

LEWISVILLE CITY COUNCIL

REGULAR SESSION

DECEMBER 7, 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, December 7, 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.

**Overview of Hotel/Motel/Extended Stay
Facilities Proposed Ordinance
Requirements**

(Agenda Item A)

At the request of City Manager Donna Barron, Economic Development Director Nika Reinecke presented the attached PowerPoint Presentation regarding an overview of Hotel/Motel/Extended Stay Facilities Proposed Ordinance requirements for City Council consideration.

WORKSHOP SESSION – 6:00 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, Presentation: Certificates of Appreciation to Citizens; Ryan Mastellar, Lisa Foshee, Jose Reyes, Manuel Reyes and Rodger Jones From the Lewisville Police Department. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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. City staff advised that this item was a carryover on a property that had been discussed several months ago. City Manager Donna Barron referenced a typo in the last sentence. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-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). Discussion was held that the employees would most likely be parking at the rear of the building and that there was an entrance into this area so they did not have to walk around the complex. Councilman Gilmore requested that the rear of the building be checked for lighting to ensure the safety of employees. There was no further discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Durham reviewed Agenda Item D-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). City Manager Donna Barron advised that staff is requesting that no action be taken on this item as the applicant needs to go through the zoning process again. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-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). City Manager Donna Barron requested that this item be continued to the December 21, 2015, City Council meeting. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-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. City Attorney Lizbeth Plaster requested that the City Council adjourn into Closed Session for Attorney Client discussion.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 6:34 p.m. Monday, December 7, 2015, in accordance with the requirements of the Open Meetings Law.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Closed Session

(Agenda Item I)

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney/Pending Litigation), the Lewisville City Council convened into Closed Session at 6:34 p.m. on Monday, December 7, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

The Closed Session was adjourned at 6:42 p.m. on Monday, December 7, 2015.

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

(Agenda Item J)

Mayor Durham reconvened the Workshop Session of the Lewisville City Council at 6:42 p.m. on Monday, December 7, 2015, in the City Council Conference Room of the Lewisville City Hall.

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

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

Mayor Durham reviewed Agenda Item F-6, Approval of City Council Minutes of the November 16, 2015, Workshop Session and Regular Session. There was no discussion on this item.

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

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Durham reviewed Agenda Item F-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. Councilman Gilmore advised that he would be abstaining from discussion this item. Discussion was held regarding CIP and how it was determined. Further discussion was held regarding the language that had been changed during the last contract and that there remained eight more years to the contract. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-9, Approval of the Location for the 2016 City Council Retreat. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item G-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. City staff advised that a letter had been received in support of this item from Samir Lakhany, Vice President, Superhost Enterprise, 8615 US 24 West Fort Wayne, IN 46804. There was no further discussion on this item.

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

Mayor Durham advised that he would be abstaining from the following item as he works for the Denton Central Appraisal District. Mayor Durham turned the meeting over to Mayor Pro Tem Ferguson. Mayor Durham stepped out of the room.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

Mayor Pro Tem Ferguson reviewed Agenda Item G-13, Consideration of a Resolution Casting Lewisville's Votes for Directors to the Denton Central Appraisal District Board. Councilman Vaughn advised that he felt the City's votes should go to the only Lewisville resident that is running, Brenda Latham. There was no further discussion on this item.

Mayor Pro Tem Ferguson reviewed Agenda Item H, Reports. There was no discussion on this item.

Mayor Pro Tem Ferguson 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 6:53 p.m. on Monday, December 7, 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, December 7, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

(While Mayor Durham was present at the dais, due to an issue with his voice, Mayor Pro Tem Ferguson conducted the City Council meeting.)

Invocation

(Agenda Item A)

At the request of Mayor Pro Tem Ferguson, Councilman Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Presentation: Certificates of Appreciation to
Citizens; Ryan Mastellar, Lisa Foshee, Jose
Reyes, Manuel Reyes and Rodger Jones
From the Lewisville Police Department**

(Agenda Item C)

Chief Kerbow read and presented Certificates of Appreciation to Citizen Ryan Mastellar from the Lewisville Police Department.

Public Hearing: Consideration of Ordinance No. 4228-12-2015 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 Item D-1)

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 meeting was held on November 19, 2015.

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

Mayor Pro Tem Ferguson opened the public hearing.

Jill Kotvis, 6605 Blue Valley Lane, Dallas, Texas 75214 was presented in support of this item and offered to address any questions posed by the City Council.

Richard Record, Cirrus Associates, LLC, 102 Thompson, Richardson, Texas 75080, presented the attached PowerPoint Presentation for City Council consideration.

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 Ordinance No. 4228-12-2015 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(cont’d)

(Agenda Item D-1)

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

“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.”

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 approve and adopt **Ordinance No. 4228-12-2015 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4229-12-2015 (Z) 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)

(Agenda Item D-2)

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.

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

Mayor Pro Tem Ferguson opened the public hearing.

Richard E. Luedke, Planning Manager and Loren Casey, Store Manager, Westlake ACE Hardware, 3208 Glenmont Drive, Fort Worth, Texas 76133, were both present to respond to any questions posed by the City Council.

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

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 Amending the Zoning Ordinance of the City of Lewisville, Texas by Granting a Special Use Permit 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 and Zoned Local Commercial District (LC); Providing for Severability; Providing a Penalty; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency."

Public Hearing: Consideration of Ordinance No. 4229-12-2015 (Z) 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) (cont'd)

(Agenda Item D-2)

MOTION: Upon a motion made by Councilman Vaughn and seconded by Councilman Daniels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4229-12-2015 (Z)**, as previously captioned. The motion carried.

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)

(Agenda Item D-3)

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.

The City staff’s recommendation was that the City Council take no action.

Elvio Bruni, 2210 Standford Court, McKinney, Texas was present to respond to any questions posed by the City Council.

No action was taken on this item.

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 Item D-4)

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.

The City's staff's recommendation was that the City Council continue the public hearing until December 21, 2015.

Mayor Pro Tem Ferguson opened the public hearing.

Nika Reinecke, Director of Economic Development and Planning and Elvio Bruni, Riverside DPH, 2210 Standford Court, McKinney, 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 Deputy Mayor Pro Tem Tierney, the Council voted five (5) "ayes" and no (0) "nays" to continue the public hearing to the December 21, 2015, City Council meeting. The motion carried.

Public Hearing: Consideration of Ordinance No. 4230-12-2015 (Z) 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 Item D-5)

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.

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

Mayor Pro Tem Ferguson opened the public hearing.

Richard E. Luedke, Planning Manager, was available to address any questions posed by the City Council.

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 close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 4230-12-2015 (Z) 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 (cont'd)

(Agenda Item D-5)

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, Amending Chapter 17, Zoning, of the Lewisville City Code, by Amending Section 17-3, Definitions, to ass 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 District 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; Providing for Severability; Providing a Penalty; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

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 approve and adopt **Ordinance No. 4230-12-2015 (Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

Douglas Lazo, 1718 Marblehead Drive, Lewisville, Texas, spoke before the City Council regarding his concerns on the qualifications to serve on the City Council. He expressed concern that Deputy Mayor Pro Tem Tierney was currently serving when he had a DUI charge.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

Mayor Pro Tem R Neil Ferguson advised that the following items would be removed from the Consent Agenda for individual consideration and explanation:

1. Consent Agenda Item No. 8 – Approval of a Resolution of the City Council of the City of Lewisville, Texas, 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 – pull from the agenda to get correct language as posted.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Councilman Daniels, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

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.
9. Approval of 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.

The motion carried.

END OF CONSENT AGENDA

Councilman Gilmore advised that he would be abstaining from discussion and consideration of the following item as he is employed by Texas Waste Management. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary. Councilman Gilmore stepped away from the dais.

Approval of Resolution No. 4231-12-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, 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

(Consent Agenda Item F-8)

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.

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

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve **Resolution No. 4231-12-2015 (R)** A Resolution of the City Council of the City of Lewisville, Texas, 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. The motion carried.

(Councilman Gilmore returned to the dais.)

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

(Agenda Item G-11)

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.

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

Nika Reinecke, Director of Economic Development and Planning was present to respond to any questions posed by the City Council.

Gene Smith, General Manager of Holiday Inn Express & Suites, Lewisville, Texas spoke before the City Council in support of this item.

Sunjay Nail, 1920 Enchanted Way, Ste 200, Grapevine, Texas 76051, spoke before the City Council in support of this item with some minor adjustments. Mr. Nail requested that the hoteliers be given the opportunity to work with City staff to make adjustments to the requirements prior to any vote. He thanked the City Council for their consideration.

Chris Patel 330 East Corporate Drive, Lewisville, Texas 75067, spoke before the City Council in opposition to this item.

Charlene Bell, 696 Surf Street, Lewisville, Texas 75067, advised that she was in opposition to the proposed ordinance; however did not wish to speak.

Luke Beshara, 221 West Exchange Ave, #206A, Fort Worth, Texas, indicated he was representing the Lewisville Hospitality Group and spoke in opposition to this ordinance. Councilman Gilmore questioned Mr. Beshara if any of the hotels he represented met or exceeded the hotel standards that are currently proposed today. Mr. Beshara indicated that he felt they did meet the current requirements.

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 (cont'd)

(Agenda Item G-11)

Discussion was held among the City Council regarding allowing the hoteliers more time to meet with City staff to discuss their concerns regarding the requirements that were being proposed.

Mayor Pro Tem Ferguson advised of the letter received from Samir Lakhany Vice President, Superhost Enterprise, 8615 US 24 West Fort Wayne, IN, that indicated their support of the proposed changes. Mayor Pro Tem Ferguson indicated that he would like to see City staff have additional discussion with the hoteliers before this ordinance was voted on. Councilman Gilmore and Councilman Daniels both indicated that they were not in favor of tabling this item as this topic had been discussed at the September 21st meeting and they did not feel it was that big of surprise that this ordinance was being worked on.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Deputy Mayor Pro Tem Tierney, the Council voted five (5) “ayes” and no (0) “nays” to table this item to the December 21, 2015, City Council meeting to allow more time to bring the hoteliers and Economic Development staff together to allow for further discussion. The motion carried.

Consideration of Ordinance No. 4232-12-2015 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 Item G-12)

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.

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

Ross Martin, Winstead, PC, was present to answer any questions posed by the City Council.

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

“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.”

Consideration of Ordinance No. 4232-12-2015 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 (cont’d)

(Agenda Item G-12)

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 approve and adopt **Ordinance No. 4232-12-2015**, as captioned previously. The motion carried.

Mayor Durham advised that he would be abstaining from discussion and consideration of the following item as he is employed by Denton Central Appraisal District. The appropriate Conflict of Interest Affidavit had been filled out and filed with the City Secretary. Mayor Durham stepped away from the dais.

Consideration of Resolution No. 4233-12-2015 Casting Lewisville’s Votes for Directors to the Denton Central Appraisal District Board

(Agenda Item G-13)

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.

The City’s staff’s recommendation was that the City Council consider casting Lewisville’s votes for Directors to the Denton Central Appraisal District Board.

Consideration of Resolution No. 4233-12-2015 Casting Lewisville's Votes for Directors to the Denton Central Appraisal District Board (cont'd)

(Agenda Item G-13)

David Terre, 3941 Teal Cove, The Colony, Texas spoke before the City Council thanking them for their nomination and respectfully requesting they consider casting their votes for him.

Councilman Vaughn thanked Mr. Terre for the representation that he had given the City of Lewisville and for looking out for the City's best interest while he served on the Denton Central Appraisal District Board. Councilman Vaughn made a motion to cast the 120 Lewisville votes for Brenda Latham in order to have a Lewisville representative on the Board. Due to no second, the motion failed.

Discussion was held among the City Council to cast their votes for David Terre. Councilman Gilmore advised that he felt Mr. Terre had done a excellent job and had continued to reach out to the City of Lewisville, and indicated that feedback on his performance had been positive.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Gilmore, the Council voted four (4) "ayes" and one (1) "nays," with Councilman Vaughn casting the negative vote to approve and adopt **Resolution No. 4233-12-2015 (R):** A Resolution of the City Council of the City of Lewisville, Texas, Casting Votes for David Terre to the Board of Directors of the Denton Central Appraisal District. The motion carried.

(Mayor Durham returned to the dais.)

Reports

(Agenda Item H)

- Mayor Pro Tem Ferguson stated it was great to see Fire Chief Tim Tittle back. Chief Tittle reminded everyone that this evening was the first night Santa would be back out with the Firemen. He encouraged everyone to get out when Santa came to their neighborhood.
- Director of Public Services Carole Bassinger gave an update on the status of the lake and advised unless there was a monsoon it would not be going over the spillway.
- Assistant City Manager Eric Ferris gave an update on the Santa Paws event held during the Holiday Stroll. He also advised of the success of the three City floats and thanked Assistant City Manager Steve Bacchus for all his work with the Rotary Club to conduct the Breakfast with Santa. Mr. Ferris advised that on Wednesday, December 9th at 7 p.m. there would be a block meeting with Old Town Business owners to discuss proposed changes to fire sprinkling requirements.

Reports (cont'd)

(Agenda Item H)

- Councilman Daniels stated that the Holiday Stroll was fantastic and it was awesome watching Elf out on the lawn with the kids all laughing. He thanked the Fire Department for sending Santa out through the community. He advised that the Christmas tree recycling would start on December 14th at Lake Park.
- Deputy Mayor Pro Tem Tierney thanked the City staff for the success of Holiday at the Hall.
- Councilman Gilmore advised that Animal Services had partnered with an App called Finding Rover, utilizing facial recognition to reunite dogs with their owners. He further advised of events being held at LLELA on December 12th.
- Mayor Durham advised of hearing compliments for City staff from top to bottom from the Holiday Stroll. He thanked everyone for all their hard work.
- At the request of Mayor Pro Tem Ferguson, Director of Communication and Tourism James Kunke reviewed the upcoming events at the MCL Grand Theatre.
- Mayor Pro Tem Ferguson thanked everyone on City staff for a phenomenal Holiday Stroll event from the parade, toy run, pancake breakfast, Santa pictures, dog parade, afternoon activities, tree lighting, with Elf icing the cake at the end of the evening. He stated this was definitely the result of outstanding planning and work and he thanked everyone who had a roll in this event and that he looked forward to next year.
- Councilman Vaughn echoed all the comments already made and stated his appreciation for City staff who were as usual A #1.
- Mayor Pro Tem Ferguson thanked the officer for his presence at the meeting.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 8:24 p.m. Monday, December 7, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item I)

(Councilman Gilmore was not present during Closed Session due to his previously stated Conflict of Interest pursuant to his employment with Waste Management.)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:24 p.m. on Monday, December 7, 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:

Closed Session (cont'd)

(Agenda Item I)

Section 551.071 (Consultation with Attorney/Pending Litigation):

1. 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):

2. Property Acquisition

Section 551.087 (Economic Development):

3. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 8:42 p.m. on Monday, December 7, 2015.

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

(Agenda Item J)

(Councilman Gilmore was present at the dais.)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 8:42 p.m. on Monday, December 7, 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. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Vaughn 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 8:42 p.m. on Monday, December 7, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 21st day of December, 2015.

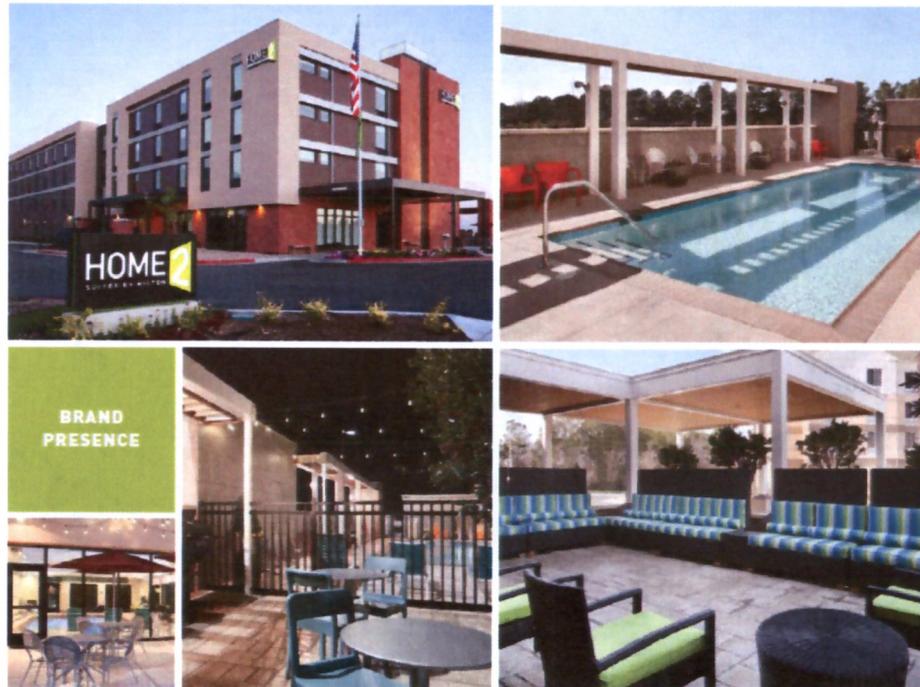
APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

Proposed Changes for New Hotel Construction-Revised based on Comments



Why Consider Changes to the Hotel Requirements?

- Recent Interest from Hotel Developers
- Redevelopment Opportunities due to I-35E Widening
- Lewisville's Desirable Location and Market
- Review of Peer Cities Revealed Few with Hotel Regulations

History

- Pre-2003: No Specific Standards Existed
- 2003 Changes:
 - Room Size - 400 square feet
 - Interior Corridors Required
 - 24-hour On-Site Staff Required

History

- Changes in 2009:
 - Added menu options to the minimum requirements
 - (4 out of 5 selection)
 - Furnished rooms
 - Swimming Pool (1,000 S.F. minimum; 2,500 S.F. with 200+ Rooms)
 - Full service restaurant
 - Number of guest rooms - 175
 - Meeting space-10,000 square feet

Impact of 2009 Ordinance Changes

- No new hotel built in full compliance with ordinance to date
- Since 2009, only Springhill Suites has been built, utilizing an ED Agreement with a room size variance (this Agreement was executed prior to 2009, therefore fell under the 2003 requirements)
- New hotel brands in the market
 - Hilton Home 2; Candlewood Suites; LaQuinta Inn & Suites; Aloft; Indigo
- Number of hotel rooms reduced in Lewisville due to market conditions and I-35E expansion

Impact of Proposed Ordinance changes

- Ability for Lewisville to get new hotels based on market demand
- I-35E Corridor Market Study shows the need for limited service hotels (Weinstein, Clower & Associates, 2012)
- Full service hotel attraction often requires major public investment and should be approached separately from ordinance amendments
- **Currently 3 hotels in discussion** (Hilton Home 2, La Quinta Inn & Suites, Candlewood Suites) (All average 325 square-foot room size)

Proposed Amendments

Council Workshop 9-21-2015

- Proposed minimum requirements:
 - Room size - 325 square feet
 - Minimum number of rooms - 100
 - Interior corridors
 - 24-hour on-site staff
 - Fully furnished rooms
 - Minimum 4 stories in height (drives higher quality construction)

Added Menu Option (3 out of 4 must be added)

- Enhanced architectural design, building material and landscaping (i.e. 80% Stone/brick façade, façade articulation, 30% additional trees and plant materials above standard city ordinances, enhanced paving in parking lot, drop off area)
- Increase room count to 130
- Provide minimum 1,500 square feet in meeting space
- Provide a bar/restaurant open in the evening

Proposed Amendments Based on Comments Received

- Council provided direction to staff on 9-21-15 for certain modification
- Staff met with existing hoteliers on 10-8-15 to review proposed changes. Several expressed strong opposition to any change to the existing ordinance, other recommendations received have been incorporated to the extent possible which include:
 - Increase minimum room count
 - Require other amenities
 - Increase height to 5 stories (not incorporated)

Proposed Amendments Based on Comments Received

- Proposed minimum requirements:
 - Room size - 325 square feet
 - Minimum number of rooms - **110**
 - Interior corridors
 - 24-hour on-site staff & **daily housekeeping**
 - Fully furnished rooms
 - Minimum 4 stories in height
 - **Enhanced architectural standards**

Proposed Amendments Based on Comments Received

- *Miscellaneous.* Two of the following items shall be included in the design and construction or modification of all hotels, motels and extended-stay facilities:
 - A Fitness facility - Minimum 400 square feet.
 - Indoor/outdoor pool - Minimum 1,000 square feet.
 - Spa/Sauna - Minimum 800 square feet.
 - Gift shop - Minimum 400 square feet.
 - Outdoor atrium/plaza with seating space - Minimum 1,000 square feet.

New Menu Option (3 out of 4 must be added)

- Enhanced landscaping (i.e. 30% additional trees and plant materials above standard city ordinances, enhanced paving in parking lots & drop off areas)
- Increase room count to 130
- Provide minimum 1,500 square feet in meeting space
- Provide a bar/restaurant open in the evening

Other Options Added

- *Economic Development Incentives.* Subject to approval of an economic development agreement by the City Council, a project that meets all 4 requirements in section (c) above may be eligible for an economic development incentive for reduction of development fees.
- *Cooktop/Oven.* New hotel construction with cooktop or oven in guestrooms shall require the approval of a Special Use Permit in accordance with the provisions of the Zoning Ordinance.

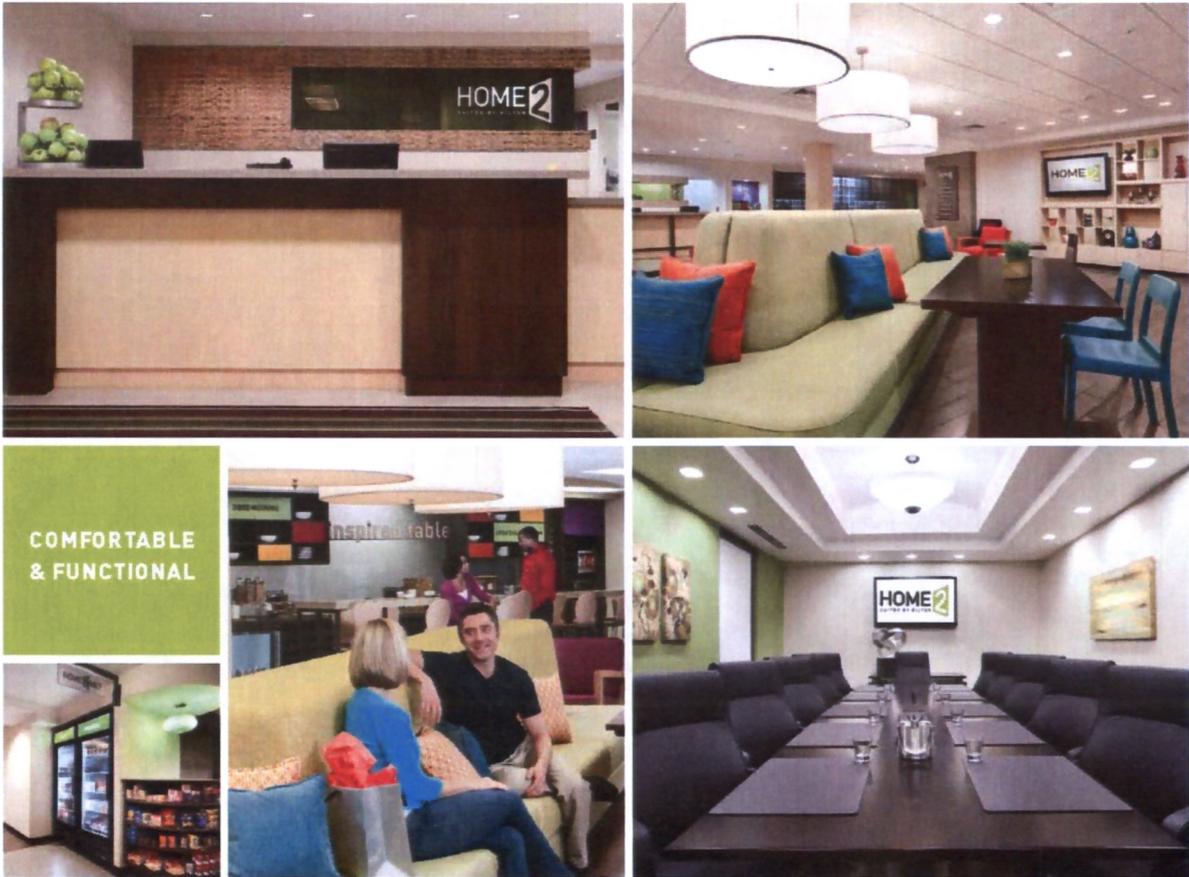
Conclusion

- Changes will allow several hotel projects to move forward
- Provide for high quality but flexibility within projects
- Increase number of hotel rooms & Lewisville's market share
- Hotel is a superior use compared to other uses allowed in the Zoning Ordinance within certain districts
- Increase property value (Estimate for 3 proposed hotels- \$100 million)

Hilton Home 2 Suites Conceptual Images



Hilton Home 2 Suites Conceptual Images



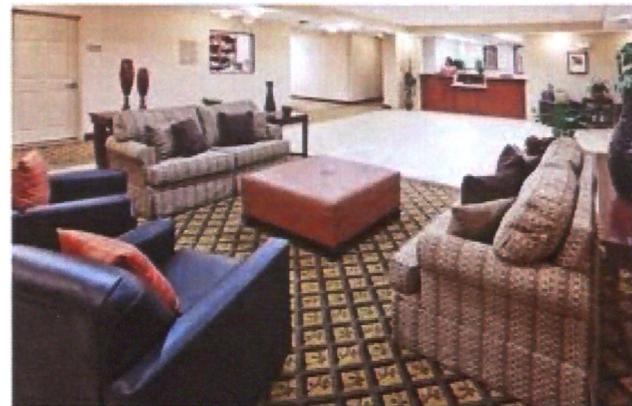
Hilton Home 2 Suites Conceptual Images



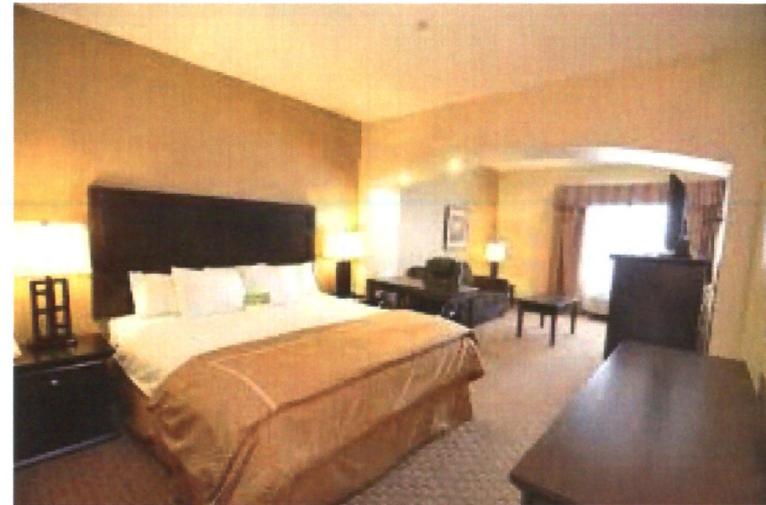
Hilton Home 2 Suites Typical Room Layout



Candlewood Suites Conceptual Images



La Quinta Inn & Suites Conceptual Images



Municipal Setting Designation (MSD) 1288 West Main Street and 1280 W. Main Street, Suite 102 Lewisville, Texas

Presented on behalf of MSD Applicant
1171/Old Orchard Limited Partnership

by Cirrus Associates, LLC
December 2015



Municipal Setting Designation

- The MSD is requested for the Old Orchard East Shopping Center which was developed in 1979.
- The shopping center owner is 1171/Old Orchard Limited Partnership, which developed the center in 1979 and Cirrus Associates is their consultant.
- Cirrus Associates, L.L.C. is an environmental consultant specializing in environmental issues.



Municipal Setting Designation

- The MSD Statute was enacted by Texas in 2003 with the finding that:
 - restriction of access to and use of affected groundwater advances a substantial and legitimate state interest and protects human health
- The City of Lewisville approved an ordinance establishing a process for approving MSDs on February 16, 2015.



3

Municipal Setting Designation (cont.)

- MSD ordinances establish a State process for protecting human health and the environment while also promoting the economic welfare of citizens of the city and encouraging the economic development of properties that have affected groundwater.



4

- MSD applications in the City are reviewed by the City of Lewisville and then by the Texas Commission on Environmental Quality (TCEQ)
- Involves notifications to area Retail Public Utilities (RPU), cities, and water well owners within statutory distances from the property.
- 4 MSDs have been certified by the TCEQ within Denton County, with one approved by the City of Lewisville and an additional 171 in Dallas and Tarrant counties.



5

- Upon MSD approval by the City of Lewisville, the RPU's listed below and marked with an * will be contacted for the necessary support for submittal to the TCEQ for certification. The others require notification only as they do not sell water.
 - Creekside Mobile Home Park*
 - Cross Timbers Water Supply Corp*
 - City of Highland Village*
 - Lake Cities Municipal Utility Authority*
 - Northshore Club
 - Twin Coves Marina
 - USCOE Rockledge Park



6

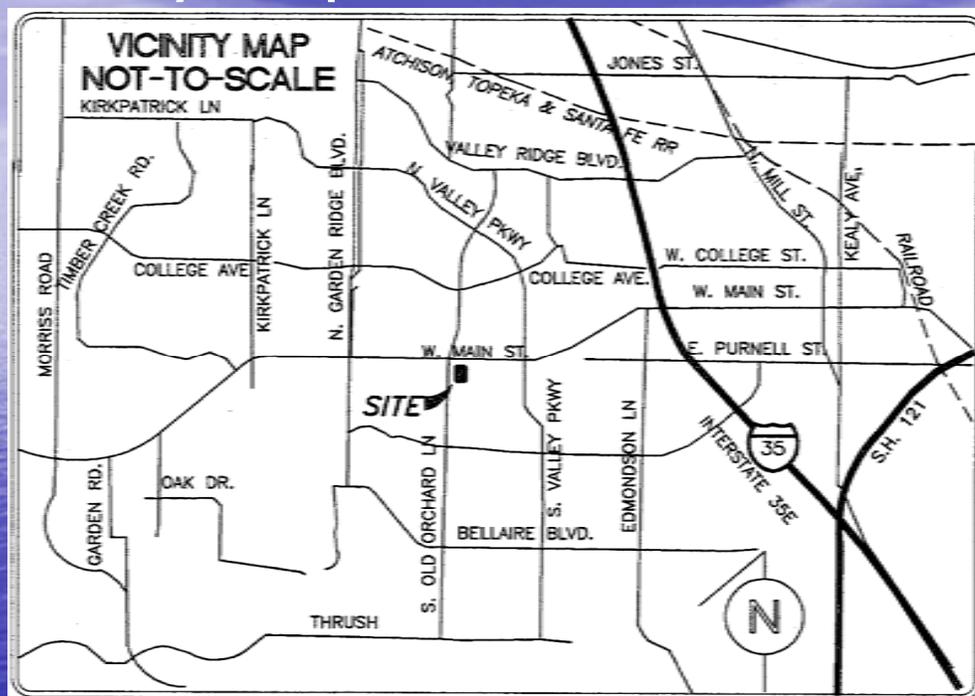
Old Orchard East

- The Shopping Center consists of 14.8584 acres of land developed as a multi-tenant retail center located at southeast corner of Main St and Old Orchard in Lewisville, Texas.
- The Shopping Center is occupied by a Winco Foods store, restaurants and a variety of other shops and stores. The future use of the MSD Designated Property is anticipated to remain commercial retail.



7

Vicinity Map



8

Old Orchard East

- The MSD will allow this property to continue improving, thus protecting jobs in and contributing to the City of Lewisville tax base.
- Approval of the MSD will allow for protection of groundwater resources and the public through a restriction on groundwater access and use. **This restriction only applies to the Old Orchard East Shopping Center Property.**



9

Old Orchard East

- The documented impacts to the Shopping Center are from an adjacent Mobil Station and from former off-site dry cleaners (Value Plus and Heritage Cleaners) in the Old Orchard West Shopping Center across Old Orchard Lane.



10

Old Orchard East

- A Phase I ESA for the Shopping Center was completed by the City's consultant, Terracon, as part of a Brownfields program on April 20, 2012.
- A subsurface investigation was completed by the City's consultant, Terracon, as part of the Brownfields program on November 2, 2012.



11

Old Orchard East

- A Voluntary Cleanup Program (VCP) application (VCP No. 2688) was submitted to the TCEQ in 2014 and the VCP project is active with the TCEQ.
- The MSD application was filed with the City of Lewisville on August 21, 2015.



12

Old Orchard East

- The MSD will set applicable closure levels for the property as well as protecting the public through a restriction on groundwater access and use on the Old Orchard East shopping center.
- An MSD is critical to obtaining closure through the VCP, as the property is affected by releases from dry cleaners and gas stations, which are located off-site and up gradient.



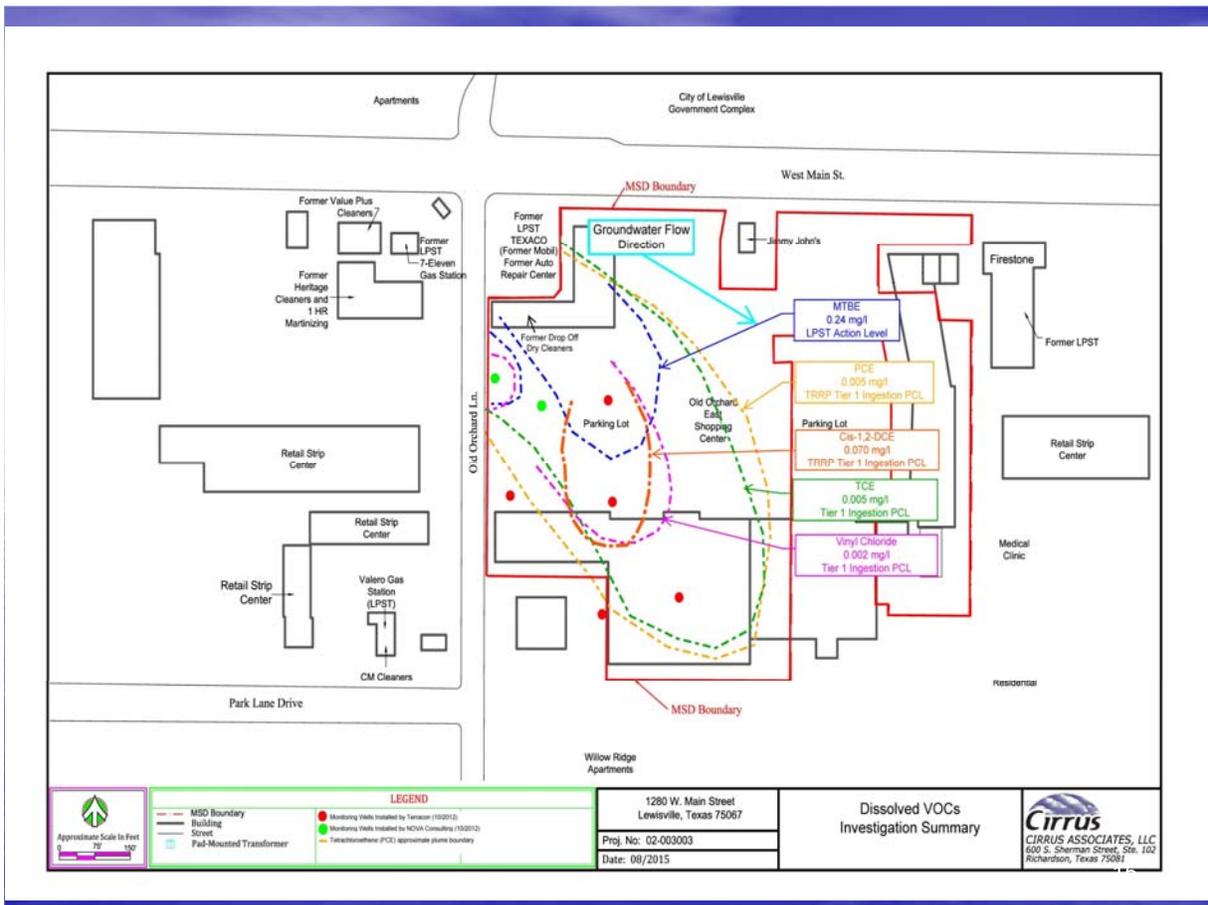
13

Old Orchard East

- The compounds that exceed TCEQ PCLs without an MSD are PCE, TCE, cis-1,2-DCE, vinyl chloride and MTBE (fuel additive)
- The concentrations of the dry cleaning and fuel related compounds detected in the soil and groundwater are all well below the applicable State Protective Concentration Levels with an MSD in place.

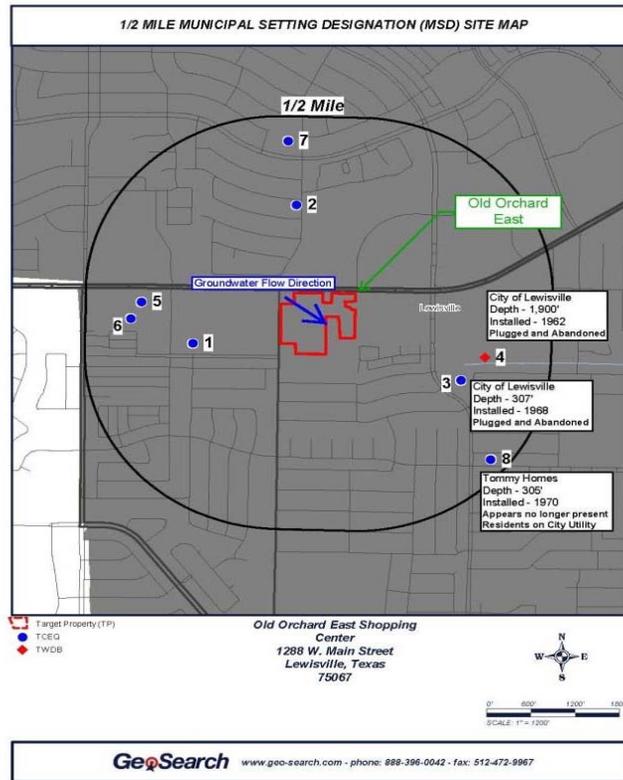


14



Old Orchard East

- Eight (8) water wells are located within 1/2 mile from property with only three (3) in the down to side groundwater gradient direction.
- Two of the down gradient wells are confirmed by the City of Lewisville to be plugged and abandoned. The third well appears to no longer be present and was installed by the developer of the homes in 1970. The property owner is not aware of a well being present today.



17

Old Orchard East

- There is limited groundwater present in the upper 30 feet in clay with clay and shale present below the shallow groundwater preventing movement to deeper zones where water wells are typically completed.
- The deeper groundwater zone is not threatened by the affected groundwater.



18

Old Orchard East

- All of the water wells within ½ mile are completed at depths of at least 265 feet with shale layers protecting the deeper groundwater from the shallow perched water. The down to side gradient wells noted on the earlier map were also at least 300 feet deep with intervening shale layers.
- The other area water wells out to 5 miles are not threatened by the affected groundwater on the MSD property



19

Old Orchard East

- City of Lewisville obtains drinking water from Lake Lewisville with supplemental water purchased from the City of Dallas.
- Lake Lewisville is located almost two miles to the northeast of the Property and groundwater flow direction on the Property is down to the east-southeast.



20

Thank You for your Attention!