

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
MAY 2, 2016**

**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. Presentation of Proposed Design for Replacement Gateway Monument Signs
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Deputy Mayor Pro Tem Tierney
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Pro Tem Ferguson
- C. **GRADUATION:** 2015/2016 Lewisville Citizen's University Members
- D. **PROCLAMATION:**
 - 1. Declaring May 5, 2016, as "Denton County Children's Mental Health Awareness Day"
 - 2. Declaring the Week of May 15-21, 2016, as "National Police Week"; and May 15, 2016, as "Police Memorial Day"
 - 3. Declaring the Month of May, 2016, as "Building Safety Month"
 - 4. Declaring the Week of May 1-7, 2016, as "National Drinking Water Week"; and May 15-21, 2016, as "National Public Works Week"

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5. Declaring the Week of May 1-7, 2016, as “Texas Travel & Tourism Week”

E. PUBLIC HEARINGS:

1. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Mixed Use 2 District (OTMU2) on Two Tracts of Land Totaling Approximately 0.6323-Acres; Located on the East Side of Charles Street Between Elm Street and Houston Street; Legally Described as Lot 2, Block A, Lewisville Center Addition and a Portion of the J.W. King Survey, Abstract No. 696, as Requested by HAT Group LLC, the Property Owner (Case No. PZ-2016-04-11).**

ADMINISTRATIVE COMMENTS:

The current zoning of the property is General Business (GB), which allows for a multitude of neighborhood services and offices primarily retail in nature. The applicant is requesting Old Town Mixed Use Two (OTMU2) zoning to allow for a mixed use of commercial and residential that would be part of the larger South Village development. The zone change to OTMU2 complies with the Old Town Master Plan for the area and allows for greater flexibility in developing the site. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting of April 19, 2016.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Henry Rahmani, Hat Group, LLC

2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Old Town Mixed Use 2 District (OTMU2) to Parking District (PK); on an Approximately 0.264-Acre Tract of Land, Located on the North Side of East Main Street, West of Railroad Street, at 541 East Main Street; Legally Described as a Portion of Lot 9R, Block 22, Kealy Addition, as Requested by Alex Paint and Body, LLC, the Property Owner (Case No. PZ-2016-04-12).**

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ADMINISTRATIVE COMMENTS:

The current zoning of the property is Old Town Mixed Use Two (OTMU2), which allows for a mixed use of commercial and residential uses. The applicant is requesting Parking District (PK) zoning at the rear of the property to resolve employee and customer parking issues for his adjacent property – Alex Paint & Body, while still maintaining OTMU2 at the front of the property to allow for future building construction. The Planning and Zoning Commission recommended approval (5-0) of the zone change request at their meeting of April 19, 2016.

RECOMMENDATION:

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

PRESENTATION: - Richard E. Luedke, Planning Manager

AVAILABLE FOR QUESTIONS: - Alex Salguero, Property Owner

- F. **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.
- G. **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.
3. **APPROVAL OF MINUTES:** City Council Minutes of the April 18, 2016 Workshop Session and Regular Session.
4. **Approval of Amendment No. 1 to the May 6, 1996 Contract for Sale of Treated Wastewater Effluent and Participation in Non-Potable Water Project Between the City of Lewisville and Upper Trinity Regional Water District.**

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ADMINISTRATIVE COMMENTS:

On April 7, 2016 the Upper Trinity Regional Water District (UTRWD) Board of Directors approved Amendment No. 1 to the existing contract with the City of Lewisville for Sale of Treated Wastewater Effluent from the City's wastewater treatment plant to UTRWD. The amendment extends the contract term for ten (10) years and modifies certain items related to the charges for effluent purchased by UTRWD over this period.

RECOMMENDATION:

That the City Council approves Amendment No. 1 as set forth in the caption above.

- 5. Approval of a Resolution Affirming Support for the Lewisville Independent School District in Seeking Fair and Appropriate Methods for Educating Local Students. (Requested by Councilman Gilmore)**

ADMINISTRATIVE COMMENTS:

Councilman Gilmore has requested that the City Council consider supporting LISD in its efforts to promote fairness and consistency in the state testing system and to seek restitution for the expenses incurred attempting to correct grading errors made on the state standardized tests.

RECOMMENDATION:

That the City Council consider approving the resolution as stated in the above caption.

H. REGULAR HEARINGS:

- 6. Tabled Item: 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).**

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ADMINISTRATIVE COMMENTS:

The public hearing for the proposed SUP was continued from the February 15, 2016 and March 7, 2016 City Council meetings and held at the March 21, 2016 City Council meeting. This item was tabled at the March 21, 2016; April 4, 2016 and April 18, 2016, City Council meetings. 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, 4) an eight-foot, stained, board-on-board cedar fence with a top rail shall be installed on top of a minimum three-foot berm as shown on the fencing illustrations. This fence shall be kept in good repair for the life of the project. 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.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Steve Meier, Hummel Investments, LLC.

7. **Consideration of a Variance to the 1996 Castle Hills Agreement Section VIII(2)(27) Regarding the Elimination of the Ten-Foot Parallel Loading and Unloading Lanes Around the Facility Located at 4900 Sam Rayburn Tollway in the Lewisville E.T.J, as Requested by PS Lpt Properties Investors.**

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ADMINISTRATIVE COMMENTS:

The subject property has been developed as a climate controlled self-storage facility located within Castle Hills in the City of Lewisville's Extraterritorial Jurisdiction (ETJ) and, therefore, must be developed in accordance with the 1996 Castle Hills Agreement. Under the 1996 Castle Hills Agreement, self-storage facilities must provide a ten-foot parallel loading and unloading lane around the facility. The applicant requests a variance to allow the use of 37 head-in, 9' x 18' parking stalls (28 reserved for customers and 9 reserved for the caretaker's suite and office) instead of the required ten-foot parallel loading and unloading lane.

RECOMMENDATION:

That the City Council approves the requested variance as set forth in the caption above with no conditions.

AVAILABLE FOR QUESTIONS: - Cleve Joiner, Director of Neighborhood Services

- 8. Consideration of Ordinances Amending the Lewisville City Code, Chapter 4, Adopting the 2015 International Construction Codes With Local Amendments and Standards, Including the Building Code; Residential Building Code; Plumbing Code; Fuel Gas Code; Mechanical Code; Energy Code; Existing Building Code; Chapter 9, Property Maintenance Code; and Chapter 5, Fire Code.**

ADMINISTRATIVE COMMENTS:

Staff is submitting the 2015 edition of the International Codes with NCTCOG amendments to the City Council for adoption. The new codes are necessary to ensure that the City keeps pace with state laws, changing technology and practices of the construction industry. Staff is requesting City Council approval of the ordinances adopting the referenced codes and standards.

RECOMMENDATION:

That the City Council adopt the 2015 Edition of the International Construction Codes with local amendments and standards as set forth in the caption above.

AVAILABLE FOR QUESTIONS: - Cleve Joiner, Director of Neighborhood Services

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- 9. Consideration of a Resolution Nominating a Representative and an Alternate Representative to the North Central Texas Council of Government's Regional Transportation Council.**

ADMINISTRATIVE COMMENTS:

The Regional Transportation Council of the North Central Texas Council of Governments allocates seats on the council by region and city population. Lewisville is in a cluster region along with Highland Village and Flower Mound. This cluster's current representative to the Regional Transportation Committee is Mayor Durham, who has indicated his willingness to serve again. The current alternate representative to the Regional Transportation Council is Charlotte Wilcox, the Mayor from Highland Village, who has also indicated her interest to continue serving.

RECOMMENDATION:

That the City Council consider a resolution nominating a representative and an alternate representative to the North Central Texas Council of Government's Regional Transportation Council.

- 10. Consideration of Acceptance of Resignation of Brandon Jones From Place No. 2 on the Planning and Zoning Commission (P&Z) and Place No. 4 on the Tax Increment Reinvestment Zone #2 (TIRZ #2); Declare Vacancies Exists on P&Z and the TIRZ #2; and Consideration of Appointments to Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2.**

ADMINISTRATIVE COMMENTS:

Brandon Jones will be sworn into Place No. 4 of the Lewisville City Council on May 16, 2016; therefore, he has submitted notice of his resignations from Place No. 2 on the P&Z and Place No. 4 on the TIRZ #2. The City Council will need to declare the vacancies and consider new appointments to fill both vacancies.

RECOMMENDATION:

That the City Council accept the resignations, declare vacancies, and consider appointments as set forth in the caption above.

- 11. Consideration of Appointments to the Denton County Homelessness Leadership Team.**

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ADMINISTRATIVE COMMENTS:

The Denton County United Way sponsored the creation of the Denton County Behavioral Health Leadership Team made up of mostly community leaders. Councilman T.J. Gilmore and Assistant City Manager Melinda Galler were appointed to serve on the team in July 2015. The Behavioral Health Leadership Team has workgroups that look at the issue of homelessness from a mental health standpoint, but it does not address the overall issue of the homeless population in Denton County. The Denton County United Way joined the City of Denton to launch a county-wide leadership team focused on the growing homelessness issues impacting all communities in Denton County and has requested the appointment of one representative from the Lewisville City Council and one representative from staff or from the community to serve on the team. Councilman Gilmore has expressed an interest in serving on the DCHLT since he is already serving on the Denton County Behavioral Leadership Team and the two have similar goals and will be coordinating work groups. ACM Claire Swann has also agreed to serve as the staff representative.

RECOMMENDATION:

That the City Council appoint Assistant City Manager Claire Swann and consider appointing Councilman TJ Gilmore to the Denton County Homelessness Leadership Team.

- I. **REPORTS:** Reports about items of community interest regarding which no action will be taken.
- J. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D,
 1. Section 551.071 (Consultation with Attorney): Legal issues related to oil and gas operations.
 2. Section 551.072 (Real Estate): Property Acquisition
 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations

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- K. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.

- L. **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).