

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
JULY 20, 2015**

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

**WORKSHOP SESSION - 3:30 P.M.
REGULAR SESSION - 7:00 P.M.**

(WORKSHOP SESSION WILL RECESS FROM 6:00 P.M. – 6:30 P.M.)

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 3:30 P.M.

- A. Cooksey Report
- B. Charter Review Final Recommendations
- C. GO Bond Program / Utility Fund Capital Plan / Utility Fund Rates
- D. 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. **PRESENTATIONS:**
 - 1. Recognition of Keep Lewisville Beautiful (KLB) as Recipient of the 2015 Governor's Community Achievement Award (GCAA), Presented by Keep Texas Beautiful (KTB).
 - 2. Certificates of Appointment and Oaths-of-Offices to Reappointed and Newly Appointed Members of the City's Boards/Commissions/Committees.

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of a Request to Annex a 0.418 Acre Tract of Land, Generally Located East of Standridge Drive, North of Hebron Parkway, West of Swan Forest Drive and South of Sir Tristram Lane and More Specifically Described in Exhibit “A” of the Petition for Annexation of Lands, at the Request of the Landowner, CH PH 9, LLC.**

ADMINISTRATIVE COMMENTS:

On June 30, 2015, CH PH 9, LLC, the owner of approximately 0.418 acres within the extraterritorial jurisdiction of the City, generally located east of Standridge Drive, north of Hebron Parkway, west of Swan Forest Drive and south of Sir Tristram Lane, as more particularly described in Exhibit “A” of the Petition for Annexation of Lands (the “Property”), filed with the City Secretary a petition requesting the Property be annexed by the City. The City is authorized by law to annex the Property but must hold two public hearings regarding annexation prior thereto. This public hearing represents the first of two public hearings necessary before the annexation can be formally approved. Notice for this public hearing has been properly posted.

RECOMMENDATION:

That the City Council conduct the first of two public hearings on the proposed annexation.

- 2. Public Hearing: Consideration of a Request to Annex a 0.418 Acre Tract of Land, Generally Located East of Standridge Drive, North of Hebron Parkway, West of Swan Forest Drive and South of Sir Tristram Lane and More Specifically Described in Exhibit “A” of the Petition for Annexation of Lands, at the Request of the Landowner, CH PH 9, LLC.**

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RECOMMENDATION:

That the City Council conduct the second of two public hearings on the proposed annexation.

3. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) With Two Associated Variances to the Lewisville City Code of Ordinances Including Section 6-123 (d) Interior Landscaping; and Section 6-162 (a)(27) Parking Requirements; for a Self-Storage Facility on a 0.801-Acre Tract of Land; Legally Described as a Portion of Lot 1R-2, Block C of the McGee Addition Phase III, Located in the Southwest Quadrant of McGee Lane and FM 407; and Zoned Light Industrial (LI), as Requested by G&A Consultants, With Permission From McGee Lane Self-Storage, Inc., the Property Owner (Case No. SUP-2015-06-06).**

ADMINISTRATIVE COMMENTS:

The SUP request is for a proposed 53,700 square-foot, three story storage facility on a 0.801-acre property, which is currently vacant. The proposed self-storage facility will meet the 80% brick and stone requirement for a gateway. The applicant is also requesting the following two variances to the General Development Ordinance: 1) To waive the required parking lot and interior landscaping requirements; and 2) To reduce the number of required parking spaces. The Planning and Zoning Commission recommended approval of the SUP by a vote of 6-0 at their meeting on June 16, 2015.

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RECOMMENDATION:

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

PRESENTATION: Nika Reinecke, Dir. of Economic Development / Planning
Randi Rivera, G&A Consultants, Inc.

4. **Public Hearing: Consideration of an Ordinance Granting a Zone Change From Multi-Family Two (MF-2) District to Medical District (MD); on a 7.317-Acre Lot, Legally Described as Lot 1R, Block B, Crossroads Centre South Addition; Located at the Northwest Corner of Windhaven Parkway and Cookie Lane at 2500 Windhaven Parkway, as Requested by Discovery Senior Living, the Property Owner (Case No. PZ-2015-07-10).**

ADMINISTRATIVE COMMENTS:

The requested zone change will allow the existing senior independent living facility to move forward with expansion plans for additional independent living units and an assisted living facility on the adjacent 2.782-acre property to the northeast, which is zoned MD. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on July 7, 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
Nathan Forney, Kimley-Horn, Inc.

5. **Public Hearing: Consideration of an Ordinance Granting a Zone Change From Multi-Family Two (MF-2) District to Townhouse Two Residential (TH-2) District, on a 0.0723-Acre Lot Legally Described as Lot 4, Block B, Greenvalley Addition No. 1, Located on the West Side of Alice Lane, Approximately 75 Feet North of Kathy Lane, as Requested by Agam Patel and Nirupaben Patel, the Property Owners (Case No. PZ-2015-06-08).**

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ADMINISTRATIVE COMMENTS:

The requested zone change will provide consistency with the three adjacent, vacant lots to the south and the surrounding neighborhood, which consists primarily of attached townhomes. The applicant, which owns the three lots to the south, plans to construct townhomes on these 4 vacant lots. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on June 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
Agam Patel, Property Owner

- 6. Public Hearing: Consideration of an Ordinance Granting a Zone Change From Old Town Mixed Use 2 (OTMU2) District to Parking District (PK); on a 0.403-Acre Lot, Legally Described as Lot 9R, Block 22 of the Kealy Addition, Located on the North Side of E. Main Street, West of Railroad Street, at 541 East Main Street, as Requested by Alex Paint and Body, LLC, the Property Owner (Case No. PZ-2015-06-09).**

ADMINISTRATIVE COMMENTS:

The applicant originally requested the zone change from OTMU2 to PK to allow construction of a parking lot for customer and employee parking associated with the paint and body shop business, which is located on the adjacent lot to the east. The Planning and Zoning Commission recommended denial of the zone change by a vote of 4-2 at their meeting on June 16, 2015. On July 15, 2015, the applicant submitted a letter requesting that the zone change application be withdrawn.

RECOMMENDATION:

That the City Council accept the applicant's request to withdraw the zone change application from Old Town Mixed Use 2 (OTMU2) to Parking District (PK).

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- 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.
7. **APPROVAL OF MINUTES:** **City Council Minutes of the July 6, 2015, Workshop Session and Regular Session.**
8. **Approval of an Amendment to a Project Utility Adjustment Agreement With AGL Constructors, the Design Build Developer for I-35E Managed Lanes Project, Related to Funding and Construction of Utility Adjustments Along I-35E in Lewisville; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In November, 2013, the City Council approved a Project Utility Adjustment Agreement (PUAA) with AGL Constructors, the design build developer for the I-35E Managed Lanes Project to relocate utilities along I-35E in Lewisville in preparation for the Phase 1, Managed Lanes Project from LBJ Freeway in Farmers Branch to Hwy. 380 in Denton. The original agreement covered utility relocations north of Grandy's Lane and included a number of betterments requested by the City of Lewisville. The original agreement split out the costs of the base utility relocations and the betterments. In addition to the PUAA, Council approved a supplemental appropriation in the amount of \$1,596,936 to fund the requested betterments. Amendment 001 covers additional utilities that require relocation south of Grandy's Lane. The original agreement along with the amendment defines AGL and City responsibilities with regard to construction and funding of the proposed utility relocations, adjustments and upgrades and must be executed before new utility construction can proceed. The City of Lewisville is not requesting any betterments related to the additional utility relocations south of Grandy's Lane, thus there will be no additional cost to the City as a result of the amendment.

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RECOMMENDATION:

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

- 9. Approval of an Agreement for Ad Valorem Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2015-16; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

In Fiscal Year 1997-98, the City entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. Services provided have been satisfactory and reliable. The contract rate per parcel will be \$0.69, the same rate as last year. Funding to cover this expenditure is proposed in the Finance Department General Fund 2015-16 budget.

RECOMMENDATION:

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

- 10. Approval of a Resolution Accepting the Fiscal Year 2016 Financial Plan of the Denco 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

At their June 11, 2015 meeting, the Denco Area 9-1-1 District Board of Managers unanimously approved the FY 2016 draft financial plan. Pursuant to Section 772.309 of the Texas Health and Safety Code, Denco Area 9-1-1 is required to provide a draft of its annual financial plan to all participating jurisdictions soliciting comments. Response is requested prior to August 14, 2015. The District Board of Managers at their regular meeting on September 10, 2015 will consider any responses on the draft budget and final approval of the 2016 financial plan. The plan provides for operations and services at the same rate that has been collected from district residents since Denco's inception in 1987.

RECOMMENDATION:

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

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G. REGULAR HEARINGS:

- 11. Consideration of a Variance to Lewisville City Code, Section 2-201, Fee Schedule, Regarding Waiving the Adoption Fee for the Upcoming “Clear the Shelter” Adoption Event to be Held Conjointly With Multiple Participating City Shelters and Other Animal Organizations Throughout Texas and the United States on August 15, 2015.**

ADMINISTRATIVE COMMENTS:

Last year the City of Lewisville Animal Adoption Center and 33 other Shelters in the Dallas-Fort Metroplex participated in the Inaugural “Empty the Shelter” Campaign on Saturday, August 15, 2014. Last year, 2,213 animals were adopted on that day. This year, all shelters across the United States are being asked to participate in the NBC/ Telemundo Sponsored Event. The event, which has been re-named “Clear the Shelter” is scheduled to take place this year on August 15, 2015. The shelters choosing to participate must again be in agreement with the following two requirements: 1) to waive the applicable City adoption fee during the event; and 2) participating cities must be agreeable to partnering with the NBC’s promotional team in order to use similar announcements to help publicize the event.

RECOMMENDATION:

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

- 12. Consideration of a Variance to Lewisville City Code, Section 2-201, Fee Schedule, Regarding Waiving the Deposit and Fees for Use of the Community Room at the Municipal Annex for the US Army Reserves for the Memorial Service of Sergeant Colby Bozo on August 16, 2015.**

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ADMINISTRATIVE COMMENTS:

City staff was recently contacted by the Army Reserve Family Program Office regarding the use of a City facility to hold a Memorial Service for Sergeant Colby Bozo. Sergeant Bozo was based out of a Reserve Unit that is stationed in Lewisville and had tours in Iraq and Afghanistan. Sergeant Bozo was killed in a vehicle accident on June 25, 2015. His pregnant wife, Kristen, was seriously injured and their baby was born premature due to this accident. The unit would like to hold a Memorial Service in Lewisville for members of the Reserve Unit as well as his wife and family members. Due to her injuries, she was unable to attend his funeral services. Staff is requesting that the City Council consider waiving the deposit of \$300 along with the five hour rental fee of \$250 for the Community Room on August 16, 2015. The Unit does intend to conduct a 21 Gun Salute at the service and are currently working with the Police Department.

RECOMMENDATION:

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

- 13. Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, General Obligation Refunding Bonds, Series 2015; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Agreement, A Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$23,015,000 of City of Lewisville, Texas, General Obligation Refunding Bonds, Series 2015 will provide funds for refunding the City's Series 2005 General Obligation Refunding and Improvement Bonds, Series 2006 General Obligation Bonds, and a portion of Series 2007 General Obligation Refunding and Improvement Bonds, 2007A Combination Tax and Revenue Certificates of Obligation and 2007B Combination Tax and Revenue Certificates of Obligation and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

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PRESENTATION: Boyd London and Jason Hughes
First Southwest Company

- 14. Consideration of an Ordinance Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2015; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement, A Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Bonds for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

ADMINISTRATIVE COMMENTS:

The issuance of approximately \$12,105,000 of City of Lewisville, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2015 will provide funds for refunding the remaining portion of the City's Series 2005 and 2006 Revenue Bonds, new funding of \$8,050,000 for constructing, acquiring and installing improvements, additions, and extensions to the City's waterworks and sewer system and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

PRESENTATION: Boyd London and Jason Hughes
First Southwest Company

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

- ◆ City of Lewisville Comprehensive Medical Plan Report
- ◆ Second Quarter 2015 Boards/Commissions/Committees Attendance Reports

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- 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).