

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MAY 16, 2016**

**Present:**

Rudy Durham, Mayor

**Council Members:**

TJ Gilmore, Mayor Pro Tem  
Leroy Vaughn, Deputy Mayor Pro Tem  
R Neil Ferguson  
Brandon Jones  
Brent Daniels

**City Staff:**

Donna Barron, City Manager  
Eric Ferris, 1<sup>st</sup> Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Claire Swann, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, City Attorney

**WORKSHOP SESSION – IMMEDIATELY TO START FOLLOWING CONCLUSION OF FIRE/CRIME CONTROL MEETING**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 5:53 p.m. on Monday, May 16, 2016, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Old Town Parking Issues**

**(Agenda Item A)**

At the request of City Manager Donna Barron, Police Chief Kerbow conducted the attached PowerPoint Presentation for City Council consideration.

Discussion was held regarding possibly painting some type of icon on spots that drivers currently do not realize are parking spots. Councilman Daniels expressed concern regarding future maintenance should this be done.

**Discussion of Old Town Parking Issues  
(cont'd)**

**(Agenda Item A)**

At the request of Councilman Vaughn, Police Chief Kerbow explained that he did not want to utilize a Police Officer for enforcement of this ordinance. He advised that the City Attorney was currently researching using a civilian or perhaps a volunteer for this type of enforcement; however, if that does not work out the Police Department would do it on a complaint basis, as they currently handle parking issues. Discussion was held regarding hiring a Meter Maid, paid parking, valet parking or utilizing Citizen's on Patrol, depending upon what the City Attorney determined could be done. Mayor Durham advised that this is what the City had been working to accomplish in this area.

Mayor Pro Tem Ferguson advised that he wanted to see enforcement of parking over the lines because it wasted a parking space. He further advised that in regard to the loading zone, he wanted to see this pursued with Main and Mill to determine the business owners' reaction and to ensure that the hours that it may be needed are addressed. Councilman Ferguson stated that he was good with modifying the two-hour parking limit and to not allow overnight parking; however, he was not in favor of parking meters, but would like to consider what other cities may be doing. Councilman Ferguson further advised that he was in favor of pursuing some type of resident/citizen's patrol, as well as the 8 a.m. – 6 p.m. – two-hour parking and dropping Saturday and excluding holidays.

Discussion was held that the City Manager would be writing letters to the business owners encouraging them to have their employees park in City Hall spaces in order to free up the parking spaces closer to their businesses.

Councilman Gilmore advised he was good with what was presented; however, he was concerned regarding the loading zone timing from the business owners' standpoint. He further advised that if it was determined to hire someone for parking enforcement, he wanted to be able to fund that somehow other than the General Fund. He further advised that he was fine with the enforcement on a complaint basis only.

Councilman Daniels stated that he concurred with everything that had been stated. He advised he did not feel a Meter Maid needed to be started unless it was determined later that one was needed. He further advised that he was opposed to putting in parking meters as he felt that would be a deterrent for the restaurants and he did not want a couple bucks be something that prevented people from coming to the restaurants.

Councilman Vaughn stated that if an ordinance was going to be created there should be enforcement; however, he did not see a policeman doing that job and the only way enforced was by a phone call then he felt the regulations should not be so specific if they could not be enforced.

**Discussion of Old Town Parking Issues  
(cont'd)**

**(Agenda Item A)**

Mayor Durham confirmed that when there was a special event there were police officers that handled blocked roadways or parking issues. Mayor Durham stated that if the day-to-day stuff became more of an issue then something would have to be done at that point, and he did feel that was coming eventually.

Discussion was held regarding enforcement and how to handle future needs. City Manager Donna Barron stated that City staff will research alternatives; however, it would most likely require someone on a full-time basis to enforce if that was the City Council's direction.

**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, Canvass of Official Returns: 1) Canvass of the May 7, 2016 Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years. 2) Canvass of the May 7, 2016 Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years. 3) Consideration of a Resolution Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years. 4) Consideration of a Resolution Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent for a Period of 20 Years. 5) Presentation of Certificates of Election by Mayor Durham and Oath-of-Office to Newly Elected Council Members – Place No. 4 and Place No. 5 by Judge Brian Holman. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D, Closed Session: In Accordance with Texas Government Code, Subchapter D, Section 551.074 (Personnel): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem. There was no discussion on this item.

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

**(Agenda Item B)**

Mayor Durham reviewed Agenda Item F, Proclamation: Declare June 4, 2016 as, “National Trails Day”. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-1, Approval of City Council Minutes of the May 2, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-2, Approval of a Bid Award for the Serendipity Phase 2 Improvement Project to Tiseo Paving Company, Mesquite, Texas in the Amount of \$2,999,300.48; Which Includes \$142,823.83 for Contingencies; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-3, Approval of a Contract Award for Wrecker Service to Brad's Towing Service, Lewisville, Texas; and Authorization for the City Manager to Execute the Contract. City Manager Donna Barron requested that the City Council table this item indefinitely to allow City staff time to research some issues that have arisen. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-4, Approval of a Wholesale Treated Water Contract Between the City of Dallas and City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-5, Approval of a Professional Services Agreement With RJN Group, Inc., in the Amount of \$146,160 for Design and Engineering Services Related to the IH-35 Water and Sanitary Sewer Line Rehabilitation Project, and a Project Design Budget of \$156,160 Which Includes \$10,000 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-6, Approval of an Economic Development Agreement By and Between the City of Lewisville and Hard Sun 100, LLC; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H-7, Approval of the Fiscal Year 2015-2016 Mid-Year Budget Report; Approval of a Supplemental Appropriation for Mid-Year Changes in the Following Amounts: General Fund \$1,600,000; Utility Fund \$286,438; Health Fund \$1,500,000; 4B Fund \$123,796; Lewisville 2025 Implementation Fund \$375,981; Police and Fire Training Fund \$94,458; Hotel Motel Fund \$50,492; Recreation Fund \$56,262; Community Activities Fund \$61,550; and Court Security Fund \$27,050. There was no discussion on this item.

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

**(Agenda Item B)**

Mayor Durham reviewed Agenda Item I-8, Consideration of the Final Plat of Castle Hills Village Center, Lots 2R-1 Thru 2R-12, 2R-13X, 2R-14 Thru 2R-20, 2R-21X, 2R-22 and 3R-2R, Block A; Containing 7.154-Acres, With a Zoning Designation of General Business Two (GB-2) and Townhouse Two (TH-2), and Five Associated Variances; Located on the Southeast Corner of King Arthur Boulevard and Lady Lore Lane, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner. At the request of City Manager Donna Barron, Planning Manager Richard Luedke reviewed this item and Agenda Item I-9 for the City Council using the attached slides. There was no further discussion regarding this item.

Mayor Durham reviewed Agenda Item I-9, Consideration of a Variance to the 1996 Castle Hills Agreement Section VII(4) Regarding Screening Devices Between Commercial and Residential Uses For Castle Hills Village Shops Phase 5, Lot 2R-22, Block A, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner. At the request of City Manager Donna Barron, Planning Manager Richard Luedke reviewed this item and Agenda Item I-8 for the City Council using the attached slides. There was no further discussion regarding this item.

Mayor Durham reviewed Agenda Item I-10, Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag Triathlon Fundraising Event; and Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as Requested by Sherri Gideon, Executive Director, Representing CASA of Denton County. There was no discussion on this item.

Mayor Durham reviewed Agenda Item I-11, Consideration of an Ordinance Amending Sections 6-121 and 9.5-121 of the Lewisville City Code to Amend Tree Requirements. At the request of Councilman Daniels, City staff reviewed the changes to how the heritage tree would be handled. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item I-12, Consideration of an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2016 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement. There was no discussion on this item.

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

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:42 p.m. on Monday, May 16, 2016.

**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, May 16, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

Mayor Durham gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Canvass of the May 7, 2016 Special Election  
Held on May 7, 2016**

**(Agenda Item C-1)**

The City Council canvassed the following results of the City of Lewisville Special Election held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years.

At the request of Mayor Durham, City Secretary Julie Heinze read off the following results:

	<b><u>Denton County</u></b>	<b><u>Dallas County</u></b>	<b><u>Total</u></b>
For	899	8	907
Against	92	3	95

\*Proposition received a favorable majority vote carried by a margin of 812 votes

**Canvass of the May 7, 2016 Special Election  
Held on May 7, 2016**

**(Agenda Item C-2)**

The City Council canvassed the following results of the City of Lewisville Special Election held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years.

At the request of Mayor Durham, City Secretary Julie Heinze read off the following results:

	<b><u>Denton County</u></b>	<b><u>Dallas County</u></b>	<b><u>Total</u></b>
For	884	9	893
Against	105	3	108

\*Proposition received a favorable majority vote carried by a margin of 785 votes

**Consideration of Resolution No. 4275-05-2016 (R) Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years**

**(Agenda Item C-3)**

**MOTION:** Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 4275-05-2016 (R)**: Canvassing Votes and Making Findings Concerning the Results of the Election Held on Saturday, May 7, 2017, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District for Twenty (20) Years and the Continuation of the Districts’ One-Eighth of One Percent Sale Tax for Twenty (20) Years. The motion carried.

**Consideration of Resolution No. 4276-05-2016 (R) Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent for a Period of 20 Years**

(Agenda Item C-4)

**MOTION:** Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 4276-05-2016 (R)**: Canvassing Votes and Making Findings Concerning the Results of the Election Held on Saturday, May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District for Twenty (20) Years and the Continuation of the District’s One-eighth of One Percent Sales Tax for Twenty (20) Years. The motion carried.

**Presentation of Certificates of Election by Mayor Durham and Oath-of-Office to Newly Elected Council Members – Place No. 4 and Place No. 5 by Judge Brian Holman**

(Agenda Item C-5)

Mayor Durham presented the Certificates of Election to newly elected Council Member - Place No. 4 - Brandon Jones and Council Member - Place No. 5 - Brent Daniels. Municipal Court Judge Brian Holman conducted the oaths of office for Councilman Jones and Councilman Daniels.

**CLOSED SESSION: In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem**

(Agenda Item D)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Consultation With Attorney/Pending Litigation), the Lewisville City Council convened into Closed Session at 7:07 on Monday, May 16, 2016, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem

The Closed Session was adjourned at 7:24 p.m. on Monday, May 16, 2016.

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

**(Agenda Item E)**

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:24 on Monday, May 16, 2016, 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 Councilman Daniels and seconded by Mayor Pro Tem Ferguson the Council voted five (5) “ayes” and no (0) “nays” to approve Councilman Gilmore as Mayor Pro Tem and Councilman Vaughn as Deputy Mayor Pro Tem. The motion carried.

There was additional action taken on the items discussed during the Closed Session.

**Proclamation: Declare June 4, 2016 as, “National Trails Day”**

**(Agenda Item F)**

Deputy Mayor Pro Tem Vaughn read and presented a proclamation declaring June 4, 2016, as “National Trails Day” to City of Lewisville Recreation Manager Hilary Boen.

**Visitors/Citizens Forum**

**(Agenda Item G)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item H)**

Mayor Durham advised that the following items would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 3 – Approval of a Contract Award for Wrecker Service to Brad's Towing Service, Lewisville, Texas; and Authorization for the City Manager to Execute the Contract.

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

1. APPROVAL OF MINUTES: City Council Minutes of the May 2, 2016, Workshop Session and Regular Session.

**CONSENT AGENDA (cont'd)**

**(Agenda Item H)**

2. Approval of a Bid Award for the Serendipity Phase 2 Improvement Project to Tiseo Paving Company, Mesquite, Texas in the Amount of \$2,999,300.48; Which Includes \$142,823.83 for Contingencies; and Authorization for the City Manager to Execute the Contract.
4. Approval of a Wholesale Treated Water Contract Between the City of Dallas and City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Contract.
5. Approval of a Professional Services Agreement With RJN Group, Inc., in the Amount of \$146,160 for Design and Engineering Services Related to the IH-35 Water and Sanitary Sewer Line Rehabilitation Project, and a Project Design Budget of \$156,160 Which Includes \$10,000 for Contingencies; and Authorization for the City Manager to Execute the Agreement.
6. Approval of an Economic Development Agreement By and Between the City of Lewisville and Hard Sun 100, LLC; and Authorization for the City Manager to Execute the Agreement.
7. Approval of the Fiscal Year 2015-2016 Mid-Year Budget Report; Approval of a Supplemental Appropriation for Mid-Year Changes in the Following Amounts: General Fund \$1,600,000; Utility Fund \$286,438; Health Fund \$1,500,000; 4B Fund \$123,796; Lewisville 2025 Implementation Fund \$375,981; Police and Fire Training Fund \$94,458; Hotel Motel Fund \$50,492; Recreation Fund \$56,262; Community Activities Fund \$61,550; and Court Security Fund \$27,050.

The motion carried.

**END OF CONSENT AGENDA**

**Approval of a Contract Award for Wrecker Service to Brad's Towing Service, Lewisville, Texas; and Authorization for the City Manager to Execute the Contract**

**(Agenda Item H-3)**

A total of six (6) requests for proposals were downloaded from Bidsync.com. A total of two (2) proposals were received and opened January 7, 2016. Based on the evaluation matrix included in the request for proposals, Brad's Towing Service received the highest evaluation score and is being recommended for award. This contract covers wrecker service, as well as the operation and maintenance of a vehicle impound and storage facility, including the auctioning of unclaimed vehicles. The term of the contract will be twelve (12) months, with option to extend for up to two (2) additional twelve-month periods.

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

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to indefinitely table approval of a contract award for Wrecker Service to Brad's Towing Service, Lewisville, Texas; and the Authorization for the City Manager to execute the contract. The motion carried.

**Consideration of the Final Plat of Castle Hills Village Center, Lots 2R-1 Thru 2R-12, 2R-13X, 2R-14 Thru 2R-20, 2R-21X, 2R-22 and 3R-2R, Block A; Containing 7.154-Acres, With a Zoning Designation of General Business Two (GB-2) and Townhouse Two (TH-2), and Five Associated Variances; Located on the Southeast Corner of King Arthur Boulevard and Lady Lore Lane, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner**

**(Agenda Item I-8)**

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 subject property is being replatted for the purpose of constructing a mixed use building on a portion of the site and single-family attached residential units on the remainder. The plat has five variances associated with its development including: a) To allow TH-2 zoning for Lots 2R-1 thru 2R-21X of Block A; b) To allow Lots 2R-14 thru 2R-20, Block A, to front onto a private access easement with a 10-foot Sidewalk and Utility Easement in lieu of a public street. The private access easement will be maintained by Castle Hills HOA; c) To allow Lots 2R-1, 2R-19 and 2R-20 of Block A to have a minimum lot dimension less than the required 75-foot minimum depth; d) To allow Lots 2R-17 thru 2R-20, Block A to have a minimum garage setback of 18-feet in lieu of the required 20-feet from the back of curb; and e) To waive the alley requirement for lots

**Consideration of the Final Plat of Castle Hills Village Center, Lots 2R-1 Thru 2R-12, 2R-13X, 2R-14 Thru 2R-20, 2R-21X, 2R-22 and 3R-2R, Block A; Containing 7.154-Acres, With a Zoning Designation of General Business Two (GB-2) and Townhouse Two (TH-2), and Five Associated Variances; Located on the Southeast Corner of King Arthur Boulevard and Lady Lore Lane, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner (cont'd)**

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**(Agenda Item I-8)**

less than 10,000 square feet. The Planning and Zoning Commission recommended unanimous approval of the plat and requested variances (7-0) at their May 3, 2016, meeting.

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

**MOTION:** Upon a motion made by Councilman Jones and seconded by Councilman Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve the Final Plat of Castle Hills Village Center, Lots 2R-1 thru 2R-12, 2R-13X, 2R-14 thru 2R-20, 2R-21X, 2R-22 and 3R-2R, Block A; containing 7.154-acres, with a zoning designation of General Business Two (GB-2) and Townhouse Two (TH-2), and approve the following five associated variances: a) to allow TH-2 zoning for Lots 2R-1 thru 2R-21X of Block A; b) to allow Lots 2R-14 thru 2R-20, Block A, to front onto a private access easement with a 10-foot Sidewalk and Utility Easement in lieu of a public street. The private access easement will be maintained by Castle Hills HOA; c) to allow Lots 2R-1, 2R-19 and 2R-20 of Block A to have a minimum lot dimension less than the required 75-foot minimum depth; d) to allow Lots 2R-17 thru 2R-20, Block A to have a minimum garage setback of 18-feet in lieu of the required 20-feet from the back of curb; and e) to waive the alley requirement for lots less than 10,000 square feet; located on the southeast corner of King Arthur Boulevard and Lady Lore Lane, as requested by Brian Dench, P.E. of Land Design, on behalf of the owner. The motion carried.

**Consideration of a Variance to the 1996  
Castle Hills Agreement Section VII(4)  
Regarding Screening Devices Between  
Commercial and Residential Uses For Castle  
Hills Village Shops Phase 5, Lot 2R-22, Block  
A, as Requested by Brian Dench, P.E. of  
Land Design, on Behalf of the Owner**

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**(Agenda Item I-9)**

The subject property 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 subject property is being developed for the purpose of constructing a mixed use infill product with a commercial ground floor with residential units above, adjacent to proposed townhouse development that will share a common access easement.

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

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the 1996 Castle Hills Agreement Section VII(4) Regarding Screening Devices Between Commercial and Residential Uses for Castle Hills Village Shops Phase 5, Lot 2R-22, Block A, as requested by Brian Dench, P.E. of Land Design, on behalf of the owner. The motion carried.

**Consideration of a Request to Utilize  
Associated City Property at the Toyota of  
Lewisville Railroad Park for the CASA of  
Denton County TollTag Triathlon  
Fundraising Event; and Consideration of a  
Variance to the Lewisville City Code Section  
2-201 Regarding Waiving Special Event  
Permit Fees, as Requested by Sherri Gideon,  
Executive Director, Representing CASA of  
Denton County**

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**(Agenda Item I-10)**

CASA of Denton County is planning the fifth annual triathlon event for June 12, 2016, at Toyota of Lewisville Railroad Park. This event was previously hosted by the Kiwanis Club of Southern Denton County with all proceeds given to support CASA of Denton County. Beginning in 2015, CASA of Denton County began hosting the event. The event will be operated in the same manner as previous ones with no significant changes. In addition to a request for a permit, CASA is requesting a waiver of fees and use of City property for the fundraising event. All profits will continue to be used to support CASA of Denton County. City Council approved a similar request for the last four years. The total amount of the request for waiver of fees for this event is \$7,398.40.

**Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag Triathlon Fundraising Event; and Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as Requested by Sherri Gideon, Executive Director, Representing CASA of Denton County (cont'd)**

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**(Agenda Item I-10)**

The City staff's recommendation was that the City Council approves the variance and use of City property as set forth in the caption above.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve a request to utilize associated City property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag Triathlon Fundraising Event; and to approve a variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as requested by Sherri Gideon, Executive Director, representing CASA of Denton County. The motion carried.

**Consideration of an Ordinance Amending Sections 6-121 and 9.5-121 of the Lewisville City Code to Amend Tree Requirements**

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**(Agenda Item I-11)**

Staff proposes revisions to Chapters 6 and 9.5 of the Lewisville City Code to amend tree removal and mitigation requirements. Staff has attached two versions of the same ordinance for City Council's consideration. Both versions specify when approval will be required to remove trees and impose additional penalties if trees are removed without prior approval from the City. Version 1 proposes tree species that can be removed from the approved tree list and proposes tree species that can be added to the protected tree list. Version 2 excludes these changes to the tree lists.

The City staff's recommendation was that the City Council approve either Version 1 or Version 2 of the proposed ordinance as set forth in the caption above.

Claire Swann, Assistant City Manager and Cleve Joiner, Director of Neighborhood Services were both present to respond to any questions posed by the City Council.

**Consideration of an Ordinance Amending Sections 6-121 and 9.5-121 of the Lewisville City Code to Amend Tree Requirements (cont'd)**

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**(Agenda Item I-11)**

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

“An Ordinance of the Lewisville City Council Amending Sections 6-121 and 9.5-121 of the Lewisville City Code; Amending Tree Removal and Mitigation Requirements; Deleting Tree Species From Approved Tree Lists; Adding Tree Species to Protected Tree List; Establishing Penalties and Additional Mitigation Requirements for Unauthorized Removal; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Daniels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4277-05-2016**, (utilizing version 1 as presented), as captioned previously. The motion carried.

**Consideration of an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2016 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement**

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**(Agenda Item I-12)**

On March 1, 2016, Atmos made a Rate Review Mechanisms (RRM) Tariff filing requesting \$35.4 million additional revenues on a system-wide basis. The City, along with other cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The Rate Review Mechanism Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been utilized for the previous three filings and rate cases. The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement of \$29.9M resolving the 2016 RRM filing, and implementing the rate change.

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

**Consideration of an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2016 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement (cont’d)**

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**(Agenda Item I-12)**

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 Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2016 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement; Finding the Rates to be set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Requiring the Company to Reimburse ACSC’s Reasonable Ratemaking Expenses; Determining That This Ordinance was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; Declaring an Emergency; and Requiring Delivery of This Ordinance to the Company and the ACSC’s Legal Counsel.”

**MOTION:** Upon a motion made by Mayor Pro Tem Gilmore and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4278-05-2016**, as captioned previously. The motion carried.

**Reports**

**(Agenda Item J)**

- Quarterly Investment Report from January 1, 2016 – March 31, 2016
- Economic Development Director Nika Reinecke advised that the Economic Development and Planning Annual Report had been placed in all the City Council’s inboxes for their review.
- Assistant City Manager Melinda Galler reminded everyone that the celebration of employees having served for 5, 10, 15, 20, 25, 30 plus years was being held on Friday May 20<sup>th</sup> beginning at 11:30 a.m.
- Director of Public Services Keith Marvin gave an updated status on the Lake.
- 1<sup>st</sup> Assistant City Manager Eric Ferris updated everyone on the I35 Expansion process.
- Councilman Daniels gave an update on the upcoming events for Keep Lewisville Beautiful.

**Reports (cont'd)**

**(Agenda Item J)**

- Councilman Jones expressed his appreciation for being able to serve as a City Council Member.
- Mayor Pro Tem Gilmore reminded everyone of the upcoming Best Little Brewfest being held in Old Town on June 18<sup>th</sup>. Mayor Pro Tem Gilmore advised of the Library's upcoming Summer Reading Program and encouraged parents to get their children involved.
- City Manager Donna Barron thanked Chief Tittle and his team for all their hard work with the recently held Keeping the Tradition Alive.
- Councilman Ferguson reviewed upcoming events at the MCL Grand Theatre.
- All of the City Council Members welcomed Councilman Brandon Jones to the City Council.
- Mayor Durham thanked the police officers 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 7:55 p.m. Monday, May 16, 2016, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item K)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:55 p.m. on Monday, May 16, 2016, 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 for Potential Company Relocation.

The Closed Session was adjourned at 8:43 p.m. on Monday, May 16, 2016.

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

**(Agenda Item L)**

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:43 p.m. on Monday, May 16, 2016, 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 Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to authorize the City Manager or her designee to sign all documents necessary to purchase the approximately .7820 acres of real property situated at 126 S. Mill Street, in Lewisville, Denton County, Texas. The motion carried.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to authorize the City Manager or her designee to sign all documents necessary to purchase the approximately .30 acres of real property situated at 108 E Main and 102 South Mill, in Lewisville, Denton County, Texas. The motion carried.

There were no additional action taken on the items discussed during the Closed Session.

**Adjournment**

**(Agenda Item M)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Mayor Pro Tem Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, May 16, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 6<sup>th</sup> day of June, 2016.

APPROVED

\_\_\_\_\_  
Rudy Durham  
MAYOR

ATTEST:

\_\_\_\_\_  
Julie Heinze  
CITY SECRETARY

# Old Town Parking

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PRESENTED BY: RUSS KERBOW, CHIEF OF POLICE

# Old Town Parking

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- Parking Issues in Old Town
- Review Parking Inventory in Old Town
- Review of Area Cities: Denton, Grapevine and McKinney
- Main St. Pedestrian Crossing
- Public Parking Options



# Old Town Parking

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- Parking Issues:
  - Perceived Lack of Adequate Parking
  - Loading Zone
  - North Alley Parking on Main – Public Spaces?
  - Pedestrian Crosswalk on Main St. Enforcement



# Old Town Parking



Picture taken on April 21, 2016 at 1:50 p.m.

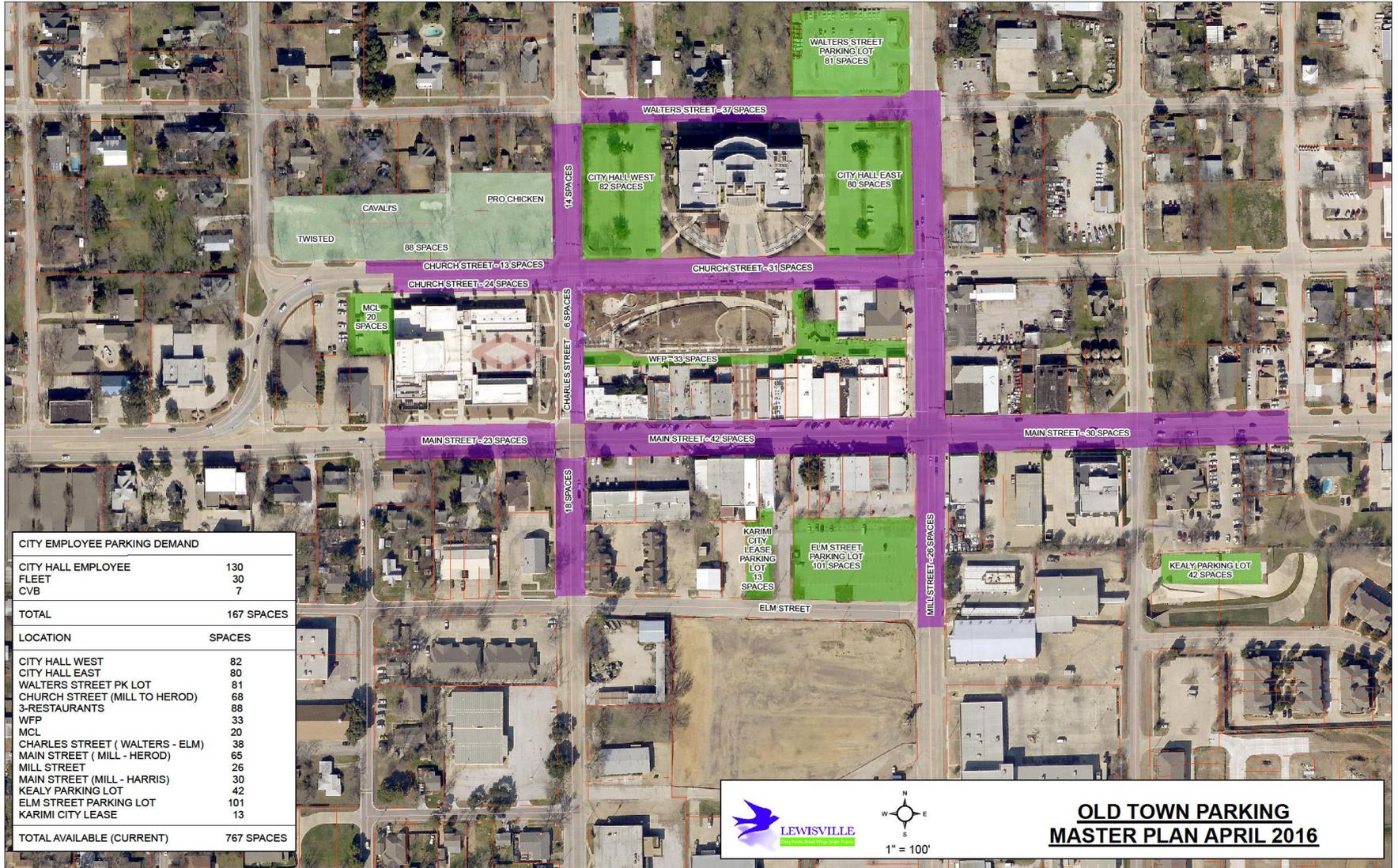
# Old Town Parking

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- Programmed Parking Inventory in Old Town:
  - 767 parking spaces considered public parking (includes street parking)
  - Even the most remote parking is within easy walking distance, normally a quarter to a third of a mile



# Old Town Parking



# Old Town Parking

## Public Parking Options:

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- Consider creating an ordinance to deal with public parking:
  - *Parking On or Over the Lines* – parked so as to prohibit parking in the space next to yours
  - *Parking in Other than a Parking Space* – parking in an area where no parking space is provided
  - *Loading Zone Parking* – designate alley on north side of Main St. as a loading zone w/20 minute limit
  - *Two-hour Parking* - 8:00 a.m. – 6:00 p.m. Monday through Saturday (consider dropping Saturdays)
  - *Overnight Parking* – parking from sunset to sunrise prohibited

# Old Town Parking

## Comparison of Denton, Grapevine & McKinney

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### ➤ Denton

- No parking space data available
- Town Square with head-in parking around the perimeter
- Limit of two-hour parking, Monday - Friday 8am to 5pm
- Back-in only parking on Hickory west of the square
- Several public parking lots within a few blocks of square

### ➤ Grapevine

- 944 public parking spaces
- Main Street parking parallel & no time limit on parking
- Several public parking lots available including public/private partnerships

# CITY OF GRAPEVINE DOWNTOWN PARKING



0 100 200 400 Feet

10/30/2015

# Old Town Parking

## Comparison of Denton, Grapevine & McKinney (cont.)

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- McKinney
  - Town square style downtown, angle-in parking along square
  - Public off-street parking – 1,266 (available within 2-3 blocks)
  - Street parking – 457
  - Parallel parking along streets leading away from the square
  - Three-hour parking limit along square and adjacent streets, Mon-Fri 8am to 5pm, except Sat, Sun and holidays

# Old Town Parking

## Main Street Pedestrian Crossing

- Current marked crosswalk conforms with Section 552.003, Pedestrian Right-of-Way at Crosswalk, Texas Transportation Code.
- Records reveal no accidents or incidents involving pedestrians in this crosswalk.



# Old Town Parking

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- Public Parking Options:
  - Consider a public parking ordinance followed up with enforcement
  - Modify the two-hour parking ordinance to drop Saturday and exclude holidays
  - Consider partnerships with nearby private property owners to “share” parking during special events/festivals
- Meeting with Main & Mill Association on June 14 for additional input

# Old Town Parking

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➤ Questions/Direction?

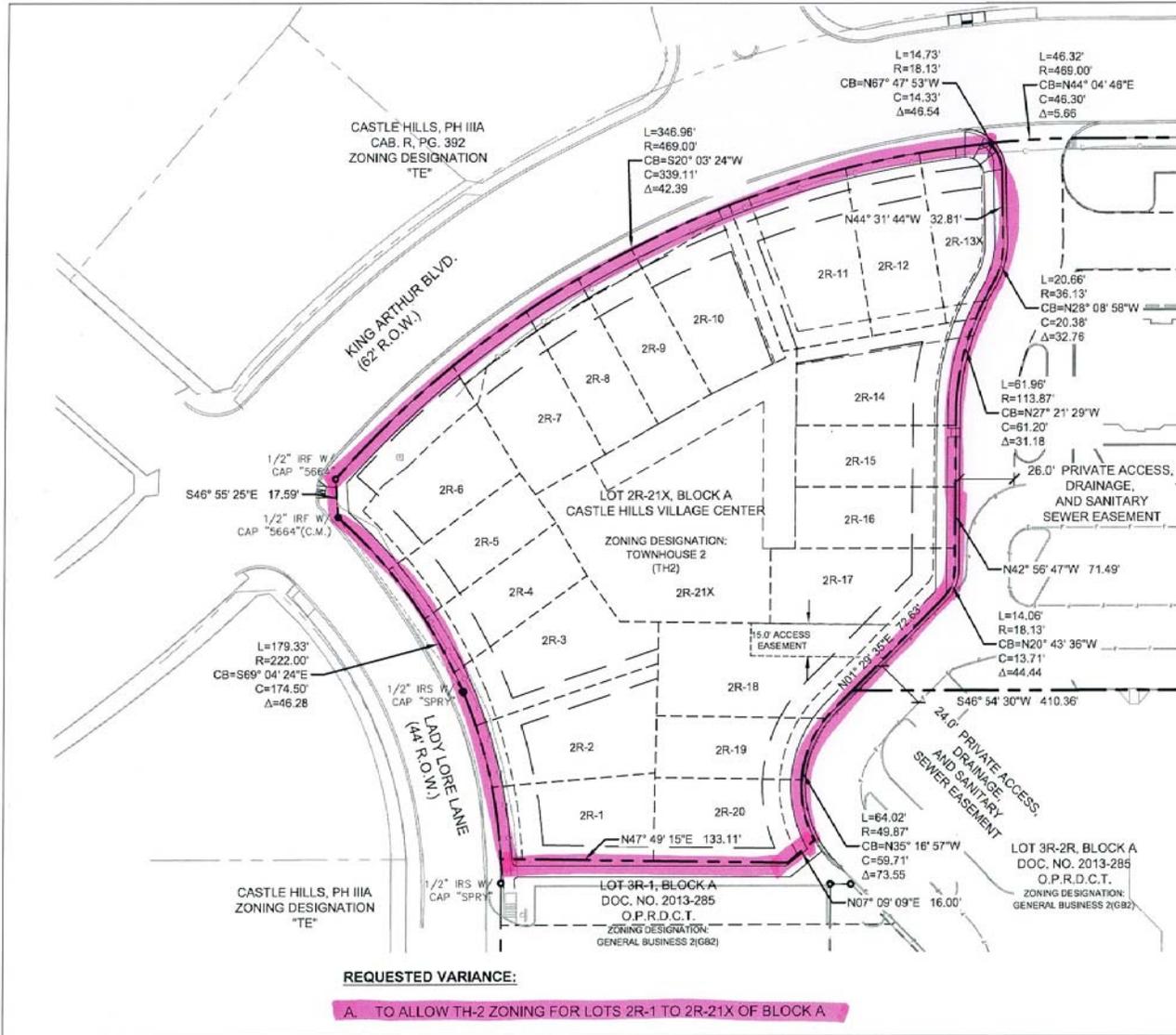
# **Castle Hills Village Center**

**Lots 2R-1 thru 2R-12, 2R-13X, 2R-14 thru 2R-20, 2R-21X, 2R-22 and 3R-2R**

**Final Plat**

**Variance Requests**

**May 16, 2016**



**REQUESTED VARIANCE:**

**A. TO ALLOW TH-2 ZONING FOR LOTS 2R-1 TO 2R-21X OF BLOCK A**

**LandDesign.**  
222 W. LAMAR AVENUE, SUITE 1000, MEMPHIS, TN 38102  
 V: 901.400.4007 F: 901.400.1112  
 www.landdesign.com

**CASTLE HILLS VILLAGE SHOPS PHASE 6**  
**LOTS 2R-1 TO 2R-21X, BLOCK A**  
**1.56 ACRES**  
**ZONING DESIGNATION: TH2**  
**VARIANCE "A" EXHIBIT**

Date: 04.25.2016  
 Scale: 1"=50'  
 Project #:  
 Sheet # 1



LandDesign  
 222 W. LAS COLINAS BLVD. SUITE 400N, IRVING, TX 75039  
 V: 214.781.6009 F: 214.292.1112  
 www.landdesign.com

CASTLE HILLS VILLAGE SHOPS PHASE 6  
 LOTS 2R-1 TO 2R-21X, BLOCK A  
 1.56 ACRES  
 ZONING DESIGNATION: TH2  
 VARIANCE B - EXHIBIT

Date: 04-25-2016  
 Scale: 1"=50'  
 Project #: \_\_\_\_\_  
 Sheet #: 2

LOT 2R-2R, BLOCK A  
 DOC. NO. 2013-285  
 O.P.R.D.C.T.  
 ZONING DESIGNATION:  
 GENERAL BUSINESS 2(GB2)

24.0' PRIVATE ACCESS,  
 DRAINAGE  
 AND SANITARY  
 SEWER EASEMENT

LOT 2R-21X, BLOCK A  
 CASTLE HILLS VILLAGE CENTER  
 ZONING DESIGNATION:  
 TOWNHOUSE 2  
 (TH2)

LOT 2R-2R, BLOCK A  
 DOC. NO. 2013-285  
 O.P.R.D.C.T.  
 ZONING DESIGNATION:  
 GENERAL BUSINESS 2(GB2)

CASTLE HILLS, PH IIIA  
 CAB. R. PG. 382  
 ZONING DESIGNATION  
 "TE"

CASTLE HILLS, PH IIIA  
 ZONING DESIGNATION  
 "TE"

**REQUESTED VARIANCE:**

- B. TO ALLOW LOTS 2R-14 TO 2R-20 OF BLOCK A TO FRONT ONTO A PRIVATE ACCESS EASEMENT WITH A 6 FOOT SIDEWALK AND UTILITY EASEMENT IN LIEU OF A PUBLIC STREET. THE PRIVATE ACCESS EASEMENT WILL BE MAINTAINED BY CASTLE HILLS HOA.



LOT 3R-2R, BLOCK A  
 DOC. NO. 2013-285  
 O.P.R.D.C.T.  
 ZONING DESIGNATION:  
 GENERAL BUSINESS (GB2)

LOT 3R-1, BLOCK A  
 DOC. NO. 2013-285  
 O.P.R.D.C.T.  
 ZONING DESIGNATION:  
 GENERAL BUSINESS (GB2)

**REQUESTED VARIANCE:**

C. TO ALLOW LOTS 2R-1, 2R-19 AND 2R-20 OF BLOCK A TO HAVE A MINIMUM LOT DIMENSION LESS THAN THE REQUIRED 75 FOOT MINIMUM DEPTH



**REQUESTED VARIANCE:**

- e. To waive the alley requirement for lots less than 10,000 square feet.

**Castle Hills Village Center – Aerial Photo**

