



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, April 1, 2019**

**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 Regular Agenda Items and Consent Agenda Items](#)
- B. [Overview of the Upper Trinity Regional Water District 72" Waterline Project](#)
- C. [Discussion on Window Lighting Regulations](#)

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

- A. **Invocation: Councilman Daniels**
- B. **Pledge to the American and Texas Flags: Deputy Mayor Pro Tem Troyer**
- C. **Proclamations**
  - 1. [Declaring the Month of April 2019 as "Water Conservation Month"](#)
  - 2. [Declaring the Week of April 7-13, 2019, as "Crime Victims' Rights Week"](#)
- 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.*

1. [APPROVAL OF MINUTES: City Council Minutes of the March 18, 2019, Workshop Session and Regular Session.](#)
2. [Approval of an Economic Development Agreement Between the City of Lewisville and DJO, LLC; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

DJO, a global provider of high-quality orthopedic devices, is proposing to sublease 40,624 square feet from Teachers Insurance and Association of America at 2900 Lake Vista Drive, Suite 200. DJO will relocate its primary headquarters, employ a minimum of 130 employees, and maintain an annual payroll of \$8,060,000 at this location. This economic development agreement provides for an annual grant for ten years, where the grant amount during the first five years is based on seventy-five percent (75%) of the municipally imposed business personal property taxes and real property taxes (based on their proportionate share of the facility). In years six through ten, the annual grant is based on fifty percent (50%) of the municipally imposed business personal property taxes and real property taxes (again, based on their proportionate share of the facility). Additionally, the City will provide a grant in an amount equal to all building permit fees (not including impact fees), for the finish-out of their leased space. Finally, the City will provide a grant to DJO in an amount equal to the higher amount of fifty percent (50%) or \$750 of the impact study fee charged by Impact DataSource as part of DJO's application to the State of Texas for the Texas Enterprise Fund.

**RECOMMENDATION:**

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

3. [Approval of a Professional Services Agreement with Halff Associates, Inc. Relating to Design of Timber Creek Streambank Stabilization - Phase 2, Supplemental Services Amendment No. 3 in the Amount of \\$137,690; and Authorization for the City Manager or her Designee to Execute the](#)

[Agreement.](#)**ADMINISTRATIVE COMMENTS:**

Two relatively small projects similar in scope to the Timber Creek Erosion Repair - Phase 2 Project have been identified by staff as priorities due to existing eroded conditions and adjacent construction activities. Staff is recommending both small design projects be added to the Timber Creek Erosion Repair - Phase 2 PSA with Halff Associates as the work is very similar in nature and relatively specialized. The first project, Valley Vista Outfall, is to repair severe erosion occurring in a storm sewer outfall on Corporate Drive near Regency Drive compromising the gabion work completed several years ago on Timber Creek. The second project, Fish Hatchery Road Bridge, is to repair minor damage to the Fish Hatchery Road Bridge that occurred during the Lake Lewisville spillway event in May 2015. The USACE has requested the erosion protection around the bridge abutments be repaired to help assure bridge stability and prevent additional damage in the event of another flood during the pending dam repair.

**RECOMMENDATION:**

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

4. [Approval of the City of Lewisville Joining the Mayors Challenge to End Veteran Homelessness.](#)

**ADMINISTRATIVE COMMENTS:**

Denton Mayor Chris Watts along with the Denton County Homelessness Team has requested that the City of Lewisville join the Mayors Challenge to End Veteran Homelessness which is a call to action for all mayors and other state and local leaders to publicly commit to making sure that every veteran who served America has a home in America. The goal of the initiative is to coordinate efforts among local, state and federal agencies to develop partnerships with cities to end homelessness in their communities.

**RECOMMENDATION:**

That the City Council approve the City of Lewisville joining the Mayors Challenge to End Veteran Homelessness as set forth in the caption above.

5. [Approval of Professional Services Agreement Amendment #4 with Bridgefarmer & Associates, Inc. in the Amount of \\$290,035 for Design Services Related to the Windhaven @ KCS Railroad Underpass; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The project consists of extending Windhaven Parkway, a 4-lane divided roadway underneath the KCS Railroad including storm sewer improvements, water and sewer line relocation and installing sidewalks, street lights and a storm water pump station. The original PSA executed in 2010 was for \$499,170 with an additional three amendments since totaling \$235,972. Staff has negotiated amendment #4 with Bridgefarmer & Associates in the amount of \$290,035 to include additional revision to the plans as well as railroad inspection services as required by KCS. The total cost of design including the subject amendment is \$1,025,177.

**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 McCreary & Associates, Inc., in the Amount of \\$75,000 for Professional Engineering Services for Design of Electrical Improvements Phase 2 at the Wastewater Treatment Plant; and Authorize the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville's Wastewater Treatment Plant electrical system was originally constructed in 1988, with a dual loop ungrounded electrical design with nine City owned transformers. Electrical improvements are needed to replace inefficient equipment at the end of its useful life and ground all new electrical systems. McCreary & Associates, Inc. has submitted a Professional Services Agreement, in the amount of \$75,000, which will provide the power factor design, electrical grounding and improvements to protect electrical systems within the Wastewater Treatment Plant. Funding for the project is available in the Water/Wastewater System Improvements 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.

7. [Approval of a Bid Award for an Annual Requirements Contract for Asphalt Rehab Projects to Reynolds Asphalt and Construction Company, Euless, Texas, for the Estimated Amount of \\$444,701; and Authorization for the City Manager to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

A total of six (6) requests for proposals were downloaded from Bidsync.com. Two (2) proposals were received and opened on December 27, 2018. This contract involves the pulverization, stabilization, and asphalt overly of existing asphalt pavements throughout the City. Based on the evaluation matrix included in the request for proposals, Reynolds Asphalt and Construction Company received the highest evaluation score and is being recommended for award. 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 for this contract in the Asphalt Street Repairs 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 contract.

8. [Approval of Economic Development Agreements Between the City of Lewisville and the Property Owners to Allow the City to Install and Maintain Automatic Fire Sprinkler Systems in Buildings Facing Main Street Between Charles and Mill Street; and Authorization for the City Manager to Execute the Agreements.](#)

**ADMINISTRATIVE COMMENTS:**

The City has approved a project to install automatic fire detection and suppression systems in buildings in the Old Town District. The City has received agreements and easements from the property owners of 102-108, 109-111, 112, 115-117, 119, 120-122, 123, 127, 136, 140, 156, and 165 W. Main Street. After City Council approves these agreements and future approvals for the remainder of the buildings in the program, staff will move forward with hiring a fire sprinkler contractor for the installation of the systems.

**RECOMMENDATION:**

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

9. [Approval of a Resolution Consenting to the Exercise of the Power of Eminent Domain in the City of Lewisville by the Upper Trinity Regional Water District for the 72-Inch Waterline Project from the Tom Taylor Water Treatment Plant on Kealy Avenue in Lewisville TX to the Stone Hill Pump Station on Justin Road in Flower Mound TX.](#)

**ADMINISTRATIVE COMMENTS:**

The Upper Trinity Regional Water District proposes to build a 72-inch water transmission main generally parallel to an existing 48-inch transmission main and the KCS Railroad line running from the Taylor Plant on Kealy Avenue to Stone Hill Pump Station in Flower Mound. The new main is to address existing and future capacity requirements to provide adequate service to UTRWD member cities. The existing main is within a 20-foot wide easement. Additional easement width plus temporary construction easements are necessary to build and ultimately access and maintain the new water main. The UTRWD board passed a resolution to allow the use of eminent domain to obtain easements for the new main if necessary. State law provides that the UTRWD may not exercise the power of eminent domain to acquire any property located in a municipality without the prior consent by resolution of the governing body of the municipality in whose jurisdiction the subject property is located. Thus, UTRWD has requested the City of Lewisville approve a resolution in support of allowing the UTRWD to use eminent domain within the Lewisville city limits.

**RECOMMENDATION:**

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

**F. Regular Hearings**

10. [Consideration of Four Variances to Planned Development Ordinance No. 4225-11-2015 Regarding Building Layout, Parking Location, Architecture, and Sidewalks and One Variance to the Lewisville City Code Regarding Turn Lanes, for The Village at Lewisville, a Proposed Multifamily Development Located at the Northeast Corner of Summit Avenue and Grandys Lane; Further Identified as a Portion of Lewisville Corporate Center, Lot 1 Block A; as Requested by Cross Engineering Consultants on Behalf of The NRP Group, the Developer, and FLSC LTD & FLCT LTD &](#)

[NSHE Alpha Accommodation LLC, the Property Owner.](#)

**ADMINISTRATIVE COMMENTS:**

The Planned Development (PD) for The Village at Lewisville was approved by Council Ordinance No. 4225-11-2015 on November 16, 2015. The planned development allows for variances paralleling the City's regular variance process. The NRP Group is proposing 347 apartment units, below the 850 multifamily units permitted in this area by the existing planned development. The following four variances are requested to The Village at Lewisville PD: a) to exceed the maximum gap for a parking lot between buildings of 70 feet; b) to allow parking within 60 feet of an intersection but maintain the City standard of no parking within 20 feet of a cross walk; c) to provide less than 80% masonry by demonstrating an alternative method of achieving the standard of quality with the proposed allocation of masonry materials; and d) to provide a six-foot sidewalk with strategic sidewalk connections to the parallel parking in lieu of providing an eight-foot sidewalk along the two east/west shared access drives. One variance to the Lewisville City Code is requested as follows: e) to allow an oversized approach apron in lieu of a right turn lane for the northern ancillary entry off the IH-35E frontage. The first four (a-d) of the overall five requested variances are specifically to standards set in the planned development. The fifth variance request (e) is specific to a requirement of the Land Development Regulations of the Lewisville Code of Ordinances.

**RECOMMENDATION:**

That the City Council approve the four requested variances to The Villages of Lewisville PD and the one requested variance to the Lewisville City Code as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Planning Director

11. [Consideration of a Final Plat of Castle Hills Golf Villas Phase III Addition, Containing 21 Lots; on 2.171 Acres out of the P.R. Splane Survey, Abstract Number 1212 and the J. T. Dooley Survey, Abstract Number 343; with a Townhouse Two \(TH-2\) Zoning Designation; Located at the Southeast Corner of Lady of the Lake Blvd and Sir Lovell Lane; with Three Associated Variances; Being a Replat of Castle Hills Golf Villas Phase III Addition, Lot 1, Block F, and Lot 1X, Block A.](#)

**ADMINISTRATIVE COMMENTS:**

The subject final plat is located within Castle Hills in the City of Lewisville extra territorial jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The following variances are being requested: a) to allow a 34-foot street right-of-way with 10-foot sidewalk and utility easements on each side in lieu of the required 50-foot right-of-way; b) to allow a zoning designation of Townhouse Two (TH-2); and c) to waive the alley requirement. The Planning and Zoning commission recommended unanimous approval (7-0) of the final plat and three associated variances on March 5, 2019.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Planning Director

12. [Consideration of Five Alternative Standards to the IH-35E Corridor Overlay District Regarding Architecture and Landscaping Associated with Facade Changes for Zion Market on a 10.2754-Acre Lot, Legally Described as Vista Ridge Mall Addition, Block A, Lot 5; Located at 2405 South Stemmons Freeway; Zoned General Business \(GB\) District, as Requested by D.Y. Lee, of DL architecture+design, on Behalf of 2401 S. Stemmons LLC, the Property Owner \(Case No. ODB-2019-02-01\).](#)

**ADMINISTRATIVE COMMENTS:**

Zion Market is a Korean grocery store and retailer that plans to renovate and open in the former Sears department store at Music City Mall. As part of the renovations, extensive facade changes are proposed. Per the IH-35E Corridor Overlay District, changes to street facing facades require compliance with the architectural and landscaping section of the Overlay District. The design and layout of the existing big-box structure and parking lot render compliance with some standards unfeasible; therefore, the following Alternative Standards are requested: a) to reduce the minimum required windows along the second floor from 25 percent to ten percent; b) to not plant trees symmetrically along all driveways and private vehicular routes; c) to space trees farther than 40 feet apart along the private vehicular route; d) to not provide a five-foot landscape strip between the sidewalk and parking lot with shrub row; and e) to not provide a ten



foot wide landscape island with 50% plant cover every eight spaces. The five proposed Alternative Standards meet the general intent and purpose of the IH-35E Corridor Overlay District. The Overlay District Board recommended unanimous (7-0) approval of the five Alternative Standards on March 5, 2019.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, Planning Director

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

[2019 State of the City Video](#)

[Legislative Update](#)

**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 \_\_\_\_\_, 2019 by \_\_\_\_\_ AM.

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City Secretary