

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 5, 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. Presentation Seeking Council Input on 2017 Legislative Agenda
- B. Presentation Regarding Assessment of Fair Housing
- C. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Councilman Daniels
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Ferguson
- C. **PRESENTATION:** State of Texas Emergency Medical Services Administrator of the Year
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Center Business District (OTC), on Approximately 0.07 Acres Situated in the J. W. King Survey, Abstract No. 696, Located on the South Side of West Main Street Approximately 150 Feet West of South Mill Street, at 132 West Main Street, as Requested by Kellie Fister Stokes, President, J.W. Mustang Properties LLC, the Property Owner (Case No. PZ-2016-11-31).

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ADMINISTRATIVE COMMENTS:

The subject property contains a two-story building with parking at the rear. The building has both a front and rear entrance and is being used as an office. The applicant is considering a building addition at the rear of the property and is in the process of platting and site planning. The proposed zone change corresponds with the Old Town Master Plan for this area. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of November 15, 2016.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: - Richard Luedke, Planning Manager

2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Office District (OD) to Old Town Mixed Use 2 District (OTMU2), on Approximately 0.47 Acres Situated in the J. W. King Survey, Abstract No. 696, Located on the East Side of North Hatcher Avenue Approximately 200 Feet North of West Main Street, at 112, 118 and 120 North Hatcher Avenue, Being A Portion of Lot 12 Rawlings Addition, as Requested by Kristie Steed, Eve's Moon, LLC, the Property Owner (Case No. PZ-2016-11-29).**

ADMINISTRATIVE COMMENTS:

The property is currently occupied by three residences (one duplex and a third separate residence). Per Denton Central Appraisal District records the homes were constructed in 1940 and 1961. The applicant does not have any plans to redevelop the property at this time. This site adjoins 119 Herod Street, which was recently changed from OD zoning to OTMU2 zoning. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their meeting of November 15, 2016.

RECOMMENDATION:

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

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AVAILABLE FOR QUESTIONS: - Richard Luedke, Planning Manager

3. **Public Hearing:** Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station and Four Associated Variances on an Approximately 3.268-Acre Tract of Land Located at the Northwest Corner of North Stemmons Freeway (I-35E) and Justin Road (FM 407), Legally Described as a Portion of Lot 2, Block A, Blake C. Bowen Addition and Zoned Light Industrial District (LI); as Requested by Michael Potter, QuikTrip, on Behalf of Brad Bowens, Trinity Partners, the Property Owner (Case No. SUP-2016-11-11).

ADMINISTRATIVE COMMENTS:

The applicant has requested that consideration of the proposed SUP and variance requests be delayed to the January 16, 2017 City Council meeting to allow additional time for the applicant to further discuss the project with staff. Since the required public hearing notice had already been published, the public hearing must be opened at the December 5, 2016 City Council meeting and continued to the January 16, 2017 City Council meeting to accommodate the applicant's delay request. On November 1, 2016, the Planning and Zoning Commission unanimously recommended denial (7-0) of the SUP.

RECOMMENDATION:

That the City Council continue the public hearing to the January 16, 2017 City Council meeting as requested by the applicant.

AVAILABLE FOR QUESTIONS: - Richard Luedke, Planning Manager

- E. **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.
- F. **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.

4. **APPROVAL OF MINUTES:** City Council Minutes of the November 21, 2016, Workshop Session and Regular Session.

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- 5. Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \$557,701; Implementation/Incentives Fund - \$182,510; Hotel/Motel Fund - \$11,390; Asset Forfeiture-State Fund - \$507; Community Activities Fund - \$13,003; Grants Fund - \$128,821; Crime Control & Prevention Fund - \$153; Utility Fund - \$38,388; Maintenance & Replacement Fund - \$64,897; Self-Insurance Risk Fund - \$38,379; Health Insurance Trust Fund - \$24,472; and LPLDC (4B) Fund - \$37,823.**

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year because when items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item accounts will be short at year-end.

RECOMMENDATION:

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

- 6. Approval of the Fiscal Year 2016-2017 Ambulance Service Interlocal Cooperation Agreement between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department provides emergency ambulance service to Denton County through an annual interlocal cooperation agreement. By providing ambulance service to designated unincorporated areas of Denton County, fixed revenue is generated for the City in the amount of \$53,152, plus \$250.9870 per ambulance transport. The 4.28 rural miles noted in the Agreement is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2016 through September 30, 2017.

RECOMMENDATION:

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

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- 7. Approval of the Fiscal Year 2016-2017 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$525.00 per fire call. The 4.28 rural miles is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2016 through September 30, 2017.

RECOMMENDATION:

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

- 8. Acceptance of Property Located on a Portion of 944 Lakeland Drive; Further Identified as a Portion of Lot 5, Block F, Lakeland Terrace No. 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed from Toney Garrett.**

ADMINISTRATIVE COMMENTS:

TXDOT schematics have identified certain properties that lie within the proposed future I-35E expansion area and have begun right-of-way acquisitions. The portion acquired by TXDOT bisected the existing house, which has since been demolished. The remaining portion of the General Business (GB) lot has also been left unbuildable. The property being donated is the remainder of the lot that fronts onto Lakeland Drive.

RECOMMENDATION:

That the City Council accept that Portion of Lot 5, Block F, Lakeland Terrace No. 2 Addition being conveyed to the City of Lewisville, Texas by the Toney Garrett Donation Deed.

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G. REGULAR HEARINGS:

- 9. Consideration of Two Variances to the Lewisville City Code to Allow a Reduction in Required Parking From 955 to 808 Spaces and to Allow an Existing Sign to Remain that Exceeds the Height Restrictions of a Freestanding Sign by Two Feet, Located at 2613 Denton Tap Road, and Requested by Mark C. Spears and David J. Day, Representing Mary Kay Inc, the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject site is a 28.6-acre lot zoned Light Industrial (LI) within the Campbell Ranch Addition. The property owner, Mary Kay Inc. is developing a 478,000 sf research and development facility. The property owner is requesting two variances: (a) to allow a reduction in parking from 955 to 808 spaces; and (b) to allow an existing sign to remain that exceeds the city's height restrictions of a freestanding sign by two feet.

RECOMMENDATION:

It is staff's recommendation that the City Council approve the variances as set forth in the caption above with the condition that the existing sign shall become a freestanding sign which may only be used for on-premise advertising.

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

- 10. Consideration of a Resolution of the City Council of the City of Lewisville, Texas, Acknowledging the 2017 Waste Management Cost of Service Rates for Franchised Solid Waste and Recycling Services.**

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ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a franchise agreement with Waste Management (WM) for solid waste/recycling collection services for residential and multi-family customers and solid waste collection and disposal services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Per the agreement, WM cost of service rates are to be adjusted annually by the percentage increase in the DFW Consumer Price Index (CPI) for the preceding twelve month period. Adjustments take effect on January 1 of the subsequent contract year. The current CPI for the DFW area as published by the Bureau of Labor Statistics reflect an increase of 2.0 percent, and WM cost of service rates will be increased by 2.0 percent effective January 1, 2017.

RECOMMENDATION:

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

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

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a franchise agreement with Waste Management (WM) for solid waste/recycling collection services for residential and multi-family customers and solid waste collection and disposal services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Annually, Council establishes customer rates based on cost of service rates of WM. Per the franchise agreement, WM cost of service rates are to be adjusted annually by the percentage increase in the DFW Consumer Price Index (CPI) for the preceding twelve month period. Adjustments take affect on January 1 of the subsequent contract year. The current CPI for the DFW area as published by the Bureau of Labor Statistics reflects an increase of 2.0 percent, and WM cost of service rates will be increased by 2.0 percent beginning January 1, 2017. Customer rates established by the City Council have historically increased by the same CPI adjustment made to cost of service rates. Customer rates require a revision to the fee schedule related to franchised solid waste and recycling services.

RECOMMENDATION:

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

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

- I. **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

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

- K. **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).