



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, October 15, 2018**

**6:30 PM**

**Council Chambers**

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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 Formation of 2020 Census Complete Count Committee - Jennifer Pope, Partnership Specialist with Dallas Regional Census Office](#)
- B. [Old Town Mixed Use 1 Zoning Update](#)
- C. [Discussion of Regular Agenda Items and Consent Agenda Items](#)

### **Regular Session - 7:00 P.M.**

- A. **Invocation: Mayor Durham**
- B. **Pledge to the American and Texas Flags: Councilman Daniels**
- C. **Proclamation**
  - 1. [Declaring the Week of October 1 - 8, 2018 as "Say No to Bullying Week"](#)
- D. **Presentation**
  - 1. [Presentation of Employment Outcome Award by Project Search for Their Second Year of Project SEARCH \(2016-2017\)](#)
- E. **Public Hearing**
  - 1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change From Light Industrial District \(LI\) to Mixed-Use District \(MU\) With Three Associated Variances Regarding Drainage, Right Turn Lanes and Screening; on Approximately 3.695-Acres, Legally Described as Lot 1, Block C,](#)

[Highpoint at Timber Creek Addition, Located on the Northwest Corner of Rockbrook Drive and Oak Bend Drive; as Requested by Jason Rose, JR Rose Architecture, on Behalf of the Koulogeorgiou Family Revocable Trust, the Property Owner. \(Case No. PZ-2018-09-13\).](#)

**ADMINISTRATIVE COMMENTS:**

The proposed residential development consists of 27 condominium units on one lot as illustrated on the attached concept plan. This type of development is similar to other nearby developments, including Victoria Heights and Villas on Rockbrook, in that the detached units appear as single-family detached homes. This allows for individual ownership or renting of a detached unit. Three variances are requested: a) to waive the requirement to convey existing drainage with less than 200 cfs. in a closed system; b) to waive the requirement to construct a right turn lane at the intersection of Rockbrook and Oak Bend; and c) to waive the requirement for screening walls. The development supports Big Move Number 5: New Neighborhood Choices from the Lewisville 2025 Plan. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change on September 18, 2018.

**RECOMMENDATION:**

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

**PRESENTATION:** Richard E. Luedke, Planning Director

**F. 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.*

**G. 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.*

2. [APPROVAL OF MINUTES: City Council Minutes of the October 1, 2018, Workshop Session and Regular Session.](#)
3. [Approval of the Award of the Near-Site Health and Wellness Clinic to](#)

[Marathon Health for a Three-Year Period with an Option to Renew for Two Additional One Year Periods in the amount of \\$465,545 per year and Authorization for the City Manager to Execute All Necessary Documents.](#)

**ADMINISTRATIVE COMMENTS:**

The City sent out a Request for Proposals in May 2018 for the City of Lewisville Near-site Health and Wellness Clinic. Marathon Health submitted the best proposal and funding is available in the Health fund.

**RECOMMENDATION:**

That the City Council approve the contracts as set forth in the caption above and authorize the City Manager to execute all necessary documents.

4. [Approval of a Fundraiser Event to be Held in Wayne Ferguson Plaza on November 3, 2018, as Requested by Journey to Dream.](#)

**ADMINISTRATIVE COMMENTS:**

Karaoke For a Cause, an event planned for November 3, 2018, in Wayne Ferguson Plaza, would be a joint effort by the city and Journey to Dream, benefitting Kyle's Place teen homeless shelter. City Council approval is required for a fundraiser to be held at a city facility.

**RECOMMENDATION:**

That the City Council approve the Karaoke For a Cause fundraiser event in Wayne Ferguson Plaza on Saturday, November 3, benefitting Kyle's Place teen homeless shelter.

**AVAILABLE FOR QUESTIONS:** James Kunke, Community Relations Director

5. [Approval of a Memorandum of Understanding/Interlocal Agreement \("MOU/ILA"\) Among Participating Local Governments For Law Enforcement Data Sharing Via Dallas County Adult Information System.](#)

**ADMINISTRATIVE COMMENTS:**

This agreement allows the City of Lewisville jail staff access to the Dallas County Adult Information System. The jail staff can retrieve information from

an inmate's incarceration in Dallas County. This information is beneficial when trying to identify a person in custody or for investigations. Dallas County does not and will not have access to any of our operating systems.

**RECOMMENDATION:**

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

6. [Approval of a Bid Award for an Annual Requirements Contract for Video Inspection of Storm Sewer Lines to Ace Pipe Cleaning Inc., Kansas City, Missouri, for an Estimated Amount of \\$202,500; and Authorization for the City Manager to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

A total of twelve (12) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened on August 2, 2018. This contract is intended to inspect the lines for needed repairs, to collect data to correct GPS mapping information, and to help create a condition index of the storm sewer infrastructure. This data will be used to improve program maintenance, replacement, and rehabilitation efforts. The term of the contract will be twelve months, with the option to extend up to two additional twelve-month periods. Funding for this contract is available in the Public Services General Fund budget.

**RECOMMENDATION:**

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

7. [Approval of a Resolution Authorizing an Agreement Between the City of Lewisville and the City of Plano for Homebuyer Education Classes; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The proposed agreement would authorize a partnership between the City of Lewisville and the City of Plano. It would allow Lewisville residents to attend Plano's first-time homebuyer education classes free of charge. Plano offers eleven classes per year and would handle all logistics and instruction. Lewisville would only be responsible for referring residents to the class and for paying \$2,203 per year to allow our residents free access.

**RECOMMENDATION:**

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

8. [Approval of an Economic Development Agreement Between the City of Lewisville and RO Properties LTD and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

RO Properties is constructing a 7,000 square foot three-story building with plans for retail tenants on the first floor, office tenants on the second floor and two residential tenants on the third floor in the Old Town core district at 170 W Main Street. Because of the investment in Old Town and the tenants they are attracting with this project, this economic development agreement provides for a grant equal to 100% of the capital recovery fees due, ~\$35,000, and roughly 50% of the projected costs of a grease trap, ~\$5,000, yielding a total grant not to exceed \$40,000.

**RECOMMENDATION:**

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

9. [Approval of an Economic Development Agreement Between the City of Lewisville and Trinsic Acquisition Company LLC and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

Trinsic Acquisition Company is purchasing a 3.65 acre tract at the southeast corner of College Street and Leonard Streets from the City. Trinsic is proposing to invest \$45 million by constructing a 315-unit residential development on the property. This agreement provides incentives for the project including waiver and/or reimbursement of permit fees, and a grant in the amount of \$500,000 for the construction of a 4 story parking garage.

**RECOMMENDATION:**

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

## H. Regular Hearing

10. [Third and Final Reading: Conduct the Reading 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 and the Effective Date for Said Fees; and Providing a Repealer; Severability; and an Effective Date.](#)

### **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. A public hearing and the first of three readings of this ordinance took place at the September 17, 2018 City Council meeting. The second reading took place at the October 1, 2018 City Council meeting. The proposed ordinance sets Capital Recovery (Impact) fees of \$2,614.00 per living unit equivalency for water, and \$2,724.00 per living unit equivalency for wastewater.

### **RECOMMENDATION:**

That the City Council conduct the third and final reading of the ordinance as set forth in the caption above.

11. [Consideration of an Ordinance Updating the Assessment/Service Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District No. 4 Project; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.](#)

### **ADMINISTRATIVE COMMENTS:**

City Council approved a resolution on April 2, 2007 authorizing the creation of Lewisville Castle Hills Public Improvement District (PID) No. 4. On May 21, 2007, a Service and Assessment Plan and Assessment Roll was adopted. On May 19, 2014 a public hearing was held and an amended and supplemental plan was adopted for development changes due to lots being subdivided into different sizes that had not originally been anticipated in the original Service and Assessment Plan. This item is an update and identifies final public improvement costs provided by the PID and reflects all assessments and annual installments as now being paid in as well as reporting related information. PID No. 4 encompasses the same area as Denton County Fresh Water Supply District (DCFWSO) 1-F.

**RECOMMENDATION:**

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

12. [Consideration of an Ordinance Updating the Assessment/Service Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District No. 7 Project; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

City Council approved a resolution on May 6, 2013 authorizing the creation of Lewisville Castle Hills Public Improvement District (PID) No. 7. On May 19, 2014, a Service and Assessment Plan and Assessment Roll was adopted. On October 3, 2016 a public hearing was held and an amended and restated plan was adopted for development changes due to lots being added to the original district. This item is an update and identifies final public improvement costs provided by the PID and reflects all assessments and annual installments as now being paid in as well as reporting related information. PID No. 7 encompasses the same area as Denton County Fresh Water Supply District (DCFWSO) 1-C.

**RECOMMENDATION:**

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

13. [Consideration of a Resolution Supporting the U.S. Census Bureau 2020, and Appointment of Members to the Lewisville Complete Count Committee.](#)

**ADMINISTRATIVE COMMENTS:**

The U.S. Constitution requires a Census be conducted every 10 years. The next national Census will be conducted in 2020. The U.S. Census Bureau is asking cities to help ensure an accurate Census by forming a Complete Count Committee. The attached resolution declares Lewisville's support for the U.S. Census. Staff has prepared a list of candidates for a local Complete Count Committee to serve through the 2020 enumeration. Staff also is seeking authority to add committee members later if needed.

**RECOMMENDATION:**

That City Council approve a resolution supporting the U.S. Census Bureau 2020, appoint members to the Lewisville Complete Count Committee, and authorize staff to add committee members if needed.

**AVAILABLE FOR QUESTIONS:** James Kunke, Community Relations  
Director

**14. [Consideration of the Dates and Locations for the 2019 City Council Retreat.](#)**

**ADMINISTRATIVE COMMENTS:**

City Council retreats have historically been held annually in February or March. This year staff is recommending a three-day retreat to be held February 14 - 16, 2019. The first day is recommended to be held in Castle Hills and will be focused on various topics related to Castle Hills, including a tour. The remainder of the retreat is recommended to be held at the Hilton Garden Inn in Lewisville beginning at 8:30 a.m. on Friday February 15th. A meeting space has been reserved for all day on the 15th and all day on the 16th.

**RECOMMENDATION:**

That the City Council finalize the dates and locations for the 2019 City Council Retreat.

**15. [Consideration of a Request for an Assignment and Assumption of Contract Related to the City's Current Contract and Exclusive Franchise for Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables, Containerized Waste and Multifamily Recycling with Waste Management of Texas, Inc. to Allied Waste Systems, Inc.](#)**

**ADMINISTRATIVE COMMENTS:**

On September 24, 2018 staff received a letter outlining a future potential sale and assignment of the current City of Lewisville contract and exclusive franchise for collection of residential garbage, refuse, yard waste, bulky waste, recyclables, containerized waste and multifamily recycling with Waste Management of Texas, Inc. to Allied Waste Systems, Inc. (Republic). Republic will assume all terms and conditions of the existing contract with the City. It is anticipated that this transaction will take place on or around October 31, 2018.

**RECOMMENDATION:**

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

**16. [Consideration and Acceptance of an Approximately 14.7601 Acre Tract of Land Adjacent to I-35E, North of Hebron Parkway and South of Lakeway](#)**



[Drive, Being Conveyed to the City of Lewisville by HC LHFI Wilmer, LC; and Authorizing the City Manager, or Her Designee, to Sign Related License and Maintenance Agreements](#)

**ADMINISTRATIVE COMMENTS:**

HC LHFI WILMER, LC, desires to donate four tracts of land to the City (the "Property"). The Property is adjacent to I-35E, north of Hebron Parkway and south of Lakeway Drive. It includes approximately 14.7601 acres of land, and Timber Creek runs through the Property. The owners of the Target Center have agreed to improve and maintain the portion of the Property adjacent to the Target Center. Staff is also currently working on obtaining a license and maintenance agreement with AutoNation to ensure its continued maintenance of the portion of the Property adjacent to its business. Staff needs City Council authorization to sign the license and maintenance agreements and accept the donation of the Property.

**RECOMMENDATION:**

That the City Council authorize the City Manager, or her designee, to accept donation of the above-referenced four tracts of land conditioned on the following for each tract: (1) clean title being provided; and (2) a license and maintenance agreement being signed prior to its acceptance by the City.

**AVAILABLE FOR QUESTIONS:** Claire Swann, Assistant City Manager

17. [Consideration of a Variance to the Lewisville City Code Section 2-201, Fee Schedule, Regarding Waiving Fees Associated with Best Little Brewfest in Texas on October 20, 2018, and Authorizing a Fundraiser Event on City Property, as Requested by Cloud9 Charities.](#)

**ADMINISTRATIVE COMMENTS:**

Cloud9 Charities held its first craft beer event, Best Little Brewfest in Texas, in June 2013 as a charity fundraiser. The group moved the event to Old Town Lewisville in 2014. This year's event will be held October 20, 2018, in Old Town Lewisville. Cloud9 Charities is requesting a waiver of special event fees. Similar requests have been approved each year since 2014. Also, per council policy, City Council approval is required for a fundraiser event at a city facility.

**RECOMMENDATION:**

That the City Council approve the fee waiver requested by Cloud9 Charities, and

approve the Best Little Brewfest in Texas fundraiser event in Old Town Lewisville on Saturday, Oct. 20.

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

\* [Third Quarter 2018 Boards/Commissions/Committees Attendance Reports](#)

**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.*
- 3. Section 551.074 (Personnel Matters): Alternate Municipal Judge Appointment*

**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 \_\_\_\_\_, 2018 by \_\_\_\_\_ AM.

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City Secretary