

A G E N D A

LEWISVILLE CITY COUNCIL MEETING FEBRUARY 15, 2016

**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. Discussion of Public Art Policy.
- B. Discussion of Logo and Color Scheme for No. 3 Elevated Storage Tank
- D. 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:**
Mayor Pro Tem Ferguson
- C. **PROCLAMATION:** Declaring the week of February 21-27, 2016, as
“Lewisville Rotary Week 2016”
- D. **PRESENTATION:** Certificates of Appreciation to Citizens; Gene Auzenne,
Kerry Meeks, Jeff Hudson, Brian Smiley, and Steve Sullivan From the Lewisville
Police Department

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

E. PUBLIC HEARINGS:

- 1. Continued Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single-Family Residential (R-7.5) to Old Town Mixed Use One (OTMU1) on an Approximately 0.1515-Acre Property Located on the East Side of Milton Street Approximately 50 Feet North of Edwards Street at 426 Milton Street, as Requested by Gerardo Gallardo the Property Owner (Case No. PZ-2016-01-01).**

ADMINISTRATIVE COMMENTS:

The public hearing for this item was continued at the February 1, 2016, City Council meeting. The zone change request is in accordance with the Old Town Master Plan and will provide greater flexibility for setbacks associated with a new residence proposed for the property. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 7-0 at their meeting on January 19, 2016.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Manager
Gerardo Gallardo, Property Owner

- 2. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Specific Use District-Mining (SU-Mining) to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use); on an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street, as Requested by Richard Dormier of Freeman-Millican, Inc. on Behalf of Waste Management of Texas, INC., the Property Owner (Case No. PZ-2016-01-02).**

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

ADMINISTRATIVE COMMENTS:

The proposed tract is part of the larger Waste Management property and is part of the roadway that leads into the landfill. The request is not for an expansion of the landfill, but rather to allow for the accessory uses related to the landfill such as the gate house; scales and tire wheel wash area that currently reside inside the landfill footprint. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on January 19, 2016.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Manager
Richard Dormier, Freeman-Millican, Inc.

3. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business (GB) to Old Town Center Business District (OTC); on an Approximately 0.75-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located at the Northwest Corner of East Main Street and Kealy Avenue, as Requested by James Murray of Hard Sun 100 LLC, the Property Owner (Case No. PZ-2016-02-03).**

ADMINISTRATIVE COMMENTS:

The 0.75-acre property located at the northwest corner of East Main Street and Kealy Avenue was home to the Lewisville Feed Mill, a family owned and operated business, for 124 years. The property was sold in November 2015 to restaurateur Mr. James Murray of Hard Sun 100 LLC, who intends to convert the existing structures on the property into a restaurant, while preserving as much of the historical character as possible. The property consists of several tracts of land containing the feed mill building and grain silos. The requested designation of Old Town Center Business District (OTC) is consistent with the Old Town Master Plan. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 2, 2016.

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Manager
James Murray, Property Owner

4. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; and Consideration of Four Associated Variances on an Approximately 1.212-Acre lot, Legally Described as Lot 1, Block G, Carrington Village Addition Phase II, Located at the Northwest Corner of FM 3040 and SH 121 Business, as Requested by Steve Meier of Hummel Investments, LLC. on Behalf of Drexel Realty Lewisville LP, the Property Owner (Case No. SUP-2016-02-01).**

ADMINISTRATIVE COMMENTS:

Goodyear currently operates out of the retail center adjacent to this property. They have outgrown the facility and are looking to build a new 7,800 square-foot facility with 12 service bays. Staff recommends the following conditions if this SUP is approved: 1) overnight outside storage of vehicles shall not be allowed; 2) the outside storage of tires or other material shall not be allowed on the site; and 3) the hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday. Four variances are requested: a) to waive the deceleration requirement; b) to waive the 250-foot control of access from the intersection of SH 121 Business; c) to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and d) to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement. The Planning and Zoning Commission recommended approval of the SUP by a vote of 5-1 at their meeting on February 2, 2016.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

PRESENTATION: Richard E. Luedke, Planning Manager

AVAILABLE FOR QUESTIONS: Steve Meier, Hummel Investments, LLC.

5. **Public Hearing: Consideration of an Ordinance Adopting Camp Standards of Care in Compliance With Texas Administrative Code 745.115(3) Municipal for Recreational Camp Programs.**

ADMINISTRATIVE COMMENTS:

The Department of Family and Protective Services provides an exemption to the license requirement for child-care facilities for municipal recreation programs. The City's camp program meets the criteria for said exemption but requires the Council's adoption of the proposed ordinance setting for the standards of care. This is the same standards of care as approved by City Council the past five years with the addition of the LLELA Nature Preserve Camps.

RECOMMENDATION:

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

- F. **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.
- G. **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 February 1, 2016, Workshop Session and Regular Session.**

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

- 7. Approval of an Economic Development Agreement by and Between the City of Lewisville and Coyote Theaters LLC; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Coyote Theater LLC will be constructing a drive-in theater facility to be located at the southeast corner of Midway Road and Holford's Prairie Road. Coyote is projected to invest \$8 million in the project which includes an already purchased 35 acres of land and will include improvements on the property. The agreement calls for the City to provide a Start-Up Grant not to exceed \$306,500.

RECOMMENDATION:

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

- 8. Approval of an Amendment to the Economic Development Agreement That was Approved on March 17, 2014, by and Between Old Town Development Lewisville, LLC, and the City of Lewisville; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

On March 17, 2014, the City and the Developer entered into an Economic Development Agreement to purchase property, construct public and private improvements and build three new restaurants in a manner consistent with approved plans in return for certain cost reimbursements and other grants. The project is currently under construction and this amendment is needed to further clarify the actual cost reimbursement for certain public improvements that will be completed as part of the project.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

- 9. Approval of a Professional Services Agreement With Birkhoff, Hendricks & Carter, L.L.P., in the Amount of \$407,470 for Professional Engineering Services for the Design, Construction and Special Services for the Vista Ridge Lift Station Improvements; and Authorize the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Funding was approved in the FY 2015-16 budget for engineering design services for improvements of the Vista Ridge Lift Station. Birkhoff, Hendricks, and Carter, L.L.P. was selected to provide the engineering services for the design of replacement pumps, motors, check valves, piping, motor control centers and other electrical, odor control and SCADA system upgrades. The addition of a barscreen is sought to protect the pumps and remove debris from the system. Engineering services on this project are \$407,470, which includes: design, bidding and construction services at a cost of \$343,000; and Special Services: surveying, site plan preparation, geotechnical, quality control services at a cost of \$64,470. Funding is available in the Vista Ridge LS capital project. The anticipated design phase for the project is twelve months. Preliminary projected construction and improvement costs for the station improvements are \$4,000,000.

RECOMMENDATION:

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

- 10. Approval of a Bid Award for the FM544 Utility Relocations Improvement Project to Four Star Excavating, Dallas, Texas, in the Amount of \$299,301.45; Which Includes \$14,252.45 for Contingencies; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixteen (16) bid invitations were downloaded from Bidsync.com. Eight (8) bids were received and opened January 21, 2016. The project consists of water line and sanitary sewer relocations on the north side of FM544 between Old Denton Road and Windhaven Parkway and a water line crossing underneath FM 544 in front of Killian Middle School due to the TxDot expansion of FM544. Funds are available in Capital Improvement Project Accounts.

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

RECOMMENDATION:

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

- 11. Approval of the Annual Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability.**

ADMINISTRATIVE COMMENTS:

First Southwest Company has completed all arbitrage calculations for 2015 to comply with Internal Revenue Service Arbitrage Regulations. The Federal Tax Reform Act of 1986 requires local governments to report and rebate interest earnings related to tax exempt bond proceeds which exceed interest allowed or paid on the bonded debt. The reports show no arbitrage liability as of September 30, 2015. Arbitrage liabilities are recalculated every year, and payment of liabilities is only required if the issues have a positive liability on five-year anniversary or final maturity dates.

RECOMMENDATION:

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

- 12. Approval of a Contract Award for Two Copper Ion Generators to ONG Consulting, LLC, of Wichita Kansas, in the Amount of \$180,387; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of sixteen (16) requests for proposals were downloaded from Bidsync.com. Two (2) proposals were received and opened February 4, 2016. This contract is for the purchase of two industrial grade Copper Ion Solution Generators with all associated parts and hardware to be installed at the Raw Water Intake Structures. These units will provide a very low dosage (parts per billion) to inhibit Zebra Mussel colonization. Installation of the units will be performed by City staff. Funds are available in the Capital Generator Project Account.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

- 13. Authorization to Submit a Letter in Protest to the Bureau of Land Management Regarding the Proposed Competitive Sale of an Oil and Gas Lease on Approximately 259 Acres In and Adjacent to Lewisville Lake.**

ADMINISTRATIVE COMMENTS:

On January 20, 2016, the Bureau of Land Management, New Mexico State Office, issued a notice of competitive sale of oil and gas leases for several parcels of land including approximately 259 acres in and adjacent to Lewisville Lake (“Lewisville Lake Property”). A protest of said sale must be filed by February 18, 2016. To date, both Dallas and Highland Village have submitted letters of protest for the sale of leases on the Lewisville Lake Property.

RECOMMENDATION:

That the City Council authorize the submission of a letter in protest as set forth in the caption above.

H. REGULAR HEARINGS:

- 14. Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Access Spacing Related to ACT Construction Located at 350 McDonnell Street, as Requested by Bill Robinson of Cross Engineering Consultants, Inc. on Behalf of the Owner.**

ADMINISTRATIVE COMMENTS:

The subject site is a proposed 0.896-acre lot zoned Light Industrial (LI). ACT Construction is currently platting two lots in the Lamb Addition into one lot and expanding their existing building and site into to the vacant lot on the west side of their existing business. Staff has reviewed and approved the engineering site plan for ACT Construction subject to the City Council approval of the variance to allow both driveways on McDonnell Street to abut an existing driveway on an adjacent site in lieu of the required 50 foot spacing required for driveways on adjacent lots.

RECOMMENDATION:

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

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

- 15. Consideration of a Resolution Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries Effective January 1, 2018.**

ADMINISTRATIVE COMMENTS:

The City is a member of TCAP (Texas Coalition for Affordable Power), a non-profit, political subdivision corporation and alliance of cities and other political subdivisions who together purchase electricity for government use. TCAP's membership consumes approximately 1.4 billion kilowatt hours (kWh) annually, with Lewisville being the 10th largest at approximately 26.8 million kWh. As a member of TCAP, the city is currently under contract for the purchase of electrical power through December 31, 2017. This resolution is to support the opportunity for TCAP to contract for electricity on behalf of its members for the period beginning January 1, 2018 through December 31, 2022.

RECOMMENDATION:

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

PRESENTATION: Clifford Howard, Fiscal Services Manager

- 16. Consideration of Acceptance of Resignation of Judy Kay Ferguson From Place No. 4 on the Community Development Block Grant Advisory Committee (CDBG); Declare Vacancy Exists on the CDBG; and Consideration of an Appointment to Place No. 4 on the CDBG.**

ADMINISTRATIVE COMMENTS:

Judy Kay Ferguson has submitted her resignation from Place No. 4 on the CDBG due to time conflicts with her schedule. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

RECOMMENDATION:

That the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

**AGENDA
LEWISVILLE CITY COUNCIL
FEBRUARY 15, 2016**

- I. **REPORTS**: Reports about items of community interest regarding which no action will be taken.
- Quarterly Investment Report From October 1, 2015 – December 30, 2015
- J. **CLOSED SESSION**: In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney): Legal issues related to conflicts of interest
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- L. **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).