

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JANUARY 4, 2016

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 6:30 p.m. on Monday, January 4, 2016, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item A)

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.

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item A)

Mayor Durham reviewed Agenda Item C-1, Public Hearing: Consideration of a Resolution Requesting that the City of Lewisville Crime Control and Prevention District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years. City Manager Donna Barron reviewed the process of calling this election for the City Council. Discussion was held that 20 years was the maximum time period allowed by law and that City staff had felt this was the best option. Councilman Vaughn expressed concern with the 20 year selection. Further discussion was held that if the citizens wanted to dissolve the district and sales tax, they could request another election be held in the future. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item C-2, Public Hearing: Consideration of a Resolution Requesting that the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C-3, Public Hearing: Consideration of Amendments to the Community Development Block Grant (CDBG) 2013, 2014 and 2015 Annual Action Plans, Providing Funding for Concrete Street Upgrades Through Cancellation and Reduction of Other Projects. Councilman Vaughn questioned if Poydras and Decker could be done in asphalt instead of concrete and the money saved could be directed to the manhole cover project. He indicated his concern that manholes that needed repair would cause more damage to vehicles than what the traffic on these two streets currently was. City Manager Donna Barron advised that could be done; however, the direction from City Council had been to proceed with concrete on streets, not asphalt. Discussion was held that the cost savings between concrete and asphalt for these two streets would be a little over \$100,000. City staff clarified that the manhole cover project is to address where there are infiltration problems (leakage, stormwater, etc), not issues with sunken manhole covers. Assistant City Manager Steve Bacchus pointed out that the memo did advise of an alternative funding source for the manhole cover project. Councilman Vaughn advised that as a former Chairman of the CDBG, he would like to see the City take more responsibility for the streets within the city limits and the funding made available through the federal government going toward programs helping people. Mayor Durham pointed out that the City Council gave the direction to move toward concrete streets and to start doing asphalt streets in certain areas would be back tracking. Further discussion was held regarding the number of manhole covers that needed to be fixed. Assistant City Manager Steve Bacchus pointed out that this was a study that was done every two years due to deterioration and this was just an issue that had come out of CDBG who had allowable funding. Councilman Vaughn confirmed that he was willing to remain with City staff's recommendation and restated that he wanted the City to take a bigger part in funding streets repairs. Mayor Durham pointed out that the City Council allocates

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item A)

over 3 million dollars toward streets every year. Discussion was held regarding the programs that are funded through the CDBG funding and the limitations on what the funding received can be used for. Councilman Gilmore stated that perhaps this topic may need to be brought up during retreat for additional conversation. There was no further discussion on this item.

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

Mayor Durham reviewed Agenda Item E-4, Approval of City Council Minutes of the December 21, 2015, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E-5, Approval of a Contract Award for the Water Treatment Plant Painting Project to JNA Painting and Contracting Co., Baltimore, Maryland, in the Amount of \$670,519.50; and Authorization for the City Manager to Execute the Contract. Councilman Vaughn questioned if there were in-house inspectors that were qualified to examine this project or if there was an outside contractor and where that amount is represented. Discussion was held that an in-house inspectors are used whenever possible; however, in some specialty areas, an outside contractor is used. Assistant City Manager Steve Bacchus advised that cost would be part of maintenance. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-6, Approval of a Resolution Calling the May 7, 2016 Lewisville City Council General Election; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order. There was no discussion on this item.

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

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:51 p.m. on Monday, January 4, 2016.

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, January 4, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

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

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Councilman Gilmore gave the pledge to the American and Texas flags.

**Public Hearing: Consideration of Resolution
No. 4238-01-2016 (R) Requesting that the
City of Lewisville Crime Control and
Prevention District Board Order an Election
Referendum to be Held on May 7, 2016, on
the Continuation of the District and its One-
Eighth of One Percent Sales Tax for a Period
of 20 Years**

(Agenda Item C-1)

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Crime Control and Prevention District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District's operations. Pursuant to Section 363.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation. Section 363.251 of the Local Government Code provides that the Board shall order such a referendum if a majority of the Lewisville City Council requests a referendum after notice and a public hearing on the matter. The Local Government Code further allows the Lewisville City Council to specify the number of years for which the District should be continued. Should the City Council adopt the attached Resolution, the request for a referendum to continue the District and its sales tax for 20 years will be presented to the Lewisville Crime Control and Prevention Board at their January 25, 2016, meeting.

The City staff's recommendation was that the City Council hold the public hearing and approve the Resolution as presented in the above caption.

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Resolution No. 4238-01-2016 (R) Requesting that the City of Lewisville Crime Control and Prevention District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years (cont'd)

(Agenda Item C-1)

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 4238-01-2016 (R)**: a Resolution of the City Council of the City of Lewisville, Texas, Requesting that the Board of Directors of the City of Lewisville Crime Control and Prevention District Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the Crime Control and Prevention District and the Control and Prevention District and the Crime Control and Prevention District Sales Tax of One-Eighth of One Percent for a Period of 20 Years; and Providing an Effective Date. The motion carried.

Public Hearing: Consideration of Resolution No. 4239-01-2016 (R) Requesting that the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years

(Agenda Item C-2)

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Fire Control, Prevention, and Emergency Medical Services District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District’s operations. Pursuant to Section 344.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation. Section 344.251 of the Local Government Code provides that the board shall order such a referendum if a majority of the Lewisville City Council requests a referendum after notice and a public hearing on the matter. The Local Government Code further allows the Lewisville City Council to specify the number of years for which the District should be continued. Should the City Council adopt the attached Resolution, the request for a referendum to continue the District and its sales tax for 20 years will be presented to the Lewisville Crime Control and Prevention Board at their January 25, 2016, meeting.

The City staff’s recommendation was that the City Council hold the public hearing and approve the Resolution as presented in the above caption.

Public Hearing: Consideration of Resolution No. 4239-01-2016 (R) Requesting that the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years (cont'd)

(Agenda Item C-2)

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Resolution No. 4239-01-2016 (R)**; a Resolution of the City Council of the City of Lewisville, Texas, Requesting that the Board of Directors of the Fire Control, Prevention, and Emergency Medical Services District Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the Fire Control, Prevention, and Emergency Medical Services District and the fire Control, Prevention, and Emergency Medical Services District Sales Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years; and Providing an Effective Date. The motion carried.

Public Hearing: Consideration of Amendments to the Community Development Block Grant (CDBG) 2013, 2014 and 2015 Annual Action Plans, Providing Funding for Concrete Street Upgrades Through Cancellation and Reduction of Other Projects

(Agenda Item C-3)

The 2013 and 2014 CDBG Annual Action Plans submitted to the U.S. Dept. of Housing and Urban Development (HUD) included two Asphalt Street Rehabilitation Projects: Holfords Prairie-Bunker Hill and Poydras-Decker. This amendment would increase funding for these two projects from \$323,000 to \$697,000 in order to upgrade the streets from asphalt to concrete. To make funds available it would then cancel the 2014 Land Acquisition for Affordable Housing project (\$120,000) and the 2015 Sewer Manhole Rehabilitation project (\$165,000). It would also use \$25,000 in unallocated funds and reduce the Housing Rehabilitation project by \$64,000. The Community Development Block Grant Advisory Committee voted 4-0 at it’s meeting on November 17, 2015, to recommend approval of the amendment.

Public Hearing: Consideration of Amendments to the Community Development Block Grant (CDBG) 2013, 2014 and 2015 Annual Action Plans, Providing Funding for Concrete Street Upgrades Through Cancellation and Reduction of Other Projects (cont'd)

(Agenda Item C-3)

The City staff's recommendation was that the City Council approve the Annual Action Plan amendments as set forth in the caption above.

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Councilman Gilmore 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.

MOTION: Upon a motion made by Councilman Gilmore and seconded by Councilman Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt; as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item E)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Daniels, the Council voted five (5) "ayes" and no (0) "nays" to approve and adopt all items on the Consent Agenda, as recommended and as follows:

4. APPROVAL OF MINUTES: City Council Minutes of the December 21, 2015, Workshop Session and Regular Session.
5. Approval of a Contract Award for the Water Treatment Plant Painting Project to JNA Painting and Contracting Co., Baltimore, Maryland, in the Amount of \$670,519.50; and Authorization for the City Manager to Execute the Contract.

CONSENT AGENDA (cont'd)

(Agenda Item E)

6. Approval of a Resolution No. 4240-01-2016 (R): A Resolution of the City Council of the City of Lewisville, Texas, Authorizing a General Municipal Election to be Held on May 7, 2016 for the Purpose of Electing Two (2) Members of the City Council (Place Nos. 4 and 5) to Hold Office for a Period of Three Years; and Providing an Effective Date.

The motion carried.

END OF CONSENT AGENDA

Reports

(Agenda Item F)

- City Manager Donna Barron introduced the new Director of Public Services, Keith Marvin. Mr. Marvin advised of the current status of Lake Lewisville.
- Assistant City Manager Eric Ferris advised of the current status of the FM 407 Intersection.
- Councilman Gilmore advised that there were two Disc Golf Courses in Lewisville and that the Lake Park location would be closing temporarily; however, there was a new hike/bike trail going through this area. In the meantime, he encouraged residents and those from other towns to head out to LL Woods to utilize the second course until the work through Lake Park was completed and the course was back up and running.
- Mayor Pro Tem Ferguson welcomed Mr. Marvin to the City of Lewisville. He gave an update on the status of the upcoming events at MCL Grand Theatre.

At the request from the audience, Mayor Durham allowed Matthew McGee to speak briefly before the City Council. At Mr. McGee questioning regarding the status of the Lewisville Dam, City Manager Donna Barron advised that Assistant City Manager Steve Bacchus would discuss his question with him.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:18 p.m. Monday, January 4, 2016, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

(Councilman Gilmore was not presented in the City Council Conference Room during Closed Session due to an appearance of a conflict.)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:18 p.m. on Monday, January 4, 2016, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney/Pending Litigation):

1. 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.

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 7:30 p.m. on Monday, January 4, 2016.

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

(Agenda Item H)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:30 p.m. on Monday, January 4, 2016, 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.

**Reconvene into Regular Session and
Consider Action, if any, on Items Discussed
in Closed Session (cont'd)**

(Agenda Item H)

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted four (4) “ayes” and no (0) “nays” to authorize the City Manager and the City Attorney to negotiate and execute, on behalf of the City of Lewisville, a settlement agreement with the City of Farmers Branch related to the Texas Commission on Environmental Quality Modification to Municipal Sold Waste Permit No. 1312A; Texas Commission on Environmental Quality Application to Obtain Municipal Sold Waste Permit Amendment – Permit No. 1312B; and any related lawsuits including *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 and to execute any related documents deemed necessary. The motion carried.

(Councilman Gilmore did not cast a vote on the above action.)

There was no additional action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item I)

MOTION: Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:32 p.m. on Monday, January 4, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 25th day of January, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY