

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
MAY 15, 2017**

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

**WORKSHOP SESSION – 5:00 P.M.**

**REGULAR SESSION – 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**CLOSED SESSION – 5:00 P.M.**

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney): Legal Issues Regarding City Governance.

**WORKSHOP SESSION – IMMEDIATELY FOLLOWING CONCLUSION OF CLOSED SESSION**

- A. 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:** Councilman Daniels
- C. **GRADUATION:** 2016/2017 Lewisville Citizen’s University Members
- D. **Consideration of Items Relating to the May 6, 2017, City of Lewisville General Election:**
  - 1. Canvass of the Election Returns for the City Council General Election
  - 2. Consideration of a Resolution Declaring the Results of the City Council Election

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3. Presentation of Certificate of Election by Mayor Durham and Oath-of-Office to Newly Elected Council Member – Place No. 3 by Municipal Court Judge Brian Holman.
  
- E. **PROCLAMATION:** Declaring May 15, 2017 as “Lewisville Children’s Mental Health Awareness Day”
  
- F. **PRESENTATION:** Life Saving Award to Police Officers Drake Bartlett, Joseph Fernandez and Timothy O’Hare
  
- G. **PUBLIC HEARING:** Consideration of an Ordinance Granting a Zone Change Request From Planned Development-Old Town Mixed Use 2 District (PD-OTMU2) and Light Industrial District (LI) to Planned Development-Old Town Mixed Use 2 District (PD-OTMU2) and Two Associated Variances, on an Approximately 8.9-Acre Tract of Land out of the E. Sutton Survey, Abstract No. 1167, Located on the North Side of East College Street Approximately 940 Feet East of North Kealy Avenue, as Requested by Chuck Flippin of Bridgewood Residential LP, on Behalf of Dale and Wanda Andrews and Delancy Property LTD, the Property Owners (Case No. PZ-2017-05-07).

**ADMINISTRATIVE COMMENTS:**

The Planned Development (PD) district allows for innovative community design concepts which may not meet all regulations of the City’s standard zoning categories, but ensures a high-quality development with enhanced amenities and a customized design tailored for a specific site. On February 6, 2017, a PD was approved on 5.589 acres of this site consisting of a four-story urban residential building with 234 units. The proposed PD adds approximately 3.315 acres of land zoned LI to the northwest portion of the site and includes a revised concept plan covering the entire 8.9 acres. The following two variances are requested: a) to allow a reduction in the required parking from 2 parking spaces per unit to 1.4 parking spaces per unit; and b) to provide alternative screening between residential and industrial uses. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of May 2, 2017.

**RECOMMENDATION:**

That the City Council approve the proposed ordinance and two associated variances as set forth in the caption above.

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- AVAILABLE FOR QUESTIONS:**
- Nika Reinecke, Director of Economic Development and Planning
  - Chuck Flippin, Bridgewood Residential LP

- H. **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.
- I. **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.
1. **Approval of a Professional Services Agreement Amendment with HDR Engineering, Inc. in the Amount of \$172,607 for Professional Engineering Services for the Detailed Design of the Raw Water Pipeline Relocation; and Authorize the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

The United States Army Corps of Engineers (USACE) has developed improvement strategies for the Lewisville Lake Dam, and has requested that the City relocate portions of its two raw water pipelines, in order to implement the Lewisville Lake Dam improvements. On November 7, 2016, a Professional Services Agreement (PSA) with HDR Engineering, Inc was approved by City Council for preliminary engineering services. This amendment will provide for detailed design services for the pipeline alignment, and evaluation of the environmental impacts and permitting requirements. Funding is available in the Waterline Replacement – South of Dam capital project.

**RECOMMENDATION:**

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

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- 2. Approval of Bid Awards for Annual Requirements Agreements for Water and Wastewater Treatment Chemicals for Public Services to Oxbow Activated Carbon LLC, Oceanside, CA for Activated Carbon, DPC Industries Inc. Cleburne, TX for Liquid Chlorine and Penco, Inc. San Felipe, TX for Liquid Ferric Sulfate; and Authorization for the City Manager to Execute the Agreements.**

**ADMINISTRATIVE COMMENTS:**

A total of fifty-one (51) bid invitations were downloaded from Bidsync.com. Eight (8) bids were received and opened on March 30, 2017. These chemicals are used for the treatment and disinfection processes for both Water and Wastewater. The term of the agreements will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available in Public Services operating budget.

**RECOMMENDATION:**

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

- 3. Approval of a Bid Award for CDBG Program Year 2017 Holfords Prairie Road Rehabilitation Project to Reynolds Asphalt and Construction Company, Euless, Texas, for \$169,158; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of twenty-two (22) bid invitations were downloaded from Bidsync.com. Three (3) bids were received and opened on May 4, 2017. This project consists of asphalt pavement rehabilitation on Bunker Hill, Westhill, Corners, Red Hawk and a portion of Holfords Prairie Road. Funding is available in the Community Development Block Grant budget.

**RECOMMENDATION:**

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

- 4. Approval of a Resolution Amending the City's Legislative Agenda for the 2017 Texas Legislative Session and Authorizing the Mayor and City Manager to Communicate the City's Adopted Legislative Priorities.**

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**ADMINISTRATIVE COMMENTS:**

On January 9, 2017, Council adopted a Legislative Agenda that set the City's priorities and key issues for the 85<sup>th</sup> legislative session and granted authority for the Mayor or City Manager to sign letters and other documents to communicate the City's legislative priorities. Since January, HB 2654 was introduced, approved by the House and is under consideration by the Senate. Supporting this legislation is in the best interest of the City, its citizens and Denton County, and staff is seeking an amendment to the City's 2017 Legislative Agenda to include support of HB 2654 and/or any related companion bills.

**RECOMMENDATION:**

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

**J. REGULAR HEARINGS:**

- 5. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Room Rental Fees and Deposit Associated With the Mothers Against Drunk Driving (MADD) Victim Impact Panel From May 1, 2017 to April 30, 2018, as Requested by Ron Sylvan, Executive Director, North Texas Affiliate, MADD.**

**ADMINISTRATIVE COMMENTS:**

Mothers Against Drunk Driving (MADD) conducts a Victim Impact Panel to help DWI/DUI offenders realize the lasting and long-term effects of substance impaired driving, to prevent future offenses from occurring and to give victims a healing opportunity to share their stories in a meaningful way. Panels are conducted approximately once per quarter in the Glenmore Savage Community Room. The requested variance would waive \$400 in room rental fees and a \$300 deposit.

**RECOMMENDATION:**

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

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- 6. Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the Court Appointed Special Advocates (CASA) of Denton County Tri-It for CASA Triathlon Fundraising Event; and Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving Special Event Permit Fees, as Requested by Sherri Gideon, Executive Director, Representing CASA of Denton County.**

**ADMINISTRATIVE COMMENTS:**

CASA is planning a triathlon event for June 11, 2017 at Toyota of Lewisville Railroad Park. This event was formerly organized by the Kiwanis Club of Southern Denton with all profits given to CASA. In 2015, CASA began hosting this event. The event will be operated in the same manner as previous years with no significant changes. In addition to a request for a permit, CASA is requesting a waiver of fees and use of City property for the fundraising event. All profits will continue to be used to support CASA. City Council approved a similar request for this event in 2012 – 2016. The total amount of the request for waiver of fees for this event is \$9,097.30.

**RECOMMENDATION:**

That the City Council approve the variance and use of City property as set forth in the caption above.

- 7. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2017 Rate Review Mechanism Filings; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent With the Negotiated Settlement.**

**ADMINISTRATIVE COMMENTS:**

On March 1, 2017, Atmos made a Rate Review Mechanisms (RRM) Tariff filing requesting \$57.4M additional revenues on a system-wide basis. The City, along with other cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The Rate Review Mechanism Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been utilized for the previous three filings and

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rate cases. The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement of \$48M resolving the 2017 RRM filing, and implementing the rate change, which will result in a 3.87% increase to residential rates, effective June 1, 2017.

**RECOMMENDATION:**

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

- 8. Consideration of a Resolution Calling a Runoff Election to be Held on June 10, 2017, for the Purpose of Electing a Member of the Council to Place No. 1 on the City Council; Approval of an Election Calendar; and Authorization for the Mayor to Sign the Election Order and Certificate of Runoff Candidates.**

**ADMINISTRATIVE COMMENTS:**

Pursuant to no candidate receiving a majority of the legal votes in the May 6, 2017, General Election for Councilman – Place No. 1, the City Council will need to call a runoff election to fill this position. The names of the two candidates receiving the highest number of votes at the general election were Bob Troyer and Carolyn Wright and their names shall be printed on the ballot and submitted to the qualified voters. City staff recommends the City Council call this election for June 10, 2017 as shown on the proposed election calendar. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing of this election on June 19, 2017 at a regularly scheduled City Council meeting.

**RECOMMENDATION:**

That the City Council approve the proposed resolution and election calendar as set forth in the caption above.

- K. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- Quarterly Investment Report From January 1, 2017 – March 31, 2017
- L. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition

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2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- M. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- N. **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).