

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MARCH 19, 2018**

**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 6:01 p.m. on Monday, March 19, 2018, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Presentation of Body Worn Camera  
Program and Overview of the Special  
Operations Division**

**(Agenda Item A)**

At the request of City Manager Barron, Assistant Police Chief Kevin Deaver and Police Captain Casey Carter conducted the attached PowerPoint Presentation. Discussion was held regarding the approximate \$20,000 that would be needed to upgrade the triggers to start the body worn cameras. City Manager Barron advised this could be funded from salary savings in the Police Department.

Councilman Gilmore questioned if the video could be used as a promotional opportunity. Police Chief Kerbow advised that that was a definite possibility. ITS Director Chris Lee explained how the video were uploaded following an officer docking the camera.

**WORKSHOP SESSION – 6:00 P.M.**

**Presentation of Body Worn Camera  
Program and Overview of the Special  
Operations Division (cont'd)**

**(Agenda Item A)**

Discussion was held regarding FIOA requests and if an increase had been seen with the addition of the videos. City staff reminded the City Council that an additional technician had been hired to help manager these requests; however, a huge increase had not yet been seen. Further discussion was held that as people realized this was an option that could increase.

**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 a Contractor's Yard; on Approximately 2.4718 Acres, Legally Described as a Lot 1, Block C of the Riverview Industrial Addition, Located at 1620 Riverview Drive; as Requested by Luis Pedraza, of Luis Construction Service Inc. & Newstar Drilling Inc., the Property Owner (Case No. SUP-2018-02-02). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-2, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for Minor Automobile Services Including Tune-up and Repair Services Facility; on Approximately 0.572 Acres, Legally Described as Lot 1-B, Block A of the McGee Park Addition, Located at 1299 Justin Road (F.M. 407); as Requested by Ralph Martinez, of RGM Architects, on Behalf of Riyadh Hossainy, INI LLC, the Property Owner (Case No. SUP-2018-02-04). There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-3, Public Hearing: Consideration of the Adoption of the Parks, Recreation and Open Space Master Plan Update. Councilman Gilmore indicated that as there was public comment in the backup documentation regarding a BMX bike opportunity on the Landfill and due to his being employed by Texas Waste Management, in order to be consistent on his abstentions that could create a perceived conflict of interest, he would be abstaining from discussion and consideration of this item. He expressed his support of the Park Master Plan. There was no further 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-4, Approval of a Bid Award to The Security Center, Inc., Dallas, Texas, for the Purchase of Bullet-Resistant Glass and Installation in the Amount of \$110,051.82; and Authorization for the City Manager to Execute the Agreement. City Manager Barron reviewed this item for the City Council utilizing the backup material. She explained this was the first part of the purchase of the bullet-resistant glass. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-5, Approval of a Professional Services Agreement With Halff Associates, Inc., Fort Worth, Texas, in the Amount of \$75,000 for Professional Services in Connection with Preparation of a Flood Depth Analysis and Hazard-Specific Supplement to the City's Emergency Plan. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-6, Approval of a Resolution Amending the City's Legislative Agenda to Express Support for the Texas Bullet Train High-Speed Rail Project, and Authorizing the Mayor and City Manager to Communicate the City's Adopted Position, as Requested by Mayor Durham. Mayor Durham advised that he had requested this item to show regional support for the high speed train between Dallas and Houston. He stated if it did come into the area it will assist all of us and provide another mode of transportation. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-7, Approval of a Third Amendment to the Economic Development Agreement, Approved on May 19, 2016, Between Hard Sun 100, LLC and the City of Lewisville, and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-8, Consideration of an Ordinance Approving a Tariff Authorizing an Annual Rate Review Mechanism ("RRM") as a Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities Served by Atmos; Requiring the Company to Reimburse Cities' Reasonable Ratemaking Expenses; Adopting a Savings Clause; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and Legal Counsel for the Steering Committee. At the request of Mayor Pro Tem Daniels, City Manager Barron reviewed this item for the City Council. There was no further discussion on this item.

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items (cont'd)**

**(Agenda Item B)**

Mayor Durham reviewed Agenda Item F-9, Consideration of a Request for a Variance to the Lewisville City Code, Section 9.5-101(b) Underground Utilities, Related to South Village Mixed Use Building Located at 251 S. Mill Street as Requested by Texas New Mexico Power Company. At the request of City Manager Donna Barron, Fire Marshall Tim Ippolito utilized the backup material to review this item for the City Council. Mayor Durham pointed out that this was something he had reviewed at Retreat for the City Council. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-10, Consideration of Three Variances to the Lewisville City Code Section 6-57, Procedures for Issuance of Building Permit, Relating to the Tower Bay Lofts Project Located at 3000 N. Stemmons Freeway as Requested by Bobby Dollak, P.E. of G&A Consultants, Inc. Representing Wittington Holdings; and Authorization of the City Manager to Execute the Related Letter Agreement. Discussion was held that the risk of the Corp not approving this project was a developer risk, not a City risk as long as the variances were contingent upon the execution of the letter agreement, as that was where the indemnification was placed. There was no further 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.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:48 p.m. on Monday, March 19, 2018.

**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, March 19, 2018, 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, Deputy Mayor Pro Tem Jones gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Public Hearing: Consideration of Ordinance No. 0018-18-SUP Granting a Special Use Permit for a Contractor's Yard; on Approximately 2.4718 Acres, Legally Described as a Lot 1, Block C of the Riverview Industrial Addition, Located at 1620 Riverview Drive; as Requested by Luis Pedraza, of Luis Construction Service Inc. & Newstar Drilling Inc., the Property Owner (Case No. SUP-2018-02-02)**

(Agenda Item C-1)

Newstar Drilling's proposed contractor's yard, located on Riverview Drive, will include a new office building, shop, and screened space for outside storage. The site features enhanced building materials and landscaping, as well as the absence of any freestanding signage. On February 20, 2018, the Planning and Zoning Commission recommended unanimous approval (5-0) 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.

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 Granting a Special Use Permit for a Contractor's Yard, on Approximately 2.4718 Acres, Legally Described as Lot 1, Block C, Riverview Industrial Addition, Located at 1620 Riverview Drive and Zoned Heavy Industrial District (HI); Providing for a Repealer, Severability, Penalty, 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 five (5) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 0018-18-SUP**, as previously captioned. The motion carried.

**Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for Minor Automobile Services Including Tune-up and Repair Services Facility; on Approximately 0.572 Acres, Legally Described as Lot 1-B, Block A of the McGee Park Addition, Located at 1299 Justin Road (F.M. 407); as Requested by Ralph Martinez, of RGM Architects, on Behalf of Riyad Hossainy, INI LLC, the Property Owner (Case No. SUP-2018-02-04)**

**(Agenda Item C-2)**

Kwik Kar Oil & Lube is requesting a Special Use Permit to convert existing auto wash bays into auto repair bays. As a part of this SUP the applicant is proposing a variety of site improvements. These improvements include: adding new brick work and decorative stone work to the front façade; adding additional landscaping to the site; and replacing existing signage with a low-profile monument sign. Two variances are requested: a) To allow a reduction in the required landscape buffer along frontage property lines from ten feet to zero feet; and b) To eliminate the requirement for Right of Way evergreen screening. On February 20, 2018, the Planning and Zoning Commission recommended unanimous approval (5-0) of the SUP. The applicant did not provide the required variance request letter; therefore, the public hearing must be continued.

The City staff's recommendation was that the City Council continue the public hearing to the April 2, 2018 regular meeting.

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 Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to continue the public hearing to the April 2, 2018 regular meeting. The motion carried.

Councilman Gilmore indicated that as there was public comment in the backup documentation regarding a BMX bike opportunity on the Landfill and due to his being employed by Texas Waste Management, in order to be consistent on his abstentions that could create a perceived conflict of interest, he would be abstaining from discussion and consideration of Agenda Item C-3. Councilman Gilmore stated that he is huge supporter of the Parks and Trails and very excited to see what is being done. 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 the  
Adoption of the Parks, Recreation and Open  
Space Master Plan Update**

**(Agenda Item C-3)**

The Parks & Recreation Department has been working with Halff Associates to complete an update to the Parks, Recreation and Open Space Master Plan since September 2017. The proposed updates to the plan's goals, objectives and action steps are based on input gathered through the meetings with Parks & Recreation stakeholders and staff, two surveys, as well as information from needs and spatial assessments. The Parks & Recreation Advisory Board voted to support the proposed update on March 14, 2018.

The City staff's recommendation was that the City Council adopt the Parks, Recreation and Open Space Master Plan as presented.

Lenny Huges, 1201 N. Bowser Road, Richardson, Texas, 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 Mayor Pro Tem Daniels, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Jones and seconded by Mayor Pro Tem Daniels, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt the Parks, Recreation and Open Space Master Plan as presented. The motion carried.

Councilman Gilmore returned to the dais.

**Visitors/Citizens Forum**

**(Agenda Item D)**

Nathan Thomas, 2041 Aspen, Lewisville, Texas, spoke before the City Council to request the City Council nullify City Ordinance 11-13(a) as it is in direct conflict with the 1<sup>st</sup> Amendment of the United States. Mr. Thomas handed out pamphlets containing the Declaration of Independence and the Constitution of the United States

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Gilmore, 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:

4. Approval of a Bid Award to The Security Center, Inc., Dallas, Texas, for the Purchase of Bullet-Resistant Glass and Installation in the Amount of \$110,051.82; and Authorization for the City Manager to Execute the Agreement.
5. Approval of a Professional Services Agreement With Halff Associates, Inc., Fort Worth, Texas, in the Amount of \$75,000 for Professional Services in Connection with Preparation of a Flood Depth Analysis and Hazard-Specific Supplement to the City’s Emergency Plan.
6. Approval of Resolution No. 0019-18-RES Amending the City’s Legislative Agenda to Express Support for the Texas Bullet Train High-Speed Rail Project, and Authorizing the Mayor and City Manager to Communicate the City’s Adopted Position, as Requested by Mayor Durham.
7. Approval of a Third Amendment to the Economic Development Agreement, Approved on May 19, 2016, Between Hard Sun 100, LLC and the City of Lewisville, and Authorization for the City Manager to Execute the Agreement.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of Ordinance No. 0020-18-ORD Approving a Tariff Authorizing an Annual Rate Review Mechanism (“RRM”) as a Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and the Steering Committee of Cities Served by Atmos; Requiring the Company to Reimburse Cities’ Reasonable Ratemaking Expenses; Adopting a Savings Clause; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and Legal Counsel for the Steering Committee**

---

(Agenda Item F-8)

The City is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company’s application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities’ Executive Committee has recommended acceptance of the revised RRM Tariff, which is attached to the Ordinance.

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

**Consideration of Ordinance No. 0020-18-ORD Approving a Tariff Authorizing an Annual Rate Review Mechanism (“RRM”) as a Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and the Steering Committee of Cities Served by Atmos; Requiring the Company to Reimburse Cities’ Reasonable Ratemaking Expenses; Adopting a Savings Clause; Determining That This Ordinance Was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and Legal Counsel for the Steering Committee (cont’d)**

---

(Agenda Item F-8)

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

“An Ordinance of the City Council of the City of Lewisville, Texas, Approving a Tariff Authorizing an Annual Rate Review Mechanism (“RRM”) as a Substitution for the Annual Interim Rate Adjustment Process Defined by Section 104.301 of the Texas Utilities Code, and as Negotiated Between Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and The Steering Committee of Cities Served by Atmos; Requiring the Company to Reimburse Cities’ Reasonable Ratemaking Expenses; Adopting a Savings Clause; Determining That This Ordinance was Passed in Accordance With the Requirements of the Open Meetings Act; Declaring an Effective Date; Declaring an Emergency; and Requiring Delivery of This Ordinance to the Company and Legal Counsel for The Steering Committee.”

**MOTION:** Upon a motion made by Councilman Gilmore and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 0020-18-ORD, as captioned previously. The motion carried.

**Consideration of a Request for a Variance to  
the Lewisville City Code, Section 9.5-101(b)  
Underground Utilities, Related to South  
Village Mixed Use Building Located at 251 S.  
Mill Street as Requested by Texas New  
Mexico Power Company**

---

**(Agenda Item F-9)**

Texas New Mexico Power Company has applied for a permit to install a new power pole to provide electric service to the new building at 251 S. Mill Street. Staff denied the permit for the new power pole installation citing Chapter 9.5 Section 101 of the Old Town Development Ordinance, which requires all new utility lines of 60 kilovolts and below to be located underground. Texas New Mexico Power is requesting a variance to set a new pole, pole mounted transformer and install 90 feet of overhead electric lines at the southeast corner of the subject property.

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

Jeff Kelly, P.E., Assistant City Engineer and Roger Dickens with Texas New Mexico Power were present to address any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Jones and seconded by Mayor Pro Tem Daniels, the Council voted five (5) "ayes" and no (0) "nays" to approve a request for a variance to the Lewisville City Code, Section 9.5-101(b) Underground Utilities, related to South Village Mixed Use Building located at 251 S. Mill Street to set a new pole, pole mounted transformer and install 90 feet of overhead electric lines at the southeast corner of the subject property, as requested by Texas New Mexico Power Company. The motion carried.

**Consideration of Three Variances to the Lewisville City Code Section 6-57, Procedures for Issuance of Building Permit, Relating to the Tower Bay Lofts Project Located at 3000 N. Stemmons Freeway as Requested by Bobby Dollak, P.E. of G&A Consultants, Inc. Representing Wittington Holdings; and Authorization of the City Manager to Execute the Related Letter Agreement**

---

**(Agenda Item F-10)**

The subject site is a 5.082-acre lot zoned PD-MU located within the Tower Bay Lofts Addition, Lot 1, Block A. The Tower Bay Lofts project is a 308-unit multi-family project. The applicant is requesting the following three variances: (1) the issuance of a building permit prior to completion of all public improvements; (2) a performance bond in the amount of the total cost of the public improvements in lieu of a cash escrow; and (3) the construction of limited, non-combustible improvements above the foundation slab. Staff recommends that the variances be approved only under certain conditions which are set forth in the attached letter agreement. The applicant has agreed to these conditions.

The City staff's recommendation was that the City Council approve the variances as set forth in the caption above subject to the final execution of the attached letter agreement.

Tim Ippolito, Fire Marshal and Alfred Crozier, 517 Beacon Hill, Coppell, Texas, were both present to address any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve the following three variances to the Lewisville City Code Section 6-57, Procedures for Issuance of Building Permit, Relating to the Tower Bay Lofts Project located at 3000 N. Stemmons Freeway: (1) the issuance of a building permit prior to completion of all public improvements; (2) a performance bond in the amount of the total cost of the public improvements in lieu of a cash escrow; and (3) the construction of limited, non-combustible improvements above the foundation slab, as requested by Bobby Dollak, P.E. of G&A Consultants, Inc. representing Wittington Holdings subject to the final execution of the attached Letter Agreement; and authorize the City Manager to execute the related Letter Agreement. The motion carried.

**Reports**

**(Agenda Item G)**

- Director of Parks and Recreation Stacie Anaya reminded everyone of the upcoming Funny Bunny Festival being held at Railroad Park.
- Director of Public Services Keith Marvin advised the lake level was above conservation and water was currently being let out.
- Mayor Pro Tem Daniels advised of the upcoming Annual Keep Lewisville Beautiful Spring Clean Up scheduled for April 7<sup>th</sup> starting at Lewisville High School.
- Councilman Gilmore advised that he would be starting up Moving Minds to encourage healthy life styles beginning Saturday, March 24<sup>th</sup> at 1 p.m. starting at the Senior Center. He stated that this would be a walking tour that would allow for discussion of issues/concerns that residents may have.
- Councilman Ferguson reviewed upcoming events at the MCL Grand.
- Mayor Durham thanked the Police Officers that were present for their service to the community.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:18 p.m. Monday, March 19, 2018, 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 7:18 p.m. on Monday, March 19, 2018, 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 8:36 p.m. on Monday, March 19, 2018.

**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 8:36 p.m. on Monday, March 19, 2018, 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.

**Adjournment**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Jones, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:36 p.m. on Monday, March 19, 2018. The motion carried.

These minutes approved by the Lewisville City Council on the 2nd day of April, 2018.

APPROVED

---

Rudy Durham  
MAYOR

ATTEST:

---

Julie Worster  
CITY SECRETARY



# Body-Worn Camera Update



# Officer Safety Program



- Replacement Program that will provide officers with a Body Worn Cameras (BWCs), Taser (plus cartridges and holsters), and unlimited storage on the cloud
- BWCs: replaced every two years
- Tasers: replaced every five years



# Program Funding

Established costs are known from year to year

- Year One: \$276,082 (FY 2018)
- Years 2-5: \$213,912

Evidence Technician

- \$57,048 (FY 2018)



# Evidence Technician

- Hired:  
12/27/2017
- Training:
  - Has been trained on chain of custody and the handling of evidence
  - Processing of digital evidence



# Training and Deployment

- State mandates all officers must be trained in the use of BWCs prior to deployment
- Began training on February 1
- Officers began carrying BWCs after their training class
- Deployed To date: 119/154



# Camera Triggers

- ❖ Currently there are no triggers – dependent on officer activation (30 sec. pre-record)
- ❖ No triggers available at the time of purchase
- ❖ Available triggers at an additional cost
  - ❖ Emergency lights
  - ❖ Driver's door
  - ❖ Holster
  - ❖ Gun lock



# Policy Requirements

Officers **shall** begin recording the following events and continue recording until the event is concluded:

- Upon observation of suspicious or criminal behavior;
- Before exiting the vehicle when responding to a CFS, whether dispatched or not;
- Officer-initiated contacts;
- Arrests;
- Field Contacts;
- Traffic/Pedestrian Stops; and
- Vehicle/Foot Pursuits

# Privacy Concerns



Officers wearing a BWC should be sensitive to the privacy and dignity of persons when recording, and **may cover the lens if privacy concerns outweigh the legitimate interests of law enforcement.** If an officer decides to do so, they should first record the reason for doing so before covering the lens. The officer shall continue to record the audio of the event



# In Closing

- ❖ Implementation was a smooth process and functioning as desired
- ❖ All video is stored in the "cloud" @ evidence.com
- ❖ No negative network impact to city operations
- ❖ There will be tweaks going forward
- ❖ Camera will not capture everything

Questions/Comments?





# Special Operations



**LEWISVILLE**  
Deep Roots. Broad Wings. Bright Future.



# SPECIAL OPERATIONS DIVISION





# The Lewisville Police Department Special Operations Division

SCHOOL  
RESOURCE  
OFFICERS

NARCOTICS

GANG UNIT

NEIGHBORHOOD  
RESOURCE  
OFFICERS

STREET CRIMES



# What makes them special???

These 5 specialized units have unique skills and training to deal with certain aspects of law enforcement requiring time consuming techniques to properly address community problems and concerns.



## These 5 specialized units work together with...

- Almost every other unit within LPD
- Many local police agencies
- Numerous other city departments
- Federal agencies
- LISD
- Local businesses
- Lewisville residents
- Local social service providers

# NRO Unit





# NEIGHBORHOOD RESOURCE OFFICERS

## SERGEANT GORDON BLAIR

- Officer Gregory Hopper (1 district)
- Officer Marni Hull (2 district)
- Officer Joel Baker (3 district)
- Officer J.T. Flores (4 district)



# NRO responsibilities

- Community crime watch meetings
- Elementary School presentations
- Abandoned vehicles (mark and tow)
- Neighborhood disputes (conflict resolution)
- Monthly contact with apartment community managers
- Graffiti abatement (coordinate cleanup)
- CRASE Training
- Crime prevention surveys for homes and businesses
- Bicycle Rodeos (teaching bike safety to children)
- Old Town City Hall rapid response police force
- Homeless population monitor (assistance and enforcement)
- Community outreach events (NNO, Blk Parties, Coffee w/Cops)

# Old Navy Safety Event / National Night Out



# Meeting with students to discuss stranger danger and crosswalk safety



# Bicycle Rodeo taught at Creekside Elementary



# SCHOOL RESOURCE OFFICERS



## SERGEANT GORDON BLAIR

- Officer Laura Smith - Hedrick MS, Killian MS
- Officer Kevin Tice - Lewisville Learning Center, Durham MS
- Officer Matson Tiberghien - LHS - Main Campus
- Officer Nadia Pennington - LHS - Killough (9<sup>th</sup>/10<sup>th</sup>)
- Officer Jay Alexander - LHS - Harmon (9<sup>th</sup>/10<sup>th</sup>)
- Officer Carlos Flores - Delay MS, Huffines MS

# School Resource Officer Responsibilities



- Stationed at schools where they act as mentors to students
- Available for enforcement as needed
- Teach drug awareness classes
- Make presentations on relevant LE topics
- Speak with parents and counsel students as needed
- Liaison between the schools and the police department
- Ensure campus security / first line of defense

# Career Day at Elementary School



# SRO interaction with students



# STREET CRIMES



## SGT. KEN NAFFZIGER

- Detective Martin Popick
- Detective David Nicaud
- Detective Adam Fredrick
- Detective Drake Bartlett



# Street Crimes Responsibilities

- Reactive police force
- Surveillance support
- Organized crime abatement
- Attack current escalating crime trends
- Uniformed and covert assignments
- Fluctuating work hours depending on tasks
- Proactive gambling abatement
- Proactive prostitution abatement
- Proactive burglary abatement
- Frequently used to assist or supplement other ops

# Street Crimes

## 419 lbs. of Marijuana.



# Street Crimes

LPD Gang Unit assisting HSI.



# GANG UNIT



## SGT. KEN NAFFZIGER

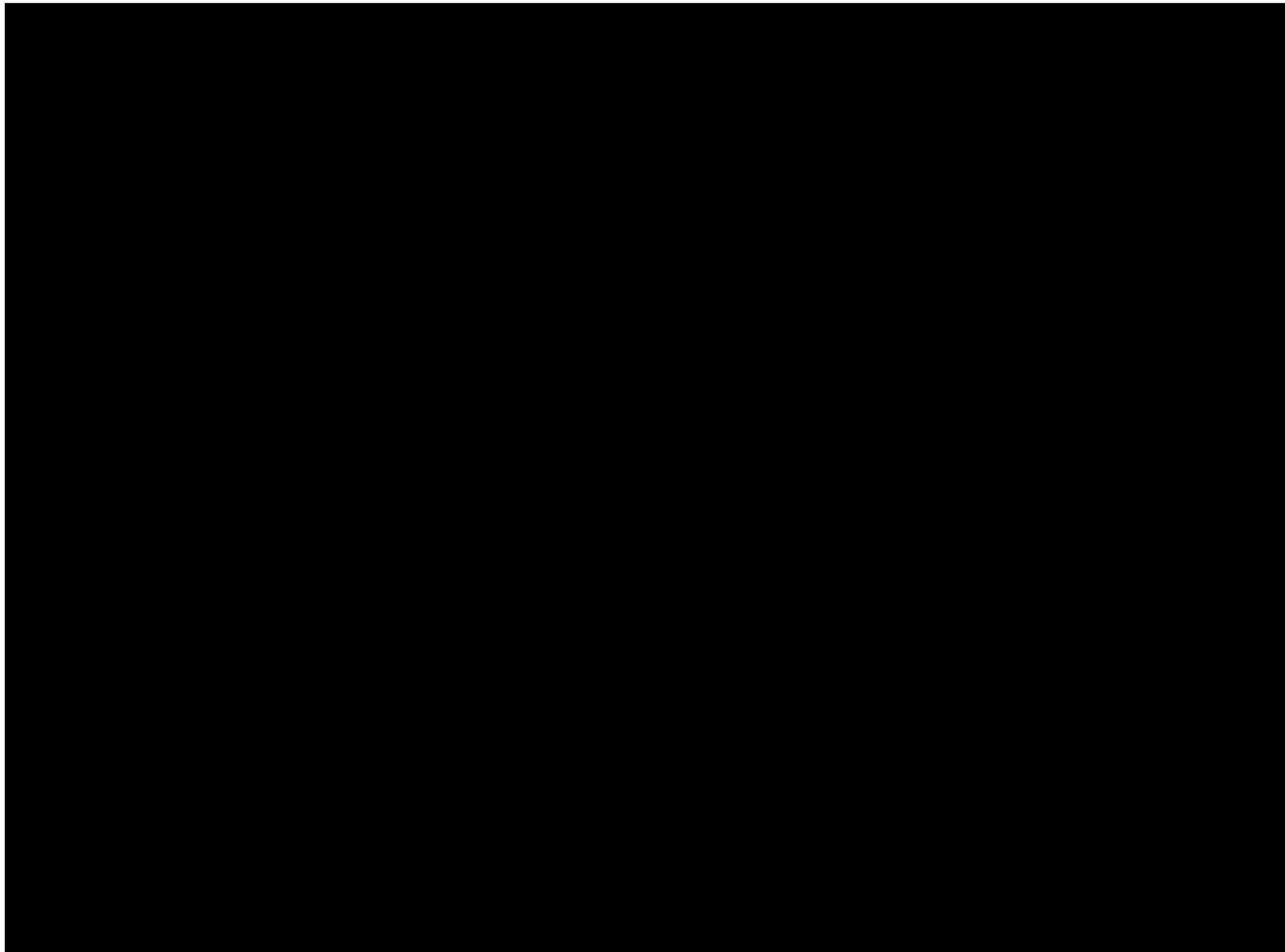
- Detective Roberto Limon, HSI Gang TFO
- Detective Ezequiel Villalvazo

# Gang Unit Responsibilities



- Manage LPD gang files
- Document gang members using federal criteria
- Assist other div and units within LPD w/ gang ID
- Work with local LE agencies to min gang activity
- Partner with HSI to suppress gang crime in the area
- Give presentations to promote gang awareness
- Conduct zero tolerance enforcement with known gang members
- Attend area LE meetings to gain intel & gang trends

# Gang Unit video...



# NARCOTICS UNIT



## SGT. DANIEL COLTRAIN

- Detective Eddie Barrett
  - DEA Task Force Officer (outgoing)
- Detective Seiuli Gordon
  - DEA Task Force Officer (incoming)
- Detective Michael Hernandez
- Detective Johnny Copley
- Detective Jon Michael Martinez



# Narcotics Unit Responsibilities

- Investigate all tips
- Develop confidential informants
- Follow up on all patrol cases (labs etc...)
- Conduct UC buys of narcotics
- Obtain PC for search and arrest warrants
- Assist SWAT in serving warrants
- Complete thorough search for evidence
- Give public education presentations
- Coordinate efforts with other LE agencies

# NARCOTICS Unit

## DEA assist in Lewisville



- LPD Narcotics stopped a vehicle with 5 kilos of methamphetamine.
- Information obtained from suspects led to seizure of 20 kilos of methamphetamine and \$40k cash in Dallas.
- LPD awarded the vehicle and a percentage of the cash.

# Narcotics Unit Video



Citizens have been complaining about heavy foot traffic related to narcotic activity and overwhelming odor of Marijuana coming from a residence.



# Items seized from Lewisville residents during “Knock and Talk” consensual encounters





# How do the 5 different units work together???

These 5 specialized units work together like fingers on a hand. Each is different but they all have specialized training and equipment to perform a special task.

Each of the 5 units in the Special Operations Division cooperate to work proactively in our community to grasp criminals and hold them accountable, while embracing and protecting the citizens who live and work in our city.

Questions/Comments?



## LETTER AGREEMENT

THIS LETTER AGREEMENT is made this 14<sup>th</sup> day of March 2018 between Tower Bay Lofts, LP (hereinafter "Wittington") and the City of Lewisville, TX (hereinafter "City") regarding the issuance of a building permit for the Tower Bay Lofts project.

**WHEREAS** on or about February 6, 2018, Wittington submitted to the City a trail and utility plan for the Tower Bay Lofts project ("the Plan"), attached as Exhibit A and incorporated as if fully set forth herein; and

**WHEREAS** part of the Plan involves construction on land controlled by the United States Army Corps of Engineers ("USACE"); and

**WHEREAS** on or about February 28, 2018, the USACE conceptually approved the Plan, see attached Exhibit B and incorporated as if fully set forth herein; and

**WHEREAS** Wittington is aware that it still needs final approval of the Plan by the USACE; and

**WHEREAS** Lewisville City Code, section 6-57(a) provides, in relevant part, that no building permit will be issued until all public improvements associated with the project, such as drainage, water and sanitary sewer facilities, are completed and accepted by the City; and

**WHEREAS** Lewisville City Code, section 6-57(b) provides, in relevant part, that commercial buildings must follow additional requirements prior to obtaining a building permit which includes construction and acceptance of all required public and semi-public improvements as shown on the approved engineering site plan; and

**WHEREAS** final approval by the USACE is also necessary prior to the issuance of a building permit by the City; and

**WHEREAS** Wittington requests that the City issue a building permit for the Tower Bay Lofts project before all public improvements associated with the project, such as drainage, water and sanitary sewer facilities, are completed and accepted by the City and before final approval of the Plan by the USACE; and

**WHEREAS** Lewisville City Code, section 6-57(e) provides that no building construction above the slab may be commenced prior to the construction and approval of all fire lanes, fire lines, fire hydrants and other waterline appurtenances; and

**WHEREAS** Wittington requests that it be allowed to begin construction on the parking garage prior to the construction and acceptance of all fire lanes, fire lines, fire hydrants and other waterline appurtenances associated with the Tower Bay Lofts project and before final approval of the Plan by the USACE; and

*AC*

**WHEREAS** Wittington understands that if the USACE does not give its final approval of the Plan, the City will not issue a Certificate of Occupancy for the Tower Bay Lofts project; and

**WHEREAS** Wittington assumes the risk that the USACE may not give its final approval of the Plan and agrees to indemnify the City as provided herein; and

**WHEREAS** Lewisville City Code, section 6-57(e) provides, in relevant part, that some items of public and semi-public improvements may be constructed simultaneously with the building provided a cash escrow is deposited with the City to cover 100 percent of the cost of the improvements; and

**WHEREAS** Wittington requests that it be allowed to provide a performance bond equal to 100 percent of the costs of the public improvements in lieu of a cash escrow.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual promises and agreements herein contained, the parties agree to the following terms and conditions:

**SECTION 1.** The above and foregoing recitals to this Letter Agreement are true and correct and are incorporated into this Letter Agreement and made a part hereof for all purposes.

**SECTION 2.** The City agrees to issue a building permit for the Tower Bay Lofts project prior to the completion and acceptance by the City of all public improvements and prior to final approval of the Plan by the USACE under the following conditions:

2.1 A pre-construction meeting with the City engineering department must occur prior to any work, both on-site and off-site.

2.2 No work may begin on land controlled by the USACE until the USACE has given its final approval of the Plan.

2.3 Construction may begin on the improvements detailed in the approved engineering site plan for the Tower Bay Lofts project, except as outlined in item 2.2 above.

2.4 Upon completion and acceptance by the City of the on-site fire lanes and the connection of all on-site water mains and fire hydrants to the existing water main on the frontage road, construction above the slab may begin only for the non-combustible construction of the parking garage.

2.5 Wittington must comply with all local, state and federal laws.

**SECTION 3.** Prior to the issuance of a building permit, Wittington shall provide a performance bond equal to 100 percent of the cost of the public improvements on a form approved by the City in lieu of a cash escrow as required by section 6-57(e) of the Lewisville City Code.



**SECTION 4.** Wittington shall provide, at its sole cost, a public restroom facility and all required infrastructure, as directed by the City, at a location selected by the City in the area of the covered boat slips. No certificate of occupancy shall be issued until the restroom facility is completed and accepted by the City.

**SECTION 5.** The City and Wittington agree that the trails are an integral and mandatory component of the Tower Bay Lofts project. As such, no certificate of occupancy shall be issued until the trails are completed and accepted by the City. This requirement is in addition to the completion and acceptance by the City of all the other requirements of the engineering site plan and the building permit.

**SECTION 6. WITTINGTON AGREES TO ASSUME THE RISK THAT THE USACE MAY NOT GIVE ITS FINAL APPROVAL OF THE TRAIL AND UTILITY PLAN FOR THE TOWER BAY LOFTS PROJECT. WITTINGTON AGREES TO DEFEND, INDEMNIFY AND HOLD CITY, ITS OFFICERS, AGENTS, AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS, AND EXPENSES FOR ANY HARM, INCLUDING FINANCIAL HARM, SUFFERED BY WITTINGTON OR ANY PERSON OR FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ANY ACT OR OMISSION IN CONNECTION WITH THIS AGREEMENT INCLUDING THE FAILURE TO RECEIVE FINAL APPROVAL BY THE USACE OF THE TRAIL AND UTILITY PLAN FOR THE TOWER BAY LOFTS PROJECT.**



IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

**TOWER BAY LOFTS, LP**

**CITY OF LEWISVILLE, TX**

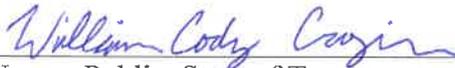
By: Wittington Tower Bay, LLC  
Its General Partner  
By: Wittington Holdings, LP  
Its Manager  
By: Wittington GP, LLC  
Its General Partner

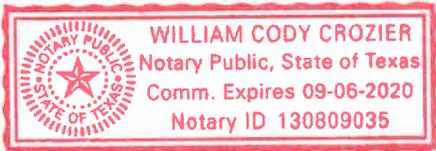
  
\_\_\_\_\_  
Alfred Crozier, Manager

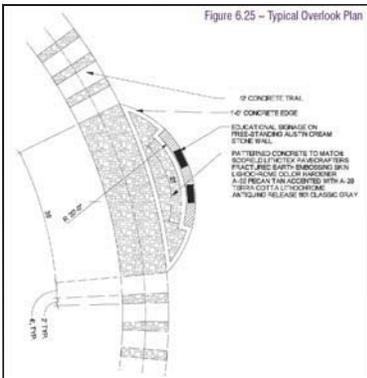
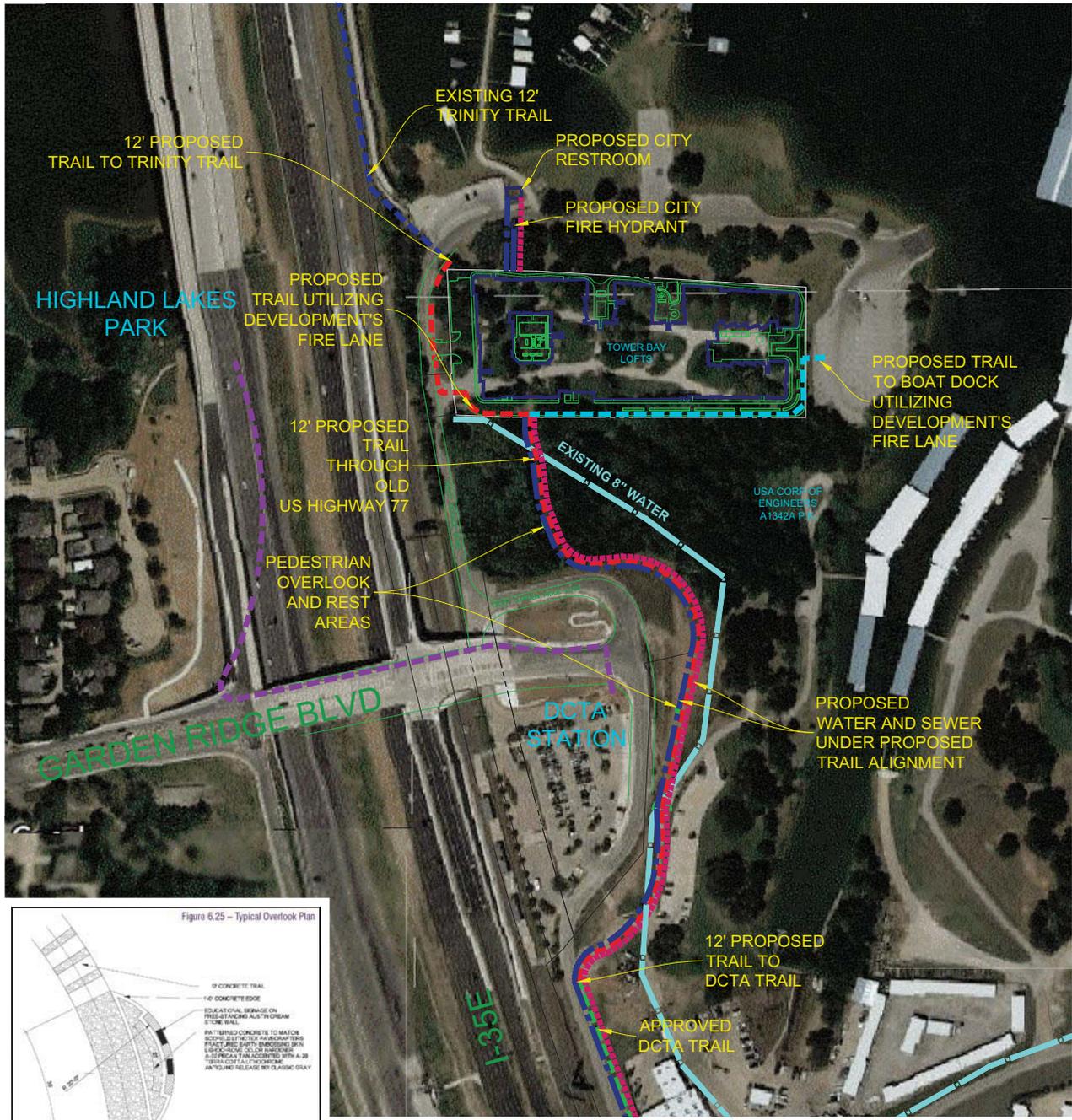
\_\_\_\_\_  
Donna Barron, City Manager

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

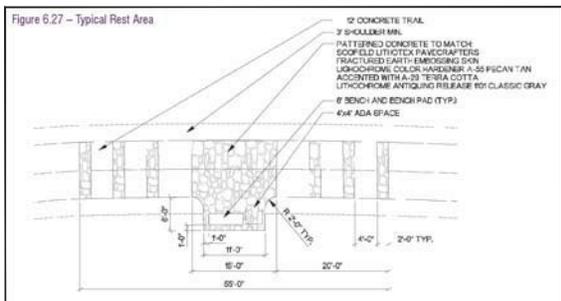
This instrument was acknowledged before me on the 14<sup>th</sup> day of March, 2018, by Alfred Crozier, as Manager of Wittington GP, LLC, as General Partner of Wittington Holdings LP, as Manager of Wittington Tower Bay, LLC, as General Partner of Tower Bay Lofts, LP a Texas limited partnership on behalf of said company.

  
\_\_\_\_\_  
Notary Public, State of Texas

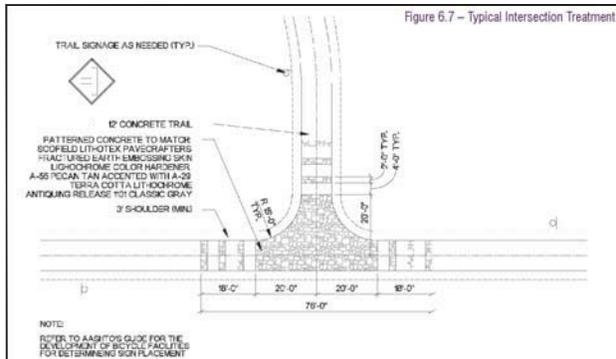




TYPICAL OVERLOOK PLAN

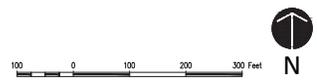


TYPICAL REST AREA



TYPICAL INTERSECTION TREATMENT

- Proposed Trail Connecting DCTA Trail and Trinity Trail
- Approved DCTA Trail
- Future Trail to Highland Lakes Park
- Existing 12' Trinity Trail



## EXHIBIT B



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS  
1801 NORTH MILL STREET  
LEWISVILLE, TEXAS 75057-1821  
February 28, 2018

Lewisville Lake Office

Mr. Eric Ferris  
Deputy City Manager  
City of Lewisville  
151 West Church Street  
Lewisville, Texas 75029

Dear Mr. Ferris:

This is in response to your letter to Deputy Operations Project Manager James A. Murphy, dated February 7, 2018 in which you are requesting conceptual approval of a trail. The proposed trail connects the existing Trinity Trail to the Denton County Transit Authority Trail. My office has reviewed the proposal and agrees the proposed trail will enhance recreational access to U.S. Army Corps of Engineers land for the visiting public. This office appreciates the City's efforts to avoid and minimize impacts to Corps property and to provide public facilities currently not provided in the Tower Bay area. I concur with your proposal and your request is approved in concept.

If you should have additional questions or concerns, I can be contacted at (469) 645-9107.

Sincerely,

  
FOR

Rob Jordan  
Lake Manager  
Lewisville/Ray Roberts Lakes