

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
NOVEMBER 16, 2015**

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

**WORKSHOP SESSION – 5:45 P.M.
REGULAR SESSION - 7:00 P.M.**

(WORKSHOP SESSION WILL RECESS FROM 6:15 P.M. – 6:30 P.M.)

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:45 P.M.

- A. Proposed Changes to the Animal Services Ordinance
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Vaughn
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:**
Deputy Mayor Pro Tem Tierney
- C. **Consideration of Items Relating to the November 3, 2015, City of Lewisville Bond Election:**
 - 1. Canvass of the Election Returns for the City Council Bond Election
 - 2. Consideration of a Resolution Declaring the Results of the City Council Bond Election

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change From Old Town Mixed Use 2 District (OTMU2) 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 East Main Street, West of Railroad Street, at 541 East Main Street, as Requested by Alex Salguero of Alex Paint and Body, LLC, the Property Owner (Case No. PZ-2015-10-15).**

ADMINISTRATIVE COMMENTS:

The requested the zone change from OTMU2 to PK will allow the construction of a parking lot for customer and employee parking associated with the applicant's paint and body shop business, which is located on the adjacent lot to the east. The applicant proposes to surround the parking lot with decorative fencing and landscaping between the parking lot and East Main Street. A future development phase involves the construction of two new buildings fronting East Main Street. The Planning and Zoning Commission recommended denial of the zone change by a vote of 4-2 at their meeting on October 20, 2015. All five voting members (3/4 of all members) must vote in favor of this change to overrule the Planning and Zoning Commission (Lewisville City Charter – Section 17-37d).

RECOMMENDATION:

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

STAFF PRESENTATION: Richard E. Luedke, Planning Manager

AVAILABLE FOR QUESTIONS: Eric Cortez, Global Master Planning

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2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change From Light Industrial District (LI) to Planned Development-Mixed Use District (PD-MU); for The Village at Lewisville, a Proposed Mixed Use Development; on an Approximately 90.588-Acre Tract of Land out of the Stephen Riggs Survey, Abstract No. 1088 and the WM. Brown Survey, Abstract No. 63; Located on Both the East and West Sides of Summit Avenue North of the Kansas City Southern Railroad and Grandys Lane With Frontage on the West Side of I-35E (North Stemmons Freeway) and the East Side of McGee Lane, as Requested by Beverly Development Company, Inc., the Applicant (Case No. PZ-2015-10-16).**

ADMINISTRATIVE COMMENTS:

The proposed Planned Development (PD) for The Village at Lewisville is presented as a customized form-based code tailored for the unique characteristics and challenges that exist on the site. The PD utilizes the Mixed Use District (MU) as the base district while the form-based code provides a flexible development framework that is responsive to market demands while maintaining high quality development standards. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone at their meeting on November 3, 2015.

RECOMMENDATION:

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

STAFF PRESENTATION: Nika Reinecke, Director of Economic Development and Planning

AVAILABLE FOR QUESTIONS: Dan Quinto, Roaring Brook Development Company

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3. **Public Hearing: Consideration of an Ordinance Granting a Zone Change From General Business District (GB) to Mixed Use District (MU); on an Approximately 10.79-Acre Tract of Land out of the East Brown Survey, Abstract No. 62, Located at the Southwest Quadrant of Grandys Lane and I-35E (North Stemmons Freeway) and North of the Kansas City Southern Railroad, as Requested by Santa Fe Realty Corporation, the Property Owner (Case No. PZ-2015-11-17).**

ADMINISTRATIVE COMMENTS:

The applicant has specified that the site will be developed in accordance with the MU District and the Northern Gateway Framework Plan (NGFP), which is attached as a component of the concept plan submittal. The concept plan for the site illustrates five buildings which are in general alignment with the NGFP, which specifies buildings with a mix of office, retail, attached residential, hotel and entertainment land uses. The wooded floodplain on the east side of the site is designated as open space. The Planning and Zoning Commission recommended unanimous approval of the zone change at their meeting on November 3, 2015.

RECOMMENDATION:

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

STAFF PRESENTATION: Nika Reinecke, Director of Economic Development and Planning

AVAILABLE FOR QUESTIONS: O’Neal Gray, Property Owner

4. **Public Hearing: Consideration of an Ordinance Prohibiting the Use of and Contact With Designed Groundwater From Beneath The Property Generally Described as the 15.2-acre Tract Comprising the Western Portion of an Approximately 29-acre Real Property Parcel Located at 1000 Lake Ridge Road, Lewisville, Texas, to Facilitate Certification of a Municipal Setting Designation (“MSD”) of Said Property by the Texas Commission on Environmental Quality (“TCEQ”), Pursuant to the Texas Solid Waste Disposal Act; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency.**

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ADMINISTRATIVE COMMENTS:

On November 3, 2015, the City received an MSD application from Terracon Consultants, Inc., on behalf of Mr. Howard L. Nycum, property owner at 1000 Lake Ridge Road in Lewisville. The application was reviewed by City staff and deemed complete, and a public meeting was held on November 5, 2015. Ordinance No. 4158-02-2015 requires a public hearing for consideration of the application by City Council.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Jack McCranie, Terracon Consultant, Inc.

- 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.
 - 5. **APPROVAL OF MINUTES:** City Council Minutes of the November 2, 2015, Workshop Session and Regular Session.

 - 6. **Acceptance of the 2015 Homeland Security Grant Program's Urban Area Security Initiative (UASI) Grant Award; and Approval of a Supplemental Appropriation in the Amount of \$130,000 to the FY 2015-2016 Grant Fund for Reimbursable Purchases.**

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ADMINISTRATIVE COMMENTS:

The Office of Emergency Management received notice from the Office of the Governor's Homeland Security Grants Division that the City of Lewisville has been awarded a grant in the amount of \$130,000 under the Urban Area Security Initiative (UASI) grant program. The intent of the UASI grant program is to support local efforts in preparing for threats and hazards that pose risk to our community, and to improve our urban area's ability to prevent, protect against, mitigate, respond to and recover from acts of terrorism. The UASI grant does not require a match. The amount of \$130,000 is awarded for the design and assembly of a trailered equipment package to supplement Emergency Operations Center capability.

RECOMMENDATION:

That the City Council accept the grant and approve the supplemental appropriation as set forth in the caption above.

- 7. Approval of a Bid Award for an Annual Requirements Contract for Instrumentation Services to Wunderlich-Malec Engineering Inc., Addison, Texas for an Estimated Amount of \$111,030.**

ADMINISTRATIVE COMMENTS:

A total of seven (7) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened October 8, 2015. Wunderlich-Malec submitted the lowest bid meeting specifications. The Water and Wastewater Divisions of Public Services utilize instrumentation services to maintain plant operating systems, flow meters and other control instrumentation that are in service at both the Plants, Lift Stations, Pump Stations, Metering and Storage Facilities. The term of the contract is twelve (12) months, with option to extend for up to two (2) additional twelve (12) month periods. Funding is available in the Water and Wastewater operational budget.

RECOMMENDATION:

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

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- 8. Approval of Modifications to Policy Statement 3.0, Sections III, IX, and VIII; and Policy Statement 2.0, Sections XI and IV.**

ADMINISTRATIVE COMMENTS:

Modifications to City policies related to finance and human resources are requested based on the recent review of all policies and directives by City staff. These modifications are based on changes in procedures, clarifications needed to current policy, and to implement direction received from the City Council (20% operating reserve in the General Fund vs. the current 15% in the policy).

RECOMMENDATION:

That the City Council approve the modifications to the policy statements as set forth in the caption above.

- 9. Approval of an Extension of a Professional Services Agreement With Transform Global for Completion of a Resource and Efficiency Assessment for the City of Lewisville; and Authorization for City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Lewisville 2025 Plan, Big Move #9 Sustainability, includes as a first action priority an audit of existing City sites, facilities, and vehicle fleet. The purpose of the study is to identify the potential for more efficient use of resources by the City. The study was initiated in February 2015 through a contract with University of North Texas, but due to organizational changes, UNT was unable to fulfill the obligations of the contract. Subsequently, services were obtained from Transform Global to complete the study at the same cost previously proposed by UNT (\$46,500). The tasks associated with completing the study have extended beyond the original funded contract. The total cost of the study will be \$74,900, bringing the total cost beyond \$50,000, which requires Council approval, in accordance with Texas Local Government Code, Chapter 252.

RECOMMENDATION:

That the City Council approve the extension of the contract with Transform Global as set forth in the caption above.

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- 10. Approval of a Local Project Advance Funding Agreement (LPAFA) With the Texas Department of Transportation Related to Construction and Funding of Valley Ridge Blvd; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The Valley Ridge project extending from Mill to College was originally funded 50/50 through City & Denton County bonds based on an original 2001 cost estimate of \$10M. Valley Ridge improvements are now estimated at over \$17M due to inflation and a major change order. The additional funding required is currently being covered through unspent 2003 bond funds and through holding the North East Old Town and North West Old Town capital improvement projects. Additional funding will be requested through Regional Toll Revenue (RTR) and if received, that funding will be used to re-fund the delayed street projects. Unrelated to Valley Ridge, Denton County originally approved funding for North Kealy from Main to Mill and for College Street from I-35 to Mill in the Trip-08 Bond Program. Due to a subsequent shift in Precinct Boundaries, Precinct 4 Commissioner Hugh Coleman retracted the previously approved funding. In order to fund the needed improvements to College and Kealy, City funds will be transferred out of the Valley Ridge project to these projects and RTR funding approved in 2014 will replace the necessary funding for Valley Ridge making all three projects whole. RTR funding can only be used for 4-lane divided roadways and larger, thus the purpose of requesting the money for Valley Ridge and reallocating local funds rather than simply requesting money for Kealy and College, both 2-lane streets. This LPAFA between Lewisville and TXDOT must be executed prior to receiving the \$4,700,000 in RTR funds.

RECOMMENDATION:

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

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Quarterly Investment Report From July 1, 2015 – September 30, 2015

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- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney/Pending Litigation): 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
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **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).