

## AGENDA

### LEWISVILLE CITY COUNCIL MEETING MARCH 16, 2015

LEWISVILLE CITY HALL  
151 WEST CHURCH STREET  
LEWISVILLE, TEXAS 75057

#### WORKSHOP SESSION - 6:15 P.M. REGULAR SESSION - 7:00 P.M.

Call to Order and Announce a Quorum is Present.

#### WORKSHOP SESSION - 6:15 P.M.

- A. Presentation of the 2014 Comprehensive Annual Financial Report (CAFR)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

#### REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Ueckert
- C. **PROCLAMATION:** Declaring March 16, 2015, as “Lewisville Rotary Day 2015”
- D. **PRESENTATIONS:**
  - a. Recognition of Charles Ku DDS for his Lifetime Achievement and Volunteer Service Award from the President; and
  - b. Recognition of Kay Sutton and Linda McDaniel for Their Volunteer Work With the Circle of Friends
- E. **PUBLIC HEARINGS:**
  - 1. **Public Hearing:** Consideration of an Ordinance for a Zone Change Request From Local Commercial (LC) to Old Town Mixed Use 2 (OTMU2), on a 0.231 Acre Tract of Land, Located at 386 West Main Street, as Requested by Studio 13 Land Holdings, the Property Owner (Case No. PZ-2015-02-04).

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**ADMINISTRATIVE COMMENTS:**

The 0.231 acre property is located at the southeast quadrant of W. Main Street and Cowan Avenue. The office building was built in the mid 1970's. Studio 13 is a landscape design company that is currently leasing office space in Lewisville and has recently purchased this site for their new office. The zoning is consistent with the Old Town Master Plan. A demolition permit was issued to stabilize the façade. The owner will be remodeling the building both interior and exterior façade and OTDRC approved the façade improvements at their March 2, 2015, meeting. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 17, 2015.

**RECOMMENDATION:**

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

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development/Planning  
Leonard Reeves, Owner of Studio 13 Land Holdings, LLC.

2. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From General Business (GB) and Single Family Residential (R-7.5) to General Business (GB); on a 0.45 Acre Tract of Land, Located at 867 South Mill Street, as Requested by Reid's Auto Connection, the Property Owner (Case No. PZ-2015-02-05).**

**ADMINISTRATIVE COMMENTS:**

The 0.45 acre property is located on the northwest corner of Mill Street and Harvard Avenue and has split zoning (General Business and Single-Family Residential R-7.5). The property is being used as a used car lot and has been used commercially since the mid 1980's. The applicant is proposing to build a new office building on the site for his car business. The proposed zoning classification of GB is in keeping with the prevalent zoning pattern of the surrounding area and will create one cohesive zoning for the property. A Special Use Permit (SUP) is required for this use and will be scheduled on the agenda at a later date. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 17, 2015.

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**RECOMMENDATION:**

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

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development/Planning  
Tracy LaPiene - V.P. Ridinger Associates, Inc.

3. **Public Hearing: Consideration of an Ordinance for a Zone Change Request From Agriculture Open Space (AO) to Warehouse (WH); on 12.03 Acres of Land, Located on the East Side of Railroad Street Approximately 1,500 Feet South of Business SH 121; Further Identified as Tracts 10 and 11 of the J.W. Haven Survey, Abstract 541 and Tracts 33(PT) and 34 of the J.W. King Survey, Abstract 695, as Requested by Lewisville Executive Boat and RV, LLC, the Property Owner (Case No. PZ-2015-02-06).**

**ADMINISTRATIVE COMMENTS:**

The 12.03 acre property is located on the east side of Railroad Street approximately 1,500 feet south of Business 121. The property backs up to industrially zoned properties ranging from Light Industrial to Heavy Industrial. The WH zoning is being requested as the base zoning for a covered outdoor RV and Boat Storage facility proposed for the site and requires a Special Use Permit for this type of use. The proposed zoning classification of Warehouse (WH) is in keeping with the prevalent zoning pattern of the surrounding area. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 17, 2015.

**RECOMMENDATION:**

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

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development/Planning  
Steve Homeyer, Homeyer Engineering, Inc.

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

4. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Self-Storage Facility With Outdoor Boat and RV Storage on an Approximately 12.03 Acre Tract of Land Located on the East Side of Railroad Street Approximately 1,500 Feet South of Business SH 121, Zoned Warehouse (WH), as Requested by Lewisville Executive Boat and RV, LLC, the Property Owner (Case No. SUP-2015-02-02).**

**ADMINISTRATIVE COMMENTS:**

The subject request is for a proposed 250,000 square-foot boat and RV storage facility on a 12.03-acre property, which is currently vacant. The 24-hour controlled access facility will accommodate approximately 450 customers and will also provide charging stations, rinse stations, water and dump stations along with provisions for ice, air and propane. Fencing is proposed on all sides with a 14-foot steel fence with masonry columns proposed around the perimeter and an 8-foot stone masonry and ornamental iron fence proposed along the street frontage. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on February 17, 2015 with a condition that sanitary sewer flows on the site be metered.

**RECOMMENDATION:**

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

**PRESENTATION:** Nika Reinecke, Dir. of Economic Development/Planning  
Steven Homeyer, Homeyer Engineering, Inc.

5. **Public Hearing: Consideration of an Ordinance Amending Lewisville City Code Sections 6-54, 17-3, and 17-35; Adding a New Section 6-77; Creating a Process for Compliance for Properties Impacted by the I-35 Widening Project; Redefining Certain Terms Relating to Nonconformity; Modifying Board of Adjustment Authority and Membership Requirements.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**ADMINISTRATIVE COMMENTS:**

The Texas Department of Transportation (TxDOT) has begun the process of acquiring properties along the I-35 corridor to accommodate the widening of the freeway facility. Many properties and businesses in Lewisville will be impacted in various degrees by this property acquisition. The process outlined in the proposed ordinance will assist staff in working with the property owners to meet certain development requirements while continuing operation or pave the way for redevelopment of the site. This ordinance also clarifies certain sections of the Zoning Ordinance as some cases may have to go to the Zoning Board of Adjustment for variances and special exceptions for non-conforming structures/uses. The Planning and Zoning Commission recommended approval of the proposed ordinance by a vote of 6-0 at their meeting on March 3, 2015.

**RECOMMENDATION:**

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

**PRESENTATION:** Eric Ferris, Assistant City Manager

- F. **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.
- G. **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.

**6. APPROVAL OF MINUTES:**

- a) **City Council Minutes of the February 16, 2015, Workshop Session and Regular Session; and**
- b) **City Council Minutes of the March 2, 2015 Workshop Session and Regular Session**

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

- 7. Acceptance of the Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR).**

**ADMINISTRATIVE COMMENTS:**

The independent annual audit of the City's financial statements is complete. The 2014 Comprehensive Annual Financial Report is provided in compliance with the City Council's Finance Policy Statement 3.0 Section I. The report includes the auditor's opinion statement regarding the financial statement presentation. Also included is the Single Audit Report on Federal Financial Assistance.

**RECOMMENDATION:**

That the City Council accept the Fiscal Year 2014 Comprehensive Annual Financial Report (CAFR).

- 8. Approval of an Award for the Renovation of Fire Station No. 2 and the Renovation and Expansion of Fire Station No. 6 to Cooper General Contractors, Carrollton, Texas in the Amount of \$2,614,472.20; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of forty-one (41) requests for proposals were downloaded from Bidsync.com. Three (3) proposals were received and opened on February 26, 2015. This contract involves renovations to Fire Station No. 2 concerning the kitchen, restrooms, bedrooms, lighting, ceilings and other areas and renovations to Fire Station No. 6 concerning updates and repurposing of existing areas and an addition of approximately 4,700 square feet, as well as a new fuel station with canopy and related site improvements. Cooper General Contractors is being recommended based on receiving the highest evaluation score. Funding is available in the Fire Station No. 2 Remodel, and Fire Station No. 6 Expansion capital projects.

**RECOMMENDATION:**

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

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

- 9. Approval of a Professional Services Agreement With Jacobs Engineering Group Inc., in the Amount of \$137,500 for Design Services and Construction Documents for Canoe and Kayak Launches on the Trinity River; and Approval of \$28,800 in Reimbursable Expenses for Subsidiary Services for a Total Project Amount of \$166,300; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Jacobs Engineering Group Inc., will provide design and construction services for the addition of two separate launches for canoes and kayaks. The design will include parking, lighting, restrooms and accessible paths in compliance with the Americans with Disabilities Act Accessibility Guidelines and the Texas Accessibilities Standards. The total project amount of \$166,300 includes \$137,500 for professional fees for the design and construction documents and \$28,800 for reimbursable expenses.

**RECOMMENDATION:**

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

- 10. Approval of a Professional Services Agreement in the Amount of \$67,030 With Birkhoff, Hendricks, and Carter, L.L.P. (BHC) for Engineering Services for Repainting of the No. 3 Elevated Storage Tank.**

**ADMINISTRATIVE COMMENTS:**

The project includes the repainting of the interior and exterior of the 2.5 million gallon No. 3 Elevated Storage Tank, located at 2900 S. Valley Parkway. The work will include sand blasting to bare metal and recoating the steel with a National Sanitation Foundation (NSF) approved coating to protect the interior from degradation. The exterior of the tank will be similarly painted, with provisions for containment of the surrounding environment and the addition of the City's logo. This project is necessary to prolong and extend the life of the steel structure. Engineering services for this project include \$46,000 for the preparation of technical specifications and drawings and construction phase services for the repainting of the No. 3 Elevated Storage Tank. An additional \$21,030 for Special Services includes paint chip sampling and laboratory analyses, surveying, materials testing and authorized travel, as needed, for a total PSA proposal of \$67,030. Funding is available in the Valley Parkway E.S.T. Capital Project.

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**RECOMMENDATION:**

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

- 11. Approval of a Supplemental Appropriation From HOT Fund Reserve in the Amount of \$42,700 for Shore Activities During the Pro Watercross Tour Event to be Held July 17-19 at Lewisville Lake Park.**

**ADMINISTRATIVE COMMENTS:**

The City's tourism division has signed an agreement with Pro Watercross Tour to bring a tour event to Lewisville Lake on July 17-19, 2015. This will be the first-ever Pro Watercross Tour stop in Lewisville, and is in keeping with a Lewisville 2025 priority action to bring events and visitors to the lake. The City is required under the agreement to stage some level of shore activities for visitors. As discussed during the March 2 Council workshop, staff has prepared a budget of \$42,700 for those activities.

**RECOMMENDATION:**

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

- 12. Approval of a License Agreement With the Denton County Transportation Authority for Grade Crossing and Signal Improvements at Valley Ridge Boulevard Within Railway Right-of-Way in the Amount of \$656,250; Which Includes \$31,250 (approximately 5%) for Contingencies; and Authorization for the City Manager, to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

This License Agreement allows the City to extend Valley Ridge Boulevard over Denton County Transportation Authority's (DCTA's) right-of-way and to allow for a rail-crossing. It provides for the delineation of duties and liabilities between DCTA and the City regarding the construction, operation, and maintenance of the crossing. The City has negotiated for the installation of prefabricated concrete crossing panels and two cantilevered signals with flasher and gate signals at the crossing. The License Agreement also makes reference to the City Council's previous decision to remove the existing North Cowan Avenue railway crossing. The amount of \$625,000 plus \$31,250 for contingencies (approximately 5%) for a total of \$656,250 covers the amount up to which the City agrees to reimburse DCTA for its installation of the crossing panels, the signal work, and their removal of the Cowan rail-crossing. Funding is available in the Valley Ridge Capital Project.

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**RECOMMENDATION:**

That the City Council approve the License Agreement with Denton County Transportation Authority as set forth in the caption above.

H. **REGULAR HEARINGS:**

- 13. Consideration of Variances to the Lewisville City Code Section 2-201, Waiving the Fee for a Variance, and Section 9.5 - 54, When an Old Town Development Plan is Required, for the Property Located at 325 North Mill Street, as Requested by Porter Tire Company and Represented by Bill Ridinger, Owner.**

**ADMINISTRATIVE COMMENTS:**

Porter Tire Company owns a vacant lot across the street located at 325 N. Mill Street, currently zoned General Business. The owners are asking for two variances to the Lewisville city codes to include: a) to waive the \$350.00 variance filing fee; and b) to waive the requirement for an Old Town Development Plan in order to use the property for a temporary parking lot as an accessory to their main location. In addition, Mr. Bill Ridinger, owner of Porter Tire Company, has stated that this particular parking lot, if approved by Council, would be available for use as needed for special events in Old Town. Over the past several years this parking lot has been utilized for special events and typically is full during those events.

**RECOMMENDATION:**

That the City Council consider waiving the \$350 variance filing fee and the request to allow the crushed concrete parking lot to remain for a 3 year period.

**PRESENTATION:** Cleve Joiner, Director of Neighborhood Services  
Bill Ridinger, Porter Tire Company

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

- 14. Consideration of a Variance to the Lewisville City Code Section 6-103(c)(2)(a) (Access Spacing) Regarding Driveway Spacing Requirements, Related to GTM - RV & Boat Storage Located at 1080 E. State Highway 121 Business, as Requested by Steve Homeyer, P.E. of Homeyer Engineering Inc., on Behalf of the Owner.**

**ADMINISTRATIVE COMMENTS:**

The subject site is a 12.074 acre lot zoned Warehouse (WH) within the GTM Addition located near the Southeast corner of Valley Ridge Boulevard and East Highway 121 Business. Staff has reviewed and approved the Engineering Site Plan subject to the City Council approval of a variance to reduce the required separation between driveways to less than 230 feet. The existing driveway onto Highway 121 Business is 80 feet from an existing driveway to the west and 25 feet from an existing driveway to the east. Due to the current configuration of driveways it is impractical to make modifications at this time. Staff has no objection to the request since traffic will be minimal for this particular driveway which services the RV and boat storage area.

**RECOMMENDATION:**

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

**PRESENTATION:** Cleve Joiner, Director of Neighborhood Services  
Steve Homeyer, P.E. of Homeyer Engineering Inc.

- 15. Consideration of an Ordinance Approving the 2015 Annual Assessment/Service Plan Updates for the Lewisville Castle Hills Public Improvement District (PID) No. 3.**

**ADMINISTRATIVE COMMENTS:**

The City Council created Lewisville Castle Hills Public Improvement District No. 3 in 2001. A Supplemental Assessment/Service Plan was adopted for PID No. 3 on April 16, 2001, and most recently updated October 17, 2011. Chapter 372 of the Texas Local Government Code requires that an Assessment/Service Plan be updated. The plan defines the annual indebtedness and the projected costs of the improvements to be provided by a PID and the manner of assessing the property in the PID for the costs of the improvements.

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

**RECOMMENDATION:**

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

- 16. Consideration of an Ordinance Authorizing the Issuance of Not To Exceed \$21,200,000 City of Lewisville, Texas, Combination Contract Revenue and Special Assessment Refunding Bonds, Series 2015 (Lewisville Castle Hills Public Improvement District No. 3 Project) (the “Series 2015 Refunding Bonds”) in Accordance With the Terms of the Second Supplemental Trust Agreement; Authorizing the Defeasance and Refunding of \$21,200,000 City of Lewisville, Texas, Combination Contract Revenue and Special Assessment Refunding and Capital Improvement Bonds, Series 2004 (Lewisville Castle Hills Public Improvement District No. 3) (the “Series 2004 Bonds” or the “Refunded Bonds”); Approving and Authorizing the Execution of the Second Supplemental Trust Agreement; Authorizing a Final Offering Statement Pertaining to the Issuance of the Series 2015 Refunding Bonds; Delegating Authority to Authorized Officials to Finalize Certain Sale Terms Relating to the Series 2015 Refunding Bonds, Finalize a Deposit Agreement and Finalize a Bond Purchase Agreement; Providing an Effective Date and Containing Other Matters Related to the Series 2015 Refunding Bonds.**

**ADMINISTRATIVE COMMENTS:**

Denton County Fresh Water Supply District No 1-E has requested the City to authorize and approve the issuance of up to \$21,200,000 of said bonds above for the purpose of refund and defease the remaining 2004 bonds and pay certain costs incurred in connection with the issuance of the bonds.

**RECOMMENDATION:**

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

**PRESENTATION:** Ross Martin, Kelly Hart and Hallman LLP

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Quarterly Investment Report From October 1, 2014 – December 31, 2014

**AGENDA  
LEWISVILLE CITY COUNCIL  
MARCH 16, 2015**

- J.     **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): *City of  
Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause  
No.4:12-CV-00782, United States District Court for the Eastern District of  
Texas, Sherman Division; Texas Commission on Environmental Quality  
Modification to Municipal Solid Waste Permit No. 1312A; and Texas  
Commission on Environmental Quality Application to Obtain Municipal  
Solid Waste Permit Amendment - Permit No. 1312B
  3.     Section 551.072 (Real Estate): Property Acquisition
  4.     Section 551.087 (Economic Development): Deliberation Regarding  
Economic Development Negotiations
- K.     **RECONVENE** into Regular Session and Consider Action, if Any, on Items  
Discussed in Closed Session.
- L.     **ADJOURNMENT**

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).