

A G E N D A

LEWISVILLE CITY COUNCIL MEETING JANUARY 5, 2015

LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057

WORKSHOP SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:00 P.M.

- A. Presentation of Planned Removal of FM 407 Bridge Over Interstate 35E and Expected Timeline for Interchange Reconstruction, by AGL Constructors
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Ueckert
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:**
Deputy Mayor Pro Tem Ferguson
- C. **PROCLAMATION:** Declaring the Month of January, 2015, as “Lewisville’s 88th Birthday”
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request from Public Use (PU) to Old Town Mixed Use Two (OTMU2), Located on 1.90 Acres North of Church Street, Between Herod Street and Charles Street. The Request is Being Made by The City of Lewisville, the Property Owner (Case No. PZ-2014-12-13).

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ADMINISTRATIVE COMMENTS:

The 1.90 acre property is located at the northwest corner of Charles Street and Church Street. The City of Lewisville is the property owner and is requesting a rezoning to OTMU2 in order to comply with the recommended zoning for the Old Town Master Plan and facilitate the development of three proposed restaurants. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on December 2, 2014.

RECOMMENDATION:

That the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance, as set forth in the caption above.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning

2. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit Request for a Kennel With Outdoor Runs on 0.579 Acres Zoned General Business (GB), Located on Lot 1, Block Q of the Lewisville/Round Grove Commercial Center, as Requested by Laura Couch, President of The Velvet Snout (Case No. SUP-2014-12-07).**

ADMINISTRATIVE COMMENTS:

The subject request is for the development of a “Canine Adventure Center” to serve as an outdoor play and exercise area for dogs at The Velvet Snout, an existing boarding and daycare facility. The zoning ordinance requires that a SUP be obtained for kennels with outdoor runs. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on December 2, 2014.

RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Laura Couch, President of The Velvet Snout

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3. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Private Utility Sub-Station on 6.379 Acres Zoned General Business (GB), Located on Lot 1, Block A of the Texas New Mexico Power Company Addition, as Requested by G&A Consultants, LLC on Behalf of the Property Owner (Case No. SUP-2014-12-08).**

ADMINISTRATIVE COMMENTS:

The subject request is for the addition of a new 3,241 square foot building and associated parking to the existing Texas New Mexico Power (TNMP) electrical sub-station site located at 577 Garden Ridge Road. The zoning ordinance requires that an SUP be obtained for private utility sub-stations. Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on December 2, 2014.

RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Doug Weaver, G&A Consultants, LLC

4. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit Request for a Drive-in Theater on 34.529 Acres Zoned Light Industrial (LI), Located at the Southeast Corner of Midway Road and Holford's Prairie Road; and Consideration of a Variance to the Lewisville City Code, Section 6-161 – General Provisions, as Requested by the Applicant, Coyote Theater, LLC (Case No. SUP-2014-12-09).**

ADMINISTRATIVE COMMENTS:

Coyote Theater, LLC is requesting a Special Use Permit for the construction of a drive-in movie theater with five screens, a 10,000 square foot restaurant and open-air pavilion, and a children's play area. The owners opened their first location at Panther Island in downtown Fort Worth in May of 2013, and due to the attraction's popularity are seeking to expand in new markets. One variance to allow the use of crushed recycled concrete for parking embankments in lieu of asphalt or concrete paving is requested. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on December 2, 2014.

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RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Brady Barnett, Coyote Development

5. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Duplex (DU) to Old Town Mixed Use Two (OTMU2) District Zoning on 0.55 Acres, Located at 125 W. Walters Street; as Requested by Todd Bradburry on behalf of Alexandra Pauline Properties Co., the Property Owner (Case No. PZ-2014-12-12).**

ADMINISTRATIVE COMMENTS:

125 W. Walters Street is an undeveloped parcel owned since 1998 by Alexandra Pauline Properties. The owner is currently in the process of replatting the property with hopes of developing it in the near future. The designation of Old Town Mixed Use Two (OTMU2) being requested would allow for a greater variety of development options than the current Duplex zoning and is consistent with the Old Town Master Plan's recommended zoning for the property. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on December 2, 2014.

RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Patti Guzik, Alexandra Pauline Properties Co.

- E. **VISITORS/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.
- F. **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.

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- 6. Approval of a Contract With Cooksey Communications Inc., in the Amount of \$50,000 to Perform a Communications Audit and Brand Assessment.**

ADMINISTRATIVE COMMENTS:

Lewisville 2025 Vision Plan includes Big Move #8, "Communication and Marketing," as developed and proposed by the Lewisville 2025 committee and adopted by City Council earlier this year. Priority action listed under that Big Move include conducting a comprehensive communications audit and conducting a brand assessment study. Both of those items are being combined into a single contract proposed with Cooksey Communication. The negotiated fee is budgeted in the 2014-15 General Fund budget.

RECOMMENDATION:

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

- 7. Approval of an Economic Development Agreement by and Between the City of Lewisville and Digital Lewisville, LCC; and Authorization for the City Manager to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

Digital Lewisville, LCC owns property located at 2501 S. SH 121 and intends to construct a data center campus. The campus will consist of data "pods" which are secured sites for housing server equipment. The campus is proposed to be built in five phases and includes a planned 65 pods at completion. The timing of the phases is dependent on market demand with Phase I expected to be completed no later than December 2019. The speed, location and size of the building construction will depend on market demand, and can deviate from the proposed schedule, with the exception of having a phase completed by December 2019. The total investment by Digital Realty for both real and business personal property at the end of this projected site plan is expected to be \$510 million. This agreement calls for an Initial Grant to the owner equal to 100% of the ad valorem property taxes assessed which exceed \$213,645.23 (taxes paid on base value) for a 10 year period. New Phase Grants are provided for each phase equal to 100% of the ad valorem taxes where construction commences on or before December 2024. 50% Grants are provided for phases which commence between January 2025 and December 2030. The New Phase and 50% Grants are for a period of 10 years from the date of completion. Grants are allowable at 100% and 50% for Business Personal Property taxes paid by tenants that meet specified criteria, including designating Lewisville as the situs for all business personal property purchases. No rebate of sales tax is included for either the Owner or the Tenants unless the Data Center constructed is a qualified State Data Center. At the end of 25 years, the City is estimated to have collected approximately \$27 million under the proposed construction schedule. The total estimate for all additional revenues from ad valorem taxes and sales taxes over the same 25 year period under the proposed construction schedule is in excess of \$60 million.

RECOMMENDATION:

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

G. **REGULAR HEARINGS:**

8. **Consideration of a Nomination to the North Central Texas Council of Governments Regional Emergency Preparedness Planning Council (EPPC).**

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ADMINISTRATIVE COMMENTS:

Councilman Leroy Vaughn was nominated by City Council on November 5, 2012 and appointed as a member to the North Central Texas Council of Governments (NCTCOG) Regional Emergency Preparedness Planning Council (EPPC). The EPPC is composed of elected officials from participating cities and counties. Cities are grouped into population brackets in accordance with current population estimates. Councilman Vaughn desires to serve another term on the Council and his current term will expire on January 22, 2015. The nomination form needs to be returned to the NCTCOG Executive Board no later than January 7, 2015.

RECOMMENDATION:

That the City Council consider the nomination to EPPC as set forth in the caption above.

- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- I. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): Legal Issues Related to the Construction of the Old Town Park Plaza
 2. Section 551.071 (Consultation with Attorney/Pending Litigation): *Aurelio Duarte, et al. vs. City of Lewisville, TX*, Case No. 13-40806, United States Court of Appeals for the Fifth Circuit
 3. Section 551.072 (Real Estate): Property Acquisition
 4. 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**

<p>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 <u>Texas Government Code</u> 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).</p>
