, Freeman-Millican, Inc.

3. **Public Hearing: Consideration of an Ordinance Granting Zone Change Request From Light Industrial District (LI) to Planned Development – Estate Townhouse District (PD-ETH) and Three Associated Variances for a Proposed Residential Development Consisting of 38 Single-Family Detached Units and Two Open Space Lots; on an Approximately 6.762-Acre Tract of Land out of the Frances Pearce Survey, Abstract No. 1016, Located on the East Side of Archer Way, Approximately 430 Feet North of Justin Road (FM 407); as Requested by Dale Ridinger, of Ridinger Associates, Inc., on Behalf of Unicla of America, Inc. the Property Owner (Case No. PZ-2017-10-20).**

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ADMINISTRATIVE COMMENTS:

The proposed Planned Development will have a base zoning of Estate Townhouse and consists of 38 single-family detached lots with a front entry product. The following variances are requested: a) to allow front entry driveways, b) to allow non-radial lot lines along curved streets, and c) to allow a reduced lot width and reduced control of access for a single-family lot. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of October 17, 2017.

RECOMMENDATION:

That the City Council approve the proposed ordinance and three associated variances as set forth in the caption above.

AVAILABLE FOR - Richard E. Luedke, Planning Director
QUESTIONS: - Dale Ridinger, Ridinger and Associates, Inc.

4. **Public Hearing: Consideration of an Ordinance Granting a Zone Change From Light Industrial District (LI) to Planned Development – Single Family Residential District (PD - R-5) and Five Associated Variances for a Proposed Residential Development Consisting of 30 Single-Family Detached Units on an Approximately 6.60-Acre Tract of Land out of the Levi N. Sparks Survey, Abstract No. 1135, Located on the West Side of McGee Lane, Approximately 125 Feet South of Daffodil Lane, as Requested by John Bezner of Civil Point Engineering, Inc., on Behalf of RJS Marine Inc., the Property Owner (Case No. PZ-2017-10-21).**

ADMINISTRATIVE COMMENTS:

The proposed Planned Development will have a base zoning of R-5 and consists of 30 single-family detached lots with a front entry product. The following variances are requested: a) to allow a 62-foot lot width with a 40-foot control of access for Lot 2, in lieu of required 75-foot lot width with a 50-foot control of access, b) to allow a 737-foot long cul-de-sac in lieu of a 600-foot long cul-de-sac (measured from the center of McGee Lane to the center of the cul-de-sec), c) to allow front entry driveways, d) to allow non-radial lots in lieu of straight or radial lot lines and e) to allow a 50-foot right-of-way at the cul-de-sac with a 10-foot street, sidewalk, water and sanitary sewer easement, in lieu of the required 60-foot right-of-way. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of October 17, 2017.

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RECOMMENDATION:

That the City Council approve the proposed ordinance and four associated variances as set forth in the caption above.

AVAILABLE FOR QUESTIONS: - Richard E. Luedke, Planning Director
- John Beznerm, Civil Point Engineering, Inc.

- F. **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.
- G. **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.
5. **APPROVAL OF MINUTES:** a) City Council Minutes of the October 2, 2017, Workshop Session and Regular Session; and b) City Council Minutes of the November 6, 2017, Workshop Session and Regular Session.
6. **Approval of a Bid Award for the S.H. 121 Business 24-Inch Waterline From Valley Ridge Boulevard to Midway Road Pump Station Project to S & J Construction Company, Inc., Jacksonville, Arkansas, in the Amount of \$3,751,274.53; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

A total of twenty-six (26) bid invitations were downloaded from Bidsync.com. A total of ten (10) bids were received and opened October 12, 2017. The project consists of construction of approximately 16,500 feet of 24-inch water transmission line from Valley Ridge Boulevard to the Midway Pump Station including a river crossing at the Elm Fork Trinity River. Funding is available in the Midway West utility capital accounts.

RECOMMENDATION:

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

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- 7. Approval of an Interlocal Cooperation Agreement for Library Services with Denton County; Designation of the Library Services Director as the Official Liaison for the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Denton County has requested that the Lewisville Public Library provide library services to all residents of Denton County. In exchange for such services October 1, 2017 – September 30, 2018, Denton County will pay the City of Lewisville \$72,300 based upon Lewisville’s population per North Central Texas Council of Governments figures and a proportionate share of unserved Denton County residents.

RECOMMENDATION:

That the City Council approve the agreement for Library Services with Denton County; designate the Director of Library Services as the official liaison for the City of Lewisville; and authorize the City Manager to execute the contract.

- 8. Approval of the Fiscal Year 2017-2018 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department provides emergency ambulance service to Denton County through an annual interlocal cooperation agreement. By providing ambulance service to designated unincorporated areas of Denton County, fixed revenue for the City is \$54,513, plus \$257.1269 per ambulance transport. The 4.28 rural miles noted in the Agreement is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2017 through September 30, 2018. The City Attorney's office has reviewed and approved the Agreement as to form.

RECOMMENDATION:

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

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- 9. Approval of the Fiscal Year 2017-2018 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$550.00 per fire call. The 4.28 rural miles is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2017 through September 30, 2018. The City Attorney's office has reviewed and approved the Agreement as to form.

RECOMMENDATION:

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

- 10. Approval of a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Sign an Agreement for the Furnishing and Installing of Traffic Signals by a Municipality.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville is responsible for the maintenance of the signals on FM 544 within the City of Lewisville. The ongoing widening of FM 544 by TxDOT requires reconstruction or upgrade of the existing traffic signals along its length. TxDOT is offering to let the City of Lewisville provide the communication and network equipment at two (2) locations on F.M. 544, which will allow the City of Lewisville to continue to control, monitor, and maintain these signals in a manner compatible with the City's existing traffic signal system. The agreement will provide full reimbursement from TxDOT in the amount of \$1,154 per each signal, for a total of \$2,308.

RECOMMENDATION:

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

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- 11. Approval of Amendment No. 6 to a Letter Agreement With KCS Railroad in the Amount of \$13,195 for Additional Plan Review Services Associated With the Windhaven Parkway Railroad Underpass North of FM 544; and Providing Authorization for the City Manager or Her Designee to Execute the Amendment on Behalf of the City.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville entered into a letter agreement with KCS Railroad in 2011 for KCS to provide plan review services for the design of the Windhaven Parkway underpass north of FM 544. KCS Railroad's review has exceeded the original estimated cost and has required several amendments. Based on recent review comments, KCS is estimating additional review costs thus requiring another amendment to the original agreement to cover their extensive review process bringing the total fee to \$71,926. Funding is available in the Corporate Drive (FM 544 to Josey) project accounts.

RECOMMENDATION:

That the City Council approve Amendment No. 6 as set forth in the caption above.

- 12. Approval of an Interlocal Agreement with Denton County Setting Forth the Terms and Conditions Under Which the Denton County Tax Assessor-Collector Shall Refuse to Register or Re-register Motor Vehicles Pursuant to Section 702.003 of the Texas Transportation Code.**

ADMINISTRATIVE COMMENTS:

Section 702.003 of the Texas Transportation Code authorizes municipalities to enter into agreements with county tax assessor-collectors, upon receipt of information from the municipality by and through the Texas Department of Motor Vehicles motor vehicle registration system, to assist a municipality in the enforcement of outstanding warrants of arrest for the failure to appear or failure to pay a fine on a complaint that involves the violation of a traffic offense by refusing to register or re-register a motor vehicle. The program works by placing a "flag" on vehicle registration and in order to remove a "flag" the owner must contact the court and pay the fine.

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RECOMMENDATION:

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

- 13. Approval of Revisions to Administrative Policy 2.0 Human Resources – Section X – Military Leave Pay.**

ADMINISTRATIVE COMMENTS:

The City established a policy in May 2004 to pay employees who were called to active duty in the military the difference between their military pay and their normal city pay to ensure no loss of wages for up to one year every five years. In December 2007, the policy was revised, allowing pay to be extended for up to two years per five-year period. Staff is recommending approval to maintain the current policy and removal of the requirement that the policy be reviewed by Council every two years.

RECOMMENDATION:

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

- 14. Approval of a Resolution for the Acceptance of the 2017 Homeland Security Grant Program’s Urban Area Security Initiative (UASI) Grant Award in the Amount of \$130,000.**

ADMINISTRATIVE COMMENTS:

The Office of Emergency Management received notice from the State of Texas Office of the Governor’s Homeland Security Grants Division that the City of Lewisville has been awarded a grant in the amount \$130,000 under the Urban Area Security Initiative (UASI) grant program. The intent of the UASI grant program is to support local efforts in preparing for threats and hazards that pose risk to our community, and to improve the regional ability to prevent, protect against, mitigate, respond to and recover from acts of terrorism. The amount of \$130,000 is allocated at \$65,000 to develop a city-wide unmanned aerial system program and \$65,000 to develop a full-scale exercise focused on terrorism related scenarios.

RECOMMENDATION:

That the City Council accept the grant and approve the resolution as set forth in the caption above.

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H. REGULAR HEARINGS:

- 15. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Amending the Lewisville Code of Ordinances, Chapter 2, Section 2-201 Fee Schedule By Repealing and Replacing Municipal Court Credit Card Convenience Fees.**

ADMINISTRATIVE COMMENTS:

The City recently changed service providers for credit card processing for the Municipal Court operations. This item will change the fee ordinance for the new credit card fee structure charged to customers under the new payment processing solution.

RECOMMENDATION:

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

- 16. Consideration of an Ordinance Updating the Service/Assessment Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District No. 5 Project; Providing a Repealer; Providing For Severability; Providing an Effective Date; and Declaring an Emergency.**

ADMINISTRATIVE COMMENTS:

City Council approved a resolution on May 6, 2013 authorizing the creation of Lewisville Castle Hills Public Improvement District (PID) No. 5. In conjunction with bonds being considered for approval, an update to the Service Plan and Assessment Roll must also be considered and approved by City Council. This plan identifies public improvement costs to be provided by the PID along with related information concerning the indebtedness to be incurred and the current outstanding assessments and indebtedness. PID5 occupies the same area as Denton County Fresh Water Supply District 1-G.

RECOMMENDATION:

That the City Council consider approval of the ordinance as stated in the caption above.

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- 17. Consideration of an Ordinance Authorizing the Issuance of \$11,395,000 City of Lewisville, Texas, Combination Contract Revenue and Special Assessment Utility System Bonds, Series 2017 (Lewisville Castle Hills Public Improvement District No. 5 Project) (the “Series 2017 Utility Bonds”) in Accordance With the Terms of That Certain Master Trust Agreement and Third Supplemental Trust Agreement; Approving and Authorizing the Execution of the Third Supplemental Trust Agreement; Authorizing a Final Limited Offering Memorandum Pertaining to the Issuance of the Series 2017 Utility Bonds; Approving a Bond Placement Agreement; Providing a Repealer, Severability, and an Effective Date; and Containing Other Matters Related to the Series 2017 Utility Bonds.**

ADMINISTRATIVE COMMENTS:

Denton County Fresh Water Supply District No 1-G has requested the City to authorize and approve the issuance of up to \$11,395,000 of said bonds above for the purpose of acquiring certain water, sewer, and drainage facilities and to pay certain costs incurred in connection with the issuance of the bonds.

RECOMMENDATION:

That the City Council consider approval of the ordinance as set forth in the caption above.

AVAILABLE FOR - Ross Martin, Winstead, PC
QUESTIONS:

- 18. Consideration of an Ordinance Authorizing the Issuance of \$5,905,000 City of Lewisville, Texas, Combination Contract Revenue and Special Assessment Road System Bonds, Series 2017 (Lewisville Castle Hills Public Improvement District No. 5 Project) (the “Series 2017 Road Bonds”) in Accordance With the Terms of That Certain Master Trust Agreement and Second Supplemental Trust Agreement; Approving and Authorizing the Execution of the Second Supplemental Trust Agreement; Authorizing a Final Limited Offering Memorandum Pertaining to the Issuance of the Series 2017 Road Bonds; Approving a Bond Placement Agreement; Providing a Repealer, Severability, and an Effective Date; and Containing Other Matters Related to the Series 2017 Road Bonds.**

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ADMINISTRATIVE COMMENTS:

Denton County Fresh Water Supply District No 1-G has requested the City to authorize and approve the issuance of up to \$5,905,000 of said bonds above for the purpose of acquiring and constructing certain streets and roads and to pay certain costs incurred in connection with the issuance of the bonds.

RECOMMENDATION:

That the City Council consider approval of the ordinance as set forth in the caption above.

AVAILABLE FOR - Ross Martin, Winstead, PC
QUESTIONS:

- 19. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-104, Truck Operation Restricted, on College Street Between Mill Street and Kealy Avenue Within the City of Lewisville; and Amending the Lewisville City Code, Section 15-126, Stopping, Standing or Parking Prohibited on Specific Streets, at the Cul-De-Sac on the South end of North Cowan Avenue Within the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

The opening of Valley Ridge Boulevard provides commercial trucks serving businesses on College Street access to Interstate Highway 35E and State Highway 121 Business. Thus, trucks from College Street no longer need to access Mill Street to get to I-35E. Staff is proposing to restrict trucks on College Street between Mill Street and Kealy Avenue. The Transportation Board considered this item at the October 17, 2017 meeting and voted unanimously (7) to (0) to recommend approval of the proposed ordinance. In addition to rerouting truck traffic, Valley Ridge construction also required closure of North Cowan Avenue from Mill Street and removal of a railroad crossing. A cul-de-sac is being constructed at the south end of N Cowan Ave just north of the DCTA railroad tracks. To allow large trucks serving businesses on N Cowan Ave and the school buses to freely turn around at the cul-de-sac, parking is to be prohibited at the cul-de-sac. The Transportation Board considered this item at the August 1, 2017 meeting and voted unanimously (7-0) to recommend approval of the proposed ordinance.

RECOMMENDATION:

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

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AVAILABLE FOR QUESTIONS: - David Salmon, City Engineer

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- Fourth Quarter Investment Report From July 1, 2017 – September 30, 2017
- J. **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
- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- L. **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).