

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
OCTOBER 5, 2015**

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

**WORKSHOP SESSION - 6:00 P.M.  
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

**WORKSHOP SESSION - 6:00 P.M.**

- A. Public Safety Vehicle Demonstration (West Parking Lot)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

**REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Councilman Daniels
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Vaughn
- C. **PUBLIC HEARINGS:**

1. **Public Hearing:** Consideration of an Ordinance Granting a Zone Change Request from General Business District (GB) to Public Use District (PU); on an Approximately 1.247-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Located at the Southeast Corner of North Charles Street and West Church Street, as Requested by the City of Lewisville, the Property Owner (Case No. PZ-2015-09-13).

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**ADMINISTRATIVE COMMENTS:**

The proposed zone change encompasses Wayne Ferguson Plaza, which was designed as an urban park and community gathering location in the heart of Old Town Lewisville. City-owned property such as parkland is typically zoned Public Use District since parks and playgrounds are specified in the list of permitted uses in the Public Use District. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

**RECOMMENDATION:**

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

**PRESENTATION:** Richard Luedke, Planning Manager

2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business (GB) and Old Town Center Business District (OTC) to Old Town Center Business District (OTC) on an Approximately 1.216-Acre Tract of Land out of the J.W. King Survey, Abstract No. 696, Bounded by West Church Street to the North, West Main Street to the South, North Charles Street to the West and North Mill Street to the East, as Requested by the City of Lewisville, the property owner (Case No. PZ-2015-09-14).**

**ADMINISTRATIVE COMMENTS:**

The proposed zone change request encompasses the area abutting Wayne Ferguson Plaza including the existing bank building at the northeast corner of Charles Street and Main Street; the enhanced alleyway that will be a mutual access easement for all adjacent businesses; and the pedestrian alleyway that connects Main Street to the Great Lawn area of Wayne Ferguson Plaza (formerly Poydras Street). Although City-owned property is typically zoned Public Use, this particular piece of property is better served with the Old Town Center Business (OTC) District zoning, which allows greater flexibility in setbacks and complies with the Old Town Master Plan. The Planning and Zoning Commission recommended approval of the zone change by a vote of 6-0 at their meeting on September 15, 2015.

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**RECOMMENDATION:**

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

**PRESENTATION:** Richard Luedke, Planning Manager

- 3. Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) With Four Associated Variances to the Lewisville City Code of Ordinances Including Section 6-103 Access Management; Section 6-121 (i) Approved Tree List; and Section 6-123 (b) Landscape Strip; for the Construction of a Communications Tower on an Existing 0.778-Acre Lot, Legally Described as Lot 1, Block B, Hillside Office Park; Located at the Southeast Corner of Hillside Drive and Office Park Circle; at 819 Hillside Drive; Zoned Light Industrial District (LI), as Requested by G&A Consultants, LLC., Representing Texas New-Mexico Power Company, the Property Owner (Case No. SUP-2015-09-09).**

**ADMINISTRATIVE COMMENTS:**

Texas New Mexico Power (TNMP) has recently purchased this site to be used as a federally required backup operations system facility. The Special Use Permit request to place a communication tower at the rear of this site is a result of the emergency management requirements from the federal government. The applicant is not proposing to expand the building footprint, however, staff review of the required development plan, which illustrates the current site layout in relation to current ordinance requirements, has resulted in the following four variance requests: 1) to allow a variable width landscape buffer in lieu of the required 10-foot landscape strip; 2) to waive the 40-foot stacking requirement on driveway entrances into the site; 3) to allow the use of Crepe Myrtles in addition to the approved tree list; and 4) to waive the required 20-foot driveway radii. The Planning and Zoning Commission recommended approval of the Special Use Permit by a vote of 6-0 at their meeting on September 15, 2015.

**RECOMMENDATION:**

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

**PRESENTATION:** Richard Luedke, Planning Manager

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- D. **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.
- E. **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.
4. **APPROVAL OF MINUTES:** City Council Minutes of the September 21, 2015, Workshop Session and Regular Session.
5. **Approval of a Contract Award for the Elevated Tank No. 3 Interior and Exterior Repaint/Overcoat Project to J. R. Stelzer Company, Lincoln, Nebraska, in the Amount of \$1,562,212.05; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of fifteen (15) requests for proposals were downloaded from Bidsync.com. A total of eight (8) proposals were received and opened August 27, 2015. Based on the evaluation matrix included in the request for proposals, J. R. Stelzer Company received the highest evaluation score and is being recommended for award. This project is the painting of a 2.5 million gallon double leg style elevated storage tank-interior and exterior. Funding is available from Capital Improvements Projects.

**RECOMMENDATION:**

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

6. **Approval of Change Order No. 1 in the Amount of \$232,485 With Cooper General Contractors to Install a Natural Gas Supply Line for Fire Station 6; and Authorization for the City Manager to Execute the Change Order.**

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**ADMINISTRATIVE COMMENTS:**

Station 6 on Midway Road is currently under construction to remodel and expand the current footprint to accommodate a truck company planned in FY 17-18. The current station utilized liquefied propane in an above ground storage tank. With the increase in demand for gas due to the expansion, the cost of propane, and the frequent need to refill the storage tank, natural gas services are now recommended. Cooper General Contractors have prepared change order number one to install approximately 3500 feet of gas line to service the fire station. Upon completion, ATMOS energy will reimburse the City for the oversize portion of the gas main.

**RECOMMENDATION:**

That the City Council approve Change Order No. 1 as set forth in the caption above.

**F. REGULAR HEARINGS:**

- 7. Consideration of a Variance to the Lewisville City Code, Chapter 6, Article VIII, Section 6-162 – Parking Requirements Based on Use, Relating to the Residence Located at 948 Boxwood Drive, as Requested by Tamela Baggett, the Property Owners.**

**ADMINISTRATIVE COMMENTS:**

The single family residence was built in 1984 with a front entry attached two car garage. The property owner desires to convert the garage to a living space in order to provide residence for their grandchildren as they have significant needs that require assistance. The City Code was amended on April 18, 2011, disallowing garage conversions unless the equivalent of the garage can be reconstructed on the same lot. Staff has determined that an addition to the house; in lieu of the garage conversion is not feasible due to the size of the lot. The owners agree that should the variance be approved the garage would be converted back should they sell their residence or their grandchildren relocate. Similar variances were granted by City Council on August 15, 2011, for 418 Wind Wood Drive and, March 18, 2013, for 1121 Meriwood Drive although both were rear entry garages.

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**RECOMMENDATION:**

That the City Council consider the variance for the garage enclosure as set forth in the caption above, and if approved the enclosure is to be returned to a garage at such time the residence is sold or the conversion is vacated by the Baggett family.

**PRESENTATION:** Cleve Joiner, Director of Neighborhood Services

**8. Consideration of an Ordinance Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street.**

**ADMINISTRATIVE COMMENTS:**

This section of North Poydras Street right-of-way has been incorporated into the new Wayne Ferguson Plaza. In 2003 the southern half of this block of North Poydras Street was physically removed with the installation of Old Town Streetscapes Improvements. Recently the northern half of this block of North Poydras Street pavement was physically removed with the installation of Wayne Ferguson Plaza. All franchise utilities have been relocated to the alley adjacent to the park in a utility easement.

**RECOMMENDATION:**

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

**9. Tabled Item: Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.**

**ADMINISTRATIVE COMMENTS:**

As part of the annual budget process, changes to the fee schedule based on an analysis of current charges as compared to cost recovery goals, authorized charges that may no longer be applicable, and new fees are reviewed and modifications proposed. These changes include items discussed at the Budget Workshop held on August 1st, as well as newly proposed modifications. Details for each recommended change are included in the back up information.

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**RECOMMENDATION:**

That the City Council approve the ordinance amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

- G. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- H. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney/Pending Litigation): Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B
  2. Section 551.072 (Real Estate): Property Acquisition
  3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **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).