

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
DECEMBER 7, 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. Overview of Hotel/Motel/Extended Stay Facilities Proposed Ordinance Requirements
- B. 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:** Councilman Daniels
- C. **PRESENTATION:** Certificates of Appreciation to Citizens; Ryan Mastellar, Lisa Foshee, Jose Reyes, Manuel Reyes and Rodger Jones From the Lewisville Police Department
- D. **PUBLIC HEARINGS:**
 - 1. **Public Hearing:** Consideration of an Ordinance Prohibiting the Use of and Contact With Designated Groundwater From Beneath the Property Generally Described as Old Orchard East Shopping Center Located at 1288 West Main Street and 1280 West Main Street, Suite 130, 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.

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

ADMINISTRATIVE COMMENTS:

On October 8, 2015, the City received an MSD application from Cirrus Associates, LLC, on behalf of 1171/Old Orchard Limited Partnership, property owner at 1288 West Main Street and 1280 West Main Street, Suite 130, in Lewisville. The application was reviewed and deemed complete. Ordinance No. 4158-02-2015 requires both a public meeting and a public hearing for consideration of the application by City Council. A public hearing was held on November 19, 2015.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard Record, Cirrus Associates, LLC

2. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Plant Nursery (Retail Sales) With Outdoor Display and Storage on a Portion of a 10.807-Acre Lot, Legally Described as Lot 1, Block A, Main Valley Shopping Center Addition; Located on the Southwest Corner of West Main Street (FM 1171) and South Valley Parkway; at 1116 West Main Street; and Zoned Local Commercial District (LC), as Requested by Westlake ACE Hardware, the Applicant (Case No. SUP-2015-11-13).**

ADMINISTRATIVE COMMENTS:

The subject request is to allow the addition of an outdoor garden center/plant nursery in the parking lot in front of the Westlake ACE Hardware that opened in October. The request also includes a merchandise display area in front of the store along the sidewalk. The Planning and Zoning Commission recommended unanimous approval of the Special Use Permit at their meeting on November 3, 2015.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

STAFF PRESENTATION: Richard E. Luedke, Planning Manager

AVAILABLE FOR QUESTIONS: Loren Casey, Store Manager, Westlake ACE Hardware

3. **Public Hearing:** Consideration of an Ordinance Granting a Zone Change in Order to Amend the Concept Plan for Hebron 121 Station, a Mixed Used Development on a 90.08-Acre Tract of Land out of the A.J. Hitchcock Survey, Abstract No. 614, the McKinney and William Survey, Abstract No. 936 and the B.B.B and C.R.R. Co. Survey, Abstract No. 144; Bounded by the DGNO Railroad to the East, Timber Creek to the West, SH 121 to the South, and Lakeside Circle to the North; Zoned Mixed Use Ninety District (MU-90), as Requested by Riverside DPH, the Property Owner (Case No. PZ-2015-11-19).

ADMINISTRATIVE COMMENTS:

The applicant has proposed changes to the approved Concept Plan which requires the applicant to file a new zone change request to amend the Concept Plan. Staff recommends that no action be taken on this item as additional review is necessary.

RECOMMENDATION:

That the City Council take no action.

4. **Public Hearing:** Consideration of an Ordinance Granting a Zone Change From Light Industrial District (LI) and Agricultural Open Space District (AO) to Mixed Use Ninety District (MU-90) on an Approximately 143-Acre Tract of Land out of the J. Armendaris Survey, Abstract No. 28; the W. Cantwell Survey, Abstract No. 290; the J. Chowning Survey, Abstract No. 242; the H. Harper Survey, Abstract No. 605; the Haynes-Bullion Survey, Abstract No. 626; the A.J. Hitchcock Survey, Abstract No. 614; and the McKinney-Williams Survey, Abstract No. 936; Bounded Hebron Parkway to the North, SH 121 to the South, the DGNO Railroad to the West, and the Elm Fork Trinity River to the East, as Requested by Riverside DPH and the City of Lewisville, the Property Owners (Case No. PZ-2015-11-20).

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

ADMINISTRATIVE COMMENTS:

The proposed concept plan illustrates four commercial buildings with approximately 270,000 square feet fronting Hebron Parkway and a hotel and conference center with approximately 208,000 square feet adjacent to the DCTA passenger rail station. The remainder of the property lies within the 100-year floodplain and will be used to create a lake with a network of trails, recreational features and nature-focused amenities. The Planning and Zoning Commission recommended unanimous approval of the zone change at their meeting on November 17, 2015. The applicant, Riverside DPH, has requested that the public hearing be continued to the December 21, 2015, City Council meeting so that the request can be considered on the same agenda as a companion item (Agenda Item Number 3), a proposed concept plan amendment to Hebron 121 Station.

RECOMMENDATION:

That the City Council continue the public hearing until December 21, 2015.

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

AVAILABLE FOR QUESTIONS: Elvio Bruni, Riverside DPH

5. **Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Amending Section 17-3, Definitions, to add a Definition of a Chapter 748 Operation; and Section 17-20, Medical District, to Allow, With a Special Use Permit, a Chapter 748 Operation; and by Amending the Following Zoning Districts to Allow, With a Special Use Permit, Hotels, Motels, and Inns With Rooms That Have a Cooktop or Oven: Section 17-22, General Business District; Section 17-22.6, Old Town Center District; Section 17-22.7, Old Town Mixed Use 2 District; Section 17-22.8.1, Mixed Use Shopping Center District; Section 17-22.8.2, Mixed Use District; and Section 17-22.8.3, Mixed Use Ninety District.**

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

ADMINISTRATIVE COMMENTS:

The proposed amendments related to Chapter 748 Operations are brought forward to address potential uses that are not currently identified in the zoning ordinance after a request from a local social service agency. The amendments related to hotels are in alignment with proposed amendments to the hotel requirements in Chapter 6, General Development Ordinance. The Planning and Zoning Commission recommended unanimous approval of the proposed Zoning Ordinance amendments at their meeting on November 17, 2015.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Manager

- 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.
6. **APPROVAL OF MINUTES:** City Council Minutes of the November 16, 2015, Workshop Session and Regular Session.
7. **Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \$396,363; 2025 Implementation/Incentives Fund - \$261,054; Hotel/Motel Fund - \$16,494; Recreation Fund - \$2,726; PEG Programming Fund - \$125,803; Asset Forfeiture-State Fund - \$209,643; Grants Fund - \$31,354; Crime Control & Prevention District Fund - \$141,979; Utility Fund - \$348,392; Maintenance & Replacement Fund - \$90,169; Self-Insurance Risk Fund - \$8,436; and Health Insurance Trust Fund - \$3,399.**

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds from open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line item accounts will be short at year-end.

RECOMMENDATION:

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

- 8. Approval of a Resolution Acknowledging the 2016 Waste Management Cost of Service Rates and Resulting Customer Rates for Residential and Multi-Family Solid Waste/Recycling Services and Commercial Solid Waste Collection and Disposal Services.**

ADMINISTRATIVE COMMENTS:

In April 2014, Council approved a franchise agreement with Waste Management (WM) for solid waste/recycling collection services for residential and multi-family customers and solid waste collection and disposal services for commercial customers. Ordinance No. 4062-04-2014 became effective August 4, 2014. Per the agreement, the WM cost of service rates are to be adjusted annually by the percentage increase in the DFW Consumer Price Index (CPI) for the preceding twelve month period. Adjustments take effect on January 1 of the subsequent contract year. The current CPI for the DFW area as published by the Bureau of Labor Statistics reflects a decrease of 0.854 percent. As a result, WM cost of service rates for 2016 will not change. Staff recommends that the customer rates established by Council remain the same for 2016 as well, and no revisions to the fee ordinance for customer rates will be required.

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

RECOMMENDATION:

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

9. Approval of the Location for the 2016 City Council Retreat.

ADMINISTRATIVE COMMENTS:

On September 21, 2015, Council approved a set of workshop dates including the 2016 City Council Retreat for February 26-27. Staff is recommending holding the retreat at the Plano Marriott at Legacy Town Center. This location is recommended based on a number of reasons: the mixed-use development around Legacy is one of the most well-executed, true mixed-use developments in the metroplex; Plano's downtown area has seen a surge in activity in recent years including a wrap designed apartment development, as well as City initiated improvements that are currently underway; and Plano recently opened a Nature Center – Oak Point Park and Nature Preserve. As part of the overall retreat, it would be beneficial for council and staff to see these developments and to speak with those instrumental in their success.

RECOMMENDATION:

That the City Council approve the location for the 2016 City Council Retreat.

10. Approval of an Agreement With FW Services, Inc. DBA Pacesetter Personnel Services 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 September 17, 2015. A total of three proposals were received. Staff recommends the contract be awarded to FW Services, Inc DBA Personnel Services based on the cost and expected quality of service.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

G. REGULAR HEARINGS:

- 11. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 6, Article IX, Section 6-182, Hotel/Motel/Extended Stay Facilities, by Repealing and Replacing the Section in its Entirety by Adding Requirements for New or Modified Hotels, Motels and Extended Stay Facilities.**

ADMINISTRATIVE COMMENTS:

The current hotel/motel/extended stay facilities regulations were adopted in 2009 in an effort to increase the standards for these facilities and to potentially attract a new full service hotel to Lewisville. Review of the current regulations revealed that none of the high quality hotels that have recently expressed interest in Lewisville could meet all current ordinance requirements. The proposed amendments adjust the standards to be more in line with common amenities offered with new, high quality, limited service hotels. The amended regulations are also expected to increase opportunities for the development of new hotel brands in Lewisville.

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

- 12. Consideration of an Ordinance Authorizing the Issuance of \$10,950,000 City of Lewisville, Texas, Combination Contract Revenue and Special Assessment Utility System Bonds, Series 2015 (Lewisville Castle Hills Public Improvement District No. 5 Project) (the “Series 2015 Utility Bonds”) in Accordance With the Terms of That Certain Master Trust Agreement and Second Supplemental Trust Agreement; Approving and Authorizing the Execution of the Second Supplemental Trust Agreement; Authorizing a Final Limited Offering Memorandum Pertaining to the Issuance of the Series 2015 Utility Bonds; Approving a Bond Placement Agreement; Providing an Effective Date and Containing Other Matters Related to the Series 2015 Utility Bonds.**

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

ADMINISTRATIVE COMMENTS:

Denton County Fresh Water Supply District No 1-G has requested the City to authorize and approve the issuance of up to \$10,950,000 of said bonds above for the purpose of acquiring certain water, sewer, and drainage facilities and to pay certain costs incurred in connection with the issuance of the bonds.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Ross Martin, Winstead, PC

13. Consideration of a Resolution Casting Lewisville's Votes for Directors to the Denton Central Appraisal District Board.

ADMINISTRATIVE COMMENTS:

The Denton Central Appraisal District has furnished a list of nominated candidates for election to their Board of Directors, as well as a list outlining the 2015 Distribution of Votes. Votes may be cast for one or more candidates but cannot exceed the number allocated to the entity in total. The City of Lewisville has been allocated 120 votes. The five nominees receiving the most votes become the board. Information sheets on the candidates are provided for Council's consideration. Each voting unit must cast its vote by December 15th.

RECOMMENDATION:

That the City Council consider casting Lewisville's votes for Directors to the Denton Central Appraisal District Board.

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

**AGENDA
LEWISVILLE CITY COUNCIL
DECEMBER 7, 2015**

- I. **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
- 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).