

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 18, 2019

Present:

Rudy Durham, Mayor

Council Members:

TJ Gilmore

Bob Troyer, Deputy Mayor Pro Tem

R Neil Ferguson

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 – 6:30 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:30 p.m. on Monday, February 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: Declaring February 21, 2019, as “PTA Day”. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Durham reviewed Agenda Item D-1, Public Hearing: Consideration an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Center Business District (OTC); on an Approximately 0.303 Acre Tract of Land out of the J.W. King Survey, Abstract Number 696 and Located at 151 Elm Street; as Requested by RO Properties, the Property Owner (Case No. PZ 2019 01 01). Discussion was held regarding the mention of a parking lot comment in the backup info. Director of Richard Leudke advised that a parking lot would support the three-story building however, it would be a short-term plan for this property. There was no further 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-2, Approval of Amendment #1 of a Local Project Advance Funding Agreement with the Texas Department of Transportation Related to Construction and Funding of Aesthetic Improvements for the FM 407 Interchange at I 35; and Authorization for the City Manager to Execute the Agreement Amendment. City Manager Barron advised that there would be two additional agenda items for Fox and Garden Ridge in the future similar to this item. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-3, Approval of a Professional Services Agreement with ML Clark Consulting, LLC, in the Amount of \$89,000 for Design Services Related to the Leonard Street Reconstruction Project and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-4, Approval of an Economic Development Agreement Between the City of Lewisville and Lizzie B Properties LLC to Obtain Ownership and Provide Public Easements for Portions of the Fire Sprinkler System Located at 143 and 139 W. Main Street and to Provide for the Installation of a Fence at 125 North Mill Street; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-5, Consideration of a Variance to the Lewisville City Code Section 6 103 (Access Management) Regarding Driveway Spacing for National Indoor Storage Addition, Lot 1, Block A, Auto Master Addition; Located at 498 East State Highway 121 Business as Requested by David Norris, Foresite Group, on Behalf of National Indoor Storage I, LLC dba National Indoor RV Centers, the Property Owner. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item A)

Mayor Durham reviewed Agenda Item G-6, Consideration of a Variance to the 1996 Castle Hills Agreement Section V(2) (J) Regarding a Required Right Turn Lane on All Approaches to Intersections when Four or Six Lane Streets Cross Related to Castle Hills AMR Retail Located at the Northwest Corner of Old Denton Road and FM 544, as Requested by Tareq El Sadi, P.E. of Land Design, on Behalf of the Owner. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-7, Consideration of a Variance to Lewisville City Code, Chapter 4, Article X, Section 4 453 (h)(1) Fences, To Allow for Alternative Materials for a Proposed Fence located at 125 North Mill Street; and to Provide a Waiver of the \$350.00 Variance Request Fee as Specified in Section 2 201, Fee Ordinance. 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.

Court Survey Results

(Agenda Item B)

Municipal Court Judge Brian Holman reviewed the attached Municipal Court Survey.

Discussion was held regarding holding this survey more frequently. Judge Holman explained that there were slips at the windows at all times should anyone wish to submit a survey; which allowed the Court to address any issues that may arise. He further explained that to obtain this type of results would be difficult and may result in survey fatigue. Further discussion was held that all employees were aware that the survey was being done this week and Court staff assisted with getting “customers” to participate in the survey, which seems to help get more survey participants. Discussion was held utilizing technology to conduct survey’s throughout the year.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 7:20 p.m. on Monday, February 18, 2019.

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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, February 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, Councilman Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Proclamation: Declaring February 21, 2019,
as “PTA Day”**

(Agenda Item C)

Councilman Gilmore read and presented a proclamation declaring February 21, 2019, as “PTA Day” to the following LISD Council of PTA representatives: Sara Olley, Ronn Hicks, Erica Erlinger, and Julie Kluthe.

**Public Hearing: Consideration of Ordinance
No. 0108-19-ZON Granting a Zone Change
Request From General Business District
(GB) to Old Town Center Business District
(OTC); on an Approximately 0.303 Acre
Tract of Land out of the J.W. King
Survey, Abstract Number 696 and Located at
151 Elm Street; as Requested by RO
Properties, the Property Owner (Case No.
PZ 2019 01 01)**

(Agenda Item D-1)

The subject property at 151 Elm Street previously contained a laundromat which has been demolished. The property is under the same ownership and adjacent to 170 West Main Street, where a three story mixed use building is currently under construction. The applicant envisions future development of this site, possibly including parking for the mixed use structure at 170 W. Main Street. To further that development, the owner is requesting to rezone the property from General Business District (GB) to Old Town Center District (OTC). The proposed OTC zoning is in compliance with the 2003 Old Town Master Plan. The Planning and Zoning Commission recommended unanimous approval (7 0) on February 5, 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. 0108-19-ZON Granting a Zone Change Request From General Business District (GB) to Old Town Center Business District (OTC); on an Approximately 0.303 Acre Tract of Land out of the J.W. King Survey, Abstract Number 696 and Located at 151 Elm Street; as Requested by RO Properties, the Property Owner (Case No. PZ 2019 01 01) (cont'd)

(Agenda Item D-1)

Mayor Durham opened the public hearing.

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

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Troyer, the Council voted five (5) “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 Rezoning an Approximately 0.303-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696; Located at 151 Elm Street, From General Business District (GB) Zoning to Old Town Center Business District (OTC) Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Public Interests and General Welfare Demand This Zoning Change and Amendment Therein Made; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Councilman Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 0108-19-ZON**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

2. Approval of Amendment #1 of a Local Project Advance Funding Agreement with the Texas Department of Transportation Related to Construction and Funding of Aesthetic Improvements for the FM 407 Interchange at I 35; and Authorization for the City Manager to Execute the Agreement Amendment.
3. Approval of a Professional Services Agreement with ML Clark Consulting, LLC, in the Amount of \$89,000 for Design Services Related to the Leonard Street Reconstruction Project and Authorization for the City Manager to Execute the Agreement.
4. Approval of an Economic Development Agreement Between the City of Lewisville and Lizzie B Properties LLC to Obtain Ownership and Provide Public Easements for Portions of the Fire Sprinkler System Located at 143 and 139 W. Main Street and to Provide for the Installation of a Fence at 125 North Mill Street; 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 6 103 (Access Management)
Regarding Driveway Spacing for National
Indoor Storage Addition, Lot 1, Block A, Auto
Master Addition; Located at 498 East State
Highway 121 Business as Requested by David
Norris, Foresite Group, on Behalf of National
Indoor Storage I, LLC dba National Indoor
RV Centers, the Property Owner**

(Agenda Item G-5)

The existing National Indoor RV Storage building is approximately 150,000 SF on an 11.7 acre lot. The developer is proposing to construct a new 49,990 square foot building. In addition, they will construct 52 spaces to park and display recreational vehicles and additional 227 spaces for customer and employee parking. The developer has also acquired additional land and will be replatting the property to expand the lot to 13.4 acres. The developer wishes to keep the existing driveway. The existing driveway does not meet City code requirements for driveway spacing on adjacent lots. The developer is asking for the following variance: a) to allow driveway spacing between adjacent lots to be less than 230 feet apart. An SUP was approved by City Council on August 6, 2018.

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

David Salmon, PE, City Engineer, and Sean Faulkner, 1999 Bryan Street, Ste 890, Dallas, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Jones, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code Section 6 103 (Access Management) regarding driveway spacing for National Indoor Storage Addition, Lot 1, Block A, Auto Master Addition; located at 498 East State Highway 121 Business to allow driveway spacing between adjacent lots to be less than 230 feet apart, as requested by David Norris, Foresite Group, on behalf of National Indoor Storage I, LLC dba National Indoor RV Centers, the property owner. The motion carried.

**Consideration of a Variance to the 1996
Castle Hills Agreement Section V(2)(J)
Regarding a Required Right Turn Lane on
All Approaches to Intersections when Four
or Six Lane Streets Cross Related to Castle
Hills AMR Retail Located at the Northwest
Corner of Old Denton Road and FM 544, as
Requested by Tareq El Sadi, P.E. of Land
Design, on Behalf of the Owner**

(Agenda Item G-6)

The subject property is located within Castle Hills in the City of Lewisville extra territorial jurisdiction (ETJ) and is to be developed in accordance with the 1996 Castle Hills Agreement. The subject property is being developed for a proposed 29,000 SF restaurant and retail strip center at the northwest corner of FM 544 (Parker Road) and FM 2281 (Old Denton Road). The 1996 Development Ordinance Section V(2)(J) requires that developers construct a turn lane at intersections where four or six lane streets cross. The developer has requested this requirement be waived at the intersection of FM 544 and FM 2281. The developer's engineer conducted a Traffic Impact Analysis at the request of City staff to show if a right turn lane at the intersection would be warranted. The results of the TIA show that the addition of a southbound right turn lane would have no impact to traffic operations; thus, a right turn lane is not warranted. Also, TxDOT's FM 544 roadway construction did not account for a turn lane at this corner.

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

David Salmon, PE, City Engineer, was present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Mayor Pro Tem Jones and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to the 1996 Castle Hills Agreement Section V(2)(J) Regarding a Required Right Turn Lane on All Approaches to Intersections when Four or Six Lane Streets Cross Related to Castle Hills AMR Retail located at the northwest corner of Old Denton Road and FM 544, as requested by Tareq El Sadi, P.E. of Land Design, on behalf of the owner. The motion carried.

Consideration of a Variance to Lewisville City Code, Chapter 4, Article X, Section 4 453 (h)(1) Fences, To Allow for Alternative Materials for a Proposed Fence located at 125 North Mill Street; and to Provide a Waiver of the \$350.00 Variance Request Fee as Specified in Section 2 201, Fee Ordinance

(Agenda Item G-7)

The applicant is proposing to construct a metal post and cable fence separating the subject property from the Wayne Ferguson Plaza alley. This type of construction will provide for visibility to the alley and rear façade of the buildings located on Main Street. The proposed construction does not meet the material requirement outlined in the fence ordinance, which means a variance is required. Furthermore, because this specific fence design is being required by a related economic development agreement, staff also requests a waiver of the variance fee.

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

Tim Ippolito, Fire Marshal/Development Manager, was present to address any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Ferguson and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve a variance to Lewisville City Code, Chapter 4, Article X, Section 4 453 (h)(1) Fences, to allow for alternative materials for a proposed fence located at 125 North Mill Street; and to approve a waiver of the \$350.00 variance request fee as specified in Section 2 201, Fee Ordinance. The motion carried.

Reports

(Agenda Item H)

- Quarterly Investment Report October 1, 2018 through December 31, 2018
- Director of Public Services Keith Marvin gave an update on the status of the lake.
- Director of Communications and Tourism James Kunke gave the Legislative Update for City Council consideration.
- Mayor Pro Tem Jones welcomed Mayor Durham back.
- Councilman Gilmore advised of the upcoming Keep Lewisville Beautiful composting class.
- Councilman Ferguson thanked the City staff, especially the City Manager, for their hard work in the recently held City Council Retreat. He also advised of upcoming events scheduled at the MCL Grand.
- Deputy Mayor Pro Tem Troyer echoed Councilman Ferguson's comments and also thanked staff for the recently held City Council Retreat.
- Mayor Durham thanked the Police Officers present for their service to the community.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:30 p.m. Monday, February 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 7:30 p.m. on Monday, February 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

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 7:42 p.m. on Monday, February 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 7:42 p.m. on Monday, February 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.

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Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Troyer and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:42 p.m. on Monday, February 18, 2019. The motion carried.

These minutes approved by the Lewisville City Council on the 4th day of March, 2019.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Worster
CITY SECRETARY

Lewisville Municipal Court

Public Satisfaction Survey

Access to Justice



December 2018

About the Survey

The Lewisville Municipal Court Public Satisfaction Survey was first conducted in 2016 and established a baseline to measure the accessibility and responsiveness of the court to needs and concerns of the court users. Adapted a similar survey promulgated by the National Center for State Courts, the Satisfaction Survey is part of a tool kit of “Best Practices” recommended by the NCSC to help improve public confidence in the judiciary.

The survey is typically conducted in late November or early December. Survey responses are collected from all types of court users, including defendants attending court hearings, attorneys representing clients, trial witnesses, juveniles and their parents, persons serving as jurors and other court visitors and spectators. Because some court users never enter the courtroom, survey responses were also collected from persons dealing only with the court clerk’s office. A substantial number of court users have limited or no English language skills, so the survey was offered in both Spanish and English. This year, only 3 Spanish language speakers chose to complete the survey. It is designed to assess the views of court users and therefore, the judge and other court staff are excluded from the survey.

In 2016, survey takers collected approximately 76 responses. In 2017, survey responses increased to 201 and for 2018, 202 people responded to the survey. Obviously, with a larger sample size the statistical reliability increases.

We conduct the survey for two primary reasons. First, we want to know how we are doing as a court. Although we believe our established procedures are fair and do not create undue obstacles or burdens for court users, without an objective, unbiased measure of what and how we are doing, it is merely a guess. Second, the survey is a specific and tangible way of giving the public a voice in their local government. While the public has no direct influence over personnel and management decisions, repeated or focused comments, concerns or complaints can and should help to inform those decisions and illuminate areas where change is needed.

We are proud of the work we do in serving the vibrant community of Lewisville and the 2018 Public Satisfaction Survey results give us reason to feel confident that we are on the right path.

Brian Holman
Presiding Judge
Lewisville Municipal Court

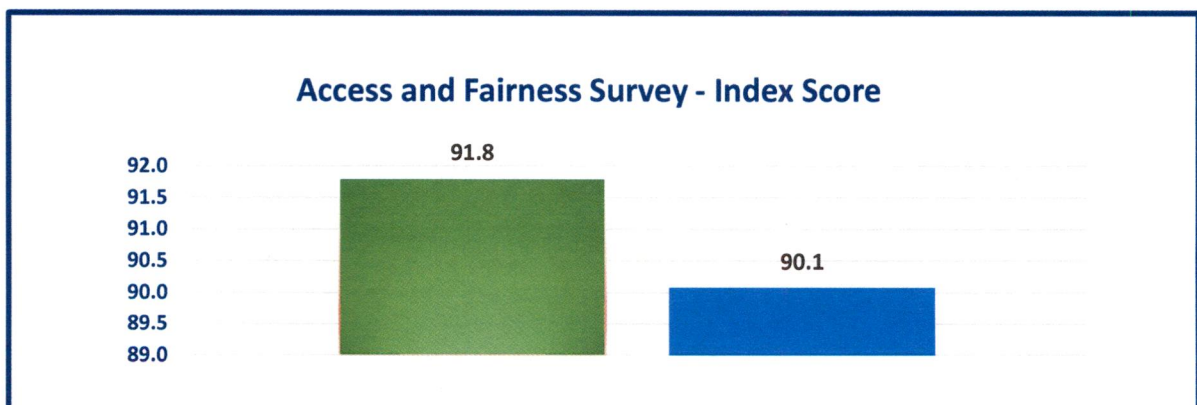
Executive Summary

Section I: Access to the Court

	Question	Average Response
1.	Finding the courthouse was easy.	4.5
2.	The forms I needed were clear and easy to understand.	4.5
3.	I felt safe in the courthouse.	4.8
4.	The court makes reasonable efforts to remove physical and language barriers.	4.6
5.	I was able to get my court business done in a reasonable time.	4.5
6.	Court staff paid attention to my needs.	4.7
7.	I was treated with courtesy and respect.	4.7
8.	I easily found the courtroom or office I needed.	4.7
9.	The court's website was useful.	4.4
10.	The court's hours of operation made it easy for me to do business.	4.5
Average Access Score		4.6
Overall Access Index Score (100 point scale)		91.8

Section II: Fairness by the Court

	Question	Average Response
11.	The way my cases was handled was fair.	4.5
12.	The judge listened to my side of the story before he or she made a decision.	4.4
13.	The judge had the information necessary to make good decisions about my case.	4.5
14.	I was treated the same as everyone else.	4.6
15.	As I leave the court, I know what to do next about my case.	4.6
Average Fairness Score		4.5
Overall Fairness Index Score (100 point scale)		90.1



Survey Dates (Responses Per Day)

November 26	90
November 27	44
November 28	55
November 29	13

Lewisville Municipal Court

2018 Public Satisfaction Survey

Background Information of Survey Participants

Questions

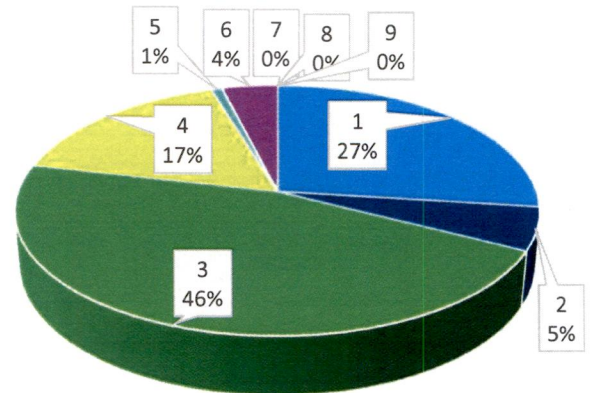
Responses

16. What did you do at the court today?	126
17. How often are you typically in this courthouse?	157
18. What type of case brought you to the courthouse today?	148
19. What is your gender?	158
20. How do you identify yourself?	160

16. What did you do at the court today?

1 Attend a Hearing	34
2 Attorney Representing a Client	7
3 Make a Payment	58
4 Get Information	21
5 Appear as a Witness	1
6 Jury Duty	5
7 Party to a Legal Matter	0
8 Search Court Records	0
9 Other	0

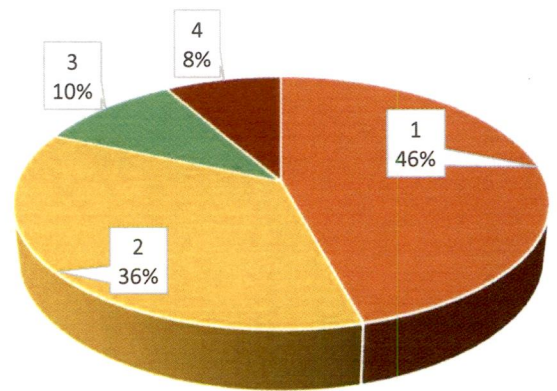
126



17. How often are you typically in this courthouse?

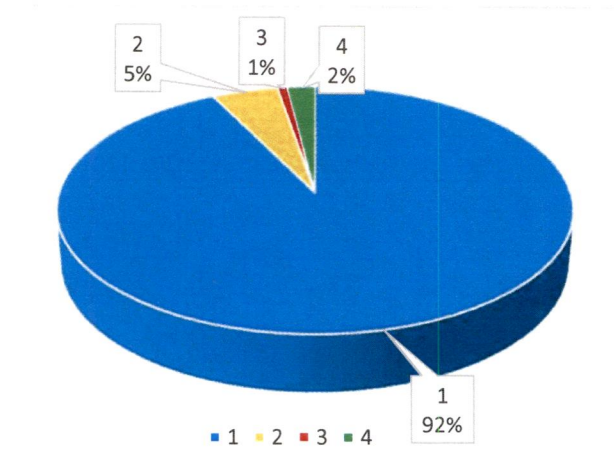
1 First time in the courthouse (46%)	72
2 Once a year or less (36%)	56
3 Several times a year (10%)	16
4 Monthly (8%)	13

157



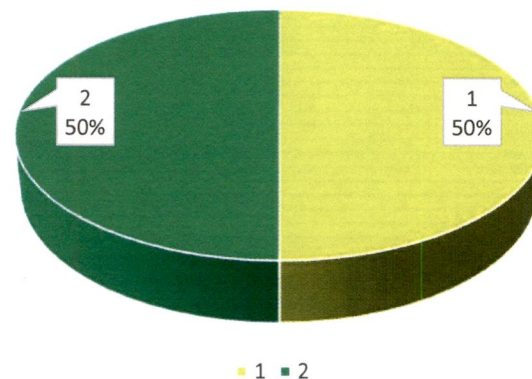
18. What type of case brought you to the courthouse today?

1	Traffic (92%)	137
2	Criminal (5%)	7
3	Juvenile matter (1%)	1
4	City Ordinance (4%)	3
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		148
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19. What is your gender?

1	Male	79
2	Female	79
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		158
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20. How do you identify yourself?

1	American Indian (.6%)	1
2	Asian (4%)	6
3	Black or African American (27%)	43
4	Hispanic or Latin (26%)	41
5	Mixed Race (4%)	7
6	Pacific Islander (0%)	0
7	White (39%)	62
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