

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JUNE 15, 2015**

**LEWISVILLE CITY HALL
151 WEST CHURCH STREET
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION – 6:30 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 6:30 P.M.

- A. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Gilmore
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Durham
- C. **PROCLAMATION:** Declaring the month of July, as “Parks and Recreation Month”
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Self-Storage Facility With Outdoor Boat and RV/Travel Trailer Storage on a 4.559-Acre Tract of Land out of the J. Watkins Survey Abstract No. 1327, Located on the Southeast Corner of Ace Lane and FM 3040; and Zoned Light Industrial (LI), as Requested by Quinn Chen, With Permission From Ace Center, Inc., the Property Owner (Case No. SUP-2015-05-05).

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ADMINISTRATIVE COMMENTS:

The subject request is for a proposed 84,843 square-foot storage facility with a single row of outdoor boat and RV/Travel Trailer covered parking on a 4.559-acre property, which is currently vacant. The site will also contain 1,800 square feet of office space and a 1,320 square-foot apartment for the self-storage manager. The proposed self-storage facility will meet the 80% brick and stone requirement for a gateway. Landscaping of the site will exceed the standard requirements. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on May 19, 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
Samuel Ng, KSNG Architects, Inc.

2. **Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance; and Consideration of a Resolution to Continue the Current Ordinance.**

ADMINISTRATIVE COMMENTS:

This is the second public hearing being held in accordance with provisions of the Local Government Code Section 370.002 in order to allow public input regarding the City's Juvenile Curfew Ordinance adopted September 12, 1994. The City Council may abolish, continue, or modify the ordinance.

RECOMMENDATION:

That the City Council conduct the public hearing and approve a resolution to continue the current City Juvenile Curfew Ordinance.

- 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.

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- 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.
3. **APPROVAL OF MINUTES:** **City Council Minutes of the June 1, 2015, Workshop Session and Regular Session.**
4. **Approval of a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City to Apply for a Grant for the Improvement of Jones Street From Cowan Avenue to Kealy Avenue, Kealy Avenue from the MKT Railroad to Jones Street and the Entrance Roadway into LLELA from the Intersection of Jones and Kealy to The Elm Fork Trinity River from The US Department of Transportation Federal Lands Access Program.**

ADMINISTRATIVE COMMENTS:

The US Department of Transportation has issued a call for projects for the Federal Land Access Program (FLAP) in Texas. The purpose of the subject program is to improve transportation facilities that provide access to, are adjacent to or are located within Federal lands. Both Jones Street from Cowan Avenue to Kealy Avenue and Kealy Avenue from the MKT Railroad to Jones Street are substandard City streets that provide direct access to the Lake Lewisville Environmental Learning Area (LLELA). The entrance roadway into LLELA is an existing asphalt roadway providing access to various activities within LLELA. If the application is successful, the grant will provide funding for the design and construction of both Jones Street and Kealy Avenue. A resolution supporting the application is required as part of the application submittal. The City previously applied for and received a FLAP grant in 2014 to improve the roadways within Lake Park.

RECOMMENDATION:

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

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- 5. Approval of a Professional Services Agreement With Dunaway Associates, L.P. in the Amount of \$556,290 for Design and Construction Phase Services Relating to the McKenzie Hembry Neighborhood Improvement Project; Approval of a Total Project Design Budget of \$584,100 Which Includes \$27,810 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The project consists of replacing the existing asphalt paving with concrete pavement, replacing existing sanitary sewer and water lines, and adding storm sewer improvements. Sidewalks will be added where existing right of way allows in the McKenzie Hembry neighborhood area. The engineer's construction cost estimate for the project is \$4,497,173. Staff has negotiated a Professional Services Agreement with Dunaway Associates, L.P. in the amount of \$556,290 to include preliminary schematics, resident meetings, design and construction services, surveying, subsurface utility exploration, easement preparation, and geotechnical investigation. A total project budget amount of \$584,100 is requested, which includes \$27,810 (approximately 5%) for contingencies.

RECOMMENDATION:

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

- 6. Approval of the Fiscal Year 2014-2015 Mid-Year Report; Approval of a Supplemental Appropriation to the General Fund in the Amount of \$80,000 for Outside Legal Expenses; Approval of a Supplemental Appropriation to the 2025 Implementation/Incentives Fund in the Amount of \$757,027; Approval of Supplemental Appropriations from General Fund Reserves to the Wayne Ferguson Plaza Capital Project in the Amount of \$190,000, and to the Old Town Restaurants/Improvements Capital Project in the Amount of \$250,000; and Approval of a Supplemental Appropriation from Fire Services District Fund Reserves to the Fire Station No. 3 Capital Project in the Amount of \$146,178.**

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ADMINISTRATIVE COMMENTS:

At the completion of the first six months of the fiscal year, staff conducts a review and provides a report on the financial status of all funds in relation to the authorized budget. This year the report is later than normal due time constraints related to the financial software conversion. General Fund revenues are projected to end the 2014-15 fiscal year ahead of budget due primarily to sales tax collections. Water sales are projected below original budget estimates by \$701K due to the large amount of rain received so far to date. This report includes a new fund, the 2025 Implementation/Incentives Fund. This fund was created through a transfer from the General Fund approved during last year's budget process. The amount transferred from the General Fund was \$757,027. A supplemental appropriation is required to that fund in order to appropriate the funding for spending in accordance with the budget ordinance. In addition, a supplemental appropriation is requested in the amount of \$80,000 to fund legal expenses related to Wayne Ferguson Plaza and voting rights, etc. Supplemental appropriations are also being requested to three existing capital projects.

RECOMMENDATION:

That the City Council approve the FY 2014-2015 Mid-Year Budget report and supplemental appropriations as stated in the caption above.

- 7. Approval of an Agreement with P.I.E. Management, L.L.C. to Supply Temporary Services for City Departments for a One Year Period With an Option to Renew for Two Additional Years; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville requested proposals for temporary services on April 16, 2015. A total of six proposals were received. Staff recommends the contract be awarded to P.I.E. Management, L.L.C. based on the cost and expected quality of service.

RECOMMENDATION:

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

- 8. Approval of a Resolution Nominating Mayor Sue Tejml to the Board of Managers of the Denco Area 9-1-1 District.**

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ADMINISTRATIVE COMMENTS:

Sue Tejml, Mayor of Town of Copper Canyon, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mayor Tejml's term expires on September 30, 2015 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by July 15, 2015. Mayor Tejml has expressed her desire to serve another term.

RECOMMENDATION:

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

G. **REGULAR HEARINGS:**

9. **Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Adopting a Ninety (90) Day Moratorium on the Acceptance of Applications for Permits for Development of Undeveloped Commercial Property Zoned Light Industrial Located North of Valley Ridge Boulevard, East of McGee Lane, West of IH-35E and South of Lewisville Lake, and More Specifically Described in Exhibit "A", Providing for Written Findings, Providing an Expiration Date, Providing for an Extension of Such Moratorium, Providing a Waiver Procedure, Providing for Limitations on Moratorium for Persons With Vested Rights; Performance of the First Reading of the Ordinance; and Setting a Special Meeting for the Second Reading of the Ordinance.**

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ADMINISTRATIVE COMMENTS:

The City Council adopted the Lewisville 2025 Plan in June 2014 and the I-35 Redevelopment Plan in November 2014 to improve property values, create a strong future tax base and to ensure that all property owners are protected from uses that may be contrary to the adopted plans. Both plans had significant public input during the development process. Staff recommends a 90-day moratorium on the acceptance of applications for development permits of undeveloped commercial property zoned light industrial located north of Valley Ridge Boulevard, east of McGee Lane, west of IH-35E and south of Lewisville Lake to finalize the charrette booklet/study and to create a framework to implement the adopted plans. Two public hearings regarding the proposed moratorium have been held, both were advertised in the newspaper as required by law. If the Council adopts this ordinance, a second reading, separated by at least four days, is required by state law. Therefore, a special meeting is recommended to be held on Monday, June 22, 2015, for the second reading of the ordinance.

RECOMMENDATION:

That the City Council approve the proposed ordinance as set forth in the caption above, conduct the first reading, and set a special meeting for the second reading of the ordinance.

10. Discussion and Consideration of Appointment to the Denton County Behavioral Health Leadership Team.

ADMINISTRATIVE COMMENTS:

The Denton County United Way sponsored the creation of the Denton County Citizen's Council on Mental Health in February 2014. Denton County United Way President and CEO, Gary Henderson, presented findings from a study conducted by the Meadows Foundation and distributed a copy to the city council at the June 1, 2015 workshop. The next step recommended by the study is to create a Denton County Behavioral Health Leadership Team made up of mostly community leaders. There is room on the leadership team for two appointees to represent the City of Lewisville from the City Council.

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RECOMMENDATION:

That the City Council appoint Assistant City Manager Melinda Galler and consider appointing a member of City Council to the Denton County Behavioral Health Leadership Team.

11. Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees.

ADMINISTRATIVE COMMENTS:

On June 30, various terms of office on the City's boards, commissions, and committees will be expiring. Those positions have been identified and current appointees notified. The Board/Commission/Committee Appointment Process Electronic Notebook has been created for City Council's review. Data sheets for members requesting reappointment and all new applicants have been included in the book. At the June 1, 2015 City Council meeting, the following teams interview teams were set up: Mayor Durham and Councilman Vaughn; Mayor Pro Tem Ferguson and Councilman Daniels; and Deputy Mayor Pro Tem Tierney and Councilman Gilmore.

RECOMMENDATION:

That the City Council proceed with the appointment process to the various City Boards/Commissions/Committees.

12. Consideration of Upcoming Meeting Dates for the City's Budget Process.

ADMINISTRATIVE COMMENTS:

City staff has provided a calendar showing the important upcoming dates for Council meetings regarding the City's budget process. The Budget Workshop is recommended to be scheduled for August 1.

RECOMMENDATION:

That the City Council review the proposed calendar, direct City staff regarding any necessary changes, and adopt the calendar.

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- H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- Analysis of Asphalt vs. Concrete Pavement
- 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): *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
- J. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- K. **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).