

LEWISVILLE CITY COUNCIL

REGULAR SESSION

FEBRUARY 15, 2016

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem
Greg Tierney, Deputy Mayor Pro Tem (Absent)
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
Claire Swann, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 5:45 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 5:45 p.m. on Monday, February 15, 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 Public Art Policy

(Agenda Item A)

At the request of City Manager Donna Barron, Director of Communications and Tourism James Kunke conducted the attached PowerPoint regarding Discussion of Public Arts Policy.

City Manager Donna Barron advised that this policy would be brought back to the City Council sometime in March for approval after the Arts Advisory Board reviewed for any potential revisions. She requested they get with Mr. Kunke if they had any comments or questions.

WORKSHOP SESSION – 5:45 P.M.

**Discussion of Logo and Color Scheme for
No. 3 Elevated Storage Tank**

(Agenda Item B)

At the request of City Manager Donna Barron, Director of Public Services Keith Marvin conducted the attached PowerPoint regarding the Discussion of Logo and Color Scheme for No. 3 Elevated Storage Tank.

Discussion was held regarding the preference of the City Council regarding the logo size and the color of the water tower legs. The consensus of the City Council was to proceed with Logo Option #2 (larger logo) and the standpipe being purple with the legs painted white.

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

(Agenda Item C)

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, Proclamation: Declaring the week of February 21-27, 2016, as “Lewisville Rotary Week 2016”. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D, Presentation: Certificates of Appreciation to Citizens; Gene Auzenne, Kerry Meeks, Jeff Hudson, Brian Smiley, and Steve Sullivan From the Lewisville Police Department. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item E-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). Councilman Gilmore advised that as he was employed by Waste Management, he would be abstaining from any discussion on this item. There was no further discussion on this item.

WORKSHOP SESSION – 5:45 P.M.

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

(Agenda Item C)

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

Mayor Durham reviewed Agenda Item E-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). City Manager Donna Barron advised that the applicant has requested a continuance of this item to the next City Council meeting. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item E-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.

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

Mayor Durham reviewed Agenda Item G-6, Approval of City Council Minutes of the February 1, 2016, Workshop Session and Regular Session. There was no discussion on this item.

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

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

WORKSHOP SESSION – 5:45 P.M.

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

(Agenda Item C)

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

Mayor Durham reviewed Agenda Item G-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. At the request of City Manager Donna Barron, City Engineer David Salmon explained the complexity of this project to the City Council. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-11, Approval of the Annual Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability. There was no discussion on this item.

Mayor Durham reviewed Agenda Item G-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. At the request of Councilman Gilmore, City of Lewisville Utilities Manager Karen Emadiazar explained the copper ion generators process and how they handle the zebra mussels. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item G-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. City Manager Donna Barron explained that there had been a number of phone calls received over the past week regarding this item. She advised that the City of Dallas owns 95% of the water rights; therefore, staff's position was since Dallas had submitted their protest letter, it was important to issue a letter of protest as well. City staff further advised that the letter would be faxed and overnighted the following day pending City Council approval. There was no further discussion on this item.

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

WORKSHOP SESSION – 5:45 P.M.

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

(Agenda Item C)

Mayor Durham reviewed Agenda Item H-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. At the request of City Manager Donna Barron, City of Lewisville Fiscal Manager Clifford Howard conducted the attached PowerPoint Presentation regarding this item for City Council consideration. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item H-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. Mayor Pro Tem Ferguson requested that the City Council accept and declare the vacancy in Place No. 4 of the CDBG; however, table the appointment process until the March 7, 2016, meeting to allow more time to speak with the individuals that had submitted applications. There was no further discussion on this item.

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

City Manager Donna Barron advised that Retreat Packets would be placed in their mailboxes prior to the conclusion of the City Council meeting.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:36 p.m. on Monday, February 15, 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, February 15, 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, Councilman Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Proclamation: Declaring the week of
February 21-27, 2016, as “Lewisville Rotary
Week 2016”**

(Agenda Item C)

Mayor Durham read and presented a proclamation declaring the week of February 21-27, 2016, as “Lewisville Rotary Week 2016” to members of the Lewisville Morning and Noon Rotary groups.

**Presentation: Certificates of Appreciation to
Citizens; Gene Auzenne, Kerry Meeks, Jeff
Hudson, Brian Smiley, and Steve Sullivan
From the Lewisville Police Department**

(Agenda Item D)

Chief Russell Kerbow read and acknowledged Certificates of Appreciation for the following citizens: Gene Auzenne, Kerry Meeks, Jeff Hudson, Brian Smiley, and Steve Sullivan.

**Continued Public Hearing: Consideration of
Ordinance No. 4244-02-2016 (Z) 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)**

(Agenda Item E-1)

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.

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

Mayor Durham opened the public hearing.

Continued Public Hearing: Consideration of Ordinance No. 4244-02-2016 (Z) 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) (cont'd)

(Agenda Item E-1)

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

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted four (4) “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 Rezoning An Approximately 0.1515-Acre Lot Located On The East Side Of Milton Street Approximately 50 North Of Edwards Street; At 426 Milton Street; From Single Family Residential District (R-7.5) Zoning To Old Town Mixed Use 1 District (Otmu1) Zoning; Correcting The Official Zoning Map; Preserving All Other Portions Of The Zoning Ordinance; Providing A Clause Relating To Severability; Determining That The Public Interests And General Welfare Demand This Zoning Change And Amendment Therein Made; Providing A Penalty; And Declaring An Emergency.”

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4244-02-2016 (Z)**, as previously captioned. The motion carried.

Councilman Gilmore advised that he would be abstaining from discussion and consideration of the following item as he is employed by the 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.

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 Item E-2)

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.

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

Mayor Durham opened the public hearing.

Richard E. Luedke, Planning Manager and Richard Dormier, Freeman-Millican, Inc., 504 Edgewood Lane, Ovilla, TX, were both present to address any questions posed by the City Council.

City Attorney Lizbeth Plaster advised that in order to pass this Ordinance utilizing the emergency clause, there would need to be four voting City Council Members and there were only three members present to vote. Mayor Durham clarified with Mr. Dormier that he wanted to move forward with the approval rather than table this item until an additional City Council Member was present.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted three (3) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

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) (cont'd)

(Agenda Item E-2)

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 Rezoning An Approximately 4.237-Acre Tract Of Land Out Of The Hugh Harper Survey, Abstract No. 605; Located At 1600 South Railroad Street; From Specific Use District-Mining (Su-Mining) Zoning To Specific Use District-Landfill Accessory Use (Su-Landfill Accessory Use) Zoning; Correcting The Official Zoning Map; Preserving All Other Portions Of The Zoning Ordinance; Providing A Clause Relating To Severability; Determining That The Public Interests And General Welfare Demand This Zoning Change And Amendment Therein Made; Providing A Penalty.”

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted three (3) “ayes” and no (0) “nays” to approve and adopt Ordinance, as previously captioned. The motion carried.

Due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, this ordinance will need be read on three separate days to meet the City Charter requirements. This will be the first reading.

(Councilman Gilmore returned to the dais.)

Public Hearing: Consideration of Ordinance No. 4245-02-2016 (Z) 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)

(Agenda Item E-3)

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.

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

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

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Councilman Gilmore and seconded by Councilman Daniel, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 4245-02-2016 (Z) 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) (cont'd)

(Agenda Item E-3)

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 Rezoning 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; From General Business District (Gb) Zoning To Old Town Center Business District (OTC) Zoning; Correcting The Official Zoning Map; Preserving All Other Portions Of The Zoning Ordinance; Providing A Clause Relating To Severability; Determining That The Public Interests And General Welfare Demand This Zoning Change And Amendment Therein Made; Providing A Penalty; And Declaring An Emergency.”

MOTION: Upon a motion made by Councilman Gilmore and seconded by Councilman Vaughn, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4245-02-2016 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of an 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)

(Agenda Item E-4)

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.

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

Mayor Durham opened the public hearing and advised that the applicant had requested this item be continued to the March 7, 2016, City Council meeting.

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

Terry Ellis, 234 Carrington Lane, Lewisville, Texas, spoke before the City Council to express his concern regarding this item.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the March 7, 2016, City Council meeting. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 4246-02-2016 Adopting Camp Standards
of Care in Compliance With Texas
Administrative Code 745.115(3) Municipal
for Recreational Camp Programs**

(Agenda Item E-5)

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.

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

Mayor Durham opened the public hearing.

MOTION: Upon a motion made by Councilman Daniels and seconded by Councilman Gilmore, the Council voted four (4) "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 Chapter 10, Parks and Leisure Services, of the Lewisville City Code by Creating Article VII, "Standards of Care for Youth Recreation Programs"; Providing for a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 4246-02-2016**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item F)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item G)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) “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 February 1, 2016, Workshop Session and Regular Session.
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.
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.
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.
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.
11. Approval of the Annual Arbitrage Rebate Reports From First Southwest Company Showing no Arbitrage Liability.
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.
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.

The motion carried.

END OF CONSENT AGENDA

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

(Agenda Item H-14)

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 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.

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

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 approve the following variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Access Spacing Related to ACT Construction located at 350 McDonnell Street, 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, as requested by Bill Robinson of Cross Engineering Consultants, Inc. on behalf of the owner. The motion carried.

Consideration of a Resolution No. 4247-02-2016 (R) Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries Effective January 1, 2018

(Agenda Item H-15)

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.

Consideration of a Resolution No. 4247-02-2016 (R) Authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to Negotiate an Electric Supply Agreement for Five Years for Deliveries Effective January 1, 2018 (cont'd)

(Agenda Item H-15)

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

Clifford Howard, Fiscal Service Manager and Jay Doegey, TCAP's Executive Director, both spoke before the City Council to explain this item and answer any questions posed by the City Council. Discussion was held that based on the consensus of the City Council, the resolution would include language for Option 1.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Resolution No. 4247-02-2016 (R)**, A Resolution of the City Council of The City of Lewisville, Texas, Authorizing The Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an Electric Supply Agreement for five years for Deliveries of Electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a Contract for Electricity; authorizing the City Manager or Assistant City Manager or TCAP's Executive Director to execute an Electric Supply Agreement for Deliveries of Electricity Effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. The motion carried.

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

(Agenda Item H-16)

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.

The City staff's recommendation was that the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

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 (cont'd)

(Agenda Item H-16)

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 accept the resignation, declare a vacancy, and table consideration of an appointment to Place No. 4 on the Community Development Block Grant Advisory Committee to the March 7, 2016, City Council meeting. The motion carried.

Reports

(Agenda Item I)

- Quarterly Investment Report From October 1, 2015 – December 30, 2015
- Director of Public Services Keith Marvin updated the City Council on the status of Lake Lewisville.
- Assistant City Manager Claire Swann advised of the “Let’s Celebrate Black History Night” being held at Rockbrook Elementary School on February 23rd from 5:30 p.m. to 7:30 p.m. She advised that the City had been invited to take part in this event and will be represented at the program by Animal Services/Health, Neighborhood Services/CDBG, Fire Prevention, Public Library, Emergency Management, and the Fire and Police Departments.
- Councilman Daniels advised that an excellent way to get involved in the City is through the Keep Lewisville Beautiful Adopt-A-Spot Program. He stated that this was for families, businesses, classrooms, school organizations. He encouraged anyone interested to contact Keep Lewisville Beautiful to find out more information.
- Councilman Gilmore advised that AARP was currently assisting senior taxpayers with tax questions Monday and Wednesday at the Lewisville Public Library. He encouraged anyone interested to contact 972-219-5040 to set up an appointment and get assistance.
- Mayor Pro Tem Ferguson gave an update of events scheduled at the MCL Grand Theatre.
- Mayor Durham thanked the police officers for their presence and their team members for their service.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:46 p.m. Monday, February 16, 2016, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item J)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:6 p.m. on Monday, February 15, 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):

1. Legal issues related to conflicts of interest

Section 551.072 (Real Estate):

2. Property Acquisition

Section 551.087 (Economic Development):

2. Deliberation Regarding Economic Development Negotiations

The Closed Session was adjourned at 7:55 p.m. on Monday, February 15, 2016.

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

(Agenda Item K)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:55 p.m. on Monday, February 15, 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. There was no action taken on the items discussed during the Closed Session.

Adjournment

(Agenda Item L)

MOTION: Upon a motion made by Councilman Gilmore and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:55 p.m. on Monday, February 15, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 7th day of March, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

PUBLIC ART POLICY

February 15, 2016



Public Art Policy

- ▶ Draft policy was developed by staff based on:
 - Council discussion and direction associated with 2015–16 budget and 2015 bond package
 - Discussions with Arts Advisory Board
 - Preferences stated by Blue Ribbon Capital Projects Committee (Lewisville 2025 Steering Committee)
 - Public input incorporated into the Lewisville 2025 plan
 - Language used in existing policies in other cities
- ▶ Arts Advisory Board will review Council input from this workshop, then vote on the draft policy before making a recommendation

Public Art Policy

- ▶ Establishes a Public Art Program
 - Content is limited to policy-level direction
 - Administration assigned to the City Manager
 - Defines the purpose and goals
 - Requires a long-range plan
 - Describes the Public Art Collection
 - Authorizes capital project funding
- ▶ Implementation of the policy is addressed through an Administrative Directive

Purpose and Goals

▶ Purpose

- “To establish a Public Art Program that will help distinguish Lewisville among North Texas cities by communicating Lewisville’s character and celebrating its heritage and its people.”



Purpose and Goals

► Goals

- Strengthen economic development
- Involve residents and business community
- Express our shared values and qualities
- Involve artists in overall urban design
- Build a collection of high-quality artworks
- Explore relationship between art and architecture
- Create interaction with artists and the public
- Promote tourism in public spaces



Public Art Master Plan

- ▶ Required as part of the Public Art Program
 - Establishes a long-range plan for acquisition and distribution of Public Art
 - Includes recommendations for future Public Art projects that should be considered or pursued
 - Typically includes specific recommendations tied to individual locations and facilities
 - Provides criteria for selecting artwork and locations
 - Plan development would include public input
 - Likely would hire a professional firm to assist with developing the plan

Public Art Collection

- ▶ Includes any pieces of Public Art obtained and owned by the city (already have some pieces)
- ▶ Can include temporary exhibits (minimum of 90 days) with City Council approval
- ▶ Allows the loan of portable pieces to other agencies with City Council approval
- ▶ Prohibits spending public funds for Public Art on private property unless authorized by Council
- ▶ Encourages inclusion of art as part of any large private development

Public Art Funding

- ▶ Authorizes a Public Art Project within the Capital Projects Fund
- ▶ Funding from city capital projects can equal up to 2 percent of construction cost (CC option)
- ▶ This fund cannot be used to pay for projects outside Lewisville city limits or in areas not commonly open to the general public
- ▶ City Manager can budget other funding sources
- ▶ Unused money returns to the Public Art Project
- ▶ All purchases require a maintenance plan

QUESTIONS?



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

Lewisville Convention & Visitors Bureau

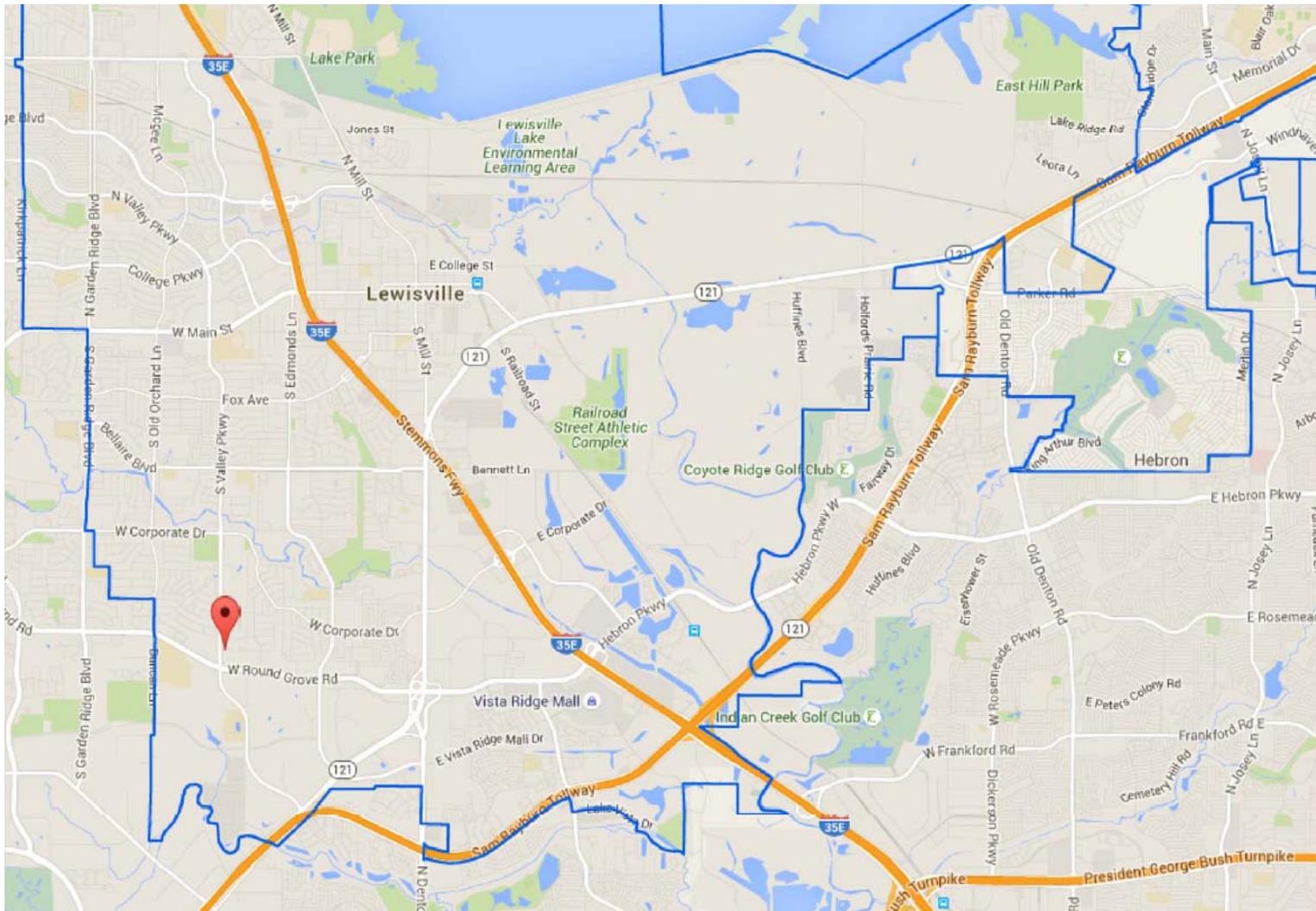
No. 3 Elevated Storage Tank

South Valley Parkway at Round Grove
Road

Logo and Color Scheme Discussion



Location Map

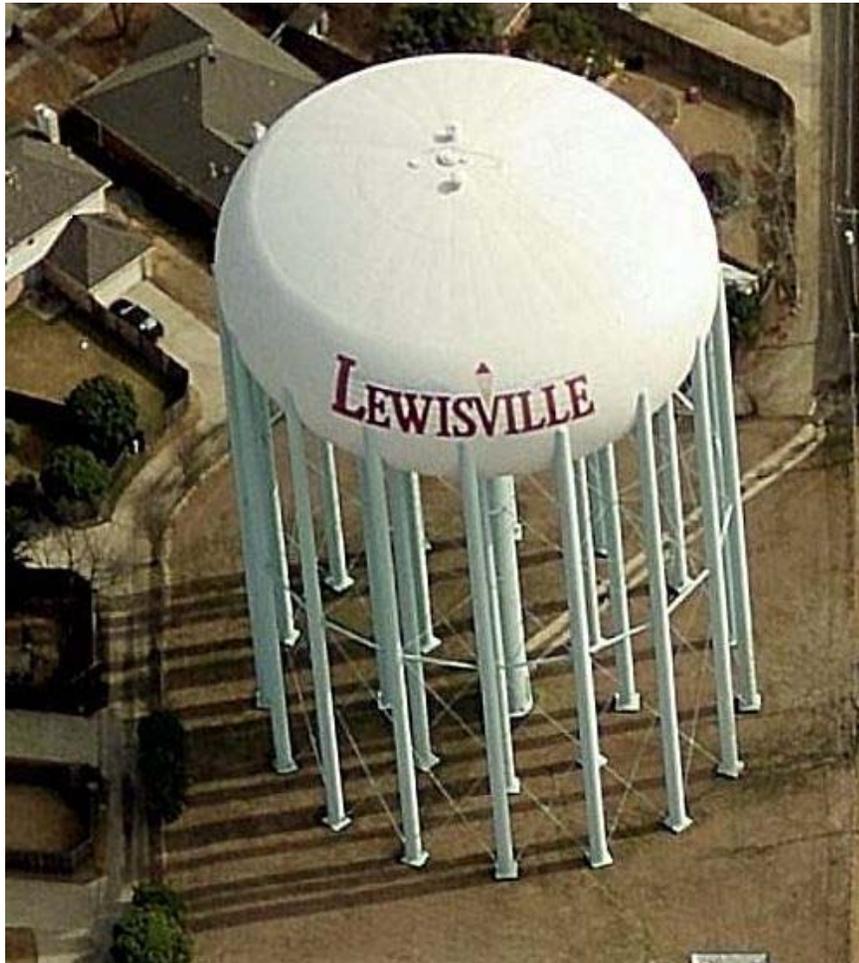


Project Status



- Project is Underway
- Contract Awarded to J.R. Stelzer Company On October 5, 2015
- Project includes rehabilitation and painting
- Work will be complete by June 2016

Existing Paint & Logo



New Logo



Size and Placement of Logo – 2 Options

- Option #1 - Smaller and Centered
- Option #2 - Larger and Offset

Tank Reservoir Elevation - LOGO

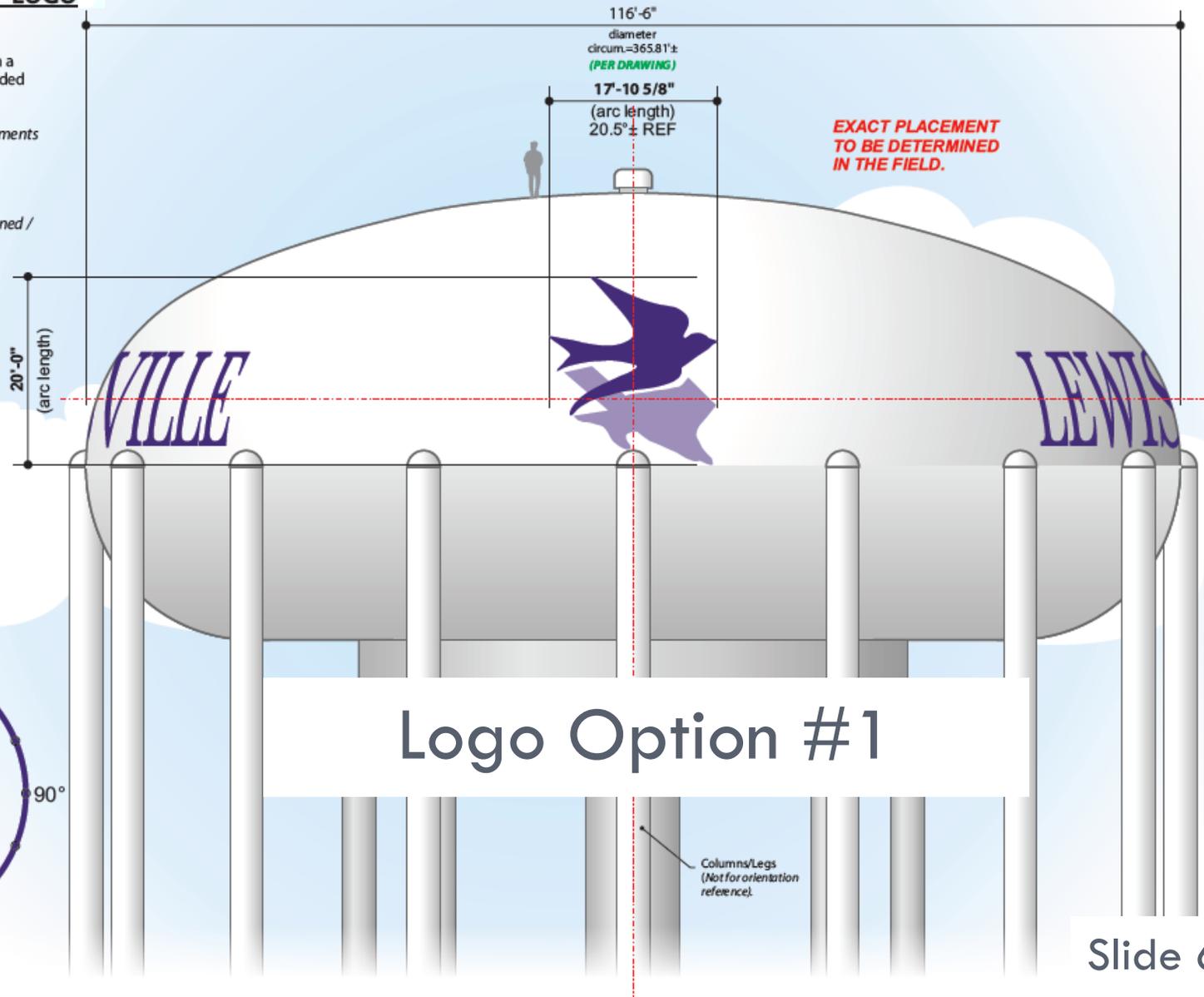
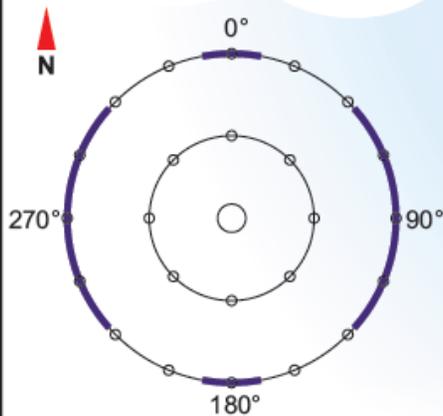
Planar measurements of graphics.

Tank measurements shown are based on a typical 2.5M gallon tank and client-provided drawing.

Owner/Engineer should verify all measurements prior to final approvals and production.

Quantity: (2) equally centered sides.
Generally facing North & South.
Exact quantity & orientation to be determined / verified in the field by owner / engineer.

-  Themec F700R0468 266c It's Purple
-  Themec F700B4874 265c Purple
-  Tank: To be determined (see color options)



Logo Option #1

Slide 6



Tim Donovan | Owner
8327 Sawyer Brown Rd.
Nashville, TN 37221
615.473.0272 tel
888.492.1831 fax
Tim@TankLOGOS.com

Client: Birkhoff, Hendricks & Carter LLP
Design: Lewisville TX S Valley Pkwy 2.5MGWT A2
Revision Date: 01-20-16
First Print Date: 08-06-15
Scale: 1/16"=1'-0"±

Please sign copy(s) of this drawing and accompanying estimate if approved and return or fax to begin work.

Signature _____

APPROVED **DATE** _____

APPROVED AS NOTED **DATE** _____

REVISE + RESUBMIT **DATE** _____

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Tank Reservoir Elevation - LOGO

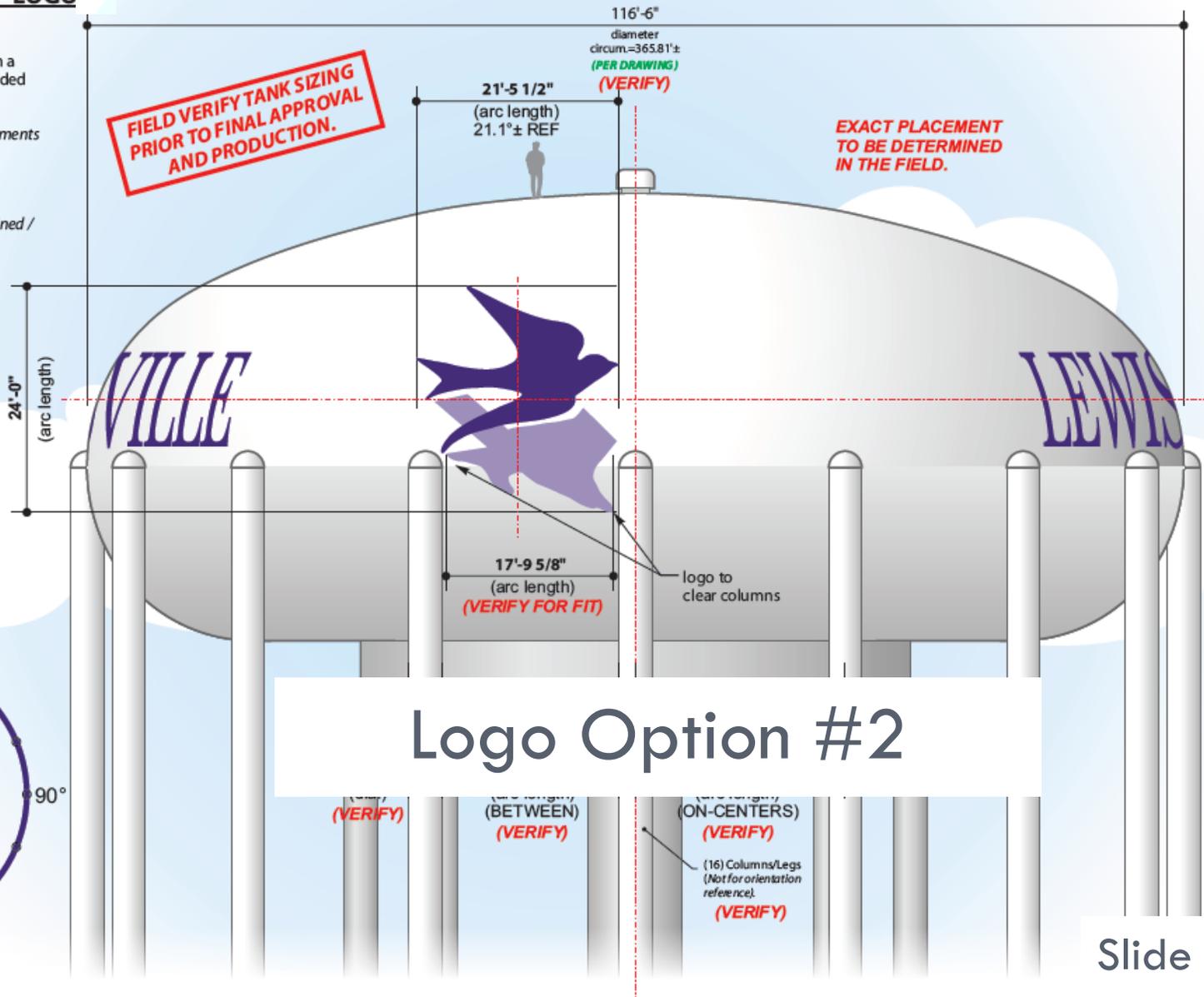
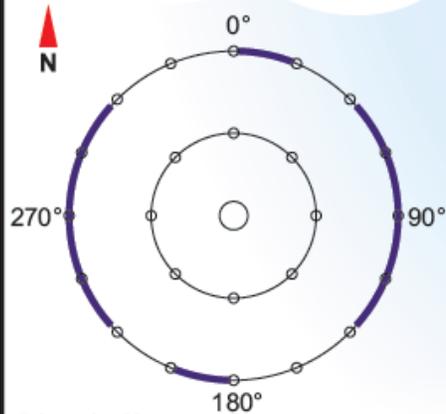
Planar measurements of graphics.

Tank measurements shown are based on a typical 2.5M gallon tank and client-provided drawing.

Owner/Engineer should verify all measurements prior to final approvals and production.

Quantity: (2) equally centered sides. Generally facing approx. NbE & SbW. Exact quantity & orientation to be determined / verified in the field by owner / engineer.

-  Tnemec F700R0468 266c It's Purple
-  Tnemec F700B4874 265c Purple
-  Tank: To be determined (see color options)



Slide 7



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Client: Birkhoff, Hendricks & Carter LLP
Design: Lewisville TX S Valley Pkwy 2.5MGEWT B1
Revision Date: 01-21-16
First Print Date: 08-06-15
Scale: 1/16"=1'-0"±

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APPROVED AS NOTED DATE _____

REVISE + RESUBMIT DATE _____

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Tank Reservoir Elevation - LOGO

Planar measurements of graphics.

Tank measurements shown are based on a typical 2.5M gallon tank and client-provided drawing.

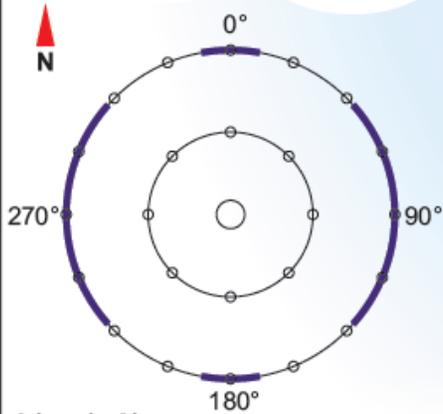
Owner/Engineer should verify all measurements prior to final approvals and production.

Quantity: (2) equally centered sides.
Generally facing East & West.
Exact quantity & orientation to be determined / verified in the field by owner / engineer.

 Themec F700R0468
266c It's Purple

 Themec F700B4874
265c Purple

 Tank:
To be determined
(see color options)



Orientation Diagram
NTS



Slide 8



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Client: Birkhoff, Hendricks & Carter LLP
Design: Lewisville TX S Valley Pkwy 2.5MGWEW A2
Revision Date: 01-20-16
First Print Date: 08-06-15
Scale: 1/16"=1'-0"±

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REVISE + RESUBMIT **DATE** _____

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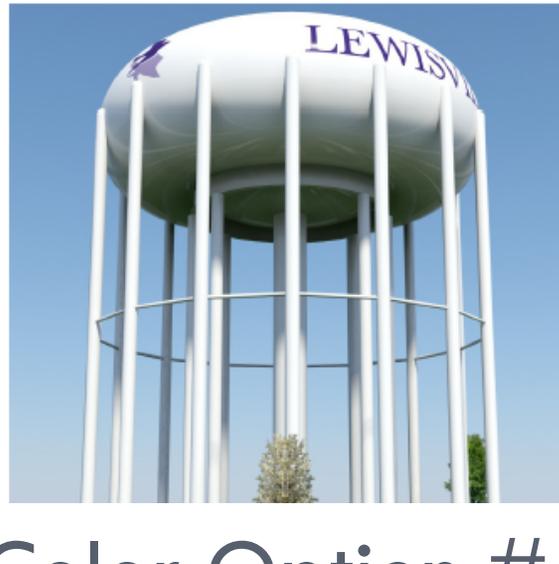
PAGE

Tank Painting



Color Scheme – 3 Options

- Option #1 - All White
- Option #2 - White with Purple Standpipe
- Option #3 - White with Purple Legs



Color Option #1

Slide 10



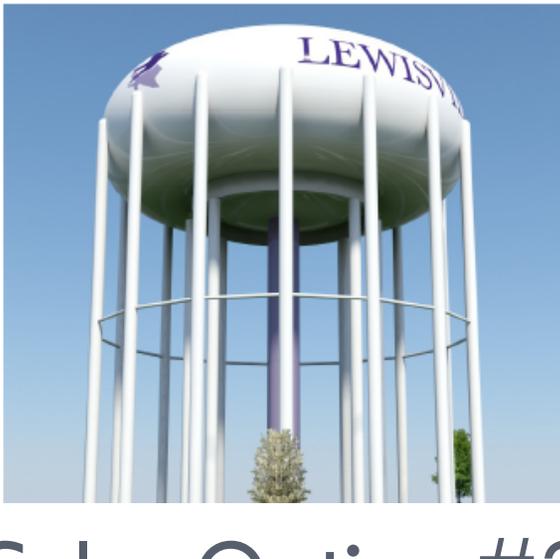
Tim Donovan | Owner
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 Tim@TankLOGOS.com

Client: Birkhoff, Hendricks & Carter LLP
Design: Lewisville TX S Valley Pkwy 2.5MG EWT A4
Revision Date: 01-25-16
First Print Date: 08-06-15
Scale: nts

Please sign copy(s) of this drawing and accompanying estimate if approved and return or fax to begin work.
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REVISE + RESUBMIT **DATE** _____

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Color Option #2

Slide 11



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Design: Lewisville TX S Valley Pkwy 2.5MG EWT A4
Revision Date: 01-25-16
First Print Date: 08-06-15
Scale: nts

Please sign copy(s) of this drawing and accompanying estimate if approved and return or fax to begin work.

Signature _____

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APPROVED AS NOTED DATE _____

REVISE + RESUBMIT DATE _____

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Color Option #3

Slide 12



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REVISE + RESUBMIT **DATE** _____

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Discussion



- Staff suggestion logo option #2 –
Larger
 - Color option #1 – All White
 - Council Direction?

TCAP Resolution

- Resolution to support the opportunities for TCAP members to contract for electricity for the post 2017 time period.
- Provides an opportunity to contract for 5 years (January 2018 – December 31, 2022)

TCAP – Quick History

- In 2001, CAPP and STAP were formed
 - CAPP - Cities Aggregation Power Project
 - STAP – South Texas Aggregation Project
- In 2002 Lewisville Joined CAPP and Electric Deregulation was introduced to the state.
- In 2011 the CAPP and STAP merged to form TCAP
 - The Texas Coalition for Affordable Power

TCAP Organization

- TCAP is a non-profit, political subdivision corporation.
- Currently Comprised of approximately 170 members, primarily cities.
- Governed by 15 member board of directors, all of whom must be member affiliated.
- Once TCAP reserve requirements are met, members are refunded the rest. Lewisville has received \$62k since November 2014.

TCAP Pricing History

- In 2002, CAPP & STAP were able to obtain prices for energy at about 4 cents per kWh.
- After Deregulation, natural gas prices started to rise.
- In 2008, CAPP prices had reached approx. 13.5 cents per kWh.
- In 2009, CAPP cities were able to stabilize rates at a greatly reduced rate of approx. 7.5 cents per kWh for an extended period.

TCAP Benefits

- TCAP, as a political subdivision corporation, uniquely can go directly to the wholesale market.
- In Aggregate, TCAP members consume approx. 1.4 billion kWh annually.
- TCAP members are spread statewide and come from all four ERCOT zones. Since consumption can be tied to weather and weather can be quite different in different parts of the state, Peak loads will vary from member to member.
- TCAP's Peak load for all members added together would be 313.1 MW; but since not all peak at once TCAP Peak Demand is only 246.9.

TCAP Choice of Supply Options

- Video

TCAP Choice of Supply Options Recap

- Option 1 is Fixed Price for all consumption regardless of time of day.
- Modeled after what Aggregated cities have historically been interested in flat, fixed-price, full requirements contracts and price stability.
- Anticipate setting fixed rate near 4 cents per kWh or possibly below.

TCAP Choice of Supply Options Recap

- Option 2 fixes a price for the peak usage period and uses the Spot Market rate for off-peak.
- Typically, Spot prices for off peak will be less than the existing price for peak. However, in this case it is based on the prevailing peak rate on that date, not the peak rate in the contract.
- Since prices could rise over the next 7 years, Option 2 does NOT guarantee a savings of Option 1

TCAP Choice of Supply Options Recap

- Option 3 purchases a block of power to cover the base use of members in this option.
- Block power is the cheapest power on the market since it is a commitment to pay regardless of use.
- Peak power in excess of the block power would be covered partly by a fixed price for solar and the remainder from Spot pricing.
- While this does have the potential for additional savings over Option 1, the current low fixed rate for Option 1 versus the spot market purchases in Option 3 provides no guarantee of that savings.

TCAP - Sustainability

- While this Resolution pertains to authorizing TCAP to negotiate on the city behalf for electrical power in year 2018-2022, Renewable energy choices will be available with this future agreement.
- TCAP's current energy provider, NextEra, is one of the largest Wind generators in the state with nearly 50% coming from wind vs gas.
- Additional renewable sourcing can be increased through the purchase of Renewable Energy Credits.

TCAP – Staff Recommendation

- It is the City Staff recommendation that the City Council approve the Resolution