

A G E N D A

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

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

WORKSHOP SESSION - 6:30 P.M.

REGULAR SESSION – 7:00 P.M.

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Mayor Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Pro Tem Daniels
- C. **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).

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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 January 8, 2018 City Council meeting.

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

- D. **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.
- E. **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 November 20, 2017, Workshop Session and Regular Session.**
- b) **City Council Minutes of the December 4, 2017, Workshop Session and Regular Session.**

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- 3. Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \$893,315; Lewisville 2025 Implementation/Incentives Fund - \$3,951; Hotel/Motel Fund - \$4,167; Asset Forfeiture-State Fund - \$6,888; Grants Fund - \$293,995; Crime Control & Prevention Fund - \$70,347; Fire Control & Prevention Fund - \$40,829; Utility Fund - \$275,043; Maintenance & Replacement Fund - \$131,020; Self-Insurance Risk Fund - \$776,675; Tax Increment Reinvestment Zone 1 - \$183,230; and LPLDC (4B) Fund - \$1,944; and Approval of Supplemental Appropriations to Properly Fund Donation Projects in the Following Amounts – Recreation Activity Fund - \$2,300; Fire and Police Training Fund - \$33,866.**

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item accounts will be short at year-end. In addition, supplemental appropriations are needed to increase the budget for donations received in excess of the budgeted amounts.

RECOMMENDATION:

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

- 4. Approval of Administrative Policy 2.0, Section IV- Employee Performance Evaluation/Compensation Plan.**

ADMINISTRATIVE COMMENTS:

Current policy provides employees an opportunity to receive a Spot Award for quality performance that exceeds expectations which is then redeemed for a gift certificate not to exceed \$25.00. The recommendation is to rename the Spot Award to The Way Award to reward employees who go above and beyond in demonstrating their commitment to living the Lewisville Way. In addition, staff recommends removing the section that authorizes the Quality Award program. A committee of employees will research and provide a recommendation for a replacement recognition program in the future.

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RECOMMENDATION:

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

- 5. Approval of a Grant From the Texas Department of Transportation for the Traffic Safety Program; and Authorization for the City Manager to Execute the Grant Agreement.**

ADMINISTRATIVE COMMENTS:

The City will receive \$8,272.31 in grant funds from the Texas Department of Transportation which will enable the City to conduct impaired driving enforcement throughout FY 2017-2018. The grant funds will pay the officers' salaries at their overtime rate. The City is responsible for the 20% match, of \$2,068.10. The match is included in the FY 2017-2018 budget.

RECOMMENDATION:

That the City Council approve the grant and authorize the City Manager to execute the grant agreement as set forth in the caption above.

- 6. Approval of a Professional Services Agreement with Halff Associates, Inc. and a Design Budget in the Amount of \$134,760 for Partial Design Services Relating to Timber Creek Streambank Protection, Phase 2; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The project consists of design phase services up to and including 90% construction documents for Phase 2 of the Timber Creek Streambank Protection project. Phase 2 of the project begins at the downstream end of the previous Phase 1 (Regency Drive) project and continues the erosion protection an additional 700 feet downstream. It is also one of the critical erosion sites identified by Halff Associates in the 2008 Timber Creek Erosion Study. Although this is part of one of the priority projects identified by staff to be funded through the Drainage Utility, design funding for this project was approved as part of the 2017/18 General Fund budget to accelerate the project. This segment of Timber Creek has eroded at a faster rate than originally anticipated by the Timber Creek Erosion Study due to heavier than normal rainfalls over the past three years. The general fund will be reimbursed later through the Drainage Utility.

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RECOMMENDATION:

That the City Council approve the agreement and authorize the City Manager to execute the agreement as set forth in the caption above.

- 7. Approval of a Resolution Authorizing Addenda to Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; and Authorization for the City Manager to Execute the Addenda.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville, a U.S. Department of Housing and Urban Development Entitlement City, has previously entered into agreements with non-profit, grant sub-recipients for use of Community Development Block Grant funds. Addenda to those agreements have been prepared to extend the time of performance for the Children's Advocacy Center of Denton County and Special Abilities of North Texas with no change in funding.

RECOMMENDATION:

That the City Council approve the resolution and authorize the City Manager to execute the addenda.

- 8. Approval of a Resolution Acknowledging the 2018 Waste Management Cost of Service Rates for Franchised Solid Waste and Recycling Services.**

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a franchise agreement with Waste Management (WM) for solid waste/recycling collection services for residential and multi-family customers and solid waste collection and disposal services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Per the agreement, WM cost of service rates are to be adjusted annually by the percentage increase in the DFW Consumer Price Index (CPI) for the preceding twelve month period. Adjustments take affect on January 1 of the subsequent contract year. The current CPI for the DFW area as published by the Bureau of labor Statistics reflect an increase of 3.2 percent, and WM cost of service rates will be increased by 3.2 percent effective January 1, 2018.

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RECOMMENDATION:

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

F. REGULAR HEARINGS:

- 9. Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201, Fee Schedule, Related to Solid Waste and Recycling Rates.**

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a franchise agreement with Waste Management (WM) for solid waste/recycling collection services for residential and multi-family customers and solid waste collection and disposal services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Annually, Council establishes customer rates based on cost of service rates of WM. Per the franchise agreement, WM cost of service rates are to be adjusted annually by the percentage increase in the DFW Consumer Price Index (CPI) for the preceding twelve month period. Adjustments take affect on January 1 of the subsequent contract year. The current CPI for the DFW area as published by the Bureau of Labor Statistics reflects an increase of 3.2 percent, and WM cost of service rates will be increased by 3.2 percent beginning January 1, 2018. Customer rates established by the City Council have historically increased by the same CPI adjustment made to cost of service rates. Customer rates require a revision to the fee schedule related to franchised solid waste and recycling services.

RECOMMENDATION:

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

- 10. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on Valley Ridge Boulevard from Mill Street to State Highway 121 Business of 40 Miles Per Hour.**

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ADMINISTRATIVE COMMENTS:

Construction of Valley Ridge Boulevard from Mill Street to College Street has recently been completed. The roadway, a 4-lane divided principal arterial street now connects Interstate Highway 35E to State Highway 121 Business. Staff has completed a speed study and has determined the 85th percentile speed on Valley Ridge Boulevard between Mill Street and College Street to be 44.8 miles per hour. Because of the existing roadway conditions at the intersections of Mill Street and College Street and in accordance with the Texas Manual of Uniform Traffic Control Devices and standard engineering practices, staff recommends posting the speed at 40 miles per hour. Also, staff conducted a speed study on the existing section of Valley Ridge Boulevard between College Street and State Highway 121 Business and the study indicated that the speed limit be increased to 40 mph from the existing limit of 35 mph. The Transportation Board at their December 5, 2017 meeting, voted to approve the recommendation to the City Council with a vote of (6 - 0).

RECOMMENDATION:

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

AVAILABLE FOR - David Salmon, P.E., City Engineer
QUESTIONS:

- 11. Consideration of an Ordinance Adopting Contractor Registration Requirements, Creating a Contractor Registration Board, Amending the Fee Schedule to Reflect the Fees Required for Registration, and Appointing Members to the Contractor Registration Board.**

ADMINISTRATIVE COMMENTS:

Our City Code currently does not address registration of Contractors other than sign and fence contractors. The proposed ordinance will require an annual registration to track contractors and those serving our community. These requirements allow us to track basic information that applies to those performing work within the City. The reason for registering Contractors is to have their contact information on file, verify insurance and state license up front, and address past performance issues by blocking that contractor from registering with the City for failure to comply with our building permit or inspection requirements.

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RECOMMENDATION:

That the City Council approve the ordinance set forth in the caption above and appoint the members of the Zoning Board of Adjustment to the Contractors Registration Board.

- 12. Consideration of the Dates and Location for the 2018 City Council Retreat, Standardizing Annual City Council Retreat Dates, and Upcoming Workshop Dates.**

ADMINISTRATIVE COMMENTS:

Council previously approved February 9 and 10 as the dates for the 2018 City Council Retreat. Staff is also requesting consideration of February 23 and 24 as possible dates for the retreat. Staff recommendation is to hold the retreat in Dallas, Texas to tour and learn specifics on the development of the Bishop Arts District as well as events and activities at Klyde Warren Park. Staff will continue to contact hotels in that area to ensure the best fit and price for the retreat. Council consideration is also requested for standardizing annual retreat dates for future City Council Retreats and consideration of April 23rd and August 11th for future Council Workshops.

RECOMMENDATION:

That the City Council finalize the dates and location for the City Council Retreat.

AVAILABLE FOR QUESTIONS: - Gina Thompson, Director of Strategic Services

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- H. **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
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

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J. **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).

**ADDENDUM TO THE
AGENDA**

LEWISVILLE CITY COUNCIL MEETING

7:00 P.M. – REGULAR SESSION

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In addition to the previously posted agenda for the February 19, 2007, Regular Session, the following item is hereby added:

- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
- 3. Section 551.071 (Consultation with Attorney): Legal Issues regarding DFW Sanitary Landfill's Request for Expansion