



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, December 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 Pop Festival](#)
- B. [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. **Public Hearings**

1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change Request from Agriculture Open Space District \(AO\) to Light Industrial District \(LI\); on an Approximately 9.137-Acre Tract of Land out of the J.W. Haven Survey, Abstract Number 541; Located on the South Side of East Main Street, Approximately 1,400 Feet South of State Highway 121 Business and Approximately 740 Feet West of South Valley Ridge Boulevard; as Requested by Doug Powell, G&A | McAdams Co., on Behalf Of George M. & Pam Green, the Property Owners. \(Case No. PZ-2018-11-15\).](#)

ADMINISTRATIVE COMMENTS:

The property is located on East Main Street and is currently used as an open pasture. The request for a zone change to LI is compatible with the surrounding area and would be consistent with the Lewisville 2025 Plan Big Move # 6 - Employment Centers. The Planning and Zoning Commission recommend unanimous approval (7-0) on November 20, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director
Doug Powell, Applicant

2. [Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business \(GB\) to Mixed-Use District \(MU\) and Three Associated Variance Requests; on Approximately 3.90 Acres, Legally Described as Part of Lot 7B-R1 and Part of Lot 8, Block C, Country Ridge No. 3 Addition and Located on the South Side of West Southwest Parkway, Approximately 460 Feet West of State Highway 121 Business; as Requested by Patricia Fant, G&A | McAdams Co., on Behalf of Jean Pierre, 121/Southwest Parkway Properties, Inc.. \(Case No. PZ-2018-08-08\)](#)

ADMINISTRATIVE COMMENTS:

The proposed development consists of 31 townhomes and will serve as a transition between the commercial development to the east and north and the single family detached residential uses to the west. The following three variances are requested: (a) to allow a reduced lot width and reduced control of access for a single-family lot, (b) to waive the requirement for an alley and allow front entry, and (c) to allow for a reduction in the number of required shade trees. The project supports Big Move Number 5: New Neighborhood Choice from the Lewisville 2025 Plan. The Planning and Zoning Commission recommended unanimous approval (7-0) on November 20, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director
Patricia Fant, Applicant

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.

3. [APPROVAL OF MINUTES: City Council Minutes of the December 3, 2018, Workshop Session and Regular Session.](#)
4. [Approval of an Amendment to Wrecker Services Contract with Recovery Systems, Inc., dba Pro-Tow Wrecker; and Authorization for the City Manager to Execute the Amendment.](#)

ADMINISTRATIVE COMMENTS:

Recovery Systems, Inc., dba Pro-Tow Wrecker is currently under contract for wrecker services for the City of Lewisville. Pro-Tow requested a modification to the current contract to relieve them of the responsibility of providing copies of all tow tickets to the Police Department. The information is provided via the monthly report so the copies of the actual tickets are not necessary. Under the proposed amendment, Pro Tow would only provide a copy of a ticket if requested by Police Department staff.

RECOMMENDATION:

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

5. [Approval of Amendment #2 to the Professional Services Agreement with Halff Associates, Inc. Relating to Timber Creek Streambank Protection for Final Design and Engineering Services and a Design Budget in the Amount of \\$67,685.00; and Authorization for the City Manager to Execute the Amendment.](#)

ADMINISTRATIVE COMMENTS:

On December 4, 2017, City Council approved the Professional Services Agreement for design phase services up to and including 90% construction documents for Phase 2 of the Timber Creek Streambank Protection project. Phase 2 of the project begins at the downstream end of the previous Phase 1 (Regency Drive) project and continues the erosion protection an additional 700 feet downstream. Halff Associates has completed the design scope included in the original PSA. The Original design funding for this project was approved as part of the 2017/18 General Fund budget to accelerate the project. Design and construction services to complete the project are included in amendment #2. The total, maximum fee for all design services for this contract will increase by \$67,685 increasing the original amount from \$138,910 to \$206,595.

RECOMMENDATION:

That the City Council approve Amendment #2 of the Agreement as set forth in the caption above; and authorize the City Manager to execute the amendment.

6. [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 to receive a grant award of \$8,277.64 provided by the Texas Department of Transportation (TxDOT). The program is intended to increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes and to reduce the number of DWI-related crashes, injuries, and fatalities. The grant funds 80% of the program cost.

RECOMMENDATION:

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

7. [Approval of a Professional Services Agreement With Kimley-Horn and Associates, Inc., in the Amount of \\$413,677 for the Development Code Overhaul; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

Kimley-Horn and Associates, Inc. with sub-consultants Strategic Community Solutions and City Centric Planning have been selected to carry out the development code overhaul. The revisions to the zoning and development standards will support the Lewisville 2025 Plan and were discussed at the 2016 City Council Retreat. This is phase two of the overall project initially budgeted at \$800,000 in 2016. Phase one of the project, the Small Area Plans for Old Town North and Southwest Lewisville, was completed by the same consultant team in July, 2018. It is anticipated the development code overhaul will take two years to complete. Sufficient funds are remaining in the original budget to complete the 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.

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

8. [Approval of a Bid Award for the Prairie Creek Wastewater Treatment Plant Emergency Generator to Clark Electric, Inc., Sunnyvale, Texas, in the Amount of \\$1,680,000; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of twenty (20) bid invitations were downloaded from Bidsync.om. Four (4) bids were received and opened on October 11, 2018. This project includes the furnishing and installation of a 15kV generator, transfer switches, conduit, electrical appurtenances and a switchgear building to operate the wastewater treatment plant during an emergency in which all electrical power to the plant is lost. Funding is available in the Generator Capital Improvement Project.

RECOMMENDATION:

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

9. [Approval of the First Amendment to the Economic Development Agreement, Approved on July 3, 2017, Between 125 S. Walters, LLC and the City of Lewisville; and Authorization for the City Manager to Execute the Amendment.](#)

ADMINISTRATIVE COMMENTS:

The City and 125 S. Walters LLC, entered into an Economic Development Agreement (Agreement) for the development of 19 new townhomes and construction of a public parking lot. The Agreement calls for the project to be substantially complete by December 30, 2018. The first phase, including five townhomes and the public parking lot, is completed. The developer is requesting an extension to the term of the Agreement to December 30, 2020 to complete the remaining townhouses.

RECOMMENDATION:

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

10. [Approval of Administrative Policy 2.0, Section IV Employee Performance Evaluation/Compensation Plan.](#)

ADMINISTRATIVE COMMENTS:

The policy change allows the City Manager the authority to approve bilingual pay for languages based on the needs of the community. The Human Resources Department would maintain a list of the approved languages and would continue to certify employees' proficiency in English and the approved language through a testing program. At this time the three languages that would be on the approved list would be Spanish, Burmese and Korean.

RECOMMENDATION:

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

11. [Approval of a Resolution Acknowledging the 2019 Republic Services Cost of Service Rates for Franchised Solid Waste and Recycling Services.](#)

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a franchise agreement with Waste Management, which was subsequently assigned to Republic Services for solid waste/recycling collection services for residential and multi-family customers and solid waste collection services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Per the agreement, the 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 2.4 percent, and the Republic Services cost of service rates will be increased by 2.4 percent effective January 1, 2019.

RECOMMENDATION:

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

12. [Approval of Supplemental Appropriations for Prior Year Encumbrances in the Following Amounts: General Fund - \\$1,207,255; Hotel/Motel Tax Fund - \\$1,839; PEG Programming Fund - \\$90,358; Josey Lane PID Administrative Fund - \\$1,703; Fire Control & Prevention Fund - \\$9,004; Utility Fund - \\$472,971; Maintenance & Replacement Fund - \\$409,482; Self-Insurance Risk Fund - \\$69,130; Tax Increment Reinvestment Zone 1 - \\$50,719; LPLDC \(4B\) Fund - \\$142,955 and for Donation Projects in the Following Amount - Fire and Police Training Fund - \\$32,710.](#)

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to appropriate funds for open purchase orders from the prior fiscal year. When items or services are ordered in a prior fiscal year but received in the current fiscal year, they are charged to the current year. Therefore, unless the current fiscal year appropriations are supplemented to provide for these charges, funds in the affected line item accounts will be short at year-end. In addition, supplemental appropriations are needed to increase the budget for donations received in excess of the anticipated donation amounts.

RECOMMENDATION:

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

13. [Approval of a Contract Award for Manual Water Meter Replacement to HydroPro Solutions, Georgetown, Texas, for an Estimated Amount of \\$1,440,000; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of eight (8) bid invitations were downloaded from Bidsync.com. Five (5) bids were received and opened on August 16, 2018. This contract consists of replacing water meters throughout the City from residential size of 3/4 inch up to commercial size of 16 inch. Proposals were evaluated with regards to project approach, reference/similar projects, acquisition cost and interview. HydroPro Solutions is being recommended for award based on receiving the highest evaluation score. The term of the contract will be twelve months, with the option to extend up to five additional twelve-month periods for an overall estimated project total of \$6M. Funding is available for this contract from the Meter Change Outs Capital Project.

RECOMMENDATION:

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

14. [Approval of a Resolution Adopting the City's Legislative Agenda for the 2019 Texas Legislature and Authorizing the Mayor; and City Manager to Communicate the City's Adopted Legislative Priorities.](#)

ADMINISTRATIVE COMMENTS:

The 86th Texas Legislature convenes on January 8 and is expected to consider legislation on a wide range of issues with a direct impact on municipal government in general and on Lewisville in particular. As has been the practice since 2013, staff has prepared a Legislative Agenda based on City Council input. Staff is asking City Council to formally adopt the 2019 Legislative Agenda and authorize the Mayor and City Manager to communicate the agenda as needed.

RECOMMENDATION:

That the City Council approve the resolution as set forth in the caption above; and authorize the Mayor and City Manager to communicate the City's adopted legislative agenda.

AVAILABLE FOR QUESTIONS:

James Kunke, Community Relations & Tourism Director

15. [Approval of a Professional Services Agreement with May + Watkins Design in the Amount of \\$60,000 for Creation and Installation of Art Benches in Coordination with the Main Street Corridor Project; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

As part of the 2018-19 budget, based on a recommendation in the Public Art Master Plan, City Council approved \$60,000 for a public art project in conjunction with the Main & Mill Corridor Project. The Arts Advisory Board decided to pursue creation and installation of four art benches on Main Street east of Mill Street. The board recommends a contract with May + Watkins Design for the \$60,000 project. Completion is expected around September 2019.

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:

James Kunke, Community Relations & Tourism Director

F. Regular Hearing

16. [Consideration of an Ordinance of the Lewisville City Council Appointing the Municipal Judge and Alternate Judges of the Municipal Court of Record No. 1 in the City of Lewisville to Two-Year Terms; Designating a Presiding Judge; Providing a Repealer, Severability and an Effective Date; and Declaring an Emergency.](#)

ADMINISTRATIVE COMMENTS:

Chapters 29 and 30 of the Texas Government Code provide that the Lewisville municipal court of record be presided over by judges appointed by ordinance. The proposed ordinance authorizes the municipal judges to serve for a designated term of two years and is submitted to the council biennially. The ordinance appoints Brian Holman as presiding judge and Holly Fox, Kristine Primrose and Robin Ramsay as alternate (part-time) judges. Kimberly Lafferty was appointed by ordinance to serve as alternate judge on November 19, 2018. The alternate judges are primarily responsible for magistrations services in the city jail on weekends and holidays, and for assisting with court coverage for the presiding judge during periods of vacation, illness or when administrative duties require Judge Holman's absence.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Judge Brian Holman

17. [Consideration of Appointing an Alternate Member to the DCTA Board of Directors as Requested by Mayor Rudy Durham](#)

ADMINISTRATIVE COMMENTS:

The current DCTA Bylaws allow for the appointment of one alternate to serve in the absence of the appointed member. Under the Bylaws, “an Alternate Member may attend Board and committee meetings but shall not vote on any matter before the Board or committee or participate in any discussion in matters before the Board or a committee except when serving in place of the regular Board of Directors member.” Board members, must also have experience in the field of transportation, business, government, engineering or law and reside within the territory of the authority. A legislative change is being requested to allow a Council member to serve on this board, it is currently not otherwise permitted. As such, it is requested that City Council appoint Claire Powell, Assistant City Manager, as the alternate member until the proposed bill is passed and appoint Councilman TJ Gilmore to take Claire Powell’s place immediately once the bill is passed.

RECOMMENDATION:

That the City Council appoint Claire Powell, Assistant City Manager, to serve as the alternate DCTA board member until such time as the proposed DCTA bill is passed into law and that she be immediately replaced at that time with Council Member TJ Gilmore.

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).

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