

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 6, 2016**

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

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

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Discussion of Flood Mitigation Assistance Grant
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Vaughn
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Jones
- C. **PUBLIC HEARING:** Consideration of an Ordinance Granting a Zone Change Request from General Business District (GB) to Planned Development-Townhouse Two District (PD-TH2) and Five Associated Variances on an Approximately 10.055-Acre Tract of Land out of the G.W. Hagler Survey, Abstract No. 572, Located on the Northeast Corner of Business SH 121 and Forestbrook Drive, as Requested by G&A Consultants, Inc. on Behalf of Heatley Properties Inc., the Property Owner (Case No. PZ-2016-05-13).

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

ADMINISTRATIVE COMMENTS:

The purpose of the Planned Development (PD) zoning district is to accommodate innovative design concepts and provide flexibility in order to achieve a more desirable development. The subject site is an infill property along Business SH 121 impacted by a natural drainage system and limited access. The proposal offers 111 single family attached lots with increased amenities to its residents, additional open space and an increased level of landscaping in a gated community setting. The PD identifies the following five variances: a) to allow a private gated community with private streets to be maintained by the HOA; b) to allow alternate fencing in lieu of the required fencing material required by the Land Development Regulations and that all fencing be maintained by the HOA; c) to waive the alley requirement and allow front-entry; d) to allow radial lot lines for two attached units, and e) to allow a minimum 32.5-foot lot width with a 6.5-foot control of access for corner lots at intersections in lieu of the required minimum 40-foot lot width with a 20-ft control of access for corner lots at intersections. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of May 3, 2016.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Randi Rivera, G&A Consultants, 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. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate): Property Acquisition

F. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session

G. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

1. **APPROVAL OF MINUTES: City Council Minutes of the May 16, 2016, Workshop Session and Regular Session.**
2. **Approval of a Public Road Crossing License Agreement Between the Denton County Transportation Authority and the City of Lewisville for Jones Street; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The proposed Jones Street Improvements from Mill Street to North Cowan Avenue will widen the existing crossing of the Denton County Transportation Authority (DCTA) rail tracks and requires a Public Road Crossing License Agreement to be executed between DCTA and the City of Lewisville. The License Agreement has been reviewed and approved by the attorneys for DCTA and City of Lewisville.

RECOMMENDATION:

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

3. **Approval of the City of Lewisville to Enter Into the FY 2015 Flood Mitigation Assistance Grant Award Contract; and Authorization for the City Manager to Execute the Necessary Documents.**

ADMINISTRATIVE COMMENTS:

The City has been awarded a grant in the amount of \$1,193,878.80 under the Federal Emergency Management Agency FY 2015 Flood Mitigation Assistance (FMA) grant program. The purpose of the FMA grant program is to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program. The City will receive reimbursement of costs incurred pursuant to the grant contract, with the City contributing a 12.37% match of local funds (dependent on project execution). The performance period for the FY 2015 FMA grant is through October 30, 2018.

RECOMMENDATION:

That the City Council accept the grant and authorize the City Manager to execute the necessary documents as set forth in the caption above.

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

- 4. Approval of an Amendment to the Interlocal Cooperation Agreement for the Operation and Maintenance of Traffic Signals Between the Texas Department of Transportation and the City of Lewisville to Add the Maintenance of the Traffic Signals on FM 423 at Lake Highlands Drive and at Lone Star Ranch Parkway in the City of The Colony; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville maintains several traffic signals along FM 423 within the City of The Colony, as part of an interlocal maintenance agreement with the Texas Department of Transportation. TxDOT is constructing two (2) new signals on FM 423 at the intersection of Lake Highlands Drive and at the intersection of Lone Star Ranch Parkway as part of the FM 423 widening project. TxDOT has requested that the City of Lewisville include these two signals with the other signals presently maintained along FM 423. The City will be reimbursed for the maintenance of these signals at the same labor and materials rates as set forth in the existing agreement. The City presently maintains the on-system signals on FM 423 at North Colony Boulevard, South Colony Boulevard, Quik Trip Driveway, Cougar Alley, Memorial Lane and the State Highway 121 Tollway. This item is considered an administrative action and was not submitted before the Transportation Board.

RECOMMENDATION:

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

**AVAILABLE FOR
QUESTIONS:**

- David Salmon, P.E. City Engineer

H. REGULAR HEARINGS:

- 5. Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2016; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$15,670,000 of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2016 will provide funds for refunding of a portion of the City's Series 2007 General Obligation Refunding and Improvement Bonds, 2007A Combination Tax and Revenue Certificates of Obligation, 2007B Combination Tax and Revenue Certificates of Obligation and Series 2008 General Obligation Bonds and will provide design and construction of improvements to the City's streets, sidewalks and related improvements, design and construction of improvements to the City's parks, open spaces, trails, park and recreation facilities, design and construction of an indoor aquatic center, costs related to public art at certain improvements and facilities, and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

AVAILABLE FOR - Boyd London and Jason Hughes
QUESTIONS: FirstSouthwest, a division of Hilltop Securities

- 6. Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, Tax Notes, Series 2016; Levying a Tax in Payment Thereof; Approving the Sale Thereof; Authorizing the Execution and Delivery of a Purchase Agreement, Approving a Paying Agent/Registrar Agreement; Prescribing the Form of Said Notes; Approving the Official Statement and Enacting Other Provisions Relating to the Subject.**

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$8,875,000 of City of Lewisville, Texas, Tax Notes, Series 2016 will finance the City's new public safety digital communication system, park land and improvements, and costs associated with the issuance of the notes.

RECOMMENDATION:

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

AVAILABLE FOR - Boyd London and Jason Hughes
QUESTIONS: FirstSouthwest, a division of Hilltop Securities

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

- 7. Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, a Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$11,565,000 of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2016 will provide funds for refunding a portion of the City's Series 2008 Revenue Bonds and will provide new funding for constructing, acquiring and installing improvements, additions, and extensions to the City's waterworks and sewer system and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: - Boyd London and Jason Hughes
FirstSouthwest, a division of Hilltop Securities

- 8. Consideration of the Preliminary Plat of Castle Hills - Realm West, Lots 1-17, 18X, 19-22, 23X, 24-32, and 33X, Block A; Lots 1X, 2-10, 11X, 12-23, Block B; Lots 1-9 and 10X, Block C; Lots 1-12, Block D, Designated Estate Townhouse (ETH) and Lots 1 and 2, Block E, Designated General Business Two (GB2); Located on 18.09-Acres of Land on the South Side of SH 121, Between Castle Hills Drive and Essex Boulevard; With Four Associated Variances; as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner..**

ADMINISTRATIVE COMMENTS:

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Castle Hills Agreement. The total site contains 18.09 acres of land to be developed in two phases; Phase I will contain 72 single-family detached residential lots, designated Estate Townhouse (ETH) and Phase II is designated General Business Two (GB2) for future commercial. The Preliminary Plat

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

identifies the following four variances: a) allow 41-foot street easement with 6-foot sidewalk and utility easements in lieu of the required 50-foot right of way; b) waive the alley requirement for lots less than 10,000 sq. ft. in area; c) allow for private streets and a gated community that the H.O.A. will maintain; d) allow public utilities in an easement under private paving. The Planning and Zoning Commission recommended unanimous approval of the plat and requested variances (4-0) at their May 17, 2016, meeting.

RECOMMENDATION:

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

AVAILABLE FOR - Jeff Kelly, P.E. – Assistant City Engineer
QUESTIONS: - Brian Dench, P.E. – Land Design

- 9. Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses Regarding Three Temporary Buildings for Classroom Use to be Located at 1301 Waters Ridge Dr, as Requested by William Chandler on Behalf of Responsive Education Solutions, the Property Owner.**

ADMINISTRATIVE COMMENTS:

Responsive Education Solutions desires to locate three temporary classrooms on the existing school property located at 1301 Waters Ridge Dr. The three temporary buildings are needed to accommodate additional students in the rapidly growing school. The construction of a new 2-story classroom building is scheduled to be completed by July 2017. The three temporary classroom buildings will be needed for the school year beginning in August 2016 through July 2017 and will be removed upon the completion of the new 2-story classroom building. Five similar variances have been granted since 2010.

RECOMMENDATION:

That the City Council consider the variance request provided that the temporary classroom be used for educational purposes only, and be removed upon completion of the new 2-story classroom building or August 31, 2017, whichever occurs first.

PRESENTATION: Cleve Joiner, Director of Neighborhood Services

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

- 10. Second and Final Reading: Consideration of an Ordinance Amending the Franchise Ordinance for the Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables; Apartment Recycling; and, Containerized Commercial Solid Waste With Waste Management of Texas, Inc. by Deleting Attachments C & D and Replacing With New Attachments.**

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a 10-year solid waste and recycling franchise agreement with Waste Management. After review of cost components and franchise fees collected in 2015, two revisions are needed to comply with the intent of the franchise. The first modification to Attachment C relates to the cost of service component which Waste Management retains for roll-off services. Modification to Attachment C is for Waste Management to retain the cost of service disposal rate for the first four tons in the cost of services component and all waste over four tons is billed by Waste Management to the customer. Secondly, Attachment D relates to the multifamily recycling program. Attachment D modification is to delete the descriptive size of the individual apartment collection bin stated as 18 gallon and replace with generic wording “apartment unit bin” as several concepts and collections practices are in place at multiple apartment complexes. The ordinance amendment requires two readings per the Charter. The first reading occurred on April 18, 2016. This will be the second and final reading.

RECOMMENDATION:

That the City Council approve the second and final reading of this ordinance as set forth in the caption above.

- 11. Consideration of an Ordinance Repealing Section 8-5 of the Lewisville City Code Concerning E-Cigarette Regulations.**

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

ADMINISTRATIVE COMMENTS:

Section 8-5 of the Lewisville City Code bans the sale to minors of e-cigarettes, their component parts and liquid nicotine, bans the provision of samples of such to minors, and prohibits self-service merchandising of liquid nicotine or e-cigarettes and their components. In 2015, the Texas Legislature enacted Senate Bill 97, which, among other regulations, also enacts similar regulations with regard to minors and e-cigarettes, their components, parts, or accessories and liquid nicotine. The City's ordinance is now redundant and may cause confusion in enforcement. Therefore, it is recommended that the City repeal its e-cigarette regulation ordinance.

RECOMMENDATION:

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

12. Consideration of an Ordinance Amending Sections 3-156 and 3-159 of the Lewisville City Code Regarding Regulations for Keeping of Domestic Chickens in the City.

ADMINISTRATIVE COMMENTS:

At the April 11th workshop, staff briefed the City Council on current regulations for keeping domestic chickens within the City. At that meeting, City Council directed staff to eliminate the 7,500 square foot minimum lot size requirement and the ten-foot minimum setback from the homeowner's primary structure. The proposed ordinance makes these changes.

RECOMMENDATION:

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

AVAILABLE FOR - Claire Swann, Assistant City Manager
QUESTIONS: - Sherry Harper, Health and Animal Services Manager

13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 4, by Adopting the National Electric Code 2014 Edition With Local Amendments and Standards.

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

ADMINISTRATIVE COMMENTS:

City Council adopted the 2015 edition of the International Codes with NCTCOG amendments on May 2, 2016. After that meeting, staff realized that the National Electrical Code (NEC) was omitted from the agenda caption and therefore The NEC and its local amendments are being brought back to City Council for adoption.

RECOMMENDATION:

That the City Council adopt the 2014 National Electric Code with the proposed local amendments.

**AVAILABLE FOR
QUESTIONS:** _____

- Cleve Joiner, Director of Neighborhood Services

14. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.

ADMINISTRATIVE COMMENTS:

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Notebooks have been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the books along with attendance data for existing members requesting to be reappointed. City Council will need to identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

RECOMMENDATION:

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees; identify interview teams, interview dates, and determine which team will interview which board, commission, or committee.

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

**AGENDA
LEWISVILLE CITY COUNCIL
JUNE 6, 2016**

- J. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 - 1. Section 551.072 (Real Estate): Property Acquisition
 - 2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

- L. **ADJOURNMENT**

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