

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
AUGUST 17, 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. G.O. Bond Program
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Mayor Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Daniels
- C. **PROCLAMATIONS:**
 - 1. Declaring the Month of September, 2015, as “Blood Cancer Awareness Month”
 - 2. Declaring the Month of September, 2015, as “Live United Month”

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of the Proposed FY 2015-2016 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate.**

ADMINISTRATIVE COMMENTS:

In accordance with the City Charter and state law, a public hearing is being held on the proposed FY 2015-16 budget, property tax revenue increase and proposed property tax rate to provide an opportunity for citizen comment. The proposed FY 2015-16 property tax rate is .436086, equal to the current .436086 tax rate. The proposed budget includes changes made by City Council at the budget workshop held on August 1st. The first public hearing will be held today and a second, and final, public hearing will be held on September 14, 2015 at 7:00 p.m. An agenda item to adopt the budget, property tax revenue increase, and property tax rate will be on the September 21, 2015 City Council meeting at 7:00 p.m. in the Council Chambers.

RECOMMENDATION:

That the City Council conduct the public hearing.

- 2. Public Hearing: Consideration of the Advisability of Improvements in the Proposed Addition of Approximately 33.28 Acres of Land to the Currently Existing Lewisville Castle Hills Public Improvement District No. 7 Within the City of Lewisville.**

ADMINISTRATIVE COMMENTS:

Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of improvements in a public improvement district. Notice of the hearing was published in a newspaper of general circulation and included the estimated cost of the improvements, boundaries of the proposed districts, proposed method of assessment and the proposed apportionment of cost between the improvement district and the municipality.

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RECOMMENDATION:

That the City Council conduct a public hearing considering the advisability of expansion of Castle Hills PID No. 7, as set forth in the caption above.

- 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.

3. **Approval of Waiving the Penalty and Interest on Property Tax Accounts 635339DEN, 635340DEN, 635342DEN, 635343DEN, 635345DEN, 635347DEN, and 651407DEN for 2014.**

ADMINISTRATIVE COMMENTS:

These accounts are a few of a number of tax delinquencies recently discovered to have been placed in an “Exempt” status under the name of “TxDOT”. They involved a condemnation process whereby the Texas Department of Transportation acquired property from taxpayers in the year 2014 that is at issue here for unpaid taxes. Timely notice was not provided to the taxpayers of taxes owed for the portion of the year the property was owned by the taxpayers. Upon recent notification by Sawko & Burroughs, the City’s delinquent tax collector, that this 2014 tax was unpaid, the taxpayers timely paid same under protest, together with accrued penalty and interest, and filed this request for waiver and refund of the penalty and interest paid. It is the opinion of Sawko & Burroughs, based on the information provided, the circumstances in this case satisfy the waiver provision in state law. Waivers for these two taxpayers total \$356.87.

RECOMMENDATION:

That the City Council approve the waiver of the penalty and interest on the property tax accounts as set forth in the caption above.

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- 4. Approval of a Resolution Authorizing City Social Service Agency Fund Agreements Between the City of Lewisville and Agencies Receiving Re-allocated Funds; and Authorization for the City Manager to Execute the Agreements.**

ADMINISTRATIVE COMMENTS:

Empowering America's Future (EAF), an agency funded from the City Social Service Agency Fund for Fiscal Year 2014-15, was not able to fulfill the terms of its contract. EAF acknowledged that they would not be able to spend the \$4,500 grant funds for services this year. The CDBG Advisory Committee, in a meeting on June 16, 2015, recommended re-allocating funds to Communities In Schools. City staff further recommends re-allocating funds to Youth & Family Counseling.

RECOMMENDATION:

That the City Council approve the resolution and authorize the City Manager to execute the agreements.

- 5. Approval of Change Order No. 1 to the Valley Ridge Boulevard (Mill Street to College Street) Project in the Amount of \$2,437,270; and Authorization for the City Manager to Execute the Change Order.**

ADMINISTRATIVE COMMENTS:

On December 1, 2014, the City Council awarded a contract to Mario Sinacola and Sons Excavating, Inc. for the Valley Ridge Boulevard (Mill Street to College Street) project in the amount of \$14,639,622.90. Staff has negotiated with Mario Sinacola and Sons Excavating, Inc. for Change Order No. 1 in the amount of \$2,437,270.00 to remove excess buried construction waste material which was undetected during initial soils testing in order to complete the project. The additional work required includes the removal of unsuitable waste material and replacing it with imported earth fill. In addition, the change order also covers the cost of additional environmental testing of the debris required to dispose of the material at Waste Management Landfill. The change order cost can be covered with funding from other project accounts while staff works to secure additional funding sources to backfill those projects.

RECOMMENDATION:

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

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- 6. Approval of an Agreement With the Upper Trinity Regional Water District Allowing for the Relocation of Certain Pipeline Facilities Including Design, Construction and Related Administrative Items for the Windhaven at KCS Railroad Underpass; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Project consists of constructing a railroad bridge, a roadway underpass connecting Windhaven Parkway on each side of the KCS railroad, pedestrian improvements, storm drainage improvements including a drainage lift station, and various utility adjustments including two Upper Trinity Regional Water District waterlines. The subject agreement defines City of Lewisville and Upper Trinity Regional Water District responsibilities and costs for the adjustment of the two Upper Trinity water mains as well as timing restrictions for the construction. The estimated total cost to design and construct the subject Upper Trinity water mains is \$743,300 including reimbursement to the Upper Trinity Regional Water district for administrative costs associated with plan review and inspection and is an eligible cost under the RTR funding. Staff has negotiated the subject agreement with the Upper Trinity Waster District to fund, design and construct the proposed water mains.

RECOMMENDATION:

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

- 7. Approval of a Professional Services Agreement With McCreary & Associates, Inc., in the Amount of \$114,000 for Professional Engineering Services for Design of an Emergency Generator System for the Wastewater Treatment Plant; and Authorize the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

State regulations require a backup power source for plant operations during power outages. McCreary & Associates, Inc. has submitted a professional services agreement (PSA), in the amount of \$114,000, for design of a 1500kW emergency generator, transfer switchgear, fuel system, and integration with the current electric system, for the City's treatment plant. This PSA also includes civil site work, structural engineering design for the generator building, equipment foundation designs, and surveying the site for construction. Funding for the project is available in the Capital Improvement Program.

RECOMMENDATION:

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

- 8. Approval of a Professional Services Agreement With HDR Engineering, Inc., in the Amount of \$89,894, for Professional Engineering Services for Design of the Raw Water Intake Copper Ion Generator Implementation.**

ADMINISTRATIVE COMMENTS:

The City retained HDR Engineering, Inc. to perform a Water Production Pretreatment Process Review to investigate Zebra Mussel mitigation strategies compatible with our taste and odor removal system. Copper Ion Generation was selected to protect Lewisville's structures. HDR Engineering, Inc. will provide the engineering design for a Copper Ion Generation System, and the design, construction, and start-up administration, as well as coordination with the Texas Commission on Environmental Quality for the project. The Copper Ion Generation System will be installed at both Raw Water Intakes. Funding for the project is available in the Capital Improvement Program.

RECOMMENDATION:

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

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- 9. Acceptance of Property Located on a Portion of 1006 Lakeland Drive; Further Identified as a Portion of Lot 16, Block F, Lakeland Terrace 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed From Rodney Zellars, Joan Zellars and Jennice Daniels, as Co-Trustees of the First Amended Rodney and Joan Zellars Family Revocable Trust.**

ADMINISTRATIVE COMMENTS:

TXDOT schematics have identified certain properties that lie within the proposed future expansion area and have begun right-of-way acquisitions. The portion acquired by TXDOT bisected the existing house, which has since been demolished. The remaining portion of the General Business (GB) lot has also been left unbuildable. The property being donated is the remainder of the lot that fronts onto Lakeland Drive.

RECOMMENDATION:

That the City Council accept that Portion of Lot 16, Block F, Lakeland Terrace 2 Addition being conveyed to the City of Lewisville, Texas by the Zellars Family Revocable Trust Donation Deed.

- 10. Acceptance of Property Located on a Portion of 980 Lakeland Drive; Further Identified as a Portion of Lot 14, Block F, Lakeland Terrace 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed from Rodney Zellars, Joan Zellars and Jennice Daniels, as Co-Trustees of the First Amended Rodney and Joan Zellars Family Revocable Trust.**

ADMINISTRATIVE COMMENTS:

TXDOT schematics have identified certain properties that lie within the proposed future expansion area and have begun right-of-way acquisitions. The portion acquired by TXDOT bisected the existing house, which has since been demolished. The remaining portion of the General Business (GB) lot has also been left unbuildable. The property being donated is the remainder of the lot that fronts onto Lakeland Drive.

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RECOMMENDATION:

That the City Council accept that Portion of Lot 14, Block F, Lakeland Terrace 2 Addition being conveyed to the City of Lewisville, Texas by the Zellars Family Revocable Trust Donation Deed.

- 11. Acceptance of Property Located on a Portion of 174 South Shore Place; Further Identified as a Portion of Lot 2, Block M, Lakeland Terrace 2 Addition, Being Conveyed to the City of Lewisville, Texas by Donation Deed from Bruce Properties LLC.**

ADMINISTRATIVE COMMENTS:

TXDOT schematics have identified certain properties that lie within the proposed future expansion area and have begun right-of-way acquisitions. The portion acquired by TXDOT bisected the existing building, which has since been demolished. The remaining portion of the General Business (GB) lot has also been left unbuildable. The property being donated is the remainder of the lot that fronts onto South Shore Place.

RECOMMENDATION:

That the City Council accept that Portion of Lot 2, Block M, Lakeland Terrace 2 Addition being conveyed to the City of Lewisville, Texas by the Bruce Properties LLC. Donation Deed.

G. REGULAR HEARINGS:

- 12. Consideration of an Ordinance Disannexing a 0.134 Acre Tract of Land Described In Exhibit “A” of the Petition for Disannexation by the Landowner, CH PH 9, LLC.**

ADMINISTRATIVE COMMENTS:

On June 30, 2015, CH PH 9, LLC, the owner of approximately 0.134 acres within the corporate boundaries of the City, specifically described in Exhibit “A” of the petition for disannexation (the “Property”), filed with the City Secretary a petition requesting the Property be disannexed by the City. The City is authorized by law to disannex the Property pursuant to section 43.142 of the Texas Local Government Code and section 1.04 of the Lewisville City Charter.

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RECOMMENDATION:

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

- 13. Consideration of an Ordinance Annexing 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 Ordinance at the Request of the Landowner, CH PH 9, LLC, and Approving a Service Plan.**

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 and more specifically described in Exhibit “A” of the proposed ordinance (the “Property”), filed with the City Secretary a petition requesting the Property be annexed by the City. All notice requirements have been satisfied, and two public hearings on the requested annexation were held consecutively in July 20, 2015. A service plan for the annexed area was made available for public inspection and explained at the public hearings. Specifically, municipal services will be provided at the same level for the annexed area as for other parts of the City with similar land uses and population densities.

RECOMMENDATION:

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

- 14. Consideration of a Resolution for the Addition of Approximately 33.28 Acres of Land to the Currently Existing Lewisville Castle Hills Public Improvement District No. 7 Pursuant to Chapter 372 Texas Local Government Code.**

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ADMINISTRATIVE COMMENTS:

At the July 6, 2015 City Council meeting, a petition requesting to add approximately 33.28 acres of land to Lewisville Castle Hills PID No.7 was accepted and a public hearing related to the advisability of the expansion and proposed improvements was called for August 17, 2015. Chapter 372 of the Local Government Code requires that a public hearing be held to determine the advisability of the proposed improvements. Once the public hearing is held, if the City Council believes it is advisable to expand the district to provide the designated public improvements, the proposed resolution should be approved. This same resolution expands the public improvement district in accordance with state law.

RECOMMENDATION:

That the City Council approve the resolution regarding the advisability of expansion and proposed improvements in the Castle Hills PID No. 7, as set forth in the caption above.

15. Consideration of an Ordinance Calling for a Bond Election to be Held Within the City on November 3, 2015, Making Provisions for the Conduct of the Election and Other Provisions Related Thereto.

ADMINISTRATIVE COMMENTS:

Staff has prepared three ordinance options for deliberation; 1) an ordinance that includes all previously discussed bond projects (including an aquatics facility as part of a multi-generational recreation center overall facility. The aquatics facility would be included in the parks and recreation proposition; 2) an ordinance that excludes an aquatics facility; and 3) an ordinance that separates the aquatics facility as a stand-alone proposition (resulting in a total of four items: public safety, parks and recreation, streets, and aquatics facility).

RECOMMENDATION:

That the City Council select and approve an election ordinance as set forth in the caption above.

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- 16. Consideration of a Final Plat of Castle Hills SEC JWH Addition a 12.99 Acre Parcel Designated General Business 2 (GB2) and Light Industrial (LI), Located on the Southeast Corner of Josey Lane and Windhaven Parkway With One Associated Variance, as Requested by LandDesign Inc., Representing the Property Owner.**

ADMINISTRATIVE COMMENTS:

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Bright Farms Agreement. The subject property is being platted for the purpose of constructing future commercial development. The variance requested by the owner is to allow dedication of street, drainage, pedestrian easements in lieu of right-of-way dedication for a right turn lanes along Josey Lane and deceleration lanes on Windhaven Parkway. The Planning & Zoning Commission recommended approval of the final plat and variance (4-0) at its August 4, 2015 meeting.

RECOMMENDATION:

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

PRESENTATION: Jeff Kelly, PE Assistant City Engineer

- 17. Consideration of a Resolution Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District.**

ADMINISTRATIVE COMMENTS:

At the June 15, 2015, City Council selected Sue Tejml, Mayor of Copper Canyon as the City of Lewisville's nomination for the Board of Managers of the Denco Area 9-1-1 District. All the nominations have now been submitted from the area cities and the District has requested that each participating city vote for one of the candidates and advise the District of its selection prior to 5 p.m. on September 9, 2015. The bios/resumes of each nominee have been attached for the City Council's review.

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RECOMMENDATION:

That the City Council approve a resolution appointing one member to the Board of Managers of the Denco Area 9-1-1 District.

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

◆ Quarterly Investment Report From April 1, 2015 – June 30, 2015

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 551.074 (Personnel): Annual Staff Reviews:
 - (1) City Manager Donna Barron
 - (2) City Secretary Julie Heinze
 - (3) City Attorney Lizbeth Plaster
 - (4) Chief Municipal Court Judge Brian Holman
 - (5) Alternate Municipal Court Judges
5. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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- 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).