



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, September 17, 2018

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 Overview of Utility Payment Channels](#)
- B. [Discussion of Regular Agenda Items and Consent Agenda Items](#)

Regular Session - 7:00 P.M.

- A. **Invocation: Councilman Ferguson**
- B. **Pledge to the American and Texas Flags: Mayor Durham**
- C. **Proclamations**
 - 1. [Declaring the Week of September 24, 2018 as the Lewisville City Council's Week of Support in the Fight to end Alzheimer's.](#)
 - 2. [Declaring the Month of September 2018 as "Live United Month."](#)
- D. **Public Hearings**
 - 1. [Continued Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business 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 Skorborg 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. This public hearing was continued from the September 10, 2018 City Council Meeting at the applicant's request.

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

2. [Public Hearing: Consideration of the 2018 Land Use Assumptions, Water and Wastewater Capital Improvements Plan, and Impact Fee Assessment as Recommended by Engineering Consultant, Birkhoff, Hendricks & Carter; and Consideration of an Ordinance Amending Chapter 2, Article VIII, Fees Section 2-201, Exhibit "A" and Chapter 16, Article IV, Water and Sewer Extensions, Section 16-207\(c\) of the Lewisville City Code by Amending the Schedule of Capital Recovery Fees.](#)

ADMINISTRATIVE COMMENTS:

Texas Local Government Code Chapter 395 requires a political subdivision imposing an impact fee to review and evaluate the Capital Improvements Plan every five years. Engineering consultant, Birkhoff, Hendricks & Carter, has completed the review and determination of water and sewer impact fees. The report sets the

maximum allowable water and sewer fees at \$2,614.89 and \$3,949.72, respectively, for the five-year period. Staff recommends impact fees of \$2,614 per living unit equivalency for water, and \$2,724 per living unit equivalency for wastewater.

RECOMMENDATION:

That the City Council conduct a public hearing and approve the ordinance as set forth in the caption above.

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 a Bid Award for an Annual Requirements Contract for Street Sweeping to Mister Sweeper, Dallas, Texas, for an Estimated Amount of \\$104,210; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of twenty-three (23) bid invitations were downloaded from Bidsync.com. Two (2) bids were received and opened on August 16, 2018. This contract covers street sweeping services to be performed throughout the City. These services are used primarily by Public Services / Streets Department. The term of the contract will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available in the Public Services operating budget.

RECOMMENDATION:

That the City Council approve the award as set forth in the caption above; and authorize the City Manager, or her designee, to execute the agreement.

4. [Approval of a Grant From the Texas Department of Transportation for the Traffic Safety Program; and Authorization for the City Manager to](#)

[Execute the Grant Agreement.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville is eligible for a Texas Department of Transportation grant in the amount of \$110,974.12. The City will receive \$79,305 in grant funds and the City's portion is \$31,669.12. The grant provides funding for enhanced enforcement efforts directed at multiple traffic offenses including DWIs. The match is included in the proposed FY 2018-2019 budget.

RECOMMENDATION:

That the City Council approve the grant as set forth in the caption above; and authorize the City Manager, or her designee, to execute the agreement.

G. Regular Hearings

5. [Consideration of a Variance to the Lewisville City Code Section 2-201, Fee Schedule, Regarding Waiving Fees Associated with the Shared Table Fundraiser on October 14, 2018, and to Provide In-Kind Equipment and Staff Support, as Requested by Main & Mill Business Association.](#)

ADMINISTRATIVE COMMENTS:

Main & Mill Business Association is requesting a fee waiver, expected to total \$2,019.88, in connection with the Shared Table event to be held October 14, 2018 in Wayne Ferguson Plaza. A similar waiver was approved in 2017, and event proceeds were dedicated to a mural project in Old Town.

RECOMMENDATION:

That the City Council approve the requested fee waivers and in-kind support as set forth in the caption above.

AVAILABLE FOR QUESTIONS: James Kunke, Community Relations & Tourism Director

6. [Consideration of a Variance to the Lewisville City Code Section 11-14 \(6\) Prohibited Signs, to Allow Two Signs Placed on Retaining Walls, Located at 2316 Denton Tap Road, and Requested by George W. Cooley, 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 square foot research and development facility. The property owner is requesting a variance for two signs to be attached directly to the face of the retaining walls.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Wayne K. Snell, Director of Neighborhood & Inspection Services

7. [Consideration of Two Variances to the Lewisville City Code, Section 6-144 - Screening Devices, for Avalon Memory Care, a Proposed Memory Care Facility Located on the North Side of Round Grove Road Between Valley Parkway and Old Orchard Lane; Further Identified as the Avalon Addition, Lots 1-3, Block A; as Requested by G&A Consultants LLC on Behalf of 3 Willows Land Development the Property Owner.](#)

ADMINISTRATIVE COMMENTS:

This variance request was originally approved by City Council on February 6, 2017. The approved site plan and variance request have since expired and must be reapproved. The proposed memory care center meets minimum requirements of the City's Land Development Regulations except for two variances to the screening wall requirement: a) To allow a tubular steel fence with brick columns and trees in lieu of the required masonry screening wall along the northern property line and b) to allow the existing live screening along the western property line to remain in lieu of a six-foot masonry screening wall. Staff has no objection to these variances.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

8. [Consideration of an Ordinance Adopting the FY2018-2019 Tax Rate.](#)

ADMINISTRATIVE COMMENTS:

This action will adopt the City's annual ad valorem tax rate for all taxable property at \$0.436086 per \$100 of assessed valuation. The rate combines the following:

Maintenance and Operations \$0.313766 and Principal and Interest on Debt \$0.122320 for a total tax rate of \$0.436086. While the proposed total tax rate for FY 2018-2019 is the same as the 2017-2018 tax rate of \$0.436086, the proposed tax rate exceeds the effective tax rate of \$0.415706. Therefore, specific language is required in the ordinance; the vote on this ordinance must be a record vote and approved by at least 60 percent of the members of the governing body. For the City of Lewisville, this would equal at least four voting members. The specific language of the motion to adopt the ordinance must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.436086, which is effectively a 4.9025 percent increase in the tax rate."

RECOMMENDATION:

That the City Council approve the proposed ordinance adopting the FY 2018-2019 tax rate with the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.436086, which is effectively a 4.9025 percent increase in the tax rate."

9. [Consideration of an Ordinance Adopting the FY 2018/2019 Operating Budget.](#)

ADMINISTRATIVE COMMENTS:

The proposed operating budget for all funds has been prepared by staff and reviewed by the City Council. Approval of this ordinance adopts an operating budget for all funds beginning October 1, 2018 and ending September 30, 2019. A draft budget document is available for public review at the City Secretary's Office, the Library, and on the City website.

RECOMMENDATION:

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

10. [Consideration of an Ordinance Amending the FY 2017-18 Adopted Budget.](#)

ADMINISTRATIVE COMMENTS:

The purpose of this ordinance is to amend the FY 2017-18 adopted budget to include all supplements and changes approved by Council throughout the year. A large percentage of these appropriations include the routine supplement completed each year for prior year encumbrances (purchases) that overlap into the next fiscal

year. Many of the remaining supplements were discussed during the mid-year workshop held in June. Others relate to actions taken to fund unbudgeted items during the year.

RECOMMENDATION:

That the City Council approve the ordinance 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.](#)

ADMINISTRATIVE COMMENTS:

As part of the annual budget process, changes to the fee schedule based on an analysis of current charges as compared to cost recovery goals and/or fee equity with surrounding entities is conducted. In addition, fees are reviewed to make sure they are still applicable. Resulting modifications are proposed by the departments. Details for each recommended change are included in the back up information.

RECOMMENDATION:

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

12. [Consideration of an Ordinance of the City of Lewisville Approving the 2018-2019 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Josey Lane Public Improvement District with Chapter 372, Texas Local Government Code, as Amended.](#)

ADMINISTRATIVE COMMENTS:

On October 6, 2014, the City created Josey Lane Public Improvement District for construction of street and water/wastewater improvements in a designated area located along Josey Lane north of FM544 and south of Windhaven Drive. An update to the service plan and assessment roll must be considered and approved by City Council. This plan identifies public improvement costs to be provided by the PID along with the manner of assessing the property in the PID and the assessment roll.

RECOMMENDATION:

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

13. [Consideration of a Resolution of the City Council of the City of Lewisville, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2018 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding Amortization of Regulatory Liability; and Requiring the Company to Reimburse ACSC's Reasonable Ratemaking Expenses.](#)

ADMINISTRATIVE COMMENTS:

The City, along with 171 other mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On or about April 1, 2018, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017, entitled it to additional system-wide revenues of \$42.0 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$27.4 million. After review of the consultants' report, the Company offered to settle for a system-wide increase of \$25.9 million. Following further negotiations, ACSC's Executive Committee agreed to recommend a system-wide rate increase of \$24.9 million. That increase when allocated to ACSC members results in an increase of \$17.8 million. The effective date for new rates is October 1, 2018. ACSC members should take action approving the resolution before the end of September.

RECOMMENDATION:

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

- 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

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 _____, 2018 by _____ AM.

City Secretary