

## A G E N D A

### LEWISVILLE CITY COUNCIL MEETING DECEMBER 21, 2015

LEWISVILLE CITY HALL  
151 WEST CHURCH STREET  
LEWISVILLE, TEXAS 75057

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

Call to Order and Announce a Quorum is Present.

#### **WORKSHOP SESSION - 5:45 P.M.**

- A. Debt Overview by First Southwest / Long Range Capital Funding Plan (Preliminary Recommendation)
- 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:**  
Deputy Mayor Pro Tem Tierney
- C. **PRESENTATION:** Overview of Lewisville Lake Dam Status by the United States Army Corps of Engineers
- D. **PUBLIC HEARINGS:**
  - 1. **Public Hearing:** Consideration of an Ordinance Amending the Zoning Ordinance in Order to Amend the Concept Plan for Hebron 121 Station; a Mixed Use Development on an Approximately 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, and Zoned Mixed Use Ninety District (MU-90), as Requested by Riverside DPH, the Property Owner (Case No. PZ-2015-11-19).

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**ADMINISTRATIVE COMMENTS:**

The MU-90 zoning and associated concept plan for Hebron 121 Station was approved by the City Council on June 2, 2008. The original concept plan consists of 1,751 multi-family units throughout the development with 20,000 square feet of office/retail space on the ground floor of a curved building located at the end of a large central promenade. The first three phases of the development have been completed and consist of 922 multi-family units within 4-story structures. The proposed amendment adds an additional 124 units, changes the building types, reduces the office/retail square footage and adds a fitness center and restaurant to the central promenade. The Planning and Zoning Commission recommended unanimous approval of the concept plan amendment at their meeting on December 15, 2015.

**RECOMMENDATION:**

That the City Council approve the proposed concept plan amendment as set forth in the caption above.

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

**AVAILABLE FOR QUESTIONS:** Elvio Bruni, Riverside DPH

2. **Continued 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).**

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**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. This public hearing is continued from the December 7, 2015, City Council meeting at the request of Riverside DPH and the City of Lewisville, the property owners.

**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:** Elvio Bruni, Riverside DPH

- 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.

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3. **APPROVAL OF MINUTES: City Council Minutes of the December 7, 2015, Workshop Session and Regular Session.**
4. **Approval of a Bid Award for Windhaven Parkway Utility Relocation to John Burns Construction Company of Texas, Inc., Lewisville, Texas, in the Amount of \$1,512,372.75; Which Includes \$72,017.75 for Contingencies; and Authorization for the City Manager or Her Designee to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of sixteen (16) bid invitations were downloaded from Bidsync.com. One (1) bid was received and opened December 3, 2015. The project consists of relocation of Upper Trinity Regional Water District's 24-inch water line and 16-inch reclaimed water line parallel to the KCS railroad at the future Windhaven Parkway crossing. The project also includes the installation of 36-inch steel casing pipe parallel to the railroad for a future City sanitary sewer force main and relocation of City of Lewisville's 16-inch water line by dry bore perpendicular underneath KCS rail road right-of-way at the future underpass. Funds are available in the Corporate Drive (FM 544 to Josey) Capital Project.

**RECOMMENDATION:**

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

5. **Approval of the Fiscal Year 2015-2016 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides emergency ambulance service to Denton County through an annual interlocal cooperation agreement. By providing ambulance service to designated unincorporated areas of Denton County, fixed revenue for the City is \$55,194, plus \$248.9627 per ambulance transport. The 4.28 rural miles noted in the agreement is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2015, through September 30, 2016. The City Attorney's office has reviewed and approved the agreement as to form.

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**RECOMMENDATION:**

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

- 6. Approval of the Fiscal Year 2015-2016 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$500 per fire call. The 4.28 rural miles is the Castle Hills area, Lewisville Lake Bridge, as well as a small amount of property owned by the Corps of Engineers. The term of agreement is for the period of October 1, 2015, through September 30, 2016. The City Attorney's office has reviewed and approved the agreement as to form.

**RECOMMENDATION:**

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

- 7. Approval of an Amendment to a Pipeline Crossing Contract Allowing Relocation of Existing Utilities and Encroachment of Additional Utility Lines Across the KCS Railroad Right-of-Way Associated With Construction of the Windhaven Parkway Railroad Underpass North of FM 544; and Authorization for the City Manager or Her Designee to Execute the Amendment on Behalf of the City.**

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**ADMINISTRATIVE COMMENTS:**

The City of Lewisville entered into a pipeline crossing contract with the KCS Railroad in 2006 allowing installation of a 16-inch City water main underneath the KCS Railroad right-of-way related to the Crossroads Center North development. In preparation for future construction of a Railroad Underpass on Windhaven Parkway at the KCS Railroad, the City water main crossing underneath the railroad right of way will need to be relocated and additional utility and storm drain lines will need to be installed. The KCS Railroad is requiring an amendment to the original pipeline crossing contract to accommodate the proposed utility adjustment and installation of additional lines underneath the railroad. There is a required one-time fee of \$49,500 fee payable to the KCS Railroad to add the additional utility & storm drain lines to the original contract. Funding is available in the Corporate Drive (FM 544 to Josey) project accounts.

**RECOMMENDATION:**

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

- 8. Approval of an Economic Development Agreement by and Between the City of Lewisville and Norman International, Inc.; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Norman International Inc. is purchasing an existing 401,892 square feet building located at 1175 North Stemmons Freeway. The project includes an investment of \$19.9 million including property purchase, improvements and inventory. The Company is required to contribute a minimum of \$5,000 annually to a community event or economic development activity. This agreement calls for the City to provide a 50% grant equal to taxes paid on real, business personal property and inventory value as outlined in the agreement.

**RECOMMENDATION:**

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

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- 9. Approval of Modifications to Policy Statement 3.0 - Finance, Section IV-Debt.**

**ADMINISTRATIVE COMMENTS:**

Modifications to the City's debt policy is being presented as a result of the recent review of all policies and directives by City staff. The modifications to this policy is based on the need for language clarifying the reserve calculation as well as added protection language for contract revenue and special assessment debt issuances undertaken by the City.

**RECOMMENDATION:**

That the City Council approve the modifications to Policy Statement 3.0 - Finance, Section IV-Debt.

**G. REGULAR HEARINGS:**

- 10. Tabled Item: 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 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, select 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.

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

- 11. Consideration of an Ordinance Approving an Update to the Service and Assessment Plan and Assessment Roll for Lewisville Castle Hills Public Improvement District No. 5.**

**ADMINISTRATIVE COMMENTS:**

City Council approved a resolution on May 6, 2013, authorizing the creation of Lewisville Castle Hills Public Improvement District (PID) No. 5. City Council authorized \$10.95M Combination Contract Revenue and Special Assessment Utility System Bonds on December 7, 2015. An update to the Service Plan and Assessment Roll must be considered and approved by City Council. This plan identifies public improvement costs to be provided by the PID along with related information concerning the indebtedness to be incurred and the assessment roll.

**RECOMMENDATION:**

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

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

- Capital Improvements Advisory Committee Local Government Code Chapter 395 Semi-Annual Report for the Period Ending September 30, 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; Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B; *The City of Lewisville v. Texas Commission on Environmental Quality*, D-1-GN-15-2382, Travis County; and *The City of Lewisville v. Texas Commission on Environmental Quality*, D-1-GN-15-001892, Travis County.

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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).

**ADDENDUM TO THE AGENDA**

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MEETING**

**DECEMBER 21, 2015**

**LEWISVILLE CITY HALL  
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In addition to the previously posted agenda for the December 21, 2015, Regular Session, the following item is hereby added:

- 12. Approval of an Economic Development Agreement By and Between the City of Lewisville and Bed Bath & Beyond Inc.; and Authorization for the City Manager or Her Designee to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Bed Bath & Beyond Inc. is leasing 799,460 square feet at the Majestic Airport Center located at 2900 South Valley Parkway. The project includes a minimum of \$23 million in capital investment and \$19 million in business personal property investment for the e-commerce operation. In addition, in order to qualify for the sales tax grant, the company must produce a minimum of \$30 million in sales annually the first 3 years and up to \$120 million in annual sales the final years of the agreement. This agreement calls for the City to provide a start-up grant (capped grant), real, business personal property, inventory tax grants, and a sales tax grant as outlined in the agreement.

**RECOMMENDATION:**

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