

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 18, 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. 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:** Councilman Durham
- C. **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.
- D. **Consideration of Items Relating to the May 9, 2015, City of Lewisville General Election:**
1. Canvass of the Election Returns for the City Council General Election
 2. Consideration of a Resolution Declaring the Results of the City Council Election
 3. Presentation of Certificates of Election by Mayor Ueckert and Oath-of-Office to Newly Elected Council Members – Mayor, Place No. 2 and Place No. 5 by Judge Brian Holman.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

- E. **PROCLAMATION:** Declaring the Week of May 3-9, 2015, as “National Drinking Water Week” and May 17-23, 2015, as “National Public Works Week”
- F. **PRESENTATION:** Recognition to Police Officer Jose Montoya for Filing the Most LEADRS Cases in the State in 2014, Presented by Kevin Ryan and John Wilderson With the TMPA LEADRS Program
- G. **PUBLIC HEARING:** Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Facility With Outdoor Mobile Home and Auto Display and Sales With Such Permit Limited to Recreational Vehicles/Travel Trailer Display and Sales Only on an Approximately 1.313 Acre Tract of Land; Located on Lots 2, 3R-1 and 4, Block A, of the Purnell Addition; With Two Associated Variances, as Requested by Campers 4 Rent With Permission From Kukla Enterprises, Inc. the Property Owner (Case No. SUP-2015-04-01).

ADMINISTRATIVE COMMENTS:

The subject request is for a proposed RV/Travel Trailer rental and sales facility on a 1.313 acre property zoned Light Industrial (LI), which is currently vacant. The facility will accommodate approximately 6,400 square feet area for display of vehicles for rent and sale and will also provide a dump station. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on April 7, 2015 with a condition that sanitary sewer flows on the site be metered; recommended approval of the driveway stacking variance and recommended denial of the use of a temporary office to conduct business during construction.

RECOMMENDATION:

That the City Council approve the requested Special Use Permit with the condition specified in the SUP ordinance regarding limiting display and sales to RV/Travel Trailers; requiring a sanitary sewer meter to measure waste water discharge at the RV dump station shown on the development plan; approve the driveway stacking variance and deny the request for a temporary office to conduct business.

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Scott Huizenga, Campers 4 Rent

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

- H. **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.
1. **APPROVAL OF MINUTES:** City Council Minutes of the May 4, 2015, Workshop Session and Regular Session.
 2. **Approval of Bid Awards for Annual Requirements Contracts for Water and Wastewater Treatment Chemicals for Public Services to Pennco, Inc., San Felipe, Texas for Liquid Ferric Sulfate, and Standard Purification, Dunnellon, Florida for Activated Carbon.**

ADMINISTRATIVE COMMENTS:

A total of thirteen (31) bid invitations were downloaded from BidSync.com. Six (6) bids were received and opened on April 16, 2015. These chemicals are used for the treatment and disinfection processes for both Water and Wastewater. The term of the contracts will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available in Public Services operating budget.

RECOMMENDATION:

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

3. **Approval of a Bid Award for an Annual Requirements Contract for Street Sweeping to Mister Sweeper LP, Dallas, Texas, in the Estimated Amount of \$93,613.**

ADMINISTRATIVE COMMENTS:

A total of four (4) bid invitations were downloaded from Bidsync.com. Two (2) bids were received and opened on March 26, 2015. This contract involves the sweeping of residential streets four (4) times per year and commercial streets six (6) times per year. The contract also provides for additional sweeping due to public events and inclement weather. The term of the contracts will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available in Public Services' operating budget.

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

RECOMMENDATION:

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

- 4. Approval of a Change Order No. 2 to the Traffic 2012 Signal and Paving Project in the Amount of \$212,094.11; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

On December 1, 2014, the City Council awarded a contract to Pavecon Public Works, L.P. for the Traffic 2012 Signal and Paving project in the amount of \$1,943,005.42. Staff has negotiated with Pavecon Public Works for Change Order No. 2 in the amount of \$212,094.11 to perform additional utility work at the Mill/College intersection in order to complete the project. The additional utility work required includes the removal/abandonment of old sewer and water lines and installation of new water and sewer lines within the intersection project limits prior to placement of new paving. The majority of the proposed utility work was originally covered in a different project (2014 Utility Replacements), however because of construction timing for the subject intersection, is being accelerated and will be deleted from the other project which is still in design.

RECOMMENDATION:

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

- 5. Approval of a Developer Participation Agreement With the WRN Creekside Development, LLC for Drainage Improvements at 597 Bennett Lane in the Amount of \$133,143; Which Includes \$6,340 (Approximately 5%) for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

ADMINISTRATIVE COMMENTS:

This Developer Participation Agreement will reimburse WRN Creekside Development, LLC (the “Developer”) for drainage improvements which are not required for the proposed development, however will be needed as part of future drainage system improvements identified in the Railroad Street Drainage Study performed in 2011 by Graham & Associates for the City. The agreement provides for the delineation of costs, duties and liabilities between the Developer and the City regarding the construction of the drainage improvement. The City has negotiated for the installation of four 9-foot by 5-foot reinforced concrete box culverts crossing the proposed driveway to Bennett Lane for the FedEx Freight Service Center. The amount of \$126,803 plus \$6,340 for contingencies (approximately 5%) for a total of \$133,143 covers the amount up to which the City agrees to reimburse the Developer for its installation of the drainage box culverts.

RECOMMENDATION:

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

- 6. Approval of Lease Agreements Between Trett Enterprises, Inc., JT Good, Inc., LMH-SP, Inc., DFW Ice Vending LLC, and Texoma Clean Marine, LLC.**

ADMINISTRATIVE COMMENTS:

Each of the Eagle Point Marina/Trett Enterprises, Inc. sub-leases must be approved by Council and then submitted to the Corps of Engineers. Eagle Point has submitted leases (renewals) for Captained Boat Charters with JT Good, Inc./DBA JT’s Boat Rentals and for Boat Rentals with LMH-SP, Inc./DBA Just For Fun, and DFW Ice Vending LLC. A new lease has been submitted for holding tank pumpout services from Texoma Clean Marine, LLC.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

I. REGULAR HEARINGS:

- 7. Consideration of a Variance to the 1996 Castle Hills Agreement to Allow a Single Family Residence Located at 5020 Joseph Street, in Castle Hills to Encroach One-Foot and Five Inches Into the Required Five-Foot Side Yard Setback, as Requested by Matt Taylor, Division Manager of American Legend Homes.**

ADMINISTRATIVE COMMENTS:

On February 3, 2015, Barrow Land Surveying unknowingly staked the lot incorrectly at 5020 Joseph Street. As a result the house was built slightly askew on the lot and created an encroachment on the property. American Legend Homes, the home builder, is requesting a variance to allow the single family residence to encroach approximately one-foot and five inches into the required five foot setback. This lot is an interior lot, and the encroachment is located on the eastern side of the lot.

RECOMMENDATION:

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

PRESENTATION: Eric Ferris, Assistant City Manager
Eric Stanley, President & COO Bright Realty

- 8. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2014 and 2015 Rate Review Mechanism Filings; Approving a Settlement Agreement With Attached Rate Tariffs and Proof of Revenues; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent With the Negotiated Settlement; Finding the Rates to be Set by the Settlement Tariffs to be Just and Reasonable and in the Public Interest; Requiring the Company to Reimburse ASCS’s Reasonable Ratemaking Expenses; Determining that this Ordinance was Passed in Accordance With the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; Requiring Delivery of this Ordinance to the Company and the ACSC’s Legal Counsel; and Declaring an Emergency.**

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

ADMINISTRATIVE COMMENTS:

In February 2014, Atmos Mid-Tex filed its second annual filing under the Rate Review Mechanism (“RRM”) Tariff, seeking an increase of \$45.7 million. Although ACSC attempted to reach a settlement with the Company as it had in past years, the wide differences between the Company and ACSC’s consultants’ recommendations made a compromise impossible. On the recommendation of the ACSC Executive Committee and ACSC’s legal counsel, the City in 2014 adopted a Resolution denying the requested rate increase. The Company appealed the City’s denial to the Railroad Commission of Texas (“Commission”), and revised its requested increase to \$43.8 million. A hearing was held on the Company’s appeal on September 3, 2014. On April 28, 2015, the Commission’s Hearings Examiner issued his Proposal for Decision (“PFD”) in the Company’s appeal of the City’s denial of the 2014 RRM rate increase. This PFD was not favorable to ACSC, but did recommend a reduction of approximately \$860,000 to the Company’s adjusted 2014 filing. While the parties were waiting for the PFD from the Hearings Examiner in the appeal of the 2014 RRM filing, on February 27, 2015, Atmos Mid-Tex filed with the City another rate increase request under the RRM Tariff, seeking additional revenues in the amount of \$28.762 million (total system) or \$24.0 million (affected cities). The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its 2015 request to increase rates. The Ordinance and attached Settlement Agreement and tariffs are the result of negotiation between the Mid-Tex Executive Committee and the Company to resolve issues raised by ACSC during the review and evaluation of Atmos Mid-Tex’s filing. The recommended Settlement Agreement also requires Atmos to abate its appeal of the City’s rejection of the 2014 RRM rate increase pending approval by all ACSC cities of the Settlement Agreement. The Agreement requires Atmos to give the City the benefit of the adjustments to the 2014 rate increase recommended by the PFD.

RECOMMENDATION:

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

- J. **REPORTS:** Reports about items of community interest regarding which no action will be taken.

- ◆ Quarterly Investment Report From January 1, 2015 – March 31, 2015

**AGENDA
LEWISVILLE CITY COUNCIL
MAY 18, 2015**

- K. **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
- L. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- M. **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).