

LEWISVILLE CITY COUNCIL

REGULAR SESSION

OCTOBER 5, 2015

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem

Greg Tierney, Deputy Mayor Pro Tem (arrived at 6:30 p.m.)

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 6:00 p.m. on Monday, October 5, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Public Safety Vehicle Demonstration (West
Parking Lot)**

(Agenda Item A)

City Manager Donna Barron advised that the new vehicles the City Council would be seeing this evening was for patrol purposes. She explained that based on input from Patrol Officers and the Police Department Vehicle Review Committee, the recommendation was to move to the larger vehicles for patrol purposes due to the equipment officers were required to wear and carry. The City Council left the City Council Conference Room and reviewed the demonstrated vehicles. Upon their return, Mayor Durham proceed with the Discussion of Regular agenda Items and Consent Agenda Items.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

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-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). There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item C-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). There was no 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 September 21, 2015, Workshop Session and Regular Session. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Durham reviewed Agenda Item E-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. City Manager Donna Barron addressed questions regarding the logo and the tagline being placed on the water tower. She explained that due to the size of the tagline, the letters would not be big enough to see; therefore, only the logo would be placed on the water tower. She confirmed this was the same contractor that had painted the previous water tower.

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

Mayor Durham reviewed Agenda Item F-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. Discussion was held regarding allowing the requestor and her heirs or assigns, to be allowed to maintain the enclosure until such time the grandchildren relocated. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item F-8, Consideration of an Ordinance Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-9, Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule. There was no discussion on this item.

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

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:38 p.m. on Monday, October 5, 2015.

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, October 5, 2015, 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 Daniels gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Public Hearing: Consideration of Ordinance
No. 4213-10-2015 (Z) 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)**

(Agenda Item C-1)

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.

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

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

Mayor Durham opened the public hearing.

**Public Hearing: Consideration of Ordinance
No. 4213-10-2015 (Z) 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) (cont'd)**

(Agenda Item C-1)

MOTION: Upon a motion made by Mayor Pro Tem Ferguson 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.

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 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 From General Business District (GB) Zoning to Public Use District (PU) 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 Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4213-10-2015 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 4214-10-2015 (Z) 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)**

(Agenda Item C-2)

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.

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

Richard Luedke, Planning Manager, was present to respond to 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 Vaughn, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Public Hearing: Consideration of Ordinance No. 4214-10-2015 (Z) 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) (cont'd)

(Agenda Item C-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 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, From General Business (GB) District Zoning and Old Town Center Business (OTC) District Zoning to Old Town Center Business (OTC) District 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 Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4214-10-2015 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4215-10-2015 (Z) 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)

(Agenda Item C-3)

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.

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

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

Mayor Durham opened the public hearing.

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

Public Hearing: Consideration of Ordinance No. 4215-10-2015 (Z) 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) (cont'd)

(Agenda Item C-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 Granting a Special Use Permit for the Construction of a Communications Tower on an on 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 and Zoned Light Industrial District (LI); Providing for Severability; Providing a Penalty; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

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 **Ordinance No. 4215-10-2015 (Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item D)

Arianna King, 215 West Walters, Lewisville, Texas, spoke before the City Council regarding her concerns of a survey done in her neighborhood (Old Town Area) when she had not given anyone permission to come on to her property. At the request of Mayor Durham, City staff spoke with Ms. King to answer her questions.

No one else 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 Gilmore, 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 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.
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.

The motion carried.

END OF CONSENT AGENDA

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

(Agenda Item F-7)

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.

The City staff’s recommendation was 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.

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 (cont'd)

(Agenda Item F-7)

Cleve Joiner, Director of Neighborhood Services and Tamela Baggett were both present to respond to any question posed by the City Council.

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 the variance for the garage enclosure as set forth in the caption on the condition that the enclosure is converted back to a garage if the property owner(s)’ grandchildren relocate or if the property owner(s), their heirs or assigns sell the residence. Further direction was given to City staff to prepare an order documenting the variance and its conditions and filing said order in the Denton County deed records. The motion carried.

Consideration of Ordinance No. 4216-10-2015 Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street

(Agenda Item F-8)

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.

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

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, Providing for the Abandonment, Vacation, and Closure of the Following Street Segments to Wit: North Poydras Street From West Main Street/West Church Street; and Providing for the Terms and Conditions of this Abandonment, Vacation, and Closure; and Declaring an Emergency.”

Consideration of Ordinance No. 4216-10-2015 Abandoning North Poydras Street Right-of-Way Between West Main Street and West Church Street (cont'd)

(Agenda Item F-8)

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 approve and adopt **Ordinance No. 4216-10-2015**, as captioned previously. The motion carried.

Consideration of Ordinance No. 4217-10-2015 Amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule

(Agenda Item F-9)

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.

The City staff’s recommendation was that the City Council approve the ordinance amending the Lewisville Code of Ordinances, Chapter 2, Article VIII, Section 2-201 Fee Schedule.

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 Lewisville Code of Ordinances, Chapter 2 Section 2-201 Fee Schedule With Various Fees Charged by Several Departments of the City; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

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 **Ordinance No. 4217-10-2015**, as captioned previously. The motion carried.

Reports

(Agenda Item G)

- Assistant Fire Chief Mark McNeal extended an invitation to all those present to attend the Fire Department's Open House on October 10th.
- Director of Public Services Carole Bassinger reminded everyone that the limitation on times for watering had expired effective September 30th; however, the twice per week limit was still in effect.
- Councilman Daniels advised of Keep Lewisville Beautiful's Garden Secrets Class being held at the Municipal Annex on October 24th. He also congratulated City staff for the success of Western Days.
- Councilman Gilmore announced the upcoming fundraiser for the Animal Shelter – Pumpkins for Pets. He encouraged everyone to purchase a \$5 pumpkin from the shelter which was an outstanding opportunity to help Animal Services and to find a new family member for the fall. He stated that on Friday, October 30th the Pumpkins for Pets festival would be held at the Animal Shelter from 6 p.m. – 9 p.m.
- City Manager Donna Barron advised that while the final numbers were not in yet for Western Days, staff estimates there are 24,000 people attend this year.
- Mayor Pro Tem Ferguson gave an update on upcoming events at MCL Grand Theatre.
- Councilman Vaughn advised of the dedication ceremony of the Wayne Ferguson Plaza on October 13th and encouraged everyone to attend the LHS Homecoming Parade on October 16th in Old Town. He also advised of the October 18th Damn Run at LLELA.
- Mayor Durham thanked the Police Officer for his presence.

There were no additional reports at this time.

Adjournment

(Agenda Item J)

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 adjourn the Regular Session of the Lewisville City Council at 7:36 p.m. on Monday, October 5, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 19th day of October, 2015.

APPROVED

Rudy Durham
MAYOR

**LEWISVILLE CITY COUNCIL
REGULAR SESSION
OCTOBER 5, 2015**

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ATTEST:

Julie Heinze
CITY SECRETARY