

LEWISVILLE CITY COUNCIL

REGULAR SESSION

AUGUST 17, 2015

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem
Greg Tierney, Deputy Mayor Pro Tem
Leroy Vaughn
TJ Gilmore
Brent Daniels

City Staff:

Donna Barron, City Manager
Steve Bacchus, Assistant City Manager
Melinda Galler, Assistant City Manager
Eric Ferris, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:00 p.m. on Monday, August 17, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

G.O. Bond Program

(Agenda Item A)

City Manager Donna Barron conducted the attached PowerPoint Presentation for City Council consideration.

Discussion was held regarding the cost of running an aquatics center, potential income, and the idea of having two separate membership fees, one for just the use of the recreation center and one for the use of the aquatics center.

Discussion was held regarding the importance of the public understanding the language listed on the ballot for the bond election for the various options. Mayor Durham questioned the City Council if they wanted to allow the voters to make the determination between the recreation center and aquatics center, or if they wanted to put the two together.

WORKSHOP SESSION – 6:00 P.M.

G.O. Bond Program (cont'd)

(Agenda Item A)

Councilman Daniels questioned if there would there be a substantial savings with building it all at once or in phases. City Manager Donna Barron there will be savings to do it all at one time due to the cost of construction ; however, regardless it should be designed in total, with an allowance for phasing if that was City Council determination. She stated that this would be one of the first projects that would be done, with the first bond sale in the spring of 2016 to complete the design and a second bond sale in 2017 for construction.

City Manager Donna Barron advised that this was the last scheduled City Council meeting that the Bond Election could be called at. She reviewed the options with the City Council pursuant to the PowerPoint Presentation.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item B)

Mayor Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C, Proclamations: 1) Declaring the Month of September, 2015, as “Blood Cancer Awareness Month” and 2) Declaring the Month of September, 2015, as “Live United Month”. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-1, Public Hearing: Consideration of the Proposed FY 2015-2016 Budget, Property Tax Revenue Increase and Proposed Property Tax Rate. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item F-3, Approval of Waiving the Penalty and Interest on Property Tax Accounts 635339DEN, 635340DEN, 635342DEN, 635343DEN, 635345DEN, 635347DEN, and 651407DEN for 2014. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. At the request of City Manager Donna Barron, City Engineer David Salmon explained that this cost was driven by expansion of the project based upon what had been determined during the geotechnical testing. He further explained that this was something that had not been known at the time the project had been bid. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item F-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. Discussion was held that the Overlay District the City Council will be approving in the near future will determine what will be done with these areas. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. At the questioning of Councilman Gilmore, City Manager Donna Barron clarified that there was still language that they will not increase the authorization of the PID.

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item G-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. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-17, Consideration of a Resolution Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District. There was no discussion on this item.

Mayor Durham reviewed Agenda Item H, Reports: Quarterly Investment Report From April 1, 2015 – June 30, 2015. There was no discussion on this item.

Mayor Durham reviewed Agenda Item I-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:45 p.m. on Monday, August 17, 2015.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, August 17, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Durham gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Councilman Daniels gave the pledge to the American and Texas flags.

**Proclamation: Declaring the Month of
September, 2015, as “Blood Cancer
Awareness Month”**

(Agenda Item C-1)

Mayor Durham read and presented a proclamation declaring the month of September, 2015, as “Blood Cancer Awareness Month” to Doug Campbell with the Leukemia and Lymphoma Society.

**Proclamation: Declaring the Month of
September, 2015, as “Live United Month**

(Agenda Item C-2)

Mayor Durham read and presented a proclamation declaring the month of September, 2015, as “Live United Month” to Gary Henderson and Mark Merki with United Way of Denton County.

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

(Agenda Item D-1)

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.

The City staff’s recommendation was that the City Council conduct the public hearing

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

**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**

(Agenda Item D-2)

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.

The City staff's recommendation was 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.

Mayor Durham opened the public hearing and advised that Drew Keith, 2624 Grail Marden, Castle Hills, Texas and Jonathan Cranz, 201 Main Street, Ste 2500, Fort Worth, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Ferguson the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

3. Approval of Waiving the Penalty and Interest on Property Tax Accounts 635339DEN, 635340DEN, 635342DEN, 635343DEN, 635345DEN, 635347DEN, and 651407DEN for 2014.
4. Approval of Resolution No.4199-08-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Contract With Budgeted City of Lewisville Social Service Fund Agencies.

CONSENT AGENDA (cont'd)

(Agenda Item F)

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.
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.
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.
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.
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.
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.
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.

The motion carried.

END OF CONSENT AGENDA

Consideration of Ordinance No. 4200-08-2015 Disannexing a 0.134 Acre Tract of Land Described In Exhibit “A” of the Petition for Disannexation by the Landowner, CH PH 9, LLC

(Agenda Item G-12)

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.

The City staff’s recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Mayor Durham advised that Drew Keith, 2624 Grail Marden, Castle Hills, Texas and Jonathan Cranz, 201 Main Street, Ste 2500, Fort Worth, Texas, were both present to respond to any questions posed by the City Council.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Providing for the Disannexation From the Corporate Boundaries of the City of Lewisville of That Certain 0.134 Acre Tract of Land Described Herein, Pursuant to the Petition for Disannexation by CH PH 9, LLC, a Texas Limited Liability Company, Containing Certain Findings; Providing a Severability Clause; Providing an Effective Date: and Declaring an Emergency.”

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4200-08-2015**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 4201-08-2015
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**

(Agenda Item G-13)

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.

The City staff’s recommendation was that the City Council approve the proposed ordinance as set forth in the caption above.

Mayor Durham advised that Drew Keith, 2624 Grail Marden, Castle Hills, Texas and Jonathan Cranz, 201 Main Street, Ste 2500, Fort Worth, Texas, were both present to respond to any questions posed by the City Council.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas Annexing a Certain 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” Attached Hereto, Which is Adjacent and Contiguous Territory to the City of Lewisville, Texas; Finding That all Necessary and Required Legal Conditions Have Been Satisfied; Providing That Such Area Shall Become a Part of the City and That the Owners and Inhabitants Thereof Shall be Entitled to the Rights and Privileges of Other Citizens and be Bound by the Acts and Ordinances now in Effect and to be Hereinafter Adopted; Approving a Service Plan; Providing a Severability Clause; Providing an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4201-08-2015**, as captioned previously. The motion carried.

Consideration of Resolution No. 4202-08-2015 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

(Agenda Item G-14)

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.

The City staff's recommendation was 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.

Mayor Durham advised that Drew Keith, 2624 Grail Marden, Castle Hills, Texas and Jonathan Craz, 201 Main Street, Ste 2500, Fort Worth, Texas, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4202-08-2015**: A Resolution of the City of Lewisville, Texas, Adding Lands to the Lewisville Castle Hills Public Improvement District No. 7 Within the Extraterritorial Jurisdiction of the City of Lewisville Pursuant to Chapter 372 Texas Local Government Code. The motion carried.

Consideration of Ordinance No. 4203-08-2015 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

(Agenda Item G-15)

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).

The City staff's recommendation was that the City Council select and approve an election ordinance as set forth in the caption above.

The consensus of the City Council was that they all wanted to proceed with the following four separate propositions for the Bond Election as follows:

- Proposition No. 1: The issuance of \$71,600,000 general obligation bonds for street improvements, and the levying of a tax in payment thereof.
- Proposition No. 2: The issuance of \$39,900,000 general obligation bonds for park, open space and recreation improvements and facilities and the levy of a tax in payment thereof.
- Proposition No. 3: The issuance of \$10,500,000 general obligation bonds for police, emergency services, and firefighting facilities and improvements, and the levying of a tax in payment thereof.
- Proposition No. 4: The issuance of \$13,000,000 general obligation bonds for an indoor aquatic center and water recreation facilities and the levy of a tax in payment thereof.

City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Calling a Bond Election to be Held Within the City, Making Provisions for the Conduct of the Election and Other Provisions Relating Thereto.”

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4203-08-2015**, as captioned previously. The motion carried.

**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**

(Agenda Item G-16)

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.

The City staff's recommendation was that the City Council approve the final plat and the variances as set forth in the caption above.

Mayor Durham advised that Drew Keith, 2624 Grail Marden, Castle Hills, Texas and Jeff Kelly, PE Assistant City Engineer, were both present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) "ayes" and no (0) "nays" to approve 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 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, as requested by LandDesign Inc., representing the property owner. The motion carried.

Consideration of Resolution No. 4204-08-2015 (R) Appointing One Member to the Board of Managers of the Denco Area 9-1-1 District

(Agenda Item G-17)

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.

The City staff's recommendation was that the City Council approve a resolution appointing one member to the Board of Managers of the Denco Area 9-1-1 District.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4204-08-2015 (R)**: A Resolution of the City Council of the City of Lewisville, Texas, Appointing Sue Tejml to the Board of Managers of the Denco Area 9-1-1 District. The motion carried.

Reports

(Agenda Item H)

- Quarterly Investment Report From April 1, 2015 – June 30, 2015
- Police Chief William Kerbow reminded everyone that school was about to start up again and encouraged everyone to pay attention to the school zone areas.
- Director of Communications and Tourism James Kunke gave an update on the LLELA Media Event.
- Director of Neighborhood Services Cleve Joiner gave an update on the results of the Adoption Event and the NLN series.
- Councilman Daniels advised that on Thursday, September 10th Keep Lewisville Beautiful would be holding a Keyhole Gardening Class at the Municipal Annex.
- Councilman Gilmore reminded everyone that Western Days was coming up and if they wished to participate in the parade that would need to sign up soon via the City's website.
- Mayor Pro Tem Ferguson gave an update on upcoming events at the MCL Grand Theatre. He also reminded everyone to also stay off their phone in the school zones.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:35 p.m. Monday, August 17, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:35 p.m. on Monday, August 17, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.071 (Consultation with Attorney/Pending Litigation):

2. *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

Section 551.072 (Real Estate):

3. Property Acquisition

Section 551.074 (Personnel):

4. 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

Section 551.087 (Economic Development):

5. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 9:45 p.m. on Monday, August 17, 2015.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session**

(Agenda Item J)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 9:45 p.m. on Monday, August 17, 2015, in the Council Chambers of the Lewisville City Hall.

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to settle all claims with J.C. Commercial, Inc. (JCC) to close out the Old Town Plaza Project by paying JCC \$315,000 and keeping all other remaining funds; said settlement is contingent upon (1) JCC turning over all marked set of “as built” plans showing modifications made to the original plans; and (2) JCC providing the following to the City: granite pavers, ADA ramps, limestone pavers, handrails, OTP-E signage and LED for the Wayne Ferguson wall and to authorize the City Manager or her designee and the City Attorney or her designee to sign any necessary documents. The motion carried.

There was no additional action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:46 p.m. on Monday, August 17, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 14th day of September, 2015.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

GO bond projects

Bond projects

Blue Ribbon Committee Recommendations

■ Streets	\$ 71,600,000
■ Public Safety	\$ 14,600,000
■ Parks and Recreation	\$ 31,500,000
■ Senior Center:	\$2,163,901
■ New Recreation Center:	\$12,652,318
■ Herring Recreation Center Improvements:	\$2,034,526
■ Trail Development – 7 miles:	\$7,004,024
■ Lake Park Day Use:	\$5,054,435
■ Lake Park Campground/Pavilion Improvements:	\$2,527,217
■ Total	\$117,700,000

- 10 year bond program would need \$.130000 Interest & Sinking (I&S) rate for debt service
 - 1.3 cent increase over current \$.117320

Revised Amounts

■ Streets	\$ 71,600,000
■ Public Safety	\$ 10,500,000
■ (removes conference center funding)	
■ Parks and Recreation	\$ 39,900,000
■ Multi-Generational Recreation Center:	\$25,100,000
■ Trail Development:	\$7,100,000
■ Lake Park Day Use:	\$5,100,000
■ Lake Park Campground/Pavilion Imprv.:	\$2,600,000
■ Total	\$122,000,000

- 10 year bond program would need \$.131000 Interest & Sinking (I&S) rate for debt service
 - 1.4 cent increase over current \$.117320

Adding aquatic facility option, +\$13M

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■ Streets	\$ 71,600,000
■ Public Safety	\$ 10,500,000
■ Parks & Recreation	\$ 39,900,000
■ Aquatic Facility	<u>\$ 13,000,000</u>
■ Total	\$135,000,000

- *10 year bond program would need \$.135000 Interest & Sinking (I&S) rate for debt service.*
 - *1.8 cent increase over current \$.117320*

Comparison of options

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Revised amounts:

\$122M bond package

- \$.13100 I&S potential rate
 - 1.4 cent increase

Including aquatics:

\$135M bond package

- \$.13500 I&S potential rate
 - 1.8 cent increase

Current Rate = \$.117320

Debt Service projections above based on conservative estimates of future growth in TAV @ 3% for 10 years; flat thereafter (prior 10 years growth = 4.14%).

No contingent proposition language

- Since 2013, the Attorney General's office has deferred questions regarding contingent bond propositions to the Secretary of State, Elections Division. Staff attorney there stated, unequivocally, that contingent propositions were not allowed.
- View contingent language as coercive and much like a dual proposition where you are forcing people into voting for something they do not want in order to get something they do.

Options for bond ordinance

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- Do not include an aquatics facility.
- Include aquatics facility as part of the parks and recreation proposition.
- Aquatics facility as a stand-alone proposition.

\$625,000 operating cost impact of aquatics facility

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- In addition to an increase in recreation center operating costs related to a new facility, there will be operating costs related to only the aquatics portion as well.
- Current expenditures for two aquatics facilities annually is \$512,860 (for 13 weeks).
- Revenue offset is \$200,000 (including entrance fees, rentals, vending machines, etc.)
- Extrapolating one half of these amounts (to isolate costs related to only one aquatic facility) for a full year operation would equal \$1,025,000 with an offset of \$400,000 leaving an annual operating impact of approximately \$625,000.
- Very conservative projection. There will be full-time employee impacts, the extent of which are unknown at this time.

4B debt service option

- 4B fund could be used to fund debt for the aquatics facility
 - Issue in 2019
 - after nature center has been fully funded
 - \$17 million in proceeds
 - includes inflation factor and issuance costs
 - Paid off in 2033
 - 14 years – 4.25% interest rate

- If 4B fund is used for debt service, it could not be used for the \$625,000 in operating costs as well. The fund only has room to cover one or the other. General Fund would be the only other option for the operating costs. As reference, one cent on the tax rate generates \$796,000.

Direction

- G O bond ordinance options
 - No aquatic facility
 - Aquatic facility as part of parks and recreation proposition
 - Aquatic facility as stand-alone proposition

- Utilize 4B fund?