

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 16, 2016**

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

**WORKSHOP SESSION –
IMMEDIATELY TO START FOLLOWING CONCLUSION OF
FIRE/CRIME CONTROL MEETING**

REGULAR SESSION - 7:00 P.M.

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - IMMEDIATELY TO START FOLLOWING CONCLUSION
OF FIRE/CRIME CONTROL MEETING**

- A. Discussion of Old Town Parking Issues
- B. 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. **CANVASS OF OFFICIAL RETURNS**
 - 1. Canvass of the May 7, 2016 Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years.
 - 2. Canvass of the May 7, 2016 Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years.

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3. Consideration of a Resolution Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax of One-Eighth of One Percent Sales Tax for a Period of 20 Years.
 4. Consideration of a Resolution Declaring the Results of the Special Election Held on May 7, 2016, on the Continuation of the City of Lewisville Crime Control and Prevention District and the City of Lewisville Crime Control and Prevention District Sales Tax of One-Eighth of One Percent for a Period of 20 Years.
 5. Presentation of Certificates of Election by Mayor Durham and Oath-of-Office to Newly Elected Council Members – Place No. 4 and Place No. 5 by Judge Brian Holman
- D. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.074 (PERSONNEL): Discussion of Election of Mayor Pro Tem and Deputy Mayor Pro Tem.
- E. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- F. **PROCLAMATION:** Declare June 4, 2016 as, “National Trails Day”
- G. **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.
- H. **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 MINUTES:** City Council Minutes of the May 2, 2016, Workshop Session and Regular Session.
 2. **Approval of a Bid Award for the Serendipity Phase 2 Improvement Project to Tiseo Paving Company, Mesquite, Texas in the Amount of \$2,999,300.48; Which Includes \$142,823.83 for Contingencies; and Authorization for the City Manager to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

A total of twenty (20) bid invitations were downloaded from Bidsync.com. A total of three (3) bids were received and opened April 7, 2016. This project consists of improvements relating to water line and sanitary sewer, storm drain and paving reconstruction of five streets within the Serendipity subdivision including Madison Circle, Foxcreek Drive, Kemper Court, Wildfire Drive and Foxwood Place. Funds are available in the Serendipity Capital Project.

RECOMMENDATION:

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

- 3. Approval of a Contract Award for Wrecker Service to Brad's Towing Service, Lewisville, Texas; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of six (6) requests for proposals were downloaded from Bidsync.com. A total of two (2) proposals were received and opened January 7, 2016. Based on the evaluation matrix included in the request for proposals, Brad's Towing Service received the highest evaluation score and is being recommended for award. This contract covers wrecker service, as well as the operation and maintenance of a vehicle impound and storage facility, including the auctioning of unclaimed vehicles. The term of the contract will be twelve (12) months, with option to extend for up to two (2) additional twelve-month periods.

RECOMMENDATION:

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

- 4. Approval of a Wholesale Treated Water Contract Between the City of Dallas and City of Lewisville; and Authorization for the City Manager or Her Designee to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

The City of Lewisville purchases both Wholesale Treated and Untreated Water from the City of Dallas. The current Wholesale Water Contract will expire June 4, 2016. The new contract term is for 30 years with an expiration date of June 4, 2046. The new contract extends the current available treated water capacity (33.4 Million Gallons per Day) to be utilized over the term of the contract and provides additional language for future delivery points and additional water supply requests. No major modifications to the contract were made during the negotiations.

RECOMMENDATION:

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

- 5. Approval of a Professional Services Agreement With RJN Group, Inc., in the Amount of \$146,160 for Design and Engineering Services Related to the IH-35 Water and Sanitary Sewer Line Rehabilitation Project, and a Project Design Budget of \$156,160 Which Includes \$10,000 for Contingencies; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The IH-35 Water and Sanitary Sewer Line Rehabilitation Project consists of approximately 1,435 feet of 8-inch sewer, 515 feet of 12-inch sewer and 3950 feet of 12-inch waterline along southbound frontage road of IH-35 from Bellaire Blvd. to Corporate Drive. The Project also includes construction of 330 feet of 12-inch sanitary sewer line constructed by boring across IH-35 near Bennett Lane. Staff has negotiated a Professional Services Agreement with RJN Group, Inc. in the amount of \$146,160.00 for the project. A total design budget of \$156,160.00 is requested, which includes \$10,000.00 for contingencies. Funding is available in the 2013 Waterline Replacement Capital project.

RECOMMENDATION:

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

- 6. Approval of an Economic Development Agreement By and Between the City of Lewisville and Hard Sun 100, LLC; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

Hard Sun 100, LLC, owner of the building at 119 East Main Street (Lewisville Feed Mill), will be renovating the current building and converting the space to a restaurant. They are projected to invest \$1,114,800 in renovations, façade improvements, parking and installation of both sewer taps and a grease trap. The proposed agreement provides for a reimbursement grant for certain actual expenses not to exceed \$254,000.

RECOMMENDATION:

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

- 7. Approval of the Fiscal Year 2015-2016 Mid-Year Budget Report; Approval of a Supplemental Appropriation for Mid-Year Changes in the Following Amounts: General Fund \$1,600,000; Utility Fund \$286,438; Health Fund \$1,500,000; 4B Fund \$123,796; Lewisville 2025 Implementation Fund \$375,981; Police and Fire Training Fund \$94,458; Hotel Motel Fund \$50,492; Recreation Fund \$56,262; Community Activities Fund \$61,550; and Court Security Fund \$27,050.**

ADMINISTRATIVE COMMENTS:

At the completion of the first six months of the fiscal year, staff conducts a review and provides a report on the financial status of all funds in relation to the authorized budget. Detailed fund information is provided as back up to this item. In summary, revenue is anticipated to end the year at or above budget projections. All fund expenditures are anticipated to remain within the operating budget with the exception of the listed supplemental appropriations. Most of the supplemental appropriations are needed to properly account for approved expenditures previously authorized by the City Council; with the exception of the Health Fund supplement which is needed due to an abnormally bad year for the City Health Plan. The supplement in the Utility Fund is needed to cover expenses related to a recent flooding incident which caused inflow and infiltration issues. Further detail on all supplemental requests are included in the back up information.

RECOMMENDATION:

That the City Council approve the FY 2015-2016 Mid-Year budget report and supplemental appropriations as stated in the caption above.

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I. REGULAR HEARINGS:

- 8. Consideration of the Final Plat of Castle Hills Village Center, Lots 2R-1 Thru 2R-12, 2R-13X, 2R-14 Thru 2R-20, 2R-21X, 2R-22 and 3R-2R, Block A; Containing 7.154-Acres, With a Zoning Designation of General Business Two (GB-2) and Townhouse Two (TH-2), and Five Associated Variances; Located on the Southeast Corner of King Arthur Boulevard and Lady Lore Lane, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner.**

ADMINISTRATIVE COMMENTS:

The subject plat is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Castle Hills Agreement. The subject property is being replatted for the purpose of constructing a mixed use building on a portion of the site and single-family attached residential units on the remainder. The plat has five variances associated with its development including: a) To allow TH-2 zoning for Lots 2R-1 thru 2R-21X of Block A; b) To allow Lots 2R-14 thru 2R-20, Block A, to front onto a private access easement with a 10-foot Sidewalk and Utility Easement in lieu of a public street. The private access easement will be maintained by Castle Hills HOA; c) To allow Lots 2R-1, 2R-19 and 2R-20 of Block A to have a minimum lot dimension less than the required 75-foot minimum depth; d) To allow Lots 2R-17 thru 2R-20, Block A to have a minimum garage setback of 18-feet in lieu of the required 20-feet from the back of curb; and e) To waive the alley requirement for lots less than 10,000 square feet. The Planning and Zoning Commission recommended unanimous approval of the plat and requested variances (7-0) at their May 3, 2016, meeting.

RECOMMENDATION:

That the City Council approves the variances as set forth in the caption above.

- 9. Consideration of a Variance to the 1996 Castle Hills Agreement Section VII(4) Regarding Screening Devices Between Commercial and Residential Uses For Castle Hills Village Shops Phase 5, Lot 2R-22, Block A, as Requested by Brian Dench, P.E. of Land Design, on Behalf of the Owner.**

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ADMINISTRATIVE COMMENTS:

The subject property is located within Castle Hills in the City of Lewisville Extra Territorial Jurisdiction (ETJ) and is to be developed in accordance with the 1996 Castle Hills Agreement. The subject property is being developed for the purpose of constructing a mixed use infill product with a commercial ground floor with residential units above, adjacent to proposed townhouse development that will share a common access easement.

RECOMMENDATION:

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

- 10. Consideration of a Request to Utilize Associated City Property at the Toyota of Lewisville Railroad Park for the CASA of Denton County TollTag 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 of Denton County is planning the fifth annual triathlon event for June 12, 2016, at Toyota of Lewisville Railroad Park. This event was previously hosted by the Kiwanis Club of Southern Denton County with all proceeds given to support CASA of Denton County. Beginning in 2015, CASA of Denton County began hosting the event. The event will be operated in the same manner as previous ones 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 of Denton County. City Council approved a similar request for the last four years. The total amount of the request for waiver of fees for this event is \$7,398.40.

RECOMMENDATION:

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

- 11. Consideration of an Ordinance Amending Sections 6-121 and 9.5-121 of the Lewisville City Code to Amend Tree Requirements.**

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ADMINISTRATIVE COMMENTS:

Staff proposes revisions to Chapters 6 and 9.5 of the Lewisville City Code to amend tree removal and mitigation requirements. Staff has attached two versions of the same ordinance for City Council's consideration. Both versions specify when approval will be required to remove trees and impose additional penalties if trees are removed without prior approval from the City. Version 1 proposes tree species that can be removed from the approved tree list and proposes tree species that can be added to the protected tree list. Version 2 excludes these changes to the tree lists.

RECOMMENDATION:

That the City Council approve either Version 1 or Version 2 of the proposed ordinance as set forth in the caption above.

AVAILABLE FOR - Claire Swann, Assistant City Manager
QUESTIONS: - Cleve Joiner, Director of Neighborhood Services

- 12. Consideration of an Ordinance Approving a Negotiated Settlement Between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2016 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, 2016, Atmos made a Rate Review Mechanisms (RRM) Tariff filing requesting \$35.4 million 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 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 \$29.9M resolving the 2016 RRM filing, and implementing the rate change.

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RECOMMENDATION:

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

- J. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- ◆ Quarterly Investment Report From January 1, 2016 – March 31, 2016
- K. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.072 (Real Estate): Property Acquisition
 2. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- L. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- M. **ADJOURNMENT**

<p>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 <u>Texas Government Code</u> 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).</p>
