



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, August 19, 2019

6:30 PM

Council Chambers

Call to Order and Announce Quorum is Present

Workshop Session - 6:30 P.M.

***Items discussed during Workshop Session may be continued during the Regular Session after Reports if time does not permit holding or completing discussion of the item during Workshop Session.*

- A. [Discussion of Regular Agenda Items and Consent Agenda Items](#)
- B. [Overview of the Police Physical Fitness Program](#)

Regular Session - 7:00 P.M.

- A. **Invocation: Mayor Pro Tem Troyer**
- B. **Pledge to the American and Texas Flags: Councilmember Jones**
- C. **Proclamation**
 - [Declaring the First Full Week in September 2019 as "Payroll Week"](#)
- D. **Public Hearings**
 - 1. [Public Hearing: Consideration of an Amendment to the Old Town Master Plan to Clarify Permitted Uses in the Central Core.](#)

ADMINISTRATIVE COMMENTS:

The Old Town Master Plan was adopted in 2003. In the sixteen years that have followed, significant changes and developments have occurred in Old Town, especially in the core area along Main Street and Church Street between Charles Street and Mill Street. In order to facilitate desired development in this core area, staff proposes more detailed and clear language regarding the type of uses that support the previously stated goal of pedestrian movement and activity. The

Planning and Zoning Commission recommended unanimous approval (7-0) on August 6, 2019.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

2. [Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Amending Section 17-3, Definitions and Additional Use Regulations, to add a Definition for Professional Offices; Section 17-22.6, Old Town Center Business District Regulations, to Create a Subdistrict Within the District with Additional Restrictions on Height and a Subarea Within the Subdistrict with Additional Restrictions on Uses; and Section 17-29.5, "SUP" Special Use Permit, to Clarify the Transferability of an SUP.](#)

ADMINISTRATIVE COMMENTS:

Two issues which might impede the achievement of the goals for Old Town as set forth in the Old Town Master Plan and Big Move Number 3: Old Town, of the Lewisville 2025 Plan have recently attracted attention: 1) the extent of existing office uses on the ground floor in the core area and 2) the relatively low maximum building heights set in the core area. Staff is proposing amendments to the zoning ordinance to require special use permits (SUP) for ground floor office and similar uses in portions of the Old Town Center Business District (OTC), a definition for professional office, increased height limitations in portions of the OTC District, and clarifying that SUPs are transferable unless stated otherwise in the adopting ordinance. The Planning and Zoning Commission recommended unanimous approval (7-0) on August 6, 2019.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

E. Visitor/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.

3. [APPROVAL OF MINUTES: City Council Minutes of the August 5, 2019, Workshop Session and Regular Session.](#)
4. [Approval of Administrative Policy 3.0 Finance - Section XI - Charity Care Services](#)

ADMINISTRATIVE COMMENTS:

Since 2015, the City of Lewisville has participated in a program to help recover losses incurred by the City when the Fire Department transports Medicaid and uninsured patients by ambulance. The funds are available through the Texas Ambulance Supplemental Payment Program, (TASPP) which is a federal program administered by the Texas Health and Human Services Commission. For the City to continue to recover any of the uncompensated care cost, the City must implement a charity care program as defined in the proposed policy.

RECOMMENDATION:

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

5. [Approval of a Professional Services Agreement with RJN, Inc. for an Amount Not to Exceed \\$794,000 for the Timber Creek Pump Station Interceptor Sewer Design; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The Timber Creek Interceptor Sewer consists of approximately 8,400 linear feet of 36- and 42-inch steel and clay pipe that begins west of the Timber Creek Pump Station near Railroad Street, continuing along the north side of Timber Creek and ending on the east side of Business SH121 south of the intersection

of E. Southwest Parkway and has reached the end of its life cycle. According to as-built drawings, the Timber Creek Trunk Sewer was constructed in 1978. The professional services agreement includes condition assessment of the sanitary sewer using multi-sensor pipeline inspection (MSI) to determine recommended rehabilitation methods, conceptual (30%), preliminary (60%), final (90%) design, and construction (100%) drawings and specifications for approximately 8,400 LF of 36- and 42-inch sanitary sewer pipe, and surveying, geotechnical engineering services, and permitting services. Funding is available in the Timbercreek Capital Project.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

6. [Approval of a Professional Services Agreement with RJN Group, Inc., Dallas, TX, in the Amount of \\$131,400 for Professional Engineering Services for Castle Hills-Condition Assessment for Sanitary Sewer & Water Distribution System; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

As the City prepares for the possibility of annexation of Castle Hills, a condition assessment and grading system of the wastewater collection and water distribution systems is necessary to understand the impact of taking on the maintenance and operations of this additional area. A Professional Services Agreement was previously approved by Council for the Facilities and Operations Assessment of Castle Hills, coupled with this PSA, staff will have a better understanding of what the City of Lewisville will be responsible for once the annexation is complete. The condition assessment for Castle Hills will give us a better understanding of the condition and locations of the water distribution and wastewater collection systems. Funding is available in the Castle Hills Annexation Analysis Project.

RECOMMENDATION:

That the City Council approve the agreement as set forth in the caption above; and authorize the City Manager to execute the agreement.

7. [Approval of an Amendment to the City Thoroughfare Plan to Change the Designation of a Segment of Lakepointe Drive from Corporate Drive to](#)

[IH 35E Northbound Frontage Road from a Principal Arterial 4-Lane Divided Roadway to a Collector 2-Lane Undivided Roadway.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville's Master Thoroughfare Plan currently indicates Lakepointe Drive from Corporate Drive to IH 35E northbound frontage road as a Principal Arterial 4-Lane Divided (P4D - 100' ROW) roadway. However, this section of Lakepointe Drive only has 60-foot right-of-way and the abutting properties are in full built-out condition. The Transportation Board considered this item during the June 18, 2019 meeting and voted to recommend changing the designation of Lakepointe Drive from Corporate Drive to IH 35E northbound frontage road to a 2-lane undivided collector street with 60-foot right-of-way.

RECOMMENDATION:

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

8. [Approval of an Amendment to the City Thoroughfare Plan to Change the Designation of a Segment of Railroad Street from Corporate Drive to SH 121 Business from a Residential Street to a Collector 2-Lane Undivided Roadway.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville's Master Thoroughfare Plan currently indicates Railroad Street from Corporate Drive to SH 121 Business as a local street. However, this section of Railroad Street is a 37-foot wide, 60-foot right-of-way roadway which serves the function of a collector street that connects to two major thoroughfares i.e. SH 121 Business and Corporate Drive. All the abutting properties are commercial and industrial properties. The Transportation Board considered this item during the June 18, 2019 meeting and voted to recommend changing the designation of Railroad Street from Corporate Drive to SH 121 Business to a 2-lane undivided collector street with 60-foot right-of-way.

RECOMMENDATION:

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

9. [Approval of an Amendment to an Agreement with Bolivar Bronze for Creation and Installation of a Bronze Sculpture in Wayne Ferguson Plaza;](#)

[and Authorization for the City Manager to Sign the Amendment.](#)

ADMINISTRATIVE COMMENTS:

City Council approved an agreement in July 2018 with Denton County artist David Iles (Bolivar Bronze) for creation and placement of a bronze sculpture in Wayne Ferguson Plaza. The sculpture is complete, but installation and dedication will not take place until October in order to accommodate schedules of Ferguson family members and project donors. The proposed amendment would change the payment schedule contained in the current Agreement.

RECOMMENDATION:

That the City Council approve an amendment to an agreement as set forth in the caption above; and authorize the City Manager to sign the amendment.

10. [Approval of Agreements for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2019-20; and Authorization for the City Manager to Execute the Agreements.](#)

ADMINISTRATIVE COMMENTS:

In Fiscal Year 1997-98, the City entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. The City began using their services for the Josey Lane PID assessments in 2016 when assessments in this PID began. Services provided have been satisfactory and reliable. The contract rates for the new agreements are unchanged from the prior year. The contract rates per parcel will be \$1.00. Funding to cover this expenditure is proposed in the Finance Department General Fund and the Josey Lane PID Administration Fund 2019-20 budgets.

RECOMMENDATION:

That the City Council approve the agreements as set forth in the caption above, and authorize the City Manager to execute the agreements.

11. [Approval of a Resolution to Nominate Caliber Bodyworks of Texas, Inc. for Designation as a Single Texas Enterprise Project by the Governor's Office of Economic Development and Tourism in Accordance with Chapter 2303 of the Texas Government Code.](#)

ADMINISTRATIVE COMMENTS:

Caliber Bodyworks of Texas, Inc. has submitted a request to staff asking that the City Council consider a resolution to nominate them for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project. Nine years ago, the City of Lewisville adopted Ordinance No. 3792-08-2010 which established the city's participation in the Enterprise Zone Program. Since the adoption of that ordinance, the City of Lewisville may nominate up to 6 projects per biennium out of a total 105 statewide. As the first project application in Lewisville in 2019, the company's capital investment and job creation alone make them a great candidate for the Texas Enterprise Zone Program. For this State program, there is no fiscal impact to the City of Lewisville if Caliber Bodyworks of Texas is awarded the designation.

RECOMMENDATION:

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

G. Regular Hearings

12. [Consider Approval of a Preliminary Plat of Anthem 35 Addition With Six Associated Variances Related to Right-of-Way Widths, Alleys, Lot Width and Control of Access and Clear Vision Areas; Containing 250 Residential Lots and 11 Open Space Lots; on 32.417 Acres out of the Stephen Riggs Survey, Abstract Number 1088 and the W.M. Brown Survey, Abstract Number 63; Zoned Planned Development-Mixed Use \(PD-MU\); Located on the West Side of Summit Avenue On the North Side of the Kansas City Southern Railroad as Requested by Huffines Communities, the Property Owner/Developer.](#)

ADMINISTRATIVE COMMENTS:

Anthem 35 Addition is a portion of the Villages at Lewisville planned development which was intended to create a more urban density mixed-use development. The planned development allows this area to be a combination of townhomes and multi-family for a total of 700 dwelling units. The developer has worked with the city to reduce the density of the southern tract within the planned development to 250 units and only provide townhomes; however, to make townhomes work on the property, the developer is requesting six variances; a) to allow a 42-foot radius at cul-de-sac right-of-way; b) to allow a 45-foot public street right-of-way; c) to allow a 24-foot modified alley section with 24-foot right-of-way to allow for emergency access; d) to allow a water line under pavement; e) to allow reduced

lot width and reduced control of access for single-family lots; and f) to allow clear vision areas based on AASHTO standards. The Planning and Zoning Commission recommended unanimous approval (6-0) on July 2, 2019.

RECOMMENDATION:

That the City Council approve the preliminary plat and six associated variances as set forth in the caption above.

AVAILABLE FOR QUESTIONS:

Richard E Luedke, Planning Director
David Salmon, City Engineer

13. [Consideration of an Ordinance Amending Chapter 6, Land Development Regulations, of the Lewisville City Code, by Amending Section 6-182 Hotel, Motel, and Extended Stay Facilities, to Add Enhanced Architectural Materials as an Optional Item.](#)

ADMINISTRATIVE COMMENTS:

These amendments are proposed to remove the requirement for 80 percent masonry veneers and add this as an option for hotel developers to meet the hotel standards, where they must choose three items from a menu of five. Masonry materials help promote property values, energy conservation, reuse of structures, reinvestment in existing structures, community character and aesthetics.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

14. [Consideration of Acceptance of Resignation of Patricia Esselborn From Place No. 3 on the Old Town Design Review Committee \(OTDRC\); Declare a Vacancy Exists on the OTDRC; and Consideration of an Appointment to Place No. 3 on the OTDRC.](#)

ADMINISTRATIVE COMMENTS:

Patricia Esselborn has submitted her resignation from Place No. 3 on the OTDRC.

The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy. Data sheets of applicants interested in serving on this Committee have been included for City Council review.

RECOMMENDATION:

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

H. Reports Reports about items of community interest regarding which no action will be taken.

* [Quarterly Investment Report from April 1, 2019 to June 30, 2019](#)

I. Return to Workshop Session if Necessary

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

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

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).

I do hereby certify that the above notice of meeting of the City of Lewisville City Council was posted at City Hall, City of Lewisville, Texas in compliance with Chapter 551, Texas Government Code on _____, 2019 by _____ AM.

City Secretary