



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, August 5, 2019

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 Regular Agenda Items and Consent Agenda Items](#)
- B. [Discussion of City Owned Property](#)

Regular Session - 7:00 P.M.

- A. **Invocation: Councilmember Gilmore**
- B. **Pledge to the American and Texas Flags: Deputy Mayor Pro Tem Ferguson**
- C. **Public Hearings**
 - 1. [Public Hearing: Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant 2019 Annual Action Plan; Authorization for the City Manager to Submit the Plan to the U.S. Department of Housing and Urban Development; and Acknowledgement of Receipt of the Recommended FY 2019-2020 City Social Service Agency Fund Budget of \\$170,000 from the CDBG Advisory Committee.](#)

ADMINISTRATIVE COMMENTS:

An Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development (HUD) by August 15th as a requirement to receive Community Development Block Grant (CDBG) funds of \$725,927 in FY 2019-2020. The CDBG Advisory Committee reviewed applications submitted by non-profit agencies for projects that address HUD national objectives and 2017 Consolidated

Plan priorities. At a meeting on July 16, 2019, the Committee voted 4-0 to recommend a final social services budget and recommended approval of the Annual Action Plan by a vote of 4-0. The Plan was made available for a 30-day Public Comment period from July 5, through August 5, 2019.

RECOMMENDATION:

That the City Council approve the resolution adopting the 2019 Annual Action Plan; authorize the City Manager to submit the plan to the U.S. Department of Housing and Urban Development; and acknowledge receipt of the recommended FY 2019-2020 City Social Service Agency Fund Budget as set forth in the caption above.-

2. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Contractors Yard; on Approximately 2.4718 Acres, Legally Described as Lot 1, Block C, Riverview Industrial Addition, Located at 1620 Riverview Drive, Zoned Heavy Industrial District \(HI\); as Requested by Luis Pedraza, of Luis Construction Service Inc. and Newstar Drilling Inc., the Property Owner. \(Case No. SUP-2019-07-04\)](#)

ADMINISTRATIVE COMMENTS:

Newstar Drilling is a foundation pier drilling company currently located in Lewisville's Old Town district, at 545 East Church Street. On March 19, 2018, a Special Use Permit (Ordinance Number 0018-18-SUP) was approved to allow Newstar Drilling to construct a new facility at 1620 Riverview Drive. The applicant is requesting to make modifications to the previously approved development plan, which includes expanding the size of the building, increasing the outside storage, and rearranging the parking lot configuration. The special use permit (SUP) regulations adopted in 2013 require an SUP for all contractor's yards. The proposed SUP will replace the existing SUP. The Planning and Zoning Commission recommended unanimous (6-0) approval on July 16, 2019.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

3. [Public Hearing: Consideration of an Ordinance Granting a Special Use](#)

[Permit for an Auto Repair Shop; on Approximately 0.434Acres, Legally Described as Lot 1, Block A, J.A. Salguero Addition, Located at 545 East Main Street, Zoned Light Industrial District \(LI\), as Requested by Erick Cortez, Global Master Planning, on Behalf of Jose A. Salguero, the Property Owner.](#)

ADMINISTRATIVE COMMENTS:

Alex Paint and Body is seeking a Special Use Permit (SUP) to expand its vehicle repair business at the northwest corner of Railroad Street and Main Street, in Old Town Lewisville. Alex Paint and Body was originally developed in 2013 before the SUP regulations were adopted in 2013. With SUP regulations now in place, this expansion requires approval of an SUP. The use does not comply with the Old Town Master Plan or Transit Oriented Development Plans. The Planning and Zoning Commission recommended denial of this request by a vote of 5-1 on July 2, 2019. A supermajority vote of City Council is required to approve this request.

RECOMMENDATION:

That the City Council deny the special use permit request.

PRESENTATION:

Erick Cortez, Applicant

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

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.

4. [APPROVAL OF MINUTES: City Council Minutes of the July 15, 2019, Workshop Session and Regular Session.](#)

5. [Approval of a License Agreement Between the Upper Trinity Regional Water District and The City of Lewisville for Use of Certain Public Rights of Way for Installation and Maintenance of a Proposed 72-inch Water Main and an Existing 48-inch Water Main; and Authorization for the City Manager to Execute the Agreement.](#)

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 the UTRWD member cities. The existing 48-inch main is within a 20-foot wide easement and UTRWD is obtaining an additional 30 feet of easement to place the 72-inch line. Both the existing 48-inch line and the proposed 72-inch line cross several City rights of way and City owned property. The proposed license agreement provides for UTRWD's non-exclusive use of those City rights of way and property as shown on exhibit A of the license agreement.

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 Epicenter Productions in the Amount of \\$114,100 for Professional Services Related to the Pop Festival Commemoration Event Scheduled for Labor Day Weekend 2019; Authorization for the City Manager to Execute the Agreement; and Approval of a Supplemental Appropriation in the Amount of \\$50,000 from Hotel-Motel Fund Reserves.](#)

ADMINISTRATIVE COMMENTS:

Entertainment has been signed and production is well underway for the Texas Pop Turns 50 event set for Labor Day Weekend. The event is a 50th anniversary commemoration of the Texas International Pop Festival held in Lewisville in 1969. The 2019 edition of the event features ZZ Top and Chicago. Staff requests approval to enter a professional services agreement to produce the sound, lights, staging, and generator power needed to produce an event of this scale. Staff also is requesting a supplemental appropriation of \$50,000 from

the Hotel-Motel Fund Reserves to cover unanticipated event costs.

RECOMMENDATION:

That the City Council approve the agreement and supplemental appropriate 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

7. [Approval of a Professional Services Agreement with HDR Engineering, Inc., Dallas, TX, in the Amount of \\$95,341 for Professional Engineering Services for the Castle Hills Facilities and Operations Assessment; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

As the City prepares for the possibility of annexation of Castle Hills various analyses and assessments of the impact of taking on the maintenance and operations of this additional area are being conducted. Before acquisition occurs, understanding what will be inherited is paramount. HDR Engineering, Inc. has been asked to perform condition assessments on the existing water and wastewater facilities in Castle Hills, determine whether they will meet future capacity needs for the area, and to develop an operating strategy for the pressure zone to ensure a smooth transition. Additional modeling will be required to determine potential improvements to address future demands.

RECOMMENDATION:

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

8. [Approval of a Bid Award for the Official City of Lewisville Newspaper to the Denton Media Company; and Adopt the Resolution Designating the Denton Record-Chronicle as the City's Official Newspaper.](#)

ADMINISTRATIVE COMMENTS:

A total of three (3) bid invitations were downloaded from Bidsync.com. Two (2) bids were received and opened on July 11, 2019. The term of the contract will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods.

RECOMMENDATION:

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

9. [Approval of an Economic Development Agreement Between the City of Lewisville and TW Realty Advisors, Inc., and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The former Sears building at the Music City Mall in Lewisville, was purchased in 2018 for the use of a mixed-use marketplace. Anchoring the first floor, will be Zion Market, a Korean grocery store. Surrounding the grocer, and across the second floor, the developer will include office, retail and restaurant uses. The owners will improve the overall building façade and landscaping of the property and introduce an International K-Pop Festival to the site within 2019. As such, the economic development agreement provides an annual grant for each of the first three years the marketplace is open. Subsequently, an annual business personal property grant will be provided based on the city portion of business personal property taxes received in years four through eight. Finally, a one-time festival grant in the amount of \$100,000 will be provided for the 2019 K-Pop festival at the Music City Mall in Lewisville.

RECOMMENDATION:

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

10. [Approval of Lighting Agreements by and Between the City of Lewisville, Main & Mill Business Association, and Certain Owners to Allow the City to Install and Maintain LED Lights on 102, 112, and 150 W. Main Street; and Authorization for the City Manager to Execute the Agreements.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville and the Main & Mill Business Association are partnering

to replace the existing decorative string lights installed on certain buildings in Old Town with programmable LED lights. These lights will match the lights currently installed on the roofline of City Hall and the MCL Grand Theater. The City has received the necessary Lighting Agreements and Easements from the property owners of 102, 112, and 150 W. Main Street. Those agreements are presented here for Council's approval.

RECOMMENDATION:

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

F. Regular Hearings

11. [Consideration of Three Variances to the Lewisville City Code Section 6-103 \(c\)\(2\) Access Spacing, Section 6-130 Table 4 Control of Access for Commercial Driveways, and Section 6-123 \(b\) Multi-Family and Non-Residential Landscaping Requirements, Located at 2301 South State Highway 121 Business; Legally Described as Lot 1, Block B, Timber Village; as Requested by Clay Cristy of Clay Moore Engineering, on Behalf of McDonald's Real Estate Company, the Owner.](#)

ADMINISTRATIVE COMMENTS:

McDonald's submitted plans to demolish their existing restaurant, located on the southwest corner of Valley View Drive and State Highway 121 Business, and build a new restaurant in its location. Three variances are proposed with this redevelopment; a) to reduce the required driveway spacing of 230-feet along SH 121 Business, b) to reduce the control of access of 250-feet along SH 121 Business and, c) to allow a variable width landscape buffer along Valley View Drive.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director
David Salmon, City Engineer

12. [Consideration of Two Variances to the Lewisville City Code Section 9.5-92 \(Paving\) Regarding Driveways Related to CB Exteriors Addition, 537 South](#)

[Kealy Avenue as Requested by Connor Murrell, McAdams, on Behalf of the Owner.](#)

ADMINISTRATIVE COMMENTS:

The subject site is a 0.400-acre lot zoned Light Industrial (LI) within the CB Exteriors Addition. The property owner is proposing to renovate the existing building and make significant site improvements. Staff has reviewed and approved the Old Town Development Plan subject to the City Council approval of two variances: a) to reduce the required driveway spacing of 50 feet along South Kealy Avenue; b) to reduce the required driveway spacing of 50 feet along East Purnell Street.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon P.E., City Engineer

13. [Consideration of an Ordinance Amending Chapter 15, Section 15-62 of the Lewisville City Code to Prohibit Pedestrian Crossings on Valley Parkway from 50 Feet South of Main Street to 50 Feet North of Kathy Lane Except at the Designated Pedestrian Crosswalk.](#)

ADMINISTRATIVE COMMENTS:

Lewisville High School student pedestrians cross Valley Parkway, a major 4-lane arterial street, at various mid-block locations along the school frontage during the school arrival and dismissal times putting their safety at risk. Existing signalized intersections on Valley Parkway at Main Street and at Fox Avenue are located too far away to reasonably expect a student pedestrian to walk over to and cross the street safely at those locations. Texas Transportation Code considers pedestrian crossings on a roadway illegal only when the crossing pedestrian inhibits the vehicular movement or when adjacent intersections at each end of a block are controlled by traffic signals. An amendment to the city ordinance is required to prohibit the unsafe pedestrian crossings across Valley Parkway near the School. The Transportation Board considered this item at the June 18, 2019 meeting and voted unanimously (5-0) to approve the recommendation to the City Council.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon, PE, City Engineer

14. [Consideration of an Ordinance Amending Chapter 15, Section 15-87 \(c\) of the Lewisville City Code to Prohibit U-Turns on Westbound State Highway 121 Business at the First Median Opening East of Valley Ridge Boulevard.](#)

ADMINISTRATIVE COMMENTS:

A driveway for L&L Autolink, a commercial used car dealership under construction is located on the south side of SH 121 Business east of the Valley Ridge Boulevard intersection and the proposed driveway is offset from the existing median opening in front of the property. A left turn deceleration lane at the median opening was not required by TxDOT on westbound SH 121 Business. Westbound U-turns need to be restricted when the business is open to the public as there is no exclusive left turn storage bay. The Transportation Board considered this item at the June 18, 2019 meeting and voted unanimously (5-0) to approve the recommendation to the City Council.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon, PE, City Engineer

15. [Consideration of an Ordinance Amending Chapter 6, Land Development Regulations, of the Lewisville City Code, by Amending Section 6-123, Multi-Family and Non-Residential Landscaping Requirements, to Increase the Required Landscape Strip and Allow for Reductions of the Strip in Certain Circumstances; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency.](#)

ADMINISTRATIVE COMMENTS:

These amendments are proposed to increase the landscaping requirements, furthering the Big Move Number 2: Extending the Green, Big Move Number 4: Thriving Neighborhoods, and Big Move Number 9: Sustainability of the Lewisville 2025 Plan. The provisions also permit a reduction in the landscape buffer to it's

existing standard provided other community character standards are met. This provision will reduce complications associated with redevelopment but also apply to new developments.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, Planning Director

16. [Consideration of an Ordinance of the Lewisville City Council Providing for the Abandonment, Vacation and Closure of a Sixty-Six \(66\) Foot Wide Section of Right-Of-Way, South of East Church Street and North of East Main Street.](#)

ADMINISTRATIVE COMMENTS:

The original Kealy Addition contained right-of-way for Railroad Street, which was never constructed and has been fenced and used as private property for parking and storage for decades by the four adjacent properties; however, this section of the right-of-way was never formally abandoned by the City. This ordinance cleans up this situation and provides for clear title for the impacted properties. A similar ordinance was passed in 1995 for the portion of Railroad Street on the South side of Main Street to allow the CCA to have clear title to that land.

RECOMMENDATION:

That the City Council approve the ordinance 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.

* [Second Quarter 2019 Boards/Commissions/Committees Attendance Reports](#)

- H. Return to Workshop Session if Necessary**

- 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 _____, 2019 by _____ AM.

City Secretary