

LEWISVILLE CITY COUNCIL

REGULAR SESSION

NOVEMBER 6, 2017

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore
Bob Troyer
R Neil Ferguson
Brent Daniels, Mayor Pro Tem
Brandon Jones, Deputy Mayor Pro Tem

City Staff:

Donna Barron, City Manager
Eric Ferris, Deputy City Manager
Claire Swann, Assistant City Manager
Melinda Galler, Assistant City Manager
Julie Worster, 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 6:00 p.m. on Monday, November 6, 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.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Stormwater Drainage Utility
Operating Rules, Credit Program, and
Appeals Process**

(Agenda Item A)

At the request of City Manager Barron, Director of Public Services Keith Marvin and Environmental Control Services Manager Jordan Strickler conducted that attached PowerPoint Presentation.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Stormwater Drainage Utility
Operating Rules, Credit Program, and
Appeals Process (cont'd)**

(Agenda Item A)

Councilman Ferguson expressed his frustration that he did not feel there was a consistency on how commercial property and residential property was being treated due to the residential not having an appeal process that would result in them getting anything. Councilman Ferguson stated that he felt the appeal process should be across the board and see what happened. Discussion was held regarding the residential properties have a flat fee of \$4 and the impervious area in shopping centers is more difficult to determine as some business have their own water meter and some do not, which requires more staff involvement. Councilman Ferguson again expressed his concern regarding not having any incentive for single family residences, especially with the Vision 2025 where we are working to be environmentally conscious. At the questioning of Mayor Durham, staff confirmed that the residential properties could appeal the \$4.00 cost; however, there were no incentives for residential properties. Councilman Ferguson stated that while he felt this would pass, he did not agree with the proposed ordinance in its entirety. City Manager Barron stated that if he wanted to encourage residential to have some type of stormwater incentive there may be something else that can be considered. Councilman Ferguson indicated he wanted the appeal and credit process opened to anyone who is willing to make the effort and has a legitimate case.

Further discussion was held regarding having a incentive process for residential properties versus the impact any minimal potential amount would have on City staff time. Keith Marvin indicated if it was the wisdom of the City Council, consideration could be given to implementing another tier of credit.

**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-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for an Auto Display, Sales (Outdoor) and Repair Facility; on Approximately 4.14-Acres, Legally Described as Lot 2, Block A, The Thompson Addition, Located on the South Side of State Highway 121 Business, Approximately 570 Feet East of East Valley Ridge Boulevard and Zoned Light Industrial District (LI), as Requested by Gregg Kaiser, of Aztec Commercial, on Behalf of New Horizon Commercial, LLC, the Property Owner (Case No. SUP-2017-10-14). 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 C-2, 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), 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). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-3, Public Hearing: Consideration of an Ordinance Granting a Zone Change From Single Family Residential (R-7.5) to Old Town Mixed Use 1 (OTMU1), on Approximately 0.231 Acres, Legally Described as Portions of Lot 3 and Lot 11, Block A, L.M. Kealy Addition, Located on the South Side of Samuel Street Approximately 132 Feet West of South Charles Street, at 230 Samuel Street, as Requested by James and Dawn Moss, the Property Owners (Case No. PZ-2017-10-19). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-4, Public Hearing: Consideration of an Ordinance Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.076-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 150 Feet West of South Poydras Street, at 170 West Main Street, as Requested by The RO Properties, the Property Owner (Case No. PZ-2017-10-22). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-5, Public Hearing: Consideration of an Ordinance Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.089-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 145 Feet West of South Mill Street, at 128 West Main Street, as Requested by Loki Bear Properties, LLC, the Property Owner (Case No. PZ-2017-10-23). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-6, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Communication Tower; on Approximately 0.911 Acres, Legally Described as Lot 1R, Block A of the Fox-IH35E Addition, Located on the Southwest Corner of Fox Avenue and the I-35E Frontage Road and Zoned General Business District (GB), as Requested by Brian Sullivan of Eco-Site, LLC, on Behalf of Jay Remnek, of Highland Lakes, Inc, the Property Owner (Case No. SUP-2017-10-13). There was no discussion on this item.

Mayor Durham reviewed Agenda Item D, Visitors/Citizens Forum. 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 E-7, a) City Council Minutes of the September 18, 2017, Workshop Session and Regular Session; and b) City Council Minutes of the October 16, 2017, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-8, Approval of a Professional Services Agreement with Hawes Hill and Associates LLP, in the Amount of \$70,000, for Services Related to the Expansion and/or Re-Evaluation of the Tax Increment Financing Reinvestment Zones (TIRZ) #1 and #2, Creation of a New TIRZ for the I-35 Corridor; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-9, Approval of the Revisions to the City of Lewisville Policy Statement 4.0: City Facilities/Events to Include the Lewisville Lake Environmental Learning Area (LLELA) in the List of Facilities Where Alcohol may be Served/Sold. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-10, Approval of a Resolution Authorizing the City to Submit a Grant Application to the Office of the Governor - Criminal Justice Division to Obtain Funding to Purchase 140 Sets of Rifle-Resistant Body Armor. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-11, Consideration of a Request for a Variance to the Lewisville City Code, Chapter 6, Article IX, Section 6-181(b), Exterior Finish Requirements, Regarding the Exterior Finish Requirements for a Home Located at 411 Mullins St, as Requested by Steve C. Brown, President of Carl Franklin Homes. City Manager Barron reviewed this item for the City Council. Councilman Gilmore expressed concern about complaints he had received in the past regarding the quality of these types of home finish outs. City Manager Barron referenced that this area was a target area for the small cell area plans and staff was recommending approval on this item due to the consistent look; however, they may not have recommended approval in another area. Planning Manager Richard Luedke advised that most of the homes in this area are sided. Councilman Gilmore expressed concern regarding a patchwork that he felt was occurring and wanted to ensure that there was a consistency to prevent that from continuing. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-12, Consideration of an Ordinance Providing for the Rules for the Use, Operation, and Financing of the City's Stormwater Drainage Utility. There was no discussion on this item.

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

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

At the request of City Attorney Lizbeth Plaster, Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 6:42 p.m. Monday, November 6, 2017, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, 551.071 (Consultation with Attorney), the Lewisville City Council convened into Closed Session at 6:42 p.m. on Monday, November 6, 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:

Agenda Item C-6, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Communication Tower; on Approximately 0.911 Acres, Legally Described as Lot 1R, Block A of the Fox-IH35E Addition, Located on the Southwest Corner of Fox Avenue and the I-35E Frontage Road and Zoned General Business District (GB), as Requested by Brian Sullivan of Eco-Site, LLC, on Behalf of Jay Remnek, of Highland Lakes, Inc, the Property Owner (Case No. SUP-2017-10-13).

The Closed Session was adjourned at 6:43 p.m. on Monday, November 6, 2017.

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

(Agenda Item I)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 6:46 p.m. on Monday, November 6, 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. There was no action taken on the items discussed during the Closed Session.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:46 p.m. on Monday, November 6, 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, November 6, 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 Ferguson gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Public Hearing: Consideration of Ordinance
No. 4430-11-2017 (SUP) Granting a Special
Use Permit for an Auto Display, Sales
(Outdoor) and Repair Facility; on
Approximately 4.14-Acres, Legally Described
as Lot 2, Block A, The Thompson Addition,
Located on the South Side of State Highway
121 Business, Approximately 570 Feet East of
East Valley Ridge Boulevard and Zoned
Light Industrial District (LI), as Requested
by Gregg Kaiser, of Aztec Commercial, on
Behalf of New Horizon Commercial, LLC,
the Property Owner (Case No. SUP-2017-10-
14)**

(Agenda Item C-1)

L&L Autolink is proposing a new two building development. One building will house an indoor used-car dealership that will offer minor repairs and contain five spaces for occasional vehicle display during normal business hours. Enhanced landscaping, exceeding the minimum requirement, is provided on both the interior of the site and along SH 121 Business. On October 3, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP.

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

Richard E. Luedke, Planning Director, was present to address any questions posed by the City Council.

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 4430-11-2017 (SUP) Granting a Special Use Permit for an Auto Display, Sales (Outdoor) and Repair Facility; on Approximately 4.14-Acres, Legally Described as Lot 2, Block A, The Thompson Addition, Located on the South Side of State Highway 121 Business, Approximately 570 Feet East of East Valley Ridge Boulevard and Zoned Light Industrial District (LI), as Requested by Gregg Kaiser, of Aztec Commercial, on Behalf of New Horizon Commercial, LLC, the Property Owner (Case No. SUP-2017-10-14) (cont'd)

(Agenda Item C-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 Granting a Special Use Permit for an Auto Display, Sales (Outdoor), and Repair Facility, on Approximately 4.14 Acres, Legally Described as Lot 2, Block A, Thompson Addition, Located on the South Side of State Highway 121 Business, Approximately 570 Feet East of East Valley Ridge Boulevard, and Zoned Light Industrial District (LI); Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Jones, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4430-11-2017 (SUP)**, as previously captioned. The motion carried.

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

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), 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)

(Agenda Item C-2)

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. On October 3, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request.

The City staff's recommendation was that the City Council continue the public hearing to the November 20, 2017 City Council meeting.

MOTION: Upon a motion made by Councilman Troyer and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the November 20, 2017 City Council meeting. The motion carried.

Councilman Gilmore returned to the dais.

**Public Hearing: Consideration of Ordinance
No. 4431-11-2017 (Z) Granting a Zone
Change From Single Family Residential (R-
7.5) to Old Town Mixed Use 1 (OTMU1), on
Approximately 0.231 Acres, Legally
Described as Portions of Lot 3 and Lot 11,
Block A, L.M. Kealy Addition, Located on
the South Side of Samuel Street
Approximately 132 Feet West of South
Charles Street, at 230 Samuel Street, as
Requested by James and Dawn Moss, the
Property Owners (Case No. PZ-2017-10-19)**

(Agenda Item C-3)

This zone change will bring this property into compliance with the Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of October 17, 2017.

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

Richard E. Luedke, Planning Director, was available to address any questions posed by the City Council.

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Councilman Troyer and seconded by Councilman Ferguson, 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 a 0.231-Acre Tract of Land, Legally Described as Portions of Lot 3 and Lot 11, Block A, L.M. Kealy Addition, Located on the South Side of Samuel Street Approximately 132 Feet West of South Charles Street, at 230 Samuel Street, From Single Family Residential District (R-7.5) Zoning to Old Town Mixed Use 1 District (OTMU1) 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."

Public Hearing: Consideration of Ordinance No. 4431-11-2017 (Z) Granting a Zone Change From Single Family Residential (R-7.5) to Old Town Mixed Use 1 (OTMU1), on Approximately 0.231 Acres, Legally Described as Portions of Lot 3 and Lot 11, Block A, L.M. Kealy Addition, Located on the South Side of Samuel Street Approximately 132 Feet West of South Charles Street, at 230 Samuel Street, as Requested by James and Dawn Moss, the Property Owners (Case No. PZ-2017-10-19) (cont'd)

(Agenda Item C-3)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Jones, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4431-11-2017 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4432-11-2017 (Z) Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.076-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 150 Feet West of South Poydras Street, at 170 West Main Street, as Requested by The RO Properties, the Property Owner (Case No. PZ-2017-10-22)

(Agenda Item C-4)

This zone change will bring this property into compliance with the Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of October 17, 2017.

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

Richard E. Luedke, Planning Director, and Bill Peck, 105 West Main, Lewisville, Texas, were both available to address any questions posed by the City Council.

Mayor Durham opened the public hearing.

Public Hearing: Consideration of Ordinance No. 4432-11-2017 (Z) Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.076-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 150 Feet West of South Poydras Street, at 170 West Main Street, as Requested by The RO Properties, the Property Owner (Case No. PZ-2017-10-22) (cont'd)

(Agenda Item C-4)

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.

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 a 0.076-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 150 Feet West of South Poydras Street, at 170 West Main Street, From General Business District (GB) Zoning to Old Town Center Business District (OTC) 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 Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4432-11-2017 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4433-11-2017 (Z) Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.089-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 145 Feet West of South Mill Street, at 128 West Main Street, as Requested by Loki Bear Properties, LLC, the Property Owner (Case No. PZ-2017-10-23)

(Agenda Item C-5)

This zone change will bring this property into compliance with the Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of October 17, 2017.

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

Richard E. Luedke, Planning Director and Bill Peck, 105 West Main, Lewisville, Texas, were both available to address 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.

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 a 0.089-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 145 Feet West of South Mill Street, at 128 West Main Street, From General Business District (GB) Zoning to Old Town Center Business District (OTC) 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."

Public Hearing: Consideration of Ordinance No. 4433-11-2017 (Z) Granting a Zone Change From General Business District (GB) to Old Town Center Business District (OTC), on an Approximately 0.089-Acre Tract of Land out of the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 145 Feet West of South Mill Street, at 128 West Main Street, as Requested by Loki Bear Properties, LLC, the Property Owner (Case No. PZ-2017-10-23) (cont'd)

(Agenda Item C-5)

MOTION: Upon a motion made by Mayor Pro Tem Daniels and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4433-11-2017 (Z)** as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4434-11-2017 (SUP) Granting a Special Use Permit for a Communication Tower; on Approximately 0.911 Acres, Legally Described as Lot 1R, Block A of the Fox-IH35E Addition, Located on the Southwest Corner of Fox Avenue and the I-35E Frontage Road and Zoned General Business District (GB), as Requested by Brian Sullivan of Eco-Site, LLC, on Behalf of Jay Remnek, of Highland Lakes, Inc, the Property Owner (Case No. SUP-2017-10-13)

(Agenda Item C-6)

The applicant is proposing to build a new 1,236 square-foot telecommunication facility on the south side of this lot. The facility will house a 100-foot tower that will help alleviate a gap in T-Mobile’s signal strength and allow other carriers to expand their service. Enhanced landscaping is being provided, including five new trees on the site and live screening around the eight-foot tall wrought iron fence surrounding the site. On October 3, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP.

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

Richard E. Luedke, Planning Director, was available to address any questions posed by the City Council.

Public Hearing: Consideration of Ordinance No. 4434-11-2017 (SUP) Granting a Special Use Permit for a Communication Tower; on Approximately 0.911 Acres, Legally Described as Lot 1R, Block A of the Fox-IH35E Addition, Located on the Southwest Corner of Fox Avenue and the I-35E Frontage Road and Zoned General Business District (GB), as Requested by Brian Sullivan of Eco-Site, LLC, on Behalf of Jay Remnek, of Highland Lakes, Inc, the Property Owner (Case No. SUP-2017-10-13) (cont'd)

(Agenda Item C-6)

Mayor Durham opened the public hearing.

John Gatz, 309 Bamborough Drive, Anna, Texas, representing Eco-Site Inc., along with Dishant Shaw, both spoke before the City Council in favor of this item.

MOTION: Upon a motion made by Councilman Troyer and seconded by Councilman Ferguson, 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 Granting a Special Use Permit for a Communication Tower, on Approximately 0.911 Acres, Legally Described as Lot 1R, Block A, Fox-IH35E Addition, Located on the Southwest Corner of Fox Avenue and the I-35E Frontage Road and Zoned General Business District (GB); 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 Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4434-11-2017 (SUP)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Troyer, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

7. APPROVAL OF MINUTES: a) City Council Minutes of the September 18, 2017, Workshop Session and Regular Session; and b) City Council Minutes of the October 16, 2017, Workshop Session and Regular Session.
8. Approval of a Professional Services Agreement with Hawes Hill and Associates LLP, in the Amount of \$70,000, for Services Related to the Expansion and/or Re-Evaluation of the Tax Increment Financing Reinvestment Zones (TIRZ) #1 and #2, Creation of a New TIRZ for the I-35 Corridor; and Authorization for the City Manager to Execute the Contract.
9. Approval of the Revisions to the City of Lewisville Policy Statement 4.0: City Facilities/Events to Include the Lewisville Lake Environmental Learning Area (LLELA) in the List of Facilities Where Alcohol may be Served/Sold.
10. Approval of Resolution No. 4435-11-2017 (R) Authorizing the City to Submit a Grant Application to the Office of the Governor - Criminal Justice Division to Obtain Funding to Purchase 140 Sets of Rifle-Resistant Body Armor.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Request for a Variance to the Lewisville City Code, Chapter 6, Article IX, Section 6-181(b), Exterior Finish Requirements, Regarding the Exterior Finish Requirements for a Home Located at 411 Mullins St, as Requested by Steve C. Brown, President of Carl Franklin Homes

(Agenda Item F-11)

The City of Lewisville requires that on residential construction the aggregate total of all exterior wall elevations, excluding doors and windows, consist of 80% brick veneer with no single wall elevation consisting of less than 60% brick veneer. The property owner is proposing that the home be 100% siding matching with the neighboring homes. The property is located on the north side of West College St, just outside of the Old Town Design District that would allow 100% siding.

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

Wayne K. Snell Jr., Director of Neighborhood and Inspection Services and Bill Peck, 105 West Main Street, Lewisville, Texas, were available to address any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Daniels and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve a request for a variance to the Lewisville City Code, Chapter 6, Article IX, Section 6-181(b), Exterior Finish Requirements, Regarding the Exterior Finish Requirements for a home located at 411 Mullins St, as requested by Steve C. Brown, President of Carl Franklin Homes. The motion carried.

Consideration of Ordinance No. 4436-11-2017 Providing for the Rules for the Use, Operation, and Financing of the City's Stormwater Drainage Utility

(Agenda Item F-12)

This item establishes the rules by which the City will operate the Stormwater Utility. The rules establish that the director of the department that administers City water and sewer utilities will administer the stormwater drainage utility system, including calculating charges, overseeing the credit policy, and processing appeals. In addition to the rules adopted by this ordinance, the City will maintain Administrative Directives outlining procedures for application for credits, and methods for maintaining up to date impervious areas and billing information.

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

Consideration of Ordinance No. 4436-11-2017 Providing for the Rules for the Use, Operation, and Financing of the City's Stormwater Drainage Utility (cont'd)

(Agenda Item F-12)

Councilman Ferguson advised he would be voting against this item and stated he was not opposed to the ordinance in whole; however, he disagreed with the creation of the opportunity for commercial entities to obtain stormwater credits for various actions they may take toward conservation. Councilman Ferguson referenced Big Move #9 of the Vision 2025 Plan which encourages conservation of land, water, energy, clean air, etc., but nothing was being provided for residential properties to enjoy any kind of credit or incentive toward conserving water or managing water runoff in a positive way. He stated he was not opposed to pursuing some other avenue toward making that happen in the future and he encouraged the City Council to do so.

Mayor Pro Tem Daniels stated that when this ordinance had been looked at City Council had tried to balance and make a fair program for the citizen's of Lewisville. He indicated that he brunt of this was going to the businesses, even the smallest business would probably be paying in one month more than what the average citizen would be paying in a year and most would be paying even more than that and so the appeals process for that made sense. Mayor Pro Tem Daniels further indicated that he did not think the administration for having an appeal process and doing a variance for every city property for citizens' made sense. Mayor Pro Tem Daniels stated he felt it was very fair how the city had structured this where the businesses were actually bearing the brunt of fees on this, which made the appeals process and credits make sense.

Councilman Ferguson addressed Mayor Pro Tem Daniels' comments and stated that during the workshop City staff had indicated there were commercial properties paying as low as zero. Councilman Ferguson further stated that he did not have any data that supported an argument that commercial is paying the bulk of the stormwater fee, nor that they are paying more than all residential properties. He stated that if we are sincere about the 2025 Plan and sustainability, we should have considered some type of incentive for individual residential properties and he did not feel that there would be 23,000 people coming in and requesting a credit. Councilman Ferguson, using an example, advised that they have the obligation to first prepare a good case to present and if they were aware a rain barrel may result in a 12¢ credit off their bill they probably would not even bother. He stated the target was for those that had a more substantial involvement or effort or something on the ground that significantly contributes to stormwater control. He stated that he still felt a balance could be struck.

Consideration of Ordinance No. 4436-11-2017 Providing for the Rules for the Use, Operation, and Financing of the City's Stormwater Drainage Utility (cont'd)

(Agenda Item F-12)

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

“An Ordinance of the Lewisville City Council Providing for Rules for the Use, Operation, and Financing of the City's Stormwater Drainage Utility; Providing for a Repealer, Severability and an Effective Date; 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 four (4) “ayes” and one (1) “nays” with Councilman Ferguson casting the negative vote to approve and adopt **Ordinance No. 4436-11-2017**, as captioned previously. The motion carried.

Reports

(Agenda Item G)

- Director of Public Services Keith Marvin gave an update on the status of the lake.
- Deputy City Manager Eric Ferris gave an update on the progress and upcoming closures on I35E.
- Mayor Pro Tem Daniels advised of the upcoming Keep Lewisville Beautiful's Trinity Trash Bash.
- Councilman Gilmore encouraged everyone to check out information on the City's website regarding The Gift of Art.
- Councilman Ferguson gave an update on upcoming events at the MCL Grand.
- City Secretary Julie Worster reminded everyone that November 7th was Election Day and that the polls would be open from 7 a.m. – 7 p.m.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:26 p.m. Monday, November 6, 2017, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item H)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:26 p.m. on Monday, November 6, 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. Property Acquisition

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 8:00 p.m. on Monday, November 6, 2017.

Reconvene into Regular Session and Consider Action, if any, on Items Discussed in Closed Session

(Agenda Item I)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:00 p.m. on Monday, November 6, 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 Deputy Mayor Pro Tem Jones 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 approximately 0.334 acres of real property situated at Lot 3, Block A, of the J.W. King Survey, Abstract No. 696 to Integrity Group LLC for \$500,000 with a 365 day inspection period. The motion carried.

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

Adjournment

(Agenda Item J)

MOTION: Upon a motion made by Councilman Troyer and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:01 p.m. on Monday, November 6, 2017. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of November, 2017.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Worster
CITY SECRETARY



STORMWATER UTILITY RULES ORDINANCE

Workshop – November 6, 2017

Status Update

- August 21, 2017 – Resolution passed calling for Public Hearings to establish the Stormwater Drainage Utility
- Proposed ordinances published in full three times prior to holding Public Hearings
- October 2, 2017 – Public Hearings held
 - Ordinance passed establishing Stormwater Drainage Utility
 - Ordinance passed creating fee of \$4.00/ERU & \$1.43/1,000sf of impervious area
- Billing scheduled to begin in January 2018

Rules Ordinance

- Establishes that the Public Services Department will administer the stormwater drainage utility system and the credit policy
- Defines the utility rate classes of single-family residential and non-single-family residential
- Creates the ability for entities to apply for Stormwater Drainage Utility credits
- Outlines the appeals process and time for any disputed charges



ERU Rate Classification

- Single-Family Residential Parcels:

- (Single-family, detached town homes, any individually metered dwelling units)

Fee = Flat rate per ERU* (dwelling unit) per month

- Non-Single-Family Residential Parcels:

- (Commercial, industrial, institutional, governmental, residential properties where multiple dwelling units are served by a single water meter, homeowners' associations)

Fee = Impervious area on the property per 1,000 square feet (SF) multiplied by the non-single-family residential rate

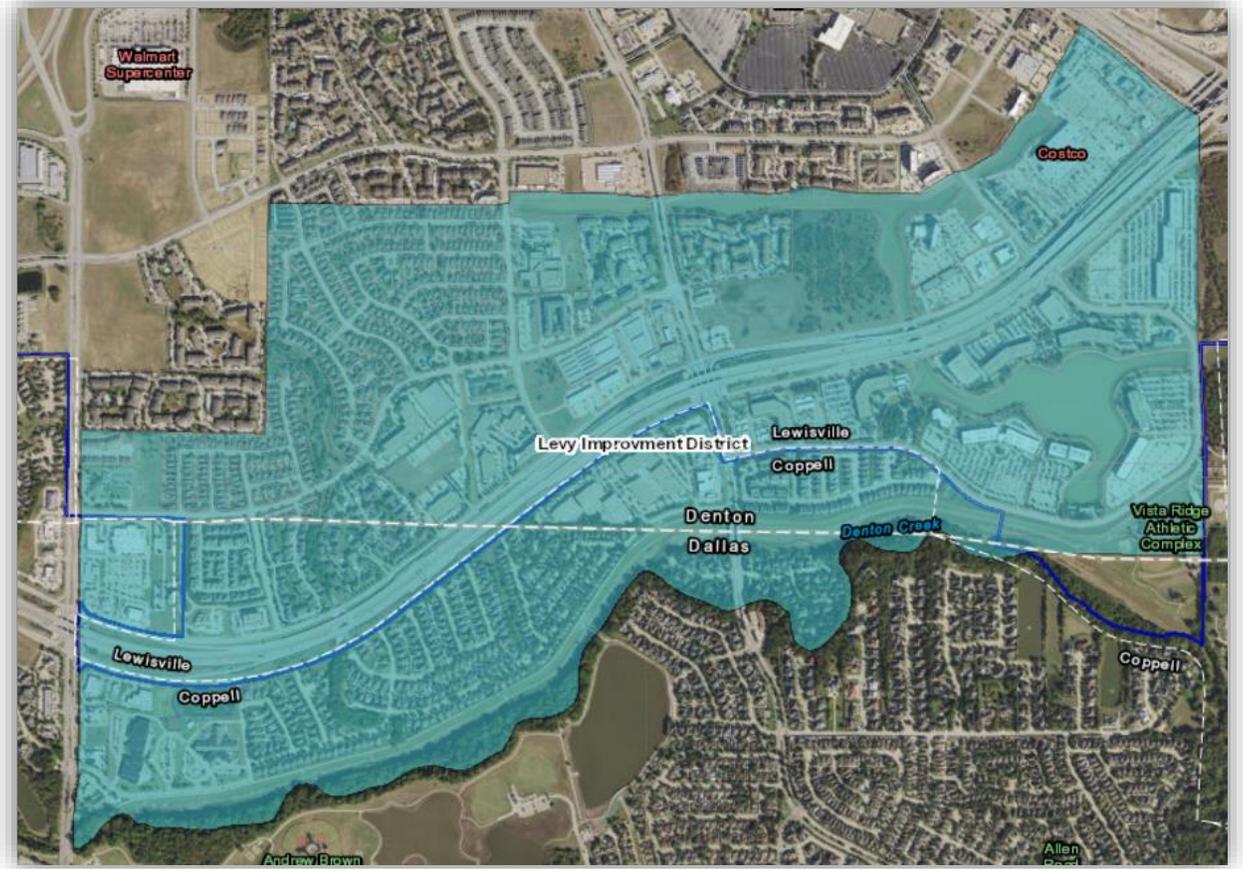
* ERU = Equivalent Residential U

Stormwater Credit Program

- The Rules Ordinance allows for the implementation of a Stormwater Utility Credit Program.
- Establishing a Stormwater Utility Credit Program provides an incentive for rate payers to implement stormwater management measures and offers a pathway for rate reduction.
- Public Services staff will administer the program and coordinate with Utility Billing to apply credits.
- Credits up to 50% will be available for Non-Single-Family Residential properties.
- Single-Family Residential properties are limited to an automatic credit of 25% if they fall within the Denton County Levee Control District.

Stormwater Credit Policy

- Credits for Single-Family Residential will only be applicable for residents located in the Denton County Levee Improvement District.
- Credits would be applied automatically for those properties located in the Levee District and will not require an application or renewal.
- The District collects property taxes from these properties and uses the money for maintenance of some drainage facilities within the District.



Stormwater Credit Policy

- Credits for Non-Single-Family Residential would be available through an application process.
- Credits are based on Best Management Practices (BMPs) and require documentation and self reporting to City staff. Each BMP would be associated with an allowable maximum percent credit for the impervious area served.

Table 2: Non-Single Family Residential

Credit Option	Maximum Percent Credit Allowable	Engineering Documentation	Maintenance	Inspection	Annual Self-Report
1. Adopt-a-Spot Program Credit	5	-	-	-	X
2. Parking Lot Sweeping Credit	5	-	-	-	X
3. Detention or Retention Pond Credit	20	-	X	X	X
4. Zero Discharge Credit	40	X	X	X	X
5. Permanent Structural Controls Credit	40	X	X	X	X
6. Student Education Credit	10	-	-	-	X
7. Industrial Facility Credit	5	-	-	X	X
8. Denton County #1 Levee Improvement District Credit	25	-	-	-	-

Encourage Best Management Practices



Appeals

- Establishes a Stormwater Utility Appeals Process.
- Public Services staff will administer the program and receive written appeals from land owners, or those responsible for the charges.
- The ordinance establishes that appeals must be based on one of the following items:
 - Exempt property assessed a charge
 - An incorrect determination of impervious area
 - Stormwater charges for the same property charged to multiple accounts
 - The property falls outside the City's jurisdictional area.

Appeals Continued

- Residents or businesses that wish to appeal their Stormwater charges have 30 days from the date of the charge they wish to dispute to file a written appeal.
- All appeals will be responded to by the Public Services Director in writing within 30 days of receipt.
- The property owner or account holder then has 30 days to appeal to the City Manager. The decision of the City Manager shall be final.
- The owner or customer filing the appeal shall bear the burden of proving by a preponderance of the evidence for the relief sought in the appeal.

Staff Recommendations

- Pass the ordinance providing for rules for the use, operation, and financing of the City's Stormwater Drainage Utility.
- Provide feedback on provisions for the Stormwater Drainage Utility Charge credit program.



COMMUNITY OUTREACH

Community Outreach

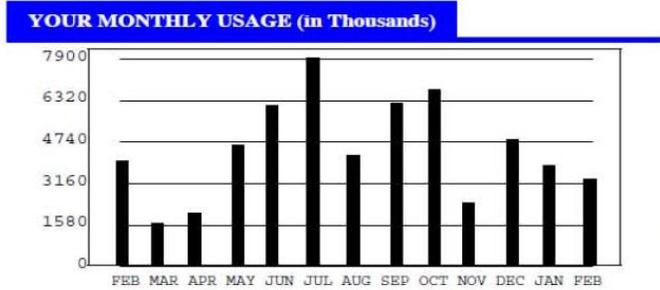
- Staff will send letters to all non-single-family accounts that will receive a bill of \$50 per month or more.
- Information will be included with utility bills.
- Staff has developed a website with information and frequently asked questions, including tools for property owners to determine their impervious area and monthly bills.
- Staff has developed detailed information to be distributed during the development review process.
- Staff will participate in community outreach including MARTY events and provide information to homeowners on the purpose of the Stormwater Drainage Utility.

Billing



151 W. Church Street
 P.O. Box 299002, Lewisville, TX 75029-9002
 Remit to: P.O. Box 731962, Dallas, TX 75373-1962
 (972) 219-3440 * Fax (972) 219-5097

Name
 Address
 LEWISVILLE TX 75077-2921



SPECIAL MESSAGE

****PET OWNERS****The City of Lewisville requires pet owners to register their furry friends. You may register your pet, (dogs, cats or ferrets) in person or by mail. For more information please contact Lewisville Animal Services at 972-219-3478.

- Stormwater Drainage Utility charges will be added to the utility bill beginning in January 2018.
- A special message will be sent with the December billing cycle.

Account

Statement

ACCOUNT INFORMATION

ACCOUNT:	000-0000000-000
PIN#:	
SERVICE ADDRESS:	764 SUMMIT RIDGE
SERVICE PERIOD:	12/20/2016 TO: 01/20/2017
BILLING DATE:	2/7/2017
CURRENT AMOUNT DUE DATE:	2/23/2017

CURRENT ACCOUNT ACTIVITY

<u>Meter/Code</u>	<u>Previous</u>	<u>Current</u>	<u>Usage</u>
WT	1267	1300	3,300

CURRENT CHARGES

Water	18.75
Sewer	13.63
Refuse	11.46
Stormwater	4.00
Sales Tax	0.95

AMOUNT DUE

Current Month Due	48.79
*Voluntary Contributions	0.00
Total Due	48.79

***This contribution is completely voluntary. You may designate an amount to be added to your bill each month. For more information, please call Keep Lewisville Beautiful at (972) 436-5100 or visit us at www.keeplewisvillebeautiful.org.**

Web Based Tools

- Created a website with information and frequently asked questions.
- Tools available will help property owners determine their impervious area and monthly bills.



Stormwater Fee By
Business Name



Stormwater Fee
Finder Map



QUESTIONS?