

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**DECEMBER 5, 2016**

**Present:**

Rudy Durham, Mayor

**Council Members:**

TJ Gilmore, Mayor Pro Tem (Absent)  
Leroy Vaughn, Deputy Mayor Pro Tem  
R Neil Ferguson (Arrived @ 6:04 p.m.)  
Brent Daniels  
Brandon Jones

**City Staff:**

Donna Barron, City Manager  
Eric Ferris, Assistant City Manager  
Claire Swann, Assistant City Manager  
Melinda Galler, Assistant City Manager  
Julie Heinze, City Secretary  
Lauren Crawford, Assistant City Attorney

**WORKSHOP SESSION – 5:45 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 5:48 p.m. on Monday, December 5, 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.

**Presentation Seeking Council Input on 2017  
Legislative Agenda**

**(Agenda Item A)**

Director of Tourism and Communications James Kunke, along with Burt Solomons conducted the attached PowerPoint for City Council consideration.

**Presentation Regarding Assessment of Fair  
Housing**

**(Agenda Item B)**

Grants Coordinator Jamey Kirby along with Robert Gaudin, Director of Research and Planning at Western Economic Services conducted the attached PowerPoint Presentation for City Council consideration.

**WORKSHOP SESSION – 5:45 P.M.**

**Discussion of Regular Agenda Items and  
Consent Agenda Items**

**(Agenda Item C)**

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, Presentation: State of Texas Emergency Medical Services Administrator of the Year. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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). There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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). There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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). There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item F-4, Approval of City Council Minutes of the November 21, 2016, Workshop Session and Regular Session. There was no discussion on this item.

**WORKSHOP SESSION – 5:45 P.M.**

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

**(Agenda Item C)**

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

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

**WORKSHOP SESSION – 5:45 P.M.**

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

**(Agenda Item C)**

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:55 p.m. on Monday, December 5, 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, December 5, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Durham, Councilman Daniels gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Presentation**

**(Agenda Item C)**

Fire Chief Tim Tittle presented State of Texas Emergency Medical Services Administrator of the Year to Ricky Reeves.

(Councilman Jones conducted the following portion of the City Council Agenda.)

**Public Hearing: Consideration of Ordinance  
No. 4338-12-2016 (Z) Granting a Zone  
Change Request From General Business  
District (GB) to Old Town Center Business  
District (OTC), on Approximately 0.07 Acres  
Situating 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)**

(Agenda Item D-1)

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.

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

Councilman Jones opened the public hearing.

Richard Luedke, Planning Manager, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning Approximately 0.07 Acres Out of 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; From General Business District (GB) Zoning to Old Town Center District (OTC) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency."

**Public Hearing: Consideration of Ordinance No. 4338-12-2016 (Z) 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) (cont'd)**

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(Agenda Item D-1)

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4338-12-2016 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance No. 4339-12-2016 (Z) 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)**

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(Agenda Item D-2)

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.

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

Councilman Jones opened the public hearing.

**Public Hearing: Consideration of Ordinance No. 4339-12-2016 (Z) 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) (cont'd)**

**(Agenda Item D-2)**

Richard Luedke, Planning Manager, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Daniels, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning Approximately 0.47 Acres out of 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; From Office District (OD) Zoning to Old Town Mixed Use 2 District (OTMU2) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing for a Repealer, Severability, and a Penalty; and Declaring an Emergency."

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Daniels, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 4339-12-2016 (Z)**, as previously captioned. The motion carried.

**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)**

**(Agenda Item D-3)**

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.

The City staff's recommendation was that the City Council continue the public hearing to the January 16, 2017 City Council meeting as requested by the applicant.

Councilman Jones opened the public hearing.

Richard Luedke, Planning Manager, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the January 16, 2017, Council Meeting. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item E)**

Belinda Kelly, representing Lonestar Toyota spoke before the City Council to advise of an event they were holding a Lonestar Toyota Railroad Park on December 15, 2016 from 6 p.m. – 8 p.m.

No one else appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

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

The motion carried.

**END OF CONSENT AGENDA**

**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**

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**(Agenda Item G-9)**

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.

The City staff's recommendation was 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.

Cleve Joiner, Director of Neighborhood Services, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Deputy Mayor Pro Tem Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to approve the following 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, with the condition that the existing sign shall become a freestanding sign which may only be used for on-premise advertising, as requested by Mark C. Spears and David J. Day, Representing Mary Kay Inc., the property owner. The motion carried.

**Consideration of Resolution No. 4340-12-2016 (R) 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**

**(Agenda Item G-10)**

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.

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

**MOTION:** Upon a motion made by Councilman Daniels and seconded by Councilman Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 4340-12-2016 (R)**, 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. The motion carried.

**Consideration of Ordinance No. 4341-12-2016 Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201, Fee Schedule, Related to Solid Waste and Recycling Rates**

**(Agenda Item G-11)**

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 effect 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.

**Consideration of Ordinance No. 4341-12-2016 Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201, Fee Schedule, Related to Solid Waste and Recycling Rates (cont'd)**

**(Agenda Item G-11)**

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

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201, Fee Schedule, for Solid Waste and Recycling Services; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Vaughn and seconded by Councilman Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4341-12-2016**, as captioned previously. The motion carried.

(Mayor Durham conducted the following portion of the City Council Agenda.)

**Reports**

**(Agenda Item H)**

- Recreation Manager Hilary Boen reminded everyone of the upcoming Multi-Generational Center meeting being held on December 6<sup>th</sup>.
- Fire Chief Tim Tittle advised that Santa would be beginning his rounds through the neighborhoods this evening. He further advised of the link on the City's website to show where Santa would be each night.
- Director of Public Services Keith Marvin advised that the lake was currently right around conservation levels.
- 1<sup>st</sup> Assistant City Manager Eric Ferris advised of a job well done by the Lewisville Morning Rotary Club that worked the Pancakes with Santa event on Saturday. He especially thanked former City Manager Steve Bacchus for all the help and coordinating this breakfast. He also thanked Central Elementary School 5<sup>th</sup> graders that assisted, along with several LHS Seniors.
- Councilman Ferguson congratulated the City staff on Holiday at the Hall and stated that even with the curve ball from the weather it had still been a great event. Councilman Ferguson gave an update on upcoming events at the MCL Grand Theatre.

**Reports (cont'd)**

**(Agenda Item H)**

- Mayor Durham thanked the Police Officers present for all their hard work. He also expressed appreciation to all City staff present.

There were no additional reports at this time.

Mayor Durham advised there were no items to be considered in Closed Session.

**Adjournment**

**(Agenda Item K)**

**MOTION:** Upon a motion made by Councilman Ferguson and seconded by Councilman Jones, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:29 p.m. on Monday, December 5, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 19th day of December, 2016.

APPROVED

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Rudy Durham  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY

# 2017 Legislative Agenda

- *Legislative Priorities*
- *Critical Issues*
- *Key Topics*
- *Legislative Schedule*



# Access to state HOT funds

- State law allows local cities to provide a rebate of a portion of state Hotel Tax revenue for certain hotel projects, but the law is tightly bracketed to benefit only a handful of cities.
- While a strong case could be made for making that option available to all cities as a matter of fairness, at this time Lewisville is most interested in being bracketed into the law.
- This change would enable Lewisville to compete more effectively with such cities as Frisco and Plano.
- Qualifying projects definition could include a full-service hotel with convention space along the Interstate 35E corridor.



# Prompt Pay requirements

- Prompt Pay legislation requires cities to pay interest on any invoice paid more than 30 days beyond its due date.
- This sometimes results in extremely small interest payments that require additional staff workload that far exceeds that value of the interest due.
- Current law exempts institutions of higher education (state agencies) from paying interest if it is equal to or less than \$5.
- This same exemption should be extended to all cities statewide as a way to improve efficient use of local government resources.



# ETJ mixed-beverage tax

- Earlier this year, the Comptroller's Office notified the city that it would no longer receive the local portion of Mixed Beverage Tax for sales at restaurants within its ETJ (Castle Hills), stating that the city should not receive the tax money because it does not provide service in the ETJ. The local portion of tax will still be collected, but will be retained by the state.
- Lewisville's relationship with Castle Hills is unique in that the city does, in fact, provide public safety services within its ETJ under contract with the Fresh Water Supply District.
- Legislation tightly bracketed to cities that provide public safety services within an ETJ would allow the city to continue receiving this important revenue stream.



# Credit card processing fees

- Current state law allows Texas counties to recover credit card processing fees by assessing a handling fee reasonably related to the county's processing costs and equal to no more than 5 percent of the total charge or a flat rate of \$5 per transaction.
- Cities are allowed to collect a percentage fee, but do not have the option of a flat fee that is available to counties.
- A flat fee is easier and more efficient to administer than a percentage fee.
- State law should be extended to give cities the same options as counties.



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# Critical Legislative Issues

- This section will list those legislative items that are deemed to have the most potential impact on Lewisville, and thus will receive the highest level of monitoring and engagement.
- Emphasis will be given to proposed legislation that would hinder the ability of the city to govern itself under Home Rule provisions of the Texas Constitution, or that would shift state responsibilities (and expenses) to cities without funding.
- The list will be compiled after receiving input from City Council members.



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# Local Authority

- Oppose legislation that would erode local authority over land uses
- **Oppose legislation that would restrict or hinder a city's ability to formally annex property located within its ETJ**
- Oppose legislation that would erode or invalidate a city's ability to establish and enforce reasonable business regulations
- Support continuation of existing eminent domain authority and related tools used for planning and development of projects serving a valid public purpose
- Oppose legislation that would change the current two dates per year on which local elections can be held, unless it is to give cities additional flexibility



# Local Authority

- Preserve municipal authority to manage and maintain public rights-of-way, including the right to adequate compensation for their use
- Maintain the ability of municipal government to participate in utility rate cases on behalf of their residents
- Strengthen the ability of cities to regulate placement of pipelines and drilling sites within their municipal boundaries
- Oppose legislation that would expand or mandate meet-and-confer or collective bargaining for any class of municipal employee
- Oppose legislation that would expand civil service law for municipal employees
- Oppose legislation that would further erode local control related to retirement issues for municipal employees



# Local Authority

- Revise or eliminate outdated print advertising mandates for cities
- Support state regulation to prevent exploitative payday and vehicle title lending



# Local Revenue

- Oppose any measure that would re-direct existing local revenue to the state
- Oppose legislation that would increase or expand appraisal caps
- Oppose legislation that would erode local taxing authority, including measures that would create new obstacles to funding sources or that would restrict the use of existing revenue streams
- Oppose legislation that would erode the concept of “true market” appraisals
- **Support legislation that would close the “dark box” loophole being used by some large retailers to artificially devalue commercial properties for tax purposes**



# Local Revenue

- Oppose increased state fees, or reallocation of existing fees, on municipal court fines and proceedings, or legislation that would have the effect of requiring municipal courts to collect revenue for the state
- Oppose legislation that would permanently eliminate sales tax for online transactions
- Oppose legislation to create new sales tax exemptions, expand current exemptions, or expand the annual “sales tax holiday”
- Support legislation that would extend certain revenue options into a city’s ETJ, such as transit sales taxes or hotel occupancy tax
- Support measures that would expand allowable uses of PEG fee revenue



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# Parks Funding

- Encourage the state to adequately fund maintenance and operation of state parks, recreation areas, natural areas and monuments; and ensuring those venues are widely and readily available to the public
- Support expanded state and federal funding to assist with creating, maintaining and operating local parks
- Support dedicating sporting goods sales tax revenues for use in state and local parks that would directly benefit parks, recreation, open space, trails and tourism
- Ensure that parks and recreation agencies are included as eligible partners and beneficiaries in any strategy or guideline aimed at benefitting healthy lifestyles, increasing physical activity, conservation, or preservation



# Parks Funding

- Support restoring full funding to the Local Park Grant Program
- Support expanded options for parks, recreation, open space and trails on utility corridors, to include waiving all liability for those purposes to the utilities
- Support increased local access to pass-through federal dollars for parks and related uses



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# Public Safety

- Support a statewide prohibition on texting while operating a motor vehicle
- Support adequate funding of state law enforcement agencies on public lakes
- Support discontinuing the redirection of dedicated telephone taxes to purposes other than 911 services
- Oppose efforts to legalize recreational use of marijuana in Texas
- Oppose any legislation that would subject local police to criminal charges for enforcing federal firearms laws, or subject any city that allows such enforcement to a lawsuit by the state's attorney general or to punitive reductions in state funding



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# Public Safety

- Make it an offense for a person to post on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household
- Clarify the authority of municipalities to enact residency restrictions on registered sex offenders
- Support opt-in state programs to help local governments protect electronic data bases from criminal breach, including state funding mechanisms to assist with cybersecurity priorities
- Oppose proposed state and federal regulations that would increase the maximum size of long-haul trucks on public highways



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# Transportation

- Identify and secure full and timely funding for the second phase of Interstate 35E reconstruction
- Seek increased and consistent state funding to build and maintain a high-quality, efficient highway system
- Support ending the diversion of transportation revenues to non-transportation purposes
- Support increased state investment in public transit, including regional rail service
- Seek greater flexibility for cities to fund local transportation projects, including potential new state funding sources for important local and regional roads



# Transportation

- Preserve municipal authority to manage and maintain public rights-of-way, including the right to adequate compensation for their use
- Oppose legislation that impedes local authorities from adopting, implementing, or considering ordinances that regulate traffic controls and safety in their communities
- Allow voluntary “complete streets” participation by cities, but not imposing mandatory “complete streets” requirements on cities
- **Support legislation that grants North Texas counties the ability to adopt a \$10 optional registration fee for transportation projects**



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# Water

- Oppose any legislation that would undermine city original jurisdiction, and oppose any efforts to make local water rates subject to approval by any state agency
- Support researching and assessing some level of water re-use, especially for upstream cities in North Texas such as Lewisville
- Support establishing and enforcing water conservation standards at the local level, not at the state or federal level unless adequate ongoing funding is provided
- Oppose state “tap fees” or other state fees on municipal water systems



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# Water

- Support fully funding the State Water Plan, and creating future state funding sources
- Oppose any legislation that might restrict Lewisville's ability to continue providing a safe and reliable local water supply
- Support joint efforts by the state, regional partners, and other cities to identify and secure options for new water sources



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# 85<sup>th</sup> Texas Legislature

- Nov. 14 – bill pre-filing began
- Jan. 9 – Council adoption of 2017 Legislative Agenda
- Jan. 10 – Texas Legislature opens the 2017 session
- Feb. 28-Mar. 1 – Denton County Days
- March 10 – bill filling deadline
- May 29 – Texas Legislature closes the 2017 session



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# 2017 Assessment of Fair Housing

## Entitlements must:

**Certify that they are Affirmatively Furthering Fair Housing (AFFH) as a condition of receiving federal funds from HUD**



# 2017 Lewisville AFH

## New AFFH Rule Means:

1. Conduct an Assessment of Fair Housing (AFH) – must use HUD data and must use HUD “Assessment Tool”
2. Identify fair housing *issues*
3. Addressing *contributing factors*
4. Prioritize *fair housing goals & actions*



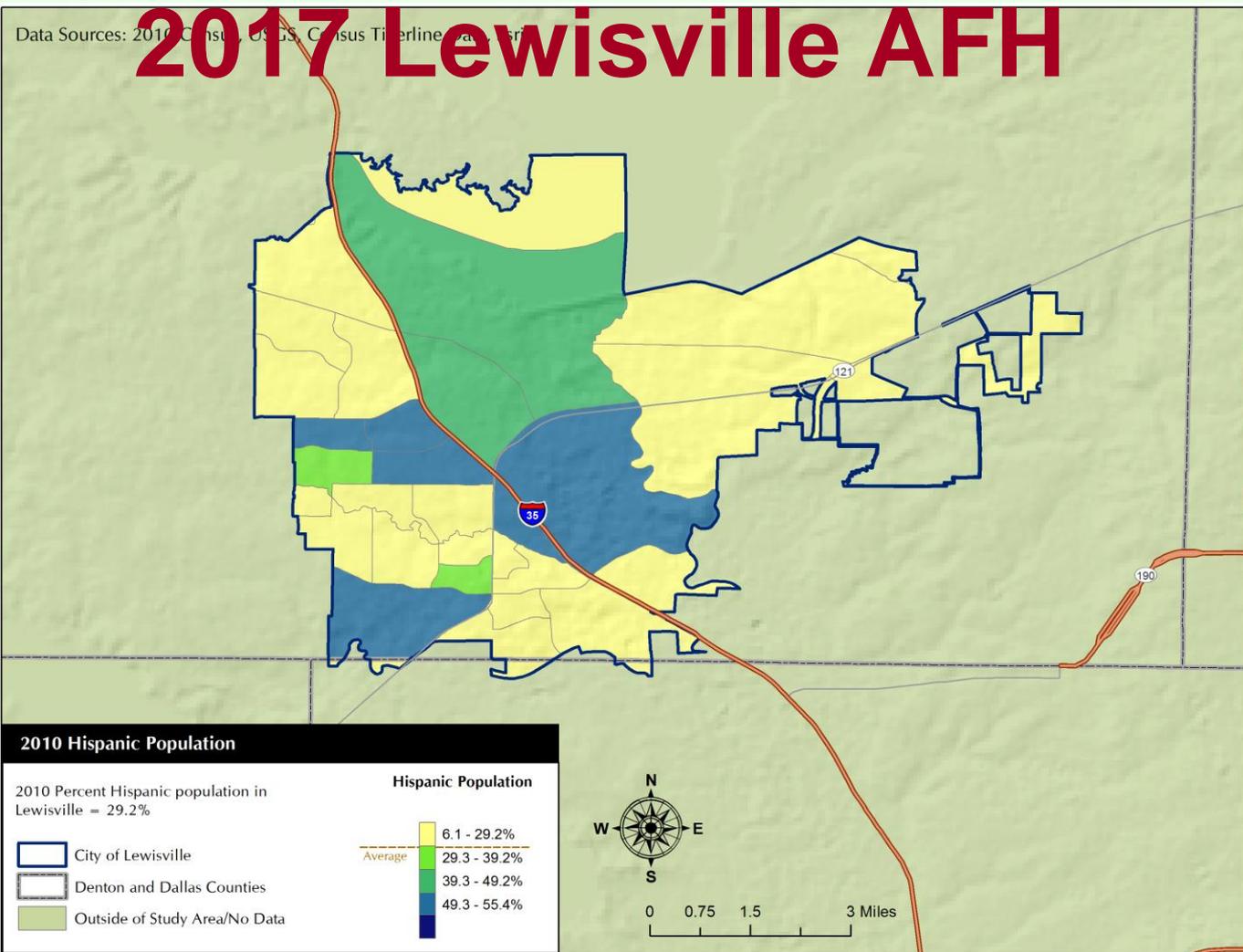
# 2017 Lewisville AFH

## Population by Race and Ethnicity

Lewisville

2010 Census & 2014 Five-Year ACS

Race	2010 Census		2014 Five-Year ACS	
	Population	% of Total	Population	% of Total
White	62,263	65.3%	73,778	74.5%
Black	10,661	11.2%	8,875	9.0%
American Indian	623	0.7%	146	0.1%
Asian	7,392	7.8%	7,777	7.9%
Native Hawaiian/ Pacific Islander	67	0.1%	87	0.1%
Other	11,236	11.8%	3,454	3.5%
Two or More Races	3,048	3.2%	4,922	5.0%
<b>Total</b>	<b>95,290</b>	<b>100.0%</b>	<b>99,039</b>	<b>100.0%</b>
<b>Non-Hispanic</b>	67,507	70.8%	69,088	69.8%
<b>Hispanic</b>	27,783	29.2%	29,951	30.2%





# **2017 Lewisville AFH**

## **HUD's Analysis AFFH Includes:**

- 1. RCAP and ECAP evaluation**
- 2. Segregation analysis**
- 3. Disparities in access to opportunity**
- 4. Disproportionate housing needs**
- 5. Disability and access analysis**
- 6. Fair housing enforcement, outreach capacity, and resource analysis**



# #2: Segregation Analysis: The Dissimilarity Index

## Dissimilarity Trends

Lewisville

2016 HUD AFFH Databases

Racial/Ethnic Dissimilarity Index	1990	2000	2010
Non-White/White	17.41	20.04	26.87
Black/White	23.36	19.72	30.57
Hispanic/White	19.68	31.86	37.82
Asian or Pacific Islander/White	26.36	25.42	36.12

## Interpreting the Dissimilarity Index

Measure	Values	Description
Dissimilarity Index [range 0-100]	<40	Low Segregation
	40-54	Moderate Segregation
	>55	High Segregation



## **#3: Disparities in Access to Opportunity**

- **Areas of Opportunity are physical places**
- **Identified through quantitative means, such as an index by Census Tract**
- **Seven indexes: low poverty, school proficiency, labor market engagement, transit trips, low transportation cost, job proximity, and environmental health**

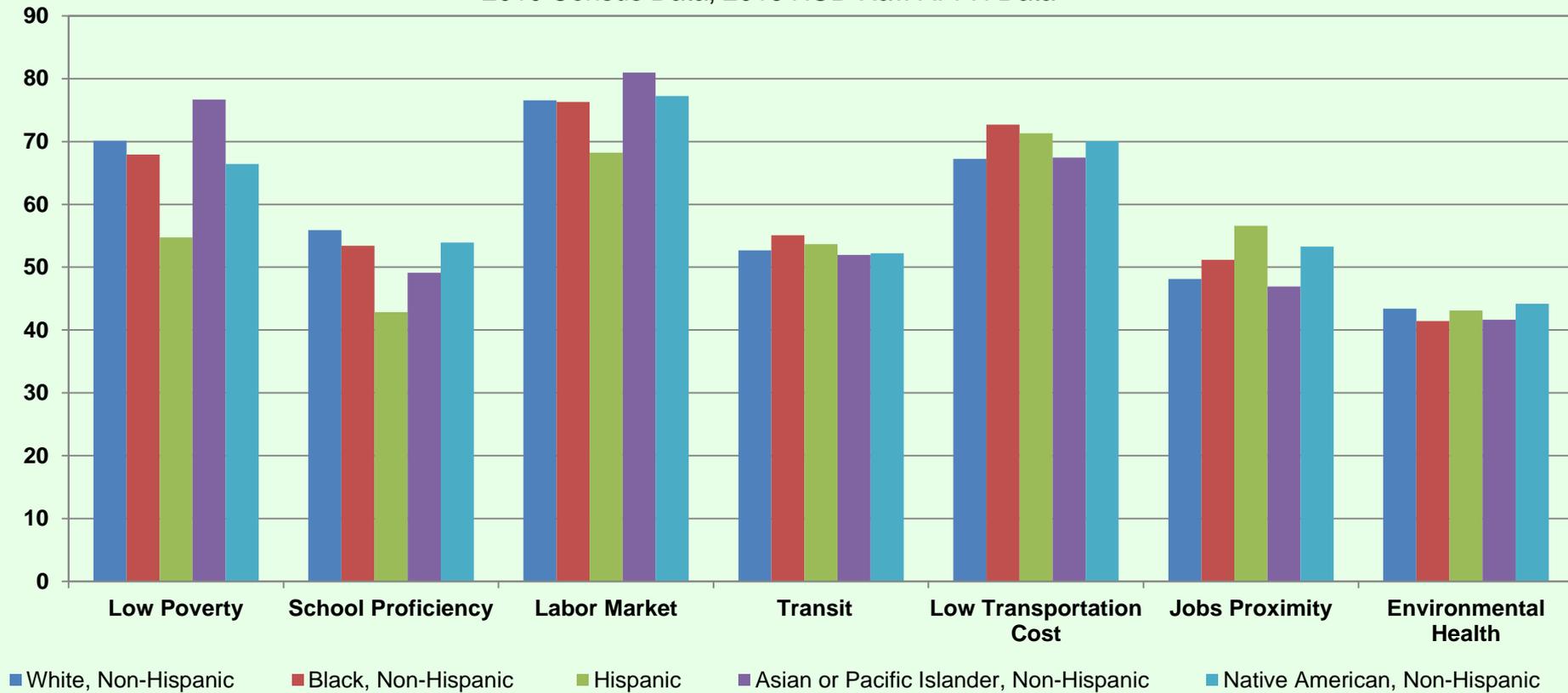


# Opportunity Indexes by Race/Ethnicity

## Access to Opportunity by Race and Ethnicity

Lewisville

2010 Census Data, 2016 HUD Raw AFFH Data





# #4: Disproportionate Housing Needs

## Households with Problems

Housing Problems by Race, Ethnicity, and Household Type  
Lewisville

2008-2012 HUD CHAS Data

Disproportionate Housing Needs		Lewisville	
HHs experiencing any of 4 housing problems	# with problems	# households	% with problems
<b>Race/Ethnicity</b>			
White, Non-Hispanic	6,305	21,729	29.02
Black, Non-Hispanic	1,580	3,770	41.91
Hispanic	3,920	8,045	48.73
Asian or Pacific Islander, Non-Hispanic	910	2,359	38.58
Native American, Non-Hispanic	85	120	70.83
Other, Non-Hispanic	440	1,099	40.04
<b>Total</b>	<b>13,235</b>	<b>37,135</b>	<b>35.64</b>
<b>Household Type and Size</b>			
Family households, <5 people	5,665	19,345	29.28
Family households, 5+ people	2,240	3,940	56.85
Non-family households	5,335	13,845	38.53



# #5: Disability and Access

## Persons with Disabilities in Lewisville

2010-2014 ACS Data

Hearing difficulty	2,152	2.40
Vision difficulty	921	1.03
Cognitive difficulty	3,148	3.52
Ambulatory difficulty	3,584	4.00
Self-care difficulty	1,443	1.61
Independent living difficulty	2,384	2.66

## Public-Assisted Housing Residents with Disabilities by Program

Lewisville

July 2016 HUD AFFH Raw Data

Lewisville	People with a Disability	
	Number	Percent
Public Housing	0	0
Project-Based Section 8	0	0
Other Multifamily	0	0
HCV Program	73	19.68



# #6: Fair Housing Enforcement

## Housing Complaints

### Fair Housing Complaints by Basis of Complaint

City of Lewisville  
2008-2016 HUD Data

Basis	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Disability	2	.	2	2	1	1	3	.	4	15
Race	6	2	1				2	1		12
Sex	1						1	1		3
Family Status	1			1						2
National Origin			1							1
Retaliation	1									1
<b>Total</b>	<b>11</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>4</b>	<b>34</b>
Total Complaints	8	2	3	3	1	1	4	2	4	28



# #6: Fair Housing Enforcement

## Housing Complaints

### Fair Housing Complaints by Issue of Complaint

City of Lewisville  
2008-2016 HUD Data

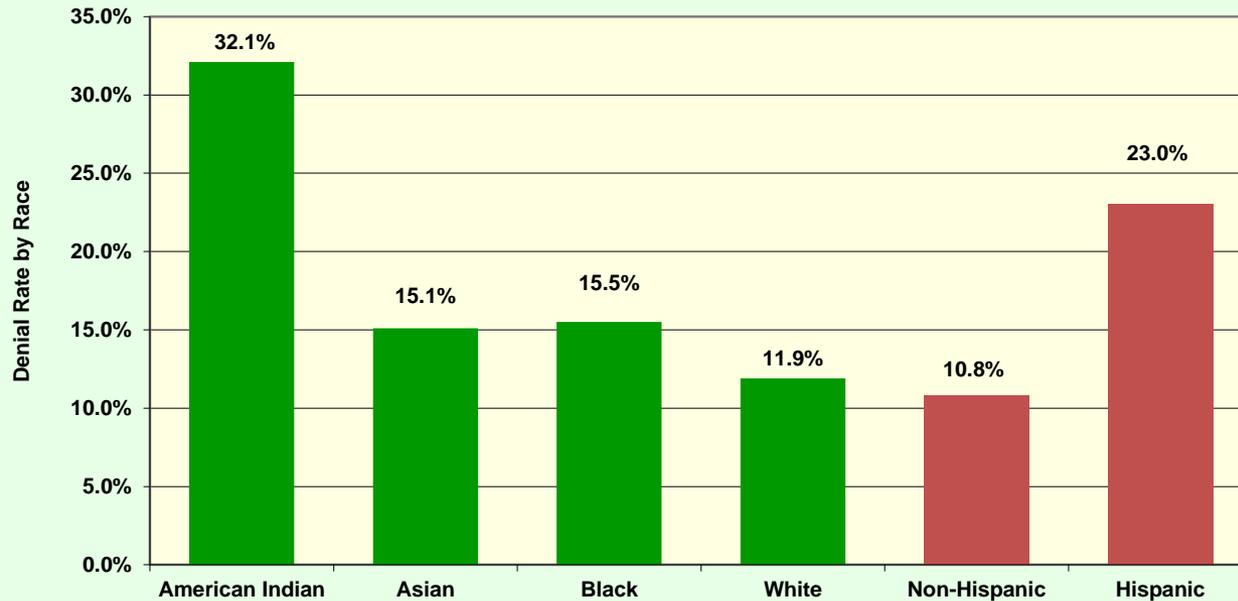
Basis	Total
Discriminatory terms, conditions, privileges, or services and facilities	17
Discrimination in terms/conditions/privileges relating to rental	7
Failure to make reasonable accommodation	7
Discriminatory refusal to rent	6
Discriminatory acts under Section 818 (coercion, Etc.)	5
Discriminatory financing (includes real estate transactions)	2
Discriminatory refusal to rent and negotiate for rental	2
Discriminatory refusal to negotiate for rental	1
False denial or representation of availability - rental	1
<b>Total Issues</b>	<b>48</b>
Total Complaints	28



# #6 Cont. FH Enforcement

## Home Lending

Denial Rates by Race/Ethnicity  
City of Lewisville





# #6: Fair Housing Outreach

## Citizen Involvement

### 2016 Fair Housing Survey

#### Role of Respondent

City of Lewisville

2016 Fair Housing Survey Data

Primary Role	Total
Local Government	22
Advocate/Service Provider	5
Construction/Development	1
Law/Legal Services	1
Service Provider	1
Other Role	3
Missing	87
<b>Total</b>	<b>121</b>

<https://www.research.net/r/2016LewisvilleFHSurvey>



# #6: Fair Housing Outreach

## Citizen Involvement

### 2016 Fair Housing Survey

**Barriers to Fair Housing in the Private Sector**  
 City of Lewisville  
 2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
<b>Are you aware of any questionable practices or barriers to fair housing choice in:</b>					
The rental housing market?	6	47	17	51	121
The real estate industry?		44	23	54	121
The mortgage and home lending industry?	5	43	22	51	121
The housing construction or accessible housing design fields?	3	43	23	52	121
The home insurance industry?	1	43	23	54	121
The home appraisal industry?	5	40	24	52	121
Any other housing services?	3	41	24	53	121



# #6: Fair Housing Outreach

## Citizen Involvement

### 2016 Fair Housing Survey

**Barriers to Fair Housing in the Public Sector**  
 City of Lewisville  
 2016 Fair Housing Survey Data

Question	Yes	No	Don't Know	Missing	Total
<b>Are you aware of any questionable practices or barriers to fair housing choice in:</b>					
Land use policies?	5	35	24	57	121
Zoning laws?	4	35	24	58	121
Occupancy standards or health and safety codes?	7	36	21	57	121
Property tax policies?	2	36	27	56	121
Permitting process?	3	33	28	57	121
Housing construction standards?	1	34	29	57	121
Neighborhood or community development policies?	5	34	24	58	121
Limited access to government services?	5	38	21	57	121
Public administrative actions or regulations?	2	29	31	59	121



## **Fair Housing Issues:**

- 1. Discriminatory terms and conditions in Rental. Failure to make reasonable accommodation**
- 2. Limited Supply of Affordable Housing, especially for minorities and seniors**
- 3. High denial rates for racial and ethnic minorities**
- 4. Prospective discriminatory practices and policies. NIMBYism**



# **Fair Housing Issues, continued:**

- 5. Insufficient outreach and education**
- 6. Disparities in Access to Opportunity**
- 7. Denial of available housing in the rental markets. Discriminatory terms, conditions, or privileges relating to rental**



# **Fair Housing Goals:**

- 1. Enhance understanding of fair housing and fair housing law**
- 2. Promote partnerships that enable the development of accessible and affordable housing**
- 3. Enhance financial literacy**
- 4. Review and Revise Local Land use Policies**



## **Fair Housing Goals, Continue:**

- 5. Enhance Fair Housing Program and enforcement**
- 6. Promote equitable access to credit and home lending**
- 7. Reduce Discrimination in Rental Market**



## **Recommended Actions:**

- 1, 3, 5, 7. Seminars, trainings, and outreach**
- 2. Promotion of construction of new, redeveloped or rehabilitated housing**
- 3. Increase the number of affordable housing units**
- 4. Review land use policies and regulations by 2021-22**
- 5. Increase the number of affordable housing units**
- 6. Reduce disparities in home purchase through credit education & outreach**
- 7. Increase the number of affordable housing units**



# **2017 Lewisville AFH**

## **Contact Information**

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