City of Lewisville, TX

151 W Church Street Lewisville, Texas 75057



Agenda

Monday, September 10, 2018 6:30 PM

Council Chambers

City Council

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. <u>Discussion of Maintenance and Repair of City Owned Screening Walls (as requested by Councilman Ferguson)</u>
- **B.** 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 Gilmore
- C. Public Hearings
 - Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single Family Residential District (R-7.5) to Old Town Mixed Use 2 District (OTMU2); on Approximately 0.614 Acres, Legally Described as All of Lots 5 & 6, and Part of Lots 11 & 12, Block 3, O.B. Dick Subdivision, Located at 421 South Cowan Street; as Requested by Paul Poteet, of Liberation Development Investments, on Behalf of Jerry D. Tiner, the Property Owner. (Case No. PZ-2018-08-07).

ADMINISTRATIVE COMMENTS:

The subject property is on the southwest corner of South Cowan Street and Hickory Street. The lot currently houses a radiator shop and is zoned residential (R-7.5). The applicant plans to build townhomes on the property, which are allowed in the Old Town Mixed Use 2 zoning district. The first step to develop the property is zoning it Old Town Mixed Use Two District (OTMU2) as indicated in the Old Town Master Plan adopted in 2003. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting on August 7, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Buisness District (GB) to Planned Development - Estate Townhouse District (PD-ETH) for a Proposed Residential Development Consisting of 32 Single-Family Detached Units and Two Open Space Lots with Two Associated Variances Regarding Screening; on an Approximately 5.371-Acre Tract of Land Legally Described as Lot 1, Block A and Lots 2 & 3, Block B, Boyd Addition, Located on the North and South Sides of McCartt Drive, Approximately 250 Feet West of State Highway 121 Business; as Requested by Noah Flabiano, of Skorburg Company, on Behalf of Charis Partners, Ltd. the Property Owner. (Case No. PZ-2018-08-09).

ADMINISTRATIVE COMMENTS:

The purpose of the Planned Development District is to accommodate innovative design concepts and provide flexibility in order to achieve a more desirable development. The proposed development features a rear-entry product with enhanced building materials and landscaped open spaces on a property surrounded by a variety of land uses. The planned development is in accordance with Big Move #5, "New Housing Choices" of the Lewisville 2025 Vision Plan. The applicant is requesting two variances alongside the Planned Development: a) to maintain the existing wood fence and vegetation in lieu of the required screening wall on the southern boundary of the development adjacent to the multi-family zoned property and b) to allow a tubular steel fence with masonry columns in lieu of the required screening wall along the western boundary of the development adjacent to the multi-family zoned property. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting on August 7, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

3. <u>Public Hearing: Consideration of an Ordinance Granting a Zone Change</u> Request From Light Industrial District (LI) to Old Town Mixed Use Two District (OTMU2); on Approximately 0.172 Acres, Legally Described as a Part of Block 7, Kealy Addition and Located at the Southwest Corner of East Walters Street and Harris Street; as Requested by Randi Rivera, G&A Consultants, LLC on behalf of Benny Jafari and Henry Rahmani, XMPK, LLC the Property Owner. (Case No. PZ-2018-06-05).

ADMINISTRATIVE COMMENTS:

The property is located at the southwest corner of E Walters Street and Harris Street. This vacant lot is currently zoned Light Industrial (LI). The applicant plans to build four townhomes on the property. The first step to develop the property is zoning it Old Town Mixed Use Two District (OTMU2) as indicated in the Old Town Master Plan adopted in 2003. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting on August 7, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

4. Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, Section 17-3, Definitions and Additional Use Regulations, Section 17-22.8.1, Mixed-Use-Shopping Center (MU-SC) District Regulations, Section 17-22.8.2, Mixed-Use (MU) District Regulations, and Section 17-22.8.3, Mixed-Use Ninety (MU-90) District Regulations, by Repealing and Replacing Them in Their Entirety; Altering Definitions; Adding and Deleting Uses and Related Regulations Within the Various Mixed Use Districts; and Amending the Concept Plan Adoption and Amendment Process Within the Various Mixed Use Districts.

ADMINISTRATIVE COMMENTS:

Several changes are proposed to the Mixed-Use Zoning Districts. It was initially identified that the twenty-foot front setbacks and fifteen-foot side setbacks required in the Mixed Use (MU) Zoning District do not allow for the urban-style development desired. Pending development projects need this code amendment to move forward. During review of the MU Zoning District for setback changes additional amendments including removing some permitted uses and clarifying the process for rezoning to a Mixed-Use District were identified for the MU Zoning District, the Mixed-Use

Ninety (MU-90) Zoning District, and the Definitions.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

Public Hearing: Consideration of the Adoption of an Ordinance of the Lewisville City Council, Amending Chapter 17, Zoning, of the Lewisville City Code by Deleting Section 17-36, Certificates of Occupancy, in its Entirety; Amending Chapter 4, Buildings and Building Regulations, by Adding a New Section, Section 4-36, Certificates of Occupancy; and Amending Chapter 2, Section 2-201, Fee Schedule, by Adding a Fee for Certificates of Occupancy; Providing a Repealer, Severability, Penalty and an Effective Date; and Declaring an Emergency.

ADMINISTRATIVE COMMENTS:

The City of Lewisville has a Certificate of Occupancy (CO) ordinance; however, it is regulated within two areas of Code, the Zoning Ordinance and Building Code, which leads to confusion and discrepancies. At the June 18th Council meeting workshop session, staff conducted a PowerPoint Presentation regarding CO requirements and processes. The presentation included requirements to obtain a CO, best practices, how our current ordinance exists, challenges with our current ordinance, and recommendations for changes. The power point is included in the packet for reference. With a clear and consistent CO process, staff can capture information currently missing and reach ideal outcomes. The proposed ordinance reflects the direction given by City Council. The Planning and Zoning Commission recommended unanimous approval (5-0) of the requested ordinance adoption on August 21, 2018.

RECOMMENDATION:

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

<u>AVAILABLE FOR QUESTIONS</u>: Wayne K. Snell, Jr. Neighborhood & Inspection Services Director

6. <u>Public Hearing: Consideration of the Proposed FY 2018-2019 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate.</u>

ADMINISTRATIVE COMMENTS:

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2018-19 budget, property tax revenue increase and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2018-19 total property tax rate is .436086, equal to the total current .436086 tax rate. The O & M rate is being decreased to .313766 and the I & S rate is increasing to .122320. The proposed budget includes changes made by City Council at the budget workshop held on August 11th. The first public hearing was held on September 4th. The public hearing being held today will be the second and final public hearing. An agenda item to adopt the budget, property tax revenue increase, and property tax rate will be on the September 17, 2018 City Council meeting at 7:00 p.m. in the Council Chambers.

RECOMMENDATION:

That the City Council conduct the Public Hearing.

D. 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.

E. 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.

- 7. APPROVAL OF MINUTES: a) City Council Minutes of the June 27, 2018, Called Special Session; and b) City Council Minutes of the August 6, 2018, Workshop Session and Regular Session.
- 8. Approval of a First Amendment to the Economic Development Agreement, Approved on May 21, 2018, Between the City of Lewisville and Innovative IDM, and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

On May 21, 2018, the City and Innovative IDM entered into an Economic Development Agreement for the development of a 100,000 square foot facility

occupied by IDM for its headquarter offices, manufacturing and warehousing operations at the northwest corner of Vista Ridge Mall Drive and Highpoint Oaks. This amendment provides an additional incentive for reimbursement of tree mitigation fees paid at time of building permit issuance. In return, IDM will provide a soft-surface trail on its property with public access and for public use for ten (10) years.

RECOMMENDATION:

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

Approval of the Capital Improvements Advisory Committee Semi-Annual Report for the Periods of April 1, 2017 through September 30, 2017 and October 1, 2017 through March 31, 2018; and Receive Written Comments from the Capital Improvements Advisory Committee on Land Use Assumptions, Capital Improvements Plan, and Capital Recovery (Impact) Fees.

ADMINISTRATIVE COMMENTS:

The Semi-Annual Report is to provide information on the progress of the Capital Improvements Plan associated with the Impact Fee Program and the Land Use Assumption Plan. The Capital Improvements Advisory Committee (CIAC) was advised that a review and update of the City of Lewisville Land (LUA), Capital Improvements Plan (CIP), Use Assumptions Recovery (Impact) Fee calculations was recently completed. In accordance with state law, the CIAC has reviewed the Semi-Annual Report, CIP, written comments on LUA, and Capital Recovery Fees, and recommending Council approval.

RECOMMENDATION:

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

10. Approval of a Professional Services Agreement with Huitt-Zollars, Inc. in the Amount of \$581,154 for Design and Construction Phase Services Relating to the Northwest Old Town Neighborhood Improvement Project Which Includes Contingencies; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

The project consists of replacing the existing asphalt streets with concrete street sections, replacing existing sanitary sewers and water lines, making storm sewer improvements and adding sidewalks where existing right of way allows. The engineer's construction cost estimate for the Northwest Old Town project is \$7,015,807. Staff has negotiated a Professional Services Agreement with Huitt-Zollars, Inc. in the amount of \$553,480 to include Preliminary schematics, resident meetings, design and construction services, surveying, and subsurface utility exploration. A total project budget amount of \$581,154 is requested, which includes \$27,674 (5%) for contingencies.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: David Salmon, City Engineer

Mary Zackary, Civil Engineer

11. Approval of Policy Statement 1.0 - Section I City Council Travel and Business Expenses.

ADMINISTRATIVE COMMENTS:

Recently the Administrative Directive 1.4.0 Travel and Business Expenses was changed to reflect current Internal Revenue Service regulations and other administrative changes. These updates are being incorporated in this policy governing City Council travel and business expenses.

RECOMMENDATION:

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

12. Approval of the Finance Policy 3.0 VI, Investment Policy.

ADMINISTRATIVE COMMENTS:

The Public Funds Investment Act requires the Investment Policy to be submitted to the governing body on an annual basis for approval. The Texas legislature will, from time to time, change reporting requirements or have clarification to the statutes. The state meets every other year, and this being the

"off" year, no amendments or clarifications were recommended. This year the policy is being submitted for approval with no changes.

RECOMMENDATION:

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

Approval of a Professional Services Agreement with Engineering Associates, Alvord, Texas, for Professional Engineering Services Related to the Sports Lighting System at Lake Park in the Amount of \$60,000; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

The scope of services entails developing plans for the demolition of existing sports lighting system at Lake Park and developing specifications for a new lighting system. Engineering Associates are being recommended based on their experience with providing like services for the cities of Plano, Carrollton, and Frisco. Funding for this portion of the project is available in the Lake Park Lights Capital Improvement Project. Additional funding for the overall project will be available in the 2018-19 budget after October 1.

RECOMMENDATION:

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

14. Approval of a Professional Services Agreement with Peak Program Value, LLC, Boulder, Colorado, for Providing Project Control Services During the Construction of the Multigenerational Recreation Center, Thrive, in the Amount of \$238,185; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

Due to the complexity of the Thrive project, Peak Program Value, LLC (PPV) is being recommended to administer budgetary controls, forecasting, review and validation of change orders and contract compliance. PPV has the experience and demonstrated expertise in providing these services. Funding is available in the Thrive 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.

15. Approval of a Professional Services Agreement with Ramel Company, LLC, Fort Worth, Texas, for Providing Construction Management Services for the Multigenerational Recreation Center, Thrive, in the Amount of \$256,000; and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

A total of sixty-eight (68) requests for qualifications were downloaded from Four (4) statements of qualifications were received and opened Ramel Company, LLC was selected based on receiving the March 15, 2018. highest evaluation score. Due to the complexity of constructing Thrive, it is felt to be in the City's best interest to hire a project management firm that can personnel trained in overseeing provide professional various Ramel will be responsible for observing onsite work performance construction. conformity with construction documents. coordinate utilities, review and comment on monthly pay applications, notify City staff of any issues/incidents that may negatively impact the project, coordinate the punch out list with the contractor and City, and collect all end of project documents (manuals, warranties, etc). Ramel will aid the City in its own efforts of oversite to help ensure a successful project. Funding is available in the Thrive 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.

16. Approval of an Economic Development Agreement Between the City of Lewisville and DFW Lewisville Partners, GP and Authorization for the City Manager to Execute the Agreement.

ADMINISTRATIVE COMMENTS:

DFW Lewisville Partners GP (Majestic Realty) owns approximately 17.13 acres of land on the northeast corner of South Valley Parkway and Spinks Road. A new 306,280 square foot building (Building 7) will be constructed to lease to one or more tenants with needs for office, manufacturing, and/or warehousing space. Similar to other agreements with Majestic Realty, this economic

development agreement provides a 50% grant equal to the value of the property taxes on the real property improvements paid to the City of Lewisville for five years and a grant to any tenant that occupies 90% or more of Building 7 and has a minimum investment of five million dollars in business personal property value, in an amount equal to 50% of the value of business personal property taxes.

RECOMMENDATION:

That the City Council approve the agreement and authorize the City Manager to execute the agreement.

17. Approval of Lease Agreement Between Trett Enterprises, Inc. and Malibu MiMi's Shaved Ice.

ADMINISTRATIVE COMMENTS:

The City of Lewisville has a lease for Lewisville Lake Park from the United States Army Corps of Engineers. In turn, the City has subleases with the Lake Park Golf Course, Lewisville Fishing Barge, and Eagle Point Marina. Each of the entities may sublease operations to other entities, however, the City and USACE must approve the subleases prior to the commencement of operations. Eagle Point Marina has been approached by Malibu MiMi's Shaved Ice (Mimi's) to operate a shaved ice concession from a slip in the marina. Eagle Point Marina has drafted a sublease with Mimi's for review and approval by the City and USACE. Mimi's will pay a monthly rental fee to Eagle Point Marina and 3% of gross vendor sales to the City of Lewisville on a quarterly basis. This agreement is consistent with other subleases at Eagle Point Marina.

RECOMMENDATION:

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

F. Regular Hearings

18. Consideration of a Variance to the Lewisville City Code Section 6-103
(Access Management) Regarding Control of Access, Related to The Door
Church Located at 2700 Denton Tap Road, as Requested by Andrew Oxley,
OWT Architects, on Behalf of the Owner.

ADMINISTRATIVE COMMENTS:

The subject site is a 4.302-acre lot zoned Local Commercial (LC) within the Highpoint Oaks Addition. The original engineering site plan was approved in 2016 and the church was completed in 2017. The original engineering site plan included a variance to reduce the minimum control of access which was approved by City Council on March 3, 2016. The church wants to expand the existing parking lot which triggers a new engineering site plan. Staff recommends approving the same variance approved with the original site plan to reduce the minimum control of access for an existing driveway on Vista Ridge Mall Drive.

RECOMMENDATION:

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

19. Consideration of Two Variances to the Lewisville City Code Section 6-103
(Access Management) Regarding Driveway Requirements and Median
Opening Spacing at the Proposed Majestic Airport Center, Building 7
Located at the Northeast Corner of Valley Parkway and Spinks Road, as
Requested by Greg Gerbig, P.E., Pacheco Koch Consulting Engineers, Inc.,
on Behalf of the Owner.

ADMINISTRATIVE COMMENTS:

The subject site is a 16.950-acre lot with a proposed 306,280 square foot office/warehouse building (Building 7), zoned Light Industrial (LI) within the Majestic Addition. Majestic Realty is requesting two variances. Variance A is to allow reduced spacing for median openings. Variance B is to allow four driveways to exceed the maximum width and maximum radii allowed by code. Staff is in support of both variances.

RECOMMENDATION:

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

20. Consideration of the Rental of Lone Star Toyota of Lewisville Railroad Park by the Lewisville Citizens Police Academy Alumni Association for Fundraising Purposes; and Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Athletic Field Rental Fees and Temporary Event Permit Fees Associated with the Battle of the Badge Benefit Softball Tournament.

ADMINISTRATIVE COMMENTS:

For the past 15 years, the Lewisville Citizens Police Academy Alumni Association

has been conducting the Battle of the Badge Benefit Softball Tournament. Battle of the Badge will take place on October 20, 2018 at the Lone Star Toyota of Lewisville Railroad Park. Field rentals and the event permit for practices and the tournament total \$540 in estimated fees.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Stacie Anaya, Parks & Recreation Director

21. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2018; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and a Deposit Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$46,540,000 of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2018 will provide funds for refunding of a portion of the City's Series 2007 General Obligation Refunding and Improvement Bonds and 2007A Combination Tax and Revenue Certificates of Obligation and will provide design and construction of improvements to the City's streets, sidewalks and related improvements, design and construction improvements to the City's parks, trails, open space, indoor aquatic center, and related improvements, acquisition of land if needed for the above improvements, installing and acquiring public art associated with the foregoing improvements, and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Jason Hughes, Hilltop Securities, Inc.

22. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2018; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and

<u>Delivery of a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.</u>

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$7,870,000 of City of Lewisville, Texas, Waterworks and Sewer System Revenue Bonds, Series 2018 will provide funds for constructing, acquiring and installing improvements, additions, and extensions to the City's waterworks and sewer system and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Jason Hughes, Hilltop Securities, Inc.

23. Appointment of Two Members of the City Council and Two Members of the Lewisville 2025 Advisory Board to the Parks & Recreation Financial Management and Cost Recovery Model Sub-Committee.

ADMINISTRATIVE COMMENTS:

In order to create a fiscal management philosophy and establish a cost recovery model for all parks and recreation programs and services, the City has retained 110% Inc. to lead discussions and analysis with staff, elected officials and stakeholders. The project team, consultant and a sub-committee of elected and appointed officials will draft a set of guiding principles for establishing fees and charges, development and acquisitions policies/procedures, asset prioritization and social equity policies to be presented to City Council for review and approval throughout the process. The sub-committee will consist of two City Council members, two Lewisville 2025 Advisory Board members and three Parks & Recreation Advisory Board members. The PARB will appoint their representatives to the sub-committee at its regular meeting on September 12.

RECOMMENDATION:

That the City Council appoint two members of City Council and two members of Lewisville 2025 Advisory Board as set forth in the caption above.

AVAILABLE FOR QUESTIONS: Stacie Anaya, Parks & Recreation Director

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

H. 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.
- **I. Reconvene** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. 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).

, , , , , , , , , , , , , , , , , , ,	of meeting of the City of Lewisville City Councille, Texas in compliance with Chapter 551, Texas
Government Code on	, 2018 by AM.
	City Secretary