

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MARCH 18, 2019

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore

Bob Troyer, Deputy Mayor Pro Tem

R Neil Ferguson (absent)

Brent Daniels

Brandon Jones, Mayor Pro Tem

City Staff:

Donna Barron, City Manager

Eric Ferris, Deputy City Manager

Claire Powell, Assistant City Manager

Melinda Galler, Assistant City Manager

Julie Worster, City Secretary

Lizbeth Plaster, City Attorney

WORKSHOP SESSION

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:48 p.m. on Monday, March 18, 2019, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

Discussion of Regular Agenda Items and Consent Agenda Items

(Agenda Item A)

Mayor Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C, Proclamation: Recognition of the "Denton County Master Gardeners". There was no discussion on this item.

WORKSHOP SESSION

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item A)

Mayor Durham reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Communication Tower; on a Portion of a 2.009 Acre Lot, Legally Described as Lot 1A, Block A, Continental Square Addition, Located at 260 Continental Drive, and Zoned General Business District (GB); As Requested By Jamie R. Miller, Eco Site II, LLC, on Behalf of International Commission Inc., the Property Owner. (Case No. SUP 2019 02 01). There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-2, Public Hearing: Consideration of an Ordinance of the Lewisville City Council, Amending Chapter 10, Parks and Leisure Services, of the Lewisville City Code by Creating Article VII, "Standards of Care for Youth Recreation Programs." There was no discussion on this item.

Mayor Durham reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-3, Approval of City Council Minutes of the March 4, 2019, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-4, Approval of a Resolution Declaring the City's Opposition to a Revenue Cap Proposed in Senate Bill 2 and Similar Legislation; Authorizing the Mayor, the City Manager, and the City Manager's Designee to Represent and Communicate the City's Position; and Authorizing the Mayor and City Manager to Sign all Letters, Petitions, and Other Documents on Behalf of the City to Promote the City's Position. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-5, Approval of an Economic Development Agreement Between the City of Lewisville and Integrity Commercial Group LLC, and Authorization for the City Manager to Execute the Agreement, Any Purchase Contract Extensions, and Other Related Documents. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-6, Approval of a Bid Award for the Lewisville Canoe & Kayak Launch (South Site) Project to Quick Set Concrete, Inc., Corinth, Texas, in the Amount of \$1,561,310.36 and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-7, Approval of a Professional Services Agreement Authorizing the City Manager to Enter Into an Agreement With Matrix Consulting Group to Perform Services in Connection with the Police Department Staffing and Scheduling Study. There was no discussion on this item.

WORKSHOP SESSION

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item A)

Mayor Durham reviewed Agenda Item F-8, Approval of an Economic Development Agreement Between the City of Lewisville and RO Properties to Obtain an Easement and to Reimburse the Cost of the Installation of a Fire Sprinkler System for 170 W. Main Street. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-9, Approval of a Professional Services Agreement with B Weiss Entertainment Group in the Amount of \$120,000 for Production Services Related to the Western Days Festival; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-10, Consideration of a Variance to the Lewisville City Code Section 2 201 Regarding Waiving Fees Associated With American Amateur Youth Baseball Alliance's Tournament, as Requested by Tracey Black, General Manager, Flower Mound Youth Sports Association. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-11, Consideration of a Variance to the Lewisville City Code, Section 4 28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2890 Highland Court, Part of Highland Terraces Addition, a Single Family Detached Development Located North of Highland Drive, East of Denton Tap, as Requested by John Arnold, Representing Windsor Homes, the Property Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-12, Consideration of a Variance to the Lewisville City Code, Section 6 144 Screening Devices, for Hedrick Middle School; on a 24.151 Acre Lot, Legally Described as Lot 1, Block A, Hedrick School Addition, Located at 1526 Bellaire Boulevard, and Zoned Public Use District (PU); As Requested by John Casey, on Behalf of the Lewisville Independent School District. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-13, Consideration of a Variance to the Lewisville City Code Section 2 201, Fee Schedule, Regarding Waiving Rental Fees at the Hedrick House, as Requested by Nicole Franczvai and her group Lewisville SOUP. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-14, Consideration of an Ordinance, Amending Chapter 4, Article II, Building Standards, Section 4 32, Residential Code Amendments, by Requiring Compliance with Green Built Texas Standards for new Single Family and Two-Family Residential Construction. There was no discussion on this item.

WORKSHOP SESSION

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item A)

Mayor Durham reviewed Agenda Item G-15, Consideration of a Resolution Amending the City's Legislative Agenda to Include Opposition to Legislation that would Change Eligibility for a Chief Appraiser so as to Exclude Current Elected Officials from Holding the Position; Authorizing any Member of the City Council, the City Manager, and the City Manager's Designee to Represent and Communicate the City's Position; and Authorizing and Member of the City Council and City Manager to Sign all Letters, Petitions, and Other Documents on Behalf of the City to Promote the City's Position. City Manager Barron advised that this item had not been requested by the Mayor but had been a staff driven item. She indicated that staff felt this issue would limit the rights of the Lewisville residents to select the Mayor they want to select. Mayor Durham advised that he would be abstaining from this item. Discussion was held that this legislation was targeted toward the City of Lewisville. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-16, Consideration of an Appointment to the Denton County Workforce Success Leadership Team. Discussion was held that United Way would prefer a City Council Member serve in this capacity. Mayor Pro Tem Bob Troyer indicated his willingness to serve. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-17, Consideration of an Appointment to the Denton County Homelessness Leadership Team. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H, Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item I-Closed Session. There was no discussion on this item.

Due to the time, Mayor Durham advised that the Workshop Item B - Old Town East Zoning Discussion and Direction would be discussed following the Regular Session.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:55 p.m. on Monday, March 18, 2019.

REGULAR SESSION – 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, March 18, 2019, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Durham, Mayor Pro Tem Jones gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Councilman Gilmore gave the pledge to the American and Texas flags.

Proclamation: Recognition of the “Denton County Master Gardeners”

(Agenda Item C)

Councilman Daniels read and presented a proclamation recognition of the “Denton County Master Gardeners” to the following Denton County Master Gardeners Association members: Dana Bays, Liz Moyer, Ana Hunt, Michele Rawleigh, Russell Tyson, Mike Crawford.

**Public Hearing: Consideration of Ordinance
No. 0110-19-SUP Granting a Special Use
Permit for a Communication Tower; on a
Portion of a 2.009 Acre Lot, Legally
Described as Lot 1A, Block A, Continental
Square Addition, Located at 260 Continental
Drive, and Zoned General Business District
(GB); As Requested By Jamie R. Miller, Eco
Site II, LLC, on Behalf of International
Commission Inc., the Property Owner. (Case
No. SUP 2019-02-01)**

(Agenda Item D-1)

T Mobile, represented by Eco Site, is proposing to build a new 100 foot tall wireless telecommunications facility. The new facility will fill a gap where indoor coverage is insufficient and reduce the 911 call burden on nearby towers. The proposed tower meets the 3:1 height to setback ratio from any single family residence. With the tower addition, an existing dumpster will be relocated and screened and additional landscaping will be added. The Planning and Zoning Commission recommended unanimous approval (6 0) of the requested SUP on February 19, 2019.

The City staff’s recommendation was that the City Council approve the ordinance as set forth in the caption above.

Public Hearing: Consideration of Ordinance No. 0110-19-SUP Granting a Special Use Permit for a Communication Tower; on a Portion of a 2.009 Acre Lot, Legally Described as Lot 1A, Block A, Continental Square Addition, Located at 260 Continental Drive, and Zoned General Business District (GB); As Requested By Jamie R. Miller, Eco Site II, LLC, on Behalf of International Commission Inc., the Property Owner. (Case No. SUP 2019-02-01) (cont'd)

(Agenda Item D-1)

Mayor Durham opened the public hearing.

Richard E. Luedke, Planning Director, was available to address any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Mayor Pro Tem Jones, the Council voted four (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Communication Tower, on a Portion of a 2.009-Acre Lot, Legally Described as Lot 1A, Block A, Continental Square Addition, Located at 260 Continental Drive, and Zoned General Business District (GB); Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Jones and seconded by Councilman Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 0110-19-SUP**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 0111-19-ORD of the Lewisville City
Council, Amending Chapter 10, Parks and
Leisure Services, of the Lewisville City Code
by Creating Article VII, “Standards of Care
for Youth Recreation Programs.”**

(Agenda Item D-2)

The Department of Family and Protective Services provides an exemption to the license requirement for child care facilities for municipal recreation programs. The City’s camp program meets the criteria for said exemption but requires the Council’s adoption of the proposed ordinance setting for the standards of care each year. The proposed standards are updated to reflect the correct name of the department and to define acceptable restroom facilities provided at LLELA.

The City staff’s recommendation was that the City Council approve the ordinance as set forth in the caption above.

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Jones and seconded by Councilman Gilmore, the Council voted five (4) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending Chapter 10, Parks and Leisure Services, of the Lewisville City Code by Creating Article VII, “Standards of Care For Youth Recreation Programs”; Providing for a Repealer; Severability; and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Mayor Pro Tem Jones, the Council voted five (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 0111-19-ORD**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

Jim Makens, 3231 Harwood Road, Bedford, Texas, spoke before the City Council regarding a property he owned at 510 Church Street. Mr. Makens referenced the Old Town East Zoning Discussion that would be held later, and advised he was in full favor of mixed-use properties; however, he felt more development needed to take place prior to that occurring. Mr. Makens expressed concern regarding the zoning changing prior to the demand for mixed type use and the burden it would create for him to hold on to that property should it's use change prior to the demand for this type of zoning. At the request of Mayor Durham, City Manager Barron advised that this was an item that would be discussed in workshop and staff had several options for City Council to consider.

Linda Purcell, 430 East Church Street, Lewisville, Texas, spoke before the City Council in regard to the same topic as Mr. Makens and reiterated what Mr. Makens had stated. She advised she thought change was a good thing; however, she would like to see it come when there was a demand for the change.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. APPROVAL OF MINUTES: City Council Minutes of the March 4, 2019, Workshop Session and Regular Session.
4. Approval of **Resolution No. 0112-19-RES** Declaring the City's Opposition to a Revenue Cap Proposed in Senate Bill 2 and Similar Legislation; Authorizing the Mayor, the City Manager, and the City Manager's Designee to Represent and Communicate the City's Position; and Authorizing the Mayor and City Manager to Sign all Letters, Petitions, and Other Documents on Behalf of the City to Promote the City's Position.
5. Approval of an Economic Development Agreement Between the City of Lewisville and Integrity Commercial Group LLC, and Authorization for the City Manager to Execute the Agreement, Any Purchase Contract Extensions, and Other Related Documents.

CONSENT AGENDA (cont'd)

(Agenda Item F)

6. Approval of a Bid Award for the Lewisville Canoe & Kayak Launch (South Site) Project to Quick Set Concrete, Inc., Corinth, Texas, in the Amount of \$1,561,310.36 and Authorization for the City Manager to Execute the Contract.
7. Approval of a Professional Services Agreement Authorizing the City Manager to Enter Into an Agreement With Matrix Consulting Group to Perform Services in Connection with the Police Department Staffing and Scheduling Study.
8. Approval of an Economic Development Agreement Between the City of Lewisville and RO Properties to Obtain an Easement and to Reimburse the Cost of the Installation of a Fire Sprinkler System for 170 W. Main Street.
9. Approval of a Professional Services Agreement with B Weiss Entertainment Group in the Amount of \$120,000 for Production Services Related to the Western Days Festival; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Fees Associated With American Amateur Youth Baseball Alliance's Tournament, as Requested by Tracey Black, General Manager, Flower Mound Youth Sports Association

(Agenda Item G-10)

The Flower Mound Youth Sports Association is hosting the American Amateur Youth Baseball Alliance (AAYBA) Tournament on June 16 June 21, 2019 and June 23 June 28, 2019. Over 3,600 youth participants will participate in the tournament. A sizable portion of the event will take place at Lone Star Toyota of Lewisville Railroad Park and Lewisville Lake Park baseball complexes. Games will also be hosted at Unity Park in Highland Village and Bakersfield Park in Flower Mound and teams will rotate game locations in all three cities. The AAYBA Tournament has been held in Lewisville for the past twelve (12) years. Based on the long-standing relationship with the tournament and the economic impact a tournament of this magnitude can bring to Lewisville, a request is being made to waive up to \$31,000 in associated City fees for this event.

Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Fees Associated With American Amateur Youth Baseball Alliance's Tournament, as Requested by Tracey Black, General Manager, Flower Mound Youth Sports Association (cont'd)

(Agenda Item G-10)

The City staff's recommendation was that the City Council approve the variance as set forth in the caption above.

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code Section 2-201 regarding waiving fees associated with American Amateur Youth Baseball Alliance's Tournament, as requested by Tracey Black, General Manager, Flower Mound Youth Sports Association. The motion carried.

Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2890 Highland Court, Part of Highland Terraces Addition, a Single Family Detached Development Located North of Highland Drive, East of Denton Tap, as Requested by John Arnold, Representing Windsor Homes, the Property Owner

(Agenda Item G-11)

Windsor Homes is currently developing a 32 unit single family detached residential project on a 4.204 acre property zoned ETH, located north of Highland Drive east of Denton Tap Road. The builder expects to begin construction on the model home in early June 2019. A variance is being requested to place a temporary sales and marketing trailer on their site for the purpose of pre sales before the model home is completed. The City of Lewisville building code does not allow portable buildings to be placed in the City for the purposes of sales offices of this type. The site is currently under subdivision construction thus not eligible for building permits yet.

The City staff's recommendation was that the City Council approve the variance as set forth in the above caption not to exceed twelve (12) months or until the issuance of a Certificate of Occupancy for the model home, whichever occurs first.

Wayne K. Snell Jr., Director of Neighborhood & Inspection Services and Susan Colburn, Lewisville Highland Terraces, 8214 West Chester Drive, Dallas, Texas, were both present to respond to any questions posed by the City Council.

Consideration of a Variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, Regarding a Temporary Sales and Marketing Trailer at 2890 Highland Court, Part of Highland Terraces Addition, a Single Family Detached Development Located North of Highland Drive, East of Denton Tap, as Requested by John Arnold, Representing Windsor Homes, the Property Owner (cont'd)

(Agenda Item G-11)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Troyer, the Council voted four (4) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code, Section 4-28, Temporary Structures and Uses, regarding a temporary sales and marketing trailer at 2890 Highland Court, part of Highland Terraces Addition, a single family detached development located north of Highland Drive, east of Denton Tap, not to exceed twelve (12) months or until the issuance of a Certificate of Occupancy for the model home, whichever occurs first, as requested by John Arnold, representing Windsor Homes, the property owner. The motion carried.

Consideration of a Variance to the Lewisville City Code, Section 6-144 - Screening Devices, for Hedrick Middle School; on a 24.151 Acre Lot, Legally Described as Lot 1, Block A, Hedrick School Addition, Located at 1526 Bellaire Boulevard, and Zoned Public Use District (PU); As Requested by John Casey, on Behalf of the Lewisville Independent School District

(Agenda Item G-12)

Lewisville Independent School District plans to build a new middle school building to replace the existing middle school and phase out the elementary school on site. The development meets the minimum requirements of the City’s Land Development Regulations except for a variance to the screening wall requirement along the property line adjoining residential zoning. This variance request was originally approved by City Council on October 2, 2007. Based on the redevelopment of the site, a new engineering site plan is required, and the variance must be re approved.

The City staff’s recommendation was that the City Council approve the variance as set forth in the caption above.

Richard E. Luedke, Planning Director, was available to address any questions posed by the City Council.

Consideration of a Variance to the Lewisville City Code, Section 6-144 - Screening Devices, for Hedrick Middle School; on a 24.151 Acre Lot, Legally Described as Lot 1, Block A, Hedrick School Addition, Located at 1526 Bellaire Boulevard, and Zoned Public Use District (PU); As Requested by John Casey, on Behalf of the Lewisville Independent School District (cont'd)

(Agenda Item G-12)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Councilman Daniels, the Council voted four (4) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code, Section 6-144 - Screening Devices, for Hedrick Middle School; on a 24.151 acre lot, legally described as Lot 1, Block A, Hedrick School Addition, located at 1526 Bellaire Boulevard, and zoned Public Use District (PU), as requested by John Casey, on behalf of the Lewisville Independent School District. The motion carried.

Consideration of a Variance to the Lewisville City Code Section 2-201, Fee Schedule, Regarding Waiving Rental Fees at the Hedrick House, as Requested by Nicole Franczvai and her group Lewisville SOUP

(Agenda Item G-13)

Nicole Franczvai and Lewisville SOUP are requesting a fee waiver related to use of the Hedrick House for four separate potluck events during 2019 and 2020. Lewisville SOUP is a crowd funded, microgrant program that is run exclusively by volunteers from our community. It is based on the nationally known and celebrated Detroit SOUP program. Attendees bring soup, salad, or bread for a potluck meal. They also bring a \$10 donation that will allow them to vote on a project they want to fund. Attendees then enjoy a meal and hear from up to four presenters that hope to get their project funded. Projects will range from art, urban agriculture, social justice, social entrepreneurs, education, technology and more. But all presentations would be focused on ways to make Lewisville a more creative, loveable, and engaging place.

The City staff’s recommendation was that the City Council approve the requested waiver of rental fees for four events at the Hedrick House during 2019 and 2020, as described in the caption above.

Claire Powell, Assistant City Manager, was available to address any questions posed by the City Council.

Consideration of a Variance to the Lewisville City Code Section 2-201, Fee Schedule, Regarding Waiving Rental Fees at the Hedrick House, as Requested by Nicole Franczvai and her group Lewisville SOUP (cont'd)

(Agenda Item G-13)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Deputy Mayor Pro Tem Troyer, the Council voted four (4) “ayes” and no (0) “nays” to approve a variance to the Lewisville City Code Section 2-201, Fee Schedule, regarding waiving rental fees at the Hedrick House, as requested by Nicole Franczvai and her group Lewisville SOUP. The motion carried.

Consideration of Ordinance No. 0113-19-ORD, Amending Chapter 4, Article II, Building Standards, Section 4-32, Residential Code Amendments, by Requiring Compliance with Green Built Texas Standards for new Single Family and Two-Family Residential Construction

(Agenda Item G-14)

This ordinance allows the adoption of residential code standards through the Green Built Texas program that provide for increased energy and water efficiency, improved indoor air quality, and overall durability and moisture management in new single family and two-family residential construction.

The City staff’s recommendation was that the City Council approve the ordinance as set forth in the caption above.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council Amending Chapter 4, Article II, Building Standards, Section 4-32, Residential Code–Amendments, by Requiring Compliance With Green Built Texas Standards for New Single-Family and Two-Family Residential Construction; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Jones and seconded by Councilman Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt Ordinance No. 0113-19-ORD, as captioned previously. The motion carried.

Mayor Durham advised that he would be abstaining from discussion and consideration of Agenda Item G-15 discussion as this topic/resolution involves his job. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary. Mayor Durham stepped away from the dais. Mayor Pro Tem Jones took over the City Council meeting.

**Consideration of Resolution No. 0114-19-RES
Amending the City's Legislative Agenda to
Include Opposition to Legislation that would
Change Eligibility for a Chief Appraiser so as
to Exclude Current Elected Officials from
Holding the Position; Authorizing any
Member of the City Council, the City
Manager, and the City Manager's Designee to
Represent and Communicate the City's
Position; and Authorizing and Member of the
City Council and City Manager to Sign all
Letters, Petitions, and Other Documents on
Behalf of the City to Promote the City's
Position**

(Agenda Item G-15)

Two bills filed in the Texas Senate would change the eligibility requirements for a chief appraiser to prohibit any person currently holding elected office in the same county from serving in that capacity. Staff is not able to find any other example in Texas law where a person holding a specific job is denied the Constitutional right to seek and hold publicly elected office if meeting all qualifications for said office. If enacted, this legislation would deny Lewisville voters the right to select a mayor of their own choosing. The attached Resolution would amend the 2019 Legislative Agenda to add opposition to these and similar bills.

The City staff's recommendation was that the City Council consider approving the resolution as stated in the caption above.

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Troyer, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 0114-19-RES:** A Resolution of the City Council of the City of Lewisville, Texas, Amending the City's Legislative Agenda to Include Opposition to Legislation That Would Change Eligibility for a Chief Appraiser so as to Exclude Current Elected Officials From Holding the Position; Authorizing any Member of the City Council, the City Manager and the City Manager's Designee to Represent and Communicate the City's Position; and Authorizing any Member of the City Council and the City Manager to Sign all Letters, Petitions, and/or Other Documents on Behalf of the City to Promote the City's Position. The motion carried.

Councilman Gilmore stated that the way this legislation was bracketed exempts half of the entire state. He further stated that either you agree that this is some sort of issue, which it was not in his opinion, and you make it so that no one in the state can do this, or you carve it out half way. He further advised that he did not understand what Austin's point was other than to take away local control. Mayor Pro Tem Jones agreed with Councilman Gilmore's comments.

Mayor Durham returned to the dais and began directing the meeting.

**Consideration of an Appointment to the
Denton County Workforce Success
Leadership Team**

(Agenda Item G-16)

United Way of Denton County recently submitted a written request that the City of Lewisville appoint a representative to serve on the new Denton County Workforce Success Leadership Team. The purpose of this team is to increase financial capabilities and earning potential among low to moderately low income working families in Denton County. Appointees to this team will be asked to attend monthly meetings for the first year. At the conclusion of the first year, an appropriate meeting schedule moving forward will be determined by the team. Discussion held between United Way of Denton County staff and City staff have indicated that they would prefer this position to be filled by a City Council Member.

The City staff's recommendation was that the City Council consider an appointment to the Denton County Workforce Success Leadership team as stated in the caption above.

MOTION: Upon a motion made by Mayor Pro Tem Jones and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to appointment Deputy Mayor Pro Tem Troyer to the Denton County Workforce Success Leadership Team. The motion carried.

**Consideration of an Appointment to the
Denton County Homelessness Leadership
Team**

(Agenda Item G-17)

The focus of the Denton County Homelessness Leadership Team (DCHLT) includes creating stronger community collaboration around community goals to end homelessness, better data collection and sharing, and educating and informing the community about solutions to homelessness and the community impact. The DCHLT is made up of representatives from Denton County, City of Denton, City of Lewisville, City of Sanger, board members from homelessness and housing providers, healthcare providers and members to the United Way of Denton County Board. The City of Lewisville appoints two members of the team (a council member and a city staff member/member of the community). Councilman Gilmore continues to serve on the DCHLT, but a vacancy now exists in the City's other appointed position. Neighborhood Services Coordinator Ashleigh Feryan has expressed an interest in serving on the DCHLT.

**Consideration of an Appointment to the
Denton County Homelessness Leadership
Team (cont'd)**

(Agenda Item G-17)

The City staff's recommendation was that the City Council consider appointment of Neighborhood Services Coordinator Ashleigh Feryan to the Denton County Homelessness Leadership Team.

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and no (0) "nays" to appoint Neighborhood Services Coordinator Ashleigh Feryan to the Denton County Homelessness Leadership Team. The motion carried.

Reports

(Agenda Item H)

- 2019 State of the City Video – due to technical difficulties this video was not able to be viewed. City Manager Barron advised that staff would put this back on the agenda for April 1st to be viewed.
- Legislative Update – Director of Communications and Tourism James Kunke gave this update.
- Mayor Durham thanked everyone that had been going to testify in Austin during the session.
- Director of Park Services advised that March 27-29 a group of nationally renowned land use, urban design and real estate experts representing the Urban Land Institute (ULI) would be visiting Lewisville to provide strategic advice on increasing access to parks and open space in an area of the city that currently lacks sufficient outdoor recreational space. This study visit was being conducted in conjunction with the 10-Minute Walk Campaign, a national movement striving to ensure that residents of urban neighborhoods throughout America have access to a high-quality park within a ten-minute walk from their homes. She advised that the kick-off meeting would be held on Wednesday, March 27th from 5:30-6:30 p.m. at Medical City Lewisville Grand Theater, 100 N. Charles and a presentation with recommendations would be held on Friday, March 29th at 9 a.m. at the Next Steps Center, 1305 TX-121 Business.
- Director of Public Services Keith Marvin gave an update on the status of the Lake.
- Director of Communications and Tourism James Kunke gave an update on upcoming events at the MCL Grand.
- Councilman Daniels stated that the staff had done a fabulous job on the St. Paddy's Day event held in Old Town.
- Mayor Pro Tem Jones wished Animal Services Manager Ethel Strother good luck in her new venture working for the SPCA.

Reports (cont'd)

(Agenda Item H)

- Councilman Gilmore reminded everyone of the full-scale exercise of a disaster or homeland security-type event in order to test the City's capability to respond to a threatening situation scheduled for Friday, March 22nd from 9 a.m.- 11 a.m. He advised that there would be street closures occurring in the Old Town Area. At the request of City Manager Barron, Assistant City Manager Melinda Galler explained the process for notifying the businesses and residents that were located in the Old Town Area.
- Mayor Durham thanked the Police Officers present for their service to the community.

There were no additional reports at this time.

Mayor Durham advised that the meeting would move back to the City Council Conference Room to continue the Workshop Agenda Item B – Old Town East Zoning Discussion and Direction. The City Council returned to the City Council Conference Room.

Old Town East Zoning Discussion and Direction

(Agenda Item B)

At the request of City Manager Barron, Director of Planning and Zoning Richard Leudke conducted the attached PowerPoint regarding the Old Town East Zoning Discussion and Direction.

The consensus of the City Council was to proceed with Option #2 - Phased Approach - Rezone entire area except for properties with warehouse uses (Phase I); revisit conditions in 2 years for possible rezone of warehouse properties (Phase II).

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:57 p.m. Monday, March 18, 2019, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:57 p.m. on Monday, March 18, 2019, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Closed Session (cont'd)

(Agenda Item I)

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 8:27 p.m. on Monday, March 18, 2019.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session**

(Agenda Item J)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:27 p.m. on Monday, March 18, 2019, in the Council Chambers of the Lewisville City Hall.

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Mayor Pro Tem Jones, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:27 p.m. on Monday, March 18, 2019. The motion carried.

These minutes approved by the Lewisville City Council on the 1st day of April, 2019.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Worster
CITY SECRETARY

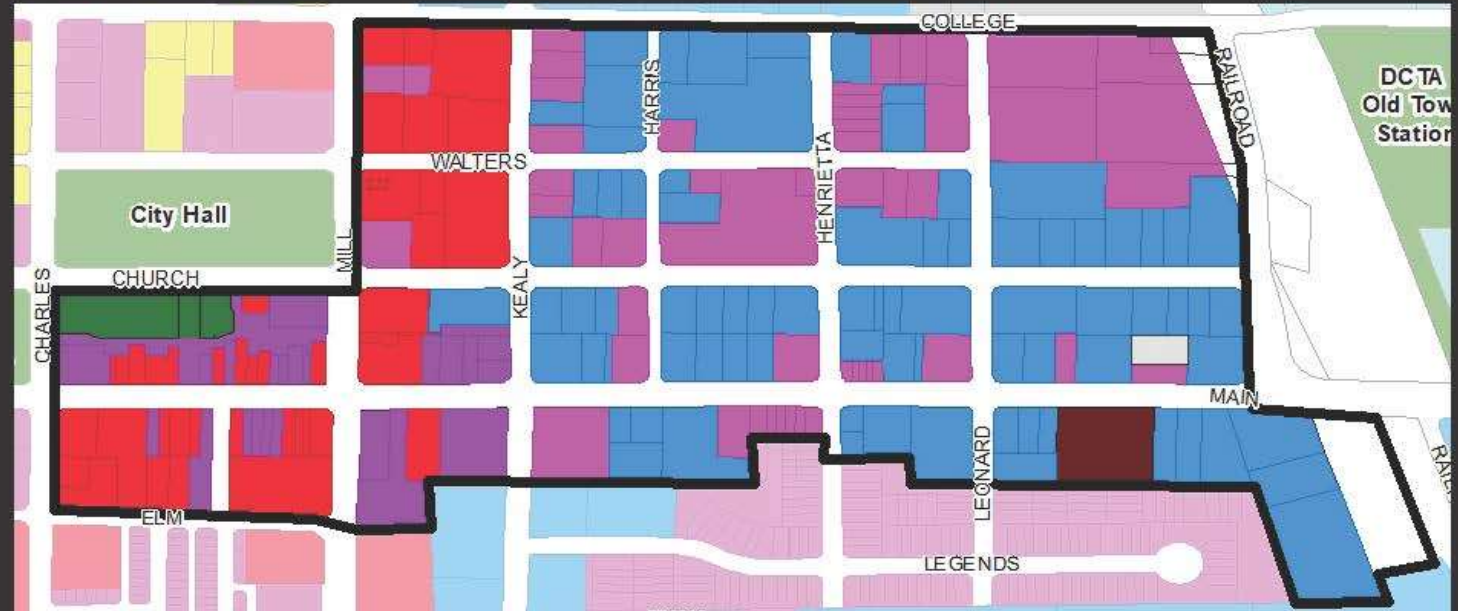


OLD TOWN EAST REZONE EFFORT UPDATE

City Council Workshop Session, March 18, 2019

OLD TOWN EAST REZONE EFFORT

Map of Proposed
Zone Change
Area to OTMU2
and OTC



PROPOSED OLD TOWN LEWISVILLE REZONING OPEN HOUSE

Wednesday, Nov. 14, 5:30-7:30 p.m.

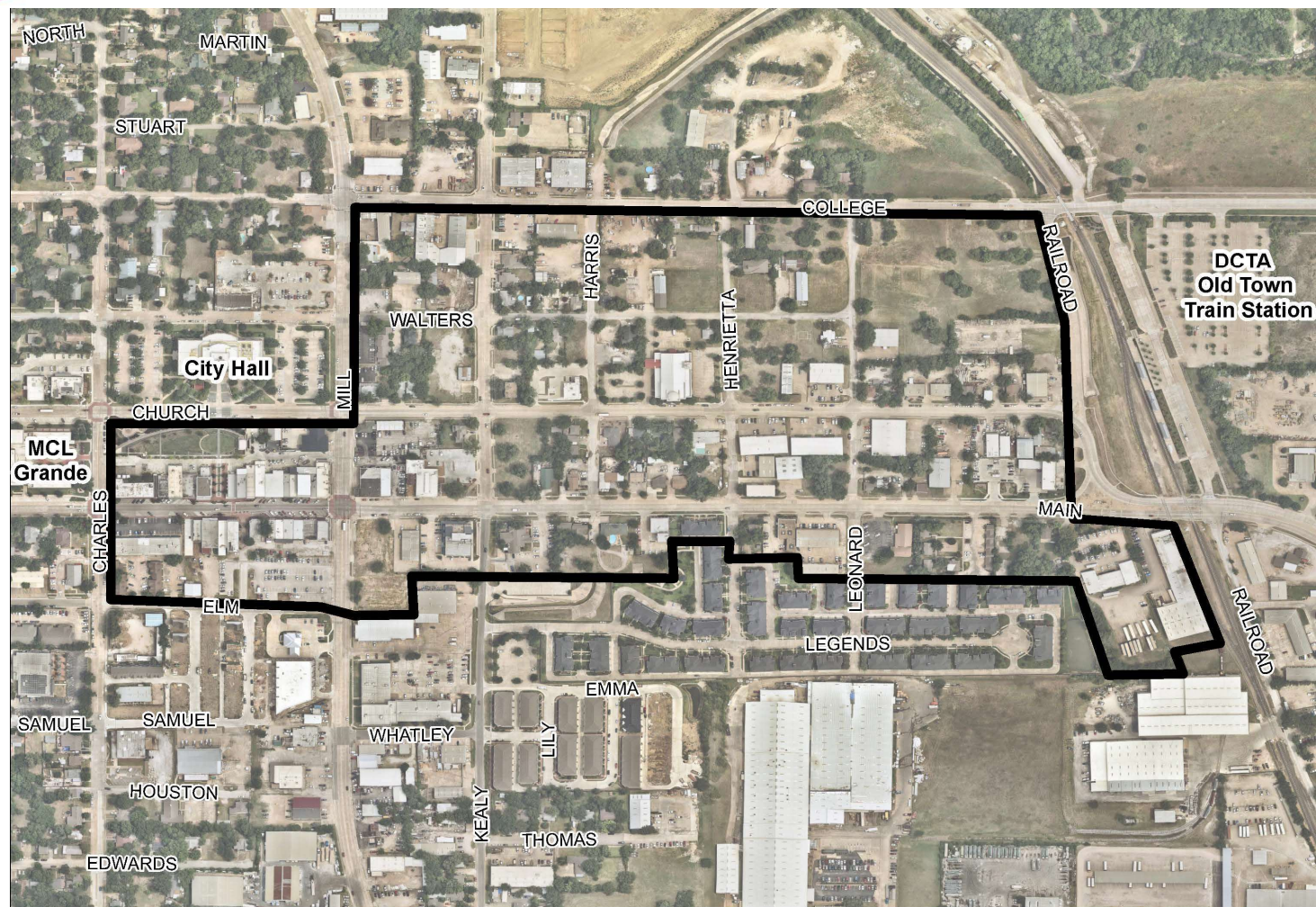
Medical City Lewisville Grand Theater Recital Hall
100 N. Charles Street



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

OLD TOWN EAST REZONE EFFORT

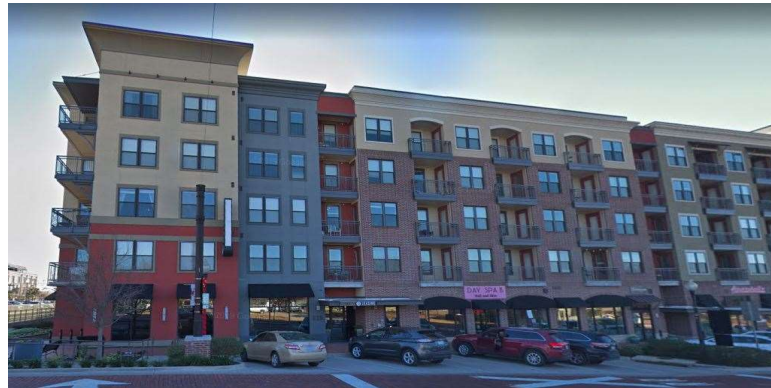
Aerial map of
Proposed Zone
Change Area to
OTMU2 and OTC



OLD TOWN EAST REZONE EFFORT

Primary benefits of rezoning this area:

- Provides potential developers certainty of the vision for the area and the direction of redevelopment efforts
- Provides predictability of future uses on surrounding properties
- Eliminates the potential of new industrial uses allowed by right under current zoning



OLD TOWN EAST REZONE EFFORT

- Old Town Rezone Open House held Wednesday, November 14, 2018 from 5:00 pm to 8:00 pm at MCL Grand
 - 239 postcard invitations sent to stakeholders (property owners and tenants)
 - 19 individuals in attendance
 - Residential owners in support of rezone, which will bring residential properties into zoning compliance
 - Legal non-conforming business owner covering 2.75 acres in support of rezone, which will enhance ability to market property for redevelopment



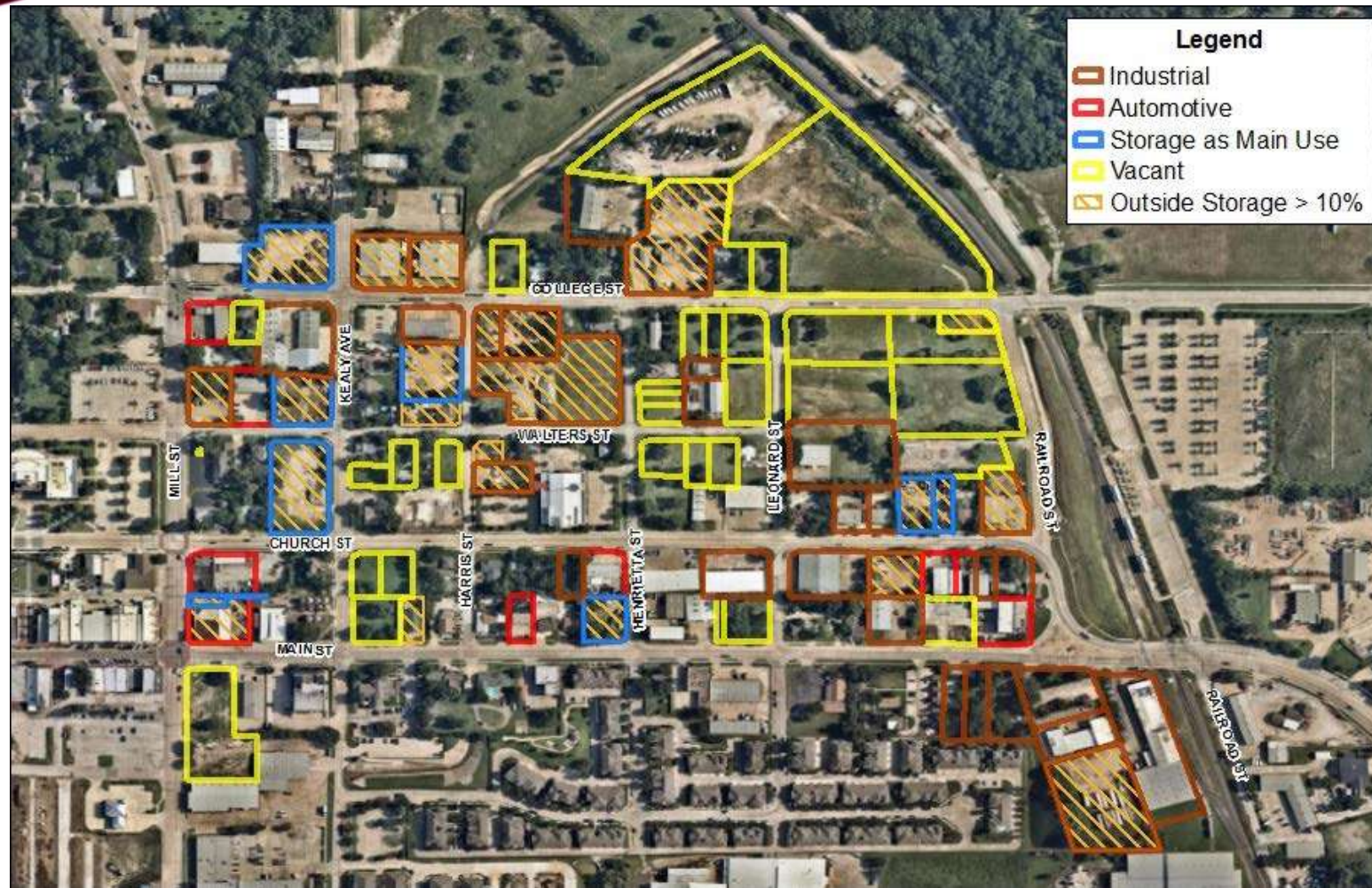
OLD TOWN EAST REZONE EFFORT

- Additional Open House Feedback:
 - 3 warehouse owners expressed concern with loss of legal non-conforming rights after 90 days
 - Warehouse owners with Light Industrial zoning must meet current development standards if building remains vacant for one year
 - Existing warehouses in target area have little or no outside storage and are some of the more aesthetically pleasing properties in the area
 - Warehouses in TOD areas are typically considered as “blank canvases” by developers for adaptive reuse for a variety of pedestrian-oriented uses (entertainment uses, office/co-working space, creative industries, retail mix, etc.)



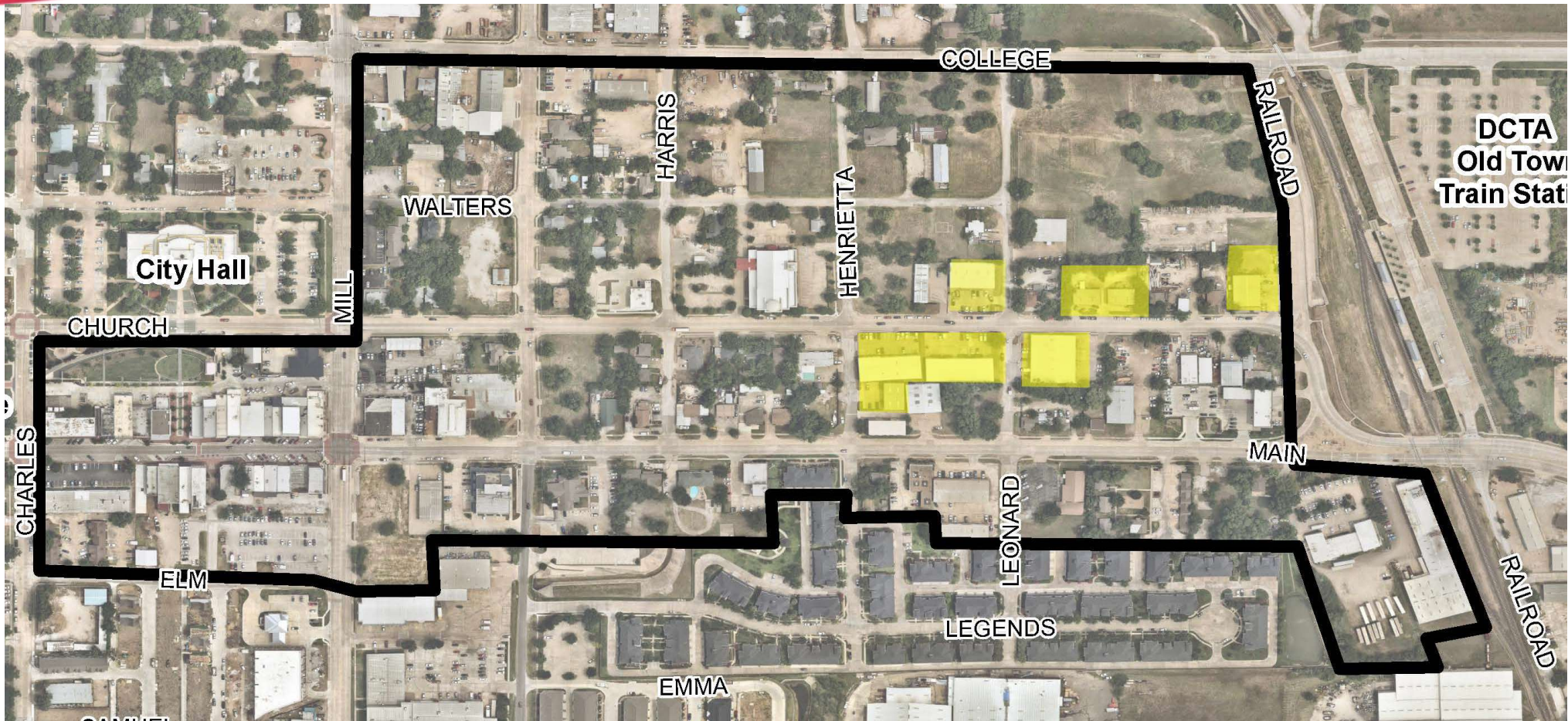
OLD TOWN EAST REZONE EFFORT

Map showing
non-conforming
uses



OLD TOWN EAST REZONE EFFORT

Map showing existing warehouse locations



OLD TOWN EAST REZONE EFFORT

- Options for moving forward:
 1. Rezone entire area as originally proposed
 2. Phased Approach - Rezone entire area except for properties with warehouse uses (Phase I); revisit conditions in 2 years for possible rezone of warehouse properties (Phase II)
 3. Rezone only properties with owner support
- Timeline:
 - Today: Council direction on preferred option for rezoning
 - Follow up with another open house with all property owners – April 2019
 - P&Z Public Hearing: May 2019
 - City Council Public Hearing: June 2019
 - Begin Old Town CO initiative





OLD TOWN EAST REZONE EFFORT

Questions