

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
JUNE 20, 2016**

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

**WORKSHOP SESSION - 5:45 P.M.  
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION – 5:45 P.M.**

- A. Discussion of Community Loan Center Program
- B. Discussion of the 2015 International Green Code Construction Implementation Plan
- C. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Mayor Pro Tem Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Ferguson
- C. **PROCLAMATIONS:**
  - 1. Declaring the Month of July 2016, as “Park and Recreation Month”
  - 2. Declaring the Week of June 20-26, 2016, as “Amateur Radio Week”
- D. **PRESENTATION:** Certificates of Appreciation for Graduating Teen Court Seniors and Presentation of Teen Court Scholarship

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**E. PUBLIC HEARINGS:**

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) to Planned Development – Single-Family Residential District (PD-R-5) and Five Associated Variances, for a Proposed Residential Development Consisting of 75 Lots for Single Family Detached Dwelling Units and 8 Open Space Lots, on an Approximately 15.665-Acre Tract of Land out of the G.C. Woolsey Survey, Abstract No. 1402, Located at the Southeast Corner of Denton Tap Road and East Vista Ridge Mall Drive as Requested by Dowdey, Anderson & Associates, Inc. on Behalf of Hawkeye Realty Campbell Ranch, LP, the Property Owner (Case No. PZ-2016-05-14).**

**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 located at the southeast corner of Denton Tap Road and Vista Ridge Mall Drive. The proposal offers 75 single family detached lots. The PD identifies the following five variances: a) to allow residential street offsets less than 150-feet; b) to allow the median distance along Vista Ridge Mall Drive to be a minimum of 320 feet in lieu of the required 350 feet; c) to allow non 90-degree intersections and to allow a street curvature within 35-feet of a residential intersection; d) to allow a lot width less than 75-feet where a residential street intersects with an arterial street; and e) to waive the alley requirement and allow front entry. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of May 17, 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
- Jeff Kelly, Assistant City Engineer
- Traci Shannon Kilmer, Dowdey, Anderson & Associates, Inc.

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2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Agriculture Open Space District (AO) to Single Family Residential District (R-7.5), on an Approximately 0.3081-Acre Tract of Land out of the E. Pickett Survey, Abstract No. 1014, Located at 820 South Charles Street; as Requested by Julie B. Riegel, the Property Owner (Case No. PZ-2016-06-16).**

**ADMINISTRATIVE COMMENTS:**

The current zoning of the property, Agriculture Open Space, requires lots of one acre in size and 100-foot setbacks. The applicant is proposing to rezone to Single-Family R-7.5 which allows for a residential dwelling on a minimum 7,500 square foot lot. The applicant is in the process of platting the property. The requested zoning is consistent with surrounding properties. The Planning and Zoning Commission recommended approval (6-0) of the zone change request at their meeting of June 7, 2016.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:** - Nika Reinecke, Director of Economic Development and Planning

3. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Agriculture Open Space District (AO) to Medical District (MD), on an Approximately 2.592-Acre Tract of Land Out of the Lou Burgeois Survey, Abstract No. 52, Located at the Southwest Corner of South Uecker Lane and Oakbend Drive at 2276 South Uecker Lane as Requested by The Gathering Vista Ridge, LLC on Behalf of Doyle Leon Atchley, the Property Owner (Case No. PZ-2016-05-15).**

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**ADMINISTRATIVE COMMENTS:**

The current zoning of the property is Agriculture Open Space. The applicant is proposing a duplex residential community targeted to seniors with 12 duplexes ranging in size from 800 square feet to 1,350 square feet. The request is for MD zoning primarily to avoid a more appropriate zoning district of Duplex (DU) or Townhouse (TH) which lends itself to this type of development but would not meet the those district requirements and yield the same number of units. The proposal is not a good fit for the area and does not adhere to any applicable zoning district. The Planning and Zoning Commission recommended denial (3-2) of the zone change request at their meeting of May 17, 2016. If council wishes to overrule the Planning and Zoning denial of this zoning change request, a super majority is required (5-0).

**RECOMMENDATION:**

That the City Council deny the proposed zone change request.

**AVAILABLE FOR QUESTIONS:**

- Nika Reinecke, Director of Economic Development and Planning
- Chip Tabor, Applicant

- 4. Public Hearing: Consideration of an Ordinance Establishing Reinvestment Zone Number Thirty-Seven (37) for Mary Kay, Inc., Being a 26.6048-Acre Tract of Land in the Campbell Ranch Block A, Lot 3, Located at Denton Tap Road and Vista Ridge Mall Drive, in the City of Lewisville, Denton County, Texas; Consideration of a Resolution Providing the Terms and Conditions of a Tax Abatement Agreement By and Among the City of Lewisville, Texas, and Mary Kay, Inc.; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Since August of 2015, staff has been working with Mary Kay Inc. to relocate their manufacturing, research and development (R&D) facility, currently located in Dallas, to Lewisville. The new 330,000 square feet facility in Lewisville will relocate 500 employees from Dallas to Lewisville. In addition, the new Lewisville facility will bring an investment of over \$100 million dollars in land purchase, construction, business personal property and inventory.

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**RECOMMENDATION:**

That the City Council approve the ordinance establishing the Reinvestment Zone and the resolution; and authorize the City Manager to execute the agreement as set forth in the caption above.

- F. **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.
- 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.
5. **APPROVAL OF MINUTES:** City Council Minutes of the June 6, 2016, Workshop Session and Regular Session.
6. **Approval of a Memorandum of Understanding for Interlocal Agreement Among the Cities of Lewisville, Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Edward Byrne Memorial Justice Assistance Grant Program; and Authorization for the City Manager or her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville is eligible to receive a grant award under the Justice Assistance Grant (JAG) program; however, the City is required to make a joint application with the County (the grant administrator) to receive part of the \$44,725 allocated for the region. Prior to submitting a joint application, a memorandum of understanding must be completed and signed by the participating agencies. The JAG program supports a broad range of police activities. The JAG program does not require a city match. The Lewisville Police Department proposes to use its share of \$15,079.50 for the purchase of two Drug and Human Trafficking Detection systems and leadership training for supervisors. Funding will be included in the FY 16-17 operating budget.

**RECOMMENDATION:**

That the City Council approve the Memorandum of Understanding for Interlocal Agreement as set forth in the caption above.

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- 7. Approval of an Amendment to an Economic Development Agreement Among the City of Lewisville, Centurion Acquisitions, L.P., Liberty Bankers Life Insurance Company and Graham Mortgage Corporation; and Authorization for the City Manager to Execute the Amendment.**

**ADMINISTRATIVE COMMENTS:**

The Josey Lane Development Agreement was approved by City Council for the Lakewood Hills Development on September 15, 2014. As part of the development agreement, the developer is required to construct a 16-inch water main along Josey Lane from Windhaven south to FM 544 and along FM 544 from Josey Lane west to Indian Creek and the City will reimburse the developer upon completion. The developer has completed the water main along Josey Lane, but is unable to complete the segment along FM 544 in a timely manner as TXDOT will not issue the required permit during ongoing construction of FM 544. The proposed amendment allows the City to make a partial reimbursement for the Josey Lane portion of the water main while requiring the developer to complete the water main per the original agreement as soon as TXDOT issues the permit.

**RECOMMENDATION:**

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

- 8. Approval of an Economic Development Agreement By and Between the City of Lewisville and Mortgage Contracting Services; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Mortgage Contracting Service (MCS) will be leasing the building located at 350 Highland Drive. The company is investing \$2,500,000 in capital improvements. MCS will be bringing 700 jobs to Lewisville within 3 years with total annual payroll estimated to be over \$36,000,000. The proposed agreement provides for a grant equal to 50% of City taxes paid on Business Personal Property (BPP) for a period of 10 years.

**RECOMMENDATION:**

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

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**H. REGULAR HEARINGS:**

- 9. Consideration of a Variance to Lewisville City Code, Section 2-201, Fee Schedule, Regarding Waiving the Adoption Fee for the Upcoming “Clear the Shelter” Adoption Event to be Held Jointly with Multiple Participating City Shelters and Other Animal Organizations Throughout Texas and the US on July 23, 2016.**

**ADMINISTRATIVE COMMENTS:**

Last year, the City of Lewisville Animal Adoption Center joined with more than 30 animal shelters in the DFW Metroplex to participate in the Inaugural “Clear the Shelter” Campaign. Twenty thousand animals were adopted in that one Saturday on August 15, 2015. The event will be sponsored by NBC and Telemundo stations across the country. The shelters choosing to participate, must agree with the following two requirements: (1) to waive the applicable City adoption fee during the event; and, (2) to partner with NBC’s promotional team in order to use similar announcements to help publicize the event. Last year, Lewisville Animal Services found homes for 70 of the 78 pets that were available for adoption, and greeted more than 500 guests that day. This year is expected to be much larger with more shelter participation and adoptions.

**RECOMMENDATION:**

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

- 10. Consideration of an Ordinance Amending Section 3-21 of the Lewisville City Code to Clarify Ownership Interests in Impounded and Surrendered Animals and Amending Other Sections in Chapter 3, Animals, to Provide Uniformity in Language Throughout the Chapter.**

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**ADMINISTRATIVE COMMENTS:**

Section 3-21 of the Lewisville City Code governs the impoundment of animals due to an animal being taken into custody or surrendered by its owner. The ordinance provides that the ownership interest in an impounded animal is presumed to have been waived after five days of impoundment. The proposed amendment to the ordinance would clarify that an owner waives ownership interest when voluntarily surrendering an animal and when an animal control officer determines that it is necessary to euthanize an animal before the expiration of the five-day holding period. In addition, this amendment replaces the term “stray,” which was removed from the animal ordinance in the most recent revision, with the term “at large,” thereby providing uniformity in language throughout the ordinance.

**RECOMMENDATION:**

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

- 11. An Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting a Franchise to Texas New Mexico Power Company and Associated Language Regarding Compensation; and Providing an Effective Date.**

**ADMINISTRATIVE COMMENTS:**

On February 20, 2012, Council approved an ordinance for the Texas New Mexico Power Company (TNMP) franchise, which will expire on April 30, 2017. Staff is requesting an extension of the current franchise ordinance, which allows the continuation of the terms and conditions of Ordinance No. 3927-02-2012 until April 30, 2022. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between. The second reading will be August 1, 2016.

**RECOMMENDATION:**

That the City Council approve the ordinance and conduct the first reading as set forth in the caption above.

- 12. Amending the City of Lewisville Economic Development Policy to Allow Staff to Administer the City of Lewisville Property Enhancement Program.**

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**ADMINISTRATIVE COMMENTS:**

At the October 12, 2015 special called session, Council expressed its desire to adopt an incentive program where the City provides matching grants for qualified individuals wanting to make improvements to the exterior of their homes. After reviewing existing programs of other cities and considering best practices, Staff recommends amending the City's economic development policy to allow for the administration of the Lewisville Property Enhancement Program as described in the proposed guidelines.

**RECOMMENDATION**

That the City Council amend the Lewisville Economic Development Policy as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:** - Cleve Joiner, Director of Neighborhood Services

- 13. Consideration of Acceptance of Resignation of Drew Dietrich From Place No. 5 on the Tax Increment Investment Zone #2 (TIRZ #2); Declare Vacancy Exists on the TIRZ #2; and Consideration of an Appointment to Place No. 5 on the TIRZ #2.**

**ADMINISTRATIVE COMMENTS:**

Drew Dietrich has submitted his resignation from Place No. 5 on the TIRZ #2. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

**RECOMMENDATION:**

That the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

- 14. Consideration of Direction Regarding Consolidation of Maintenance of All City Birth and Death Vital Records to Denton County.**

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**ADMINISTRATIVE COMMENTS:**

Texas Health and Safety Code requires that a municipality with a population of 2,500 or more provide local registrar duties; however, it also allows for the consolidation of the duties to be transferred to the County in which the municipality is located. The City of Lewisville is the last entity within Denton County to currently serve as their own local registrar. Denton County recently opened their Precinct 3 Government Center in the City of Lewisville. The opening of this facility provides an opportunity for the City to consider transferring the maintenance of all City birth and death vital records to Denton County. This will provide for a central vital registration and record archive as well as provide a more efficient and consistent customer service benefit for Lewisville residents. City staff is requesting City Council direction to proceed with the consolidation of these documents. If approved, an item will be included on the July 11, 2016 for City Council to approve a required Resolution.

**RECOMMENDATION:**

That the City Council direct City staff to proceed with the consolidation of maintenance of all city birth and death vital records as set forth in the caption above.

**15. 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 Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the book. At the June 6, 2016 City Council meeting, the following interview teams were set up: Mayor Durham and Mayor Pro Tem Gilmore; Councilman Ferguson and Councilman Jones; and Deputy Mayor Pro Tem Vaughn and Councilman Daniels.

**RECOMMENDATION:**

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

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

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- 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).