



Lewisville City Council

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A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 18, 2016**

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

**WORKSHOP SESSION - 5:45 P.M.
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

WORKSHOP SESSION - 5:45 P.M.

- A. Overview of Public Works Emergency Response Team (PWERT) Program
- B. Overview of Boundary Issue with Highland Village I 35E
- C. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION - 7:00 P.M.

- A. **INVOCATION:** Councilman Vaughn
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Gilmore
- C. **PROCLAMATIONS:**
 - 1. Declaring April 22, 2016 and Every Fourth Friday in April, as “Imagine Beyond Foundation’s Autism Awareness Day”
 - 2. Declaring April 18, 2016, as “Mayors’ Monarch Pledge Day”

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial (LI) to Medical District (MD) on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue, as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner (Case No. PZ-2016-04-10).**

ADMINISTRATIVE COMMENTS:

The current zoning of the property is Light Industrial (LI). The applicant is requesting Medical District (MD) zoning which is required for a Chapter 748 operation. Journey to Dream – Kyle’s Place will offer services for a targeted youth population of Denton County. This rezoning is required as the base zoning for the required SUP. Likely alternative uses include medical offices and medical retail type development. The Planning and Zoning Commission recommended unanimous approval (4-0) of the zone change request at their April 5, 2016, meeting.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Randi Rivera, G&A Consultants, LLC

- 2. Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Self-Storage Facility; on an Approximately 3.617-Acre Lot Legally Described as Lots 10R and 11R, Block F, Vista Ridge Addition; Located on the Southeast Corner of Highland Drive and Rockbrook Drive, as Requested by Oakview Capital Partners, LLC on Behalf of Global International, Inc., the Property Owner (Case No. SUP-2016-03-03).**

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ADMINISTRATIVE COMMENTS:

This 3.617-acre vacant property is made up of two lots located at the southeast corner of Rockbrook Drive and Highland Drive that abuts two existing self storage facilities on that block. The applicant is proposing to build a new two-story, 100,650 square-foot, 100% climate controlled self-storage facility, which includes an office area of 1,650 square feet. The hours of operation would be 6:00 a.m. to 10:00 p.m. year round. The Planning and Zoning Commission recommended denial of the SUP by a vote of 6-0 at their meeting on March 15, 2016.

RECOMMENDATION:

That the City Council deny the proposed ordinance.

AVAILABLE FOR QUESTIONS:

- Nika Reinecke, Director of Economic Development and Planning
- Brad Tidwell, Oakview Capital Partners

3. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Chapter 748 Operation and Consideration of Three Associated Variances; on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue, as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner (Case No. SUP-2016-04-04).**

ADMINISTRATIVE COMMENTS:

The 0.556-acre property began as a children's day care facility, built in the mid 1980's and has been home to some form of day care ever since. Journey to Dream – Kyle's Place, a Chapter 748 operation, is proposing to occupy the space. Kyle's Place is a residential child-care operation that provides child care, including treatment services and/or programmatic services, for 13 or more children or young adults, regulated by Chapter 748, Title 40, of the Texas Administrative Code. There are three requested variances: a) to waive the required 10-foot landscape strip along Archer Way; b) to waive the 50-ft driveway separation requirement; and c) to waive the required screening hedge for parking facing a street. This is a companion item for the zone change request from Light Industrial (LI) to Medical District (MD) being requested for this property. The Planning and Zoning Commission recommended approval of the SUP by a vote of 4-0 at their meeting on April 5, 2016.

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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
- Randi Rivera, G&A Consultants

E. **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.

F. **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 April 4, 2016 Workshop Session and Regular Session.

5. **Approval of a Contract Award for Wastewater Treatment Plant Sand Filter Media Replacement to Red River Construction Company, Wylie, Texas in the Amount of \$343,980; and Authorization for the City Manager to Execute the Contract.**

ADMINISTRATIVE COMMENTS:

A total of twenty-one (21) requests for proposals were downloaded from Bidsync.com. A total of three (3) proposals were received and opened March 31, 2016. Based on the evaluation matrix included in the request for proposals, Red River Construction Company received the highest evaluation score and is being recommended for award. This project involves the preparation and replacement of sand filter media in five wastewater treatment plant traveling bridge filters. Funding is available in the Sand Filter Media Replacement Capital Project.

RECOMMENDATION:

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

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- 6. Approval of a License Agreement Between the City of Lewisville and Caroline Berend; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Caroline Berend, owner of the building at 119 West Main Street, will be renovating the current building space, which currently houses a retail tenant. Proposed improvements include interior renovations, rear and front façade improvements and the construction of a rooftop balcony structure. The proposed license agreement will allow the property owner to construct the rooftop balcony structure adjacent to the rear façade of the building. Part of the balcony will be on City property, which is part of the Wayne Ferguson Plaza as a public access, drainage and utility easement.

RECOMMENDATION:

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

- 7. Approval of the City of Lewisville to Become a Member City in the North Central Texas Public Works Emergency Response Team and Enter Into the North Central Texas Public Works Mutual Aid Agreement; and Authorization for the City Manager or her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

Lessons learned from past disasters have revealed the needs and benefits of an organized, local public works support capability. As such, the North Central Texas Public Works Emergency Response Team (PWERT) was created to facilitate critical public works assistance when an emergency or disaster overwhelms the local resources of a jurisdiction within the north central Texas area. The North Central Texas PWERT is formed by and for local governments and operates on a voluntary quid pro quo basis. Entering this agreement allows the City of Lewisville to join 40 other member cities comprising the North Central Texas PWERT, and through the framework of the agreement provides for access to their public works manpower and equipment during an emergency. The North Central Texas PWERT first deployed during the April 3, 2012 tornado outbreak and has since grown to a more robust capacity better able to meet regional need.

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RECOMMENDATION:

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

- 8. Approval of the City of Lewisville to Enter Into an Interlocal Agreement With the Denco Area 9-1-1 District for 9-1-1 Contact Database; and Authorization for the City Manager or her Designee to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The City of Lewisville maintains and operates the Lewisville Citizen Alert emergency notification system. This system integrates mapping technology with phone and email databases, and can be used to rapidly notify Lewisville residents and businesses of emergency situations. As a public safety support service Denco Area 9-1-1 District will provide the 9-1-1 contact information and location database for use in emergency notification systems. Denco will provide this data extract, along with periodic updates, at no cost. To receive this contact information and location database extract the City must enter into the Interlocal Agreement with the Denco Area 9-1-1 District.

RECOMMENDATION:

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

- 9. Approval of a Resolution Directing Oncor Electric Delivery Company, LLC to File Certain Information With the City of Lewisville; Setting a Procedural Schedule for the Gathering and Review of Necessary Information in Connection Therewith; Setting Dates for the Filing of the City's Analysis of the Company's Filing and the Company's Rebuttal to Such Analysis; Ratifying the Hiring of Legal Counsel and Consultants; Reserving the Right to Require the Reimbursement of the City of Lewisville's Rate Case Expenses; Setting a Public Hearing for the Purposes of Determining if the Existing Rates of Oncor Electric Delivery Company are Unreasonable or in Any Way in Violation of Any Provision of Law and the Determination by the City of Lewisville of Just and Reasonable Rates to be Charged by Oncor Electric Delivery Company, LLC.**

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ADMINISTRATIVE COMMENTS:

Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor. Cities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate making orders. As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced. The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988. The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

RECOMMENDATION:

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

- 10. Approval of an Amendment to the City Thoroughfare Plan to Change the Designation of Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-Lane Undivided (C2U) Roadway to a Residential Street.**

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ADMINISTRATIVE COMMENTS:

The City of Lewisville's Master Thoroughfare Plan currently indicates Mill Street from Tennie Drive to Lake Park Road as a Collector 2 Lane Undivided Roadway (C2U – 60' R.O.W.). This section of Mill Street is a 2-lane asphalt road with homes on both sides of the street and has an average daily traffic (ADT) of only 1,269 vehicles per day which doesn't warrant a collector street designation. Changing the designation from Collector Street to Residential Street allows this section of Mill Street to be treated as a residential street with less restrictive access control requirements. Also, speed limits and signage can be posted in accordance with the residential street use without conducting a speed study. The Transportation Board considered this item during the March 15, 2016 meeting and voted 6-0 to recommend changing the designation of Mill Street from Tennie Drive to Oakridge Boulevard to a residential street.

RECOMMENDATION:

That the City Council approves the amendment to the Thoroughfare Plan as set forth in the caption above.

G. REGULAR HEARINGS:

- 11. 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).**

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 and April 4, 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

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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 proposed 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

12. Consideration of a Final Plat With Two Associated Variances for South Village Addition, Lots 2R, 3-9, Block A; Lots 1-30, Block B; Lots 1-15, Block C; and Lots 1-11, Block D; Being 4.225 Acres of Land Zoned Old Town Mixed Use Two (OTMU2); Located on the South Side of Elm Street Between Charles Street and Mill Street; Being a Replat of South Village Addition, Lot 2, Block A and Lewisville Center Additon, Lot 2, Block A.

ADMINISTRATIVE COMMENTS:

South Village Addition is located in Old Town on the south side of Elm Street between Charles Street and Mill Street and is zoned Old Town Mixed Use Two. The proposed plat creates 63 residential lots in a combination of 12 single-family attached and 51 single-family detached lots. Lot 2R, Block A is proposed to be mixed use lot with a commercial ground floor and residential units above. This project represents a truly urban layout with narrow streets to allow for traffic calming and smaller setbacks which bring the units closer to the street. The concept plan for this project was approved by City Council in 2014 as part of an Economic Development agreement. There are two variances requested: a) To allow corner clips less than 12'x12'; and b) to allow a reduced drainage and sanitary sewer easement width. The Planning and Zoning Commission recommended approval of the Final Plat and associated variances by a vote of 4-0 at their meeting on April 5, 2016.

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RECOMMENDATION:

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

AVAILABLE FOR - Nika Reinecke, Director of Economic Development
QUESTIONS: and Planning

- 13. Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3 (Animals) by Repealing and Replacing Articles I, II, and III in Their Entirety, Amending Section 3-152 to Clarify the Regulations for Keeping Swine in the City, and Amending Section 2-201 by Adding a fee for “Pet Animal” Adoptions.**

ADMINISTRATIVE COMMENTS:

At the November 16th workshop, City staff briefed the City Council on its proposed changes to Chapter 3 of the Animal Ordinance. The new language, which includes definitions and text change, will ensure the ordinance remains current and up-to-date with services that are offered by other cities. It will also provide the necessary tools for enforcement when violations are committed. Animal Services is also seeking to add a \$20 fee for the proposed “Pet Animals” adoptions. The fee would allow Animal Services to adopt out some of the smaller animals that come to the shelter, such as gerbils, hamsters, guinea pigs and other similar “pet store type animals”. It is staff’s opinion that this is a better solution than attempting to relocate smaller pets to a rescue organization, where there may not be available space.

RECOMMENDATION:

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

- 14. Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, by Amending the Speed Limit on Certain Segments of Mill Street, Church Street and Charles Street; and Amending the Lewisville City Code, Section 15-126, Stopping, Standing, or Parking Prohibited on Specific Streets, Prohibiting Parking on Purnell Street From Kealy Avenue to 230 Feet East of Kealy Avenue on the North Side of Purnell Street and From Kealy Avenue to 220 Feet East of Hembry Street on the South Side of Purnell Street Within the City of Lewisville.**

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ADMINISTRATIVE COMMENTS:

The section of Mill Street from Tennie Drive to Oakridge Boulevard is a two lane asphalt roadway with single-family homes fronting on both sides of the street. The speed limit posted on this section of Mill Street is 40 miles per hour. Staff proposes to change the speed limit to 25 miles per hour. Staff has also proposed changing the street designation from collector to residential in support of the proposed speed limit change. Church Street is a two lane one-way street that runs east-west from Railroad Street to Herod Street with parking available along its length. Along with Main Street, it is part of the one-way couplet allowing access to and through the Lewisville Old Town area. It is presently posted at 30 miles per hour which was set when the roadway was reconstructed in 1999-2000 to provide the one-way pair access. Staff proposes to change the speed limit to 25 miles per hour. Charles Street is a two-way street with parking along both sides. All of Charles Street is posted at 35 miles per hour except for the section north of College Street which is posted at 25 MPH due to the residential nature. Staff proposes to change the speed limit to 25 miles per hour for the entire length north of Main Street. Parking on Purnell Street is already prohibited on several sections of Purnell: 1) from 200 feet west of Mill Street to Kealy Avenue, both sides of Purnell Street, 2) from Hardy Street to Railroad Street, both sides of Purnell Street; and 3) from Interstate Highway 35E northbound Frontage Road to 250 feet east, both sides of Purnell Street. These sections, where parking is already prohibited, are the results of situations where previously allowed parking created unsafe conditions. Based on recent resident and business comments, Staff surveyed conditions on Purnell Street and proposes to prohibit parking on Purnell Street from Kealy Avenue to 230 feet east of Kealy Avenue on the north side of Purnell Street and from Kealy Avenue to 220 feet east of Hembry Street on the south side of Purnell Street also due to safety concerns. The Transportation Board considered these items during the March 15, 2016 meeting and voted 6-0 to approve all four items.

RECOMMENDATION:

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

AVAILABLE FOR - David Salmon, PE, City Engineer
QUESTIONS:

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- 15. Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Amending the Franchise Ordinance for the Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables; Apartment Recycling; and, Containerized Commercial Solid Waste With Waste Management of Texas, Inc. by Deleting Attachments C & D and Replacing With New Attachments and Conduct the First Reading.**

ADMINISTRATIVE COMMENTS:

In April 2014, City Council approved a 10-year solid waste and recycling franchise agreement with Waste Management. After review of cost components and franchise fees collected in 2015, two revisions are needed to comply with the intent of the franchise. The first modification to Attachment C relates to the cost of service component which Waste Management retains for roll-off services. Modification to Attachment C is for Waste Management to retain the cost of service disposal rate for the first four tons in the cost of services component and all waste over four tons is billed by Waste Management to the customer. Secondly, Attachment D relates to the multifamily recycling program. Attachment D modification is to delete the descriptive size of the individual apartment collection bin stated as 18 gallon and replace with generic wording “apartment unit bin” as several concepts and collections practices are in place at multiple apartment complexes. The ordinance amendment will require two readings per the Charter with the first reading scheduled for April 18, 2016 and the second reading scheduled for June 6, 2016.

RECOMMENDATION:

That the City Council approves the ordinance and conduct the first reading as set forth in the caption above.

- 16. Consideration of Acceptance of Resignation of Roy Wiegmann From Alternate Place No. 2 on the Zoning Board of Adjustment (ZBOA); Declare Vacancy Exists on the ZBOA; and Consideration of an Appointment to Alternate Place No. 2 on the ZBOA.**

ADMINISTRATIVE COMMENTS:

Roy Wiegmann has submitted his resignation from Alternate Place No. 2 on the ZBOA. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

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RECOMMENDATION:

That the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

- 17. Consideration of Acceptance of Resignation of Brenda Crawford From Place No. 5 on the Arts Advisory Board; Declare Vacancies Exist in Place No. 5 and 6 on the Arts Advisory Board; Consideration of Reappointing Al DeBerry to Place No. 2 on the Arts Advisory Board; and Consideration of Appointments to Place No. 5 and 6 on the Arts Advisory Board.**

ADMINISTRATIVE COMMENTS:

Brenda Crawford has submitted her resignation from Place No. 5 on the Arts Advisory Board. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy. Former Mayor Gene Carey had been serving in Place No. 6 on the Arts Advisory Board. With his recent passing, the City Council will need declare a vacancy and consider a new appointment to fill this vacancy. In accordance with the City Council's attendance policy, Al DeBerry has missed three consecutive meetings on the Arts Advisory Board and is automatically removed. Upon discussion with Mr. DeBerry, staff has determined that this was due to miscommunication of meeting date changes. Staff has worked with Mr. DeBerry to ensure this is not an issue in the future and due to Mr. DeBerry's request to remain on this board, recommends that he be reappointed to the Arts Advisory Board.

RECOMMENDATION:

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

- 18. Consideration of Acceptance of Resignation of Toby Faber From Place No. 5 on the Library Board; Declare Vacancy Exists on the Library Board; and Consideration of an Appointment to Place No. 5 on the Library Board.**

ADMINISTRATIVE COMMENTS:

Toby Faber has submitted his resignation from Place No. 5 on the Library Board. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

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RECOMMENDATION:

That the City Council accept the resignation, declare a vacancy, and consider an appointment as set forth in the caption above.

19. Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District.

ADMINISTRATIVE COMMENTS:

Jim Carter, former Mayor and Council Member of the City of Denton, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Carter's term expires on September 30, 2016 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by June 15, 2016. Mr. Carter has submitted an email indicating his interest in continuing to serve in this capacity.

RECOMMENDATION:

That the City Council approves the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District.

H. **REPORTS:** Reports about items of community interest regarding which no action will be taken.

- ◆ First Quarter 2016 Boards/Commissions/Committees Attendance Reports

I. **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

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

Creating Capabilities

**North Central Texas Public Works
Emergency Response Team**

Assessing the Need



- High winds
- Tornadoes
- Hail
- Snow
- Ice

- Flooding
- Blackouts
- Line ruptures



Purpose

- Enhance the regions ability to manage a major emergency beyond existing local resources
- A cooperative arrangement enabling jurisdictions to:
 - Work out in advance legal & financial issues
 - Simplify the resource request process
 - Leverage teamwork to build capability
 - Expedite recovery

Best Practice

- Comparable to traditional mutual aid agreements found in the emergency service industry
 - Denton County Fire/EMS Mutual Aid
 - Dallas County Fire/EMS Mutual Aid
 - Greater Dallas-Fort Worth Law Enforcement Mutual Aid Agreement
 - Emergency Medical Task Force (EMTF) Memorandum of Understanding
 - Regional Telecommunicators Emergency Response Taskforce (TERT) Mutual Aid Contract
 - Texas Intrastate Fire Mutual Aid System (TIFMAS)

Scope

- Focused on initial response, emergency relief & short-term recovery
 - Help stabilize the situation
- Reduce workload of impacted jurisdiction by
 - Finding requested resources
 - Organizing deployment based on jurisdiction request
 - Staging management
 - Assignment coordination, improve span of control
 - Enhance planning function – future operational periods
 - Maintain documentation for PWERT response

Terms of Agreement

- Terms of the agreement:
 - Responding agency under direction of their own supervisor
 - Self sufficient – responding agency responsible for their own food, water, internal communications, fuel and support
 - Operational Costs – no reimbursement for first 36 hours
 - Insurance (workmen's compensation, auto liability) – Each party responsible for it's own actions

NOTE: Signed agreements are provided to the North Central Texas Council of Governments PWERT representative who maintains the repository of all associated documents

Requesting Agency Process

- **1 Call Activation:**
immediate access to
entire region's PWERT
resources
- Provide PWERT
Coordinator with details
of request



Responding Agency Process



Once contacted by PWERT Coordinator:

- Determine resource availability
- Obtain approval to deploy
- Inform PWERT Coordinator of ability to respond
- Await assignment from PWERT Coordinator

**NO SELF DISPATCHING
OF PWERT RESOURCES**

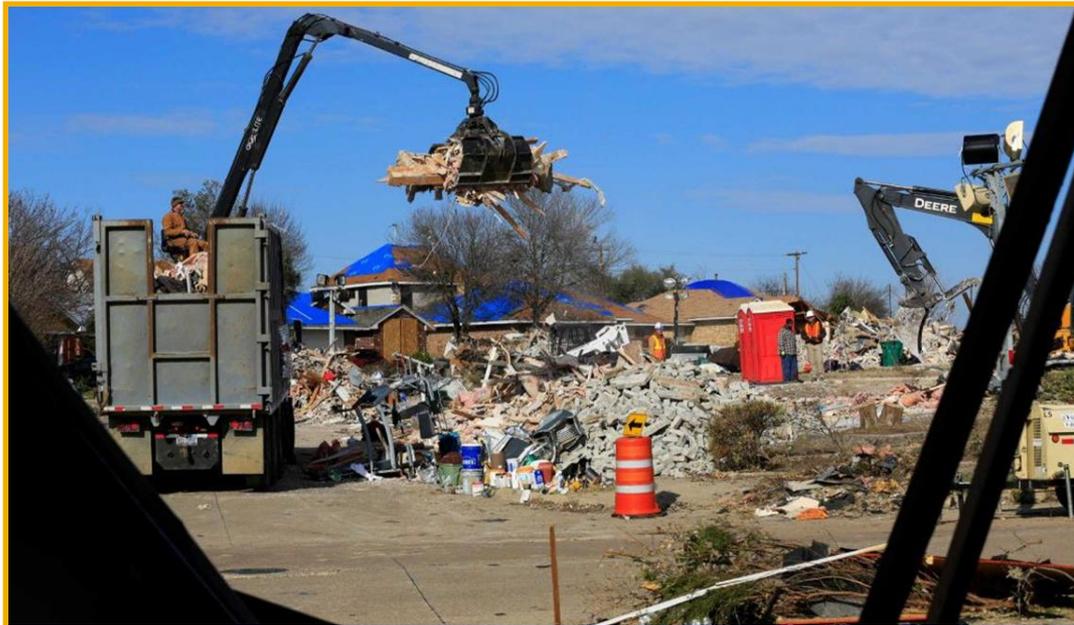
Example Resources



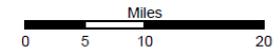
- Personnel
- Barricades
- Heavy Equipment
- Chain Saws, others
- Trucks
- Trailers
- Signage
- Pumps
- Generators
- Sand Bags
- Lighting

Example Responses

- Holiday Tornadoes, 2015
- Flooding 2015
- Winter Weather 2014-2015
- Lancaster Tornado, 2012



Regional Response Coordination
During December 2015 Tornadoes



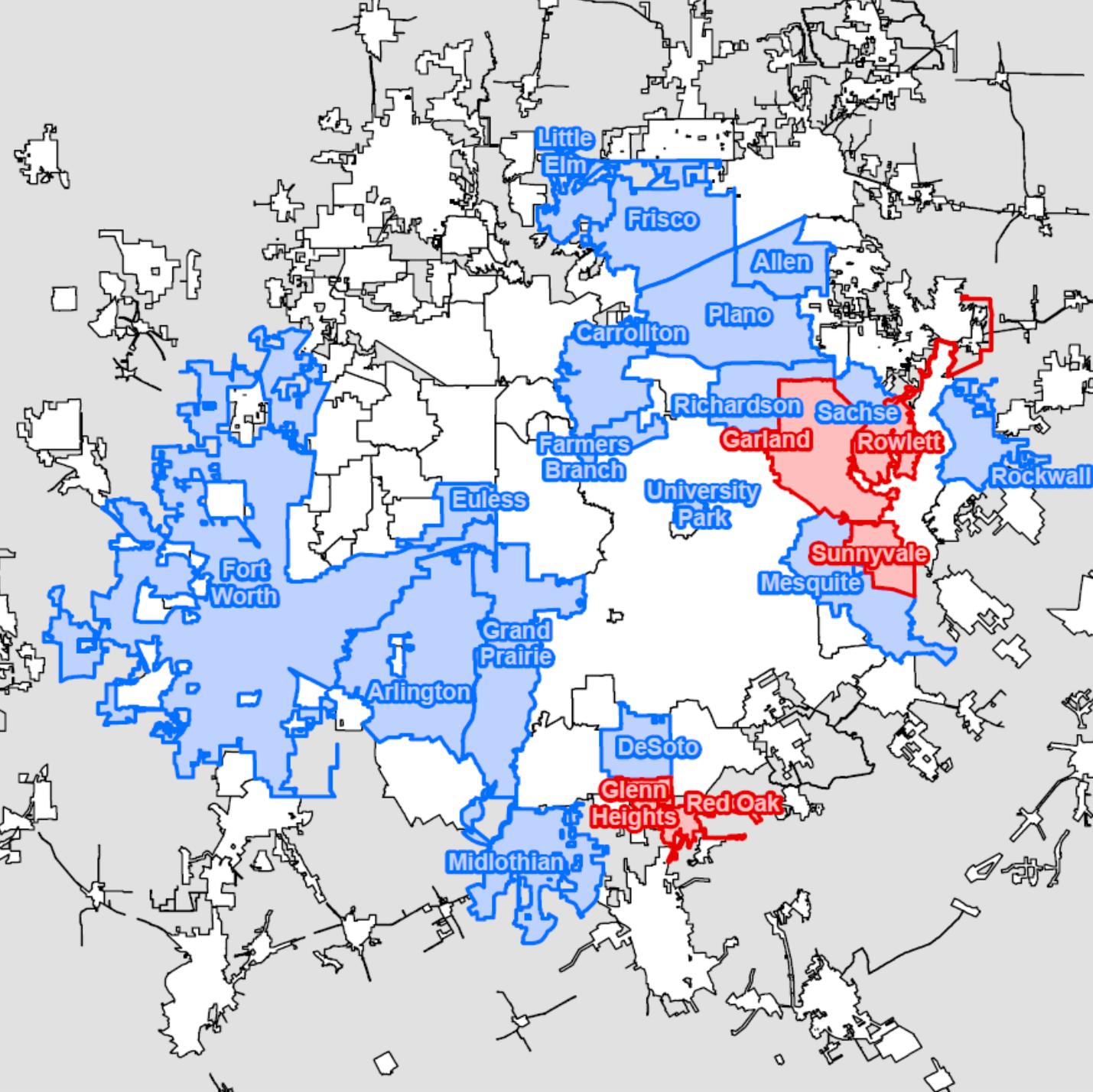

DATA SOURCE: GIS & OEM DEPARTMENT

March
2016

Staff Shifts Provided: 513
Equipment Shifts Provided: 804

LEGEND

-  Requesting Agencies
-  Responding Agencies
-  Cities



NEXT STEPS:

1. Discuss any questions
2. Determine local participation / process for approval & authorization
3. Sign MAA to become a member jurisdiction

Questions?

Keith Marvin
Public Services Director

Josh Roberts
Emergency Management Coordinator



PROCLAMATION

WHEREAS, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it and affects all persons regardless of race, religion, socio-economic status or geography; and

WHEREAS, autism spectrum disorders currently affect 1 in 68 children, 1 in 42 boys, affecting 4.5 times as many boys as girls in the United States; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism are diagnosed early in childhood and receive treatment early, it often is possible for those individuals to lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism presents; and

WHEREAS, **Imagine Beyond Foundation**, a non-profit co-founded by current and past students of Lewisville Independent School District, is spearheading several awareness efforts in order to educate all parents, and the general public about autism and its effects, and support other non-profits that help to treat and improve the lives of autistic individuals to make them imagine beyond their abilities; and

WHEREAS, the City of Lewisville wishes to honor this non-profit for its dedication to the great cause that benefits the citizens of Lewisville and the surrounding communities,

NOW, THEREFORE, I Rudy Durham, Mayor of the City of Lewisville, and on behalf of the Lewisville City Council, do hereby proclaim April 22nd, 2016 and every Fourth Friday in April as:

“Imagine Beyond Foundation’s Autism Awareness Day”

in the City of Lewisville and urge all employees and residents to participate in our municipality’s National Autism Awareness Month activities, in order to become better educated on the subject of autism spectrum disorders, and encourage and support the people and families who are affected by autism disorders.

PROCLAIMED this the 18th day of April, 2016.

**Rudy Durham, Mayor
City of Lewisville**

PROCLAMATION

WHEREAS, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

WHEREAS, the North American monarch, adopted as the official state insect by Texas Legislature in 1985, has declined dramatically in population over the past two decades; and

WHEREAS, to help save the monarch butterfly, the city of Lewisville will play a leadership role by committing to restore and preserve habitat that supports the insect's 2,500 mile migration across the continent to their nesting ground; and

WHEREAS, Citizens can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and pollinators in locations where people live, work, learn, play and worship; and

WHEREAS, Mayors, elected officials, and government executives are encouraged to sign the National Wildlife Federation's Mayors' Monarch Pledge to help foster monarch butterfly conservation.

NOW, THEREFORE, I, Rudy Durham, Mayor of the City of Lewisville, Texas, and on behalf of the Lewisville City Council, do hereby proclaim April 18, 2016 to be

"Mayors' Monarch Pledge Day"

PROCLAIMED this 18th day of April, 2016.

Rudy Durham, Mayor
City of Lewisville

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial (LI) to Medical District (MD) on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue, as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner (Case No. PZ-2016-04-10).**

BACKGROUND

The 0.556-acre property began as a children's day care facility, built in the mid 1980's. It has been home to some form of day care ever since. It is currently home to Special Abilities of North Texas, a day stay/care facility for adults with special needs, including seniors with early stages of Alzheimer's/Dementia. Special Abilities of North Texas is moving to a larger facility and Journey to Dream – Kyle's Place is proposing to occupy the space. Kyle's Place is a Chapter 748 operation, which is a residential child-care operation that provides child care, including treatment services and/or programmatic services, for 13 or more children or young adults, regulated by Chapter 748, Title 40, of the Texas Administrative Code. This is a companion item for the Special Use Permit being requested for this property. The Planning and Zoning Commission recommended unanimous approval (4-0) of the zone change request at their April 5, 2016, meeting.

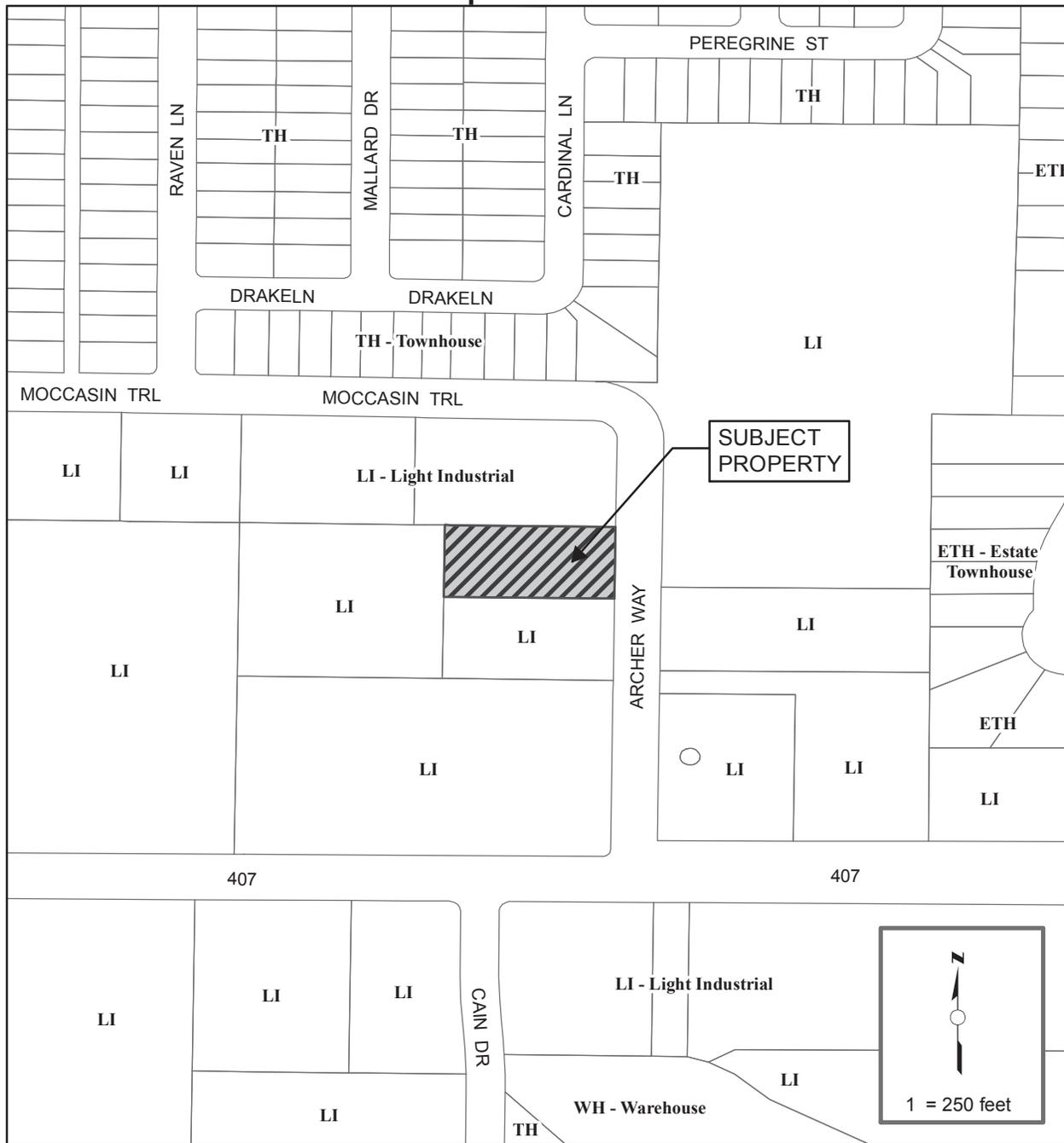
ANALYSIS

The current zoning of the property is Light Industrial (LI), which allows for a multitude of more intensive uses. The applicant is requesting Medical District (MD) zoning which is required for a Chapter 748 operation. Journey to Dream – Kyle's Place will offer services for a targeted youth population of Denton County. This rezoning is required as the base zoning for the associated SUP being requested. Likely alternative uses include medical offices and medical retail type development. The surrounding zoning is also LI, with a City water tower to the north and a self storage facility to the south of this site. The site is just north of FM 407 which has a variety of retail and neighborhood services. Residential neighborhoods are located to the north and east of this site.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the ordinance as set forth in the caption above.

Location Map - 1960 Archer Ave



ZONING CASE NO. PZ-2016-04-10

APPLICANT NAME: G&A CONSULTANTS
PROPERTY OWNER: SPECIAL ABILITIES FOUNDATION
PROPERTY LOCATION: 1960 ARCHER AVENUE (0.556-ACRES)
CURRENT ZONING: LIGHT INDUSTRIAL (LI)
REQUESTED ZONING: MEDICAL DISTRICT (MD)

Location Map - 1960 Archer Ave



MINUTES
PLANNING AND ZONING COMMISSION
APRIL 5, 2016

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Steve Byars, Brandon Jones and Kristin Green. Members Sean Kirk, Mary Ellen Miksa, and Alvin Turner were absent.

Staff members present: Mary Paron-Boswell, Jeff Kelly and June Sin

Item 6:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- A. Consideration of a Zone Change Request From Light Industrial (LI) to Medical District (MD) on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue; as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner. (Case No. PZ-2016-04-10).

Staff gave a brief presentation on the zone change request and history of the property. The public hearing was then opened and there being no one present to speak, the public hearing was then closed. There being no questions from the commissioners, a motion was made by Steve Byars to recommend approval of the zone change request, seconded by Brandon Jones. The motion passed unanimously (4-0).

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street right-of-way on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-20. - "MD" MEDICAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Day nursery or day care center.
 - (2) Nursing home or convalescent home.
 - (3) Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for senior citizens.
 - (4) Institution for care of alcoholic, narcotic, or psychiatric patients.
 - (5) Clinic: medical, dental or optical.
 - (6) Laboratory: medical, dental or optical.
 - (7) Laboratory: scientific research or testing.
 - (8) Retail sales and services for medical appliances.
 - (9) Florist.
 - (10) Drug store or pharmacy.
 - (11) Optical sales and service.
 - (12) Offices: medical, dental or optical.
 - (13) Hospital.
 - (14) Church worship facilities.
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (19) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (20) Gas and oil drilling accessory uses (SUP required).
 - (21) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* The maximum height for the main buildings shall not exceed one hundred (100) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "MD", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE

ZONE CHANGE APPLICATION

Owner/s (name): <u>Troy Griesen</u>	
Company Name: <u>Special Abilities Foundation</u>	
Mailing Address: <u>1960 Archer Way, Lewisville, TX 75077</u>	
Work #: <u>(972) 317-1515 x16</u>	Cell #:
E-Mail: <u>TROY@SPECIALABILITIES.NET</u>	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <u>Troy W Griesen</u>	Date: <u>19 JAN 16</u>
Printed Name: <u>TROY W GRIESEN</u>	

Applicant/Agent (name): <u>Kandi Rivera</u>	
Company Name: <u>GRA Consultants (on behalf Journey to Dream)</u>	
Mailing Address: <u>111 Hillside Dr, Lewisville TX 75057</u>	
Work #: <u>(972) 436-9712</u>	Cell #: <u>(214) 559-7640</u>
E-Mail: <u>kandir@gacan.com</u>	
Applicant/Agent Signature: <u>Kandi Rivera</u>	Date:
Printed Name: <u>Kandi Rivera</u>	

Current Zoning: <u>LI</u>	Requested Zoning: <u>Medical District</u>	Acres: <u>.5</u>
Legal Description (Lot/ Block/Tract/Abstract): <u>Lot 3, Justin Road Center, Block A</u>		
Address/Location: <u>1960 Archer Avenue</u>		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
X	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$ 1,000.00
	100 acres and more	\$ 1,500.00

Qty: _____	Zone Change Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>250.00</u>
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ORDINANCE NO. _____

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 0.556-ACRE LOT LEGALLY DESCRIBED AS LOT 3, BLOCK A, JUSTIN ROAD CENTER ADDITION, LOCATED AT 1960 ARCHER AVENUE; FROM LIGHT INDUSTRIAL DISTRICT (LI) ZONING TO MEDICAL DISTRICT (MD) 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.

WHEREAS, applications were made to amend the Official Zoning Map of Lewisville, Texas by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by State statutes and the Zoning Ordinances of the City of Lewisville, Texas, said Planning and Zoning Commission has recommended that rezoning of the approximately 0.556-acre property described in the attached Exhibit “A” (the “Property”) be **approved**, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Lewisville, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and,

WHEREAS, the City Council of the City of Lewisville, Texas, at a public hearing called by the City Council of the City of Lewisville, Texas, did consider the following factors in making a determination as to whether this requested change should be granted or denied: effect on the congestion of the streets; the fire hazards, panics and other dangers possibly present in the securing

of safety from same; the effect on the promotion of health and the general welfare; effect on adequate light and air; the effect on the overcrowding of the land; the effect of the concentration on population; the effect on the transportation, water, sewerage, schools, parks and other public facilities; and,

WHEREAS, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this City; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that there is a public necessity for the zoning change, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of adjacent property owners; and,

WHEREAS, the City Council of the City of Lewisville, Texas, does find that the change in zoning lessens the congestion in the streets; helps secure safety from fire, panic and other dangers; promotes health and the general welfare; provides adequate light and air; prevents the overcrowding of land; avoids undue concentration of population; facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and,

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that there is a necessity and need for this change in zoning and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the Property since it was originally classified and, therefore, feels that a change in zoning classification for the Property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Lewisville, Texas, and helps promote the general health, safety, and welfare of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. The Zoning Ordinance of the City of Lewisville, Texas, be, and the same is hereby amended and changed in that the zoning of the Property is hereby changed to **MEDICAL DISTRICT (MD) ZONING.**

SECTION 2. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this change in zoning.

SECTION 3. That in all other respects the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Lewisville Zoning Ordinance and all other applicable and pertinent ordinances of the City of Lewisville, Texas.

SECTION 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewage, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

SECTION 5. This Ordinance shall be cumulative of all other ordinances of the City of Lewisville, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances, except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this Ordinance.

SECTION 6. That the terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the Property shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

SECTION 7. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. The fact that the present Zoning Ordinance and regulations of the City of Lewisville, Texas are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of Lewisville, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18TH DAY OF APRIL, 2016.

ORDINANCE NO. _____

Page 5

APPROVED:

Rudy Durham, MAYOR

ATTEST:

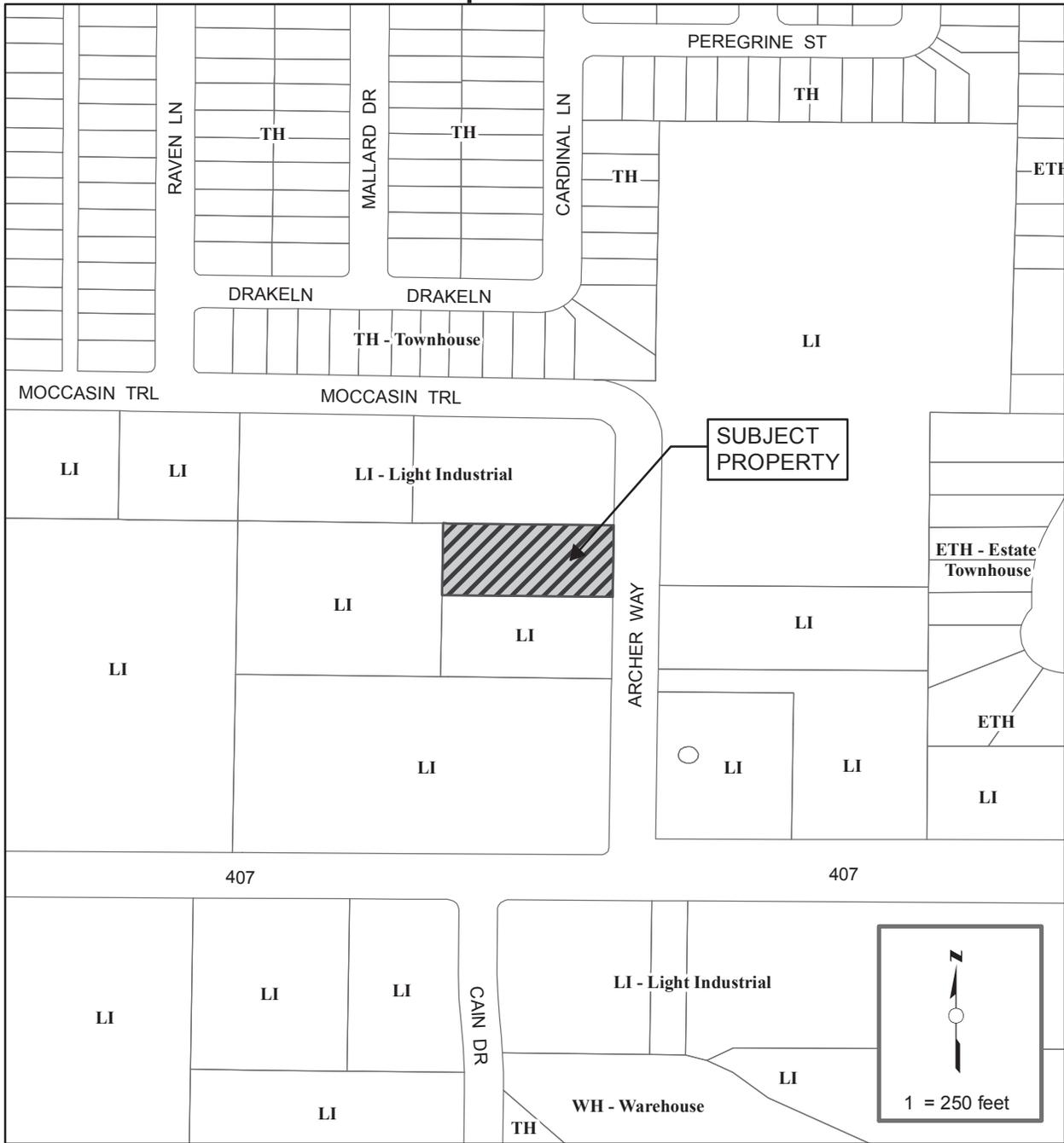
Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Legal Description

Location Map - 1960 Archer Ave



ZONING CASE NO. PZ-2016-04-10

APPLICANT NAME: G&A CONSULTANTS
PROPERTY OWNER: SPECIAL ABILITIES FOUNDATION
PROPERTY LOCATION: 1960 ARCHER AVENUE (0.556-ACRES)
CURRENT ZONING: LIGHT INDUSTRIAL (LI)
REQUESTED ZONING: MEDICAL DISTRICT (MD)

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Self-Storage Facility; on an Approximately 3.617-Acre Lot Legally Described as Lots 10R and 11R, Block F, Vista Ridge Addition; Located on the Southeast Corner of Highland Drive and Rockbrook Drive; as Requested by Oakview Capital Partners, LLC on Behalf of Global International, Inc., the Property Owner (Case No. SUP-2016-03-03).**

BACKGROUND

This 3.617-acre vacant property is made up of two lots located at the southeast corner of Rockbrook Drive and Highland Drive that abuts two existing self storage facilities on that block. Originally, the applicant was proposing to construct a three story self-storage facility, but has scaled it back to two stories since the parking requirements for a three-story structure could not be met. The Planning and Zoning Commission recommended denial of the SUP by a vote of 6-0 at their March 15, 2016, meeting.

ANALYSIS

Building Design

The applicant is proposing to build a new two-story, 100,650 square-foot, 100% climate controlled self-storage facility, which includes an office area of 1,650 square feet. The hours of operation would be 6:00 a.m. to 10:00 p.m. year round. The site layout orients the building front toward SH 121. There are driveway entrances onto the site from both Highland Drive and Rockbrook Drive and a mutual access easement from the retail center on SH 121. The building falls under the City's gateway requirements which call for a minimum 80% brick or stone veneer. The building's exterior is proposed to be a combination of brick, split-face block, cast stone and cement stucco. The first floor of the building will have a combination of "rock-face" or split-face block veneer with smaller sections of brick veneer. The second floor will consist of cement plaster with EIFS cement stucco window frames and cornice. There will also be full height architectural projection sections of brick veneer spaced in intervals around the building with EIFS stucco panels, brick banding and decorative eave overhangs. The building will contain a flat roof. All units will be accessible from interior corridors. The southern elevation, which will face SH 121 will contain an office. No manager's apartment is proposed.

Subject: SUP Self-Storage Facility

April 18, 2016

Page 2 of 2

Screening & Landscaping

No screening is proposed for the site, as there is no outside storage proposed. The landscape buffer provided along both Highland Drive and Rockbrook Drive has a variable width ranging from 10 feet at its narrowest point to over 25 feet at its wider portions. The street sides have a combination of cedar elm and lacebark elm trees. On the eastern border adjacent to the existing masonry screening wall, a row of crepe myrtles and redbud trees are proposed. On the southern portion of the lot, in the parking lot, a combination of lacebark elm and chinese pistache trees are proposed in the parking islands. The applicant is providing a total of 16 trees along the street frontages as the minimum required by ordinance. Seven trees are required and provided in the parking areas, and six trees are proposed for mitigation purposes.

Signage

The applicant is proposing wall signs that will consist of illuminated LED channel letters placed on the second floor of the building on the north, east and west elevations. The sign facing Highland Drive is proposed to be 390 square feet, the sign on the eastern elevation is proposed to be 327 square feet and the sign on the Rockbrook Drive elevation is proposed to be 230 square feet. No sign is proposed for the southern elevation. No monument sign or pole sign is proposed for this site.

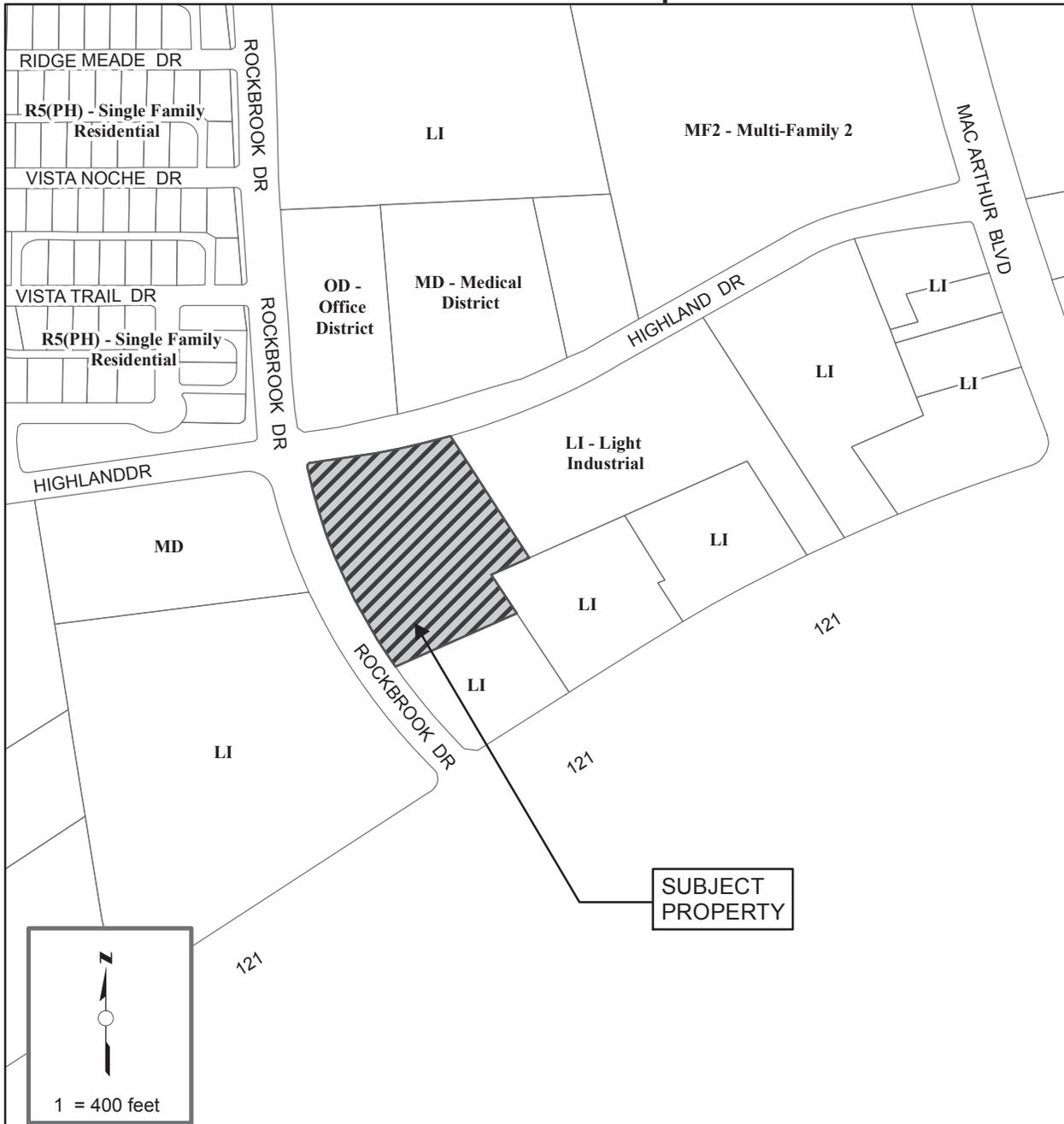
Summary

The trees provided in the landscape strip meets the minimum standards. Additional trees are provided along the eastern drive aisle. The two story building is a combination of brick, split-face block, cast stone and stucco. Despite being adjacent to two existing self-storage facilities, staff does not support the Special Use Permit request for this location. Those facilities were built in the early 2000's and since then, the surrounding area has evolved to incorporate retail, assisted living facilities, schools and both small and large scale office buildings. The SUP compatibility criteria in the Zoning Ordinance states that the Planning and Zoning Commission shall not recommend approval of, and the City Council shall not grant an SUP for a use except upon a finding that the use will complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans. Number six of the nine "Big Moves" identified in the Lewisville 2025 Vision Plan relates to Employment Centers. This general area has been identified as one of the major employment centers in the City. Both the I-35E and SH 121 corridors position Lewisville in an enviable location for economic activity and its proximity to DFW International Airport gives it an advantage in attracting national and international businesses. This "Big Move" builds on these existing strengths and demands the enhancement of existing employment center sites. Remaining vacant land should accommodate development that ensures a vibrant and dynamic employment base for the City in the future.

RECOMMENDATION

It is City staff's recommendation that the City Council deny the Special Use Permit request for a self-storage facility.

Location Map



ZONING CASE NO. SUP-2016-03-03

APPLICANT NAME: BRAD TIDWELL OF OAKVIEW CAPITAL PARTNERS, LLC

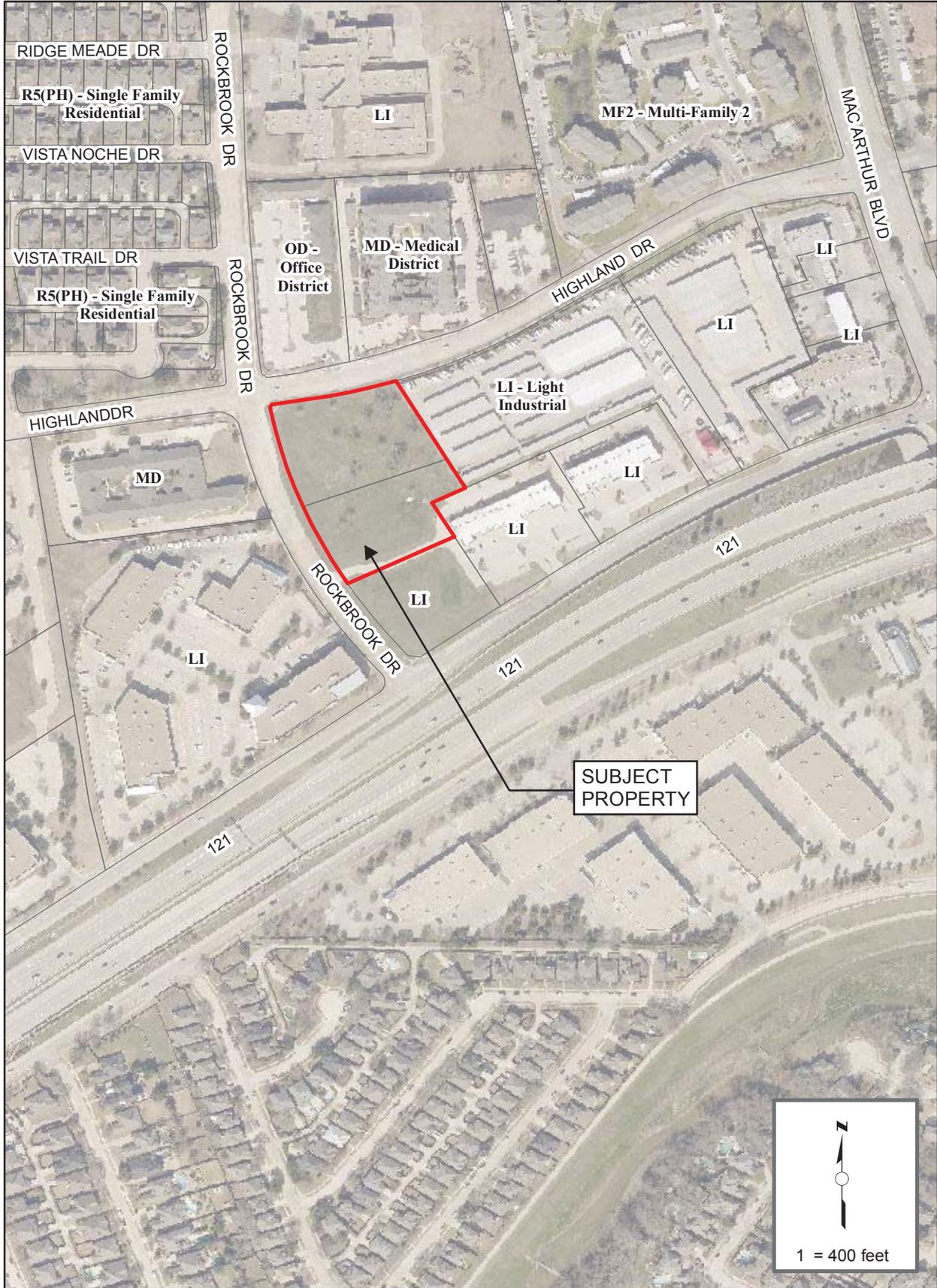
OWNER NAME: GLOBAL INTERNATIONAL, INC

PROPERTY LOCATION: SOUTHEAST CORNER OF ROCKBROOK DRIVE AND HIGHLAND DRIVE (3.617-ACRES)

CURRENT ZONING: LIGHT INDUSTRIAL (LI)

REQUESTED USE: SPECIAL USE PERMIT (SUP) FOR A SELF-STORAGE FACILITY

Aerial Map



**MINUTES
PLANNING AND ZONING COMMISSION
MARCH 15, 2016**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Sean Kirk, Brandon Jones (arrived at item 3), Mary Ellen Miksa, Alvin Turner, and Kristin Green. Member Steve Byars was absent.

Staff members present: Richard Luedke, Mary Paron-Boswell and June Sin

Item 5:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were four items for consideration:

- D. Consideration of a Special Use Permit for a Self-Storage Facility; on an Approximately 3.617-Acre Lot Legally Described as Lots 10R and 11R, Block F, Vista Ridge Addition; Located on the Southeast Corner of Highland Drive and Rockbrook Drive; as Requested by Oakview Capital Partners, LLC on Behalf of Global International, Inc., the Property Owner. (Case No. SUP-2016-03-03).

Richard Luedke gave an overview of the proposal and provided details related to the proposed building and materials, landscaping, screening, and signage. Staff indicated that the surrounding area has evolved into retail, assisted living facilities, schools and both small and large scale office buildings. Staff also indicated that the number six of the nine “Big Moves” identified in the Lewisville 2025 Vision Plan identifies this area as an Employment Center. Chairman Davis opened the public hearing. Jon Buchanan spoke in favor of the project. He indicated that the proposed self-storage facility attributed to the number four and number five of the nine “Big Moves” as storage facility will support and meet the need of high-density townhomes and residential neighborhoods. He indicated that the 3.6 acre site was not large enough to support future retail and employment centers; and addition of a climate-controlled storage facility provided a secure and safe environment and would be a good addition to the area. Kristin Green asked how many jobs are projected to be created by the proposed facility. The applicant replied that two full-time and two part-time jobs will be created. Kristin Green asked if there was a reason this site was favorable over other parts of the city. The applicant answered the high visibility from the State High 121 was desirable. Although the site does not face 121 directly, the two story building would have some visibility. Kristin Green commented that she respectfully disagreed that 3.6 acre site was too small for an employment center. Sean Kirk asked about expected rate of occupancy. The applicant answered that projected occupancy rate will be 85% to 90%. There being no one else present to speak, Chairman Davis closed the public hearing. *A motion was made by Sean Kirk to recommend denial of the SUP, seconded by Brandon Jones. The motion passed unanimously (6-0).*

SECTION 17-23. - "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

- (a) *Use.* Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.
- (1) Any use permitted in districts "LC" and "GB" as regulated in said districts.
 - (2) Apparel and other products assembled from finished textiles.
 - (3) Bottling works.
 - (4) Warehouse distribution facilities.
 - (5) Airport/Heliport (SUP required).
 - (6) Auto repair shops including body shops (SUP required).
 - (7) Church worship facilities.
 - (8) Buildings and uses owned or operated by public governmental agencies.
 - (9) Cemetery, mausoleum, crematorium & accessory uses (SUP required).
 - (10) Cosmetic manufacturer.
 - (11) Drugs and pharmaceutical products manufacturing.
 - (12) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (13) Electronic products manufacturing.
 - (14) Fur good manufacture, but not including tanning or dyeing (SUP required).
 - (15) Gas and oil drilling accessory uses (SUP required).
 - (16) Glass products, from previously manufactured glass.
 - (17) Heavy equipment – outdoor rental/sales/display/service (SUP required).
 - (18) Household appliance products assembly and manufacture from prefabricated parts.
 - (19) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
 - (20) Musical instruments assembly and manufacture.
 - (21) Paint, shellac and varnish manufacture (SUP required).
 - (22) Plastic products manufacture, but not including the processing of raw materials.
 - (23) Racing facilities (SUP required).
 - (24) Recreational Vehicle (RV) Park. (Private) (SUP required).
 - (25) Self storage/mini warehouse facility (SUP required).
 - (26) Shooting Range (indoor or outdoor) (SUP required.).
 - (27) Sporting and athletic equipment manufacture.
 - (28) Testing and research laboratories.
 - (29) Auction yard (vehicle) (SUP required).
 - (30) Communication towers (SUP required).
 - (31) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (32) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (33) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (34) Other uses similar to the above listed uses are allowed by special use permit (SUP) only, except that the following uses are specifically prohibited:
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.

- i. Boiler works.
- j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
- k. Reserved.
- l. Celluloid manufacture or treatment.
- m. Cement, lime, gypsum, or plaster of paris manufacture.
- n. Central mixing plant for cement.
- o. Coke ovens.
- p. Cotton gins.
- q. Cottonseed oil manufacture.
- r. Creosote manufacture or treatment.
- s. Disinfectants manufacture.
- t. Distillation of bones, coal or wood.
- u. Dyestuff manufacture.
- v. Exterminator and insect poison manufacture.
- w. Emery cloth and sandpaper manufacture.
- x. Explosives or fireworks manufacture or storage.
- y. Fat rendering.
- z. Fertilizer manufacture.
- aa. Fish smoking and curing.
- bb. Forge plant.
- cc. Garbage, offal or dead animals reduction or dumping.
- dd. Gas manufacture or storage, for heating or illuminating purposes.
- ee. Glue, size or gelatine manufacture.
- ff. Hatchery.
- gg. Iron, steel, brass or copper foundry or fabrication plant.
- hh. Junk, iron or rag storage or baling.
- ii. Match manufacture.
- jj. Lampblack manufacture.
- kk. Oilcloth or linoleum manufacture.
- ll. Oiled rubber goods manufacture.
- mm. Ore reduction.
- nn. Oil or turpentine manufacture.
- oo. Paper and pulp manufacture.
- pp. Petroleum or its products, refining or wholesale storage of.
- qq. Pickle manufacturing.
- rr. Planing mills.
- ss. Potash works.
- tt. Pyroxline manufacture.
- uu. Rock crusher.
- vv. Rolling mill.
- ww. Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx. Sauerkraut manufacture.
- yy. Salt works.
- zz. Shoe polish manufacture.
- aaa. Smelting of tin, copper, zinc, or iron ores.
- bbb. Soap manufacture other than liquid soap.
- ccc. Soda and compound manufacture.
- ddd. Stock yard or slaughter of animals or fowls.
- eee. Stone mill or quarry.
- fff. Storage yard.
- ggg. Stove polish manufacture.
- hhh. Tallow grease or lard manufacture or refining from or of animal fat.
- iii. Tanning, curing or storage of raw hides or skins.
- jjj. Tar distillation or manufacture.
- kkk. Tar roofing or water-proofing manufacture.
- lll. Tobacco (chewing) manufacture or treatment.
- mmm. Vinegar manufacture.

- nnn. Wool pulling or scouring.
- ooo. Yeast plant.

(b) *Height.* No building shall exceed in height the width of the street right-of-way on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) *Area.*

(1) *Size of yards.*

a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

c. *Rear yard.* No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in district "LI" within twenty-five (25) feet of the rear property line.

(2) *Reserved.*

(d) *Outside storage regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

**SPECIAL USE PERMIT (SUP)
 APPLICATION**

Owner's (name): <u>Global International, Inc.</u>	
Company Name:	
Mailing Address: <u>6900 Alma Drive #180</u>	
Work #: <u>469-229-9000</u>	Cell #:
E-Mail: <u>dnajafi1@21legacy.com</u>	
Owner Signature (Owner's Must Sign or Submit Letter of Authorization) <i>[Signature]</i>	Date: <u>12-2-15</u>
Printed Name: <u>Richard M Samadi</u>	

Applicant/Agent (name): <u>BRAD TIDWELL</u>	
Company Name: <u>OAK VIEW CAPITAL PARTNERS, LLC</u>	
Mailing Address: <u>201 HAWES RIDGE TRAIL Colleyville, TX 76034</u>	
Work #: <u>214-460-8442</u>	Cell #:
E-Mail: <u>brad@oakviewcp.com</u>	
Applicant/Agent Signature <i>[Signature]</i>	Date: <u>12-1-15</u>
Printed Name: <u>BRAD TIDWELL</u>	

Current Zoning: <u>Light Indust</u>	Requested Zoning: <u>STORAGE</u>	Acres: <u>3.617</u>
Legal Description (Lot/Block/Tract/Abstract) <u>3.617 ACRES LOT 10R AND 11R</u> <u>BLOCK F VISTA RIDGE ADDITION, DENTON COUNTY</u>		
Address/Location: <u>Highland Drive Po 7506 (ID 301916 & 301917)</u>		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
✓	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$ 1,000.00
	100 acres and more	\$ 1,500.00

Qty: _____	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ _____
---	----------



REQUIRED:

Fully describe the plans for the property

Oak View Capital Partners is requesting an SUP to build a 3 story 150,000 SF Class "A" climate controlled storage facility. The building will be 100% masonry and will have the design of a typical Class "A" office building. All storage will be inside the building. No outside storage permitted. Access will be limited from 6am to 10pm.

NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.

ORDINANCE NO. _____

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 A SELF STORAGE/MINI WAREHOUSE FACILITY ON A 3.617-ACRE LOT LEGALLY DESCRIBED AS LOTS 10R AND 11R, BLOCK F, VISTA RIDGE ADDITION, LOCATED ON THE SOUTHEAST CORNER OF HIGHLAND DRIVE AND ROCKBROOK DRIVE AND ZONED LIGHT INDUSTRIAL DISTRICT (LI); PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for a self storage/mini warehouse facility by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 3.617-acre tract, as described in the attached Exhibit “A” (the “Property”), be **denied**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a self storage/mini warehouse facility on the Property, which is zoned Light Industrial District (LI).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative, development plan, landscape plan, tree survey and elevations, attached hereto as Exhibit "B";
2. in accordance with all federal, state, and local laws and regulations;

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

- 1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
- 2. The Special Use Permit was obtained through fraud or deception.
- 3. Ad valorem taxes on the property are delinquent by six months or more.
- 4. Disconnection or discontinuance of water and/or electrical services to the property.
- 5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18TH DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

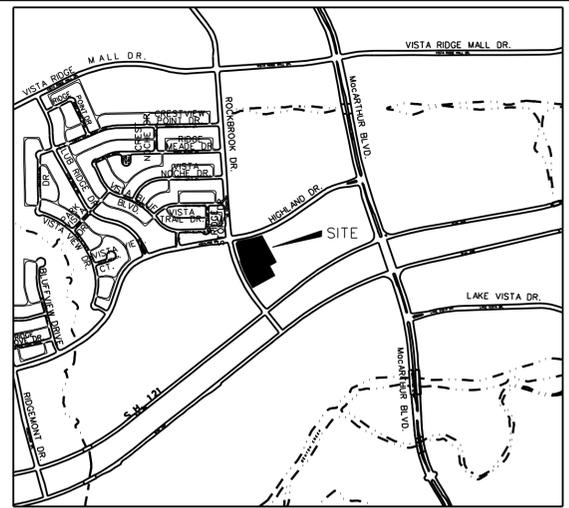
Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
SUP Narrative
Development Plan
Landscape Plan
Tree Survey
Elevations

ZONING: OD

SCALE 1" = 30'



Vicinity Map
SCALE: 1" = 1000'

- FIRE DEPARTMENT NOTES:**
1. BUILDING WILL BE FULLY SPRINKLED.
 2. IF TYPE IIB CONSTRUCTION, FIRE HYDRANTS TO BE LOCATED AT 350 AVERAGE SPACING WITH NO POINT ON FIRE LANE BEING MORE THAN 210' FROM A HYDRANT.
 3. FIRE HYDRANT IS REQUIRED WITHIN 100' OF FDC.
 4. SITE IS NOT FENCED.
 5. NO OUTSIDE STORAGE PROPOSED.
 6. 100% CLIMATE CONTROLLED BUILDING.
 7. PHOTOMETRIC STUDY TO BE DONE AT TIME OF BUILDING PERMIT.
 8. NO PROPOSED MANAGER'S APARTMENT.

LOT 6R, BLOCK F
VISTA RIDGE
ADDITION
CAB. V, PAGE 348
P.R.D.C.T.

ZONING: LI

SITE DATA

GROSS/NET SITE AREA	157,570 SQ.FT.
ZONING	LIGHT INDUSTRIAL
PROPOSED USE	SELF-STORAGE BUILDING
BUILDING HEIGHT	2 STORIES
BUILDING HEIGHT	36'-8"
BUILDING AREA (GROSS)	100,650 SF.

PARKING SUMMARY TABLE

	REQUIRED PARKING	PROVIDED PARKING
OFFICE 1,650 SF	1/200 SF = 8 SPACES	8 SPACES
STORAGE 99,000 SF	1/1,000 SF = 99 SPACES	111 SPACES
TOTAL = 100,650 SF	107 SPACES	119 SPACES

**DEVELOPMENT PLAN
FOR
121 STORAGE FACILITY**

OWNER:
GLOBAL INTERNATIONAL, INC.
6900 ALMA DRIVE #180
PLANO, TX 75023
469-229-9000

DEVELOPER:
BRAD TIDWELL
OAK VIEW CAPITAL PARTNERS, LLC
201 HAWKS RIDGE TRAIL
COLLEYVILLE, TX 76034
214-460-8442

ENGINEER:
HAMILTON DUFFY PC
8241 MID-CITIES BLVD., #100
N. RICHLAND HILLS, TX 76182
(817) 268-0408
FAX (817) 284-8408
Contact: Keith Hamilton

A PROPOSED STORAGE FACILITY
LOTS 10R & 11R, BLOCK F
VISTA RIDGE ADDITION
IN THE G.C. WOOLSEY SURVEY, A-1402
(3.617 ACRES)

CITY OF LEWISVILLE,
DENTON COUNTY, TEXAS

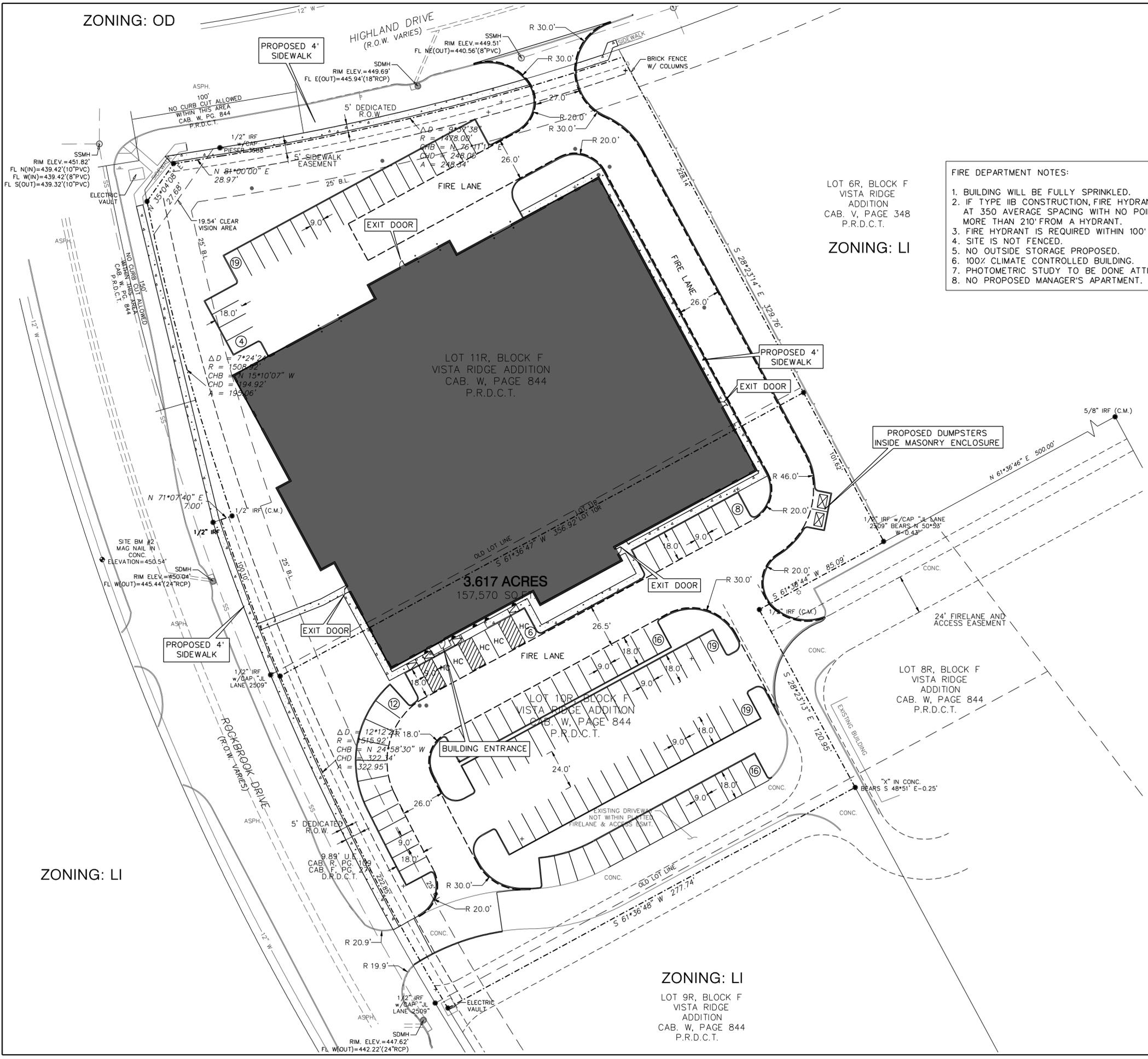
DATE OF PREPARATION 12-4-15
REVISED 1-27-16
REVISED 2-25-16

CURRENT ZONING: LI
PROPOSED ZONING: LI(SUP)

ZONING: LI

LOT 9R, BLOCK F
VISTA RIDGE
ADDITION
CAB. W, PAGE 844
P.R.D.C.T.

ZONING: LI

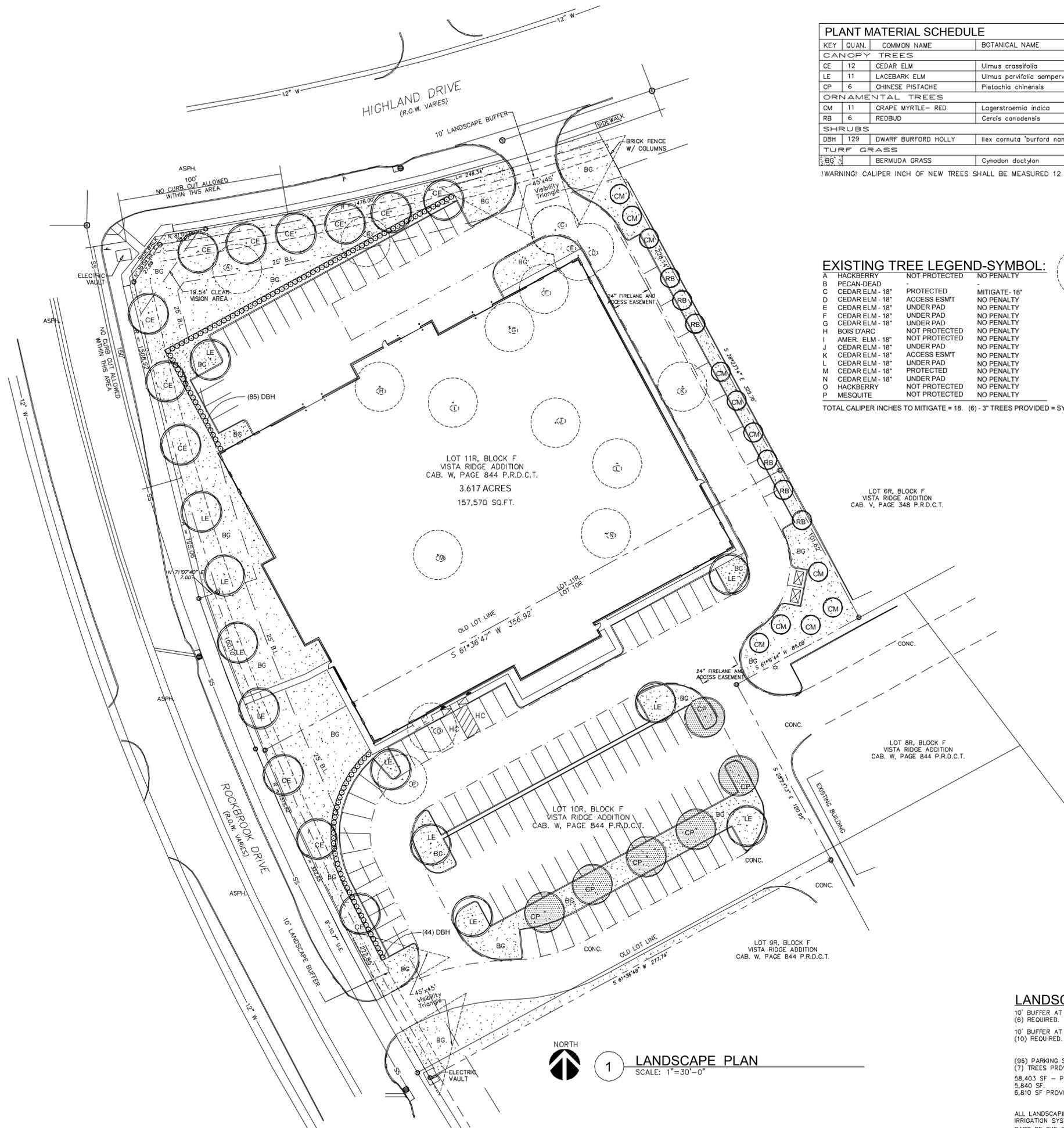


LANDSCAPE NOTES:

- ALL LANDSCAPE REQUIREMENTS AND UNDERGROUND IRRIGATION SYSTEM WILL CONFORM TO THE LOCAL CITY ORDINANCE AND DESIGN STANDARDS AND ANY REQUIREMENTS OF THE STATE, IF APPLICABLE.
- NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE LANDSCAPE IRRIGATION SYSTEM HAS BEEN INSTALLED AND IS OPERATING WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, CABLES, STRUCTURES AND LINE RUNS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES BASED ON THE DRAWING(S) AND ACTUAL FIELD DIMENSIONS. PLANT QUANTITIES HAVE BEEN PROVIDED AS A CONVENIENCE ONLY TO THE OWNER(S) AND SHALL NOT BE CONSIDERED ABSOLUTE. CONTRACTOR SHALL FOLLOW DESIGN INTENT.
- ALL PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- NOTIFY THE LANDSCAPE ARCHITECT IF LAYOUT OF TREES, BEDS AND/OR PLANTS REQUIRE ALTERATION FROM THE LANDSCAPE PLAN. NOTIFICATION WILL BE REQUIRED PRIOR TO ALTERING THE LAYOUT.
- TREES SHALL BE HANDLED BY ROOT BALLS ONLY. DO NOT DAMAGE BALL, TRUNK, OR LOOSEN TRUNK FROM BALL. TREE TRUNKS ARE TO BE PLANTED STRAIGHT AND MAY BE REQUIRED BY THE OWNER AND/OR THE LANDSCAPE ARCHITECT TO BE STAKED.
- ALL TREES REQUIRED TO BE STAKED AND GUYED SHALL CONTINUE TO BE SO THROUGH THE WARRANTY PERIOD AT WHICH TIME THE OWNER AND/OR THE LANDSCAPE ARCHITECT SHALL DETERMINE IF REMOVAL IS APPROPRIATE.
- ALL TREE LOCATIONS SHALL BE APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
- AT NO TIME WILL ANY PLANT MATERIAL BE ALLOWED TO SETTLE BEYOND THE TOP OF THE ROOT FLARE OR POTTED SOIL LINE. SHOULD PLANT MATERIAL SETTLE, THE PLANT(S) WILL BE REPLANTED AT THE PROPER HEIGHT AND/OR REPLACED IF NECESSARY AT THE CONTRACTOR'S COST.
- ALL PROPOSED BED AREAS SHALL BE FILLED TO A DEPTH OF SIX INCHES (6"), ADDING A THREE INCH (3") MINIMUM LAYER OF ORGANIC COMPOST DURING THE PROCESS. THE LEVEL OF THE BED AREAS SHOULD BE LEFT THREE INCHES (3") ABOVE THE PROPOSED FINISHED GRADE TO ALLOW FOR COMPACTION AND SETTLEMENT.
- ALL BED AREAS SHALL BE SEPARATED FROM TURF AREAS USING 1/8" X 4" STEEL EDGING, PAINTED GREEN. ALL ENDS OF STEEL EDGE RUNS SHALL HAVE A RADIUS OR 45 DEGREE ANGLE TO ELIMINATE SHARP EDGES. HAND FILING MAY BE REQUIRED TO ACHIEVE A SMOOTH EDGE.
- TRIM STEEL EDGING AT A 45 DEGREE ANGLE WHEN EDGING INTERSECTS WITH A WALK OR CURB. DO NOT INSTALL EDGING ALONG CURBS OR WALKS.
- ALL LANDSCAPE BEDS SHALL RECEIVE A TWO INCH (2") TOP DRESS LAYER OF HARDWOOD MULCH AND ALL TREE WELLS SHALL RECEIVE A THREE INCH (3") LAYER OF SHREDDED HARDWOOD MULCH. DO NOT COVER ROOT FLARE.
- TURF AREAS SHALL BE CLEAN OF DEBRIS AND RAKED (GRADED) SMOOTH PRIOR TO HYDROMULCH OR SOD INSTALLATION. LANDSCAPE CONTRACTOR TO RECEIVE GRADE WITHIN APPROX. 1/10th OF FINAL GRADE.
- OWNER RESPONSIBLE TO PROVIDE ELECTRICAL SERVICE FOR THE IRRIGATION SYSTEM, WHICH INCLUDES A HARDWIRE OF 110 VOLTS AT MINIMUM FOR THE CONTROLLER.
- ALL LANDSCAPING LOCATED WITHIN THE VISIBILITY TRIANGLES SHALL COMPLY WITH THE VISIBILITY TRIANGLE REQUIREMENTS AS PER THE CITY STANDARDS.
- ALL TREES TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS AND MATCHING CHARACTER AND BRANCHING STRUCTURE.
- ALL PLANTS AND TREES ARE TO CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN AND TEXAS ASSOCIATION OF NURSERYMEN STANDARDS.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY LANDSCAPE MATERIAL ON SITE.
- PLANT MATERIALS WHICH DIE SHALL BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE WITHIN 90 DAYS, WITH A ONE-TIME EXTENSION NOT EXCEEDING 90 DAYS BEING PROVIDED UPON APPROVAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT OR HIS DESIGNEE.
- PLAN IS TO BE IMPLEMENTED WITH SWPPP PLAN.

LANDSCAPE MAINTENANCE NOTE:

THE PROPERTY OWNER, TENANT, OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT, ORDERLY AND LIVE-GROWING CONDITION AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, IRRIGATION, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIALS NOT A PART OF THE LANDSCAPING. PLANT MATERIALS THAT DIE SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.



PLANT MATERIAL SCHEDULE				
KEY	QUAN.	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS
CANOPY TREES				
CE	12	CEDAR ELM	Ulmus crassifolia	3" caliper, b&b.
LE	11	LACEBARK ELM	Ulmus parvifolia sempervirens	3" caliper, b&b.
CP	6	CHINESE PISTACHE	Pistachia chinensis	3" caliper, b&b.
ORNAMENTAL TREES				
CM	11	GRAPE MYRTLE- RED	Lagerstroemia indica	6'-8' tall, b&b
RB	6	REDBUD	Cercis canadensis	6'-8' tall, b&b
SHRUBS				
DBH	129	DWARF BURFORD HOLLY	Ilex cornuta 'burford nana'	2' tall at planting, 36" on center.
TURF GRASS				
BG	3	BERMUDA GRASS	Cynodon dactylon	

!WARNING! CALIPER INCH OF NEW TREES SHALL BE MEASURED 12 INCHES ABOVE GRADE. (TOP OF ROOT BALL).

EXISTING TREE LEGEND-SYMBOL:

SYMBOL	TREE TYPE	PROTECTION STATUS	MITIGATION
A	HACKBERRY	NOT PROTECTED	NO PENALTY
B	PECAN-DEAD		
C	CEDAR ELM - 18"	PROTECTED	MITIGATE- 18"
D	CEDAR ELM - 18"	ACCESS ESMT	NO PENALTY
E	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
F	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
G	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
H	BOIS D'ARC	NOT PROTECTED	NO PENALTY
I	AMER. ELM - 18"	NOT PROTECTED	NO PENALTY
J	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
K	CEDAR ELM - 18"	ACCESS ESMT	NO PENALTY
L	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
M	CEDAR ELM - 18"	PROTECTED	NO PENALTY
N	CEDAR ELM - 18"	UNDER PAD	NO PENALTY
O	HACKBERRY	NOT PROTECTED	NO PENALTY
P	MESQUITE	NOT PROTECTED	NO PENALTY

TOTAL CALIPER INCHES TO MITIGATE = 18. (6) - 3" TREES PROVIDED = SYMBOL

Don C. Wheeler
Landscape Architect
3116 West 5th Street Suite 103 Fort Worth, Texas 76107
Office 817.353.1415 Fax 817.353.1415 don@dcwla.com

NO.	DATE	DESCRIPTION

OAKVIEW PARTNERS, LLC
CLIMATE CONTROLLED SELF STORAGE
ROCKVIEW DR. at HIGHLAND DR., LEWISVILLE, TX

FOR REVIEW ONLY
THESE DOCUMENTS ARE FOR INTERIM REVIEW ONLY AND ARE NOT INTENDED FOR BIDDING, PERMIT, OR CONSTRUCTION PURPOSES.
DON C. WHEELER
TEXAS NO. 767

D.C.W.L.A. PROJECT NO:
2k25-23

DATE: 02-24-16

SHEET NO:
1
OF X-L SHEETS

LANDSCAPE CALCULATIONS:

10' BUFFER AT HIGHLAND DR. x 277' = 2770/500 = (8) REQUIRED. (6) TREES PROVIDED.
10' BUFFER AT ROCKBROOK DR. x 518' = 5180/500 = (10) TREES PROVIDED.
(96) PARKING SPACES/15 = (7) TREES REQUIRED.
(7) TREES PROVIDED.
58,403 SF - PARKING LOT AREA = 10% REQUIRED L/S AREA = 5,840 SF.
6,810 SF PROVIDED = 11.6%.

ALL LANDSCAPING SHALL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM. IRRIGATION PLANS WILL BE SUBMITTED AS PART OF THE CONSTRUCTION DOCUMENTS.

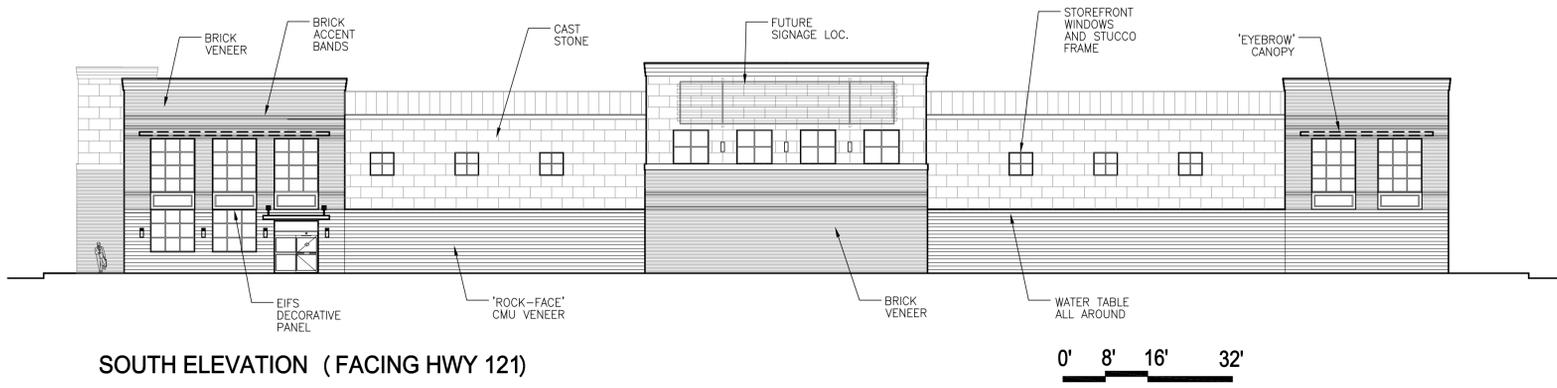
LANDSCAPE PLAN
SCALE: 1"=30'-0"
NORTH

Climate Controlled Storage
 Rockbrook Drive Lewisville, Texas 75067

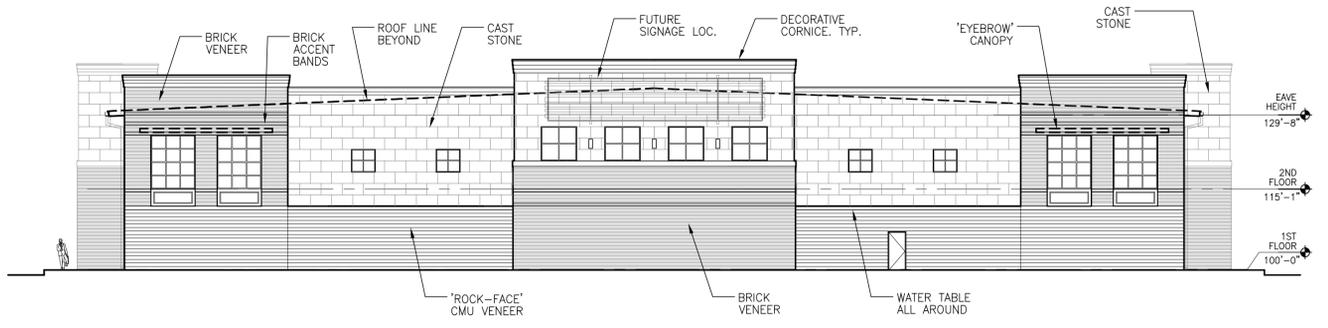


ROBERT W. KELLY
 ARCHITECT INC.
 201 S. CALHOUN ST. STE. 125 B
 FORT WORTH, TEXAS 76104
 TEL: 817-332-5014 FAX: 817-332-8570

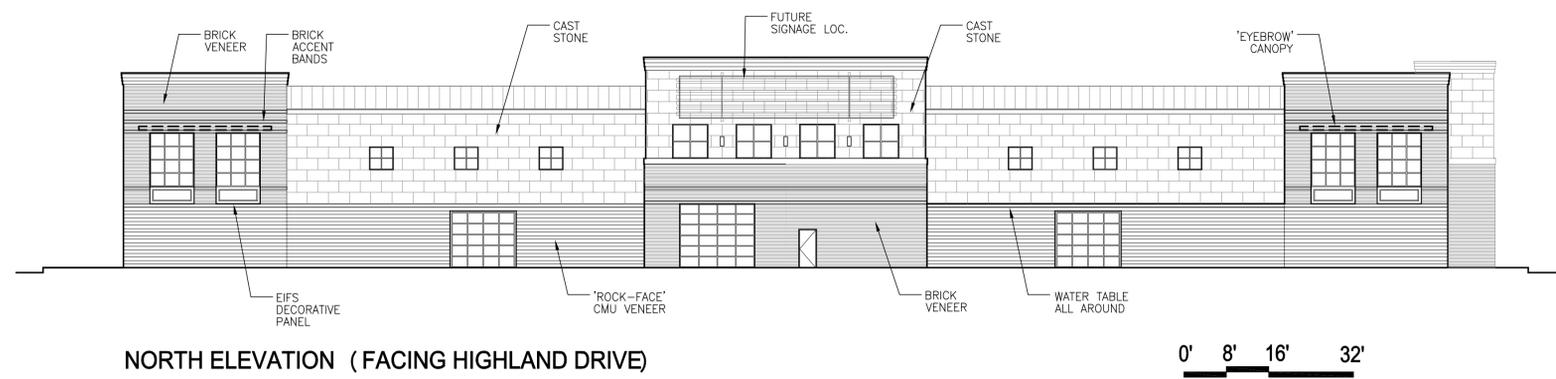
NOT FOR CONSTRUCTION FOR DESIGN REVIEW ONLY



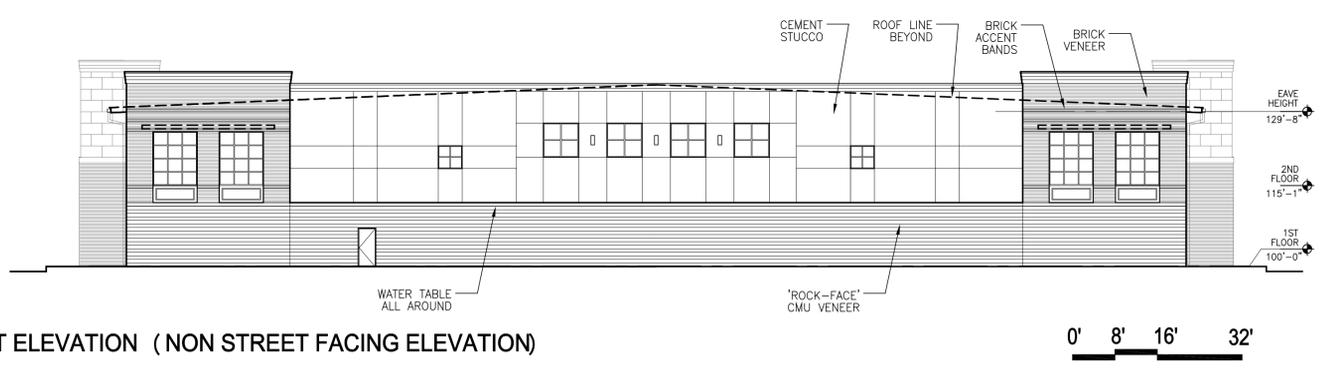
SOUTH ELEVATION (FACING HWY 121)



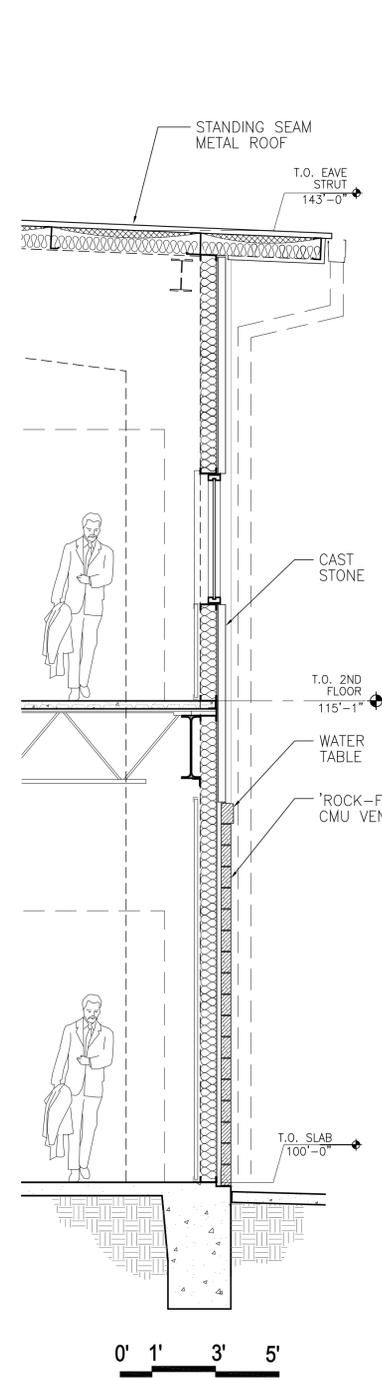
WEST ELEVATION (FACING ROCKBROOK DRIVE)



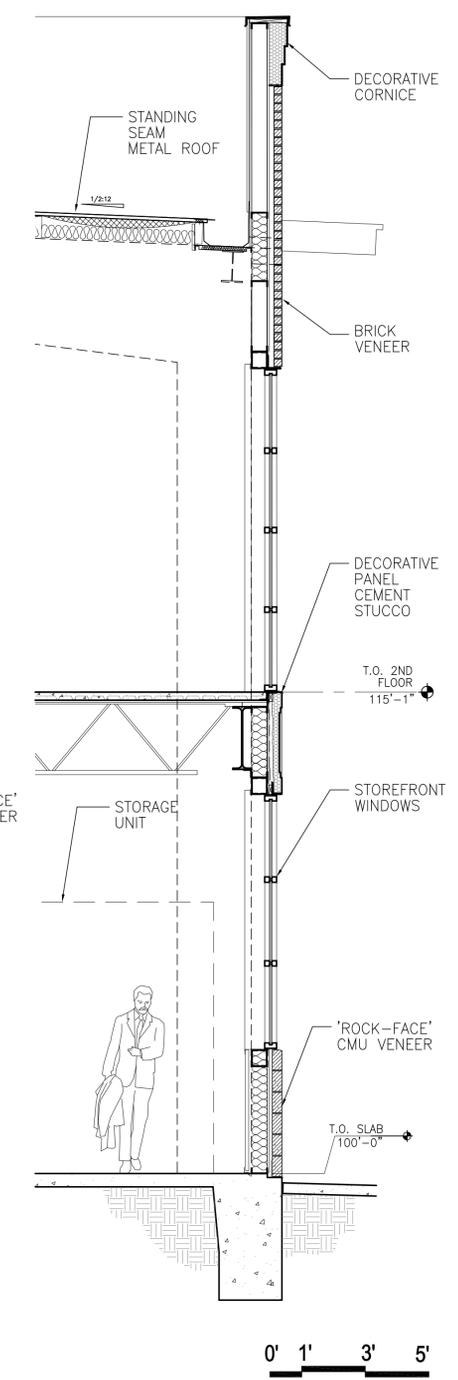
NORTH ELEVATION (FACING HIGHLAND DRIVE)



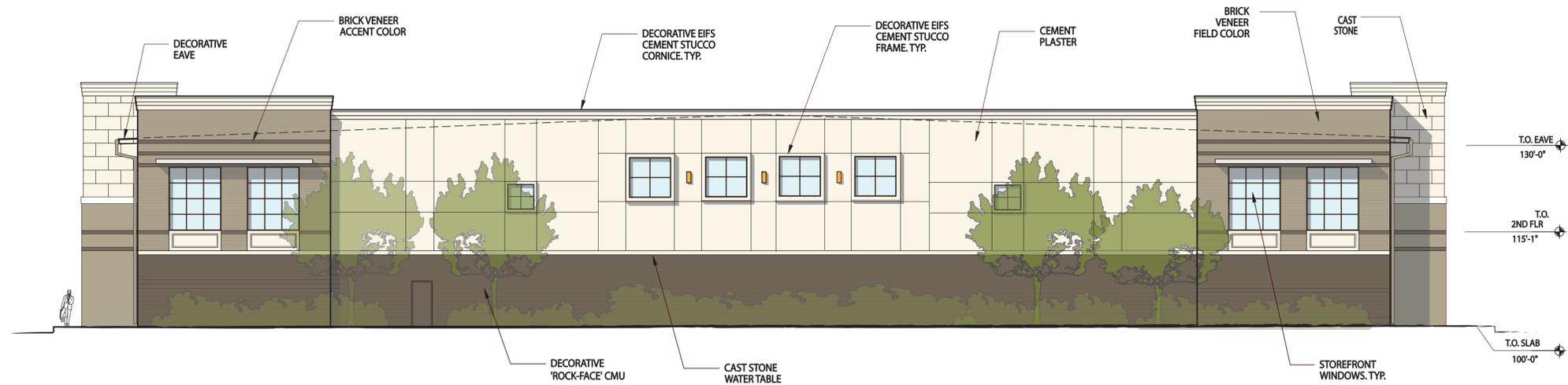
EAST ELEVATION (NON STREET FACING ELEVATION)



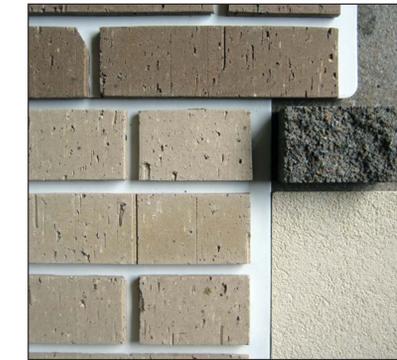
WALL SECTION



WALL SECTION

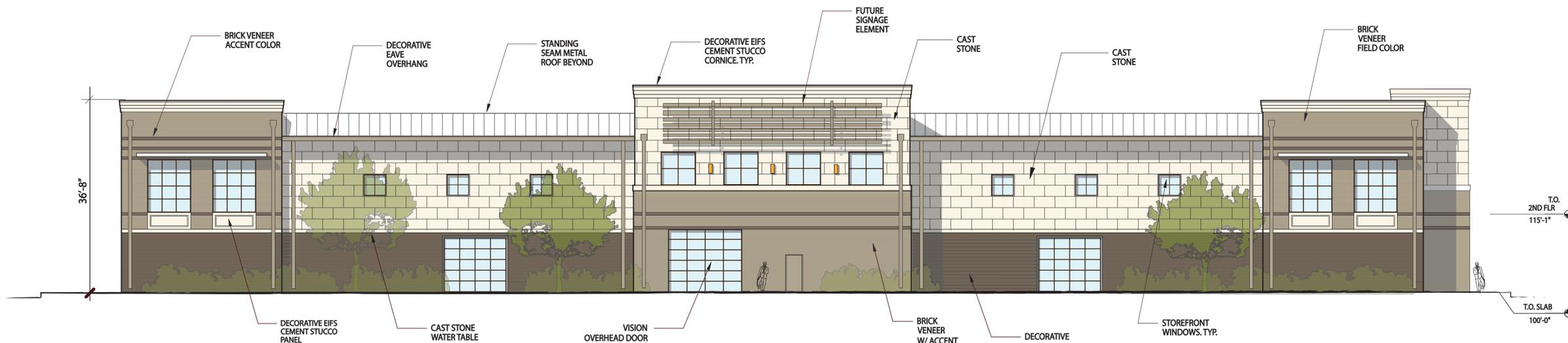


East Elevation (non-street facing)

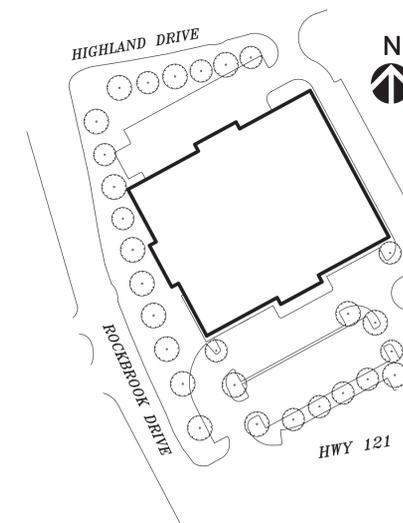


LEGEND

-  brick color 1
-  brick accent bands color 2
-  decorative 'rock-face' cmu
-  cast stone

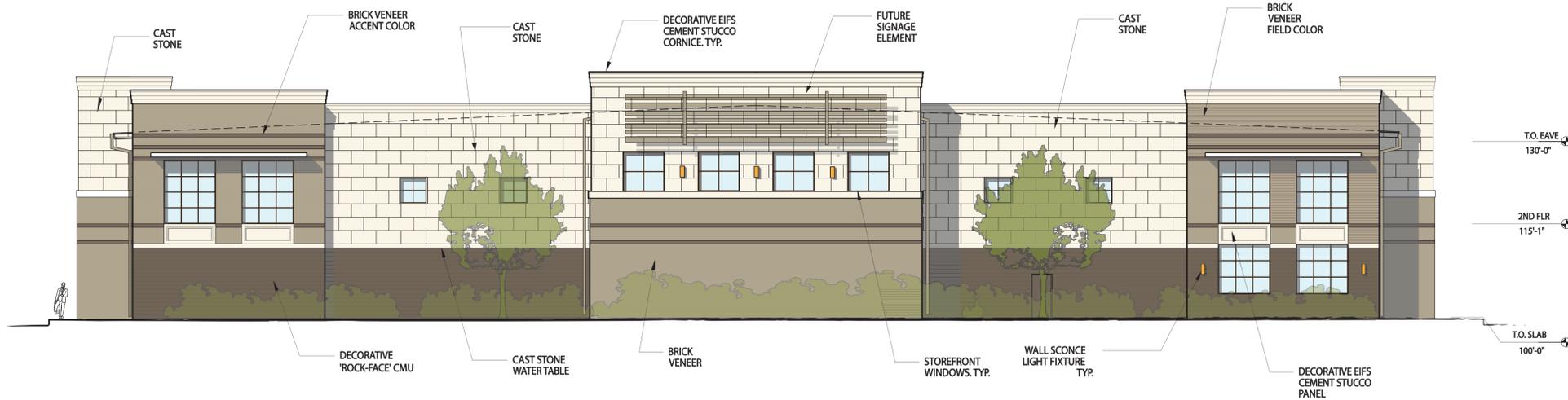


North Elevation (Highland Drive)



Exterior Elevations
 March 2016
Climate Controlled Storage
 Rockbrook Drive
 Lewisville, Texas 75067

ROBERT W. KELLY
 ARCHITECT INC.
 201 S. CALHOUN ST. STE. 125 B
 FORT WORTH, TEXAS 76104
 TEL: 817-332-5014 FAX: 817-332-8570



West Elevation (Rockbrook Drive)

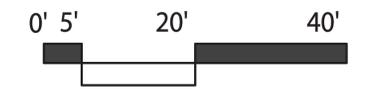
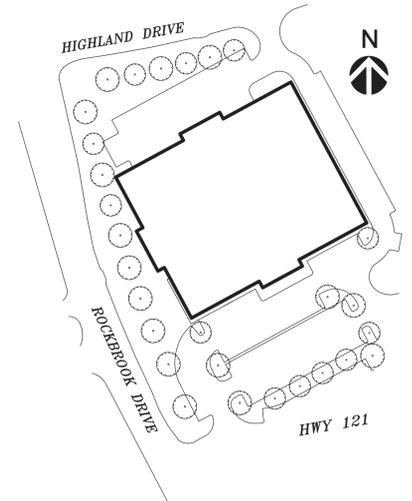


LEGEND

-  brick color 1
-  brick accent bands color 2
-  decorative 'rock-face' cmu
-  cast stone



South Elevation (HWY 121)



Exterior Elevations
 March 2016
Climate Controlled Storage
 Rockbrook Drive
 Lewisville, Texas 75067

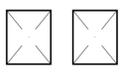
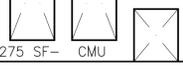
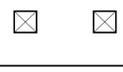
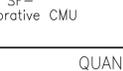
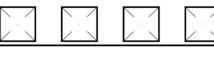
ROBERT W. KELLY
 ARCHITECT INC.
 201 S. CALHOUN ST. STE. 125B
 FORT WORTH, TEXAS 76104
 TEL: 817-332-5014 FAX: 817-332-8570

Climate Controlled Storage
 Rockbrook Drive Lewisville, Texas 75067

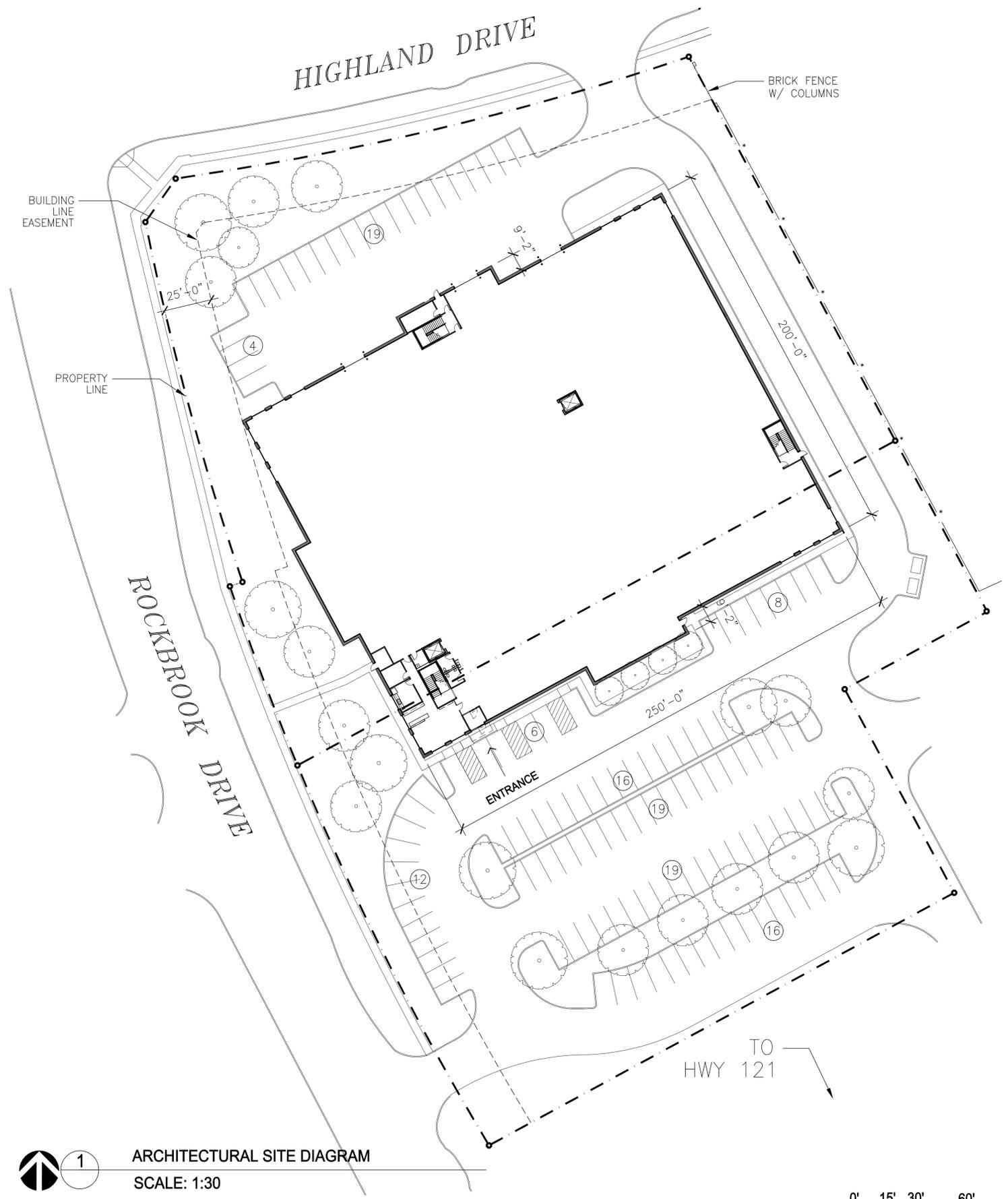


ROBERT W. KELLY
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 FORT WORTH, TEXAS 76104
 TEL: 817-332-8011 FAX: 817-332-8970

NOT FOR CONSTRUCTION FOR DESIGN REVIEW ONLY

523 SF- BRICK  370 SF- decorative CMU 	MASONRY COVERAGE CALCULATIONS: 8502 SF- BRICK 8471 SF- CAST STONE 8172 SF- DECORATIVE CMU 25145 SF- MASONRY 2686 SF- CEMENT STUCCO 89% MASONRY	QUANTITY: 6
582 SF- BRICK  275 SF- CMU 		QUANTITY: 1
855 SF- CAST STONE  510 SF- decorative CMU 	468 SF- BRICK  237 SF- decorative CMU 	QUANTITY: 2
719 SF- CAST STONE  1086 SF- BRICK 		QUANTITY: 1
920 SF- CAST STONE  690 SF- decorative CMU 	154 SF- CAST STONE  176 SF- BRICK 	QUANTITY: 3
2686 SF- cement stucco 	QUANTITY: 6	
1660 SF- decorative CMU 	QUANTITY: 1	

note: masonry calculations are for city agency review only, not for construction



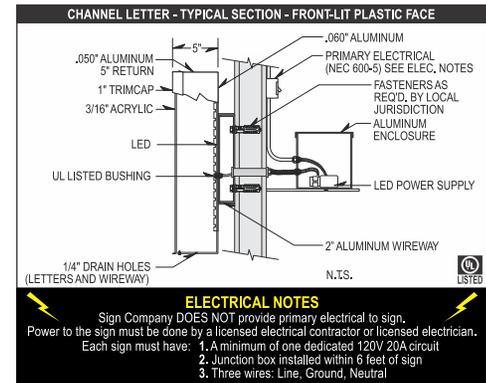
ARCHITECTURAL SITE DIAGRAM
 SCALE: 1:30

0' 15' 30' 60'



SCOPE OF WORK: FABRICATE & INSTALL (1) ONE SET OF FRONT ILLUMINATED LED CHANNEL LETTERS

LED CHANNEL LETTERS	
MATERIAL	COLOR
.040 ALUMINUM RETURNS	RED
.063 ALUMINUM BACKS	WHITE
3/16" ACRYLIC FACES	RED/YELLOW
1" JEWELITE TRIM CAP	RED
CLASS 2 LEDS & POWER SUPPLY	RED/AMBER
WIRE-WAY/RACE-WAY	7536 C (TBD)



CONCEPT ART, NOT FOR PRODUCTION

LEGACY SIGNS of Texas

UL 100525-147
 TDLR 81934

10375 Alta Vista Road, Keller, TX 76244 | O 817.431.5700 / F 817.431.5799

JOB DESCRIPTION	LED CHANNEL LETTERS
COMPANY OR JOB NAME	THE VAULT SELF STORAGE
CUSTOMER CONTACT	BRAD TIDWELL
ADDRESS	ROCKBROOK DR, LEWISVILLE TX
PHONE	214-460-8442
EMAIL	BRAD@OAKVIEWCOP.COM
STOREFRONT LF SIGN SF	260 LF 390 SF

CUSTOMER APPROVAL: Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications. Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal. Note: The proportion of signs shown on building and landscape area photos is an approximate representation. PLEASE READ CAREFULLY: Before you OK this proof, please read your copy carefully and completely. Check for spelling errors and copy omissions. We will not be held responsible for any errors which are not marked on this proof. Any changes or alterations from the original instructions will be charged according to time and material and charged under Customer Alterations. Any reprints desired due to mistakes discovered after proofing will be at the expense of the customer. Sign and date this form if this is the FINAL PROOF APPROVAL. DO NOT return this form unless this piece is 100% approved, with no further changes. By signing this form I am approving the above described job and I hereby acknowledge that I have read and accept the proofing policy and Terms and Conditions of Legacy Signs of Texas, available below as well as on our website. Please sign and return so that we may process your order.

CLIENT SIGNATURE: _____ **DATE:** _____

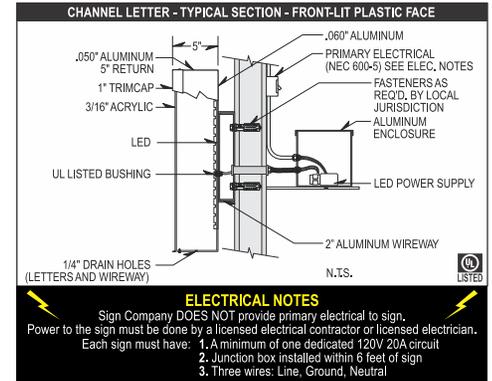
DATE	BY
2-23-16	LM
SALESPERSON	
VAN MILLER	
	2 OF 4



West Elevation (Rockbrook Drive)

SCOPE OF WORK: FABRICATE & INSTALL (1) ONE SET OF FRONT ILLUMINATED LED CHANNEL LETTERS

LED CHANNEL LETTERS	
MATERIAL	COLOR
.040 ALUMINUM RETURNS	BRONZE
.063 ALUMINUM BACKS	WHITE
3/16" ACRYLIC FACES	RED
1" JEWELITE TRIM CAP	BRONZE 313
CLASS 2 LEDS & POWER SUPPLY	RED
WIRE-WAY/RACE-WAY	7499 C (TBD)



CONCEPT ART, NOT FOR PRODUCTION

LEGACY SIGNS of Texas

UL 100525-147
 TDLR 81934

10375 Alta Vista Road, Keller, TX 76244 | O 817.431.5700 / F 817.431.5799

JOB DESCRIPTION	LED CHANNEL LETTERS
COMPANY OR JOB NAME	THE VAULT SELF STORAGE
CUSTOMER CONTACT	BRAD TIDWELL
ADDRESS	ROCKBROOK DR, LEWISVILLE TX
PHONE	214-460-8442
EMAIL	BRAD@OAKVIEWCP.COM
STOREFRONT LF	260 LF
SIGN SF	230 SF

CUSTOMER APPROVAL: Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications. Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal. Note: The proportion of signs shown on building and landscape area photos is an approximate representation. PLEASE READ CAREFULLY: Before you OK this proof, please read your copy carefully and completely. Check for spelling errors and copy omissions. We will not be held responsible for any errors which are not marked on this proof. Any changes or alterations from the original instructions will be charged according to time and material and charged under Customer Alterations. Any reprints desired due to mistakes discovered after proofing will be at the expense of the customer. Sign and date this form if this is the FINAL PROOF APPROVAL DO NOT return this form unless this piece is 100% approved, with no further changes. By signing this form I am approving the above described job and I hereby acknowledge that I have read and accept the proofing policy and Terms and Conditions of Legacy Signs of Texas, available below as well as on our website. Please sign and return so that we may process your order.

CLIENT SIGNATURE: _____ **DATE:** _____

DATE	BY
2-23-16	LM
SALESPERSON	
VAN MILLER	
	4 OF 4

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Chapter 748 Operation and Consideration of Three Associated Variances; on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue; as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner (Case No. SUP-2016-04-04).**

BACKGROUND

The 0.556-acre property began as a children's day care facility, built in the mid 1980's. It has been home to some form of day care ever since. It is currently home to Special Abilities of North Texas, a day stay/care facility for adults with special needs, including seniors with early stages of Alzheimer's/Dementia. Special Abilities of North Texas is moving to a larger facility and Journey to Dream – Kyle's Place is proposing to occupy the space. Kyle's Place is a Chapter 748 operation, which is a residential child-care operation that provides child care, including treatment services and/or programmatic services, for 13 or more children or young adults, regulated by Chapter 748, Title 40, of the Texas Administrative Code. This is a companion item for the zone change request from Light Industrial (LI) to Medical District (MD) being requested for this property. Kyle's Place will provide a safe place to sleep; for basic needs; individual counseling; enrichment programs and services; case management; academic support and tutoring; medical and dental care; and career job training for at-risk teens. It will be staffed with eight employees working three shifts: 7am to 3pm; 3pm to 11pm; and 11pm to 7am. The Planning and Zoning Commission recommended approval of the SUP by a vote of 4-0 at their April 5, 2016 meeting.

ANALYSIS

Building Design

The applicant is proposing to renovate the existing building which was constructed in the mid 1980's as a day care center for La Petite Academy. The building is 5,000 square feet in size and contains 14 parking spaces which are proposed to remain. The interior will be renovated to accommodate 16 beds for teens to stay overnight, an updated kitchen, living area, conference room and bathing facilities. The front exterior façade of the building is proposed to be updated to include a new grey standing seam metal roof. A front porch is proposed to be added onto the building and extend the entrance foyer located on the east side of the building by approximately five feet. A sticky stone veneer wainscot will be added to the lower portion of the building up to the bottom of the window ledge. The existing brick will be painted to complement the stone. 88% of the buildings front façade will be brick or stone with a small portion of the upper level having a stucco veneer (12%). The side and rear elevations will not have any changes other than being repainted.

Screening & Landscaping

The applicant is proposing to have the existing chain link fence remain. The rear of the property is fully landscaped with no modifications proposed. The front of the site has an existing tree, with a three additional trees proposed (chinese pistache and aristocrat pear). Additionally, dwarf burford holly will be added to the front parking area for additional screening.

Variances

There are three variances being requested associated with this development:

a) To waive the required 10-foot landscape strip along Archer Way

Section 6-123 (b)

The site has not changed in configuration since it was first constructed in 1985. The original site plan does not show a 10-foot landscape setback. The addition of the landscape strip would require the removal of four parking spaces or a third of their parking. In lieu of the 10-foot landscape strip the applicant is proposing to add three additional trees on-site to meet the spirit of the ordinance. Staff has no objection to this variance request.

b) To waive the 50-ft driveway separation requirement

Section 6-103 (c)(2)(d)

The minimum access spacing between driveways on the same lot on Archer Lane is 50-feet. The existing driveways on Archer Lane currently have a 24-foot separation. The owner has requested a variance to allow the driveways to remain with no improvements. Staff has no objection to the request since there have been no issues with the existing driveways and the new business will have a similar traffic demand to the previous business.

c) To waive the required screening hedge for parking facing a street

Section 6-123 (c)

The site has not changed in configuration since it was first constructed in 1985. The original site plan does not show a screening hedge for parking facing the street and there is no room on their property to place a hedge. There are four spaces that face the street in this case. The street is not a major thoroughfare with high traffic volumes and this use does not have significant in-and-out traffic. In lieu of the screening hedge directly in front of the spaces the applicant is proposing to add additional shrubs to the side of the parking stalls. Staff has no objection to this variance request.

Summary

The 0.556-acre property began as a children's day care facility, built in the mid 1980's and has been home to some form of day care ever since. The applicant is proposing to update the front façade of the building as well as interior renovations and landscape improvements. The site is a suitable location for the proposed use.

Subject: SUP Chapter 748 Operation and Variances

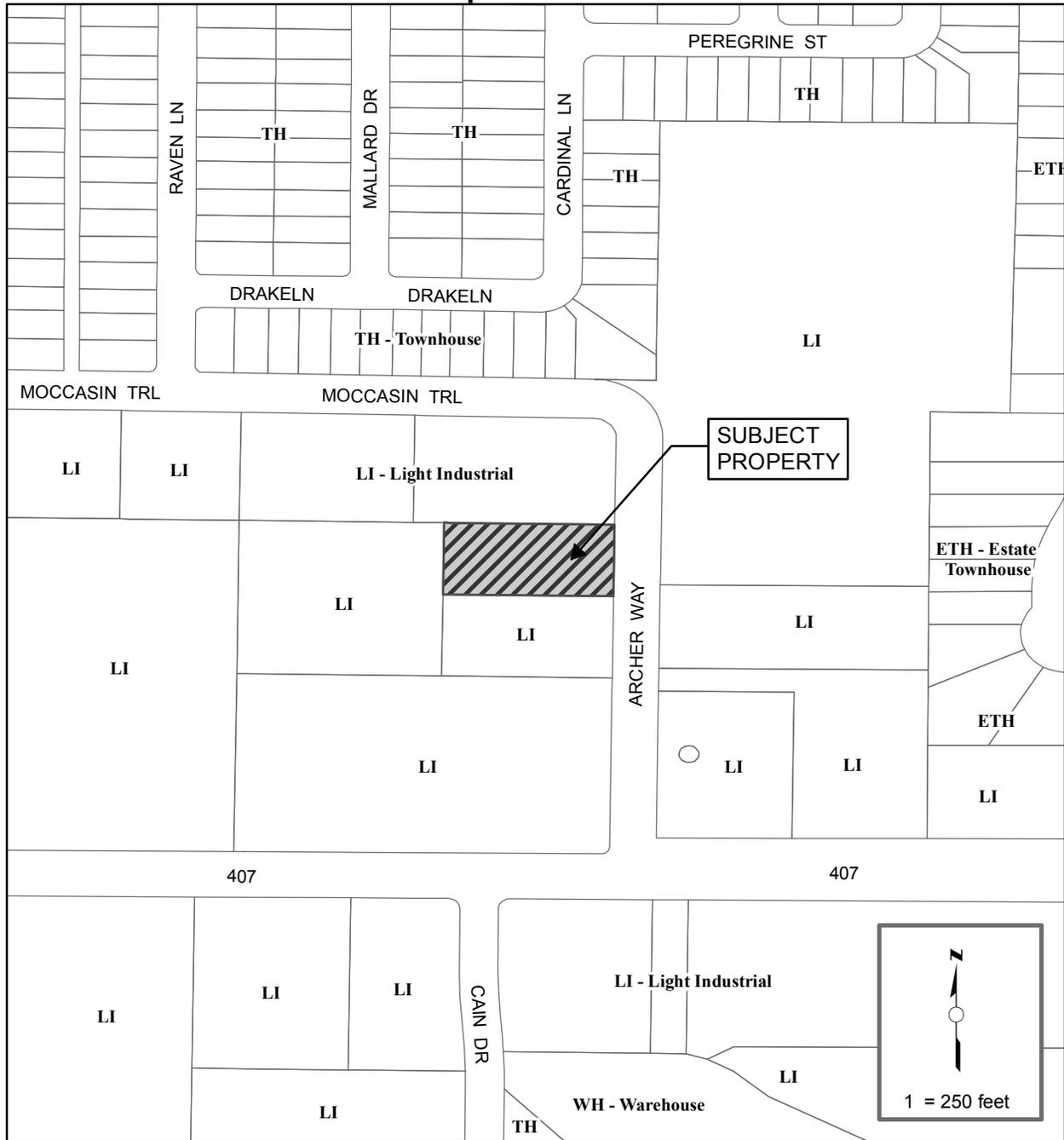
April 18, 2016

Page 3 of 3

RECOMMENDATION

It is City staff's recommendation that the City Council approves the ordinance and variances as set forth in the caption above.

Location Map - 1960 Archer Ave



ZONING CASE NO. PZ-2016-04-10

APPLICANT NAME: G&A CONSULTANTS
PROPERTY OWNER: SPECIAL ABILITIES FOUNDATION
PROPERTY LOCATION: 1960 ARCHER AVENUE (0.556-ACRES)
CURRENT ZONING: LIGHT INDUSTRIAL (LI)
REQUESTED ZONING: MEDICAL DISTRICT (MD)

Location Map - 1960 Archer Ave



MINUTES
PLANNING AND ZONING COMMISSION
APRIL 5, 2016

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Steve Byars, Brandon Jones and Kristin Green. Members Sean Kirk, Mary Ellen Miksa, and Alvin Turner were absent.

Staff members present: Mary Paron-Boswell, Jeff Kelly and June Sin

Item 6:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- B. Consideration of a Special Use Permit for a Chapter 748 Operation; on an Approximately 0.556-Acre Tract of Land; Further Identified as Lot 3, Block A, Justin Road Center Addition; Located at 1960 Archer Avenue; as Requested by G&A Consultants on Behalf of the Special Abilities Foundation, the Property Owner. (Case No. SUP-2016-04-04).

Staff gave a brief presentation on the Special Use Permit request, indicating the intent was for a Chapter 748 operation. Staff discussed the building façade improvements, and the addition of trees onto the site and staffing of the facility. Staff indicated that there are proposed variances that would be considered by City Council associated with this request and that staff was not opposed to them. The public hearing was opened and there being no one present to speak on the item, the public hearing was then closed. *Brandon Jones made a motion to recommend approval of the Special Use Permit, seconded by Kristin Green. The motion passed unanimously (4-0).*

SECTION 17-20. - "MD" MEDICAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for the following purposes:
- (1) Day nursery or day care center.
 - (2) Nursing home or convalescent home.
 - (3) Assisted living or independent living units, limited to persons age 55 and above and including programs such as on-site meals, on-site doctor visits, medication management, organized fitness programs, housekeeping services, laundry services, craft and game programs, transportation to doctors and shopping, beauty and barber services, on-site entertainment and similar activities for senior citizens.
 - (4) Institution for care of alcoholic, narcotic, or psychiatric patients.
 - (5) Clinic: medical, dental or optical.
 - (6) Laboratory: medical, dental or optical.
 - (7) Laboratory: scientific research or testing.
 - (8) Retail sales and services for medical appliances.
 - (9) Florist.
 - (10) Drug store or pharmacy.
 - (11) Optical sales and service.
 - (12) Offices: medical, dental or optical.
 - (13) Hospital.
 - (14) Church worship facilities.
 - (15) Buildings and uses owned or operated by public governmental agencies.
 - (16) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all city ordinances.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (19) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (20) Gas and oil drilling accessory uses (SUP required).
 - (21) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
- (b) *Height.* The maximum height for the main buildings shall not exceed one hundred (100) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "MD", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.
 - c. *Rear yard.* No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) *Reserved.*

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

**SPECIAL USE PERMIT (SUP)
APPLICATION**

Owner/s (name): <u>Troy Griesen</u>	
Company Name: <u>Special Abilities Foundation</u>	
Mailing Address: <u>19160 Archer Avenue, Lewisville, TX 75077</u>	
Work #: <u>(972) 317-1515</u>	Cell #:
E-Mail: <u>TROY@SPECIALABILITIES.NET</u>	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <u>Troy W Griesen</u>	Date: <u>19 JAN 16</u>
Printed Name: <u>TROY W GRIESEN</u>	

Applicant/Agent (name): <u>Randi Kivera</u>	
Company Name: <u>GRA Consultants (behalf of Journey to Dream)</u>	
Mailing Address: <u>111 Hillside Dr. Lewisville, TX 75057</u>	
Work #: <u>(972) 436-9712</u>	Cell #: <u>(214) 558-7640</u>
E-Mail: <u>randi@gacon.com</u>	
Applicant/Agent Signature <u>Randi Kivera</u>	Date:
Printed Name: <u>Randi Kivera</u>	

Current Zoning: <u>L1</u>	Requested Zoning: <u>SUP for Chapter 74B Operation</u>	Acres: <u>.5</u>
Legal Description (Lot/ Block/Tract/Abstract): <u>Lot 3, Block A, Justin Road Center</u>		
Address/Location: _____		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
<input checked="" type="checkbox"/>	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: _____	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ _____
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ <u>250.00</u>
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SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, INC.
LAND SURVEYING LANDSCAPE ARCHITECTURE

March 15, 2016

Nika Reinecke
Director of Economic Development and Planning
City of Lewisville
151 W. Church Street
Lewisville, TX 75057

**RE: Journey to Dream, Kyle's Place – Special Use Permit
Letter of Intent
G&A Job No. 15276**

Dear Ms. Reinecke:

Please accept this letter, on behalf of Journey to Dream, as an explanation of the proposed Special Use Permit Request for Lot 3, Block A, of the Justin Road Center Addition which is located at 1960 Archer Way. The property consists of approximately .5 acres and is currently zoned as Light Industrial. A companion zoning change request is being submitted to change it to Medical District zoning, which requires a Special Use Permit for a Chapter 748 Operation.

This property is being purchased by a non-profit organization called Journey to Dream. Journey to Dream was born in 2004, founded on a single principle: To support at-risk teens – those silently struggling with the isolation and chaos that addiction and abuse so often bring. Journey to Dream positively impacts the lives of young people through school assemblies, peer support groups led by experienced facilitators, as well as community action and social events – all aimed at empowering students with the tools necessary to overcome adversity.

The existing building will be renovated to become a safe place for these at-risk teens. It will be called “Kyle’s Place”, which will be a Chapter 748 Operation. Over the course of the work that Journey to Dream has done with youth, they discovered a hidden epidemic of youth homelessness. Kyle’s Place will be the only homeless shelter in Denton County for unaccompanied youth. In addition to the support services they currently offer students; Kyle’s Place will provide homeless youth with a safe place to sleep, out of harm’s way from human traffickers and violent offenders. Kyle’s Place will prove the rule that housing the homeless costs far less than leaving them on the street. The value from keeping these kids in school, empowering them with life skills, and returning them to the community where they can apply their God-given talent, is limitless. It’s possible, plausible, and more importantly, it’s the right thing to do.

The following services will be offered at Kyle’s Place:

- Safe place to sleep
- Food, clothing, and basic needs
- Individual and family counseling

- Enrichment programs and services
- Case management
- Academic support and tutoring
- Medical and dental care
- Career and job training

Kyle's Place will be staffed with eight employees working three shifts per day: from 7am to 3pm, 3pm to 11pm, and 11pm to 7am. Employees will be awake at all times.

The previous use of the site was used by the Special Abilities Foundation. The existing building is just over 5,000 square feet and the site includes 14 parking spaces. For the building exterior, we are proposing to add a porch and extend the entrance foyer located on the east side of the building by more than five feet. The interior renovation will include 16 beds for the teens to stay overnight, an updated kitchen, living area, conference room, and updated shower facilities. The site improvements (access, fire lane, parking, and utilities) are proposed to remain as currently configured on the site, as they are sufficient to accommodate this use. We are specifically requesting variances to the required 10' landscape buffer along Archer Way, the required 20' minimum turning radius, the minimum driveway separation distance of 50', and the requirement to screen parking facing the street with screening shrubs. The existing configuration has been in place since the property was first developed around 30 years ago; we believe that it will continue to work well in conjunction with our proposed use.

Thank you in advance for your consideration of this request. Please do not hesitate to contact me with any questions or comments regarding this application.

Sincerely,



Randi L. Rivera, AICP

cc: Kim Hinkle, Executive Director, Journey to Dream



SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, INC.
LAND SURVEYING LANDSCAPE ARCHITECTURE

April 5, 2016

Nika Reinecke
Director of Economic Development and Planning
City of Lewisville
151 W. Church Street
Lewisville, TX 75057

**RE: Journey to Dream, Kyle's Place – Variance Request Letter
Letter of Intent
G&A Job No. 15276**

Dear Ms. Reinecke:

Please accept this letter, on behalf of Journey to Dream, as an explanation of the proposed Variance Request for Lot 3, Block A, of the Justin Road Center Addition which is located at 1960 Archer Way. The property consists of approximately .5 acres and is currently zoned as Light Industrial. A companion zoning change request is being submitted to change it to Medical District zoning, which requires a Special Use Permit for a Chapter 748 Operation. The SUP application has also been submitted.

Currently, the site is being used by the Special Abilities Foundation. There is an existing building that is just over 5,000 square feet and 14 parking spaces. Journey to Dream is proposing to utilize the existing building and improvements with some enhancements to the east (front) façade and additional landscaping. Since the existing improvements are sufficient to accommodate the proposed use, we are respectfully requesting three variances to the City's Code of Ordinances that will allow Journey to Dream to utilize the site. These variances include:

A. To waive the required 10 foot landscape strip along Archer Way.

The parking that is currently in place on the site was installed previous to the 10' landscape strip requirement. If this requirement were to be met, 4 existing parking spaces would need to be removed. Our client is proposing to utilize this existing parking for staff or visitors and they anticipate that the parking will be full on Sunday's. Therefore, on their behalf, we are requesting that these 4 spaces remain as is.

B. To waive the 50 foot driveway separation requirement.

Similar to the requests above, our client would like to use both driveways as they existing on the site to allow for adequate ingress and egress circulation. If a driveway was removed, it would create a dead-end situation which is undesirable.

C. To waive the required screening hedge for parking facing a street.

Similar to the request above, the screening shrubs were not installed at the time the property was developed since these 4 parking spaces are located on the east property line. Additionally, the shrubs are not allowed to be located within the right-of-way. In lieu of the screening shrubs,

our client proposes the installation of additional landscape measures to offset the requirement. This includes screening shrubs proposed at the north and south ends of the 4 parking spaces and on the north side of the northern-most driveway.

We hope that you find these variances necessary to accommodate the proposed use that Journey to Dream is providing on this site and for the community. Thank you in advance for your consideration of this request. Please do not hesitate to contact me with any questions or comments regarding this application.

Sincerely,

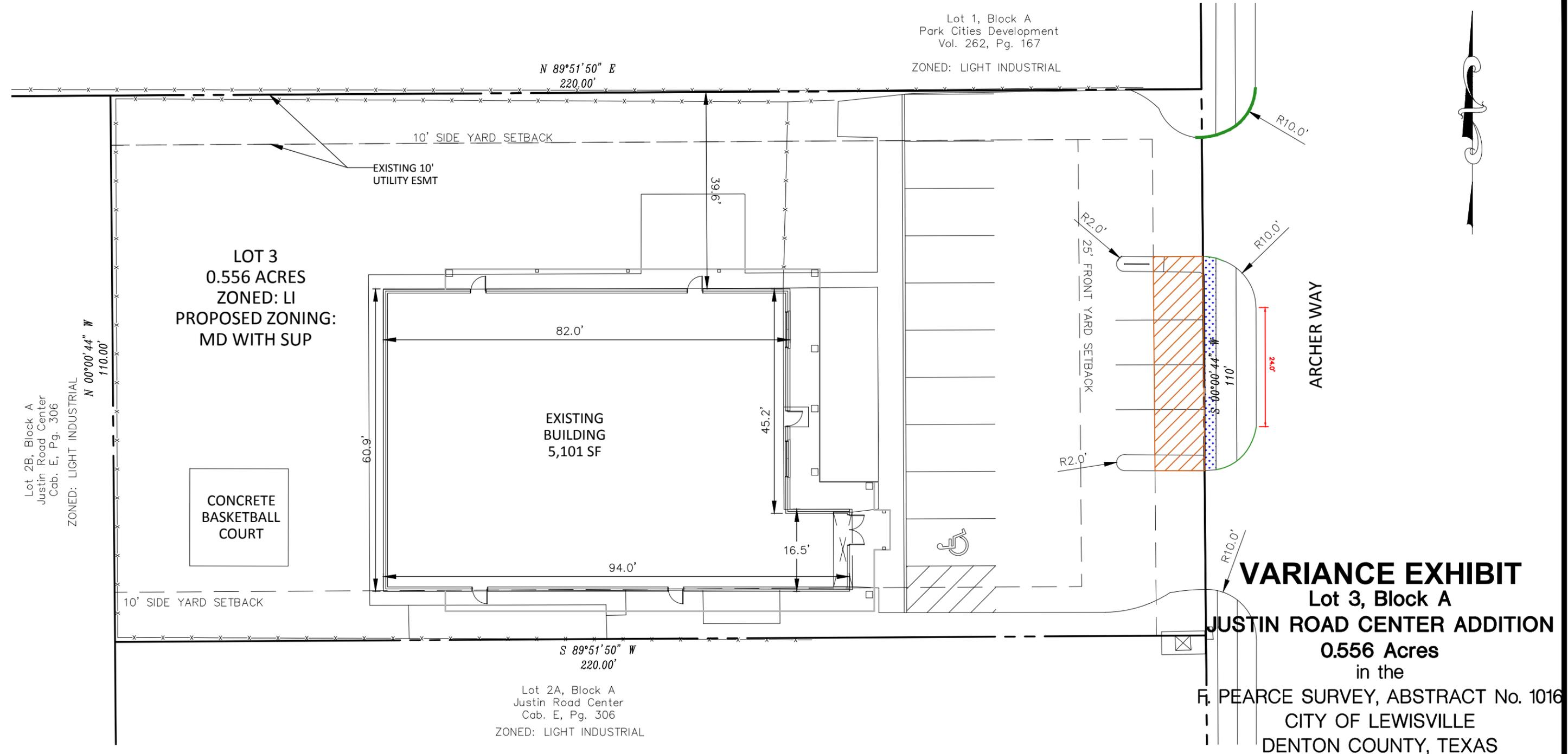
A handwritten signature in blue ink that reads "Randi L. Rivera". The signature is written in a cursive, flowing style.

Randi L. Rivera, AICP

cc: Kim Hinkle, Executive Director, Journey to Dream

Z:\2015\15276\PDFs & Submittals\Zoning\2016.03.28 Variance Request Submittal\15276 Variance Request Letter 040516.doc

File: Z:\2015\15276\Drawings\Zoning\2016.03.28 VARIANCE EXHIBIT
 Plotted: 4/5/2016 10:00 AM, by Randi Rivera, Saved: 4/4/2016 9:31 AM, by Katie



- "Variances approved by City Council on _____"
-  a) To waive the required 10 foot landscape strip along Archer Way.
 -  b) To waive the 50 foot driveway separation requirement.
 -  c) To waive the required screening hedge for parking facing a street.

Revisions:
 XX/XX/XX

G & A
 SITE PLANNING CIVIL ENGINEERING PLATTING
CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1798 TBPLS Firm No. 10047700

VE

DRAWN BY: KL DATE: 04/05/2016 SCALE: 1" = 20' JOB. No. **15276**

ORDINANCE NO. _____

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 A CHAPTER 748 OPERATION; ON A 0.556-ACRE LOT, LEGALLY DESCRIBED AS LOT 3, BLOCK A, JUSTIN ROAD CENTER ADDITION; LOCATED AT 1960 ARCHER AVENUE AND ZONED MEDICAL DISTRICT (MD); PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for a Chapter 748 Operation by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 0.556-acre lot, as described in the attached Exhibit “A” (the “Property”), be **approved**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow a Chapter 748 Operation on the Property, which is zoned Medical District (MD).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

- 1. in compliance with the narrative and development plan, landscape plan, and elevations, attached hereto as Exhibit “B”; and
- 2. in accordance with all federal, state, and local laws and regulations.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18TH DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
SUP Narrative
Development Plan
Landscape Plan
Elevations

Case E pg. 306 SLO372A



NOTORARY PUBLIC CERTIFICATE
 STATE OF TEXAS / COUNTY OF DENTON / I, DON E. GOSSETT do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corners monuments shown thereon were properly placed under my personal supervision in accordance with the existing rules and regulations of the said state of Texas of the City of Lewisville, Texas.
 Don E. Gossett, Registered Public Surveyor
 809 Cooney Road, Euless, Texas 75021
 Witness my hand and the seal of my office this 14th day of September, 1985.

APPROVED AND RECEIVED:
 Planning and Zoning Commission
 City of Lewisville, Texas
 Date: *October 1, 1985*

APPROVED AND RECEIVED:
 City of Lewisville
 Date: *X*

THE UNDERSIGNED, the Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing final plat of THE JUSTIN ROAD CENTER, in accordance with the provisions of the Ordinance of the City of Lewisville, Texas, was submitted to the City Council on the 18th day of *Sept*, 1985, and the Council, by formal action, then and there accepted the definition of streets, utility easements, and drainage easements as shown on said plat, and said Council further authorized the Mayor to meet the acceptance thereof by signing her name as herein above authorized.
 Witness my hand this 16th day of *October* 1985.
 Beverly Hester, Secretary of the City of Lewisville, Texas.

STATE OF TEXAS / COUNTY OF DENTON / I, FRANCIS PEARCE, MARSHALL PEARCE, and the UNDERSIGNED as a certain tract of land situated on the EAST END OF FRANKS ROAD, ABSTRACT 1016, Block 1, Lots 1, 2 & 3, Denton County, Texas, being part of a 500-acre tract divided by D.M. Bellison to Arley and Alice Wheeler on March 9, 1962, recorded in Volume 439, Page 154, said records, Denton County, Texas, and being more particularly described as follows:
 BEGINNING at the Southwest corner of said F. Pearce Survey at its most the centerline of F. M. 407 intersecting with the centerline of Spur Road
 THENCE North 55.00 feet to a point for corner;
 THENCE S 89° 53' 00" W. along the South line of FM 407, 1,311.77 feet to the POINT OF BEGINNING at the intersection of the North line of FM 407 with the West line of Archer Avenue;
 THENCE S 89° 53' 00" W. 482.60 feet with the North line of FM 407 to a found iron rod at the Southwest corner of a tract of land divided by Wilson Non-Metric Power and Light Company;
 THENCE S 89° 23' 00" W. 492.76 feet to a brass marker set in concrete for the Southwest corner of said Texas Non-Metric Power and Light Company Tract, some being the Northwest corner of subject tract;
 THENCE S 89° 51' 50" E. 485.50 feet to an iron rod for corner to the West line of Archer Avenue;
 THENCE S 00°00' 00" E. 493.50 feet with the West line of Archer Avenue to the POINT OF BEGINNING and containing 7,400 acres of land, more or less.
 THAT DENTONVILLE JOHN WATKINS, FRANK M. BARKLEY, MARSHALL PEARCE, does hereby adopt this plat designating the above described tract as JUSTIN ROAD CENTER, and he hereby dedicates to the City of Lewisville, Denton County, Texas, and does hereby dedicate to the public use forever all utility easements, drainage easements and streets as shown hereon. All and any public utility shall have the full right to run and keep thereof all in and over any building, fence, tower, transmission, or other improvements or growth which may be on any underground or utility easement and all public utilities shall at all times have the full right of ingress and egress to the line and upon said utility equipment for the purpose of construction, reconstruction, inspection, repairing, maintaining, and adding to or removing all or part of it's respective system to meet the necessity at any time of protecting the protection of anyone.
 WITNES MY HAND this 17th day of Sept 1985.
 Francis M. Pearce
 FRANCIS M. BARKLEY, Notary Public
 2921 Lovell Street, Denton, Texas 76201

STATE OF TEXAS / COUNTY OF DENTON / I, the undersigned authority, on this day personally appeared FRANCIS M. BARKLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.
 GIVEN UNDER MY HAND AND SEAL this 17th day of Sept 1985.
 Kathleen M. Linkhart
 Notary Public, State of Texas
 My Commission Expires 10/21/86



NOTE ALL CORNERS MARKED WITH IRON PINS.

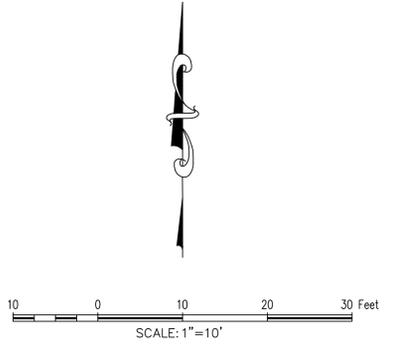
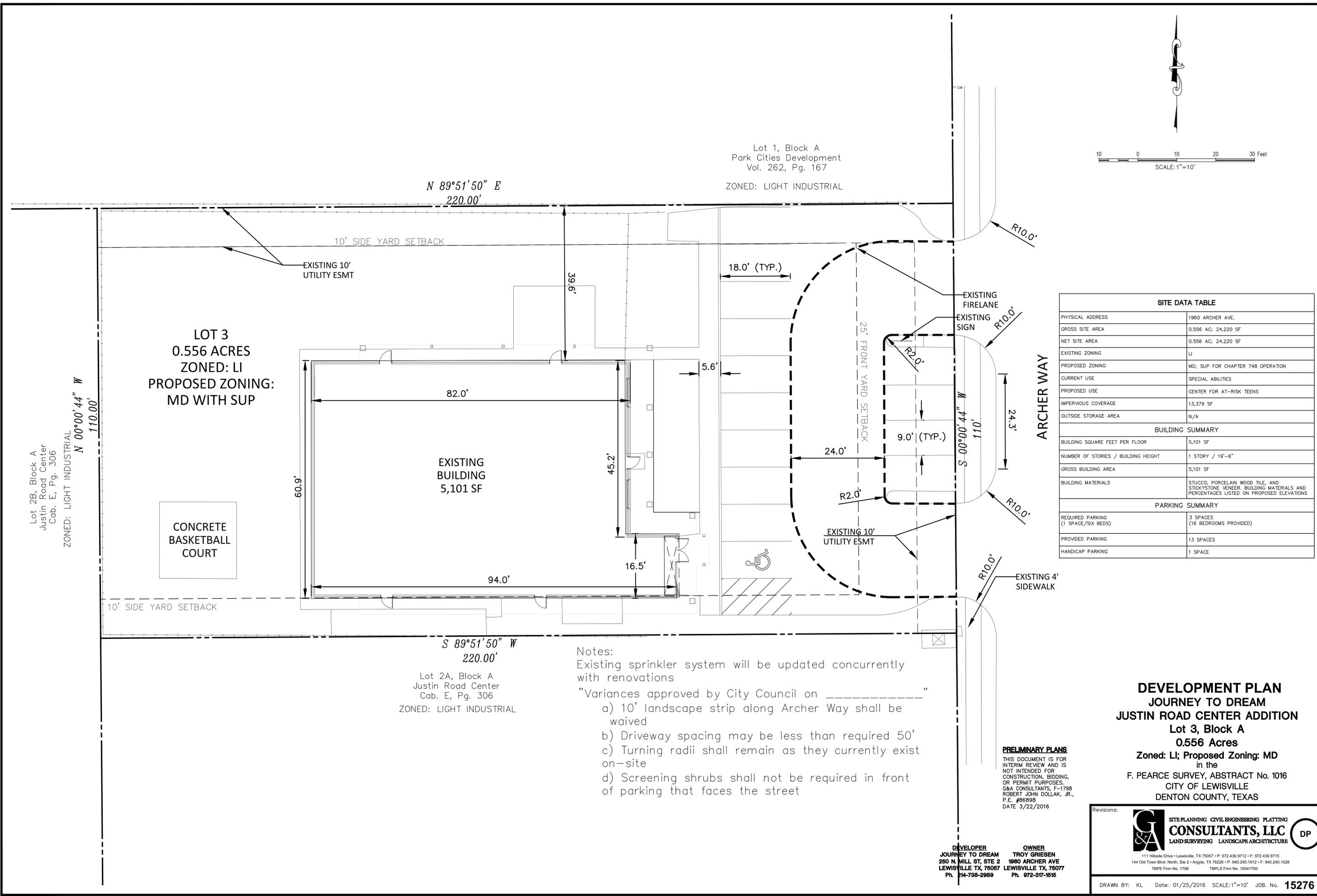


*R 121404
 R 98165*



*Don E. Gossett
 9-15-85*

FINAL PLAT
 JUSTIN ROAD CENTER
 LOTS 1, 2 & 3, BLOCK "A"
 BEING A PARCEL OUT OF THE FRANCIS PEARCE SURVEY, ABSTRACT NO. 1016
 LEWISVILLE — DENTON COUNTY — TEXAS



SITE DATA TABLE	
PHYSICAL ADDRESS	1960 ARCHER AVE.
GROSS SITE AREA	0.556 AC; 24,220 SF
NET SITE AREA	0.556 AC; 24,220 SF
EXISTING ZONING	LI
PROPOSED ZONING	MD; SUP FOR CHAPTER 748 OPERATION
CURRENT USE	SPECIAL ABILITIES
PROPOSED USE	CENTER FOR AT-RISK TEENS
IMPERVIOUS COVERAGE	13,379 SF
OUTSIDE STORAGE AREA	N/A
BUILDING SUMMARY	
BUILDING SQUARE FEET PER FLOOR	5,101 SF
NUMBER OF STORIES / BUILDING HEIGHT	1 STORY / 19'-6"
GROSS BUILDING AREA	5,101 SF
BUILDING MATERIALS	STUCCO, PORCELAIN WOOD TILE, AND STICKYSTONE VENER; BUILDING MATERIALS AND PERCENTAGES LISTED ON PROPOSED ELEVATIONS
PARKING SUMMARY	
REQUIRED PARKING (1 SPACE/SIX BEDS)	3 SPACES (16 BEDROOMS PROVIDED)
PROVIDED PARKING	13 SPACES
HANDICAP PARKING	1 SPACE

Notes:
 Existing sprinkler system will be updated concurrently with renovations
 "Variances approved by City Council on _____"
 a) 10' landscape strip along Archer Way shall be waived
 b) Driveway spacing may be less than required 50'
 c) Turning radii shall remain as they currently exist on-site
 d) Screening shrubs shall not be required in front of parking that faces the street

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.
 G&A CONSULTANTS, F-1798
 ROBERT JOHN DOLLAK, JR., P.E. #86898
 DATE 3/22/2016

DEVELOPMENT PLAN
JOURNEY TO DREAM
JUSTIN ROAD CENTER ADDITION
Lot 3, Block A
0.556 Acres
Zoned: LI; Proposed Zoning: MD
 in the
F. PEARCE SURVEY, ABSTRACT No. 1016
CITY OF LEWISVILLE
DENTON COUNTY, TEXAS

DEVELOPER
JOURNEY TO DREAM
 250 N. HILL ST, STE 2
 LEWISVILLE TX, 75057
 Ph. 972-738-2889

OWNER
TROY GRIESEN
 1960 ARCHER AVE
 LEWISVILLE TX, 75077
 Ph. 972-317-1515

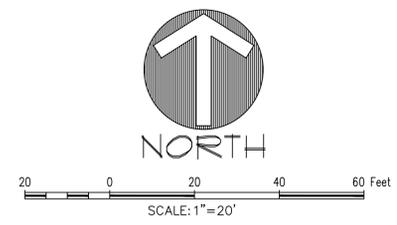
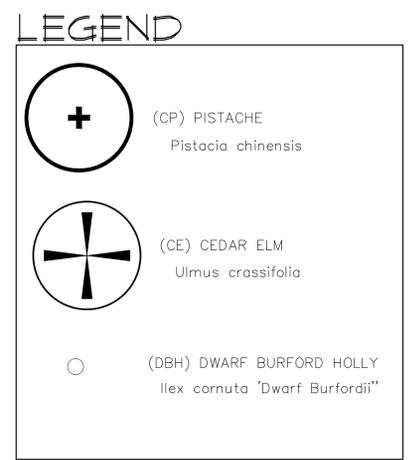
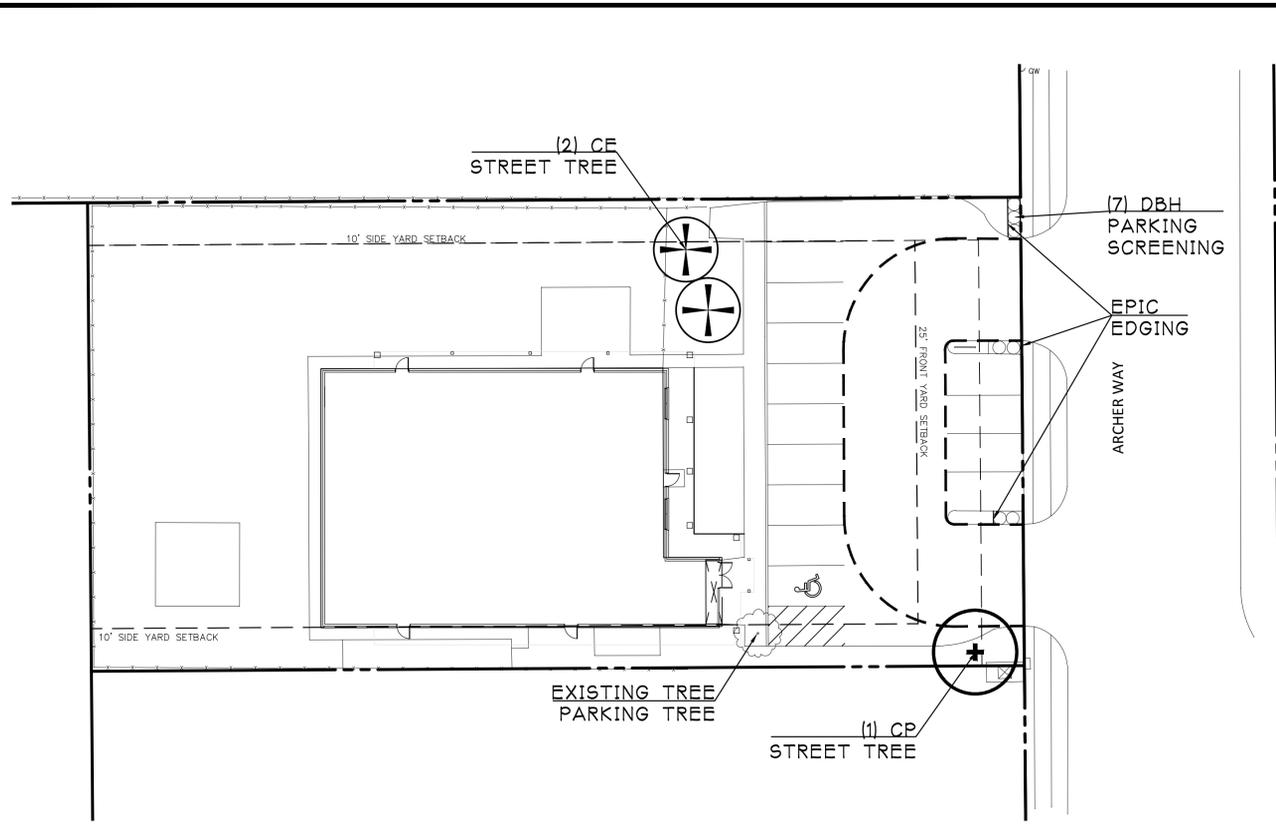
Revisions:

G&A CONSULTANTS, LLC
 LAND SURVEYING LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
 TBPE Firm No. 1795 TBPLS Firm No. 10047700

DRAWN BY: KL Date: 01/25/2016 SCALE: 1"=10' JOB. No. **15276**

File: J:\0101\15276\15276.dwg Plot Date: 01/25/2016 10:48:00 AM
 Plotted: 3/22/2016 9:53:38 AM by Robert, Drollak, Robert 3/22/2016 9:53:38 AM by Robert



- LANDSCAPE NOTES:
- Contractor shall stake out tree locations and bed configuration for approval approval by owner prior to installation.
 - Contractor is responsible for verifying location of all underground utilities prior to construction.
 - It is the responsibility of the contractor to advise the owners representative of any condition found on site which prohibits installation as shown on these plans
 - All shrub and groundcover beds shall have a minimum of 3" of hardwood bark mulch
 - Landscape edging shall be located as noted on plan.
 - Trees overhanging walks and parking areas shall have a clear trunk height of seven feet.
 - Multi trunk and ornamental trees will be allowed in the city's right of way with staff approval only. Must be outside any visibility triangles.
 - A visibility triangle must be provided at all intersections as required by the thoroughfare standards code. Trees will have a minimum clear trunk branching height of nine feet.
 - All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
 - Landscape areas shall be kept free of trash, litter and weeds.
 - An automatic irrigation system shall be provided to maintain all landscape areas. Over spray on streets and walks is prohibited. A permit from the building inspection department is required for each irrigation system. Impact fees must be paid to the development services department for separate irrigation meters prior to any permit release.
 - Irrigation Controller to have a Rain and Freeze Stat.
 - All landscape is to be greater than 8 feet from all underground utilities.
 - All areas of grading disturbance are to have grass reestablished at 75% coverage prior to letter of acceptance from the city. Means and methods of grass establishment and application of water for grass establishment are at the discretion of the owner and contractor.

PLANT LIST

QUANT.	COMMON NAME	BOTANICAL NAME	SIZE	MIN. HT.	SPACE	REMARKS
1	PISTACHE	Pistacia chinensis	2.5" cal.	10'-12'	per plan	Single trunk
2	CEDAR ELM	Ulmus crassifolia	2.5" cal.	10'-12'	per plan	Single trunk
7	DWARF BURFORD HOLLY	Ilex cornuta "Dwarf Burfordii"	3 gal.	24"	3' o.c.	Full

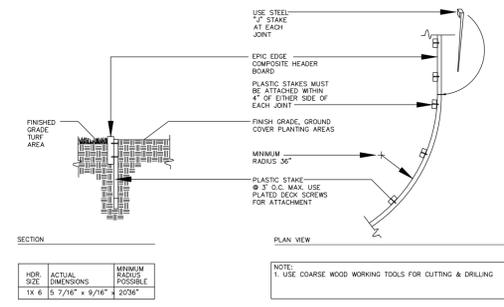
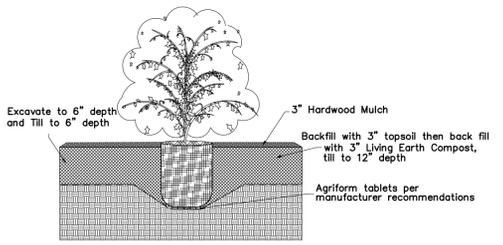
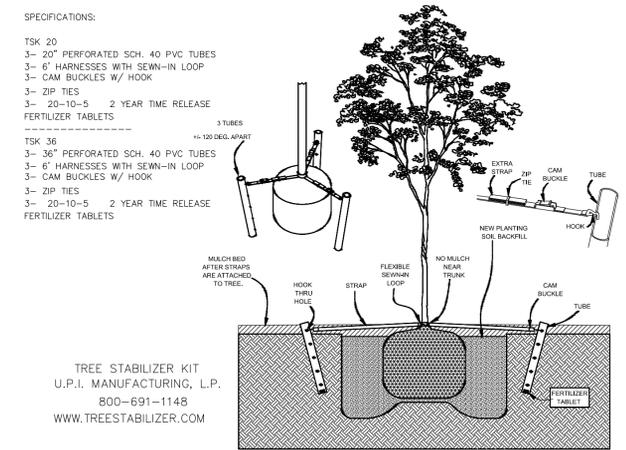
City of Lewisville LANDSCAPE REQUIREMENTS COMPLIANCE JOURNEY TO DREAM

- Landscape Strip:**
 A landscape strip shall be provided adjacent to all public and private streets. The landscape strip shall be a minimum of 10 feet, exclusive of street right-of-way.
Required- minimum 10' width
Provided- not provided
- Street Trees:**
 Within the landscaped strip, one shade tree (2 1/2" caliper minimum) shall be provided per five hundred square feet of required landscape strip.
Required- l.f. frontage (times) 10' (divided by) 500
 Archer Ave. - 110 l.f. (10) / 500 = 3 trees (min. 2 1/2" cal.)
Provided- Total Street Buffer Trees
 Archer Ave. = (3) trees
- Parking Lot Trees:**
 Interior parking areas shall be landscaped in addition to the required landscaped strip.. Trees must be provided in each parking lot at a minimum average density of one shade tree (2.5" caliper minimum) for each 15 parking spaces. .
Required- 14 / 15= (1) trees
Provided- (1) existing tree
- Parking Lot Screening:**
 Where parking lots and drives abut the landscape strip along street right-of-way, evergreen shrubs must be provided for screening. The screening must be a minimum of 2' high and extend along the entire street frontage of the parking lot. If a parking lot is located 50' from the street R.O.W. line, no shrubs will be required.
Required- 2' high screening shrubs
Provided- 2' high screening shrubs
- Interior Landscaping:**
 Additionally, interior parking lot landscaping shall be provided. To calculate the total parking area and the subsequent percentage of required interior lot landscaping, total the square footage of parking spaces, planting islands, curbed areas and all interior driveways and aisles except those with no parking spaces located on either side.
Interior Parking Area:
Provided- 4,123 s.f.
% Landscaping Required: 4,123 s.f. (.08)= 330 s.f.
Provided- 496.5 s.f.
 All required landscape shall be 100% watered by underground automatic irrigation system. Irrigation system shall have a freeze sensor.

ENVIRONS GROUP
 LANDSCAPE ARCHITECTURE
 a division of G & A Consultants, LLC.
 111 Hillside Drive • Lewisville, TX 75057
 P: 972.317.0276 • F: 972.458.9715

JOURNEY TO DREAM
 Lot 3, Block A
 JUSTIN ROAD CENTER
 0.556 Acres
 In the
 CITY OF LEWISVILLE
 DENTON COUNTY, TEXAS

LANDSCAPE PLAN



3. EPIC EDGE COMPOSITE HEADER BOARD DETAIL #210
 SCALE: NTS
 BELLA BOARD IS INTENDED FOR NON-STRUCTURAL USE ONLY

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW
 AND IS NOT INTENDED FOR CONSTRUCTION
 BIDDING, OR PERMIT PURPOSES
 THOMAS MEURER LANDSCAPE ARCHITECTURE
 DATED 4/18/2016

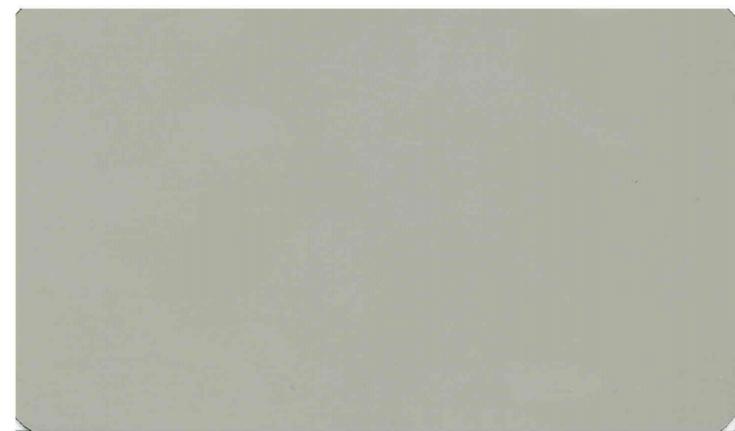
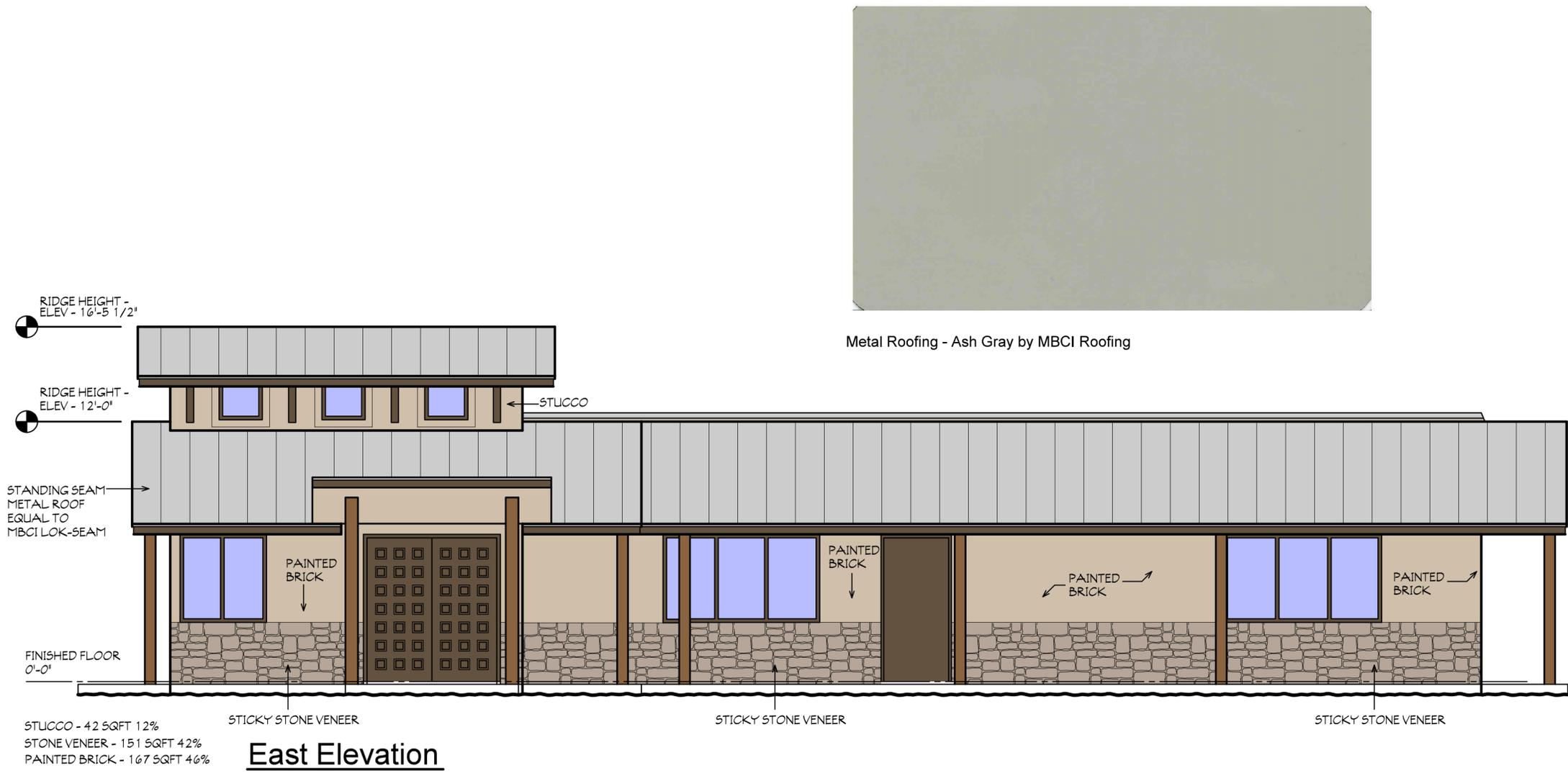
Drawn By: TPM
 Date: 01/25/2016
 Scale: 1"=20'
 Revisions:
 03/15/2016
 03/22/2016

15276

DEVELOPER
 JOURNEY TO DREAM
 250 N. MILL ST, STE 2
 LEWISVILLE TX, 75067
 Ph. 214-738-2889

OWNER
 TROY GRIENSEN
 1980 ARCHER AVE
 LEWISVILLE TX, 75077
 Ph. 972-317-1616

L1.0

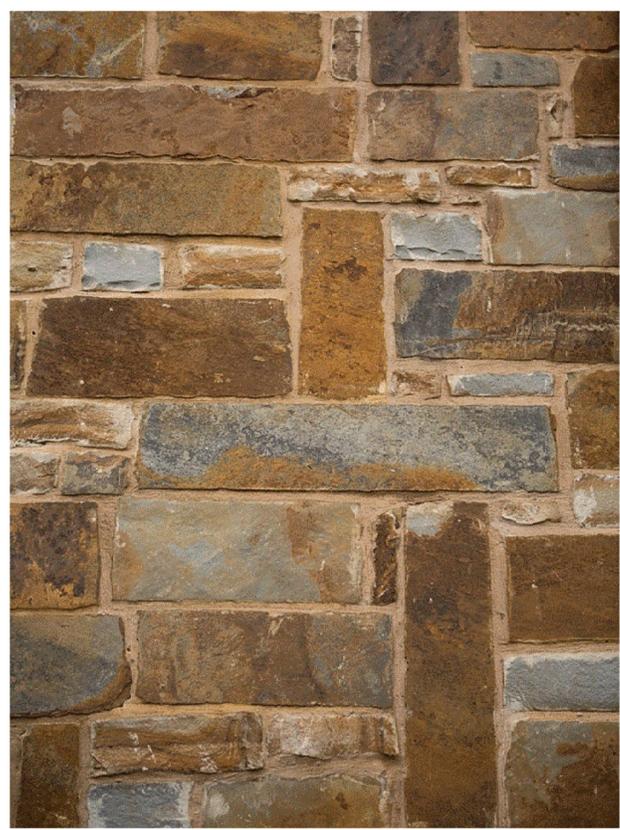


Metal Roofing - Ash Gray by MBCI Roofing



Paint / Stucco Color - SW7532 Urban Putty

Stone Veneer - Black and Tan Chopped as supplied by Rock Materials



BATES ARCHITECTS
MARTIN

Michael A. Bates
 Architect

Mark M. Martin
 Architect

521 S Loop 288 Suite 165 Denton, TX 76205
 940.387.4881

A Renovation for:

JOURNEY TO DREAM

1960 Archer Way Lewisville, TX 75077

March 28, 2016

March 28, 2016

South Elevation:



West Elevation:



North Elevation:



MEMORANDUM

TO: Donna Barron, City Manager

THROUGH: Brenda Martin, Finance Director

FROM: Todd White, Purchasing Manager

DATE: April 6, 2016

SUBJECT: **Approval of Contract Award for Wastewater Treatment Plant Sand Filter Media Replacement to Red River Construction Company, Wylie, Texas in the Amount of \$343,980; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

A request for sealed proposals was created and posted on Bidsync.com March 4, 2016. Specifications were created in accordance with Texas Local Government Code Chapter 252.042, *Requests for Proposals for Certain Procurements*. Specifications under this chapter of the law state requests for proposals must specify the relative importance of price and other evaluation factors.

ANALYSIS

Proposals were due March 31, 2016 and three were received. An evaluation team was created to review, analyze, and score the proposals in accordance with weighted factors that were listed in the specifications. The evaluation team consisted of myself, Keith Marvin, Director of Public Services, Karen Emadiazar, Public Utilities Manager and Doug Lipscomb, Wastewater Treatment Plant Superintendent. Each proposal was evaluated using the following criteria:

Cost of Construction	50%
Evaluation of Submittal	20%
Experience / Qualifications	30%

At the conclusion of the evaluation, Red River Construction Company received the highest score. It should be noted their proposal also represented the lowest cost to the City.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the contract as set forth in the caption above.

MEMORANDUM

TO: Donna Barron, City Manager

VIA: Keith Marvin, P.E., Director of Public Services

FROM: Karen Emadiazar, Utilities Manager, Public Services

DATE: April 18, 2016

SUBJECT: **Approval of a Contract Award for the Wastewater Treatment Plant Sand Filter Media Replacement to Red River Construction Company, of Wylie Texas, in the Amount of \$343,980; and Authorization for the City Manager to Execute the Contract.**

BACKGROUND

The Public Services Department, acting through the Utilities Division operates the Prairie Creek Wastewater Treatment Plant. All the wastewater produced by residents and businesses of the city and Castle Hills flows through this plant for treatment and disposal. One of the final steps in the treatment process is the sand filter units. The plant operates five sand filters for the removal of remaining organics prior to discharge to the receiving stream.

Four of the sand filters were originally constructed in the 1988 Wastewater Treatment Plant Expansion. A fifth sand filter was added with the 2006 improvements. During this project, the original four sand filters were renovated, and the media was replaced. The system consists of a concrete holding tank with an underdrain system made of PVC piping, and graduated levels of media from coarse to fine sand and anthracite coal. Due to clogging and blinding that occurs within the filters, the media has to be removed and replaced approximately every 7-10 years.

On March 31, 2016, proposals were received for the replacement of the media in the five Wastewater Treatment Plant Sand Filters. The project includes services to remove the existing media and debris, inspection of the underdrain systems, installation of the new ANSI/AWWA B100 Standard Media consisting of coarse sand (1.2mm), fine sand (.55-.65mm) and anthracite coal (1.0mm), and final testing by the Manufacturer's Representative to ensure proper operation of each Sand Filter prior to recommissioning. The contractor shall warranty their work against defects in material and workmanship for all media and parts provided for two years.

ANALYSIS

Three proposals were received for the Wastewater Treatment Plant Sand Filter Media Replacement project; these were evaluated based on a weighted metric comprised of 50% for the Project Cost; 20% for the Submittal Evaluation, consisting of project methodology, timeline and supplemental information; and 30% for the Contractor's Experience and Qualifications. Based on this scoring system, 96 points was assigned to Red River Construction Company.

Subject: Award for Red River Construction Co.

April 18, 2016

Page 2 of 2

Red River Construction Company offered the lowest price of \$327,600 for the base bid and two options, giving them all 50 points, as compared to Felix Construction Company with a total cost of \$399,500, and Gracon Construction, Inc. with a total cost of \$448,500. In evaluating Contractor's experience, Red River Construction Company received 26 of the possible 30 points based on their 46 years of experience and their work experience on sand filter projects. Submittal evaluation scoring included work methodology, anticipated work completion for a possible 20 points. Based on their proposed work methodology and timeline, Red River Construction Company received 20 of the possible 20 points.

Based on the committee's evaluation, Red River Construction Company has the best responsible bid, utilizing a contractor experienced with rehabilitation of these same filters and providing quality workmanship and experience. This installation should be complete November 2016.

The project award includes Base Bid items for the media removal and replacement, sand filter inspection and testing, in the amount of \$321,000; Options 1 and 2 for \$6,600 should rehabilitation of the underdrain system and suction header repairs be necessary, and a 5% contingency of \$16,380, for a total of \$343,980. Funding is available in the Capital Improvements Account U1601.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the contract as set forth in the caption above.

5	MANUFACTURER'S FINAL TESTING	5	EA	\$3,000.00	\$15,000.00	\$1,700.00	\$8,500.00	\$2,200.00	\$11,000.00
OPTION A	GRAVISAND TUBULAR UNDERDRAIN	3	EA	\$1,300.00	\$3,900.00	\$2,400.00	\$7,200.00	\$2,000.00	\$6,000.00
OPTION B	WASH WATER SUCTION HEADER	3	EA	\$900.00	\$2,700.00	\$3,600.00	\$10,800.00	\$2,000.00	\$6,000.00
	COST OF CONSTRUCTION	50%		\$327,600.00		\$399,500.00		\$448,500.00	
	5% CONTINGENCY			\$16,380.00		\$19,975.00		\$22,425.00	
	TOTAL COST			\$343,980.00	50	\$419,475.00	41	\$470,925.00	37
	SUBMITTAL EVALUATION	20%							
	methodolgy	10%			10		10		10
	timeline calendar days	10%		165	10	200	8	182	9
	EXPERIENCE / QUALIFICATIONS	30%							
	no. of years I	15%		46	15	29	9	40	13
	no. of filters	15%		6	11	3	6	8	15
					96		74		84

STANDARD FORM OF AGREEMENT

STATE OF TEXAS

COUNTY OF DENTON

THIS CONTRACT, made and entered into the 18th day of April A.D. 2016, by and between the City of Lewisville of the County of Denton and State of Texas, hereinafter "the City", and Red River construction Company of the City of Wylie, County of Collin and State of Texas, hereinafter "the Contractor".

In consideration of the mutual covenants, promises, and agreements herein contained, the City and the Contractor hereby agree that the Contractor will commence and complete the construction of certain improvements described as follows:

WASTEWATER TREATMENT PLANT SAND FILTER MEDIA REPLACEMENT RFP No. 16-23-C

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at the Contractor's own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefore, as prepared by the City and attached hereto, together with the Contractor's written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The Contractor hereby agrees to commence work within ten (10) calendar days after the date of the written notice to commence work and to fully complete the project **within 200 consecutive calendar days**, subject to such extensions of time as are provided by the General and Specific Conditions.

The City agrees to pay the Contractor in current funds the price or prices shown in the proposal, which forms a part of this contract, such payments to be subject to the General and Special Conditions of the contract.

IN WITNESS WHEREOF, the parties hereto have executed this contract in the year and day first above written.

APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

By: _____
DONNA BARRON, City Manager

ATTEST:

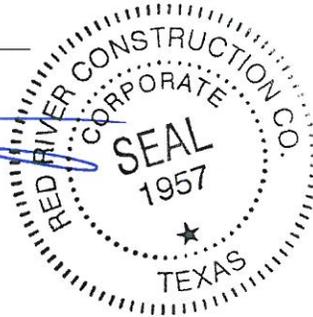
APPROVED AS TO FORM:

By: _____
JULIE HEINZE, City Secretary

By: _____
LIZBETH PLASTER, City Attorney

Red River Construction Company
(Contractor's Company Name)
By: _____
(Signature)
Dean Porter, President

(Print Full Name and Title)



MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **Approval of a License Agreement Between the City of Lewisville and Caroline Berend; and Authorization for the City Manager to Execute the Agreement.**

BACKGROUND

Caroline Berend, owner of the building at 119 West Main Street, will be renovating the current building space for retail uses. Proposed improvements include interior renovations, rear and front façade improvements and the construction of a rooftop balcony structure. The proposed license agreement will allow the property owner to construct the rooftop balcony structure adjacent to the rear façade of the building. Part of the balcony will be on City property, which is part of the Wayne Ferguson Plaza as a public access, drainage and utility easement.

Ms. Berend purchased the property in 1994 and operated a dress shop in the building until late last year. The current tenant operates a birthday party venue. On June 22, 2015 the Old Town Design Review Committee (OTDRC) approved the initial design of improvements to 119 West Main Street. This approval included the addition of a large rooftop balcony extending approximately 20 feet into the City of Lewisville property and the full length of the adjoining property at 115 West Main Street. On October 2, 2015, the Planning and Zoning Commission approved the final plat for Wayne Ferguson Plaza. In the fall of 2015, the rooftop balcony portion of the project was scaled back by omitting the portion over the roof at 115 West Main Street along with the entire portion directly behind 119 West Main Street.. On March 28, 2016, the OTDRC approved a new design that added a smaller balcony back to the rear of the building at 119 West Main Street.

ANALYSIS

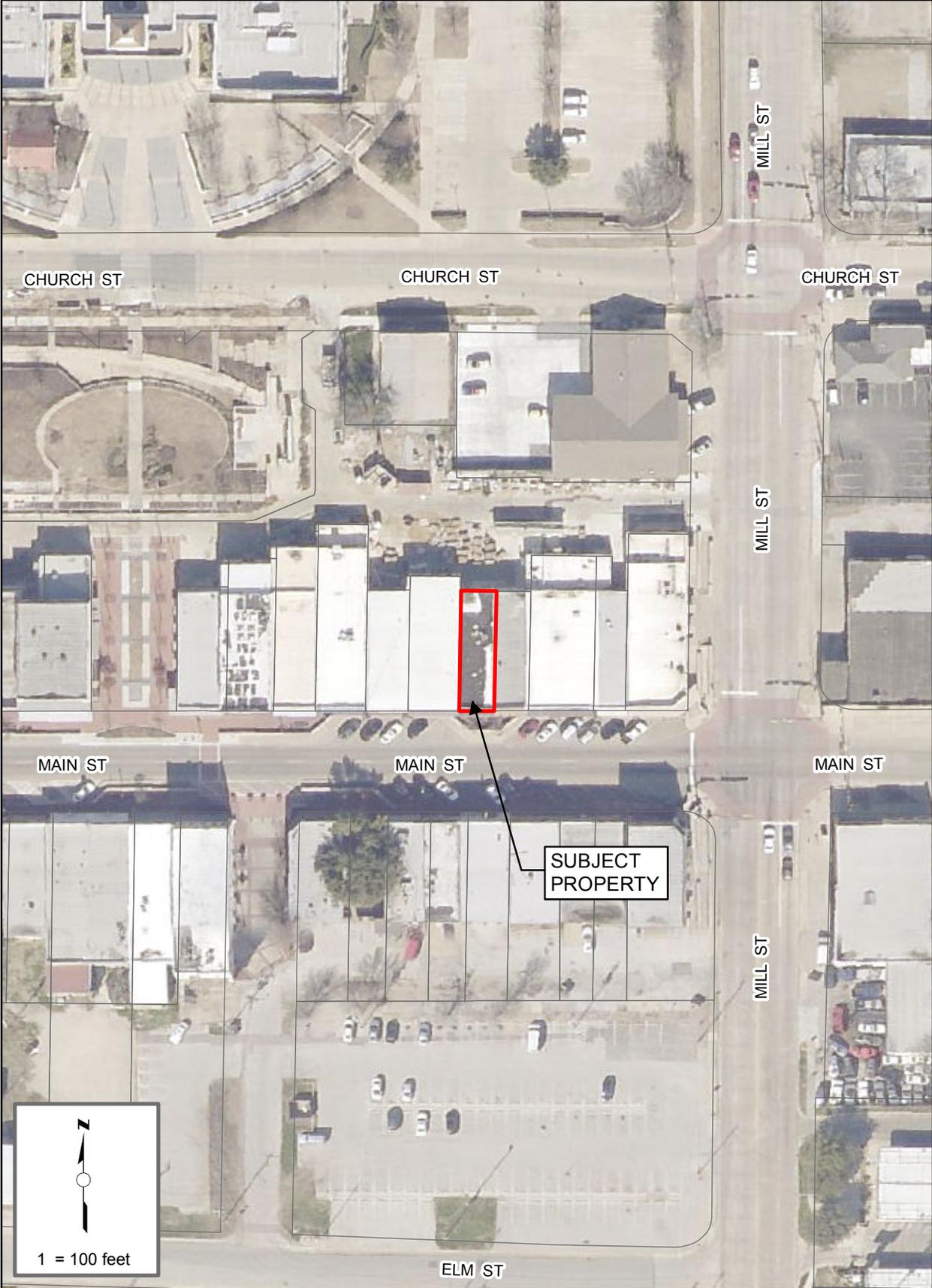
The property owners along the north side of West Main Street between Mill Street and Charles Street donated a portion of their properties behind their buildings to the City of Lewisville in 2012 as part of the Wayne Ferguson Plaza project to create a new access drive and parking. The access drive and parking area also serves as a drainage and utility easement. The donations were made with the understanding that the City may allow the property owners to use the areas at the rear of their buildings for patios or seating areas associated with the adjoining business if the subject areas are not needed by the City for access, parking, utilities, drainage or any other needs. The use of these areas will only be allowed with the execution of a license agreement between the property owner and the City and on a case-by-case basis. City staff has determined that the proposed rooftop balcony structure at the rear of 119 West Main Street will not conflict with any City services or activities at this time. The proposed structure will not impact any existing parking.

Subject: Agreement with Caroline Berend
April 18, 2016
Page 2 of 2

RECOMMENDATION

It is City staff's recommendation that the City Council approves the agreement as set forth in the caption above.

Aerial Map - 119 W. Main



LICENSE AGREEMENT

This License Agreement (“Agreement”) is entered into between the City of Lewisville, Texas (the “City”) and Caroline Berend (“Licensee”) (jointly, “Parties”).

WHEREAS, the Licensee owns the property located at 119 W. Main Street, Lewisville, Texas and legally described in the warranty deed recorded on March 11, 1994, as Document Number 94-0019759 (the “Property”); and

WHEREAS, the Licensee desires to use a portion of the property directly behind the Property (the “Licensed Area”), which is more specifically depicted in **Exhibit A**, to construct and maintain a patio and rooftop balcony structure (the “Improvements”); and

WHEREAS, the City owns the Licensed Area that Licensee desires to use for the Improvements; and

WHEREAS, on August 14, 2012, the City and the then-owner of the Property entered into a certain Old Town Plaza Alley Agreement (“Alley Agreement”) which provided, among other things, that the City would consider licensing to the Licensee the Licensed Area as long as it was not needed by the City for the construction of alley/parking/utilities, with certain other additional conditions; and

WHEREAS, the Licensed Area is not, at this time, needed for the purposes of an alley, parking or utilities; and

WHEREAS, Licensee desires to use the Licensed Area in accordance with the terms of this Agreement; and

WHEREAS, the Licensee commits that they would never seek to claim the property as their own property.

NOW, THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the Parties do mutually agree as follows:

1. **Recitals Incorporated.** The recitals set forth above are hereby adopted and incorporated into the body of this Agreement as if fully set forth herein.

2. **Term.** The term of this Agreement (the “Term”) will begin on _____, 2016 (“Commencement Date”) and end on September 30, 2037, unless sooner terminated in accordance with this Agreement. This License is made subordinate to the right of the City to use the Licensed Area for a public purpose. It is understood and agreed that should the City deem it in the public interest to use the Licensed Area for another purpose that conflicts with this License, then the City may terminate the Agreement upon providing a minimum of ninety (90) days written notice to Licensee.

3. **Grant of License; Consideration.** The City hereby grants Licensee a revocable license for the purpose of allowing the Improvements to encroach within the Licensed Area and

for the Licensee to maintain and use the Improvements within the Licensed Area. Licensee shall pay to the City ten dollars (\$10.00) for the right to use the Licensed Area in accordance with this License, payable, in advance, without notice, demand, deduction, counterclaim or set-off, on or before the first day the Term.

4. **Use.** Licensee will occupy the Licensed Area on the Commencement Date and will use the Licensed Area only for the construction, maintenance, and use of the Improvements as specified in the Old Town Development Plan approved by the City of Lewisville Old Town Design Review Committee on March 28, 2016, the same being attached hereto and incorporated herein as **Exhibit B**. Any future amendments to the design of the Improvements as shown in **Exhibit B** shall be approved by the City of Lewisville Old Town Design Review Committee. The Licensee shall not be allowed to make any other improvements or construct any other temporary or permanent structures on the Licensed Area.; provided, however, that basic outdoor furniture and equipment associated with a retail establishment will be allowed within that portion of the Licensed Area occupied by the Improvements. Said furnishings and equipment shall be approved by the City and shall be compatible with similar furnishings and equipment used by the City in other areas of the adjacent alleyway and the adjacent Wayne Ferguson Park. No portion of this Agreement shall be construed to supersede outdoor storage or display regulations outlined by ordinance for the applicable zoning district.

5. **No Assignment or Subletting.** Licensee will not assign this Agreement nor sublet the Licensed Area in whole or in part, and will not permit Licensee's interest in this Agreement to be vested in any third party by operation of law or otherwise.

6. **Utilities.** Licensee represents that there will be no additional utilities needed and/or used on the Licensed Area beyond what is currently provided to the Property.

7. **Repairs & Maintenance.** Licensee takes the Licensed Area AS-IS with any and all defects. Licensee shall promptly repair, in a good and workmanlike manner, any defect or dangerous condition existing in or on the Improvements during the Term, including any damage to the Improvements caused by any act or omission of Licensee, or of any employee, agent, or invitee of Licensee. All repairs must be performed in accordance with all laws and regulations. All repairs must be approved by the City and may require permits from the City prior to commencement. The City also reserves the right to require that performance, payment, and/or maintenance bonds be posted by the Licensee prior to beginning repairs of the Licensed Area. The form and substance of such bonds shall be determined by the City. If Licensee fails to make repairs, the City shall have the right to hire a third party to repair the damage, defect, or dangerous condition, and Licensee shall promptly reimburse the City for the cost of such repairs and any bonds obtained by the City or its contractor. Payment shall be made upon Licensee's receipt of invoice from the City. Prior to exercising this self-help option, the City shall provide the Licensee with ten days' notice of its intent to make repairs. Licensee shall also maintain the Improvements in compliance with federal, state, and local laws and regulations. The City shall maintain the surface area of the Licensed Area, in accordance with Section (7) of the Alley Agreement except that Licensee shall be responsible for the maintenance, repair, routine service and/or replacement of all privately owned equipment within the Licensed Area, such as clean outs, grease traps, A/C

units, or other similar equipment utilized by the Licensee and located within the Licensed Area, also in accordance with Section (7) of the Alley Agreement.

8. **Insurance.** The Licensee shall provide the insurance in the amounts and kinds listed in **Exhibit C** attached hereto. The City shall be listed as an additional insured on Licensee's insurance policy. Licensee shall provide the City with a certificate of insurance with respect thereto.

9. **Mechanic's Liens Not Permitted.** The Licensee shall fully pay for all labor and materials used in, on or about the Licensed Area and will not permit or suffer any mechanic's or material man's liens of any nature be affixed against the Improvements or Licensed Area by reason of any work done or materials furnished to the Licensed Area at Licensee's instance or request.

10. **Events of Default.** The occurrence of any of the following shall constitute a material default and breach of the Agreement (an "Event of Default"):

- a. failure by Licensee to maintain the required insurance in the amount required by the City and naming the City as an additional insured;
- b. failure by Licensee to observe and perform any obligation under this Agreement;
- c. making by Licensee of any general assignment for the benefit of creditors; the filing by or against Licensee of a petition to have such party adjudged as bankrupt or the filing of a petition for reorganization or arrangement under any law relating to bankruptcy;
- d. termination of the Alley Agreement; or
- e. failure of Licensee to obey all federal, state, and local laws and regulations.

11. **Remedies.** When an Event of Default occurs, the non-defaulting party may exercise any remedy available at law or in equity.

12. **Hazardous Substances.** No hazardous substances shall be kept on the Licensed Area during the Term.

13. **Alterations.** Licensee will not make any additions, improvements, or alterations, structural or otherwise, in or to the Licensed Area without the prior written consent of the City, beyond what has been approved as part of this Agreement. Any alteration is at the sole expense of the Licensee.

14. **Attorney's Fees.** If either party institutes any action or proceeding against the other relating to the provisions of this Agreement, on any default hereunder, the unsuccessful party in such action or proceeding agrees to pay the reasonable attorney's fees, costs, and expenses incurred by the successful party.

15. **Surrender.** Upon Event of Default, termination, or expiration of this Agreement, Licensee, upon request by the City, shall remove all Improvements and appurtenances owned by it, situated in, under, on or within the Licensed Area and shall restore such Licensed Area to substantially the condition of the Licensed Area prior to Licensee's encroachment at Licensee's sole expense.

16. **No Business Relationship.** The City and Licensee are independent contracting parties and under no circumstances will their relationship be held out as, or interpreted to be or create, an agency, franchise, partnership, employment, or joint venture relationship.

17. **Waiver of Breach.** Waiver by either party of non-performance or breach of any condition or legal right or remedy under this Agreement or under law, will not constitute any further waiver of any other condition or legal right or remedy. No waiver of any condition or legal right or remedy will be implied by the failure of either party to declare an Event of Default under this Agreement when that party has the right to do so. No waiver by either party of any condition or legal right or remedy will be valid unless it is in writing signed by the waiving party.

18. **INDEMNIFICATION. LICENSEE AGREES TO INDEMNIFY, DEFEND, AND HOLD THE CITY, ITS AGENTS, OFFICIALS, EMPLOYEES, AGENTS, AND LICENSEES (FOR PURPOSES OF THIS PARAGRAPH COLLECTIVELY REFERRED TO AS "CITY") HARMLESS FROM ANY LOSS, ATTORNEY'S FEES, COURT, AND OTHER COSTS, OR CLAIMS ARISING OUT OF LICENSEE'S USE OF THE LICENSED AREA OR ARISING OUT OF A BREACH OF THIS AGREEMENT BY LICENSEE. THE CITY SHALL NOT BE LIABLE TO LICENSEE OR LICENSEE'S AGENTS, EMPLOYEES, INVITEES, LICENSEES OR VISITORS FOR ANY INJURY TO PERSON, LOSS OF OR DAMAGE TO PROPERTY, OR FOR LOSS OF OR DAMAGE TO LICENSEE'S BUSINESS, OCCASIONED BY OR THROUGH THE ACTS OR OMISSIONS OF THE CITY, OR BY ANY CAUSE WHATSOEVER. THE CITY SHALL NOT BE LIABLE FOR, AND LICENSEE SHALL INDEMNIFY THE CITY AND SAVE HARMLESS FROM, ALL SUITS, ACTIONS, DAMAGES, LIABILITY, AND EXPENSE IN CONNECTION WITH LOSS OF LIFE, BODILY OR PERSONAL INJURY OR PROPERTY DAMAGE ARISING FROM OR OUT OF ANY OCCURRENCE IN, UPON, AT OR FROM THE PREMISES, OR THE OCCUPANCY OR USE BY LICENSEE, ITS AGENTS, EMPLOYEES, INVITEE, LICENSEE, OR VISITORS OF THE LICENSED AREA OR OCCASIONED WHOLLY OR IN PART BY AN ACTION OR OMISSION OF LICENSEE, IT AGENTS, EMPLOYEES, INVITEES, LICENSEE, OR VISITORS. IF THE CITY SHALL BE MADE A PARTY TO ANY ACTION COMMENCED BY OR AGAINST LICENSEE, ITS AGENTS, EMPLOYEES, INVITEES, LICENSEES, OR VISITORS, LICENSEE SHALL PROTECT AND HOLD THE CITY HARMLESS THEREFROM AND ON DEMAND SHALL PAY ALL COSTS, EXPENSES, AND REASONABLE ATTORNEY'S FEES INCURRED BY THE CITY IN CONNECTION THEREWITH. THIS INDEMNIFICATION SHALL SURVIVE THE TERMINATION OR EXPIRATION OF THIS AGREEMENT.**

19. **No Real Property Interest Created.** Nothing in this Agreement shall or shall be deemed to grant, convey, create, or vest in Licensee a real property interest in land of any nature whatsoever, including any fee, leasehold interest, or easement. Furthermore, in no way shall this Agreement ever be construed as an abandonment of the City's right-of-way or property.

20. **Access.** Licensee agrees to allow the City to enter the Licensed Area at all times for any reason deemed necessary by the City.

21. **Notices.** Notices required to be given to any party to this Agreement shall be given personally or by certified mail, return receipt requested, postage prepaid, addressed to the party at its address as set forth below, and if given by mail, shall be deemed delivered three (3) days after the date deposited in the United States mail.

For the City by notice to:
City of Lewisville, Texas
Attn: City Manager
151 W. Church Street
Lewisville, Texas 75057

For Licensee by notice to:
Caroline Berend
308 Highland Lake Drive
Highland Village, TX 75077

22. **Entire Agreement.** This Agreement contains the entire agreement of the Parties with respect to the matters contained herein. All provisions of this Agreement shall be strictly complied with and conformed to by the Parties, and no amendment to the Agreement shall be made except upon the written agreement of the Parties, which shall not be construed to release either party from any obligation of the Agreement except as specifically provided for in such amendment.

23. **Venue.** This Agreement shall be construed under and in accordance with the laws of the State of Texas and venue shall be only in Denton County, Texas.

24. **Binding Effect.** This Agreement shall be binding on and inure to the benefit of the Parties and their respective heirs, executors, administrators, legal representatives, successors, and assigns when permitted by this Agreement.

25. **Ordinances.** Except as specifically provided in this Agreement, the Parties agree that Licensee shall be subject to all ordinances of the City of Lewisville, Texas, whether now existing or in the future arising.

26. **Authority to Execute.** The individuals executing this Agreement on behalf of the respective Parties represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

27. **Governmental Immunity.** Unless otherwise required under the law, the Parties agree that the City has not waived its governmental immunity by entering into and performing their obligations under this Agreement.

28. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

29. **Covenant Running with the Land.** The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on the Licensee and each and every subsequent owner of all or any portion of the Property but only during the term of such party's ownership thereof (except with respect to defaults that occur during the term of such person's ownership) and shall be binding on all successors, heirs, and assigns of the Licensee which acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Property.

30. **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

DATED this the ____ day of _____, 2016.

CITY

City of Lewisville, Texas

Donna Barron, City Manager

LICENSEE



Caroline Berend

STATE OF TEXAS

§
§
§

COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared **Donna Barron**, known to me to be one of the persons whose names are subscribed to the foregoing instrument; she acknowledged to me she is the City Manager for the City of Lewisville, Texas, and she executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2016.

Notary Public in and for the State of Texas
My Commission Expires: _____

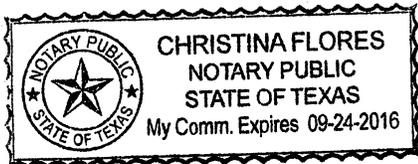
STATE OF TEXAS

§
§
§

COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared Caroline Berend, known to me to be the person whose name is subscribed to the foregoing instrument, and she executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of April, 2016.

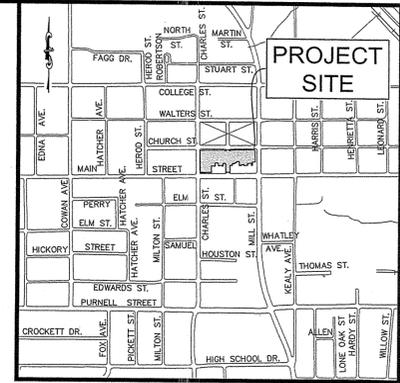


Christina Flores
Notary Public in and for the State of Texas
My Commission Expires: 9-24-2016

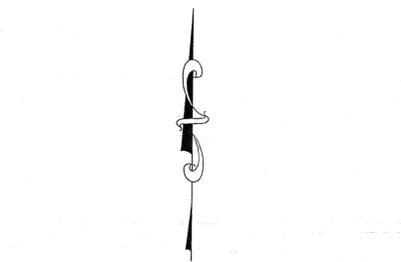
Exhibit A
Licensed Area

EXHIBIT B
Old Town Development Plan

Exhibit C
Insurance Requirements



VICINITY MAP 1"=100'



SCALE: 1" = 30'

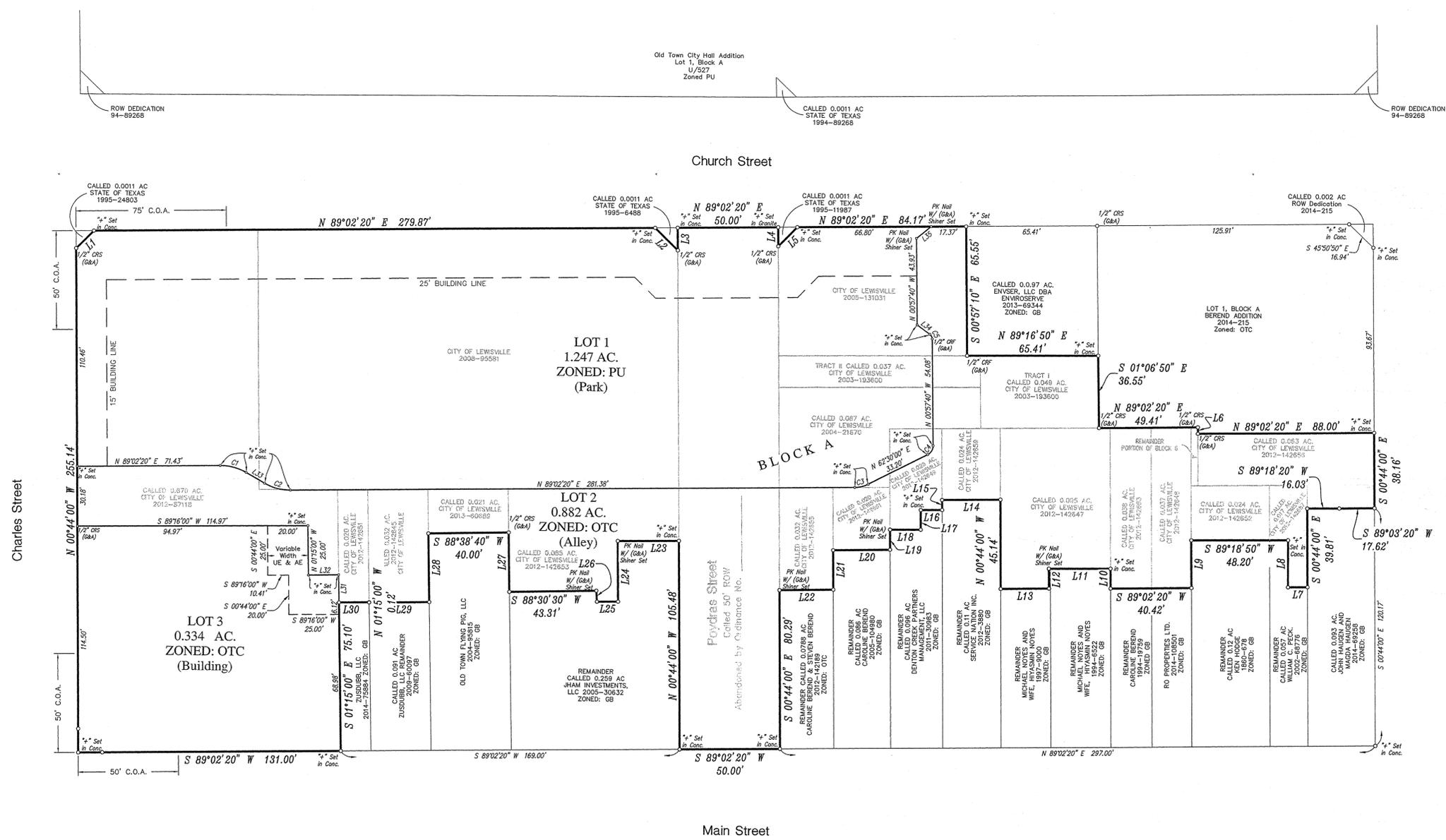


EXHIBIT A
FINAL PLAT
Wayne Ferguson Plaza Addition
Lots 1-3, Block A
2.463 Acres
Zoned PU & OTC
 Being a Replat of Lot 2, Block 3,
 part of Lot 1 and Lots 3-6 Block 3,
 part of Lots 1-9 Block 6 and all of
 Poydras Street (called 50' right-of-way)
 Original Town of Lewisville
 in the
 J.W. KING SURVEY, ABSTRACT NO. 696
 CITY OF LEWISVILLE
 DENTON COUNTY, TEXAS

S 9561A G01, S09, C12, T1F1

LINE TABLE			LINE TABLE			LINE TABLE			CURVE TABLE				
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	LONG CHORD
L1	N 44°16'20" E	12.58'	L16	S 89°11'35" W	10.65'	L31	N 01°14'57" W	14.02'	C1	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
L2	S 45°27'15" E	15.96'	L17	S 00°28'15" E	9.97'	L32	S 88°45'00" W	15.00'	C2	25.00'	30°57'40"	13.51'	S 75°28'50" E, 13.35'
L3	N 00°44'00" W	11.39'	L18	S 89°22'20" W	15.23'	L33	S 60°00'00" E	10.70'	C3	15.00'	26°32'20"	6.95'	N 75°46'10" E, 6.89'
L4	S 00°44'00" E	9.59'	L19	S 00°44'00" E	10.19'	L34	N 53°42'00" W	7.88'	C4	5.00'	63°27'40"	5.54'	N 30°46'10" E, 5.26'
L5	N 43°55'20" E	13.54'	L20	S 88°46'00" W	28.40'	L35	N 50°25'00" E	9.44'	C5	3.00'	52°44'20"	2.76'	N 27°19'50" W, 2.66'
L6	S 00°44'00" E	3.30'	L21	S 00°44'00" E	19.95'								
L7	S 89°02'00" W	9.70'	L22	S 88°53'15" W	26.87'								
L8	N 00°28'30" W	23.78'	L23	S 89°15'55" W	30.59'								
L9	S 00°44'00" E	24.11'	L24	S 00°43'25" E	30.73'								
L10	N 00°44'00" W	10.03'	L25	S 89°01'45" W	10.54'								
L11	S 89°13'45" W	30.74'	L26	N 03°41'35" W	5.56'								
L12	S 00°45'40" E	10.01'	L27	N 01°15'00" W	30.05'								
L13	S 88°52'10" W	24.11'	L28	S 01°15'00" E	34.79'								
L14	S 89°00'15" W	29.08'	L29	S 89°01'00" W	30.00'								
L15	S 00°44'00" E	5.06'	L30	S 88°59'50" W	15.00'								

- NOTES:
- Bearings based on Texas Coordinate System, North Central Zone (4202), NAD '83.
 - Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate abstract of title may disclose.
 - No flood zone area analysis has been performed by G&A Consultants, LLC, on the subject property.
 - Lot 2, Block A is hereby dedicated as a public access, drainage and utility easement.

LEGEND

RF	==	REBAR FOUND
CRS	==	CAPPED REBAR SET
CRF	==	CAPPED REBAR FOUND
P.O.B.	==	POINT OF BEGINNING
G&A	==	G&A CONSULTANTS, INC.
COA	==	CONTROL OF ACCESS

14789	O T LEWISVILLE BLK 3 LOT 1 (ALL) 2 (E25) ACRES 0.3769	0.3769
14790	O T LEWISVILLE BLK 3 LOT 2 (W75) 3 (E37)	0.2567
14792	O T LEWISVILLE BLK 3 LOT 3 (W91) 4.5 (W30)	0.5608
562140	O T LEWISVILLE BLK 3 LOT 5 (E30) OF (W75) (PT)(ROW)	0.0400
562162	O T LEWISVILLE BLK 3 LOT 5 (E15) OF (W45) (PT)(ROW)	0.0200
562165	O T LEWISVILLE BLK 3 LOT 5 (E15) (PT)(ROW)	0.0850
617548	O T LEWISVILLE BLK 3 LOT 5 (E25) 16 (W15) (PT)(ROW)	0.0210

14815	O T LEWISVILLE BLK 6 LOT 13 ACRES 0.344	0.0344
14825	O T LEWISVILLE BLK 6 LOT 11 (N16) OF S36' OF (W100')	0.0370
14838	O T LEWISVILLE BLK 6 LOT 11 (N59) OF (W159) OF S36' AC...	0.0457
14839	O T LEWISVILLE BLK 6 LOT 11 (S20) OF (W100') ACRES 0.459	0.0459
136372	O T LEWISVILLE BLK 6 LOT 11 (W65.5' OF (W60))	0.1406
183905	O T LEWISVILLE BLK 6 LOT 10	0.0413
562143	O T LEWISVILLE BLK 6 LOT 5 (PT)(ROW)	0.0464
562145	O T LEWISVILLE BLK 6 LOT 4 (PT)(ROW)	0.0438
562146	O T LEWISVILLE BLK 6 LOT 3 (E20) (PT)(ROW)	0.0370
562147	O T LEWISVILLE BLK 6 LOT 7 (PT)(ROW)	0.0280
562163	O T LEWISVILLE BLK 6 LOT 2 (W68.2) (PT)(ROW)	0.0240
562168	O T LEWISVILLE BLK 6 LOT 9 (PT)(ROW)	0.0320
562170	O T LEWISVILLE BLK 6 LOT 1 (PT)(ROW)	0.0286
562173	O T LEWISVILLE BLK 6 LOT 2 (E18.8) (PT)	0.0170
562174	O T LEWISVILLE BLK 6 LOT 6 (PT)(ROW)	0.0240
562175	O T LEWISVILLE BLK 6 LOT 8 (PT)(ROW)	0.0200
562176	O T LEWISVILLE BLK 6 LOT 3 (W20.5) (PT)(ROW)	0.0380

A11
A11

G&A CONSULTANTS, LLC
 LAND SURVEYING CIVIL ENGINEERING PLANNING
 LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972-436-9712 • F: 972-436-9716
 144 Old Town Blvd. North, Ste 2 • Argyle, TX 75226 • P: 940-240-1812 • F: 940-240-1028
 TSPS Firm No. 1798 TPLS Firm No. 10047200

DRAWN BY: CC DATE: 8/24/15 SCALE: 1" = 30' JOB. No. 15148

OWNER/DEVELOPER
 City of Lewisville
 P.O. Box 299002
 Lewisville, Texas 75029-9002
 Ph. 972-219-3400
 Contact: Eric Ferris

Filed for Record in the official records of Denton County
 On: Nov 17, 2015 at 12:09PM
 Plat # 2015-430
 Wayne Ferguson Plaza Addition
 Doc. Number: 2015-430
 No. of Pages: 2
 Amount: 100.00
 Receipt Number: 1360454
 Sunas Parr

Fig. 2: 2/15/2015 10:40 AM G:\Projects\15148 Wayne Ferguson Plaza Addition\15148.PLT
 Printed: 8/20/2015 8:32 AM by: G:\Users\cc\OneDrive\G:\Projects\15148 Wayne Ferguson Plaza Addition\15148.PLT

LEGAL DESCRIPTION
2.463 ACRES

Being all that certain lot, tract or parcel of land situated in the J. W. King Survey, Abstract Number 696, City of Lewisville, Denton County, Texas, and being all of Lots 2 and 4, Block 3 and part of Lot 1, 3, 5 and 6, Block 3 and part of Lots 1-3 and 1-9, Block 6 and a portion of Poydras Street (called 50 foot right-of-way) between Main Street and Church Street, all of which are shown on the plot of the Original Town of Lewisville, recorded in Volume 75, Page 158 of the Deed Records of Denton County, Texas, and being all of that certain called 0.049 acre tract of land described as Tract I and all of that certain called 0.037 acre tract of land described as Tract II in deed to the City of Lewisville, recorded in Document Number 2003-193600 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.057 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2004-21670 of the Real Property Records of Denton County, Texas, and being all of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-131031 of the Real Property Records of Denton County, Texas, and being all of that certain tract of land described in deed to the City of Lewisville, recorded in Document Number 2005-95558 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.670 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-87118 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142645 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.095 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142649 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142648 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.028 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142649 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142651 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142652 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.085 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142653 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.032 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142655 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.063 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142656 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.017 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142657 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.024 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142659 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.020 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142661 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.038 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2012-142663 of the Real Property Records of Denton County, Texas, and being all of that certain called 0.021 acre tract of land described in deed to the City of Lewisville, recorded in Document Number 2013-63858 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a "+" found in concrete (reset due to construction) at the intersection of the north line of Main Street and the east line of Charles Street, being the southwest corner of said Lot 4, Block 3 and being the southwest corner of said 0.670 acre tract, from which a building corner bears N 48°20'40" E, 0.82 feet;

THENCE N 00°44'00" W, 255.14 feet with the east line of Charles Street and the west line of said 0.670 acre tract to a "+" found in concrete (reset a 1/2" capped rebar (G&A) due to construction) at the south corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-24803 of the Real Property Records of Denton County, Texas, being the westerly northwest corner of said 0.670 acre tract;

THENCE N 44°16'20" E, 12.58 feet continuing with the east line of said 0.670 acre tract and with the southeasterly line of said 0.0011 acre tract to a "+" set in concrete at the east corner thereof, being the northerly northwest corner of said 0.670 acre tract and being on the south line of Church Street;

THENCE N 89°02'20" E, with the south line of Church Street and the north line of said 0.670 acre tract, passing at 81.76 feet a 1/2" rebar found (destroyed by construction) at the northeast corner of said 0.670 acre tract, being the northwest corner of said City of Lewisville tract recorded in Document Number 2008-95581, continuing with the north line thereof a total distance of 279.87 feet to a "+" set in concrete at the west corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-6488 of the Real Property Records of Denton County, Texas;

THENCE S 45°27'15" E, 15.96 feet with the southwesterly line of said 0.0011 acre tract in Document Number 1995-6488 to a 1/2" capped rebar set (G&A) at the south corner thereof, being on the west line of Poydras Street and the east line of said Lot 1, Block 3;

THENCE N 00°44'00" W, 11.39 feet with the east line of said 0.0011 acre tract in Document Number 1995-6488, the east line of said Lot 1, Block 3 and the west line of Poydras Street to a "+" set in concrete at the northeast corner of said 0.0011 acre tract in Document Number 1995-6488 and the northeast corner of said Lot 1, Block 3, being the intersection of the west line of Poydras Street and the south line of Church Street;

THENCE N 89°02'20" E, 50.00 feet to a "+" set in granite at the northwest corner of that certain called 0.0011 acre tract of land described in deed to the State of Texas, recorded in Document Number 1995-11987 of the Real Property Records of Denton County, Texas, being the northwest corner of said Lot 3, Block 6 and being the intersection of the east line of Poydras Street and the south line of Church Street;

THENCE S 00°44'00" E, 9.59 feet with the west line of said 0.0011 acre tract in Document Number 1995-11987 and the west line of said Lot 3, Block 6 to a 1/2" capped rebar set (G&A) at the south corner of said 0.0011 acre tract, being the westerly northwest corner of said City of Lewisville tract recorded in Document Number 2005-131031;

THENCE N 43°55'20" E, 13.54 feet with the southeast line of said 0.0011 acre tract in Document Number 1995-11987 and the northwest line of said City of Lewisville tract in Document Number 2005-131031 to a "+" set in concrete at the east corner of said 0.0011 acre tract and the northerly northwest corner of said City of Lewisville tract in Document Number 2005-131031, being on the south line of Church Street and the north line of said Lot 3, Block 6;

THENCE N 89°02'20" E, 84.17 feet with the south line of Church Street and the north line of said City of Lewisville tract in Document Number 2005-131031 to a "+" found in concrete (reset due to construction) at the northeast corner thereof, being the northwest corner of that certain called 0.097 acre tract of land described in deed to EnvSer, LLC, recorded in Document Number 2013-69344 of the Real Property Records of Denton County, Texas;

THENCE S 00°57'10" E, 65.55 feet with the east line of said City of Lewisville tract in Document Number 2005-131031 and the west line of said EnvSer, LLC tract to a 1/2" capped rebar found (G&A) at the southeast corner of said City of Lewisville tract in Document Number 2005-131031 and the southwest corner of said EnvSer, LLC tract, being on the north line of said 0.037 acre Tract II;

THENCE N 89°16'50" E, with the south line of said EnvSer, LLC tract and the north line of said 0.037 acre Tract II, passing the northeast corner thereof and the northwest corner of said 0.049 acre Tract I at 6.41 feet, continuing with the north line of said 0.049 acre Tract I a total distance of 65.41 feet to a 1/2" capped rebar set (G&A) at the northeast corner of said 0.049 acre Tract I, being the southeast corner of said EnvSer, LLC tract and being on the west line of Lot 1, Block A, Berend Addition, according to the plat thereof recorded in Document Number 2014-215 of the Plat Records of Denton County, Texas;

THENCE S 01°06'50" E, 36.55 feet with the east line of said 0.049 acre City of Lewisville tract and the west line of said Berend Addition to a "+" set in concrete at the southeast corner of said 0.049 acre Tract I and the westerly southwest corner of said Berend Addition, being on the north line of said 0.095 acre City of Lewisville tract;

THENCE N 89°02'20" E, with the south line of said Berend Addition and the north line of said 0.095 acre City of Lewisville tract, passing at 5.54 feet the northeast corner thereof and the northwest corner of said 0.038 acre City of Lewisville tract, continuing with the north line thereof, passing at 26.04 feet the northeast corner thereof and the northwest corner of said 0.037 acre City of Lewisville tract, 2012-142648 continuing with the north line thereof, passing at 45.96 feet the northeast corner thereof and the northwest corner of a remainder portion of said Block 6, continuing with the north line thereof a total distance of 49.41 feet to a "+" set in concrete at the northeast corner thereof, being on inner ell corner in the south line of said Berend Addition;

THENCE S 00°44'00" E, 3.30 feet with the east line of said remainder tract and the south line of said Berend Addition to a 1/2" rebar found (reset "+" in concrete due to construction) at the southerly southwest corner of said Berend Addition, being the northwest corner of said 0.063 acre City of Lewisville tract;

THENCE N 89°02'20" E, 88.00 feet with the south line of said Berend Addition and the north line of said 0.063 acre City of Lewisville tract to a 1/2" rebar found (reset "+" in concrete due to construction) at the southeast corner of said Berend Addition and the northeast corner of said 0.063 acre City of Lewisville tract, being on the west line of Mill Street;

THENCE S 00°44'00" E, 38.16 feet with the west line of Mill Street and the east line of said 0.063 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain called 0.093 acre tract described in deed to John Haugen and Magda Haugen recorded in Document Number 2014-62358 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set) from which a "+" set in concrete bears S 00°44'00" E, 120.17 feet;

THENCE S 89°03'20" W, 17.62 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract, to an angle point (point is in an existing building and cannot not be set);

THENCE S 89°18'20" W, 16.03 feet with the south line of said 0.063 acre City of Lewisville tract and the north line of said 0.093 Haugen tract to the southerly southwest corner of said 0.063 acre City of Lewisville tract and the northwest corner of said 0.093 Haugen tract, being on the east line of said 0.017 acre City of Lewisville tract and being on the east line of that certain called 0.057 acre tract described in deed to William C. Peck, recorded in Document Number 2002-68776 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 39.81 feet with the west line of said 0.093 acre Haugen tract, the east line of said 0.057 acre Peck tract and the east line of said 0.017 acre City of Lewisville tract to the southeast corner of said 0.017 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°02'00" W, 9.70 feet with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at the southerly southwest corner thereof;

THENCE N 00°28'30" W, 23.79 feet continuing with the south line of said 0.017 acre City of Lewisville tract to a "+" set in concrete at an inner ell corner in the south line thereof;

THENCE S 89°18'50" W, continuing with the south line of said 0.017 acre City of Lewisville tract, passing at 9.20 feet the westerly southwest corner thereof, the southeast corner of said 0.024 acre City of Lewisville tract, the west line of said 0.057 Peck tract and the east line of that certain called 0.12 acre tract of land described in deed to Ken Hodge, recorded in Volume 1860, Page 678 of the Real Property Records of Denton County, Texas, continuing with the south line of said 0.024 acre City of Lewisville tract a total distance of 48.20 feet to the southwest corner thereof, being on the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 24.11 feet with the west line of said 0.12 acre Hodge tract and the east line of said 0.037 acre City of Lewisville tract to the southeast corner thereof, being the northeast corner of that certain tract of land described in deed to RO Properties, Ltd., recorded in Document Number 2014-108501 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 89°02'20" W, with the south line of said 0.037 acre City of Lewisville tract and the north line of said RO Properties tract, passing at 19.92 feet the northwest corner thereof, the southwest corner of said 0.037 acre City of Lewisville tract, the southeast corner of said 0.038 acre City of Lewisville tract and the east line of that certain tract of land described in deed to Caroline Berend, recorded in Document Number 1994-19759 of the Real Property Records of Denton County, Texas, continuing with the south line of said 0.038 acre City of Lewisville tract a total distance of 40.42 feet to the southwest corner thereof, being on the west line of said Caroline Berend tract and the east line of that certain tract of land described in deed to Michael Noyes and wife, Hiyasmin Noyes, recorded in Document Number 1994-8522 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 00°44'00" W, 10.03 feet with the west line of said Caroline Berend tract and the east line of said Noyes tract to a "+" set at the easterly southeast corner of said 0.095 acre City of Lewisville tract;

THENCE S 89°13'45" W, with the south line of said 0.095 acre City of Lewisville tract, passing at 30.00 feet the west line of said Noyes tract and the east line of that certain tract of land described in deed to Michael Noyes and wife, Hiyasmin Noyes, recorded in Document Number 1997-9000 of the Real Property Records of Denton County, Texas, continuing a total distance of 30.74 feet to a "PK" nail set at an inner ell corner in the south line of said 0.095 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 00°45'40" E, 10.01 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 88°52'10" W, 24.11 feet continuing with the south line of said 0.095 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Noyes tract in Document Number 1997-9000 and the east line of that certain called 0.11 acre tract of land described in deed to Service Nation, Inc. recorded in Document Number 2012-3880 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 00°44'00" W, 45.14 feet with the west line of said 0.095 acre City of Lewisville tract and the east line of said 0.11 acre Service Nation tract to the southeast corner of said 0.024 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 89°00'15" W, 29.08 feet with the south line of said 0.024 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.11 acre Service Nation tract, the east line of said 0.028 acre City of Lewisville tract and the east line of that certain called 0.096 acre tract of land described in deed to Denton Creek Partners Management, LLC, recorded in Document Number 2011-30983 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 5.06 feet with the west line of said 0.11 acre Service Nation tract, the east line of said 0.096 acre Denton Partners tract and the east line of said 0.028 acre City of Lewisville tract to the easterly southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 89°11'35" W, 10.65 feet with the south line of said 0.028 acre tract to a "+" set in concrete an inner ell corner in the south line thereof (point is in an existing building and cannot not be set);

THENCE S 00°28'15" E, 9.97 feet continuing with the south line of said 0.028 acre City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 89°22'20" W, 15.23 feet continuing with the south line of said 0.028 acre City of Lewisville tract to a "PK" nail set at the southwest corner thereof, being on the west line of said 0.096 acre Denton Partners tract, the east line of said 0.020 acre City of Lewisville tract in Document Number 2012-142661 and the east line of that certain called 0.086 acre tract of land described in deed to Caroline Berend recorded in Document Number 2005-104980 of the Real Property Records of Denton County, Texas;

THENCE S 00°44'00" E, 10.19 feet with the west line of said 0.096 acre Denton Partners tract, the east line of said 0.086 acre Berend tract and the east line of said 0.020 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 88°48'00" W, 28.40 feet with the south line of said 0.020 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.020 acre City of Lewisville tract and the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142665 and the east line of that certain called 0.0778 acre tract of land described in deed to Caroline Berend and Steven Berend, recorded in Document Number 2012-142189 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 00°44'00" E, 19.95 feet with the west line of said 0.086 Berend tract, the east line of said 0.0778 acre Berend tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 88°53'15" W, 26.87 feet with the south line of said 0.032 acre City of Lewisville tract to a PK nail with G&A shiner set at the southwest corner thereof, being on the west line of said 0.0778 acre Berend tract and the east line of Poydras Street;

THENCE S 00°44'00" E, 80.29 feet with the east line of Poydras Street and the west line of said 0.0778 acre Berend tract and to a "+" set in concrete at the southwest corner thereof, being the intersection of the north line of Main Street and the East line of Poydras Street;

THENCE S 89°02'20" W, 50.00 feet to a "+" set in concrete at the intersection of the north line of Main Street and the west line of Poydras Street, being the southeast corner of that certain called 0.259 acre tract of land described in deed to Jham Investments, LLC, recorded in Document Number 2005-30632 of the Real Property Records of Denton County, Texas;

THENCE N 00°44'00" W, 105.48 feet with the west line of Poydras Street and the east line of said 0.259 acre Jham tract to a "+" set in concrete at the easterly southeast corner of said 0.085 acre City of Lewisville tract;

THENCE S 89°15'55" W, 30.59 feet with the south line of said 0.085 acre City of Lewisville tract to PK nail with G&A shiner set at the easterly inner ell corner in the south line thereof;

THENCE S 00°43'25" E, 30.73 feet continuing with the south line of said 0.085 City of Lewisville tract to the southerly southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 89°01'45" W, 10.54 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southerly southwest corner thereof, (point is in an existing building and cannot not be set);

THENCE N 03°41'35" W, 5.56 feet continuing with the south line of said 0.085 acre City of Lewisville tract "PK" nail set at the westerly inner ell corner in the south line thereof;

THENCE S 88°30'30" W, 43.31 feet continuing with the south line of said 0.085 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said 0.259 acre Jham tract and the west line of that certain tract of land described in deed to Old Town Flying Pig, LLC, recorded in Document Number 2004-59815 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 01°15'00" W, 30.05 feet to a 1/2" capped rebar set (G&A) at the southeast corner of said 0.021 acre City of Lewisville tract;

THENCE S 88°38'40" W, 40.00 feet with the south line of said 0.021 acre City of Lewisville tract to the southwest corner thereof, being on the west line of said Old Town Flying Pig tract, the east line of said 0.032 acre City of Lewisville tract in Document Number 2012-142645 and the east line of that certain called 0.091 acre tract of land described in deed to Zusubb, LLC, recorded in Document Number 2009-60097 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE S 01°15'00" E, 34.78 feet with the west line of said Old Town Flying Pig tract, the east line of said 0.091 acre Zusubb tract and the east line of said 0.032 acre City of Lewisville tract to the southeast corner thereof, (point is in an existing building and cannot not be set);

THENCE S 89°01'00" W, 30.00 feet with the south line of said 0.032 acre tract to the southwest corner thereof, being on the west line of said 0.091 acre Zusubb tract and the east line of that certain tract of land described in deed to Zusubb, LLC, recorded in Document Number 2014-75884 of the Real Property Records of Denton County, Texas, (point is in an existing building and cannot not be set);

THENCE N 01°15'00" W, 0.12 feet with the west line of said 0.032 acre City of Lewisville tract and the east line of said Zusubb tract in Document Number 2014-75884 to the northeast corner thereof, being the southeast corner of said 0.020 acre City of Lewisville tract in Document Number 2012-142651, (point is in an existing building and cannot not be set);

THENCE S 88°59'50" W, 15.00 feet with the south line of said 0.020 acre City of Lewisville tract and the north line of said Zusubb tract in Document Number 2014-75884 to the northwest corner thereof, being the southwest corner of said 0.020 acre City of Lewisville tract and being on the east line of said 0.670 acre City of Lewisville tract, (point is in an existing building and cannot not be set);

THENCE S 01°15'00" E, 75.10 feet with the west line of said Zusubb tract and the east line of said 0.670 acre City of Lewisville tract to a "+" found in concrete (reset "+" in concrete due to construction) at the southwest corner of said Zusubb tract and the southeast corner of said 0.670 City of Lewisville tract, being on the north line of Main Street;

THENCE S 89°02'20" W, 131.00 feet with the south line of said 0.670 acre City of Lewisville tract and the north line of Main Street to the POINT OF BEGINNING and containing approximately 2.463 acres of land.

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS : COUNTY OF DENTON : NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT WE, The City of Lewisville, the undersigned authority, do hereby adopt this plat designating the herein above described property as Wayne Ferguson Plaza Addition, an addition to the City of Lewisville, Denton County, Texas, and does hereby dedicate to the public use forever the streets and alleys shown hereon, and do hereby dedicate the easement strips shown on this plat for mutual use and accommodation of the City of Lewisville and all other public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, signs or other improvements shall be constructed or placed upon, over, or across the easement strips on said plat. The City of Lewisville and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, signs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of the easement strips, and the City of Lewisville and any public utility shall at all times have the right of ingress and egress to and from and upon any of said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone. A blanket easement of five (5) foot radius from the center point of all fire hydrants and a five (5) foot radius from the center point of all other appurtenances (fire hydrant valves, water meters, meter boxes, street lights) is hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting and maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservations set forth hereinafter, to the public use forever, all public use spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

Donna Barron
Donna Barron
City Manager
City of Lewisville, TX

STATE OF TEXAS : COUNTY OF DENTON : BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared Donna Barron, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 5th day of October, 2015.

Chingje J. Moke
Notary Public
State of Texas

My commission expires the 7th day of March, 2017.



THE UNDERSIGNED, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing plat of Wayne Ferguson Plaza Addition, an addition to the City of Lewisville, Texas, was submitted to the appropriate Planning and Zoning Commission or City Council as required by the ordinances of the City of Lewisville on the 15th day of October, 2015, and such body by formal action accepted the dedication of streets, alleys, parks, easements, public spaces and water and sewer lines, as shown and set forth in and upon said plat, and such body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

WITNESS MY HAND, this 15th day of Oct 2015

Julie Heinze
Julie Heinze
City Secretary
City of Lewisville, TX



All Variances (if any) from the General Development Ordinance approved by City Council.

Jamie Davis
Name: Jamie Davis
Date: 10-6-15
Planning and Zoning Commission
City of Lewisville, TX

SURVEYOR'S STATEMENT

I, Michael R. Barron, a Registered Professional Land Surveyor in the State of Texas, have surveyed the above property from an actual survey on the ground, and this plat is a true and correct copy of the survey made by me or under my supervision.



FINAL PLAT

Wayne Ferguson Plaza Addition

Lots 1-3, Block A

2.463 Acres

Zoned PU & OTC

Being a Replat of Lot 2, Block 3, part of Lot 1 and Lots 3-6 Block 3,

part of Lots 1-9 Block 6 and a portion of Poydras Street (called 50' right-of-way)

Original Town of Lewisville

in the

J.W. KING SURVEY, ABSTRACT NO. 696

CITY OF LEWISVILLE

DENTON COUNTY, TEXAS

CONSULTANTS, LLC
LAND SURVEYING CIVIL ENGINEERING PLANNING
LANDSCAPE ARCHITECTURE

111 Hillside Drive • Lewisville, TX 75057 • P: 972.436.9712 • F: 972.436.9715
144 Old Town Blvd. North, Ste 2 • Argyle, TX 76226 • P: 940.240.1012 • F: 940.240.1028
TBPES Firm No. 1798 TBPES Firm No. 10047700

DRAWN BY: CC DATE: 8/24/15 SCALE: ----- JOB No. 15148

OWNER/DEVELOPER
City of Lewisville
P.O. Box 299002
Lewisville, Texas 75029-9002
Ph. 940-219-3400
Contact: Eric Ferris

Filed for Record
in the official records of
Denton County
On: Nov 17, 2015 at 12:09P
As a
Plat Record
WAYNE FERGUSON PLAZA ADDITION
Doc Number: 2015- 438
No of Pages: 2
Amount \$ 100.00
Receipt Number - 130446
By: _____
Signs Per: _____

File: Z:\2015\15148\Drawings\15148 & Detail Plans\15148.FP
Printed: 8/27/2015 8:27 AM by: C:\Users\mbaron

EXHIBIT B

William Peck & Associates, Inc
105 W. Main St.
Lewisville, TX 75057

March 18, 2016

City of Lewisville
RE: 119 W. Main St

To Whom It May Concern:

Please let this letter serve as a narrative for consideration for the exterior renovation of the existing building at 119 W. Main St.

We will be updating the back of the building by adding a balcony. This is similar to our previous request however we have lowered the balcony to reduce the number of stairs. The new balcony is in conjunction with 115 W Main balcony

Please contact me if you have any questions at 214-707-0304
Thank you for your consideration.

William Peck, AIA
William Peck & Associates, Inc



PERC
ON THE PLAZA

BB2

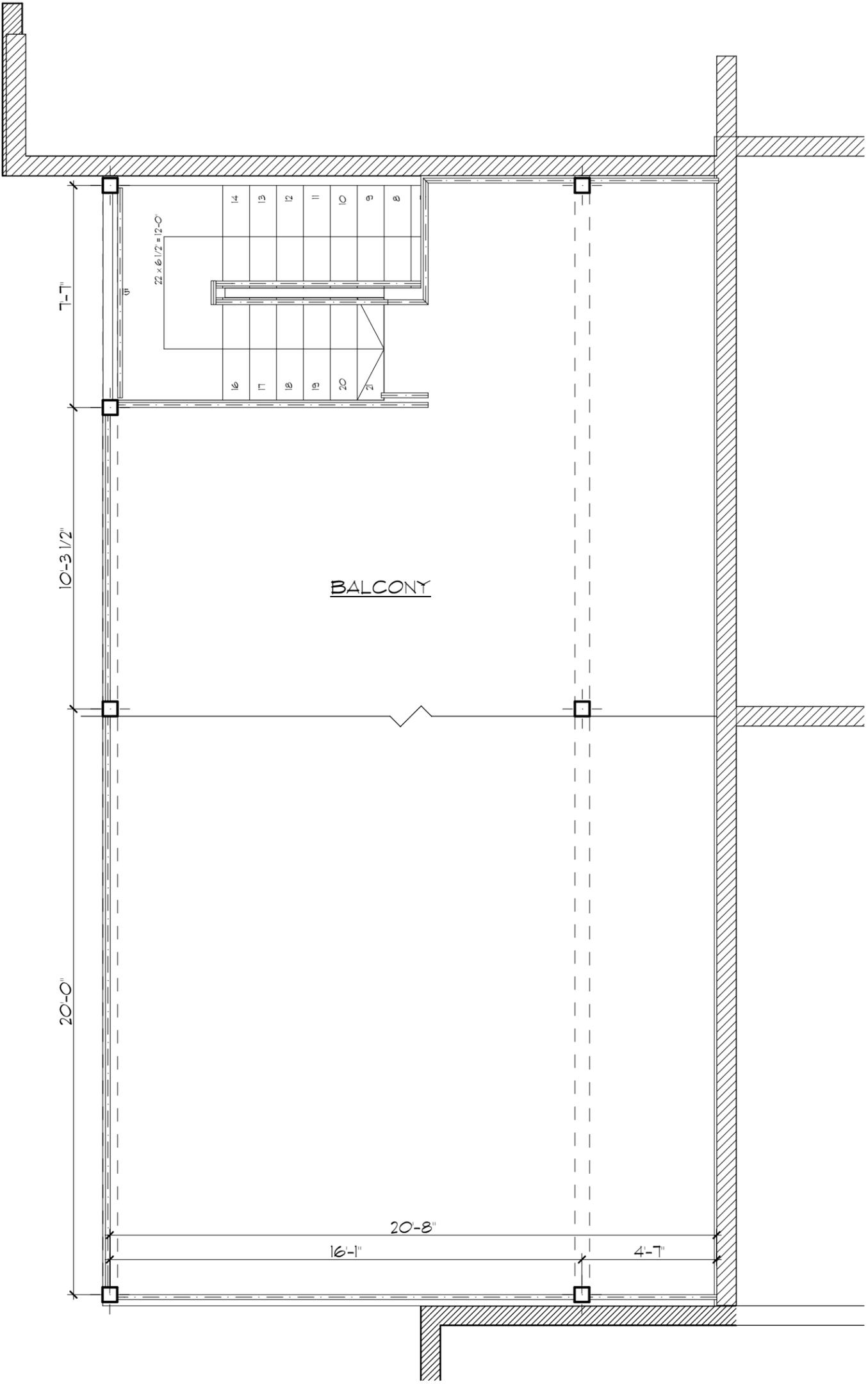


EXHIBIT C

INSURANCE REQUIREMENTS **LESSEES (NO AUTO RISKS) AND SPECIAL EVENTS**

Lessee shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Lessee's operation and use of the leased premises. The cost of such insurance shall be borne by the Lessee.

A. MINIMUM SCOPE OF INSURANCE

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage "occurrence" form CG 00 01 (10 01). **Claims Made" form is unacceptable.**
2. Workers' Compensation insurance as required by the Labor Code of the State of Texas and Employers' Liability insurance. Workers' Compensation insurance is only required if Lessee has paid staff on site.

B. MINIMUM LIMITS OF INSURANCE

Lessee shall maintain limits no less than:

1. Commercial General Liability: \$500,000 limit per occurrence for bodily injury, personal injury and property damage, \$1,000,000 Aggregate.
2. Workers' Compensation and Employers Liability: Workers' Compensation Limits as required by the Labor Code of the State of Texas and Employers Liability minimum limits of \$100,000 per injury, \$300,000 per occurrence, and \$100,000 per occupational disease.

C. DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either 1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials and employees, or 2) the Lessee shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. OTHER INSURANCE PROVISIONS

The policies are to contain or be endorsed to contain the following provisions:

1. General Liability

- a. The City, its officers, officials, employees and volunteers are to be covered as "additional insured" as respects: liability arising out of premises owned, occupied or used by the Lessee. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers. Endorsement naming City as additional insured must be submitted with proof of insurance.
- b. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees or volunteers.

- c. Coverage shall state that the Lessee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability.
- d. Lessee's insurance shall be primary as respects to the City, its officers, officials, employees or volunteers.

2. Workers' Compensation and Employers Liability Coverage

The Lessee and/or Lessee insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees and volunteers for losses arising from the leased premises ; including losses arising from the employees of the lessee.

3. All Coverages.

Each insurance policy required by this clause to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

E. ACCEPTABILITY OF INSURERS

City prefers that insurance be placed with insurers with a Best's rating of **A-:VI or A or better** by Standard and Poors. .

F. VERIFICATION OF COVERAGE

Lessee shall furnish the Agency with certificates of insurance affecting coverage required by this clause. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates are to be received and approved by the City before the lease commences. The City reserves the right to require complete, certified copies of all required insurance policies at any time.

G. FOOD AND/OR LIQUOR COVERAGE

If food is being provided to attendees or participants, Lessee must provide Product Liability in the amounts listed above. If liquor is being served, Lessee must provide Host Liquor Liability, unless lessee is in the business of manufacturing, distributing, selling, serving, or furnishing alcoholic beverages, wherein a minimum \$1,000,000 Liquor Liability Policy will be required.

H. SPECIAL EVENTS

Insurance provided by the Lessee must cover all operations of the Special Event including but not limited to; participants, subcontractors, vendors, exhibitors, volunteers, etc. If the policy of the Lessee excludes any activity or group involved in the Special Event, the Lessee must provide proof of insurance as required by this agreement. Lessee must furnish separate certificates for each group or activity not included or covered by Lessee's insurance.

I. HOLD HARMLESS AND INDEMNIFICATION

Lessee agrees to defend, indemnify and hold the City, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by Lessee's breach of any of these terms and conditions or by any negligent or strictly liable act or omission of Lessee, its officers, agents, employees or subcontractors, in the performance of this Agreement; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from

the sole negligence or fault of the City, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of the Lessee and the City, responsibility and indemnity, if any, shall be apportioned in accordance with the law of the State of Texas, without waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

J. PROOF OF INSURANCE

Lessee is required to submit proof of insurance on a form acceptable to the City of Lewisville. Certificates of Insurance similar to the ACCORD form are acceptable. City will not accept Memorandums of Insurance or Binders as proof of insurance. City, at its own discretion, may require a copy of any policy presented to the City.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Josh Roberts, Emergency Administration Manager
Keith Marvin, P.E. Director of Public Services

VIA: Melinda Galler, Assistant City Manager

DATE: March 29, 2016

SUBJECT: **Approval of the City of Lewisville to Become a Member City in the North Central Texas Public Works Emergency Response Team and Enter Into the North Central Texas Public Works Mutual Aid Agreement; and Authorize the City Manager to Execute the Agreement.**

BACKGROUND

Lessons learned from past disasters have revealed the needs and benefits of an organized, local public works support capability. As such, the North Central Texas Public Works Emergency Response Team (PWERT) was created to facilitate critical public works assistance when an emergency or disaster overwhelms the local resources of a jurisdiction within the north central Texas area.

The North Central Texas PWERT is formed by and for local governments and operates on a voluntary quid pro quo basis. Entering this agreement allows the City of Lewisville to join 40 other member cities comprising the North Central Texas PWERT, and through the framework of the agreement provides for access to their public works manpower and equipment during an emergency.

ANALYSIS

The North Central Texas PWERT first deployed during the April 3, 2012 tornado outbreak and has since grown to a more robust capacity better able to meet regional need. For example, during the recent response to the tornado outbreak this past December, the North Central Texas PWERT mutual aid mechanism provided more than 500 personnel shifts and more than 800 equipment shifts in support of those jurisdictions that were impacted.

While cities sign the North Central Texas Public Works Mutual Aid Agreement to join the PWERT, it is always up to that City in any circumstance to either fulfill or abstain from a particular request for assistance. The agreement allows for this discretion, as well as addresses other legal and financial items.

Subject: PWERT MAA
March 29, 2016
Page 2

Additionally, once a member city joins the North Central Texas PWERT, if/when public works resources are necessary to support a local response, it only takes one call to get needed resources identified, located and sent. This call goes directly to a 24-hour response line and a team leader or member answers the call and coordinates the request at the direction of the requesting agency. This framework greatly streamlines the ability to get critical resources in a critical time frame, and reduces the workload on the impacted jurisdiction.

Disaster scenarios potentially causing the need for public works support include:

- Tornado or extreme high wind event
- Hazardous winter weather and snow or ice accumulation
- Flooding
- Utility Line Rupture or Explosion

To date, member cities include:

- | | | | |
|---------------|------------------|------------------------|-------------------|
| • Allen | • Ellis County | • Little Elm | • Rockwall |
| • Anna | • Eules | • McKinney | • Rowlett |
| • Arlington | • Farmers Branch | • Mesquite | • Sachse |
| • Carrollton | • Ferris | • Midlothian | • Tarrant County |
| • Cedar Hill | • Fort Worth | • Murphy | • Terrell |
| • Celina | • Glenn Heights | • North Richland Hills | • University Park |
| • Colleyville | • Grand Prairie | • Plano | • Weatherford |
| • Decatur | • Haltom City | • Princeton | • Westworth |
| • Denton | • Hutchins | • Red Oak | |
| • DeSoto | • Kaufman County | • Richardson | |
| • Duncanville | • Lancaster | • Richland Hills | |

Public works resources available through this agreement include:

- | | |
|--------------------------|------------------------------|
| • Public works personnel | • Chain saws |
| • Barricades | • Signage and message boards |
| • Heavy equipment | • Pumps |
| • Trucks and trailers | • Generators |
| • Sand bags | • Portable lighting |

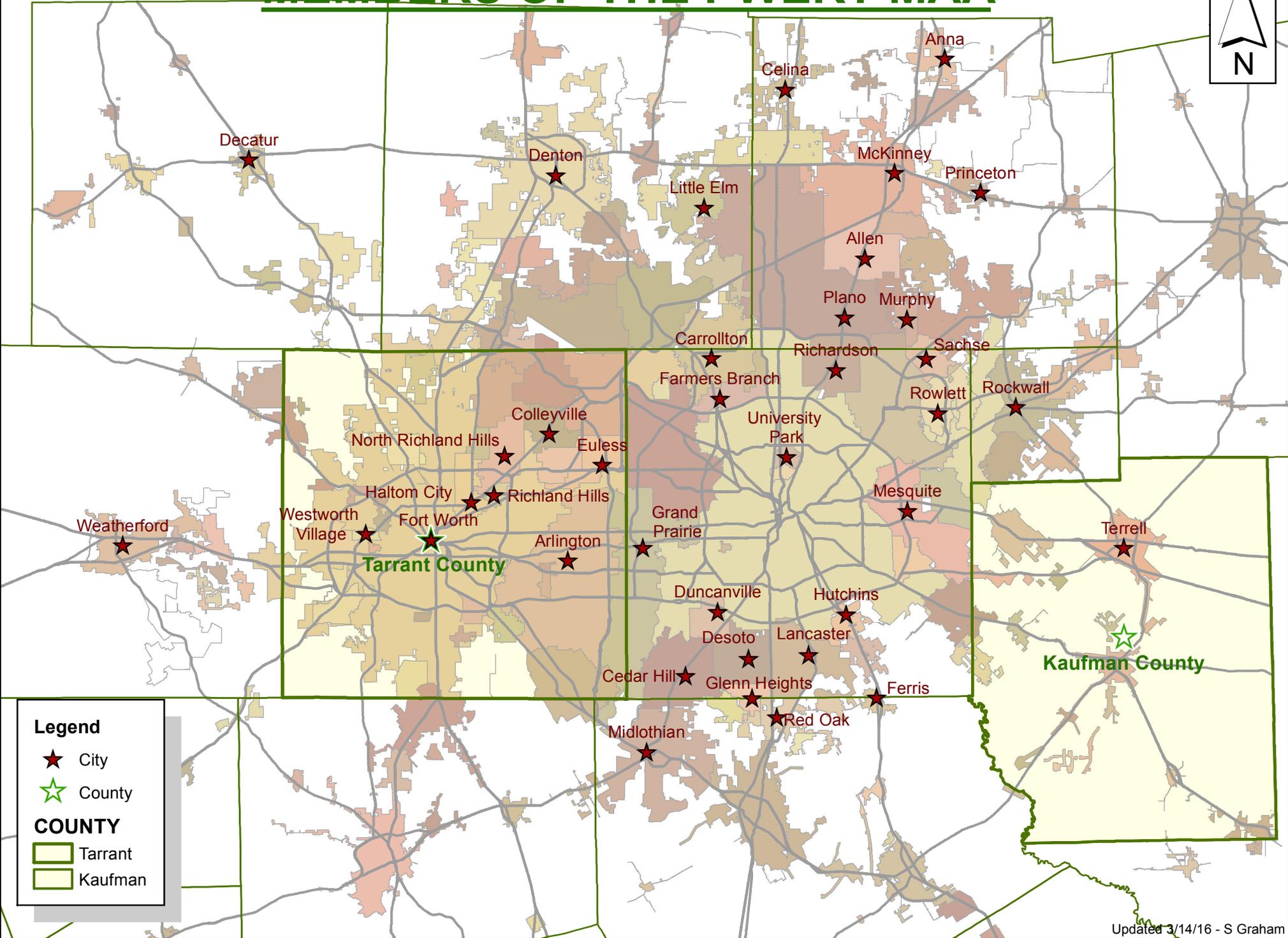
As the City of Lewisville's Emergency Management Coordinator and Public Services Director, we have visited with staff from other member cities, researched participation requirements and considered the terms of the agreement, and we both jointly support City participation in the agreement.

Subject: PWERT MAA
March 29, 2016
Page 3

RECOMMENDATION

It is City staff's recommendation the City Council approves the agreement as set forth in the caption above.

MEMBERS OF THE PWERT MAA



**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

This mutual aid agreement (“Agreement”) is entered into by, between, and among the North Central Texas Participating Local Governments and/or Public/Political Sub-Divisions located wholly or partially within the State of Texas acting by and through their duly authorized officials. The undersigned Participating Local Governments and any and/or Public/Political Sub-Divisions of the State of Texas adopting this agreement upon a formal order of their respective governing bodies as provided therein may be referred to in this Agreement individually as “Party” and collectively as “Parties.” By signing this document, and sending it to the Public Works Emergency Response Team, at an address maintained by the NCTCOG, the agency has indicated that it consents to be a party to this emergency mutual aid agreement, and acknowledges that it is not necessary to receive copies of the agreement from other agencies that are party to such agreement.

RECITALS

WHEREAS, the Parties recognize the vulnerability of the people and communities located within local governments and public subdivisions to damage, injury, and loss of life and property resulting in emergencies, disasters or civil emergencies and recognize that such incidents may present equipment and personnel requirements beyond the capacity of each individual (governmental entity) (Party); and

WHEREAS, the governing officials of the Parties desire to secure for each Party the benefits of Mutual Aid for the protection of life and property in the event of an emergency, disaster or civil emergency or public works emergency; and

WHEREAS, the Parties *that* wish to make suitable arrangements to provide Mutual Aid are so authorized, and make this Agreement pursuant to *all governmental power inherent in home rule and other municipalities and all statutory authority, including, but not limited to, the Interlocal Cooperation Act Chapter 791 of the Texas Government Code); the Texas Disaster Act of 1975 as amended Chapter 418 of the Texas Government Code including the Texas Statewide Mutual Aid System of the Emergency Management Chapter, set out in Subchapter E-1 of Texas Government Code, Section 418.111 et seq, and any amendments to that authority or other authority that may be set out in the constitution of laws of the State of Texas;*

WHEREAS, it is understood that the creation of this Agreement and the Texas Statewide Mutual Aid System (SB11) under Chapter 418 E-1 does not replace or supersede existing mutual aid agreements or interfere with the ability of municipalities to enter into written mutual aid agreements in the future. It is understood that if a written agreement is entered into by governmental entities or municipalities requesting resources, then the terms *of* that agreement control the rights and responsibilities of the participating parties to the extent the agreement provides terms that differ from the Texas Statewide Mutual Aid System.

WHEREAS, it is expressly understood that any mutual aid extended under this Agreement and the operational plan adopted pursuant thereto, is furnished in accordance with the “Texas Disaster Act” and other applicable provision of law and except as otherwise provided by law, that the responsible local official in whose jurisdiction an incident requiring Mutual Aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him/her through the operation of such Mutual Aid Plans;

**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

NOW, THEREFORE, the Parties agree as follows:

Section 1: Incorporation: The above whereas provisions and statements are incorporated as if written word for word below.

Section 2: Purpose: This Agreement is hereby established to provide planning and operating procedures whereby public works related Agencies may request aid and assistance in the form of personnel, equipment, materials and/or other associated services from other public works related agencies. This agreement allows for better coordination of efforts, identifies available resources and helps ensure that timely aid can be provided.

Section 3: Definitions

- A. "Agency" means any municipal public works agency, township road district, county highway departments, or any Public/Political sub-division that performs a public works function that abides by the provisions as found in this Agreement.
- B. "Administrative Agency" means the entity designated by the Parties to be responsible for maintaining the documents associated with this Agreement including distributing Point of Contact and Resource Inventory information.
- C. "Assisting Party" or "Responding Party" means the agency or organization which has received a request to furnish aid and assistance from another Party and has agreed to provide the same.
- D. "Civil Emergency" means an unforeseen combination of circumstances or the resulting consequences thereof within the geographic limits of a given jurisdiction that calls for immediate action or for which there is an urgent need for assistance or relief to protect the general citizenry.
- E. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, winter storm, biological or health hazards, dam or levee break, drought, explosion, riot,, acts of terrorism and other public calamity requiring emergency action or requiring homeland security activity (as that term is defined in Chapter 421 of the Texas Government Code entitled Homeland Security) that is or likely to be, beyond the control of the services personnel equipment and facilities of a Party that requires assistance under this Agreement, but must be coordinated through the appropriate local accredited/certified Emergency Management Agency coordinator.
- F. "Emergency" means any occurrence or threat thereof, whether natural or caused by man, in war or in peace, which results in substantial injury or harm to the population, or substantial damage to or loss of property.
- G. "Homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from a terrorist attack, natural or man-made disaster, hostile military or paramilitary action, or extraordinary law enforcement emergency.
- H. "Mutual Aid" means providing resources such as personnel, equipment, services and supplies. These resources support typical public works missions or tasks such as: removal of debris, restoration of water/wastewater operations, flood control, infrastructure system repairs, standby power, and damage assessment.

**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

- I. "National Incident Management System (NIMS)" means a Presidential directive that provides a consistent nationwide approach that allows federal, state, local and tribal governments as well as private sector and nongovernmental organizations to work together to manage incidents and disasters of all kinds.
- J. "Operational Period" shall mean a period of time beginning at the time of the request for Mutual Aid and lasting no longer than thirty six (36) hours. Typically assistance would be given in Twelve (12) hour shifts for operational efficiencies. It is the intention of this mutual aid to be for assistance in the initial response to the emergency and not part of the long term recovery. If assistance is requested beyond the initial 36 hours, then the Requesting Party must work with the Responding Party directly and put in place a mutual agreeable contract and payment for services rendered. It is also understood that any agency responding under this mutual aid agreement will not receive any reimbursement for their mutual aid assistance up to the first 36 hours, even if the event becomes a declared emergency by the President. After the first 36 hours repayment shall be provided. It is also understood that any agency for any reason may decline to assist or recall their mutual aid at any time.
- K. "Point of Contact" means a person and/or an agency's department/office serving as the coordinator or focal point of information dealing with public works emergency response activities.
- L. "Public Works Emergency Response Team" (PWERT) means a working group of Public Works Officials representing their agencies; whose mission is to develop and maintain a region wide network of public works' related agencies. This teams' principal purpose is to provide mutual aid response and recovery assistance, to each other, when confronted with natural or man-made emergencies or disasters. This Group is designated as the Administrative Agency to manage this Agreement.
- M. "Requesting Party" means the agency or organization receiving aid and assistance from a Assisting Party.
- N. Public/Political Sub-Division means a basic level of independent local government or quasi-government authorized by Section 52 of the Texas Constitution that typically have a specific or limited purpose including Dallas Fort Worth International Airport, Toll Authorities, independent school districts, water or wastewater districts and improvement and economic development districts and exist separately from general purpose local governments such as county, city or townships.

Section 4: Term

This Agreement shall become effective as to each Party on date of adoption as indicated on the signature page for each Party and shall continue in force and remaining binding on each and every Party for twelve (12) months from the effective date. This Agreement shall renew automatically for a period of one year upon the completion of the initial term and each subsequent term unless such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section 5 of this Agreement. Termination of participation in this Agreement by a Party or Parties shall not affect the continued operation of this Agreement between and among the remaining Parties

**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

Section 5: Termination

Any Party may at any time by resolution or notice given to all the other Parties decline to participate in the provision of Public Works Mutual Aid. The Governing Body of a Party shall, by Resolution, give notice of termination of participation in this Agreement and submit a copy of such resolution to the Administrative Agency and all other Parties. Such termination shall become effective thirty (30) days after filing of such notice. The termination by one or more of the Parties of its participation in this Agreement shall not affect the operation of this Agreement as between the other Parties hereto.

Section 6: Responsibility of Parties

Provision of Aid: Each Party recognizes that it may be requested to provide aid and assistance at a time when it is necessary to provide similar aid and assistance to the Party's own constituents. This Agreement shall not be construed to impose any unconditional obligation on any Party to provide aid and assistance. A Party may choose not to render aid and assistance at any time for any reason, or to recall aid that has been deployed at anytime.

Section 7: Request for Assistance: The request for assistance will:

- A. Be made only with a Declaration of a state of Local Civil Emergency or Declaration of Disaster by a Requesting Party pursuant to Section 418.108, Texas Government Code or after a proclamation of a State of Emergency under Section 433.001, Texas Government Code,
- B. Be made only without a Declaration of a state of Local Civil Emergency or Declaration of Disaster if the Requesting Party expects to use the resource(s) for less than one Operational Period or if the declaration of emergency is expected to be issued during the first Operational Period.
- C. Be made by the highest ranking authority of Requesting Party available at the time of need,
- D. Be made to the highest ranking authority of the Responding Party available at the time of need, and
- E. Specify to the greatest extent possible the nature of the problem requiring assistance and the resources requested.

Section 8: Procedures for Requests and Provision of Mutual Aid: See Attachment 1

Section 9: Cost Limitation

A Requesting Party shall not be required to reimburse a Responding Party for costs incurred during the first Operational Period as defined in Section 3 of this Agreement. A Requesting Party shall be required to reimburse a Responding Party for costs incurred after the first Operational Period.

**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

Section 10: Expending Funds:

A Responding Party that performs services or furnishes aid pursuant to this Agreement shall do so with their own current funds. No Party shall have any liability for the failure to expend funds to provide aid hereunder.

Section 11: Insurance

- A. Worker's Compensation Coverage: Each Party shall be responsible for its own actions and those of its employees and is responsible for complying with the Texas Workers' Compensation Act.
- B. Automobile Liability Coverage: Each Party shall be responsible for its own actions and is responsible for complying with the Texas motor vehicle financial responsibility laws.
- C. To the extent permitted by law and without waiving sovereign immunity, each Party shall be responsible for any and all claims, demands, suits, actions, damages, and causes of action related to or arising out of or in any way connected with its own actions and the actions of its personnel in providing Mutual Aid assistance rendered or performed pursuant to the terms and conditions of this Agreement. Each party agrees to obtain general liability and public official's liability insurance, if applicable, or maintain a comparable self-insurance program.

Section 12: Miscellaneous

- A. Entirety: This Agreement contains all commitments and agreements of the Parties with respect to the Mutual Aid to be rendered hereunder during or in connection with an Emergency, Disaster and/or Civil Emergency. No other oral or written commitments of the Parties with respect to mutual aid under this Agreement shall have any force or effect if not contained herein, except as provided in Section 12E below.
- B. Other Mutual Aid Agreements: This Agreement is not intended to replace or conflict with - local mutual aid agreements for other emergency response needs such as fire and police or for the other purposes
- C. Severability: If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provision of the Agreement that can be given effect without the invalid provision, and to this end the provisions of the Agreement are severable.
- D. Validity and Enforceability: If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made as part of the Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirement of the limitations, and so modified, this Agreement shall continue in full force and affect.
- E. Amendment: This Agreement may be amended only by the mutual written consent of the Parties.
- F. Governing Law and Venue: The Laws of the State of Texas shall govern this Agreement. In the event of an Emergency or Disaster physically occurring within the geographical limits of only one county that is a Party hereto, venue shall lie in the county in which the Emergency or Disaster occurred. In the event an Emergency or Disaster physically occurring in more

**NORTH CENTRAL TEXAS PUBLIC WORKS
MUTUAL AID AGREEMENT**

than one county that is a Party thereto, venue shall be determined in accordance with the Texas Rules of Civil Procedure.

- G. Signatories: The PWERT shall be the official repository of original pages of the Parties to this Agreement and will maintain an up-to-date list of those Parties. Each Party will retain a copy of their own originally signed document with an additional individual signature page from their Agency to be filed with the PWERT under this Agreement. *PWERT will maintain contact information from all of the parties and provide for a means of communication whenever there is a need to call for mutual aid. This agreement may be signed in multiple copies, and it is only necessary for the agencies to notify the PWERT and keep them informed of the contact information.*

- H. PWERT – the Administrative Agency, managing this agreement, provides for one membership seat for each participating agency and one alternate seat. The primary seat should be held by a Public Works Official or designee. The alternate seat should be held by a member of the jurisdiction of the Emergency Management Division or designee. The jurisdiction is not required to fill the seats, but, it is strongly recommended, in order to receive information and training for emergency response.

EXECUTED this _____ day of _____, 20__

_____, Texas
(Local Jurisdiction)

By: _____

Printed Name: _____

Title: _____

Attachment 1

PROCEDURES TO USE FOR THE NORTH CENTRAL TEXAS PUBLIC WORKS MUTUAL AID AGREEMENT

Here are the suggested steps for your agency to follow when using the Agreement. Generally if the Emergency Operations Center for your city is activated follow the incident command system and associated communications operations plan to request resources.

1. Requesting Party Steps to Follow:

- A. Assess the situation and determine the resources needed.
- B. Fill out the REQUESTING PARTY Checklist (Form 1).
- C. Locate agencies included in the agreement **OR** Contact the Public Works Emergency Response Team (PWERT) standby point of contact for assistance to complete the remaining steps.
- D. Call one or more agencies that may have the resources you need.
- E. Fill out a REQUESTING PARTY MUTUAL AID INFORMATION Form (Form 2).
- F. Send copy of the form to the RESPONDING PARTY as soon as possible.

2. Responding Party Steps to Follow:

- A. Make sure you can fulfill the request before providing an answer. Notes: 1) obtain required local authority to deploy the resources 2) providing assistance is voluntary and an agency is not required to fulfill the request if you determine the resources are critical to your operational needs.
- B. Analyze the risk level of the request.
- C. Complete the RESPONDING PARTY Checklist (Form 3) with the information given by the REQUESTING PARTY.
- D. Brief your employees and prepare the equipment.
- E. Complete the Employee & Equipment Information Form (Form 4). Provide copies to your responding staff and to the REQUESTING PARTY.
- F. Dispatch staff to the REQUESTING PARTY for assistance.

3. Supervision and Control: The responding personnel, equipment and other resources will be under the operational control of the Requesting Party. These response operations shall be NIMS compliant as well as organized and functioning within an Incident Command System (ICS), Unified Control System (UCS). Direct supervision and control of Responding Party's resources shall remain with their designated supervisor(s). The designated supervisor(s) shall: maintain personnel time records, material records and a log of equipment hours and report work progress to the Requesting Party. The Responding Party's personnel and other resources remain subject to recall by the Responding Party's authority at any time, subject to reasonable notice to the Requesting Party.

4. Food, Housing and Self Sufficiency: Unless specifically instructed otherwise, the Responding Party will have the ability to be self-sufficient as practicable from the time of arrival to their designated staging area location to the time of their arrival back at the Responding Party's home department. However, the Requesting Party may need to provide resources for tasks extending normal supplies. For example, if the required tasks require significant mobile activities and fuel, the Requesting Party should be prepared to augment their gas/diesel supplies.

**PROCEDURES TO USE FOR THE NORTH CENTRAL TEXAS
PUBLIC WORKS MUTUAL AID AGREEMENT**

5. Communications: Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Responding Party and the Requesting Party. Responding Party should be prepared to furnish their own internal communications equipment sufficient to only maintain communications among their respective operating units.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Josh Roberts, Emergency Administration Manager

VIA: Melinda Galler, Assistant City Manager

DATE: March 28, 2016

SUBJECT: **Approval of the City of Lewisville to Enter Into an Interlocal Agreement with the Denco Area 9-1-1 District for 9-1-1 Contact Database; and Authorization for the City Manager or her Designee to Execute the Agreement.**

BACKGROUND

The City of Lewisville maintains and operates the Lewisville Citizen Alert emergency notification system. This system integrates mapping technology with phone and email databases, and can be used to rapidly notify Lewisville residents and businesses of emergency situations.

As a public safety support service Denco Area 9-1-1 District will provide the 9-1-1 contact information and location database for use in emergency notification systems. Denco Area 9-1-1 District will provide this data extract, along with periodic updates, at no cost. To receive this data extract the City must enter into the Interlocal Agreement with the Denco Area 9-1-1 District.

ANALYSIS

The Lewisville Citizen Alert emergency notification system currently uses City utility customer contact information, citizen opt-in information (primarily for cell phones), as well as publicly available contact data such as “White Pages” and “Yellow Pages” contact information. The addition of the 9-1-1 contact data will help to further enhance the accuracy and reach of the Lewisville Citizen Alert emergency notification system.

Historically the 9-1-1 contact information and location database has been available via purchase from Intrado, Inc. Now, with the execution of this Interlocal Agreement, Denco Area 9-1-1 District will pay the cost for acquiring the data extract from Intrado, Inc. and will make the data available to the City of Lewisville. It is important to note that the data to be provided by Denco Area 9-1-1 District will include landline phones only, and will not include nomadic VoIP or wireless customer records - it remains important for our residents and businesses to register their mobile phone number thru our opt-in portal available through cityoflewisville.com/LewisvilleOEM.

Subject: Denco Area 9-1-1 Data
March 28, 2016
Page 2

RECOMMENDATION

It is City staff's recommendation that the City Council approves agreement as set forth in the caption above.



PSAP Managers
Emergency Managers
Fire Chiefs
Police Chiefs

Given the growth in the number of communities within the Denco Area 9-1-1 District operating emergency notification systems (ENS), Denco will begin providing the 9-1-1 location database and periodic updates for use in public safety ENS software. Denco will pay the cost for acquiring the data extract from the 9-1-1 database provider and will make the data available as a public safety support service.

Denco will acquire and provide the ALI database extract in NENA2 format. We have verified this format is supported by the major ENS systems, including Code Red and Everbridge.

One thing to keep in mind about the ALI extract is that is landline/wireline only. It does not include nomadic VoIP or wireless customer records. Those data types are not stored in the ALI database and are most often obtained through citizen self-subscription on the ENS operator's web-facing interface.

If you are interested in receiving this data extract, please let me know and I will forward the Interlocal Agreement needed to participate. We will be able to provide the initial extract in early 2016.

Please let me know if you have any questions or concerns.

Greg

Greg Ballentine
Deputy Executive Director



EMERGENCY NOTIFICATIONS

Lewisville Citizen Alert is an emergency notification system used to make rapid emergency notifications to residents and businesses in the city of Lewisville. The system is used by Lewisville emergency officials to deliver severe weather notifications and incident-specific information or potentially life-saving instruction to those in the affected area(s).



How It Works

Lewisville Citizen Alert integrates mapping technology with phone and email databases, to rapidly notify Lewisville residents and businesses of emergency situations.

Sign-up to receive these emergency notifications via mobile phone, text or e-mail!
Visit cityoflewisville.com/LewisvilleOEM

Comprehensive Emergency Warning Program

Lewisville Citizen Alert is used in conjunction with other warning and alerting systems. No single tool will provide enough warning to all residents in all situations. This system is only one component of the overall comprehensive emergency warning program and should not be your sole means of emergency notification.



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

OFFICE OF EMERGENCY MANAGEMENT

Main Line: 972.219.5089

Emergency Info Hot Line: 972.219.3700

EmergencyManagement@cityoflewisville.com

www.cityoflewisville.com/LewisvilleOEM

twitter.com/LewisvilleOEM

[facebook.com/Lewisville-Office-of-](https://facebook.com/Lewisville-Office-of-Emergency-Management)

[Emergency-Management](https://facebook.com/Lewisville-Office-of-Emergency-Management)

Agreement. Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party.

3. **Denco's Obligations.** Denco will acquire an Automatic Location Information (ALI) database extract in NENA2 format ("9-1-1 Location Database") from Denco's 9-1-1 database provider, and will provide that information to Lewisville. The 9-1-1 Location Database will include landline/wireline only, and will not include nomadic VoIP or wireless customer records. The 9-1-1 Location Database will be provided to Lewisville within 30 days of the execution of this Agreement, and will be updated by Denco at least once per year during the term of this Agreement.
4. **Costs.** The cost of acquiring the 9-1-1 Location Database and providing it to Lewisville shall be the sole responsibility of Denco. The cost for operation of Lewisville's ENS, including all charges by the ENS provider and all operational costs, shall be the sole responsibility of Lewisville. Denco will not be liable for any costs incurred by Lewisville for any component or operation of Lewisville's ENS system.
5. **Data.** The data contained in the 9-1-1 Location Database is to be used for the purpose of warning or alerting citizens of an emergency situation where property or human life is in jeopardy, and is to be maintained as confidential and not subject to public inspection in accordance with Texas Health and Safety Code, Section 771.061(a). It is not to be sold or provided in any way to any agency/business, but is to be used for the sole purpose of protecting life and property. In the event that this agreement is terminated by either Party, Lewisville will immediately destroy all data provided by Denco under this agreement, unless such destruction is prohibited by federal, state, or local laws or regulations.
6. **Notices.** All notices pertaining to this Agreement shall be in writing and shall be deemed delivered (i) when received at the Party's address if hand delivered or sent via overnight delivery service by way of USPS, UPS, FedEx, or similar carrier, or (ii) on the third (3rd) business day after being deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the Parties at the respective addresses set forth below or at other addresses as may have been previously specified by written notice delivered in accordance with this Agreement.

City of Lewisville

Attn: City Manager
151 West Church Street
Lewisville, TX 75057

P.O. Box 299002
Lewisville, Texas 75029-9002

Denco Area 9-1-1 District

Attn: Executive Director
1075 Princeton Street
Lewisville, Texas 75067

P.O. Box 293058
Lewisville, Texas 75067

7. Other Laws. Denco and Lewisville agree to abide by all pertinent federal, state and local laws and regulations.
8. Amendment. This Agreement may only be amended by the mutual agreement of the Parties' hereto in writing and any amendments shall be attached to and incorporated into this Agreement.
9. Entire Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof, and no other agreement, statement or promises relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

CITY OF LEWISVILLE

BY:

_____ DATE: _____
Donna Barron, City Manager

DENCO AREA 9-1-1 DISTRICT:

BY:

_____ DATE: _____
Mark Payne, Executive Director

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Steven L. Bacchus, Assistant City Manager

DATE: April 13, 2016

SUBJECT: **Approval of a Resolution Directing Oncor Electric Delivery Company, LLC to File Certain Information With the City of Lewisville; Setting a Procedural Schedule for the Gathering and Review of Necessary Information in Connection Therewith; Setting Dates for the Filing of the City's Analysis of the Company's Filing and the Company's Rebuttal to Such Analysis; Ratifying the Hiring of Legal Counsel and Consultants; Reserving the Right to Require the Reimbursement of the City of Lewisville's Rate Case Expenses; Setting a Public Hearing for the Purposes of Determining if the Existing Rates of Oncor Electric Delivery Company are Unreasonable or in Any Way in Violation of Any Provision of Law and the Determination by the City of Lewisville of Just and Reasonable Rates to be Charged by Oncor Electric Delivery Company, LLC.**

BACKGROUND

Oncor Electric Delivery Company, LLC provides electric distribution and transmission services to approximately 417 meters (less than 1% of overall meters in Lewisville) and 6 street lights within Lewisville. Coserv Electric has approximately 2,500 meters and Texas New Mexico Power has approximately 43,000 meters.

Lewisville is a member of the "Steering Committee of Cities Served by Oncor" (OCSC), which includes approximately 149 cities.

ANALYSIS

The City, along with OCSC, has reason to believe that ONCOR is over-earning revenues and subsequently their rates are excessive to the consumer, thus the reason for the show cause resolution requiring ONCOR to show why its transmission and distribution rates should not be reduced.

The following is reasoning for the need for ONCOR to show that their rates should not be reduced.

- In 2007 TXU was publicly traded and taken by investors who created Energy Future Holdings (EFH).
- Texas Public Utility Commission (PUC) required ONCOR to be financially and structurally "ring fenced" (protected) from the deregulated portions of TXU (generation company) and TXU Energy (REP) to avoid ONCOR from being drawn into bankruptcy.

Subject: Resolution Oncor Electric
April 13, 2016
Page 2 of 2

- Between 2008-2014, EFH had \$40B in debt which could not be paid. Major cause was the reduction in gas prices and EFH could not make significant profits on sale of electricity to meet the debt obligations.
- April 29, 2014 EFH and approximately 70 subsidiaries (excluding ONCOR) filed for bankruptcy in Delaware.
- On December 7, 2015 bankruptcy court signed an order approving EFH's Sixth Amended Joint Plan of Reorganization with plan to sell ONCOR to consortium of investors who would divide ONCOR into two companies and create a Real Estate Investment Trust (REIT) in order to provide Hunter Hunt sale control over ONCOR operation and allow REIT owners to capture all federal tax savings derives from the REIT structure.
- On September 29, 2015 Hunt and Purchasers filed an Application at PUC for approval of the transaction that would transfer ownership and control of ONCOR and restructure ONCOR.
- On January 11-14, 2016, PUC conducts hearing to determine if REIT transaction is in the Public Interest.
- On March 24, 2016 PUC approve transaction (2-1) subject to numerous conditions to offset risks associated with the REIT. Commission discussion included attention to the fact that REIT would review immediate and permanent exemption from federal taxation to the extent that the REIT would distribute said funds to owners and avoid the Asset Company paying on Federal income tax (ONCOR would be divided into two companies: (1) asset company who owns the capital; and, (2) the operating company which would leave the capital assets from the asset company.)

ONCOR is currently collecting \$200-\$250 million annually from rate payers for payments to the IRS. The two commissions who voted for the transaction expressed belief that the tax savings should be shared with the ratepayers, however, the PUC could not reduce the rates as the application was not for a rate case but for transfer of ownership.

To provide relief from the situation, cities must initiate a rate proceeding by passing the proposed show cause resolution or wait for the PUC to take formal action which is not scheduled to occur until mid-2018 at the earliest.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the resolution as set forth in the caption above.

RESOLUTION NO. _____

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE CITY OF LEWISVILLE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF LEWISVILLE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF LEWISVILLE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the City of Lewisville is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

WHEREAS, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and,

WHEREAS, the City of Lewisville has reason to believe that Oncor is over-earning and its rates are excessive; and,

WHEREAS, the City of Lewisville is a member of the Steering Committee of Cities Served By Oncor; and,

WHEREAS, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and,

WHEREAS, the City of Lewisville, and the City Council of the City of Lewisville desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and,

WHEREAS, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from Oncor, the filing of an analysis of such information by the City, the filing of rebuttal information from Oncor, and a public hearing at which time the City shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

SECTION I. This resolution constitutes notice of the City’s intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the City of Lewisville information that demonstrates good cause for showing that Oncor’s transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the City of Lewisville information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor’s cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

SECTION II. City's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

SECTION III. City's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

SECTION IV. Oncor shall file any rebuttal to the analysis of City's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

SECTION V. A public hearing shall be conducted by the City Council for the City of Lewisville during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the City of Lewisville's consultants will each be allowed to address the City Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the City Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the City of Lewisville, Texas.

SECTION VI. The City Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

SECTION VII. Subject to the right to terminate employment at any time, the City of Lewisville hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the City of Lewisville in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The

Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

SECTION VIII. Fees and expenses of attorneys and consultants assisting the City in the Steering Committee's review of the reasonableness of Oncor's rates will be processed through the Steering Committee but the City reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

SECTION IX. That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

SECTION X. EFFECTIVE DATE. This resolution shall become effective on April 18, 2016.

SECTION XI. That a copy of this Resolution shall be sent to E. Allen Nye, Jr., Senior Vice President, General Counsel and Secretary, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Geoffrey Gay, General Counsel to the Steering Committee of Cities Served by Oncor, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18th DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM

TO: Donna Barron, City Manager
FROM: David Salmon, P.E., City Engineer
VIA: Eric Ferris, Assistant City Manager
DATE: April 18, 2016
SUBJECT: **Approval of an Amendment to the City Thoroughfare Plan to Change the Designation of Mill Street From Tennie Drive to Oakridge Boulevard From a Collector 2-Lane Undivided (C2U) Roadway to a Residential Street.**

BACKGROUND

The City of Lewisville’s Master Thoroughfare Plan currently indicates Mill Street from Tennie Drive to Lake Park Boulevard as a Collector 2-lane Undivided roadway (C2U) with 60 foot required R.O.W. This section of Mill Street is a 2-lane asphalt roadway with homes on both sides and is posted with a 40 mile per hour speed limit.

ANALYSIS

The roadway designation assigned to roads on the Thoroughfare Plan determines the turn lane requirements, median opening spacing, driveway spacing, minimum right of way width, and other parameters required for that designation. A Collector Street designation has a more restrictive access control requirement due to the expectations of greater vehicle demand. In addition, speed limits on a collector street are typically set at the 85th percentile speed based on a speed study.

Staff held a neighborhood meeting in 2015 for the neighborhood along North Mill Street, Tennie, Drive, East Shore and West Shore to discuss and receive input regarding planned street, drainage and utility improvements. One of the most overwhelming neighborhood concerns was the speed of vehicles traveling on North Mill Street. Staff conducted traffic counts on north Mill Street in April, 2015. Mill Street from Tennie Drive to Oakridge Boulevard has on average only 1,269 vehicles per day. The average daily traffic on other sections of Mill Street are as follows:

Mill Street	Tennie toOakridge	Oakridge to Lake Park	Lake Park to Jones	
	1,269	3,976	9,899	Veh/day

There are homes fronting on both sides of Mill Street between Tennie Drive and Oakridge Boulevard. South of Oakridge Boulevard, Mill Street becomes more typical of a minor collector as there are fewer single residential properties and the adjacent properties include a Church, multi-family housing, commercial properties and Lake Park. The removal of the Collector Street designation will allow Mill Street from Tennie Drive to Oakridge Boulevard to be treated as a residential street with speed limits and signage set in accordance with that use without conducting a speed study.

Subject: Amend Mill Street Designation on Thoroughfare Plan

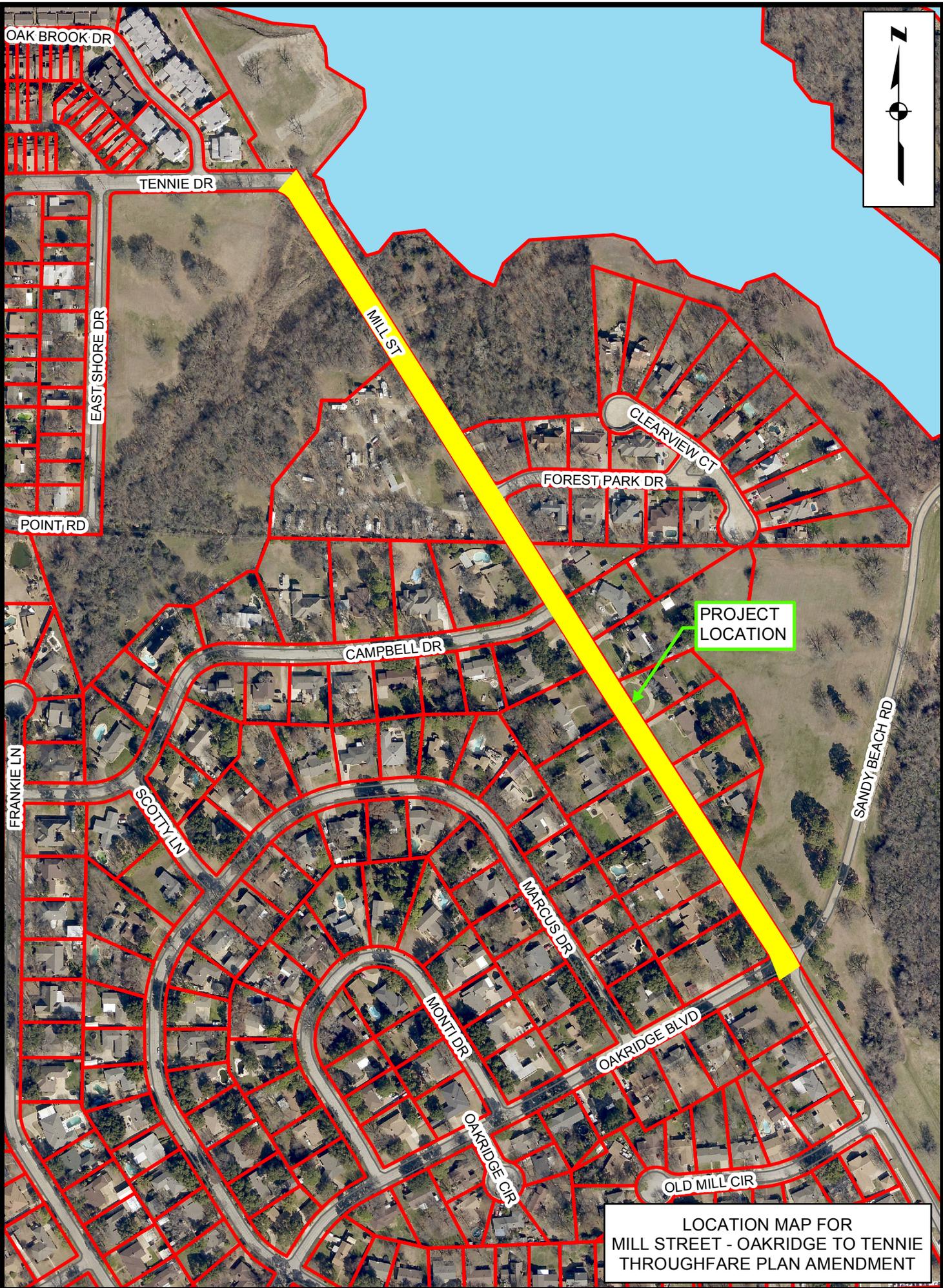
April 18, 2016

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The Transportation Board considered this item at the March 15, 2016, meeting and voted six to zero in favor of recommending the amendment to change the designation from Collector Street to Residential Street for Mill Street from Tennie Drive to Oakridge Boulevard.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the amendment to the Thoroughfare Plan as set forth in the caption above.



LOCATION MAP FOR
MILL STREET - OAKRIDGE TO TENNIE
THROUGHFARE PLAN AMENDMENT

**MINUTES
TRANSPORTATION BOARD**

**TUESDAY, MARCH 15, 2015
6:35 P.M.**

Item No. 1 Call to Order and Announce a Quorum is Present

Chairman James Davis called the Lewisville Transportation Board meeting to order at 7:20 p.m. and announced that a quorum was present with the following members in attendance:

Sean Kirk
Brandon Jones
Mary Ellen Miksa
Alvin Turner
Kristin Green
James Davis

Members absent: Steven Byars

Staff Present: Kevin Nims, David Salmon, Sagar Medisetty and June Sin

Item No. 4 – Consideration of an Amendment to the City Thoroughfare Plan to Change the Designation of Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-Lane Undivided to a Residential Street and Make a Recommendation to the City Council Regarding the Amendment

Kevin Nims presented this item to the Board, stating that this item refers to the Thoroughfare Plan. He clarified that the designation should be changed from a Collector 2-Lane Undivided to a Residential Street. North of Oakridge Boulevard the roadway does not meet the volume required for a collector street. The street is currently used as a typical minor carrier with single family residences facing the street. Taking off the designation would allow the speed limit to be reduced to 25 miles per hour as it would fall under the City's blanket ordinance for speeds on residential streets.

- Kristin Green asked about the future reconstruction of the street. David Salmon explained that appropriate street width will be assessed at the time of reconstruction but it is likely for the street width to remain close to current width.
- Mary Ellen Miksa asked about if street parking will be allowed. David Salmon explained that the staff was pursuing no parking along the street.
- Sean Kirk asked about current residents parking needs. David Salmon explained that not allowing any parking along the street was discussed at the neighborhood meeting a year ago. Residents did not show objections.

A motion was made by Kristin Green and seconded by Mary Ellen Miksa to approve Consideration of an Amendment to the City Thoroughfare Plan to Change the Designation of

Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-Lane Undivided to a Residential Street and Make a Recommendation to the City Council Regarding the Amendment. There were all ayes and the motion passed.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **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).**

BACKGROUND

The public hearing for the proposed SUP was continued from the February 15, 2016 and March 7, 2016 City Council meetings and held on the March 21, 2016 City Council meeting. This item was tabled at the March 21, 2016 and April 4, 2016 City Council meetings. This 1.212-acre property is located at the northwest corner of FM 3040 and SH 121 Business. The vacant property abuts a retail center zoned Local Commercial on the western boundary; the single-family residential development of Carrington Village on the northern boundary and State Highway 121 Business on the eastern boundary. This property was platted as part of the Carrington Village plat but has never been developed. Currently, the Goodyear Auto Care facility operates out of the end of the adjacent retail center to the west of the proposed site.

This site and the area that is now Carrington Village was rezoned from AO (Agriculture-Open Space) to GB in 1980. The site containing the adjacent retail center to the west was rezoned from AO to LC in 1984. The retail center was constructed in 1986. Carrington Village was rezoned from GB to ETH (Estate Townhouse) in 2005.

Staff has received two phone calls from neighboring residents concerned over the hours of operation and noise. Four letters from adjacent property owners were also submitted with concerns over noise, air quality, mosquitos and screening wall damage. Three of these residents have withdrawn their letters of opposition and have expressed their support for the project. The remaining property owner, who owns the retail center to the west, represents approximately 41% of the 200-foot notification area; therefore, a three-fourths (3/4) vote of all members of the City Council will be required to approve the SUP. A three-fourths (3/4) vote equates to a vote of 5-0. Two tenants from the retail center have also submitted letters of opposition.

After receiving the concerns related to noise, staff requested police reports at this location from the last year. Two noise complaints were received, one on October 2, 2015 and the other on October 19, 2015. In both instances, individuals were found behind the retail center working on a vehicle.

Subject: SUP Goodyear Auto Care Facility

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The individual in the first instance was in the process of leaving the site while the individual in the second instance was given a verbal warning by the police officer. The reports did not indicate that the individuals involved were employees of Goodyear. Copies of both police reports are provided as part of the backup information associated with this item. One concern of staff is the possible re-occupation of the existing facility for an automotive use after the Goodyear relocation to the adjacent site. Another automotive use can resume operation in the current Goodyear facility without approval of an SUP if done so within 90 days after Goodyear ceases operation at that facility.

The applicant has held meetings with adjacent residents to the north within Carrington Village over past few weeks to discuss the residents' concerns. The applicant has also met with the owner of retail center to the west to address his concerns. To address the concerns of the adjacent residents, the applicant proposes to add an 8-foot, stained, board-on-board cedar fence with a top rail on top of a 3-foot berm in the landscape buffer along the north and west property lines to provide additional screening.

Four variance requests are associated with this development that will be considered in conjunction with the SUP. The variances are: a) to waive the deceleration requirement; b) to waive the 250-foot control of access from the intersection of SH 121 Business; 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 of February 2, 2016.

ANALYSIS

Building

The applicant has outgrown the current facility and is proposing to build a new 7,800 square-foot building with 12 service bays. The services provided at this facility would include tire sales and installation, wheel alignment, fluid replacement, brake service, routine maintenance, as well as diagnostic and minor auto repairs. The facility will not provide services for body work or painting of vehicles. The proposed hours of operation by Goodyear are 7:30 a.m. to 6:00 p.m. (7:30 a.m. - 7:00 p.m. Summer) Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday. The original site layout oriented the service bays toward FM 3040 and the residential neighborhood to the north. Staff encouraged the applicant to rotate the building and orient the service bays doors toward SH 121 Business and the existing commercial strip center. This minimizes the exposure of the service bays, customer parking and activity to the residential properties to the north. Brick and stone exterior materials are proposed in compliance with the City of Lewisville brick veneer gateway requirements. The wainscot of synthetic stone will cover the lower five feet of the building with the remainder of the building being constructed of brick. The building will have a blue standing seam metal roof as illustrated in the color elevations. The eastern and western elevations will each have six service bay doors with the ability to service 12 vehicles at one time. Customers will enter the facility from the western side of the building. The northern elevation facing the residential area has no windows or doors. The southern elevation, which will face FM 3040, will contain windows to the offices and customer waiting area.

Screening

An existing masonry screening wall six feet in height is located at the common property line between the single-family residential and this lot. The applicant is proposing to further screen the single-family residential by offsetting the building approximately 40-feet from the rear property line and creating a 15-foot landscape buffer that will contain 10 live oak trees. The applicant also proposes an 8-foot, stained, board-on-board cedar fence with a top rail on top of a 3-foot berm to provide additional screening.

Landscaping

All four sides of the site contain an enhanced landscape buffer. As indicated in the screening section, the rear portion of the property will have a 15-foot landscape buffer with 10 live oak trees shielding the residential area to the north. The FM 3040 frontage will have a 25-foot landscape buffer that will include trees and shrubs (chinese pistache, live oak, desert willow, cedar elm, silverberry, dwarf burford holly). The SH 121 frontage has a landscape buffer of approximately 30 feet filled with a variety of trees and plantings. The western side of the site abutting the retail center also has a minimum 25-foot landscape buffer that will be lined with a variety of trees. The applicant is providing triple the required number of trees on the site with a total of 37 trees compared to a minimum requirement of 12 trees.

Signage

The applicant is proposing a monument sign that will be constructed of brick and stone to match the building. The monument sign will contain an electronic reader board in compliance with ordinance requirements. No pole sign is proposed for this site. Additional wall signage is proposed for the building façade as depicted on the color elevations. The proposed wall signs must conform to ordinance requirements.

Variances

a) To waive the deceleration requirement

Section 6-103 (f)(3)(a)

All driveways connecting to Major Traffic Carriers such as FM 3040 require a deceleration lane. Per discussions with the Texas Department of Transportation (TxDOT), it was determined that TxDOT will not require a deceleration lane at the existing driveway to the subject property. TxDOT is requiring a 40-foot ingress radius to assist turning movement into the driveway. Staff has no opposition to waive the deceleration lane requirement.

b) To waive the 250-foot control of access from the intersection of SH 121 Business

Section 6-103 (c)(1)

Major Traffic Carriers on the City of Lewisville Thoroughfare Plan including FM 3040 require a 250-foot control of access from any street intersections. Control of access is the distance from a street intersection measured from the intersecting right of way lines to the radius point of the first permitted driveway along the street. The owner has requested a variance to allow an improved driveway to be 118.7 feet from SH 121 Business along FM 3040.

Subject: SUP Goodyear Auto Care Facility

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The existing driveway to the subject property will be improved by constructing a larger turning radii. The existing driveway was built by TxDOT in the 1990's with the FM 3040 improvement project and aligns with the median opening and left turn lane. Staff has no opposition to the request since the driveway aligns with the existing FM 3040 median opening and since TxDOT will not allow a driveway to the property from the SH 121 Business ramp of the east side of the property. This is the only driveway access to this property.

c) To waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot

Section 6-103 (c)(2)(a)

The City of Lewisville Thoroughfare Plan requires a minimum 230-foot spacing between driveways on adjacent lots along Major Traffic Carriers. The improved driveway onto FM 3040 will be 66.18 feet from the adjacent driveway located west of this property. The variance would allow the improved driveway location access to the existing median opening and left turn lane on FM 3040. Staff is not opposed to the request. This will be the only driveway for the property since TxDOT will not allow a driveway from the SH 121 Business ramp on the east side of the property; and it aligns with the existing FM 3040 median opening.

d) To reduce the required 10-foot setback to 5-feet from the existing water and sanitary sewer easement.

Section 6-95 (b)

Per this section of the Land Development Regulations, a 10-foot building setback is required from all pressured utility line easements. The existing 20-foot water and sanitary sewer easement was dedicated by the Carrington Village Phase II plat to the City in 2007. Currently, there are no City water lines or sanitary sewer improvements in this existing easement. The existing water line along FM 3040 is built in the TxDOT right-of-way and the sanitary sewer serving the property is located at the northwest corner of the lot. In the future, the owner will be replatting the property to abandon the existing water and sanitary sewer easement. Staff is not opposed to this variance request since there are no existing or proposed water or sanitary sewer improvements that would use the existing 20-foot water and sanitary sewer easement.

The first three variance requests listed above are similar to variance requests granted at the Legends Car Wash site on the south side of FM 3040 east of the Walmart Super Center. If the SUP is denied, staff recommends that the City Council approve the four variance requests so that a future permitted use may move forward with development of the property.

SUP Conditions

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 and other materials 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.

Subject: SUP Goodyear Auto Care Facility

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- 4) An eight-foot (8'), 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.
- 5) The area between the existing masonry wall and the eight-foot (8'), stained, board-on-board cedar fence shall be maintained by the property owner.

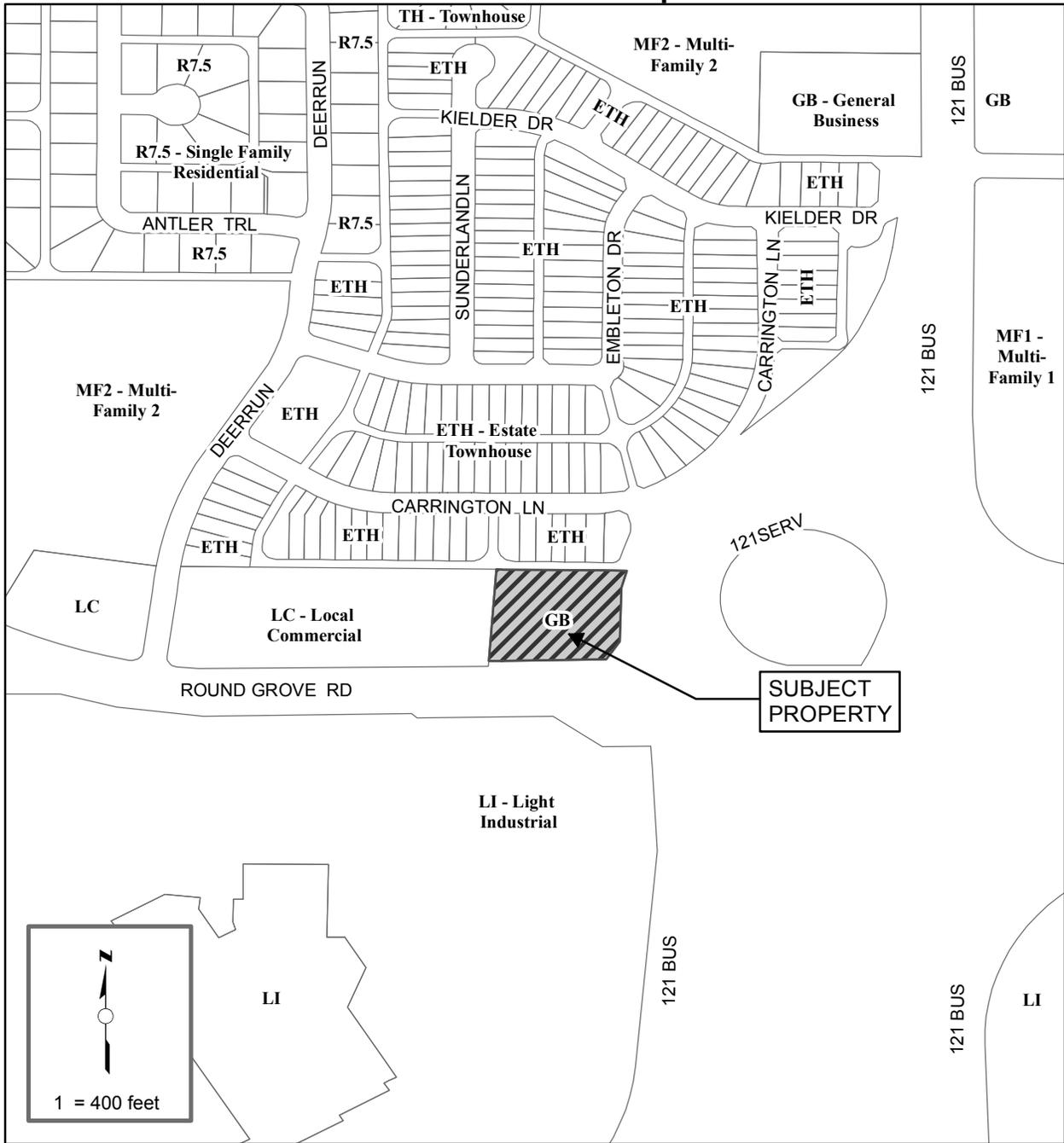
Summary

The applicant has laid out the site to minimize the impacts of the facility on the surrounding area. Enhanced architectural building design and landscaping have also minimized the visual impacts typically associated with an automotive repair facility. Over the past few weeks, the applicant has worked with the residential property owners to the north to address their concerns. These property owners, who were initially opposed to the project, now support the project. The applicant has confirmed that Goodyear will move out of the current facility at the end of the current lease regardless of the outcome of the SUP request. If the SUP is denied, the applicant has expressed a desire to pursue another location along the FM 3040 corridor. There also remains a possibility that a permitted use such a restaurant, office or retail establishment could develop at this site without additional landscape buffers and screening devices and without limited signage and hours of operation. Staff originally took a neutral stance on the SUP request due to the possibility that another automotive repair facility could continue operations in the current Goodyear facility without SUP approval if Goodyear relocates to the new site. Although this still holds true, when considering the factors discussed above, staff is comfortable with the proposal as presented and; therefore, recommends approval of the SUP.

RECOMMENDATION

It is City staff's recommendation that the City Council approves the ordinance and variances as set forth in the caption above.

Location Map



CASE NO. SUP-2016-02-01

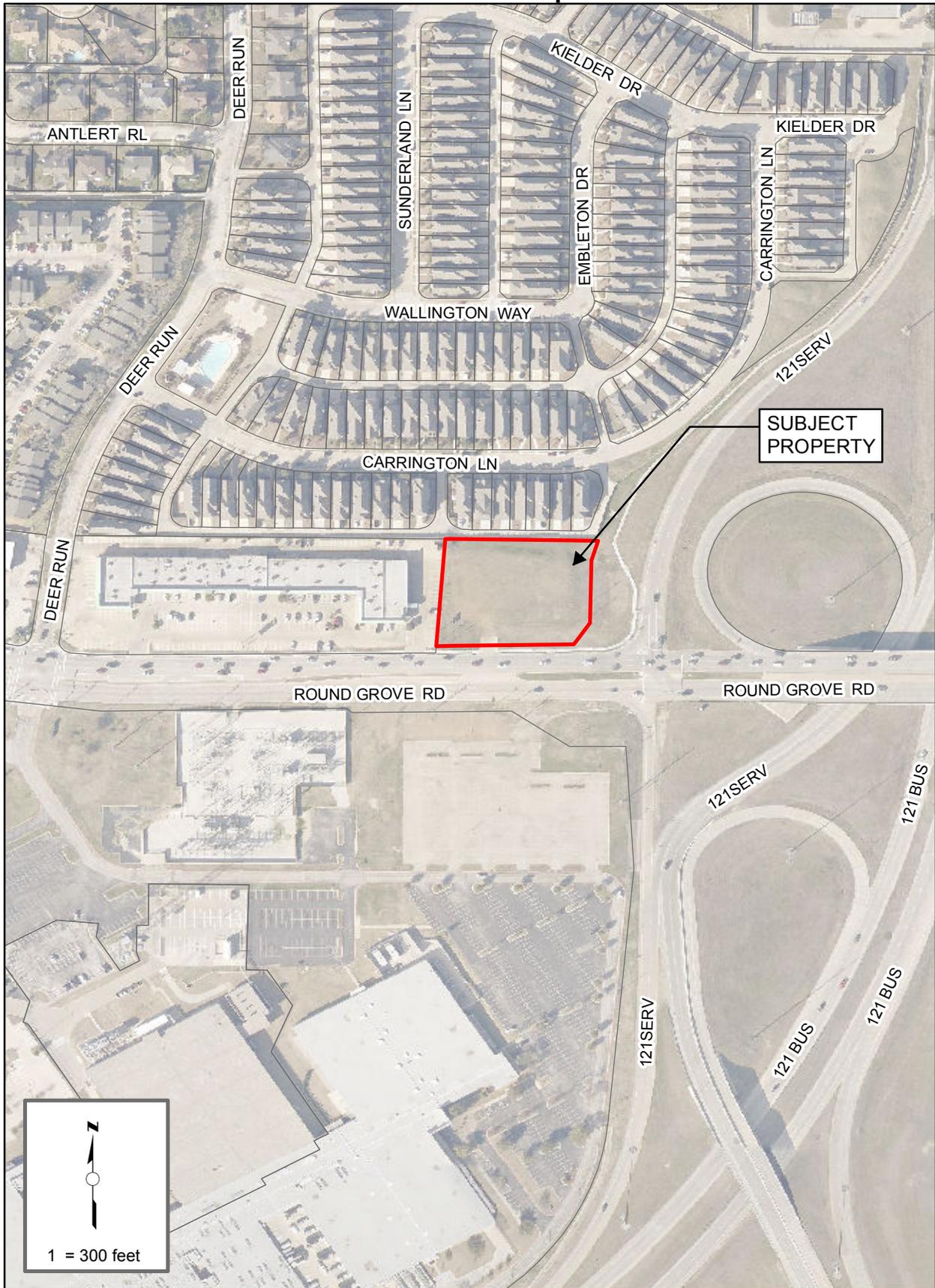
COMPANY NAME: HUMMEL INVESTMENTS LLC

PROPERTY LOCATION: NWC OF FM 3040 AND SH 121 BUSINESS (1.212-ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GOODYEAR AUTO CARE FACILITY

Aerial Map



**MINUTES
PLANNING AND ZONING COMMISSION
FEBRUARY 2, 2016**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Sean Kirk, Brandon Jones, Mary Ellen Miksa, Alvin Turner, Steve Byars and Kristin Green. Member Sean Kirk was absent.

Staff members present: Richard Luedke, Planning Manager and June Sin, Planner.

Item 4:

Public Hearings for Zoning and Special Use Permits were next on the agenda. There were two items for consideration:

- B. Consideration of a Special Use Permit (SUP) for Minor Automobile Services Consisting of a Free-Standing Goodyear Auto Care Facility; 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).

Richard Luedke, Planning Manager, gave an overview of the proposal and provided details related to proposed building orientation and materials, landscaping, screening, buffering, signage and driveway access. Mr. Luedke also briefed the Commission on three letters of opposition that were submitted by adjacent property owners in the Carrington Village residential neighborhood north of the proposed site. The three property owners expressed concerns over potential noise, adequate screening and effects on air quality. Chairman Davis opened the public hearing. Mr. Steve Meier, the applicant, gave a detailed presentation on the history of the business and the plans for the new facility on the subject property. Mr. John Taylor, 222 Kielder Drive, President of the Carrington Village Home Owners Association, confirmed that the neighborhood contains a total of 183 homes. Mr. Terry Ellis, 234 Carrington Lane, spoke in opposition with concerns over cars parked overnight, noise, inadequate wall height and emissions affecting air quality. He also stated that felt that the distance between the SH 121 Business ramp and the proposed driveway was inadequate. Mr. Charles O'Banion, the owner of the current Goodyear facility, confirmed that the vehicles parked overnight and the noise complaints registered in October 2015 were not associated with Goodyear. He stated that all customer vehicles kept overnight are parked inside the building for liability issues. Mr. O'Banion further explained the state and federal requirements involved when disposing of tires, which are picked up from the facility every 7 to 10 days. The Commission asked questions related to the four variance requests associated with the SUP. Mr. Luedke explained each of the variance requests, three of which are related to the driveway location, while the forth request is related to a utility easement setback. Mr. Luedke confirmed that staff has no objections to the requested variances. Chairman Davis closed the public hearing. Alvin Turner expressed concern over the fact that the property has

only one point of access. A motion was made by Brandon Jones to recommend approval of the SUP with the following conditions:

- 1) Overnight outside storage of vehicles shall not be allowed;
- 2) The outside storage of tires and other materials 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.

The motion passed by a vote of 5-1 (No: Steve Byars).

SECTION 17-22. - "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in district "LC" as regulated in said district.
 - (2) Auto, boat, motorcycle, recreational vehicle or mobile home display, sales (outdoor) and/or repair (SUP required)
 - (3) Bakeries.
 - (4) Building material sales with outside storage or display, including lumber yards (SUP required).
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop fully enclosed within a building.
 - (8) Cleaning, laundry and dyeing plants fully enclosed within a building.
 - (9) Creamery, ice cream manufacturing and dairy operations fully enclosed within a building.
 - (10) Farm implement display and sales room. (outdoor) (SUP required).
 - (11) Hotels, motels and inns.
 - (12) Mortuaries with or without crematoriums. (SUP required).
 - (13) Office buildings.
 - (14) Pet shops, retail, fully enclosed within a building.
 - (15) Printing, engraving and newspaper plants, fully enclosed within a building.
 - (16) Radio or television broadcasting station or studio with broadcasting towers (SUP required).
 - (17) Retail stores, fully enclosed within a building.
 - (18) Veterinarian or animal hospital with outdoor kennel or exercise runs (SUP required).
 - (19) Bowling alley and other commercial amusement (indoor) uses, fully enclosed within a building.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted wholly inside a building and observe the requirements of all city ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor (SUP required).
 - (25) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (27) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (28) Commercial amusement, outdoor (SUP required).
 - (29) Drive-in theater (SUP required).
 - (30) Flea market, outdoor (SUP required).
 - (31) Helipad, helistop or landing strip (SUP required).
 - (32) Kennels with outdoor runs (SUP required).
 - (33) Nightclub, bar. (SUP required).
 - (34) Brewery, distillery, or winery.
 - (35) Hotels, motels and inns with rooms containing a cooktop or oven (SUP required).
- (b) *Height.* No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*

(1) *Size of yards.*

- a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "GB", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
- b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) Reserved.

- (d) *Outside Storage Regulations.* In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the city's general development ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as storage yards.

SECTION 17-21. - "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) *Use.* A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:
- (1) Any use permitted in district "OD" as regulated in said district.
 - (2) Grocery stores.
 - (3) Barber and beauty shops.
 - (4) Book, card, gift and stationary stores.
 - (5) Dry cleaning and laundry services.
 - (6) Gasoline service stations (SUP required).
 - (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles (not including transmission or body shops) (SUP required).
 - (8) Restaurants.
 - (9) Florists.
 - (10) Video rental stores, movie theaters and other indoor amusements.
 - (11) Church worship facilities.
 - (12) Buildings and uses owned or operated by public governmental agencies.
 - (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (15) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
 - (16) Private Utility Plants or Sub-stations (including alternative energy) (SUP required).
 - (17) Cemetery, columbarium, mausoleum and accessory uses (SUP required).
 - (18) Beverage container recycling collection facility (SUP required).
 - (19) Kiosks, including water and ice sales (SUP required).
 - (20) Private stadium/arena/sports field (SUP required).
 - (21) Communication Towers (SUP required).
 - (22) Plant Nursery (Retail Sales) (Indoor)
 - (23) Plant Nursery (Retail Sales) (With Outdoor Display or Storage) (SUP required).
- (b) *Height.* No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) *Area.*
- (1) *Size of yards.*
 - a. *Front yard.* There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in district "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. *Side yard.* A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in

width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. *Rear yard.* No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the city's general development ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

- (2) *Reserved.*

SECTION 17-29.5 - "SUP" SPECIAL USE PERMIT

(a) *Purpose.*

The special use permit (SUP) provides a means for evaluating land uses identified in this ordinance to ensure compatibility with adjacent properties. The intent of the special use permit process is to allow consideration of certain uses that would typically be incompatible or intensely dominate the area in which they are located, but may become compatible with the provision of certain conditions and restrictions.

(b) *Application submittal and approval process.*

(1) Application for an SUP shall be processed like an application for rezoning. An application shall not be complete and shall not be scheduled for a public hearing unless the following are submitted along with the application:

- a. A scaled development plan depicting the items listed in Section 17-29.5(b)(2);
- b. A meets and bounds description of the property boundary;
- c. A narrative explaining how the property and use(s) will function;
- d. Colored elevations of the building and other structures including dimensions and building materials;
- e. A Landscaping Plan, meeting the requirements of Section 6-124 of the Lewisville Code of Ordinances;
- f. A Tree Survey and Mitigation Plan if required by Section 6-125 of the Lewisville Code of Ordinances;
- g. Detailed elevations and descriptions of proposed signage;
- h. An exhibit illustrating any requested variances; and
- i. Any other information, drawings, operating data or expert evaluations that city staff determines are necessary to evaluate the compatibility criteria for the proposed use and development.

(2) The development plan submitted along with an SUP application must include the following:

- a. The layout of the site;
- b. A north arrow;
- c. A title block including project name, addition, lot, block, acreage, and zoning classification of the subject property;
- d. Name, address, and phone number for applicant, developer, owner, builder, engineer, and/or surveyor;
- e. Building location, property lines, and setbacks;
- f. Summary tables listing building square footage, required parking, and required landscaping;
- g. Locations of utility easements, if applicable;
- h. Zoning and ownership of adjacent properties;
- i. Easements, deed restrictions, or encumbrances that impact the property;
- j. Median openings, traffic islands, turning lanes, traffic signals, and acceleration and deceleration lanes;
- k. Streets, alleys, and easements adjacent to the site;
- l. Driveways and sidewalks;
- m. Parking configuration, including maneuvering lanes and loading areas;
- n. Location and details of dumpsters and screening devices; and
- o. Location of all proposed signage.

(3) Variances from the regulations of the city's General Development Ordinance may be granted at the discretion of the city council as part of the SUP approval. The granting of an SUP has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district.

- (4) The planning and zoning commission or the city council may require additional information or drawings, operating data or expert evaluation or testimony concerning the location and characteristics of any building or uses proposed.
- (5) The planning and zoning commission, after holding a public hearing, shall recommend to the city council approval or denial of each SUP along with any recommended conditions. The city council shall review each case on its own merit, apply the compatibility criteria established herein, and if appropriate, grant the special use permit for said use(s).
- (6) Completion of a development plan for the SUP does not waive the requirement to provide an engineering site plan in accordance with the General Development Ordinance.

(c) *Compatibility criteria for approval.*

The planning and zoning commission shall not recommend approval of, and the city council shall not grant an SUP for a use except upon a finding that the use will:

- (1) complement or be compatible with the surrounding uses and community facilities and any adopted comprehensive plans or small area plans;
- (2) contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
- (3) not be detrimental to the public health, safety, or general welfare; and
- (4) conform in all other respects to all zoning regulations and standards.

(d) *SUP conditions.*

The planning and zoning commission may recommend and the city council may adopt reasonable conditions upon the granting of an SUP consistent with the purpose and compatibility criteria stated in this section. The development plan, however, shall always be attached to and made a condition of the SUP. The other documents submitted with the SUP application may also be made conditions of the SUP.

(e) *Amendments, enlargement, modifications or structural alterations.*

- (1) Except for minor amendments, all amendments, enlargements, modifications or structural alterations or changes to the development plan shall require the approval of a new SUP. The city manager or his designee may authorize minor amendments to the development plan that otherwise comply with the SUP ordinance and the underlying zoning and do not:
 - a. Alter the basic relationship of the proposed development to adjacent property;
 - b. Increase the maximum density or height shown on the original development plan;
 - c. Decrease the number of off-street parking spaces shown on the original development plan; and/or
 - d. Reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.
- (2) For purposes of this subsection, "original development plan" means the earliest approved development plan that is still in effect, and does not mean a later amended development plan. For example, if a development plan was approved with the specific use permit and then amended through the minor amendment process, the original development plan would be the development plan approved with the specific use permit, not the development plan as amended through the minor amendment process. If, however, the development plan approved with the specific use permit was replaced through the zoning process, then the replacement development plan becomes the original development plan. The purpose of this definition is to prevent the use of several sequential minor amendments to circumvent the zoning amendment process.

- (3) Although the city manager or his designee has the authority to grant minor amendments to the development plan, they are not obligated to do so. The city manager or his designee shall always maintain the discretion to require city council approval if he feels that it is within the public's interest that city council consider the amendment, enlargement, modifications, or structural changes at a public hearing.

(f) *Compliance mandatory with written requirements.*

- (1) No special use permit shall be granted unless the applicant, owner, and grantee shall be willing to accept and agree to be bound by and comply with the written requirements attached to the development plan drawings and approved by the city council.
- (2) A special use permit shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, however all regulations and conditions of the SUP shall remain in effect and shall be applicable to the new owner or occupant of the property.

(g) *Timing.*

All development plans submitted for review will be on the city's active list for a period of 90 days from the date of each submittal. After the 90-day period, a project will be considered abandoned and removed from the file. A building permit shall be applied for and secured within 180 days from the time of approval of the special use permit provided that the city may allow a one-time extension of the SUP for another 180 days. A SUP shall expire six months after its approval or extension date if no building permits have been issued for the site or if a building permit has been issued but has subsequently lapsed. Work must be completed and operations commenced within 18 months of approval.

(h) *Zoning map.*

When the city council authorizes granting of a special use permit the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use, and suffixed by an "SUP" designation. A log of all special use permits shall be kept by the city.

(i) *Rescind and terminate a special use permit.*

City council may rescind and terminate an SUP after a public hearing if any of the following occur:

- (1) That one or more of the conditions imposed by the SUP has not been met or has been violated.
- (2) The SUP was obtained through fraud or deception.
- (3) Ad valorem taxes on the property are delinquent by six months or more.
- (4) Disconnection or discontinuance of water and/or electrical services to the property.
- (5) Abandonment of the structure, lease space, lot, or tract of land for 180 days or more. (For the purpose of this section, "abandon" shall mean to surrender occupancy by vacating or ceasing to operate or inhabit such property.)

This Section (Office Use Only)	
Case:	
PZ:	CC:
Sign/s Picked Up By:	



LEWISVILLE
Great Places. Great Living. Great Future.

**SPECIAL USE PERMIT (SUP)
APPLICATION**

Owner/s (name): Jimmy Grisham	
Company Name: Drexel Realty Lewisville LP, a Texas limited partnership	
Mailing Address: 3953 Maple Ave Suite 250 Dallas TX 75219	
Work #:	Cell #:
E-Mail: Jimmy.Grisham@CNLCRE.com	
Owner Signature (Owner/s Must Sign or Submit Letter of Authorization): <i>[Signature]</i> STEVE C. MEIER	Date: 12/4/15
Printed Name: STEVE C. MEIER	

Applicant/Agent (name): Steve Meier	
Company Name: Hummel Investments LLC	
Mailing Address: 8117 Preston Road Suite 120 Dallas TX 75225	
Work #: 214-416-9820 ext 104	Cell #: 214-632-9611
E-Mail: steve@hummelinvestments.com	
Applicant/Agent Signature	Date: 12/03/15
Printed Name: Steve Meier	

Current Zoning: GB	Requested Zoning: No Change	Acres: 1.221
Legal Description (Lot/ Block/Tract/Abstract): Lot 1 Block G Carrington Village Phase II		
Address/Location: NWC of FM 3040 and SH 121 Business		

Application and Sign Fees:

	Less than 1/2 acre	\$ 150.00
x	1/2 acre up to 4.99 acres	\$ 250.00
	5 acres up to 24.99 acres	\$ 400.00

	25 acres up to 49.99 acres	\$ 750.00
	50 acres up to 99.99 acres	\$1,000.00
	100 acres and more	\$1,500.00

Qty: 1	SUP Signs - \$35 each. 1 sign required for each 5 acres (max. 5 per site)	\$ 35.00
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Sign(s) must be posted a minimum of ten (10) days prior to the Planning & Zoning hearing date.

Amount Due (application & sign fee)	\$ 285.00
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LEWISVILLE

Where Access Means World-Class Business

REQUIRED:

Fully describe the plans for the property

The proposed development includes an approximately 7,800 square foot building with 12 Service Bays and a Customer Waiting Area. Parking for customers will be between the building and the west property line. Access to the site is provided by the existing drive approach on to FM 3040. We are proposing to push the building as far to the south and east as possible while still providing the required Fire Lane Access. The parking lot will be set back from the north property line, which abuts the adjacent residential use, at least 25' and more than 25' at some points – significantly more than required by city regulations. This will allow a greenbelt which will have significant landscape screening.

NOTE:

Items must be staff approved and deemed complete before they will be placed on an agenda.

Hummel Investments LLC

Real Estate Development

January 25, 2016

Richard Luedke
City of Lewisville
Economic Development & Planning
151 W. Church Street
Lewisville, Tx. 75057

**RE: *Goodyear Tire & Service
 NWC of FM 3040 & SH 121 Business
 Lewisville, Texas 75067***

Mr. Luedke,

This letter and attachments shall serve as a written request for four (4) Variance Requests to the city ordinances that apply to this site.

The first three (3) Variance Requests (**Variance A, B & C**) concern the city ordinance that requires drive approaches on FM 3040 to have Deceleration/Right Turn Lanes. The subject property is a vacant lot on the hard corner of FM 3040 and SH 121 Business. There is an existing drive approach into the subject property from FM 3040 that was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The drive approach only serves the subject property. The southbound SH 121 Frontage Road is directly adjacent to the east boundary the property and TxDot will not allow access from the off-ramp to the subject property.

Per Mr. Jeff Kelly, Asst. City Engineer, we will need to request three separate variances as follows:

- A. To waive the Deceleration Lane requirement
- B. To waive the required 250' control of access from the intersection of SH 121 Business
- C. To waive the required 230' driveway spacing from an existing driveway on a separate lot

Variance A

The hardship is that the property is subject to that warrants a Variance is that there is not a sufficient distance from the existing drive approach (referenced above – installed by TxDot) to the radius of the SH 121 Frontage Road intersection with FM 3040.

Additionally, we have had numerous discussions with the TxDot Area Engineer and she has told us as well Jeff Kelly, Asst. City Engineer, that TxDot will not approve a Deceleration/Right Turn Lane at this location as they felt that it interferes with the turning movement from the SH 121 Frontage

Road onto west bound FM 3040. Additionally, they did not think that the traffic load turning into our project outweighed the possible interference at the intersection.

The dimension of a typical City of Lewisville Deceleration/Right Turn Lane are as follows:

- 110 linear feet of tapered drive lane
- 60 linear feet of Stacking Space for vehicles wishing to turn
- 20 linear feet radius at the drive approach

This equates to an overall length of 190 feet for the installation of a Deceleration/Right Turn Lane at this location.

For these reasons, we respectfully request a Variance from the Decel Lane Ordinance.

Variance B

The hardship is that the existing drive approach was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. This drive approach aligns with the median break in FM 3040 – also installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The location of the existing drive approach was determined by TxDot. Presumably, TxDot placed the drive approach so that it would be as far from the SH 121 frontage road intersection as practical while maintaining some separation from the pre-existing drive approach on the adjacent property to the west.

Due to the design of the SH 121 intersection, there is not sufficient distance to comply with the city's 250' spacing requirement, and we respectfully request a Variance from the 250' spacing requirement.

Variance C

The hardship is really the same as that of Variance B. The existing drive approach was installed by TxDot as part of the FM 3040 / SH 121 Interchange project. The location of the existing drive approach was determined by TxDot. Presumably, TxDot placed the drive approach as close to the pre-existing drive approach on the adjacent property to the west as they deemed was practical in order to maximize the distance from the SH 121 frontage road intersection

Due to the design of the SH 121 intersection, there is not sufficient distance to comply with the city's 230' spacing requirement and we respectfully request a Variance from the 250' spacing requirement.

The fourth Variance Request (**Variance D**) concerns the city ordinance requiring a 10' building setback from an existing 20' Water & Sanitary Sewer Easement that parallels FM 3040 along the ROW line of the subject property.

Variance D

We are requesting a Variance to the city ordinance that requires a 10' building setback from a Water Easement so that we can place the front wall of the proposed building on the 25' Building Setback Line – which is dictated by the zoning regulations as well as the Plat.

After reviewing the 20' Water & Sanitary Sewer Easement in question as well as the location of the existing water and san. Sewer utilities with Mr. Jeff Kelly, Asst. City Engineer, he and the engineering staff determined that this 20' Water & San. Sewer Easement is not needed.

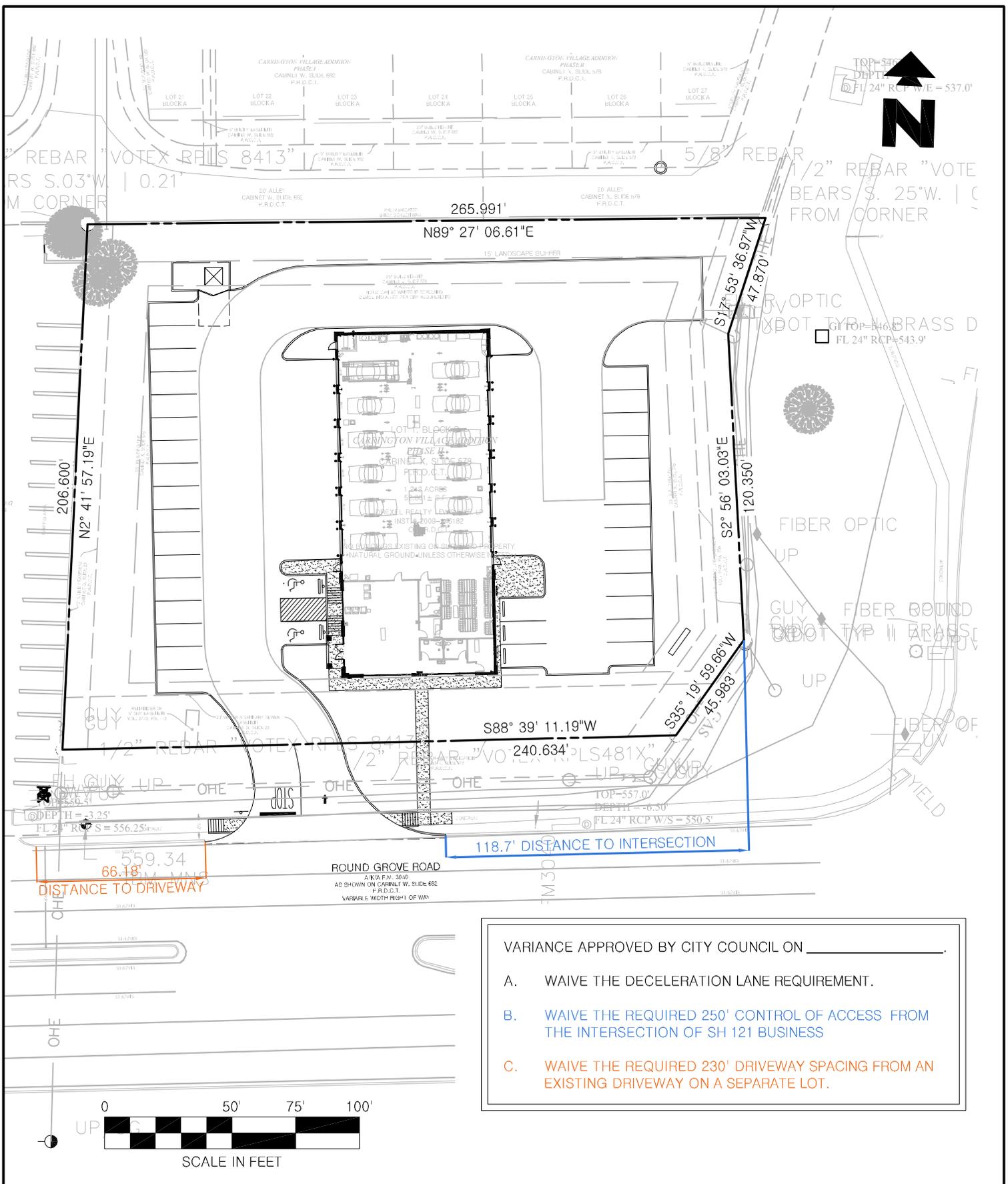
The Engineering Dept. is suggesting that we go through an abandonment process for this 20' Water & San. Sewer Easement. But in the interim, they are suggesting that we request a variance for the reduction of the standard city 10' building setback from a water easement to only a 5' setback so that we can accommodate the Planning Departments request that the front of the building be placed on the 25' building Setback Line so as to create a larger landscape buffer at the rear of the site.

We have attached an exhibit depicting this Variance requesting the 5' setback reduction. And we have depicted it on our Development Site Plan.

Please let me know if you have any questions or need any additional back-up documentation or exhibits.

Thank you,

Steve C. Meier, AIA
Director of Development
Hummel Investments LLC



VARIANCE APPROVED BY CITY COUNCIL ON _____

- A. WAIVE THE DECELERATION LANE REQUIREMENT.
- B. WAIVE THE REQUIRED 250' CONTROL OF ACCESS FROM THE INTERSECTION OF SH 121 BUSINESS
- C. WAIVE THE REQUIRED 230' DRIVEWAY SPACING FROM AN EXISTING DRIVEWAY ON A SEPARATE LOT.

JOB # 29310.0 DRAWING: 29310_SP.dwg LAST SAVED BY: TALLEY



Engineering Associates, Inc.

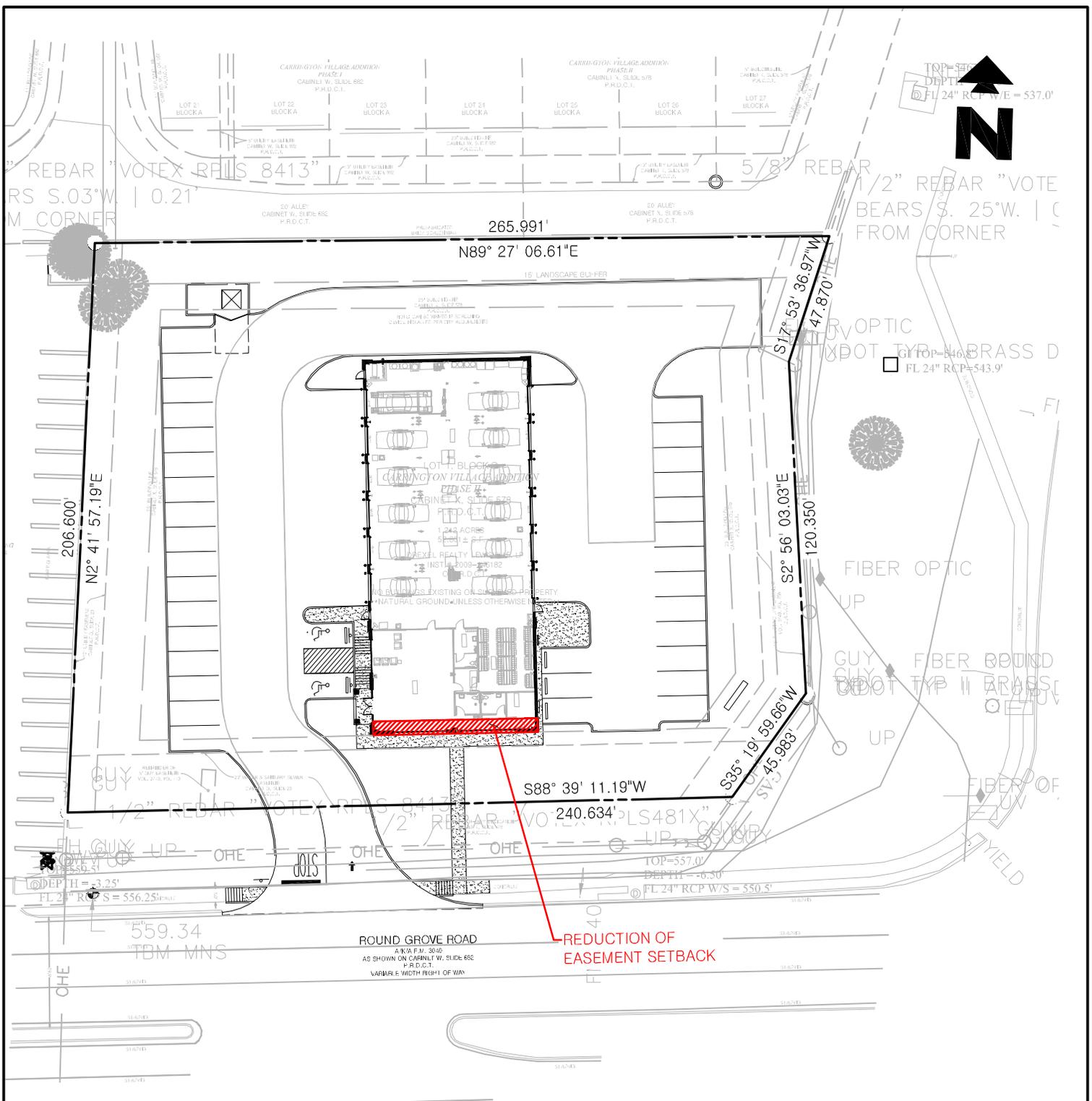
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3030 LBJ Freeway, Suite 100
Dallas, TX 75234

(972)488-3737
FAX (972)488-6732

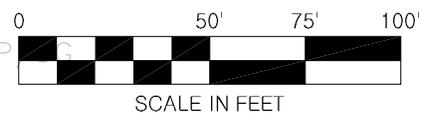
GOODYEAR

29310.0	1/25/16	ADS	BJD	TJA	TJA
CEI PROJECT NO.	DATE	DPOR	PM	DES	DRW
VARIANCE EXHIBIT				REV DATE	SHEET NO.
ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121 LEWISVILLE, TEXAS				1/25/16	----
				REV-1	----



VARIANCE APPROVED BY CITY COUNCIL ON _____

- D. WAIVE 5' OF THE REQUIRED 10' BUILDING SETBACK FROM THE EXISTING 20' WATER AND SANITARY SEWER EASEMENT.



Engineering Associates, Inc.

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3030 LBJ Freeway, Suite 100
Dallas, TX 75234

(972)488-3737
FAX (972)488-6732

GOODYEAR

29310.0	1/25/16	ADS	BJD	TJA	TJA
CEI PROJECT NO.	DATE	DPOR	PM	DES	DRW

VARIANCE EXHIBIT
ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS

REV DATE	SHEET NO.
1/25/16	----
REV-1	----

JOB # 29310.0 DRAWING: 29310_SP.dwg LAST SAVED BY: TALLEY

February 15, 2016

Richard E. Luedke, AICP
Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document our opposition the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carington Village Addition Phase II.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area. An auto repair establishment should not be on this prime corner.

Thank you,

Lois Perrine
Daddy Rabbit's Pub
297 W. FM 3040 Suite 200
Lewisville, TX 75067

214-674-9212



TCP LEWISVILLE PARTNERS II, LP

Robert B. Neely
President of the General Partner
500 North Akard, Suite 3240
Dallas, Texas 75201
214.389-8910
email: rneely@tcprealty.com

Via email to: jsin@cityoflewisville.com

February 15, 2016

Mr. Richard E. Luedke, AICP

Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Round Grove Road and SH 121 Business
Special Use Permit- Case No. SUP 2016-02-01

Dear Mr. Luedke,

I represent the owner, TCP Lewisville Partners II, LP, of Round Grove Shopping Center located adjacent to the subject property where a SUP is proposed for a Good Year. Lewisville Partners has been the owner of the project for over 20 years.

Please accept this letter to evidence our opposition to the SUP.

There is a tire and car repair shop in Round Grove Shopping Center and we, along with most of our tenants, are opposed to having another one right next door. Simon Auto Repair and Christian Auto Shop are west and WalMart Tire and Auto just east. Adding another one is just saturation!

This is a prime corner and should be a pleasant business or retail establishment that enhances the neighborhood and makes the community proud.

Regards,

A handwritten signature in black ink, appearing to read 'Robert Neely', written in a cursive style.

Robert B. Neely



TCP LEWISVILLE PARTNERS II, LP

Via email to: jsin@cityoflewisville.com
rluedke@cityoflewisville.com

Robert B. Neely
President of the General Partner
500 North Akard, Suite 3240
Dallas, Texas 75201
214.389-8910
email: rneely@tcprealty.com

February 15, 2016

Mr. Richard E. Luedke, AICP, Economic Development and Planning
Mayor and Council Members
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Round Grove Road and SH 121 Business
Special Use Permit- Case No. SUP 2016-02-01

Dear Gentlemen and Ladies,

I had previously sent an opposition letter and wish to amend as further information has come to light.

Per the published agenda, the SUP is not just asking for allowing an auto and tire facility, it is also requesting four variances:

1. to waive the deceleration requirement;
2. to waive the 250-foot control of access from the intersection of SH 121 Business;
3. to waive the 230-foot driveway spacing requirement from an existing driveway on a separate lot; and
4. to reduce the required 10-foot setback to 5 feet from the existing water and sanitary sewer easement.

These exceptions have not been fully digested by the neighborhood as the SUP has been on an extremely limited time schedule. The notice letter is dated January 22nd which is less than a month ago and MOST IMPORTANTLY did not have any mention of the variances requested.

On behalf of the neighboring community, we respectfully request a delay (at least until April) to allow adequate time to study, analyze and give everyone a full understanding of the impact of the variances requested.

Regards,

Robert B. Neely



TCP REALTY SERVICES, LLC
Commercial Real Estate Services

Rubin A. Kremling, CCIM, CPM
Vice President
5858 Westheimer, Suite 800
Houston, Texas 77057
713 243-6800 Office
713 243-6901 Fax
rkremling@tcprealty.com

February 15, 2016

Attn: Richard E. Luedke, AICP

Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document our opposition the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carington Village Addition Phase II.

TCP Realty Services is the leasing agent for the Round Grove Shopping Center located adjacent to the subject property. Round Grove Shopping Center has Lewisville Tire & Service Shop currently as a tenant and with another car repair and tire shop, it will become an auto row. This is not favorable for the area and will hurt leasing in the area.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area. An auto repair establishment should not be on this prime corner.

Thank you,
TCP Realty Services, LLC

A handwritten signature in cursive script that reads "Rubin A. Kremling".

Rubin A. Kremling, CCIM, CPM
Vice President



Richard Luedke <rluedke@cityoflewisville.com>

Fwd: the free standing auto care

June Sin <jsin@cityoflewisville.com>
To: Richard Luedke <rluedke@cityoflewisville.com>

Tue, Feb 16, 2016 at 4:17 PM

Richard,

This letter is for the Goodyear SUP.
Thank you.

----- Forwarded message -----

From: **Dr. Lance Terry** [REDACTED]
Date: Tue, Feb 16, 2016 at 2:53 PM
Subject: the free standing auto care
To: Jsin@cityoflewisville.com

February 15, 2016

Richard E. Luedke, AICP
Economic Development and Planning
City of Lewisville
151 West Church St.
P.O. BOX 299002
Lewisville, TX 75029-9002

RE: Special Use Permit- Case No. SUP 2016-02-01

Mr. Luedke,

Please accept this letter to document my opposition to the Special Use Permit requested for a free-standing Good Year Auto Care facility at the Northwest corner of FM 3040 and SH121 Business, Lot 1, Block G, Carrington Village Addition Phase II.

The intended use of the prime corner of FM 3030 and SH121 Business is not becoming of the redevelopment of the area. The Good Year store would create an industrial look at the prime entry into a professional area.

I am already disappointed that a Condom Sense and a Vape shop has moved into a free standing building at the corner of Round Grove and Edmonds, that was once a dry cleaning facility.

In 2017, it will be 20 years that I opened my office, Vista Ridge Chiropractic, at Round Grove and Deer Run. I have enjoyed the area and providing professional healthcare to those around me. It saddens me that this side of Lewisville may turn into an embarrassment to Lewisville.

Never the less an auto repair establishment should not be on this prime corner.

Thank you,

Lance Terry

Vista Ridge Chiropractic

Lewisville Tx, 972-315-0518

www.drlanceterry.com

—
June Sin

Planner

Economic Development & Planning

972) 219-3417



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear Auto Care Facility Case No. SUP-2016-02-01

terrye [redacted] Mon, Mar 7, 2016 at 6:35 PM
To: "Castello, [redacted]" <rluedke@cityoflewisville.com> <rluedke@cityoflewisville.com>
Cc: "Shelli James [redacted]" "Kelley [redacted]"

Richard,

I will concur with Jeff's email below, as long as the verbal commitments made to our community in regards to the privacy fence being added and the repairs to our existing walls are made immediately.

In addition I would ask that this privacy wall addition also be noted as a requirement to the council as one of the provisions provided by Goodyear to our community.

Thank you,

Terry Ellis
234 Careington Lane
Lewisville, Texas 75067

From: Castello, Jeff [redacted]
Sent: Monday, March 7, 2016 3:20:06 PM
To: rluedke@cityoflewisville.com
Cc: Shelli James [redacted] Kelley [redacted]
terrye
Subject: Goodyear Auto Care Facility Case No. SUP-2016-02-01

To: Richard Luedke, AICP

[Quoted text hidden]



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear expansion on 3040

Kim Keefe <[REDACTED]>
To: "rluedke@cityoflewisville.com" <rluedke@cityoflewisville.com>

Tue, Mar 8, 2016 at 9:15 PM

Hi Mr Luedke

I am writing to withdraw my protest regarding the Goodyear expansion on Round Grove. It is my understanding that Carrington Village has been assured from Steve Meier of Hummel Investments that the owner of Goodyear has agreed to install the privacy wall presented to the Carrington Village homeowners in a prior meeting. If this is your understanding as well, I would like to withdraw my protest. If this is not your understanding then my protest stands as previously submitted.

Thank you.

Regards,

Kim Keefe

222 Carrington Ln

Sent from my iPhone

> On Feb 1, 2016, at 9:24 AM, Kim Keefe <[REDACTED]> wrote:

>

> Dear Mr. Luedke,

>

> I am writing you in protest against the expansion of the Goodyear facility on 3040. I live behind the current facility and find it annoying how they work on cars late into the evening. When I retire for the night all I hear is engines revving and noise that is annoying and disruptive. Expanding this facility would cause more of the same. Not to say the increase in "health issues." We would experience a decrease in clean air for the engine work as well as an increase in Mosquitos from the large amount on tires being discarded. In addition Carrington Village has to bear the brunt of the wall repairs due to the way they park their cars against our wall. At a minimum the city should require them to put up a 10' wall for noise abatement.

>

> I strongly am against this expansion and hope the City of Lewisville will work with our community to vote against this expansion.

>

> Thank you for consideration of those of us behind this facility who do not want our property values reduced because of this expansion.

> Regards,

> Kim Keefe

> 222 Carrington Ln

>

>

> Sent from my iPhone



Richard Luedke <rluedke@cityoflewisville.com>

Goodyear Auto Care Facility Case No. SUP-2016-02-01

Castello, Jeff <[REDACTED]>

Mon, Mar 7, 2016 at 3:20 PM

To: "rluedke@cityoflewisville.com" <rluedke@cityoflewisville.com>

Cc: "Shelli James" <[REDACTED]>, "Kelley" <[REDACTED]>, terry <[REDACTED]>

To: Richard Luedke, AICP
Planning Manager City of Lewisville

RE: Case No. SUP-2016-02-01

We previously emailed you with regard to this proposed development , we have since had opportunity to meet with the Developer Steve Meir of Hummel Investments, he has been very responsive to our concerns with regard to the tire disposal and the potential loss of privacy.

Contingent upon their plans to store salvage tires, oil and debris inside, addition of a secondary privacy fence of minimum 8' on top of a 3' minimum berm and include evergreen trees to further screen the property line as well as have limited operating hours, we are dropping our complaint regarding this special use permit request. With regard to our damaged retaining wall it sounds like the owner has agreed to pay for repairing our existing wall near Goodyear's existing facility as a good faith gesture.

We had prepared a PowerPoint presentation for the council, but we understand we are not able to present it at tonight's meeting. Please take a moment to view it, as it will give you a better understanding of our concerns and give you an opportunity to see the issues with the current shopping center property from our perspective. Many of the items pictured we look at each day from our homes. This shopping center is in desperate need of maintenance there is standing water prior to the rain today, tripping hazards and a broken window that has not been addressed, possibly why Goodyear would like to be in a stand alone facility and not associated with its current location.

I have included a PDF copy of the Power Point for you use.

Thank you again.

Jeff Castello

230 Carrington Ln.
[REDACTED]

The following 22 images
were provided by
Jeff Castello, 230 Carrington Lane, on behalf of the
Carrington Village Home Owners Association

Goodyear Expansion Special Use Permit Request



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Minimum requested wall height

Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Minimum requested wall height

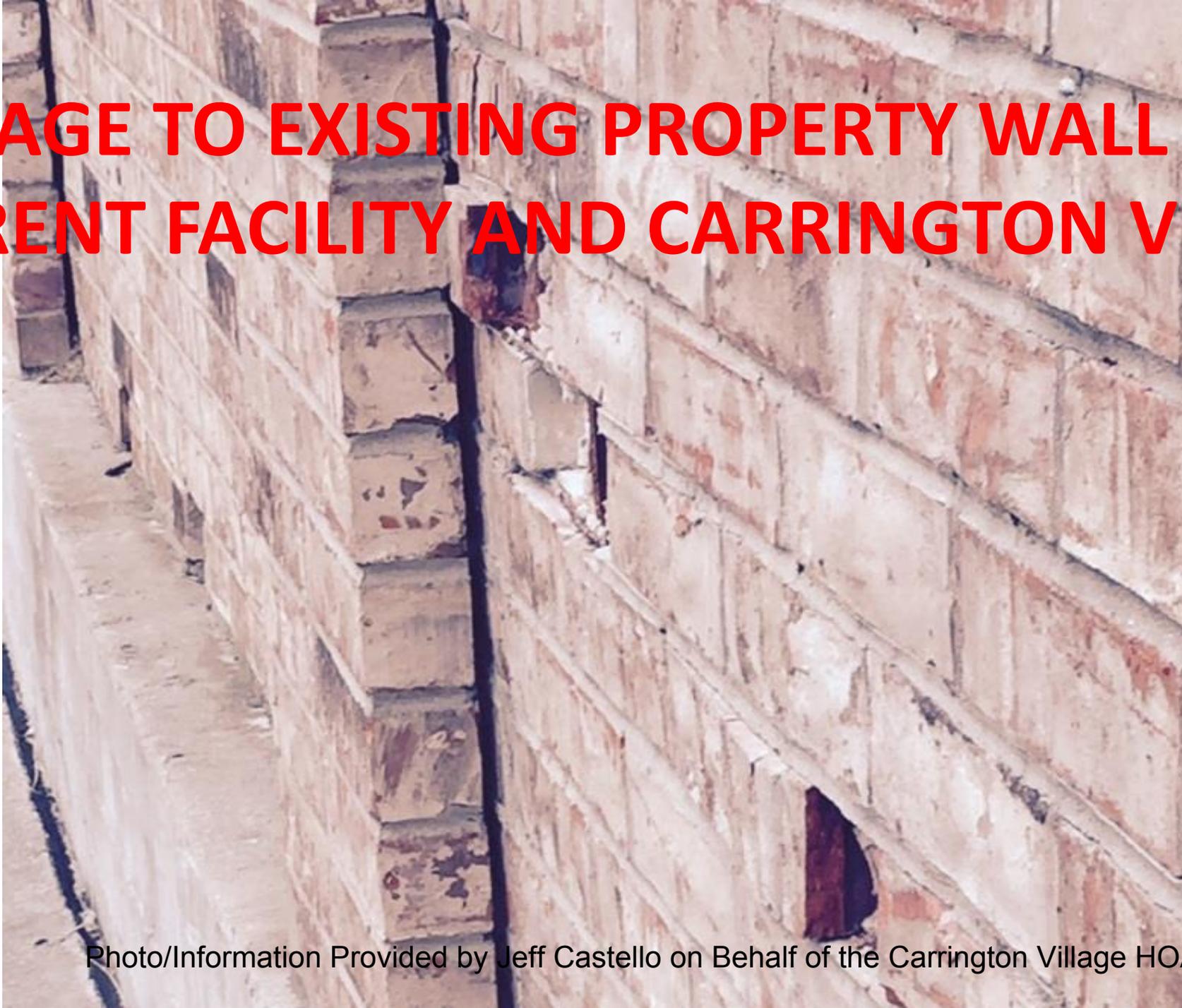
Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



STORAGE OF DISPOSAL TIRES

Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

DAMAGE TO EXISTING PROPERTY WALL BETWEEN CURRENT FACILITY AND CARRINGTON VILLAGE



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

Carrington Village Request

- Increase height of wall the length of property being developed
 - Resolution property to be developed with 2nd buffer wall on berm for homeowner privacy
- Resolve outdoor tire disposal area issue
 - Is it a violation or not?
 - Roof and solid door on existing enclosure?
- Cleanup and keep misc. trash picked up regularly
- Concern of another auto repair business moving in

Existing Shopping Center Issues

- Poor maintenance, eye sore to our community & City of Lewisville
- Multiple Wall Paint Colors on rear wall of building
- Standing water behind building, health hazard
- Exposed dumpsters, lids open, trash hanging out of dumpsters
- Wheel stops need to be continued along existing wall to prevent unnecessary damage to screen wall



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



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Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA



Photo/Information Provided by Jeff Castello on Behalf of the Carrington Village HOA

Thank you for your time and
consideration of our concerns

Carrington Village Homeowners

CAD Operations Report

LEWISVILLE

Call Number 15089041

Printed: 01/29/2016 10:01 AM

Call Detail Information

Jurisdiction: LEWISVILLE

Call Number	Taker	Pos	Call Owner	Status	Date - Time Received	Inj
15089041	GPEDIGO	7		C	Fri 10/02/2015 23:14:47	0

Complaint	Ten Code	Priority	Fire Grade	Class	Alarm	How Received
ND NOISEDIST		3		G		

Incident Location	Apart/Suite	Floor/Bldg	Incident City	State	ZIP
297 W ROUND GROVE RD	240		LEWISVILLE	TX	00000-0000

Caller Name	Telephone	Alt Telephone	Tower ID
ELLIS, TERRY	[REDACTED]		-

Caller Location	Apart/Suite	Floor/Bldg	Caller City	State	ZIP
CARRINGTON LANE			LEWISVILLE	TX	00000-0000

Landmark	Weapons
GOODYEAR TIRE-LEWISVILLE TIRE & SVC	

IRA	Grid	Disp Zone	Fire Run Zn	EMS Run Zn	ESN	Tract
326		DIST3	3A			326

<input checked="" type="checkbox"/> Contacts	<input type="checkbox"/> Fire Plan	<input type="checkbox"/> Hazard	<input type="checkbox"/> Images	<input type="checkbox"/> Medical	<input type="checkbox"/> Traffic	<input checked="" type="checkbox"/> Previous
<input type="checkbox"/> BOLO	<input type="checkbox"/> Warrant	<input type="checkbox"/> RMS CH	<input type="checkbox"/> RMS Alerts	<input type="checkbox"/> In Progress	<input type="checkbox"/> Report Req	<input type="checkbox"/> Subject Req

ALL Time	Call Rec'd	Xmit	Dispatch	Enroute	OnScene	Departed	Arrived	Comp	Unit
	23:14:47	23:15:16	00:19:37	00:19:37	00:19:42			00:23:17	449

X: Y: Z: Lwr: S SH 121 BUS Upr: DEER RUN

Narrative...

[10/02/2015 23:15:16 : pos7 : GPEDIGO]
 Cross streets: S SH 121 BUS//DEER RUN
 Landmark: GOODYEAR TIRE-LEWISVILLE TIRE & SVC
 Geo Comment: MAPSCO 1A-A BOX 326

CALLER SAID EVERY NIGHT PARK THEIR RV AND IT IS VERY LOUD.

[10/02/2015 23:15:28 : pos7 : GPEDIGO]
 CALLER CAN HEAR IT AT THIER RESD

[10/02/2015 23:16:48 : pos7 : GPEDIGO]
 REC ANOTHER CALL FROM A NEIGHBOR ON CARRINGTON.

[10/03/2015 00:23:01 : MOB : 449]
 NO RV. LOCATED A TRUCK WITH LOUD MUFFLER BUT HE WAS IN THE PROCESS OF LEAVING AND JUST STARTED IT HE SAID. OFC CLR

Location Comment

Geo Comment: MAPSCO 1A-A BOX 326

Department Numbers

Department	Dept Number	Unit ID
LPD	15078951	449

LEWISVILLE

Call Number 15089041

Printed: 01/29/2016 10:01 AM

Call Dispositions

Date - Time	Disposition	Unit Id
2015/10/03 00:23:13	NO REPORT MADE	

Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odo
449	ENR	10/3/2015 00:19:37	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	B.AFREDRIC	0.0
449	ONS	10/3/2015 00:19:42	LPD	POL	297 W ROUND GROVE RD, LEWISVILLE	B.AFREDRIC	0.0
449	COM	10/3/2015 00:23:16	LPD	POL	COM	B.AFREDRIC	0.0

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
449	LPD		00:19:37	00:19:42					00:23:16

Unit Log

Date-Time	Dept	Unit	Officer ID	Action	Comments
10/03/2015 00:20:42	LPD	449	B.AFREDRIC	NCIC VEHICLE	TX,AC97779,2010,PC,,,,,, 297 W ROUND GROVE RD, LEWISVILLE

Category	Last Name	First Name	Middle Name	Suffix	Crim Hist	RMS Alerts			
		Race	Sex	Ethnic	Height	Weight	Age	DOB	OLN
		Clothing			Demeanor				
		Relationship			Hair Color		Eye Color		Complexion
Business Name		Description							
Location		Apt/Ste	Fir/Bld	City	ST	ZIP	Phone		

Call Subject Statistics

Question	Answer

Call References

Reference_Type	Reference	Related_Calls

CAD Operations Report

LEWISVILLE

Call Number 15094492

Printed: 01/29/2016 10:01 AM

Call Detail Information

Jurisdiction: LEWISVILLE

Call Number 15094492	Taker TWHITLEY	Pos 8	Call Owner	Status C	Date - Time Received Mon 10/19/2015 22:12:27	Inj 0
-------------------------	-------------------	----------	------------	-------------	---	----------

Complaint ND NOISEDIST	Ten Code	Priority 3	Fire Grade	Class G	Alarm	How Received
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Incident Location 297 W ROUND GROVE RD	Apartment/Suite 240	Floor/Bldg	Incident City LEWISVILLE	State TX	ZIP 00000-0000
---	------------------------	------------	-----------------------------	-------------	-------------------

Caller Name	Telephone	Alt Telephone	Tower ID
-------------	-----------	---------------	----------

Caller Location 297 W ROUND GROVE RD	Apartment/Suite 240	Floor/Bldg	Caller City LEWISVILLE	State TX	ZIP 00000-0000
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Landmark GOODYEAR TIRE-LEWISVILLE TIRE & SVC	Weapons
---	---------

IRA 326	Grid	Disp Zone DIST3	Fire Run Zn 3A	EMS Run Zn	ESN	Tract 326
------------	------	--------------------	-------------------	------------	-----	--------------

<input type="checkbox"/> Contacts	<input type="checkbox"/> Fire Plan	<input type="checkbox"/> Hazard	<input type="checkbox"/> Images	<input type="checkbox"/> Medical	<input type="checkbox"/> Traffic	<input checked="" type="checkbox"/> Previous
<input type="checkbox"/> BOLO	<input type="checkbox"/> Warrant	<input checked="" type="checkbox"/> RMS CH	<input type="checkbox"/> RMS Alerts	<input type="checkbox"/> In Progress	<input type="checkbox"/> Report Req	<input type="checkbox"/> Subject Req

ALI Time	Call Rec'd 22:12:27	Xmit 22:12:38	Dispatch 22:32:29	Enroute 22:32:29	OnScene 22:37:13	Departed	Arrived	Comp 22:44:47	Unit 231
----------	------------------------	------------------	----------------------	---------------------	---------------------	----------	---------	------------------	-------------

X: Y: Z: Lwr: S SH12 BUS Upr: DEER RUN

Narrative...

[10/19/2015 22:12:38 : pos8 : TWHITLEY]
 Cross streets: S SH12 BUS//DEER RUN
 Landmark: GOODYEAR TIRE-LEWISVILLE TIRE & SVC
 Geo Comment: MAPSCO 1A-A BOX 326

[10/19/2015 22:13:19 : pos8 : TWHITLEY]
 COMP CALLING FROM CARRINGTON LN

SAID THAT IT IS AN ONGOING ISSUE WITH THE GENERATOR
 RUNNING HERE AFTER HOURS AND IT IS DISTURBING THE PEACE

[10/19/2015 22:38:29 : pos4 : EFLOWERS]
 231/OUT WITH SOME PEOPLE WORKING ON A VEH

[10/19/2015 22:38:40 : pos4 : EFLOWERS]
 NOT SURE IF THEY ARE EMPLOYEES ARE NOT

[10/19/2015 22:40:14 : pos4 : EFLOWERS]
 231 ON NCIC

[10/19/2015 22:43:38 : MOB : 231]
 Loud generator running in back of business, subject had it on truck to run lights while he worked on a car. verbal warning.

ORDINANCE NO. _____

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 MINOR AUTOMOBILE SERVICES CONSISTING OF A FREE-STANDING GOODYEAR AUTO CARE FACILITY; ON A 1.212-ACRE LOT, LEGALLY DESCRIBED AS LOT 1, BLOCK G, CARRINGTON VILLAGE ADDITION PHASE II; LOCATED ON THE NORTHWEST CORNER OF FM 3040 AND SH 121 BUSINESS AND ZONED GENERAL BUSINESS DISTRICT (GB); PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, applications were made requesting approval of a Special Use Permit for minor automobile services by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the 1.212-acre lot, as described in the attached Exhibit “A” (the “Property”), be **approved with conditions**; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the “City Council”) after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) complements or is compatible with the surrounding uses and community facilities; (2) contributes to, enhances, or promotes the welfare of the area of

request and adjacent properties; (3) is not detrimental to the public health, safety, or general welfare; and (4) conforms in all other respects to all zoning regulations and standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow minor automobile services consisting of a free-standing Goodyear Auto Care Facility on the Property, which is zoned General Business (GB).

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

1. in compliance with the narrative and development plan, landscape plan, elevations and photometric plan, attached hereto as Exhibit "B";
2. in accordance with all federal, state, and local laws and regulations;
3. by prohibiting the overnight storage of vehicles;
4. by prohibiting the outside storage of tires and other materials on the site;
5. by restricting the hours of operation from 7:30 a.m. to 7:00 p.m. Monday through Friday; from 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday;

6. by installing an eight-foot (8'), stained, board-on-board, cedar fence with a top rail on top of a minimum three-foot (3') berm as shown on the fencing illustrations and by keeping this fence in good repair for the life of the project; and
7. by ensuring that the area between the existing masonry wall and the eight-foot (8'), stained, board-on-board cedar fence is maintained by the property owner in compliance with all City code regulations as amended.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The City Manager, or her designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS. The Property shall comply with all applicable municipal ordinances, as amended. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. RESCINDING AND TERMINATION. The City Council may rescind and terminate the Special Use Permit after a public hearing if any of the following occur:

1. One or more of the conditions imposed by the Special Use Permit have not been met or have been violated.
2. The Special Use Permit was obtained through fraud or deception.
3. Ad valorem taxes on the property are delinquent by six months or more.
4. Disconnection or discontinuance of water and/or electrical services to the property.
5. Abandonment of the structure, lease space, lot, or tract of land for 180 days or more.

SECTION 7. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 8. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 9. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 11. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 18TH DAY OF APRIL, 2016.

ORDINANCE NO. _____

Page 5

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

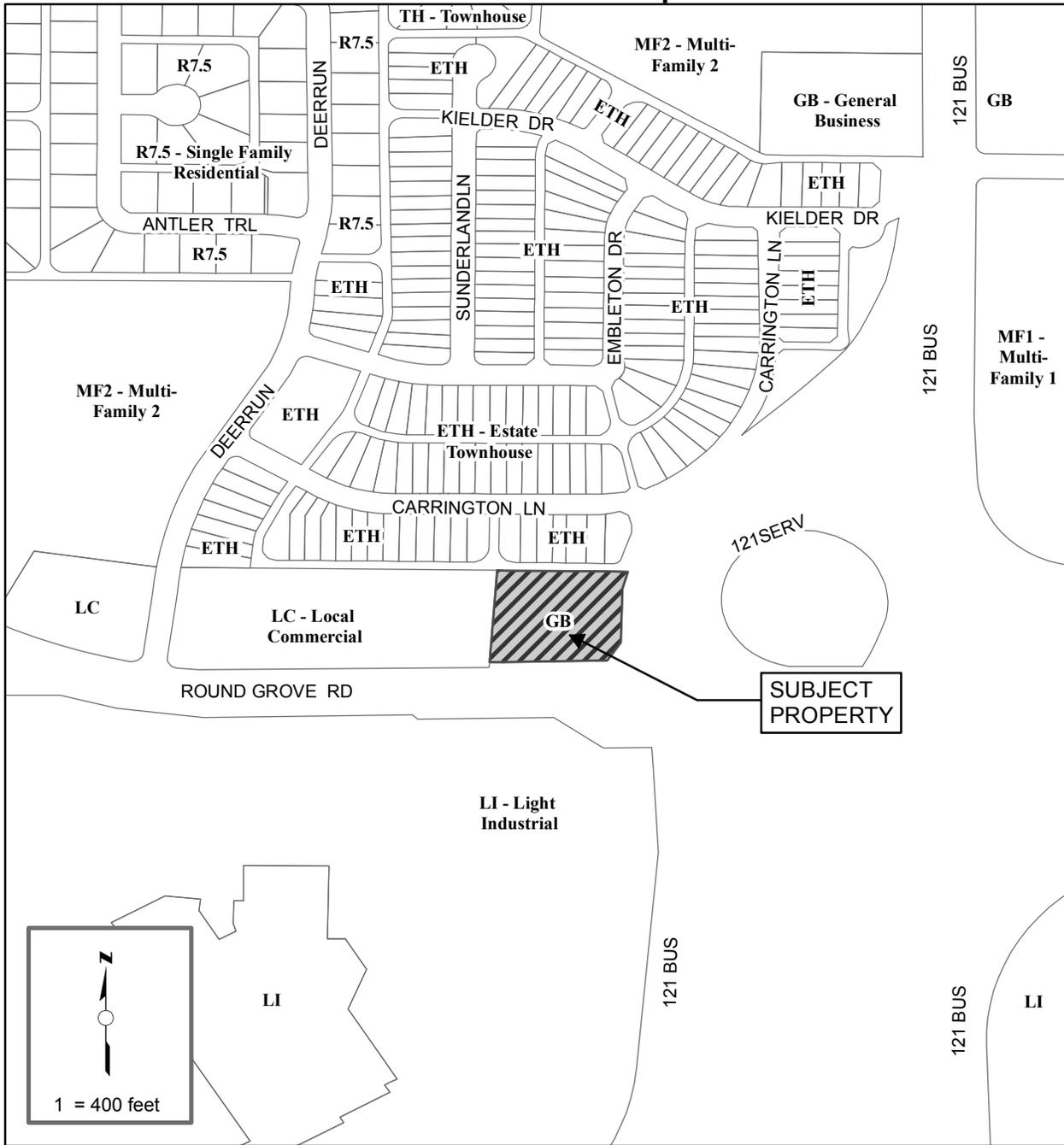
APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A
Property Description

Exhibit B
SUP Narrative
Development Plan
Landscape Plan
Elevations
Photometric Plan
Fencing Illustrations

Location Map



CASE NO. SUP-2016-02-01

COMPANY NAME: HUMMEL INVESTMENTS LLC

PROPERTY LOCATION: NWC OF FM 3040 AND SH 121 BUSINESS (1.212-ACRES)

CURRENT ZONING: GENERAL BUSINESS (GB)

REQUESTED USE: A SPECIAL USE PERMIT (SUP) FOR A GOODYEAR AUTO CARE FACILITY

EXHIBIT B

Hummel Investments LLC

Real Estate Development

January 22, 2016

City of Lewisville
Planning Department
151 W. Church Street
Lewisville, TX 75209

**Re: Goodyear Auto Care Center
NWC FM 3040 & SH 121 Business**

To Whom It May Concern:

Gocha, LLC is a Goodyear Dealer that plans to develop the vacant northwest corner of FM 3040 & SH 121 to accommodate a free-standing Goodyear Auto Care facility. The development will consist of the auto care building, parking area and landscape buffers.

Gocha, LLC currently operates in the adjacent shopping center directly to the west of this site. Their existing facility in the adjacent shopping center is leased from the shopping center owner and is antiquated and too small for their operation. For these reasons Gocha, LLC is planning to invest in the City of Lewisville by purchasing the subject site and building a new auto care facility. Also, when the new facility is completed, Gocha will cease operations in the shopping center.

This Goodyear Auto Care facility will provide the same services as are currently offered at Gocha's adjacent leased facility. These services include tire sales & installation, wheel alignment, fluid replacements, brake service, routine maintenance, as well as diagnostic and minor auto repairs. They do not perform body work or painting of vehicles. The hours of operation are from 7:30 AM to 6:00 PM Monday thru Friday, 8:00 AM to 5:00 PM on Saturday and the store is closed on Sunday. During the summer months, the store stays open until 7:00 PM Monday thru Friday.

The proposed development includes an approximately 7,800 square foot building with 12 Service Bays and a Customer Waiting Area. As for the site layout, the building is oriented such that the bay doors face east and west and DO NOT face Round Grove Road/FM 3040 per Staff's request. Parking for customers will be between the building and the west property line. Additional parking will be situated between the building and the SH 121 ROW. There will be no parking between the building and the street OR between the building and the rear property line/adjacent residential properties to the north.

We are proposing to place the front wall of the building as far to the south as possible – abutting the 25' Building Setback Line along Round Grove Road/FM 3040. The City Engineering Dept. has determined that the existing 20' Water and Sanitary Sewer Easement is not needed and is suggesting that the easement be abandoned via a separate action after the SUP is approved. However, since the easement is still of record, we are requesting a Variance for a reduction of the city standard "10' building setback from the edge of an easement" so that the building can be placed at the 25' Building Setback Line. The paved access drive at the rear of the site will be set back from the north property line, which abuts the adjacent residential use, at least 15' and more that 15' at some points – significantly more than required by city regulations. This will allow a greenbelt which will have significant landscape screening and berming.

Hummel Investments LLC

Real Estate Development

Access to the site is provided by the existing drive approach on to FM 3040. This existing drive approach was installed as part of the recent reconfiguration/construction of the FM 3040/SH 121 Bus. Interchange. The location of this drive approach was determined by TxDot in order to provide access to the site knowing that at that time and they were aware that the circumstances were such that some of their standards could not be met. We are requesting a Variance for a waiver of the Deceleration Lane requirement, the 250' setback for a driveway from the SH 121 intersection and the 250' driveway spacing requirement. The request and supporting exhibits for which are part of our re-submittal package.

We are proposing heavy landscape buffers on all four sides of the property with trees and shrubbery in widths that exceed the city requirements.

The developer for this project is Hummel Investments, 8117 Preston Road, Suite 120 Dallas, TX 75225. The contact at Hummel is Steve Meier, 214-632-9611.

The attached documents include an SUP application, site plan, landscape plan and exterior elevations. If you have any questions or comments, please do not hesitate to call.

Sincerely,

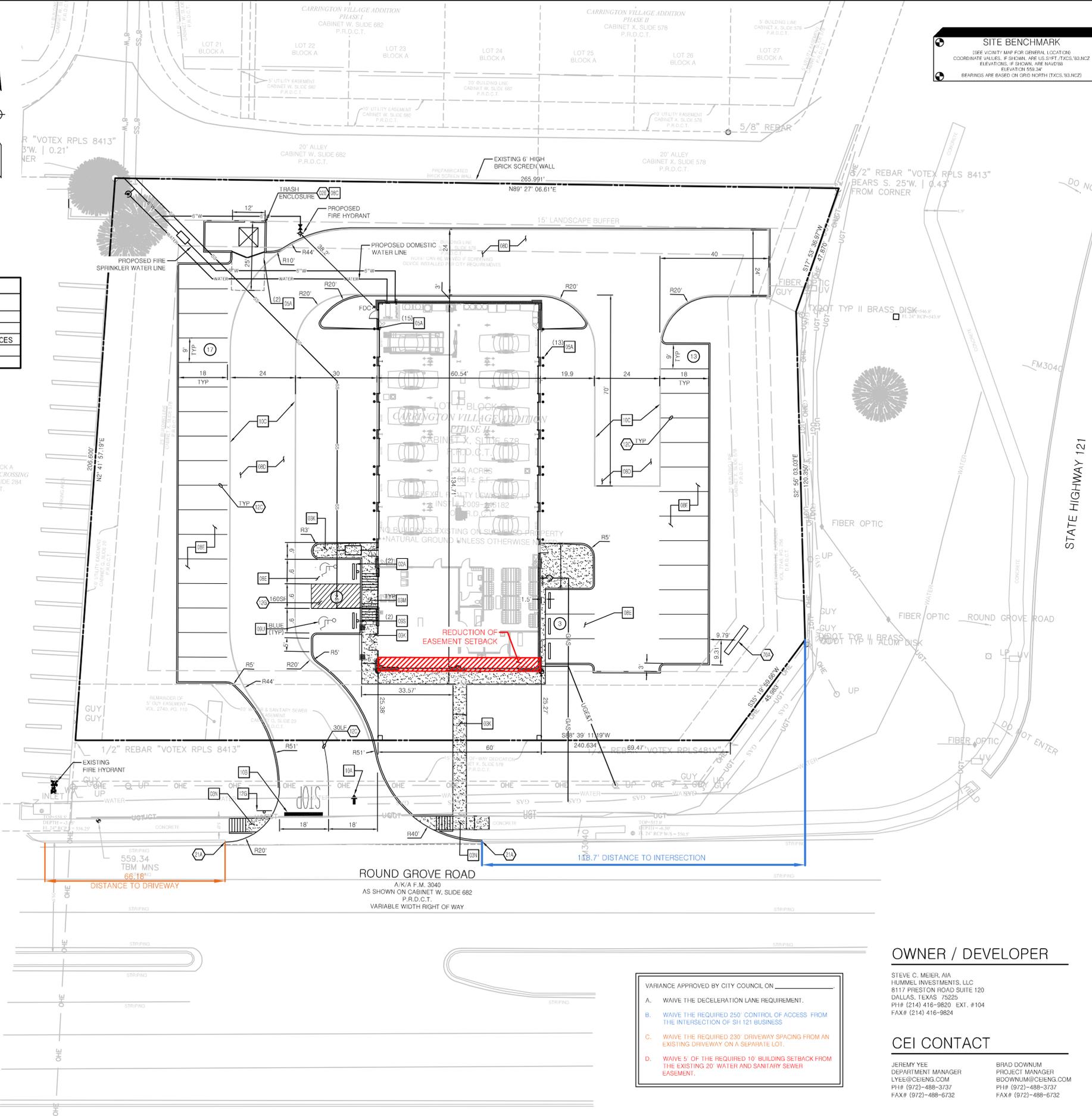


Steve C. Meier, AIA
Hummel Investments LLC

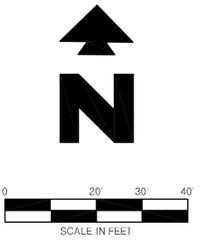


Vicinity Map
SCALE: 1" = 1,000'

SITE DATA	
SITE AREA:	1.212 ACRES (52,801 S.F.)
BLDG AREA:	8,103 S.F.
ZONING:	GB (GENERAL BUSINESS)
PARKING PROVIDED:	12 BAYS+35 OUTSIDE+47 SPACES
PARKING RATIO:	1/200
WORK BAYS PROVIDED:	12 BAYS



SITE BENCHMARK
1886 VICINITY MAP FOR GENERAL LOCATION
COORDINATE VALUES, IF SHOWN, ARE US S'YPT/TXCS/83/NCZ
ELEVATIONS, IF SHOWN, ARE NAVD83
ELEVATION 559.34
BEARINGS ARE BASED ON GRID NORTH (TXCS/83/NCZ)



NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

LEGEND

EXISTING					
---	PROPERTY LINE	⊕	FIRE HYDRANT	⊕	STORM MANHOLE
---	RIGHT OF WAY	⊕	GRATE INLET	⊕	TELEPHONE MANHOLE
X'G	GAS	⊕	GAS METER	⊕	UTILITY CABINET
X'SS	SANITARY SEWER	⊕	GAS METER	⊕	UTILITY VAULT
UG	UNDERGROUND ELECTRIC	⊕	UTILITY POLE ANCHOR	⊕	UTILITY POLE
UGT	UNDERGROUND TELEPHONE	⊕	IRRIGATION VALVE	⊕	UTILITY SIGN
X'W	WATER	⊕	LANDSCAPE OR TREE LINE	⊕	WATER VALVE
OHT	OVERHEAD TELEPHONE	⊕	LANDSCAPE OR TREE LINE	⊕	ONE-FT CONTOUR (MAY 1988)
OHE	OVERHEAD ELECTRIC	⊕	LANDSCAPE OR TREE LINE	⊕	TREE
		⊕	LANDSCAPE OR TREE LINE	⊕	ROAD SIGN
		⊕	LANDSCAPE OR TREE LINE	⊕	36" SPOT ELEVATION

PROPOSED			
---	PROPERTY LINE/RIGHT OF WAY LINE	FDC	FIRE DEPARTMENT CONNECTION
---	CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.		LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)
⊕	BUILDING CONTROL POINT		
⊕	PROPOSED PARKING SPACES		

- GENERAL SITE NOTES**
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL CURB RETURN RADI SHALL BE 2'. AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
 - UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 01A. ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL 01B. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 09C, 09D. ONE OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES. ALL PARKING LOT STRIPING INCLUDING ACCESSIBLE AND VAN ACCESSIBLE SPACES SHALL BE PAINTED PER DETAIL-09L.
 - ALL PARKING LOT SIGN BASE SUPPORTS SHALL BE INSTALLED PER DETAIL 12F.
 - ALL ACCESSIBLE PARKING STALLS SHALL HAVE SIGNAGE INSTALLED PER DETAIL 09S.
 - THERE IS TO BE NO OUTSIDE VEHICLE STORAGE. ANY VEHICLES LEFT OVERNIGHT ARE TO BE PARKED INSIDE THE BUILDINGS GARAGE VEHICLE BAYS.
 - BUILDING WILL REQUIRE AN AUTOMATIC FIRE SPRINKLER SYSTEM. A FIRE HYDRANT ALONG THE REAR FIRE LANE AND A FIRE HYDRANT WITHIN 100-FEET OF THE FDC.

- SITE NOTES**
- 02E TRASH DUMPSTER ENCLOSURE (PER ARCH PLANS)
 - 12C 4 INCH REFLECTIVE WHITE LANE STRIPES (SEE LENGTH INDICATED AT SYMBOL)
 - 12E PEDESTRIAN CROSSING-4 INCH WIDE PAINTED WHITE STRIPES, 2.0 FOOT O.C. @ 45 DEGREES (SEE SIZE INDICATED AT SYMBOL)
 - 12G 4 INCH WIDE PAINTED WHITE STRIPES, 2.0 FOOT O.C. @ 45 DEGREES SEE SIZE INDICATED AT SYMBOL.
 - 21A TAPER CURB TO MATCH EXISTING CURB
 - 70A MONUMENT SIGN = 150 SQUARE FEET MAX (PER ARCH. PLANS)

- SITE DETAILS**
- 02A PRECAST CONCRETE WHEEL STOP
 - 03K CONCRETE SIDEWALK
 - 03M WHEELCHAIR RAMP IN SIDEWALK
 - 03N WHEELCHAIR RAMP IN SIDEWALK (TYPICAL AT EACH DRIVEWAY CURB RETURN)
 - 05A GUARD POST
 - 08C HEAVY DUTY CONCRETE PAVING
 - 08D Description Not Found
 - 08E STANDARD DUTY CONCRETE PAVING
 - 09S ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN
 - 09L ACCESSIBLE PARKING SYMBOL (SEE PAINT COLOR INDICATED AT SYMBOL)
 - 10A TRAFFIC FLOW ARROW
 - 10B STOP BAR
 - 10C FIRE LANE MARKING
 - 12G STOP SIGN

VARIANCE APPROVED BY CITY COUNCIL ON _____

- WAIVE THE DECELERATION LANE REQUIREMENT.
- WAIVE THE REQUIRED 250' CONTROL OF ACCESS FROM THE INTERSECTION OF SH 121 BUSINESS
- WAIVE THE REQUIRED 230' DRIVEWAY SPACING FROM AN EXISTING DRIVEWAY ON A SEPARATE LOT.
- WAIVE 5' OF THE REQUIRED 10' BUILDING SETBACK FROM THE EXISTING 20' WATER AND SANITARY SEWER EASEMENT.

OWNER / DEVELOPER

STEVE C. MEIER, AIA
HUMMEL INVESTMENTS, LLC
8117 PRESTON ROAD SUITE 120
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CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

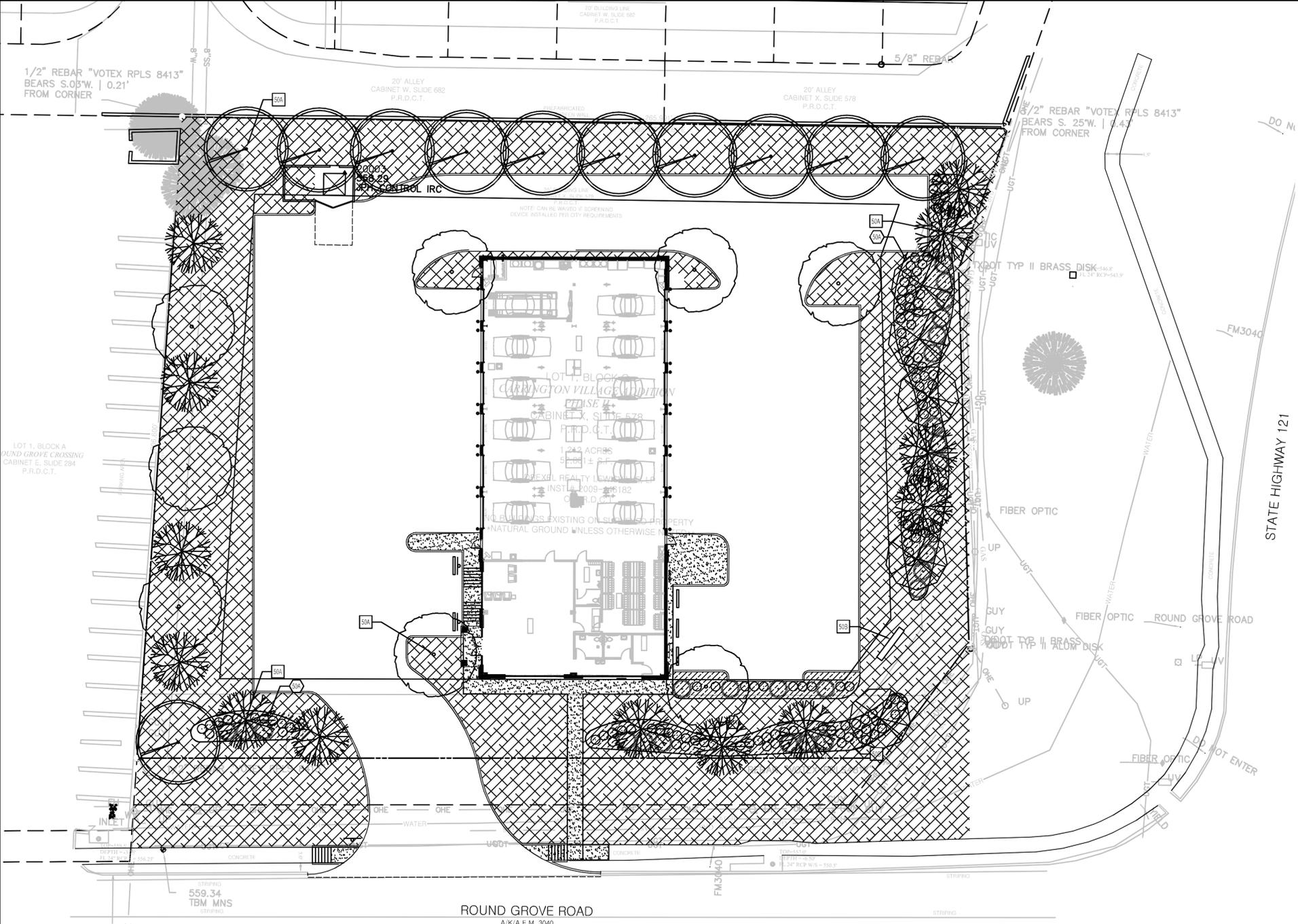
29310.0	1/25/16	ADS	BUD	TJA	TJA
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW
CEI Engineering Associates, Inc.					
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS					
3030 LBJ Freeway, Suite 100 Dallas, TX 75234				(972)488-3737 FAX (972)488-6732	

GOOD YEAR

**ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS**

DEVELOPMENT PLAN

REV DATE 1/25/16 REV-1	SHEET NO. C30F10
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NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

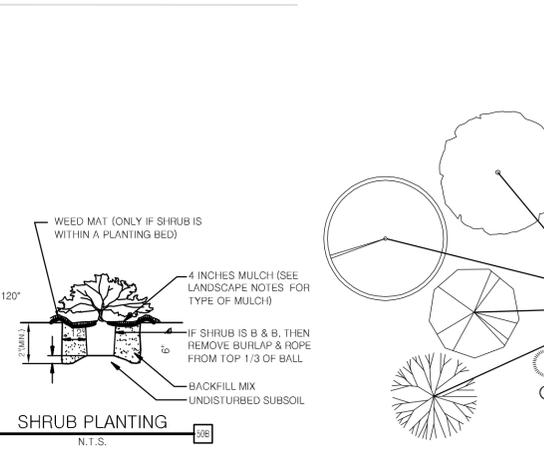
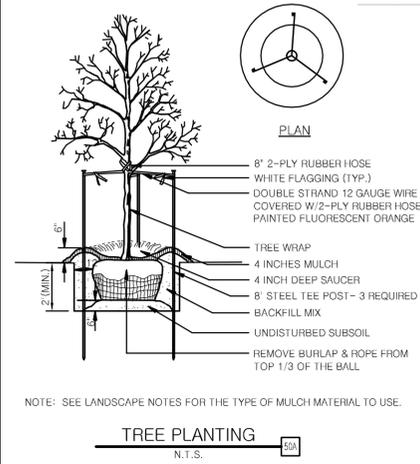
SITE BENCHMARK
(SEE VONITY MAP FOR GENERAL LOCATION)
COORDINATE VALUES, IF SHOWN, ARE U.S. S'FT. 72C/S, 83N/CZ
ELEVATIONS, IF SHOWN, ARE NAVD83
ELEVATION 559.34'
BEARINGS ARE BASED ON GRID NORTH (72C/S, 83N/CZ)

LEGEND

EXISTING		PROPOSED	
---	PROPERTY LINE	---	BERMUDA SOD
---	RIGHT OF WAY	---	4" HARDWOOD MULCH OVER LANDSCAPE FABRIC
X'G	GAS	○	TYPICAL PLANTING WITH QUANTITY AND KEY (SEE PLANT LIST)
X'SS	SANITARY SEWER	○	LANDSCAPE NOTES
UGT	UNDERGROUND ELECTRIC	○	LANDSCAPE DETAILS
UGT	UNDERGROUND TELEPHONE	○	50A TREE PLANTING
X'W	WATER	○	50B SHRUB PLANTING
OHT	OVERHEAD TELEPHONE	○	
OHE	OVERHEAD ELECTRIC	○	
⊕	FIRE HYDRANT	○	
⊕	GRATE INLET	○	
⊕	GAS METER	○	
⊕	GAS LINE	○	
⊕	UTILITY POLE ANCHOR	○	
⊕	IRRIGATION VALVE	○	
⊕	LANDSCAPE OR TREE LINE	○	
⊕	WATER VALVE	○	
⊕	UTILITY SIGN	○	
⊕	UTILITY MAULT	○	
⊕	UTILITY POLE	○	
⊕	UTILITY CABINET	○	
⊕	STORM MANHOLE	○	
⊕	TELEPHONE MANHOLE	○	
⊕	UTILITY SIGN (NAVD 1988)	○	
⊕	ONE-FT CONTOUR	○	
⊕	TREE	○	
⊕	DIAMETER IN INCHES AT BREAST HEIGHT	○	

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE FOR THE INSURING THAT ALL PROPOSED LANDSCAPING IS INSTALLED IN ACCORDANCE WITH PLANS, DETAILS, SPECIFICATIONS (IF APPLICABLE) AND ALL LOCAL CODES AND REQUIREMENTS.
- CONTRACTOR TO INSPECT SITE AND VERIFY CONDITIONS AND DIMENSIONING PRIOR TO PROCEEDING WITH WORK DESCRIBED HERE IN. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING ANY CONSTRUCTION.
- QUANTITIES PROVIDED IN THE PLANT LIST ARE FOR GENERAL USE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL PLANT AND LANDSCAPE MATERIAL QUANTITIES. SYMBOL COUNT ON PLAN TAKES PRECEDENCE OVER TABLE QUANTITIES.
- IMMEDIATELY AFTER AWARD OF CONTRACT, NOTIFY THE OWNER'S REPRESENTATIVE AND/OR THE LANDSCAPE ARCHITECT OF UNAVAILABILITY OF SPECIFIED PLANT MATERIAL FROM COMMERCIAL NURSERIES. THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT WILL PROVIDE ALTERNATE PLANT MATERIAL SELECTIONS IF UNAVAILABILITY OCCURS. SUCH CHANGES SHALL NOT ALTER THE ORIGINAL BID PRICE UNLESS A CREDIT IS DUE TO THE OWNER.
- ALL PLANT MATERIALS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1.
- CONTAINER GROWN STOCK SHOULD HAVE GROWN IN A CONTAINER LONG ENOUGH FOR THE ROOT SYSTEM TO HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL TOGETHER.
- ANY PLANT SUBSTITUTIONS, RELOCATION, OR REQUIRED CHANGE SHALL REQUIRE THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
- THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT RESERVE THE RIGHT TO REFUSE ANY MATERIAL THEY DEEM UNACCEPTABLE.
- COORDINATE WITH PROJECT REPRESENTATIVE FOR DISTURBED SITE TREATMENTS OUTSIDE LANDSCAPE IMPROVEMENTS. SEE CIVIL PLANS FOR SOIL STABILIZATION FOR EROSION CONTROL.
- CONTRACTOR TO ENSURE THAT AN AUTOMATED IRRIGATION SYSTEM THAT PROVIDES COMPLETE COVERAGE OF THE SITE IS INSTALLED PRIOR TO INSTALLING TREES/PALMS (SEE IRRIGATION PLAN SHEET IF PROVIDED). IF NO PLAN IS PROVIDED THE CONTRACTOR SHALL SUBMIT A PROPOSED DESIGN TO THE LANDSCAPE ARCHITECT/ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. THE PROPOSED DESIGN MUST HAVE AN APPROVED BACKFLOW DEVICE AND RAIN SENSOR INSTALLED TO STOP IRRIGATION DURING RAIN EVENTS. CONTRACTOR SHALL ENSURE THAT THERE IS POSITIVE DRAINAGE AND NO PONDING OF WATER AT ROOT AREA.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY RELOCATED TREES SHALL BE MAINTAINED UNTIL SUCH POINT AS TREE IS RE-ESTABLISHED. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT OF ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION AT NO COST TO THE OWNER.
- ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
- THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING OR SODDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADING.
- ALL PLANT MATERIAL IN TREE HOLDING AREAS SHALL BE MANUALLY WATERED/IRRIGATED TO KEEP MOIST UNTIL PLANTED.
- CONTRACTOR SHALL PROVIDE EXPANSION AND CONTROL JOINTS ON ALL LANDSCAPE SPECIFIC CONCRETE PROJECTS (SEE HARDSCAPE PLAN FOR DETAILS).



PLANT LIST

QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
8	CEDAR ELM <i>Ulmus crassifolia</i>	B&R	2.5" CAL	
11	LIVE OAK <i>Quercus virginiana</i>	B&R	2.5" CAL	
5	DESERT WILLOW <i>Chilopsis linearis</i>	B&R	2.5" CAL	
13	CHINESE PISTACHE <i>Pistacia chinensis</i>	B&R	2.5" CAL	
25	SILVERBERRY <i>Elaeagnus macrocarpa</i>	CONT.	5 CAL	
152	DWARF BURFORD HOLLY <i>Ilex cornuta 'Burfordiana'</i>	CONT.	5 GAL	18"-24" HEIGHT - PLANT 3' O.C.

CITY LANDSCAPE REQUIREMENTS

REQUIREMENT	REQUIRED	PROVIDED
TO LANDSCAPE STRIP WITH ONE SHADE TREE (2.5" CALIPER MINIMUM) SHALL BE PROVIDED PER EVERY 500 SQUARE FEET, OR ANY PORTION THEREOF, OF LANDSCAPED STRIP	4250 SF / 500 = 8.5 TREES	15 TREES
LANDSCAPE STRIP ALONG A STREET RIGHT-OF-WAY, EVERGREEN SHRUBS MUST BE PROVIDED FOR SCREENING.	SCREENING ALONG ROUND GROVE ROAD AND STATE HIGHWAY 121	66 SHRUBS PROVIDED
TREES MUST BE PROVIDED IN EACH PARKING LOT SPACED AT A RATIO OF ONE SHADE TREE (2.5" INCH CALIPER MINIMUM) FOR EACH 15 PARKING SPACES PROVIDED, OR ANY FRACTION THEREOF.	41 SPACED / 15 = 2.7 TREES	5 TREES
INTERIOR PARKING LOT LANDSCAPING TOTAL PARKING AREA 6-24,999 SF REQUIRED LANDSCAPING 5%	24,996 SF OF PARKING = 1,249 SF REQUIRED	2,199 SF (8.8%) OF INTERIOR LANDSCAPING PROVIDED
TOTAL NUMBER OF TREES ONSITE	12 TREES REQUIRED TOTAL	37 TREES PROVIDED

CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

**PRELIMINARY
NOT FOR
CONSTRUCTION**

29310.0
CEI PROJECT NO.

1/22/16
INITIAL DATE

ADS
DPOR

BUD
PM

MMP
DES

MMP
DRW

CEI Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3030 LBJ Freeway, Suite 100
Dallas, TX 75234

(972)488-3737
FAX (972)488-6732

GOOD YEAR

**ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS**

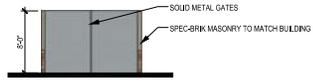
LANDSCAPE PLAN

REV DATE 1/22/16
REV-1

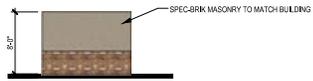
SHEET NO. L1

PRELIMINARY

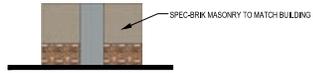
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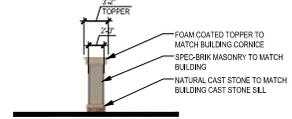
05 DUMPSTER ENCLOSURE
1/8"=1'-0"



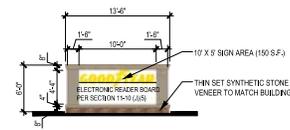
06 DUMPSTER ENCLOSURE
1/8"=1'-0"



07 DUMPSTER ENCLOSURE
1/8"=1'-0"



08 MONUMENT SIGN
1/8"=1'-0"



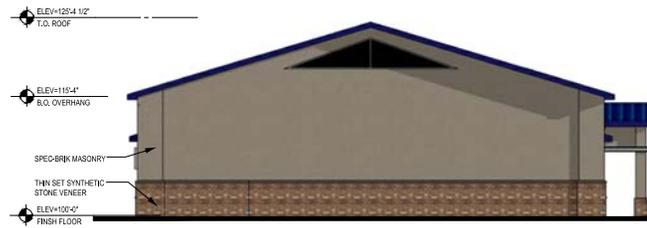
09 MONUMENT SIGN
1/8"=1'-0"



01 EAST ELEVATION
1/8"=1'-0"



02 WEST ELEVATION
1/8"=1'-0"



04 NORTH ELEVATION
1/8"=1'-0"



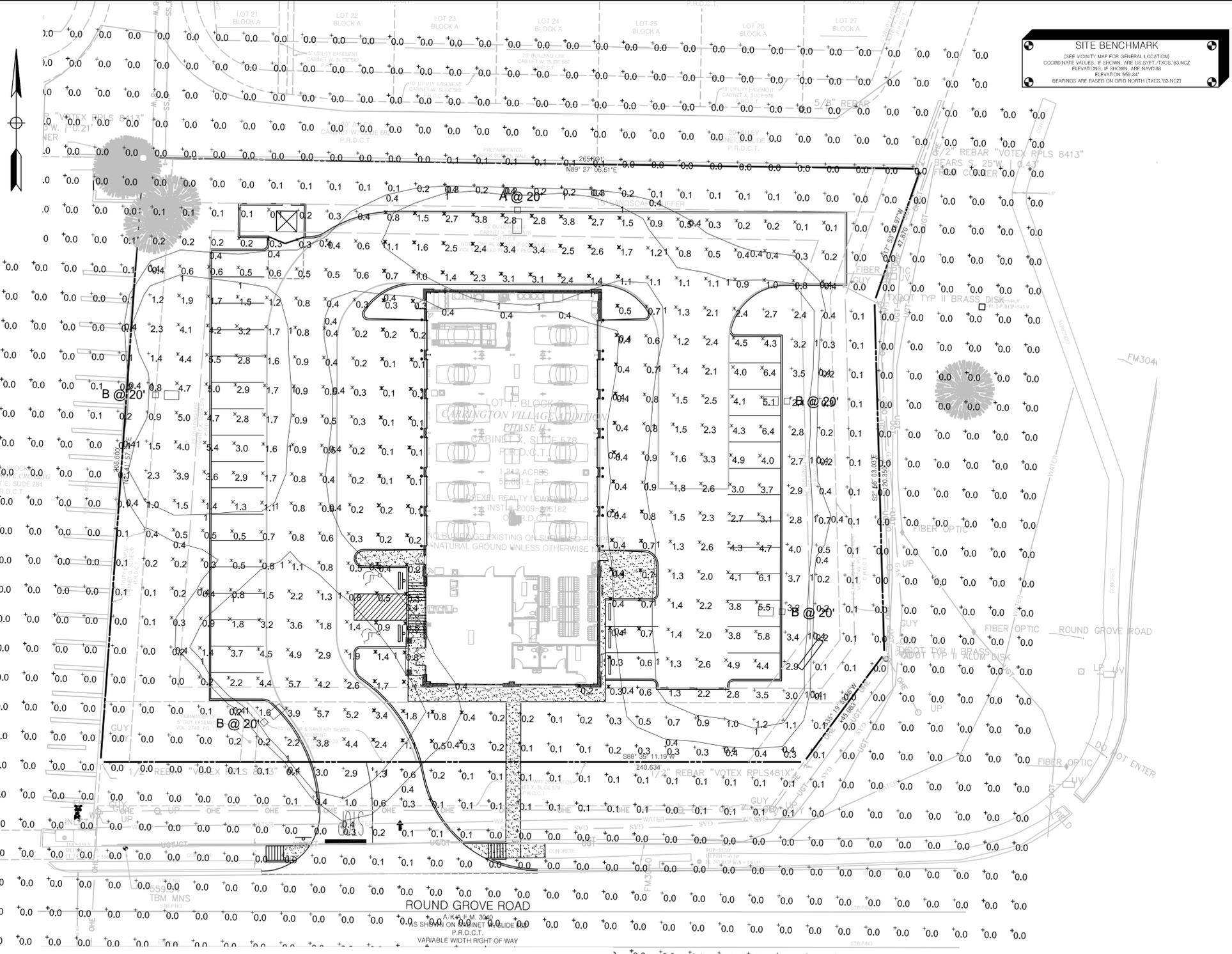
03 SOUTH ELEVATION
1/8"=1'-0"

NOTE:
THIS PROJECT IS ON A GATEWAY AND NO WALL ELEVATION CAN BE LESS THAN 80% BRICK VENEER



STATE HWY. 121 & ROUND GROVE RD.
COLORED ELEVATIONS
LEWISVILLE, TX - 28 JAN. 2016





NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULE, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.

LEGEND

EXISTING	
---	PROPERTY LINE
---	RIGHT OF WAY
X'G	GAS
X'SS	SANITARY SEWER
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEPHONE
---	WATER
---	OVERHEAD TELEPHONE
---	OHE
---	LANDSCAPE OR TREE LINE
---	OVERHEAD UTILITY LINES
---	ROAD SIGN
---	36" SPOT ELEVATION
---	FIRE HYDRANT
---	GRATE INLET
---	GAS METER
---	UTILITY POLE ANCHOR
---	IRRIGATION VALVE
---	STORM MANHOLE
---	TELEPHONE MANHOLE
---	UTILITY CABINET
---	UTILITY VAULT
---	UTILITY POLE
---	UTILITY SIGN
---	WATER VALVE
---	ONE-FT CONTOUR (MAYD 1988)
---	TREE
---	DIAMETER IN INCHES AT BREAST HEIGHT

Vicinity Map

SCALE: 1" = 1,000'

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
□	A	1	CREE INC.	ARE-EDG-2MB-xx-06-E-UL-xx-700-40K-xxxx (BXALXG08E-UD7)	Cree Edge Area, Type II Medium w- BLS, 60 LEDs, 700mA, 4000K	Sixty White LEDs, Vertical Base-Up Position	1	ARE-EDG-2MB-xx-06-E-UL-700-40K-ies	7953.106	1	133.6
□	B	4	CREE INC.	ARE-EDG-4MB-DA-12-E-UL-XX-525-40K (BXALH12EUC7)	Cree Edge Area, Type IV Medium w-Full BLS, 120 LEDs, 525mA, 4000K	One Hundred Twenty White LEDs, Vertical Base-Up Position	1	ARE-EDG-4MB-xx-12-E-UL-525-40K-ies	13154.62	1	198.4

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
Calc Zone #1	+	0.5 fc	6.4 fc	0.0 fc	N/A	N/A	0.1:1
Stat Zone # 1	✱	1.7 fc	6.4 fc	0.1 fc	64.0:1	17.0:1	0.3:1

OWNER / DEVELOPER

STEVE C. MEIER, AIA
HUMMEL INVESTMENTS, LLC
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CARRINGTON VILLAGE ADDITION
LOT 1, BLOCK G
SITE AREA:
1.212 ACRES (52,801 SF)
ZONING:
GB GENERAL BUSINESS

29310.0	1/21/16	ADS	BUD	TJA	TJA
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW

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Dallas, TX 75234
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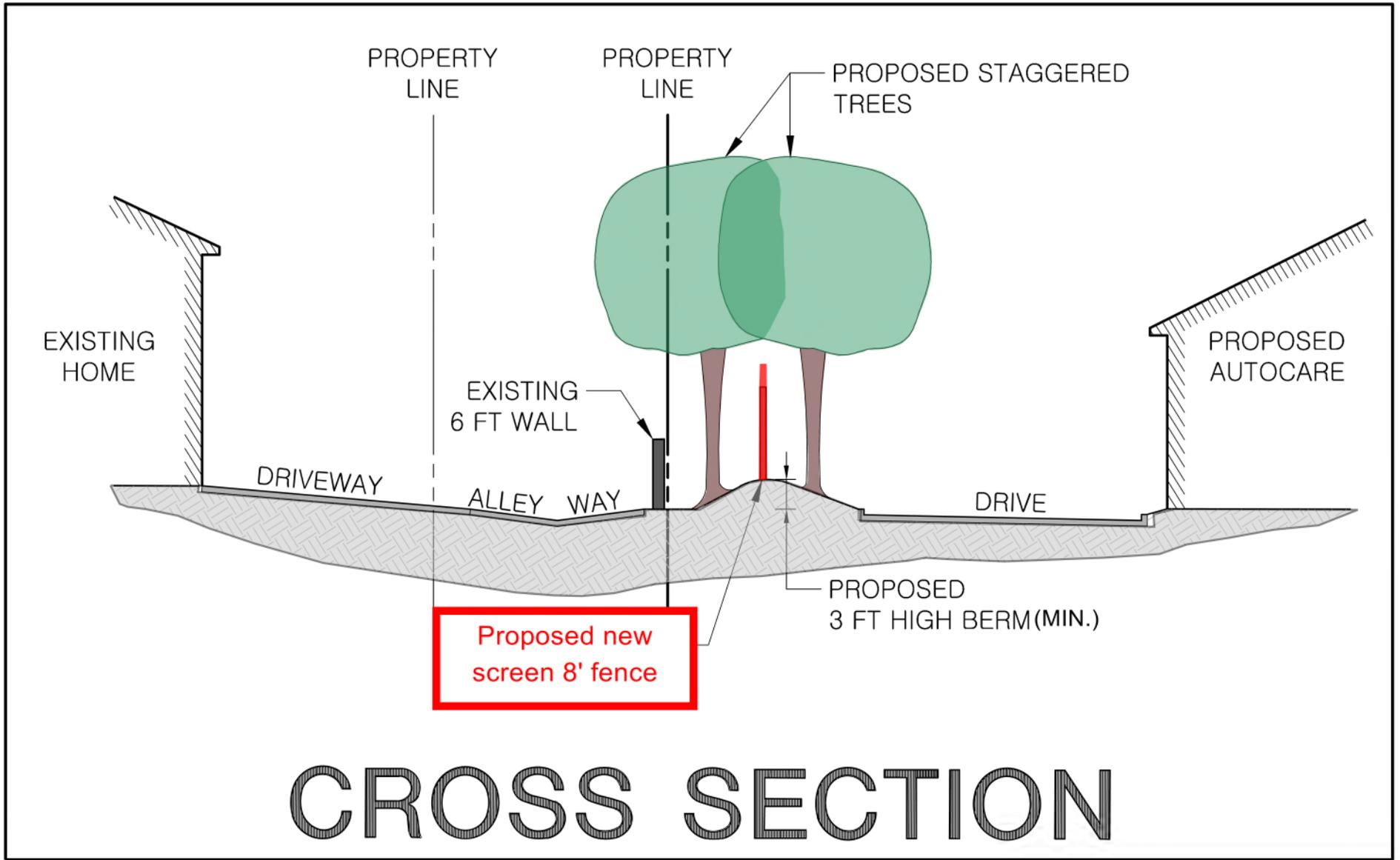


ROUND GROVE ROAD (F.M. 3040) & STATE HWY 121
LEWISVILLE, TEXAS

PHOTOMETRICS PLAN

REV DATE	SHEET NO.
1/21/16	C1 OF 10
REV-1	

FENCING ILLUSTRATION



CROSS SECTION

Not to Scale

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Nika Reinecke, Director of Economic Development and Planning

DATE: April 18, 2016

SUBJECT: **Consideration of a Final Plat With Two Associated Variances for South Village Addition, Lots 2R, 3-9, Block A; Lots 1-30, Block B; Lots 1-15, Block C; and Lots 1-11, Block D; Being 4.225 Acres of Land Zoned Old Town Mixed Use Two (OTMU2); Located on the South Side of Elm Street Between Charles Street and Mill Street; Being a Replat of South Village Addition, Lot 2, Block A and Lewisville Center Addition, Lot 2, Block A.**

BACKGROUND

South Village Addition is located in Old Town on the south side of Elm Street between Charles Street and Mill Street and is zoned Old Town Mixed Use Two. The proposed plat creates 63 residential lots in a combination of 12 single-family attached and 51 single-family detached lots. Lot 2R, Block A is proposed to be mixed use lot with a commercial ground floor and residential units above. Staff is reviewing an Old Town Development Plan for Lot 2R, Block A. This project represents a truly urban layout with narrow streets to allow for traffic calming and smaller setbacks which bring the units closer to the street. The concept plan for this project was approved by City Council in 2014 as part of an Economic development agreement. A zoning change request for two parcels fronting Charles Street is pending and scheduled for approval in May. The Planning and Zoning Commission recommended approval of the plat and requested variances by a vote of 4-0 at their April 5, 2016, meeting.

ANALYSIS

With the development of the Final Plat and construction plan the following two variances are being requested:

A) To allow corner clips less than 12'x12'.

Chapter 9.5 Section 92(a) Paving and Table 1 Street Design Criteria

Residential streets in Old Town require a 12 foot by 12 foot corner clip. The Old Town Development Ordinance has no design criteria for alleys, so the Land Development Regulations Chapter 6.92(k) controls and requires a 15 foot by 15 foot corner clip. The developer is requesting a variance to allow street corner clips to be 8.5 foot by 8.5 foot or a 15 foot radius and alley corner clips to be 7 foot by 7 foot. The purpose of corner clips is to provide clear space for surface improvements like sidewalk curb ramps and clear sight lines for vehicles and pedestrians. Staff is not opposed to the variance request since there will be stop signs at all intersections to maximize vehicle and pedestrian safety.

Subject: South Village Addition Final Plat and Variances

April 18, 2016

Page 2 of 2

B) To allow a reduced drainage and sanitary sewer easement width.

Chapter 9.5 Section 95(c) and Table 4 Drainage Easements

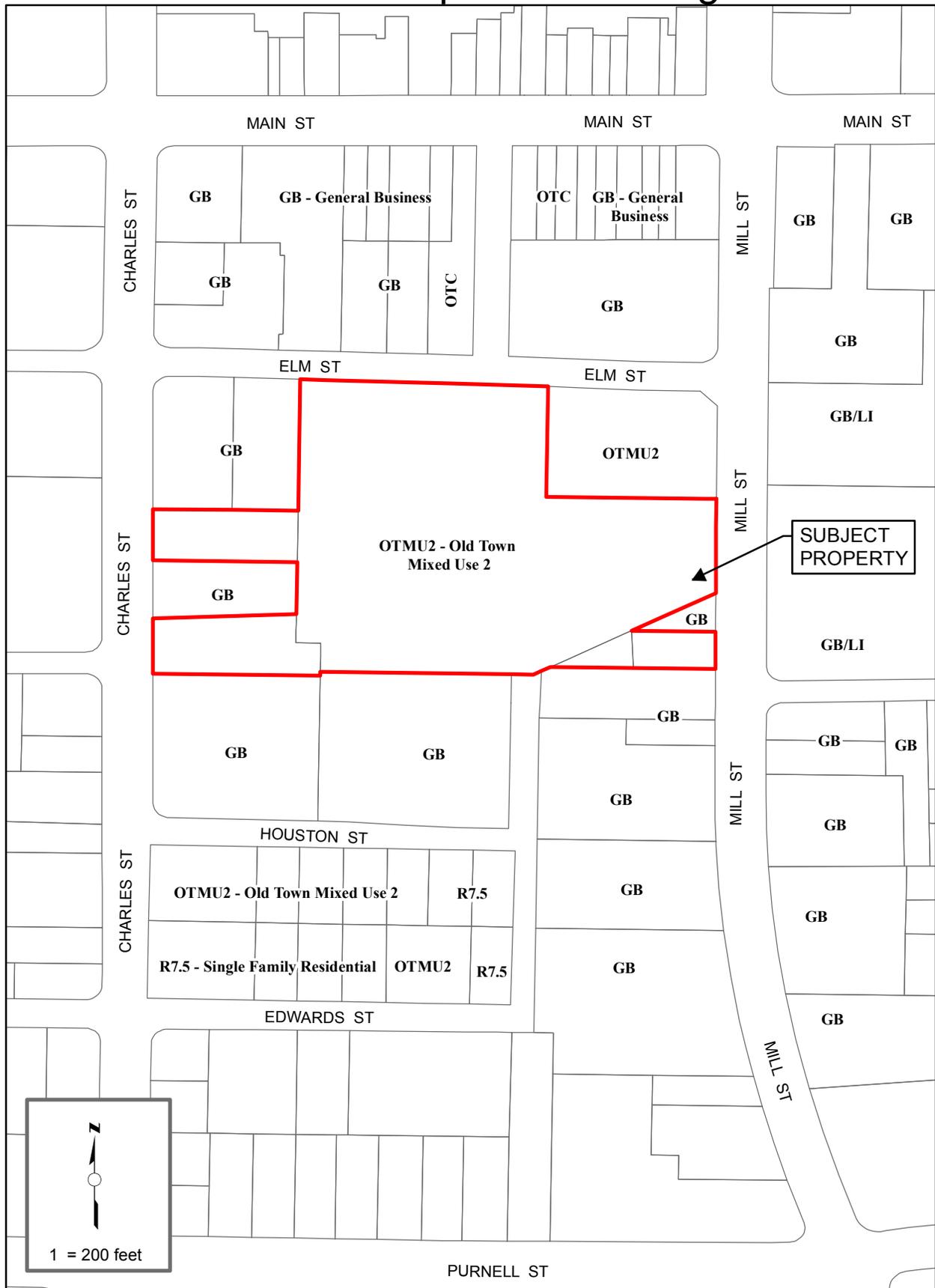
Chapter 9.5 Section 95(b) and Table 3 Sanitary Sewer Easements

The overall proposed drainage and sanitary sewer easement width is required to be 45 feet based on the size and depth of the proposed piping for the drainage and sanitary sewer improvements. The developer is requesting a variance to reduce the overall width of the easement to be 30 feet. Along Mill Street the developer is providing a 22.9 foot drainage and sanitary sewer easement and dedicating 7.1 feet of right-of-way for an overall width of 30 feet. The additional right-of-way on Mill Street will be used for future public sidewalk and on-street parking improvements and this same right-of-way can be used for the drainage and sanitary improvements. Staff is not opposed to the variance request since minimal maintenance and repairs are required for gravity drainage and sanitary sewer pipes and the depth of the drainage and sanitary sewer piping is not excessive to warrant an overall wider easement width.

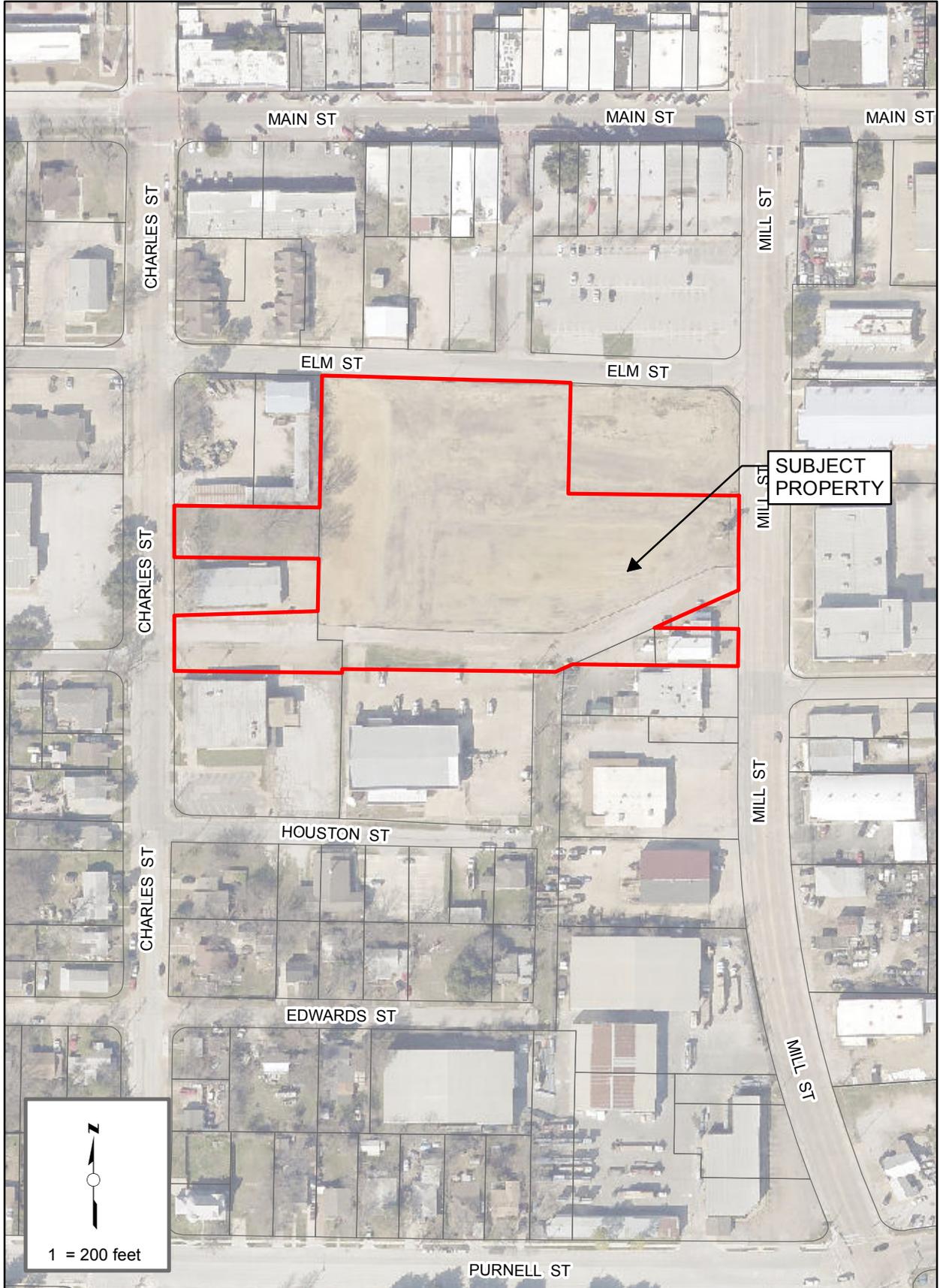
RECOMMENDATION

It is City staff's recommendation that the City Council approves the final plat and associated variances approval with a condition that the approval is contingent upon the approval of the zone change request.

Location Map - South Village



Aerial Map - 277 S. Mill Street



**MINUTES
PLANNING AND ZONING COMMISSION
APRIL 5, 2016**

Item 1:

The Lewisville Planning and Zoning Commission meeting was called to order at 6:30 pm. Members present: James Davis, Steve Byars, Brandon Jones and Kristin Green. Members Sean Kirk, Mary Ellen Miksa, and Alvin Turner were absent.

Staff members present: Mary Paron-Boswell, Jeff Kelly and June Sin

Item 5:

Public Hearing Plats were next on the agenda. There was one item for consideration:

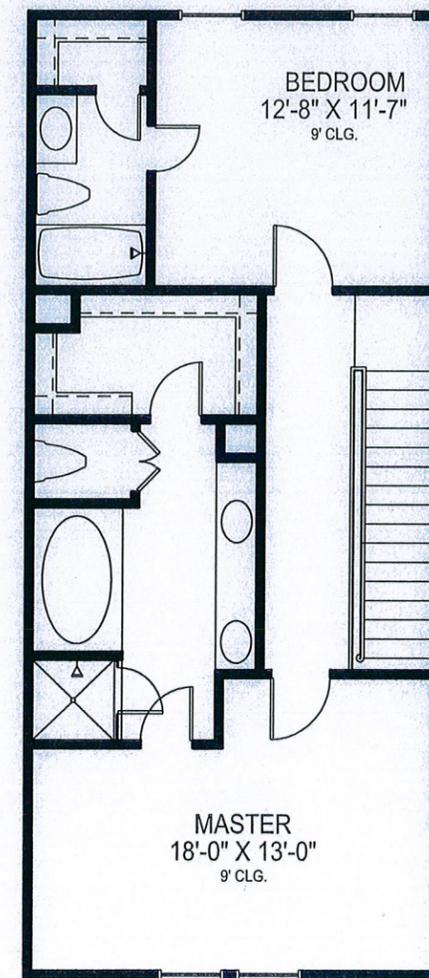
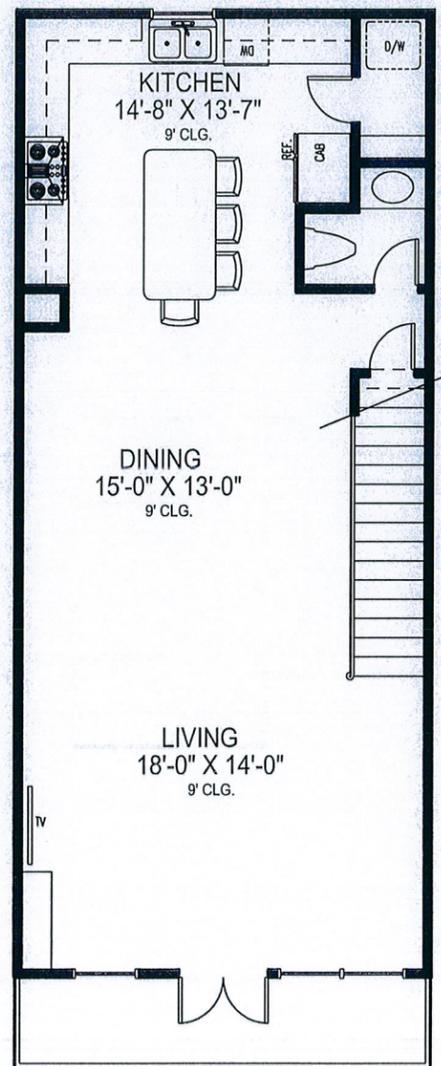
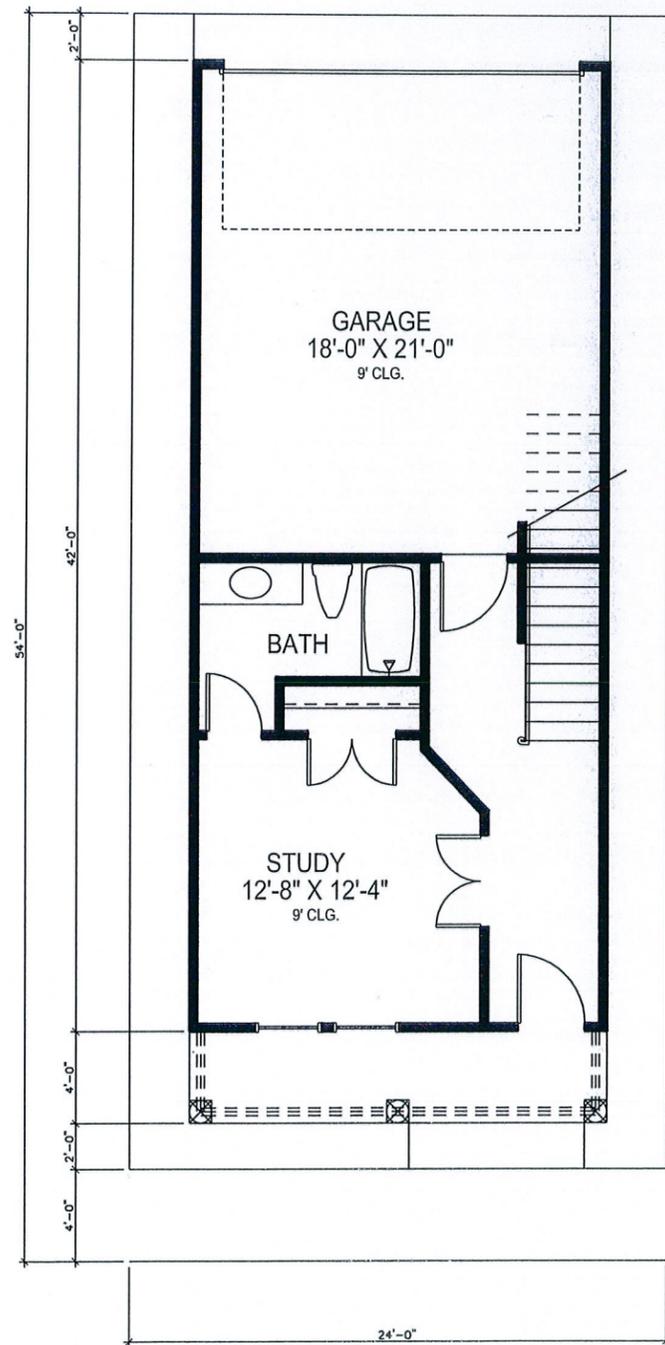
- A. Consideration of a Final Plat with Two Associated Variances for South Village Addition, Lots 2R, 3-9, Block A; Lots 1-30, Block B; Lots 1-15, Block C; and Lots 1-11, Block D; being 4.225 acres of land zoned Old Town Mixed Use Two (OTMU2); Located on the south side of Elm Street between Charles Street and Mill Street; Being a replat of South Village Addition, Lot 2, Block A and Lewisville Center Addition, Lot 2, Block A.

Staff gave a brief presentation on the proposed plat and requested variances. Jeff Kelly, Assistant City Engineer, indicated that there would be additional stop signs in place at each intersection to address the smaller corner clip request and assist in vehicular and pedestrian safety. Staff was not opposed to the second variance request to allow for a smaller easement since the easement would be shared and the applicant is dedicating right-of-way and which can be used for drainage and sanitary sewer improvements. Typically there is minimal maintenance and repairs required for gravity drainage and sanitary sewer pipes and the depth of the drainage and sanitary sewer piping is not excessive to warrant an overall wider easement width. The public hearing was opened and Brian Umberger, engineer for the project spoke in favor of the project and requested variances. There being no one else present to speak, the public hearing was then closed. Kristen Green asked if there was enough room with the smaller corner clip to allow for the required ADA ramps. Jeff Kelly stated that they worked a solution out to accomplish this that was also looked at by the ADA compliance staff person. Having no other questions, *a motion was made by Kristen Green to recommend approval of the plat and requested variances with a condition that the approval be contingent upon the approval of the zone change request, seconded by Brandon Jones and approved unanimously (4-0).*





2791



AREA DATA

FIRST FLOOR	385 SQ/FT
SECOND FLOOR	784 SQ/FT
THIRD FLOOR	784 SQ/FT
TOTAL LIVING	1,953 SQ/FT
GARAGE	389 SQ/FT
PORCHES	148 SQ/FT
TOTAL UNDER ROOF	2,490 SQ/FT

ELM AND MILL STREET, LEWISVILLE

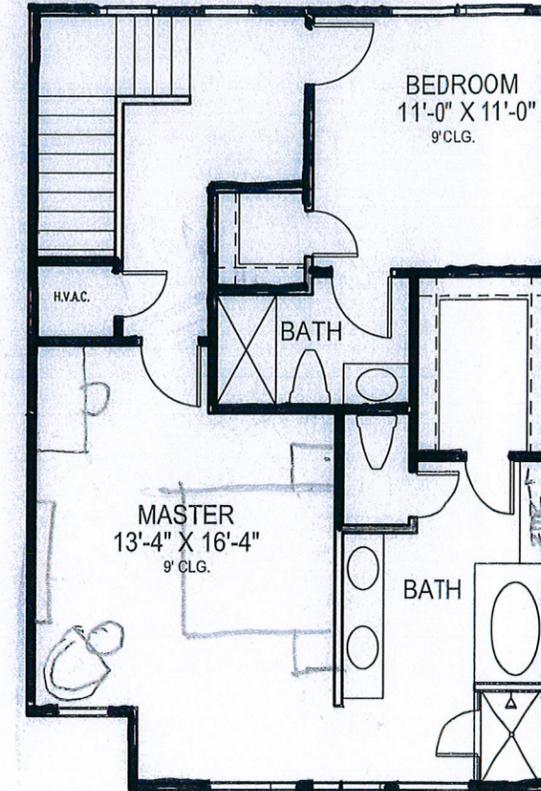
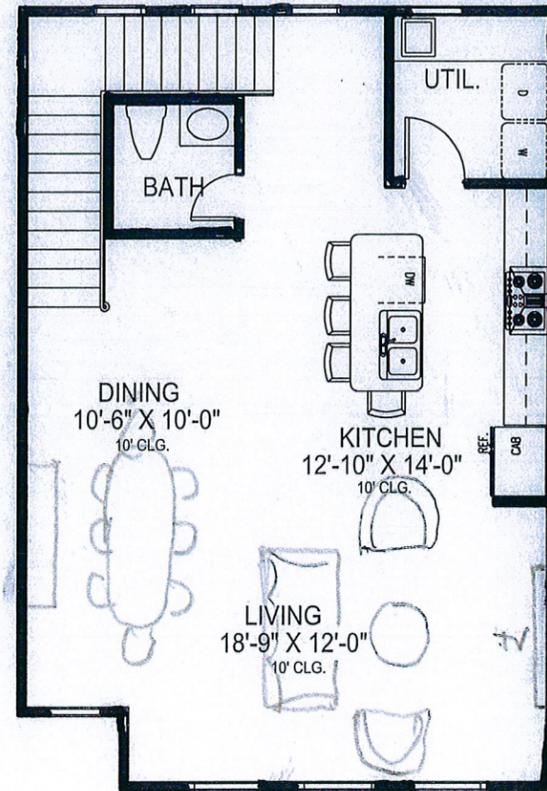
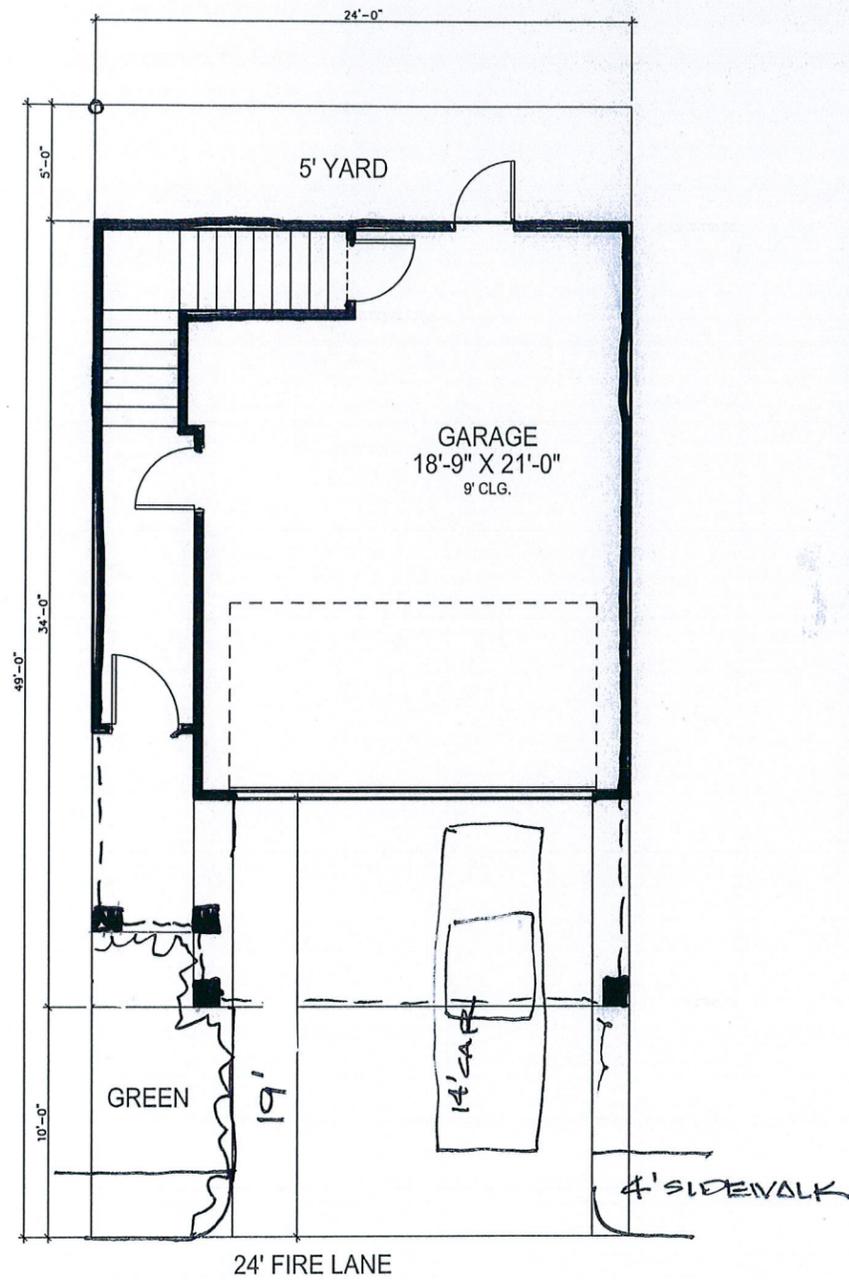
1432 - 28 July, 2014

PLAN #1

SCALE: 1/8"=1'-0"

SCHAUMBURG
ARCHITECTS

817 W DAGGETT AVE., FORT WORTH, TX 76104
TEL. (817) 336-7077 FAX (817) 336-7776



AREA DATA

FIRST FLOOR	125 SQ/FT
SECOND FLOOR	801 SQ/FT
THIRD FLOOR	801 SQ/FT
TOTAL LIVING	1,727 SQ/FT
GARAGE	468 SQ/FT
PORCHES	39 SQ/FT
TOTAL UNDER ROOF	2,234 SQ/FT

ELM AND MILL STREET, LEWISVILLE

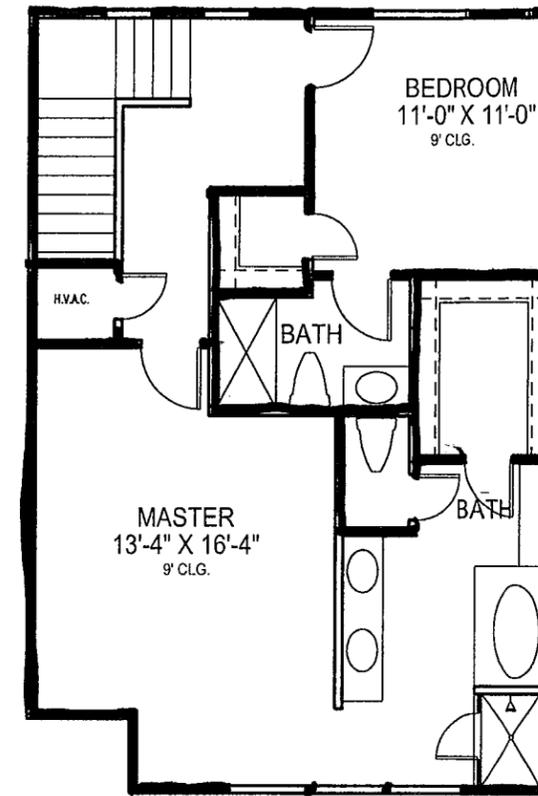
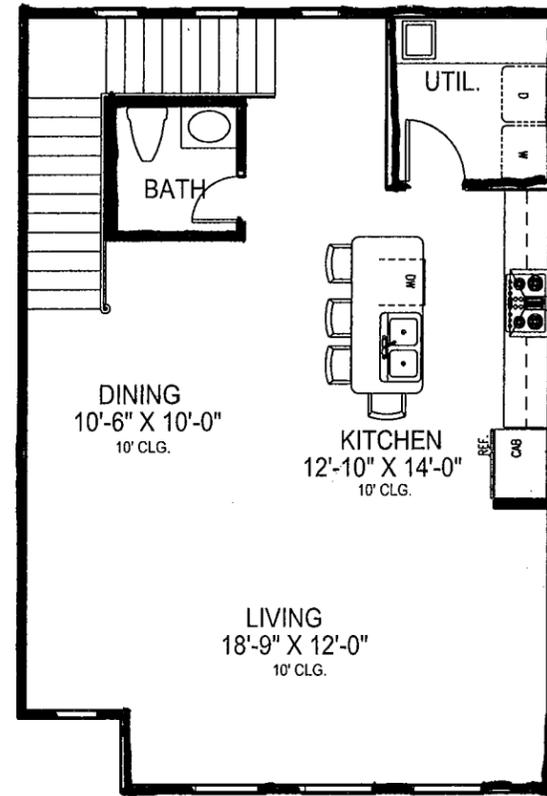
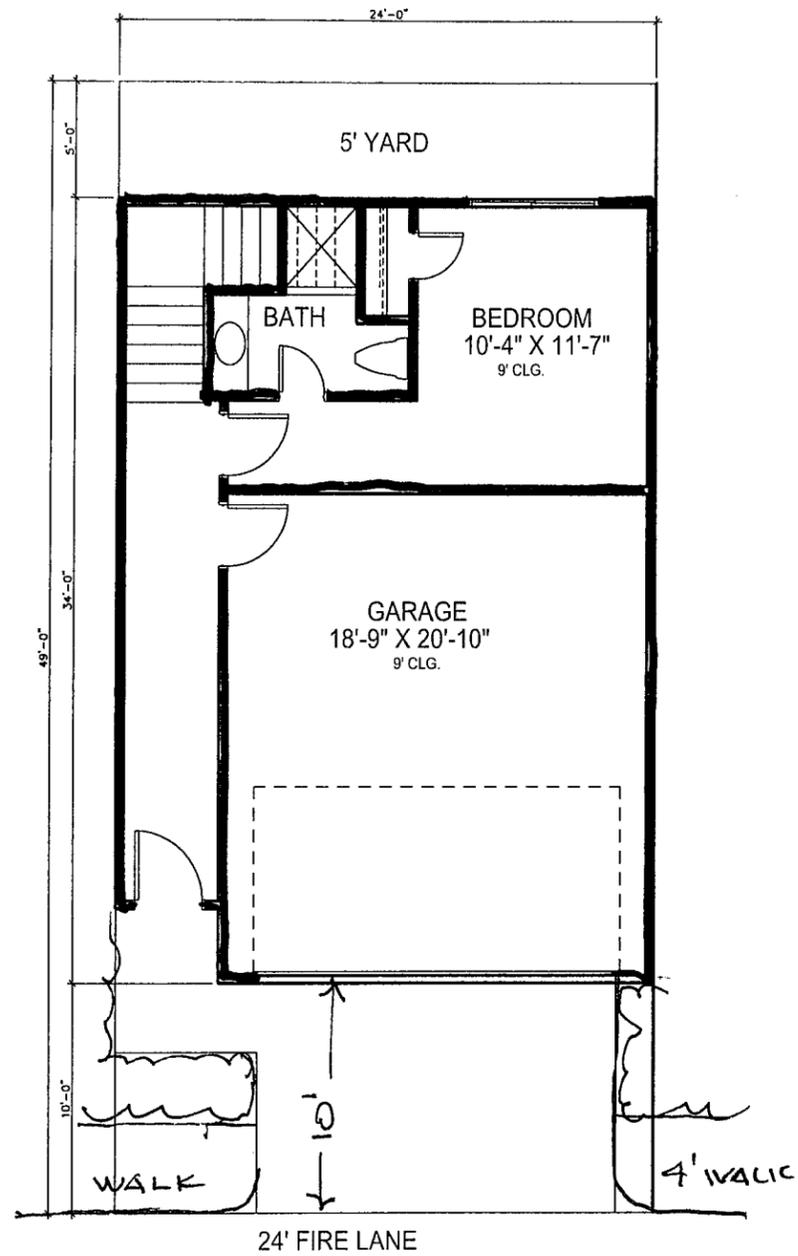
1432 - 28 July, 2014

PLAN #2

SCALE: 1/8"=1'-0"

SCHAUMBURG
ARCHITECTS

817 W DAGGETT AVE., FORT WORTH, TX 76104
TEL. (817) 336-7077 FAX (817) 336-7776



AREA DATA

FIRST FLOOR	385 SQ/FT
SECOND FLOOR	801 SQ/FT
THIRD FLOOR	801 SQ/FT
TOTAL LIVING	1,987 SQ/FT
GARAGE	415 SQ/FT
PORCHES	14 SQ/FT
TOTAL UNDER ROOF	2,416 SQ/FT

ELM AND MILL STREET, LEWISVILLE

1432 - 28 July, 2014

PLAN #3

SCALE: 1/8"=1'-0"

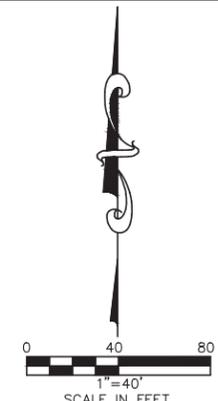
SCHAUMBURG
ARCHITECTS

817 W DAGGETT AVE., FORT WORTH, TX 76104
TEL. (817) 336-7077 FAX (817) 336-7776

PLAN SUMMARY TABLE

BLOCK LETTER	LOT NUMBER	LOT TYPE	LOT AREA(AC)
A	2R	MU	0.807
A	3	W&S	0.037
A	4	W&S	0.031
A	5	W&S	0.031
A	6	W&S	0.032
A	7	W&S	0.030
A	8	W&S	0.030
A	9	W&S	0.030
B	1	SFD	0.030
B	2	SFD	0.028
B	3	SFD	0.028
B	4	SFD	0.028
B	5	SFD	0.028
B	6	SFD	0.028
B	7	SFD	0.028
B	8	SFD	0.028
B	9	SFD	0.028
B	10	SFD	0.028
B	11	SFD	0.028
B	12	SFD	0.028
B	13	SFD	0.028
B	14	SFD	0.028
B	15	SFD	0.027
B	16	SFD	0.026
B	17	SFD	0.028
B	18	SFD	0.028
B	19	SFD	0.028
B	20	SFD	0.028
B	21	SFD	0.028
B	22	SFD	0.028
B	23	SFD	0.028
B	24	SFD	0.028
B	25	SFD	0.028
B	26	SFD	0.028
B	27	SFD	0.028
B	28	SFD	0.028
B	29	SFD	0.028
B	30	SFD	0.028
C	1	SFA	0.036
C	2	SFA	0.026
C	3	SFA	0.026
C	4	SFA	0.026
C	5	SFA	0.026
C	6	SFA	0.034
C	7	SFD	0.026
C	8	SFD	0.028
C	9	SFD	0.028
C	10	SFD	0.028
C	11	SFD	0.028
C	12	SFD	0.028
C	13	SFD	0.028
C	14	SFD	0.028
C	15	SFD	0.027
D	1	SFA	0.037
D	2	SFA	0.026
D	3	SFA	0.026
D	4	SFA	0.026
D	5	SFA	0.027
D	6	SFA	0.035
D	7	SFD	0.026
D	8	SFD	0.028
D	9	SFD	0.028
D	10	SFD	0.028
D	11	SFD	0.026

Total lots 63 SINGLE FAMILY
1 MIXED USE
TOTAL AREA RIGHT-OF-WAY DEDICATION: 93,357 S.F. / 2.1432 ACRES
MINIMUM LOTS SIZE PER PLAN.



NOTES:

- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
- THIS SUBJECT TRACT OF LAND BY GRAPHIC PLOTTING ONLY IS IN FLOOD ZONE "X" AND DOES NOT APPEAR TO BE WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, TEXAS AND INCORPORATED AREAS IN COMMUNITY PANEL NO. 4810205650, MAP EFFECTIVE APRIL 18, 2011, AND PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
- THE BASIS OF BEARING FOR THIS SURVEY IS THE TEXAS STATE PLANE, NORTH CENTRAL ZONE, GEODETIC BEARING ESTABLISHED BY GPS MEASUREMENTS TAKEN ON THE GROUND AND COMPUTED BY Online Positioning User Service (OPUS) OFFERED BY THE NATIONAL GEODETIC SURVEY. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- ALL CORNERS ARE A 5/8" IRON ROD WITH CAP STAMPED "R.P.L.S. 5430" UNLESS OTHERWISE NOTED.
- THE SURVEYOR, AS REQUIRED BY STATE LAW, IS RESPONSIBLE FOR SURVEYING INFORMATION ONLY AND BEARS NO RESPONSIBILITY FOR THE ACCURACY OF THE ENGINEERING DATA ON THIS PLAT.
- PARK FEES TO BE PAID AT THE TIME OF BUILDING PERMIT.
- SUBJECT TO E.D. AGREEMENT APPROVED BY CITY COUNCIL ON SEPTEMBER 15, 2014.
- NO MORE THAN FIVE (5) UNITS MAY BE ALLOWED TO HAVE A MINIMUM OF 1,500 SQUARE FEET.
- MINIMUM 1900 S.F. DWELLINGS FOR SINGLE FAMILY DETACHED LOTS.
- MINIMUM 1700 S.F. DWELLINGS FOR SINGLE FAMILY ATTACHED LOTS.
- NO MORE THAN 5 UNITS MAY BE 1500 S.F.
- ALL UNITS SHALL BE SPRINKLERED.
- MINIMUM 2 CAR GARAGE REQUIRED FOR EACH UNIT.
- MINIMUM 80% MASONRY, FOR ALL EXTERIOR WALLS; WITH MIN 80% MASONRY ON FRONT ELEVATION.
- MINIMUM TWO WINDOW TYPES ON FRONT ELEVATION AS DESCRIBED IN AGREEMENT DATED SEPTEMBER 15, 2014.
- RESIDENTIAL ARCHITECTURAL STANDARDS PER AGREEMENT.

LOT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 46°41'30" W	13.87'
L2	N 43°28'29" E	9.99'
L3	S 46°44'45" E	9.72'
L4	N 43°49'48" E	9.98'
L5	N 46°11'31" W	9.92'
L6	S 45°33'00" E	9.92'
L7	N 44°27'00" E	9.87'
L8	S 45°42'24" E	9.90'
L9	N 44°17'36" E	9.90'
L10	S 45°42'24" E	9.90'
L11	N 44°57'55" E	11.88'
L12	N 45°02'05" W	12.16'
L13	S 44°57'55" W	9.79'
L14	S 45°02'05" E	10.01'
L15	N 44°57'55" E	11.88'
L16	N 45°02'05" W	12.16'
L17	S 44°57'55" W	9.79'
L18	N 45°41'30" W	9.90'
L19	N 43°15'10" E	10.08'
L20	S 44°18'30" W	9.90'
L21	S 46°10'55" E	11.87'

CENTERLINE LINE TABLE

LINE	BEARING	DISTANCE
L1	S 82°34'06" E	27.69'
L2	N 89°35'30" E	30.09'
L3	N 00°41'30" W	2.56'
L4	N 89°18'30" E	19.99'

LOT CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	15.00'	84°46'28"	22.19'	N 41°37'17" E	20.22'
C2	15.00'	90°57'24"	23.81'	S 46°10'12" E	21.39'
C3	15.00'	85°27'38"	22.37'	N 41°31'01" E	20.36'
C4	15.00'	90°00'00"	23.56'	N 44°18'30" E	21.21'
C5	15.00'	89°59'58"	23.56'	S 45°41'31" E	21.21'

PAGE 1 OF 2
FINAL PLAT
SOUTH VILLAGE ADDITION

LOTS 2R, 3-9, BLOCK A, LOTS 1-30, BLOCK B,
LOTS 1-15, BLOCK C, LOTS 1-11, BLOCK D
4.225 ACRES
ZONING CLASS
OTMU2=OLD TOWN MIXED USE 2 DISTRICT

BEING A REPLAT OF LOT 2 BLOCK A, SOUTH VILLAGE ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, ACCORDING TO THE PLAT THEREOF RECORDED IN DOC. NO. 2014-293, PLAT RECORDS, DENTON COUNTY, TEXAS.

AND
LOT 2, LEWISVILLE CENTER ADDITION AN ADDITION TO THE CITY OF LEWISVILLE ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, PAGE 340, PLAT RECORDS, DENTON COUNTY, TEXAS.

AND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND:
A TRACT OF LAND TO CADG MILL STREET, LLC AS RECORDED IN DOCUMENT NUMBER 2013-138401 DEED RECORDS DENTON COUNTY, TEXAS

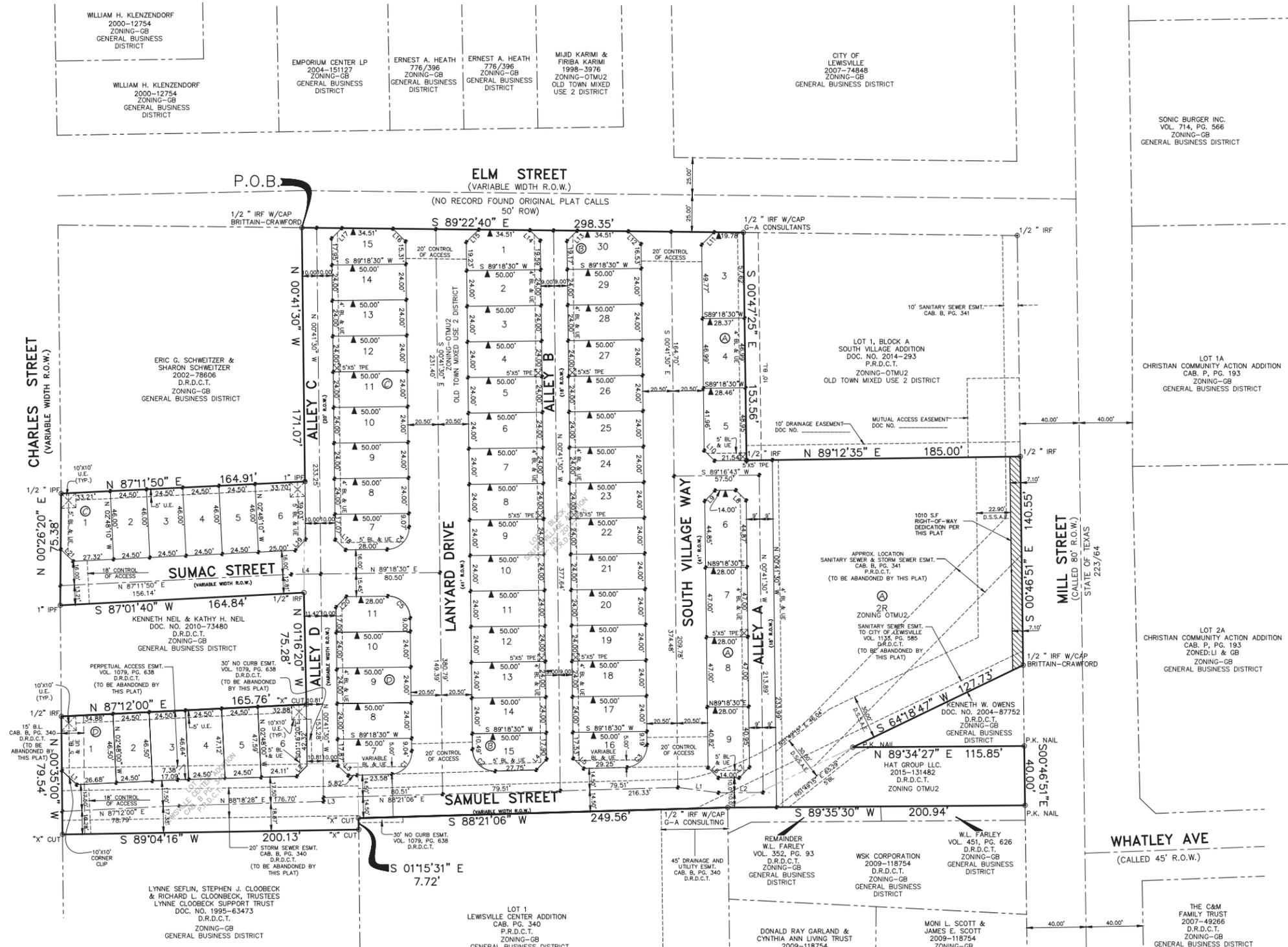
A TRACT OF LAND TO HAT GROUP LLC, RECORDED IN DOCUMENT NUMBER 2015-131482, DEED RECORDS DENTON COUNTY, TEXAS
AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS,
SITUATED IN
THE I.W. KING SURVEY, ABSTRACT NO. 696,
DENTON COUNTY, TEXAS

OWNER: HAT GROUP, LLC
1800 Valley View Lane, Suite 300
Farmers Branch, Texas 75234

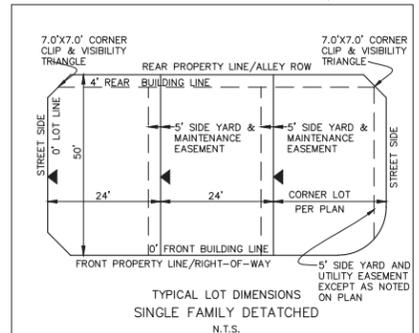
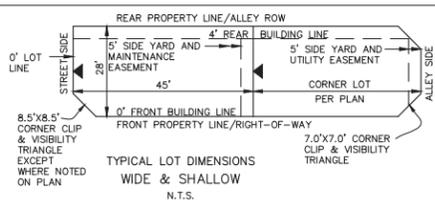
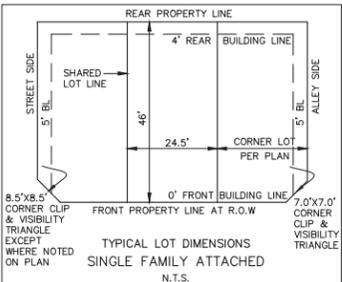
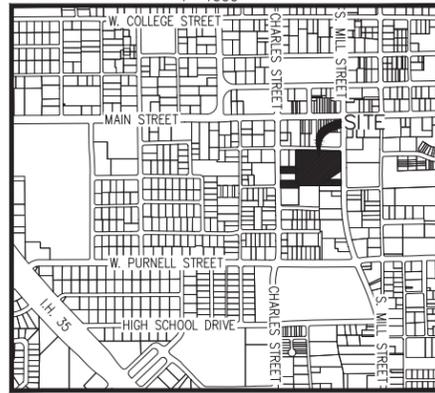
OWNER: CADG MILL STREET LLC,
1221 N. I-35 Suite 200
Carrollton, Texas 75006
Contact: Henry Rahmani

SURVEYOR: MADDOX SURVEYING & MAPPING, INC.
P.O. Box 2109
Forney, Texas 75126
Phone: (972) 564-4416
FIRM REG NO. 10013200

FILED: DOCUMENT NO. , P.R.D.C.T.



VICINITY MAP
1"=1000'



- LEGEND
- P.O.B. - POINT OF BEGINNING
 - IRF - IRON ROD FOUND
 - FND. - FOUND
 - AC - ACRES
 - D.R.D.C.T. - DEED RECORDS DENTON COUNTY, TEXAS
 - P.R.D.C.T. - PLAT RECORDS DENTON COUNTY, TEXAS
 - VL. - VOLUME
 - PG. - PAGE
 - CAB. - CABINET
 - DOC. NO. - DOCUMENT NUMBER
 - R.O.W. - RIGHT-OF-WAY
 - SFD - SINGLE FAMILY DETACHED
 - SFA - SINGLE FAMILY ATTACHED
 - W&S - WIDE AND SHALLOW
 - N/A - NOT APPLICABLE
 - N.T.S. - NOT TO SCALE
 - U.E. - UTILITY EASEMENT (TYP.) - TYPICAL
 - SF - SQUARE FEET
 - AC - ACRES
 - MIN. - MINIMUM
 - TPE - TRANSFORMER PAD EASEMENT
 - D.S.S.A.E. - DRAINAGE, SANITARY SEWER, & ACCESS EASEMENT
 - ▲ "O" LOT LINE INDICATOR FOR THE LOT

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, CADG MILL STREET, LLC and HAT GROUP LLC. are the owners of a tract of land located in the J. W. King Survey, Abstract Number 696, Lewisville, Denton County, Texas, and being all of Lot 2 Block A, South Village Addition, an addition to the City of Lewisville, according to the plat thereof recorded in Document Number 2014-293, Plat Records, Denton County, Texas, all of Lot 2, Lewisville Center Addition an addition to the City of Lewisville according to the plat thereof recorded in Cabinet B, Page 340, Plat Records, Denton County, Texas, same being a portion of a tract of land to CADG Mill Street, LLC as recorded in Document Number 2013-138401 and all of a tract of land to Hat Group LLC. recorded in Document Number 2015-131482, Deed Records Denton County, Texas, and being more particularly described as follows:

BEGINNING at 1/2 inch iron rod with cap stamped "BRITTAİN-CRAWFORD" found for the northwest corner of said Lot 2, Block A, South Village Addition, same point lying on the south line of Elm Street (50' public right-of-way), and also being the northeast corner of a tract of land described in a deed to Eric G. Schweitzer & Sharon Schweitzer, Document Number 2002-78606, Deed Records of Denton County, Texas;

THENCE South 89 degrees 22 minutes 40 seconds East, departing the east line of said Eric Schweitzer tract and along said south line of Elm Street, a distance of 298.35 feet to a 1/2 inch iron rod with cap stamped "G-A CONSULTANTS" found for the northeast corner of said Lot 2, same being the northwest corner of Lot 1, Bock A, South Village Addition, as recorded in Document Number 2014-293, Plat Records of Denton County, Texas;

THENCE South 00 degrees 47 minutes 25 seconds East departing the south line of said Elm Street and continuing along the common line of said Lot 2 and said Lot 1, a distance of 153.56 feet to a 1/2 inch iron rod found for corner, point being an inner el corner of said Lot 2 and the southwest corner of said Lot 1;

THENCE North 89 degrees 12 minutes 35 seconds East continuing along the common line of said Lot 2 and Lot 1, a distance of 185.00 feet to a 1/2 inch iron rod found for the southeast corner of Lot 1 and the east corner of Lot 2, point also lying on the west line of Mill Street (a called 80' public right-of-way) recorded in Volume 223, Page 64, Deed Records of Denton County, Texas;

THENCE South 00 degrees 46 minutes 51 seconds East departing the south line of said Lot 1, and along the west line of said Mill Street, a distance of 140.55 feet to a 1/2 inch iron rod with cap stamped "BRITTAİN-CRAWFORD" found for the southeast corner of said Lot 2, Block A, South Village Addition and the north corner of a tract of land to Kenneth Owens as recorded in Document Number 2004-87752, Deed Records of Denton County, Texas;

THENCE South 64 degrees 18 minutes 47 seconds West along the common line of said Owens tract and said Lot 2, Block A, South Village Addition a distance of 127.73 feet to a PK Nail found for the west corner of said Owens tract and the north corner of a tract of land to Hat Group LLC. as recorded in Document Number 2015-131482 Deed Records of Denton County, Texas;

THENCE North 89 degrees 34 minutes 27 seconds East along the common line of said Owens tract and said Hat tract a distance of 115.85 feet to a PK Nail found for the northeast corner of said Hat Tract same being the southeast corner of said Owens tract and also lying on the east line of said Mill Street

THENCE South 00 degrees 46 minutes 51 seconds East along the west line of said Mill Street and the east line of said Hat tract a distance of 40.00 feet to a PK Nail found for the southeast corner of said Hat tract;

THENCE South 89 degrees 35 minutes 30 seconds West departing the west line of said Mill Street and along the south line of said Hat tract, a distance of 200.94 feet to a 1/2 inch iron rod with cap stamped "G-A CONSULTANTS" found for the most southerly southeast corner of said Lot 2, Block A, South Village Addition, the southwest corner of said Hat tract and the northeast corner of Lot 1, Lewisville Center Addition, an addition to the City of Lewisville as recorded in Cabinet B, Page 340 Plat Records of Denton County, Texas;

THENCE South 88 degrees 21 minutes 06 seconds West continuing along the common line of said Lot 2, South Village Addition, and said Lot 1, Lewisville Center Addition, passing an "X CUT" found at a distance of 249.36 feet and continuing a total distance of 249.56 feet to a point for the most southerly southwest corner of said Lot 2, South Village Addition and the northwest corner of said Lot 1, Lewisville Center Addition;

THENCE South 01 degrees 15 minutes 31 seconds East along the west line of said Lot 1, Lewisville Center Addition, a distance of 7.72 feet to an "X CUT" found for the northeast corner of a tract of land to Lynne Seflin, Stephen J. Cloobek & Richard L. Cloobek, Lynne Cloobek Support Trust, recorded in Document Number 1995-63473, Deed Records of Denton County, Texas;

THENCE South 89 degrees 04 minutes 16 seconds West along the north line of said Cloobek Trust tract, a distance of 200.13 feet to an "X CUT" found for the northwest corner of the Cloobek Trust tract, point also lying on the east line of Charles Street and being the southwest corner of the herein described tract;

THENCE North 00 degrees 35 minutes 00 seconds West along the east line of said Charles Street, a distance of 79.54 feet to a 1/2 inch iron rod found for corner, same being the southwest corner of a tract of land to Kenneth Neil & Kathy H. Neil, recorded in Document Number 2010-73480, Deed Records of Denton County, Texas;

THENCE North 87 degrees 12 minutes 00 seconds East departing the east line of said Charles Street, a distance of 165.76 feet to an "X CUT" found for corner lying on the west line of said Lot 2, South Village Addition, same being the southeast corner of said Kenneth Neil tract;

THENCE North 01 degrees 16 minutes 20 seconds West along the common line of said Kenneth Neil tract and Lot 2, South Village Addition, a distance of 75.28 feet to a 1/2 inch iron rod found for corner, same being the northeast corner of said Kenneth Neil tract;

THENCE South 87 degrees 01 minutes 40 seconds West, a distance of 164.84 feet to a 1 inch iron pipe found for corner lying on the east line of said Charles Street, same being the northwest corner of said Kenneth Neil tract;

THENCE North 00 degrees 26 minutes 20 seconds East along the east line of said Charles Street, a distance of 75.38 feet to a 1/2 inch iron pipe found for corner;

THENCE North 87 degrees 11 minutes 50 seconds East departing the east line of said Charles Street, a distance of 164.91 feet to a 1 inch iron pipe found for corner lying on the west line of said Lot 2 South Village Addition, same being the southeast corner of said Eric Schweitzer tract;

THENCE North 00 degrees 41 minutes 30 seconds West along the common line of said Eric Schweitzer tract and said Lot 2, a distance of 171.07 feet to the POINT OF BEGINNING, containing 184,020 square Feet, or 4.225 acres of land.

OWNER'S DEDICATION

STATE OF TEXAS §
COUNTY OF DENTON §

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That CADG Mill Street, LLC, a Texas Limited Liability Company, and Hat Group LLC., a Texas Limited Liability Company, the undersigned authorities, do hereby adopt this plat designating the hereinabove described property as South Village Addition, an addition to the City of Lewisville, Denton County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown thereon; and does hereby dedicate the easement strips shown on the plat for mutual use and accommodation of the City of Lewisville and all public utilities desiring to use, or using same. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or replaced upon, over or across the easements strips on said plat. The City of Lewisville and any public utilities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to and from said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. A blanket easement of a five (5) foot radius from the center point of all fire hydrants and a five (5) foot radius from the center point of all other appurtenances (fire hydrant valve, water meters, meter boxes, street light(s)) is hereby granted to the City of Lewisville for the purpose of constructing, reconstructing, inspecting and maintaining the above named appurtenances.

We do further dedicate, subject to the exceptions and reservation set forth hereinafter, to the public use forever all public use spaces shown on the face of the plat.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

EXECUTED THIS ___ day of _____, 2016.

CADG MILL STREET, LLC,

NAME: _____

TITLE: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AT DENTON, TEXAS, this the ___ day of _____, 2016.

Notary Public

Hat Group LLC,

NAME: _____

TITLE: _____

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED _____, KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AT DENTON, TEXAS, this the ___ day of _____, 2016.

Notary Public

Variances approved:

Elm Street escrow requirements on Elm Street (Variance approved 09/15/2014).

NEW VARIANCES APPROVED BY CITY COUNCIL ON _____.

- a. To allow corner clips less than 12'X12'.
b. To allow a reduced drainage and sanitary sewer easement width.

Recommended for Approval

James Davis, Chairman Date
Planning and Zoning Commission, City of Lewisville, TX

Approved and Accepted _____

Rudy Durham Date
Mayor, City of Lewisville, TX

THE UNDERSIGNED, the City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing final plat of South Village Addition, an addition to the City of Lewisville, Texas, was submitted to the appropriate Planning and Zoning Commission or City Council as required by the ordinances of the City of Lewisville on the ___ day of _____, 2016, and such body by formal action accepted the dedication of streets, alleys, parks, easements, public spaces and water and sewer lines, as shown and set forth in and upon said plat, and such body further authorized the acceptance thereof by signing as herein above subscribed in the capacity stated.

WITNESS MY HAND, this ___ day of _____, 2016.

Julie Heinze
City Secretary, City of Lewisville, Texas

LIEN HOLDER RATIFICATION OF DEDICATION:
WITNESS OUR HAND this ___ day of _____, 2016.
Commercial Bank of Texas
Authorized Representative
Print Name
STATE OF TEXAS :
COUNTY OF DENTON :
BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____.
Notary Public
State of Texas
My commission expires the ___ day of _____, _____.

Section V.

E. Screening and Fences: All development within the South Village Development shall comply with Chapter 4, Article X of the City of Lewisville Code of Ordinances, with the following modification:

- 1. Fencing on corner lots facing side streets shall be enhanced wooden fences (board-on-board cedar with a top cap). All enhanced fencing within the development shall be consistent.
2. Fencing facing open space and parks shall be wrought iron (or tubular steel).
3. External surface of retaining walls shall be constructed of masonry, stonework, or brick.
4. There will be no Fencing or Screening along Elm Street.
5. Entryway features of masonry thin wall on Mill Street per Concept Plan.
6. Board on Board fence shall be required along the southern property line. This shall be maintained by the HOA.

F. Landscape Standards: All development within the South Village Development shall comply with the following:

- 1. Tree Requirements:
All lots shall have a minimum one (1) tree in the front yard. To count toward the tree requirements, trees shall be a minimum 20 gallons and be one of the trees listed below unless otherwise agreed to, in writing, by the City.
Tree List
Italian Cypress
Sky Pencil Japanese Holly
Dwarf Crepe Myrtle
2. Shrubs, bushes, annual and perineal plantings are allowed.

PAGE 2 OF 2
FINAL PLAT
SOUTH VILLAGE ADDITION

LOTS 2R, 3-9, BLOCK A, LOTS 1-30, BLOCK B,
LOTS 1-15, BLOCK C, LOTS 1-11, BLOCK D

4.225 ACRES

ZONING CLASS
OTMU2=OLD TOWN MIXED USE 2 DISTRICT

BEING A REPLAT OF LOT 2 BLOCK A, SOUTH VILLAGE ADDITION, AN ADDITION TO THE CITY OF LEWISVILLE, ACCORDING TO THE PLAT THEREOF RECORDED IN DOC. NO. 2014-293, PLAT RECORDS, DENTON COUNTY, TEXAS.

AND
LOT 2, LEWISVILLE CENTER ADDITION AN ADDITION TO THE CITY OF LEWISVILLE ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, PAGE 340, PLAT RECORDS, DENTON COUNTY, TEXAS.

AND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND:

A TRACT OF LAND TO CADG MILL STREET, LLC AS RECORDED IN DOCUMENT NUMBER 2013-138401 DEED RECORDS DENTON COUNTY, TEXAS

A TRACT OF LAND TO HAT GROUP LLC. RECORDED IN DOCUMENT NUMBER 2015-131482, DEED RECORDS DENTON COUNTY, TEXAS

AN ADDITION TO THE CITY OF LEWISVILLE, DENTON COUNTY, TEXAS,

SITUATED IN
THE J.W. KING, SURVEY, ABSTRACT NO. 696,
DENTON COUNTY, TEXAS

OWNER: HAT GROUP, LLC 1800 Valley View Lane, Suite 300 Farmers Branch, Texas 75234 Contact: Henry Rahmani
OWNER: CADG MILL STREET LLC, 1221 N. I-35 Suite 200 Carrollton, Texas 75006 Contact: Henry Rahmani
SURVEYOR: MADDOX SURVEYING & MAPPING, INC. P.O. Box 2109 Forney, Texas 75126 Phone: (972) 564-4416 FIRM REG NO. 10013200



1800 Valley View Lane
Suite 140
Farmers Branch, Texas 75234

March 30, 2016

Mr. Eric Ferris
City of Lewisville
181 W. Church Street
Lewisville, Texas 75057

Re: Variance Requests for CADG Mill St. LLC - South Village

Dear Mr. Ferris

On behalf of our client CADG Mill St. LLC, Texas Development Services is submitting this request for the following variances as they relate to the proposed Urban Development known as South Village, generally located south of Elm Street between Charles and Mills Streets.

A. To allow for corner clips less than twelve feet by twelve feet (12'x 12').

The purpose of a typical corner clip is to ensure structures and fences are not built directly on a hard corner which could obstruct sight lines and could also negatively affect a paved turning radius. All municipalities set their own corner clip standards. Lewisville typical residential subdivision street clips are 12' x 12'. Through the design process it has been demonstrated that the low traffic speeds and narrow streets act as traffic calming measure. In conjunction with that, engineering staff has proposed adding additional stop signs at street intersections to ensure cross traffic stops within eyesight of the intersection cross streets. This close quarter building program enhances the urban feel of the project and staff's recommendation adds a measure of safety.

B. To allow a reduced drainage and sanitary sewer easement.

Through the engineering design process, it has been demonstrated to engineering staff that thirty feet is an adequate width for this particular combined sewer and storm drain easement. Also to not require any additional building setback from the easement which is a preference the city usually mandates to ensure there is no conflict between an easement and a structure. In a dense urban setting it is unusual for a parcel of land to be encumbered by additional setbacks when the whole purpose of the easement is to provide adequate area for the services being installed. In this case, care will be exercised to place the structures outside of the combined sanitary sewer and storm drainage easement area.

Thank you,

Brian Umberger, B.E.
President
Texas Development Services, LLC
O:972-427-4100
D:469-964-5721

WILLIAM H. KLENZENDORF
2000-12754
ZONING-GB
GENERAL BUSINESS
DISTRICT

ZONING-GB
GENERAL BUSINESS
DISTRICT

ZONING-GB
GENERAL BUSINESS
DISTRICT

ZONING-GB
GENERAL BUSINESS
DISTRICT

ZONING-OTMU2
OLD TOWN MIXED
USE 2 DISTRICT

ZONING-G
GENERAL BUSINESS

P.O.B.

ELM STREET
(VARIABLE WIDTH R.O.W.)

(NO RECORD FOUND ORIGINAL PLAT CALLS
50' ROW)

1/2" IRF W/CAP
BRITAIN-CRAWFORD

S 89°22'40" E 298.35'

1/2" IRF W/CAP
G-A CONSULTANTS

CHARLES STREET
(VARIABLE WIDTH R.O.W.)

ERIC G. SCHWEITZER &
SHARON SCHWEITZER
2002-78806
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS DISTRICT

N 00°41'30" W 171.07'
ALLEY C
(10' ROW)

ZONING-OTMU2
OLD TOWN MIXED USE 2 DISTRICT

ALLEY B
(10' ROW)

S 00°47'25" E 153.56'
18.01'

L
SOUTH
DOI
OLD TOWN

10' DRAINAGE EASEMENT
DOC. NO.

1/2" IRF N 89°12'3"

1/2" IRF
N 00°26'20" E 75.38'

N 87°11'50" E 164.91'

SUMAC STREET
(VARIABLE WIDTH R.O.W.)

S 87°01'40" W 164.84'

KENNETH NEIL & KATHY H. NEIL
DOC. NO. 2010-73480
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS DISTRICT

N 01°16'20" W 75.28'
ALLEY D
(VARIABLE WIDTH R.O.W.)

LANYARD DRIVE
(10' ROW)

SOUTH VILLAGE WAY
(10' ROW)

ALLEY A
(10' ROW)

10' SANITARY SEWER
(TO BE ABANDONED)

PERPETUAL ACCESS ESMT.
VOL. 1079, PG. 638
D.R.D.C.T.
(TO BE ABANDONED BY
THIS PLAT)

30' NO CURB ESMT.
VOL. 1079, PG. 638
D.R.D.C.T.
(TO BE ABANDONED
BY THIS PLAT)

N 87°12'00" E 165.76'

1/2" IRF
N 00°35'00" W 79.53'

N 89°04'16" W 200.13'

SAMUEL STREET
(VARIABLE WIDTH R.O.W.)

S 88°21'06" W 249.56'

1/2" IRF W/CAP
G-A CONSULTING

S 89°35'30"

20' STORM SEWER ESMT.
CAB. B, PG. 340
D.R.D.C.T.
(TO BE ABANDONED BY
THIS PLAT)

30' NO CURB ESMT.
VOL. 1079, PG. 638
D.R.D.C.T.

S 01°15'31" E 7.72'

45' DRAINAGE AND
UTILITY ESMT.
CAB. B, PG. 340
D.R.D.C.T.

REMAINDER
W.L. FARLEY
VOL. 352, PG. 93
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS
DISTRICT

LYNNE SEFLIN, STEPHEN J. CLOOBECK
& RICHARD L. CLOOBECK, TRUSTEES
LYNNE CLOOBECK SUPPORT TRUST
DOC. NO. 1995-83473
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS DISTRICT

LOT 1
LEWISVILLE CENTER ADDITION
CAB. PG. 340
P.R.D.C.T.
ZONING-GB
GENERAL BUSINESS DISTRICT

DONALD RAY GARLAND &
CYNTHIA ANN LIVING TRUST
2009-118754
ZONING-GB
GENERAL BUSINESS DISTRICT

○ VARIANCE AREA

VARIANCE A

To allow corner clips less than 12'x12'

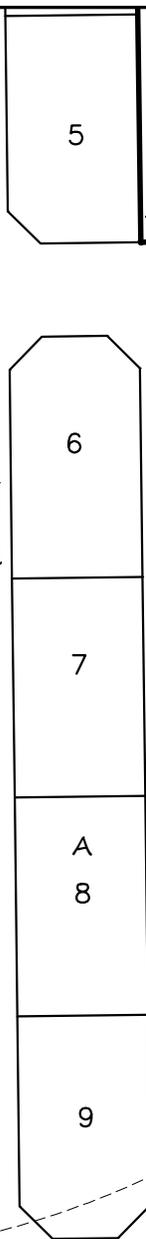


NOT TO SCALE

SO □ T □ □ I □ □ A □ □ A □ □ ITIO □

MARCH 2016

SOUTH VILLAGE WAY
(41' R.O.W.)



ALLEY A
(18' R.O.W.)

153.56'

10' DRAINAGE EASEMENT
DOC NO. _____

MUTUAL ACCESS EASEMENT
DOC NO. _____

1/2" IRF N 89°12'35" E 185.00' 1/2" IRF

SANITARY SEWER ESMT.
TO CITY OF LEWISVILLE
VOL. 1133, PG. 585
D.R.D.C.T.
(TO BE ABANDONED BY
THIS PLAT)

APPROX. LOCATION
SANITARY SEWER & STORM SEWER ESMT.
CAB. B, PG. 341
P.R.D.C.T.
(TO BE ABANDONED BY THIS PLAT)

A
2
ZONING OTMU2

SANITARY SEWER ESMT.
TO CITY OF LEWISVILLE
VOL. 1133, PG. 585
D.R.D.C.T.
(TO BE ABANDONED BY
THIS PLAT)

7.10' RIGHT-OF-WAY DEDICATION

S 00°46'51" E 140.55'

MILL STREET
(CALLED 80' R.O.W.)

STATE OF TEXAS
223/64

1/2" IRF W/CAP
BRITAIN-CRAWFORD

S 64°18'47" W 121.75'

KENNETH W. OWENS
DOC. NO. 2004-87752
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS
DISTRICT

N 89°34'27" E 115.85'

HAT GROUP LLC.
2015-131482
D.R.D.C.T.
ZONING OTMU2

P.K. NAIL
S 00°46'51" E
40.00'
P.K. NAIL

1/2" IRF W/CAP
3-A CONSULTING

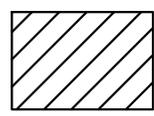
S 89°35'30" W 200.94'

REMAINDER
W.L. FARLEY
VOL. 352, PG. 93
D.R.D.C.T.

WSK CORPORATION
2009-118754

W.L. FARLEY
VOL. 451, PG. 626
D.R.D.C.T.
ZONING-GB
GENERAL BUSINESS

45' DRAINAGE AND



VARIANCE AREA

VARIANCE B

To allow reduced drainage and
sanitary sewer easement width



NOT TO SCALE

SO □ T □ □ I □ □ A □ □ A □ □ ITIO □

MARCH 2016

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Claire Swann, Assistant City Manager

DATE: April 12, 2016

SUBJECT: Consideration of an Ordinance Amending the Lewisville City Code, Chapter 3 (Animals) by Repealing and Replacing Articles I, II, and III in Their Entirety, Amending Section 3-152 to Clarify the Regulations for Keeping Swine in the City, and Amending Section 2-201 by Adding a fee for “Pet Animal” Adoptions.

BACKGROUND

At the November 16th workshop, City staff briefed the City Council on its proposed changes to the animal ordinance. The proposed amendments include definition and text changes to ensure that our ordinance remains up-to-date with services offered by other cities. The changes should also improve enforcement. Staff further seeks to add a \$20 fee for “Pet Animal” adoptions. This fee would allow Animal Services to adopt out the smaller animals that come to the shelter, such as gerbils, hamsters, guinea pigs and other pet-store-type animals. It is staff’s opinion that this is a better solution than attempting to relocate smaller pets to a rescue organization, where there may not be available space.

ANALYSIS

The Lewisville City Code, Chapter 3 has been in effect for several years and has provided staff with necessary tools to serve the public. However, in order to remain current with the best practices used other cities, staff recommends the following substantive changes to the current ordinance:

1. Section 3-1. Definition:

This section of the ordinance is amended to provide new definitions and clarify existing definitions. Definitions have been amended to provide better clarity and enforceability by: (1) Defining an animal that is “at large or running at large” to better set forth how an animal must be secured. This term shall also replace the existing term “stray”; (2) Defining “pet animals” to include small pet store-type animals. Including this definition will allow the City to adopt out these small animals for a small fee when they are brought into the shelter. Currently, the ordinance only allows the City to relocate these animals, which has proven difficult at times; (3) Defining “basic grooming” to establish the required level of minimal grooming necessary to keep an animal healthy; and (4) Defining “microchip implant” to better clarifying what type of chipping is offered by Animal Services.

2. Section 3-5 Treatment:

This section of the ordinance has been amended to include new clarifying language regarding what constitutes neglect or poor treatment of animals. Examples include, abandonment, lack of medical attention, failure to provide basic grooming, or failure to provide water and food. It further sets out the terminology of “treatment”, making the ordinance more enforceable.

3. Section 3-21 Impoundment:

This section of the ordinance has been amended to include new clarifying language, which will designate Animal Services as the caregiver of impounded animals. Animal Services will then be responsible and authorized to administering disease preventative immunizations and oversee necessary medical treatment for the health and well-being of the animals while at the shelter.

4. Section 3-24 Elective Euthanasia:

This section of the ordinance has been amended to include new clarifying language, which will require a pet owner to provide additional proof of ownership before requesting Elective Euthanasia from Animal Services. This includes veterinary records or other similar documents requested by Animal Services. Animal Services may also reserve the right to refuse performing the elective euthanasia at any time. This is to prevent someone from euthanizing an animal needlessly or an animal that does not belong to them.

5. Section 3-25 Adoptions:

This section of the ordinance clarifies that sterilization is not required for “pet animals” (small pet store-type animals) or rabbits. State laws do not require sterilization for any of these animals, nor is there a large risk of overpopulation since these animals are primarily kept in confined cages, terrariums, or tanks. This section also clarifies that rabies vaccinations for pet animals and/or potbellied pigs are not required since no approved rabies vaccination exists for these types of animals. Making these changes will further expedite adoption of these animals. This section also authorizes Animal Services to offer “pet animals” for adoption. Currently, we have only been able to relocate such animals and cannot charge an adoption fee to offset the costs associated with keeping and/or adopting them out. In the proposed ordinance, an amendment is also being proposed to the fee ordinance to allow Animal Services to charge a \$20.00 adoption fee for “pet animals”.

6. Section 3-63 Maximum Numbers of Animals:

This section of the ordinance will count any animal of three-months-of-age towards the maximum number of domestic pets allowed for a residence or individual. Currently, animals are not counted until six months old. This change will prevent over-crowding of animals. This will also promote adoption of animals at three months of age, when they are much easier to adopt. It also limits the number of potbellied pigs to one.

7. Section 3-84 Current permit required—Potbellied Pigs:

This section of the ordinance has been amended to include new clarifying language which will eliminate the wording weight and size as part of the criteria for determining the authenticity of a Pet Potbellied Pig. There are purebred potbellied pigs that are very large that would not meet the current weight restrictions. Staff is proposing that a letter from a recognized National Registry Association be accepted instead. Other items under this section include basic house-cleaning requirements.

RECOMMENDATION

It is City staff’s recommendation that the City Council approve the requested ordinance amendments as set forth in the caption above.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 3, ANIMALS, OF THE LEWISVILLE CITY CODE; BY REPEALING AND REPLACING ARTICLES I, II AND III IN THEIR ENTIRETY AND BY CLARIFYING SECTION 3-152, THE REGULATIONS FOR KEEPING SWINE IN THE CITY; AND AMENDING CHAPTER 2, SECTION 2-201, FEE SCHEDULE, BY ADDING A FEE FOR PET ANIMAL ADOPTIONS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code, Chapter 3 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. Chapter 3, Articles I, II, and III are hereby repealed in their entirety and in their place the attached Articles I, II, and III are inserted as illustrated in Exhibit “A.”

SECTION 2. Chapter 3, Article V, Section 3-152 of the Lewisville City Code is hereby amended by deleting the current language in its entirety and in its place inserting the following new language:

It shall be a violation of this chapter for any person to keep or allow any swine to be kept upon any premises in the city, except as may be specifically stated within this chapter. This section shall not be applicable to swine kept in the city under the following conditions:

- (1) Animals kept for educational or show purposes at the LISD Vocational Agriculture facility.

- (2) Animals temporarily brought into the city and kept at an exhibition or holding area of a trial or show in which the animal is a participant, but not to exceed 72 hours;
- (3) Animals temporarily brought into the city and kept at the site of a "petting zoo" or similar event of which the animal is an integral part, but not to exceed 72 hours; or
- (4) Potbellied pigs which conform to the definition and requirements for such animals as stated within this chapter.

SECTION 3. Chapter 2, Article VIII, Section 2-201, Fee Schedule, is hereby amended by inserting the following new fee:

Animal control division::	
Adoption fee, per pet animal	\$ 20.00

SECTION 4. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 6. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION 8. EMERGENCY. It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 18th DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A

Lewisville Code of Ordinances

Chapter 3, Animals

Articles I, II, and III

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates otherwise:

Agricultural animal shall mean species of animals which are normally suited for, kept, or used on a farm, ranch or similar setting for agricultural purposes, such as animal husbandry, food or food production, production of fiber or clothing material, riding, driving, pulling, hauling, commerce, or similar purpose. For purposes of this chapter, the following or similar species of animals shall be considered to be agricultural animals, regardless of age, breed, or sex, unless otherwise stated herein or determined by the animal control officer:

- (1) Alpacas.
- (2) Buffalo.
- (3) Chinchillas.
- (4) Domesticated honey bees.
- (5) Domesticated rabbits.
- (6) Emus.
- (7) Family Cervidae.
- (8) Fowl.
- (9) Livestock.
- (10) Llamas.
- (11) Ostriches.
- (12) Rheas.

Animal shall mean any living creature, including, but not limited to, mammals, reptiles, amphibians, birds, fish, insects, arachnids, but specifically excluding human beings.

Animal control authority shall mean a municipal animal services office with authority over the area where an animal is kept.

Animal control officer shall mean the person employed by the city to represent and act for the city in the impoundment of animals, controlling of stray animals, enforcement of this chapter and applicable state regulations, and as otherwise authorized herein, or designee.

Animal shelter shall mean a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals. For purposes of this chapter, the term "city animal shelter" shall mean the Leonard B. Judd Animal Shelter.

Animal waste shall mean feces, urine, litter, bedding, spoiled food, or other animal matter which causes foul odors, attracts vermin or encourages their reproduction.

At large or *running at large* shall mean an animal that is not physically confined or physically restrained at all times in one of the following methods:

- (1) Securely confined upon property lawfully occupied by its owner, within a fence, wall, kennel, corral, pen, or similar enclosure. The enclosure must be constructed, maintained, and secured in a manner which prevents the animal from leaving therefrom at any time or reaching beyond the boundaries of the property at any time. For purposes of this chapter, the use of "invisible fences" or other similar containment system or device shall not be considered to be adequate physical confinement or restraint for an animal; or
- (2) Securely confined upon property lawfully occupied by its owner within a house, garage, barn, or similar structure. The structure must be constructed, maintained, and secured in a manner which prevents the animal from leaving therefrom at any time and from reaching outside of the structure at any time; or
- (3) Securely restrained upon property lawfully occupied by its owner with a rope, chain, leash, tie-out or other restraint as prescribed by this chapter. The animal shall be securely restrained upon the property in a manner which prevents the animal from leaving therefrom at any time or reaching beyond the boundaries of the property at any time; or
- (4) Securely restrained upon any premises in the city with a rope, chain, leash, tie-out or other type of lead as prescribed by this chapter. One end of such lead shall be securely attached to a properly fitted collar, halter, harness, or similar device being worn by the animal; the other end shall be securely held in the grasp of a person who is able to effectively control the animal's actions; or
- (5) Securely restrained by being held in the grasp of a person who is able to effectively control the animal's actions; or
- (6) Securely confined within the enclosed compartment of a motor vehicle or trailer in a manner which prevents the animal from exiting or reaching outside of the vehicle or trailer at any time; or
- (7) Securely confined within a carrier or other device sufficient to keep the animal from leaving or falling from the open bed of a pickup, flatbed, or similar vehicle in a manner which prevents the animal from exiting the vehicle or reaching outside of the vehicle at any time.

This definition does not apply to:

- (1) An animal in any city-designated dog park so long as it is in compliance with all other requirements of this chapter,
- (2) An indigenous wild or feral animal;
- (3) An animal used by a peace officer or law enforcement purposes; or
- (4) A search and rescue dog participating in authorized search and rescue activities or search and rescue training.

Basic Grooming shall mean those acts necessary to maintain an animal's eyes, ears, beaks, hooves, feet, nails, coat, and skin so as not to adversely affect the health of the animal, restrict movement, impair vision, restrict eating, or allow matting of the coat or fur.

Collar or Harness shall mean a proper fitting nylon, leather, or plastic coated collar designed for the animal it is being worn by to prevent it from becoming embedded.

Cat shall mean any cat (*Felis catus*).

Commercial feedlot/concentrated animal feeding operation shall mean a concentrated, confined agricultural animal facility operated for meat, milk, or egg production, growing, stabling, or housing in pens or houses wherein agricultural animals are fed at the place of confinement, and crop or forage growth or production of feed is not sustained in the area of confinement.

Circus or *carnival* shall mean a commercial variety show featuring animal acts for public entertainment.

Currently vaccinated shall mean an animal that has been vaccinated against rabies by or under the direct supervision of a licensed veterinarian and otherwise satisfying the criteria for the term currently vaccinated as defined by Texas Administrative Code, title 25, part I, chapter 169, as it is now enacted or hereafter amended.

Custodian shall mean a person who feeds, shelters, harbors, has possession or control of, or has responsibility to care for and control an animal.

Dangerous dog shall mean a dog that:

- (1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Makes an attack on an animal that causes serious injury or death and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own.

Dog shall mean any dog (*Canis familiaris*).

Fowl shall mean species of feathered animals which are normally suited for, or are kept or used on, a farm, ranch, or similar setting for agricultural purposes such as food or food production, animal husbandry, and production of fiber or clothing material, commerce, or other similar purpose. For purposes of this chapter, the following and similar species of animals shall be considered to be fowl, regardless of age, breed, or sex, unless otherwise stated herein or determined by the animal control officer:

- (1) Chickens.
- (2) Ducks.
- (3) Game hens.
- (4) Geese.
- (5) Guineas.
- (6) Peafowl.
- (7) Pheasant.
- (8) Quail.

(9) Turkeys.

Harbor shall mean the act of knowingly or intentionally keeping and caring for an animal, or providing a premise to which an animal returns for food, shelter, care, or protection from impoundment.

Health and code enforcement officer shall mean a person employed by the city and assigned to the health and code enforcement division as a sanitarian or code enforcement officer.

High risk animal shall mean any species of animal which is designated by the state department of health as having a high probability of transmitting rabies, including skunks, bats, foxes, raccoons, and coyotes.

Household pet shall mean species of animals which are commonly found or kept in residential households for an individual's personal enjoyment or companionship, rather than for commerce, utility, or agricultural purposes, unless otherwise stated herein or determined by the animal control officer.

Hybrid shall mean the offspring of two animals of different species.

Licensed veterinarian shall mean a person licensed to practice veterinary medicine in one or more of the 50 states.

Livestock shall mean species of animals which are normally suited for, or are kept or used on, a farm, ranch or similar setting for agricultural purposes such as animal husbandry, food or food production, production of fiber or clothing material, riding, driving, pulling, hauling, commerce, or similar purpose. For purposes of this chapter, the following or similar species of animals shall be considered to be livestock, regardless of age, breed, or sex, unless otherwise stated herein or determined by the animal control officer:

- (1) Bovine.
- (2) Equine.
- (3) Goats.
- (4) Sheep.
- (5) Swine.

Local rabies control authority shall mean and refers to the person designated by the governing body of a municipality to enforce the requirements prescribed in Chapter 826, "Rabies," Texas Health and Safety Code (as it is now enacted, or as hereinafter amended). For purposes of this chapter, the animal control officer shall be the local health authority for the city.

Low risk animal shall mean any species of animal which is designated by the state department of health as having a low probability of transmitting rabies, including all animals of the order Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

Microchip implant shall mean a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners. The microchip implant shall be supplied with an exterior collar-type tag for purposes of an external means of notifying others that the animal has been implanted with a microchip.

Microchip reader shall mean an electronic scanner with an operating frequency that is able to detect a microchip that has been implanted in an animal, and displays the number of the microchip to its operator. The microchip reader shall be of a type that activated and displays the number of a microchip manufactured by multiple vendors.

New owner shall mean a person who is legally competent to enter into a binding contract and whose name appears as the adopter on an adoption receipt and sterilization agreement executed at the time they adopt an animal from city animal services.

Notice shall mean by personal service, certified mail (return receipt requested), or a written notice left at the entrance to the premise where the animal is harbored.

Nuisance shall mean any thing or animal which is injurious to the health or morals, or is indecent, or is offensive to the senses, or obstructs the free use of property, or unreasonably interferes with the enjoyment of life or property.

Owner shall mean a person who has legal or equitable title to an animal, or who is a custodian of an animal, or who has control or responsibility to control an animal.

Person shall mean an individual, partnership, corporation, trust, estate, company, joint-stock company, foundation, or association.

Pet animals shall mean any domesticated animal other than a dog, cat, ferret, or livestock that is kept as a household pet such as a hamster, gerbil, guinea pig, rabbit; exotic birds such as parrots, cockatiels, parakeets, finches; and reptiles such as turtles, lizards, and non-poisonous snakes sold only in pet stores.

Possession shall mean actual care, custody, control, or management of an animal.

Potbellied pig shall mean an animal which is a purebred miniature breed of swine (*sus scrofa vittatus*), commonly referred to as Vietnamese, Oriental, or Chinese potbellied pig, which is registered with the potbellied pig registry service or similarly nationally recognized registry or meets all the characteristics of the breed standard which will be verified by the animal control authority.

Premises shall mean a parcel of land (one or more contiguous lots) which is owned, leased, or otherwise controlled by a person.

Prohibited animal shall mean species of animals whose sale, display, or possession within the city limits is unlawful. The following or similar species of animals, including their hybrids, shall be considered to be prohibited animals, regardless of age, breed, or sex, unless otherwise stated herein or determined by animal services: Order Crocodylia; Order Primata; Order Chiroptera; Family Ursidae; Family Canidae (except species *Canis familiaris*); Family Felidae (except species *Felis Catus*); Family Mustelidae (except domestic species of ferrets); Family Procyonidae; venomous animals, including reptiles such as pit vipers, cobras, gila monsters; animals which secrete or discharge deadly toxins; electric eels, piranha, or other dangerous fish; insects or arachnids whose bite or sting is usually fatal to humans or usually results in serious injury to a person which requires hospitalization, including Africanized honey bees; crocodile monitors; komodo dragons; hippopotami; rhinoceros; elephants; kangaroos; giraffes; javelina; anteaters; sloths; state department of health designated high risk animals; animals whose possession is prohibited by state or federal law.

Protective custody impoundment shall mean the impoundment of an animal for the purpose of protecting the health, safety, or welfare of an animal in the absence of an owner or custodian, or where an owner or custodian is unable to care for or control the animal, or where such impoundment is pursuant to a judicial order. Circumstances include, but are not limited to, police arrests, automobile accidents, fires, medical emergencies, lawful evictions, court orders, and probable abandonments.

Quarantine shall mean the strict confinement, by closed cage or pen, of a biting animal or animal suspected of being rabid. Such animal must be separated from all other animals in a manner that there is no possibility of physical contact between animals. Confinement must be at a state department of health approved quarantine facility, or may be at the private residence of the owner or custodian when so authorized by the local health authority.

Redeem shall mean and refers to the act of the owner of an animal which has been impounded by the animal control officer, whereby the owner regains possession of the animal after properly completing applicable redemption documents and payment of applicable fees and charges to the city.

Regulated animal shall mean species of animals whose sale, display, or possession within the city limits is unlawful, unless the owner or keeper of such animal possesses a valid permit issued by city animal services. The following or similar species of animals, including their hybrids, shall be considered to be regulated animals, regardless of age, breed, or sex, unless otherwise stated herein or determined by the animal control officer: Hawks, eagles, falcons; boas, pythons, anacondas; any species of animal whose possession is restricted to federal or state permit or license holders authorizing such possession.

Remove and dispose of all feces shall mean picking up or causing to be picked up, all feces deposited by the animal on public property or the private property of another person, placing the feces into a container, and disposing of such container into a waste receptacle.

Riding stable shall mean an establishment open to the public that keeps one or more equine animals for hire, recreational purposes, riding or driving, and shall include permanent or transient events or activities such as pony rides, carriage rides, or similar activity operating in the city.

Serious injury shall mean an injury characterized by severe bite wounds or severe ripping and tearing of muscle, or that required prompt medical attention after the attack to preserve the animal's life.

Shelter means a structure that is capable of providing cover and protection from the weather. At minimum, a shelter must have three (3) sides, a top, a bottom and be adequately ventilated. It must have bedding material. It must be large enough so that the animal can enter, stand, turn around, and lie down, but small enough to prevent the loss of body heat during cold weather.

Sterilization shall mean the surgical removal of the reproductive organs of an animal to render it unable to reproduce.

Strict isolation shall mean to confine an animal in a closed cage or pen in a manner which prevents physical contact with other animals or people for a period of time specified by the animal control officer.

Thirty-six-month period shall mean 1,095 consecutive days.

Twelve-month period shall mean 365 consecutive days.

Vaccinated shall mean an animal properly injected by a licensed veterinarian with a rabies vaccine licensed for use in that species of animal by the United States Department of Agriculture (USDA).

Vermin shall mean flies, ticks, fleas, lice, rats, mosquitoes or other small animal or insect which may be annoying, destructive, or injurious to health.

Wild animal or *wild life* shall mean a species of animal which normally exists in a natural, unconfined, wild state.

Zoo shall mean any premises, whether mobile or stationary, where living animals that normally live in a wild state are kept primarily for display to the general public.

Zoonosis shall mean a disease which is transmissible from animals to humans.

Sec. 3-2. Nuisance.

It shall be a violation of this chapter for any person to knowingly or intentionally keep or allow any animal to be kept upon their premises, or to fail to supervise or control the actions of an animal in their custody, in a manner which causes or creates a nuisance by:

- (1) Causing an unreasonable disturbance to occupants of adjacent or nearby premises by frequent or prolonged periods of barking, howling, crowing, bawling, squealing, or other animal noise. A person shall be deemed to have knowingly violated the terms of this section if such person is notified by the animal control officer or police officer of a complaint regarding an animal noise disturbance, and the person fails or refuses to cause the disturbance to cease and thereafter prevent its recurrence;
- (2) Keeping any animal in a manner or under conditions which subjects occupants of adjacent or nearby premises to foul odors, unsanitary conditions, an unreasonable presence of vermin or their offspring, or other harmful or offensive conditions which can be attributed to the presence of the animal, or to its physical or environmental conditions. A person shall be deemed to have knowingly violated the terms of this section if such person is notified by the animal control or health and code enforcement officer of such harmful or offensive conditions, and the person fails or refuses to cause such conditions to cease and thereafter prevent its recurrence; or
- (3) Failing to supervise a dog or failing to restrain or control the actions of a dog, by allowing or permitting the dog to defecate on public property or the private property of another person and thereby causing a nuisance by failing or refusing to immediately remove and dispose of all feces deposited on the property by the dog.
- (4) It is a defense to prosecution under subsection 3-2(3) of this section:
 - a. That at the time of the violation, the dog was an assistance dog as defined by Texas Administrative Code, title 25, health services, section 169.22(2) as it is now enacted or hereafter amended.
 - b. That at the time of the violation, the dog was a police dog as defined by Texas Administrative Code, title 25, health services, section 169.22(20) as it is now enacted or hereafter amended.

- c. That at the time of the violation, the dog was a therapy dog as defined by Texas Administrative Code, title 25, health services, section 169.22 (26) as it is now enacted or hereafter amended.

Sec. 3-3. Offensive exhibition.

No person shall knowingly or intentionally cause or allow the breeding of any animal unless the same be done in a place entirely out of view of the general public, nor shall a person knowingly or intentionally cause or allow any animal to be exhibited in an indecent manner.

Sec. 3-4. Disposal of deceased animals or remains.

- (a) It shall be the responsibility of a person upon whose premises any deceased animal or animal remains are found to properly dispose of such animal or remains within 24 hours of its discovery. Thereafter, the animal control officer may enter the premises and remove and dispose of the deceased animal or animal remains if a hazard to human health exists.
 - (1) A person may contact the animal control officer during scheduled operating hours and request that the officer remove a deceased dog, cat, or other similar animal from their premises. Such animal shall be placed in a sealed plastic bag or similar container, and placed in a conspicuous location at the curb of the street in front of the person's residence on the day the animal control officer is scheduled to pick it up.
 - (2) The owner of deceased livestock or any large animal which cannot be safely removed and disposed of by the animal control officer shall be responsible for properly disposing of or arranging for removal and disposal of any such deceased animal belonging to them or found upon their premises.
- (b) The animal control officer may promptly remove and dispose of any deceased animal found upon public property; however, the animal control officer shall make a reasonable attempt to contact the owner of a deceased animal which is found wearing a legible city registration tag, rabies vaccination tag, or other identifying tag.

Sec. 3-5. Treatment.

A person commits an offense if,

- (1) Docks the tail or removes the dew claws of an animal over five (5) days of age, or crops the ears of an animal of any age, unless he is licensed to practice veterinary medicine in the State of Texas;
- (2) Transfers ownership or otherwise physically removes from its mother any dog, cat, ferret, or rabbit less than six (6) weeks old, or any other animal that is not yet weaned, except as advised by a licensed veterinarian;
- (3) Dyes or otherwise artificially colors any animal;
- (4) Displays, transfers ownership, or offers to transfer ownership of any dyed or otherwise artificially colored animal;
- (5) Abandons any animal that they have possession of at the animal shelter, any business, on public property, or with any other person that has not agreed to be responsible for the care of the animals;

- (6) Fails to notify the animal control authority when any motor vehicle that he is in control of strikes an animal;
- (7) Euthanizes his own animal in a manner other than one defined in this chapter;
- (8) Places or confines an animal, or allows that animal to be placed or confined, in a motor vehicle or trailer under conditions which may endanger the health of the animal due to temperature, lack of food or water, or under other circumstances which may cause bodily injury, serious bodily injury or death of the animal;
- (9) Causes, allows, or permits any animal to remain in its own filth;
- (10) Owns any animal having an infestation of ticks, fleas, or other parasites which has not been treated by a licensed veterinarian or with appropriate commercially available treatments;
- (11) Owns any animal having any obvious illness, or injury, or any communicable illness transmittable to animals or humans without having followed a proper treatment regimen for the infestation or illness;
- (12) Fails to provide basic grooming for any animal;
- (13) Fails to provide at all times, any animal under care with adequate wholesome food, potable water, and shelter;
- (14) Transfers ownership or offers to transfer ownership of any chickens, ducklings, or rabbits younger than sixteen (16) weeks of age in quantities of less than (12) to a single purchaser;
- (15) Mutilates any dead animal for reasons other than food preparation or taxidermy. Dissection in compliance with medical or veterinary research, medical or veterinary necropsy, and bona fide educational use of dead animals shall not be considered mutilation;
- (16) Attaches a collar or harness to an animal that is of an inadequate size so that it restricts the animal's growth or causes damage to the animal's skin;
- (17) Attaches a chain as a collar when the animal is being tethered;
- (18) Teases or taunts any animal that provokes an aggressive reaction from an animal;
- (19) Displays, transfers ownership or offers to transfer ownership of any turtle with a carapace of less than four (4) inches in length;

Sec. 3-6. Disposition of cruelly treated animals.

- (a) Chapter 821, Subchapter B, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended) as it pertains to the definition and disposition of cruelly treated animals is hereby incorporated into this section. The animal control officer shall be authorized to apply to the municipal or justice court for a warrant to seize an animal which the officer has reason to believe is or has been cruelly treated, as provided therein.
- (b) Nothing in this section shall prevent a person from being prosecuted for cruelty to animals as provided by applicable sections of the Texas Penal Code.

Sec. 3-7. Prohibited sales.

- (a) It shall be unlawful for any person to sell, offer for sale, lease, rent, or in any way transfer, barter, or give away chicks, ducklings, or other infant fowl less than eight weeks of age as pets or novelties; however, this subsection does not prohibit the display or sale of natural chicks, ducklings, or other infant fowl in proper brooder facilities for hatcheries or stores engaged in the business of selling the same to be raised for agricultural purposes. The sale of such animals shall consist of not less than 12 individual animals per transaction.
- (b) It shall be unlawful for a person to sell, exchange, barter, or give away, or offer to sell, exchange, barter, or give away any live animal from:
 - (1) Any public property; or
 - (2) Any property to which the public has access that does not have a valid certificate of occupancy issued by the city allowing the sale of animals on the property.
- (c) It is a defense to prosecution under subsection (b) that the person is:
 - (1) Employed by the city animal services department; or
 - (2) An animal welfare, rescue, and/or adoption agency this is a registered nonprofit entity in compliance with section 501(c)(3) of the Internal Revenue Code.

Sec. 3-8. Animals as prizes, promotions and novelties.

It shall be unlawful for any person to sell, exchange, raffle, auction, or give away or offer to sell, exchange, raffle, auction, or give away any live animal as:

- (1) A prize;
- (2) An inducement to enter a place of amusement or a business establishment; or
- (3) An inducement to participate in a charitable fund-raising event.

Sec. 3-9. Transportation of an animal in an open bed of a vehicle.

- (a) It shall be unlawful to carry or transport an animal within the open bed of any moving pickup, flatbed, or similar vehicle operated on any public roadway in the city.
- (b) It is a defense to prosecution under this section that the animal was in a carrier or other device sufficient to keep the animal from leaving or falling from the vehicle.

Secs. 3-10—3-20. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 3-21. Impoundment.

- (a) The animal control authority shall immediately be considered the designated caretaker of an impounded animal including any injured animal found at large or abandoned. As the designated caretaker, the animal control authority shall have the authority to administer preventative immunizations and any required medical treatment after the required holding period unless such medical treatment is immediately necessary.
- (b) The animal control officer may take into custody any animal found roaming at large in the city. Such animal shall be impounded at the city animal shelter, or other place which the animal control officer may designate or deem suitable for purposes of impounding the animal.
- (c) The animal control officer shall make a reasonable effort to contact the owner of an impounded animal wearing a current city license tag or rabies vaccination tag and advise them of the impoundment location of the animal; however, final responsibility for location of any impounded animal shall be that of the owner or custodian.
- (d) An impounded animal shall be held in the custody of the animal control officer for a period of at least five consecutive days, including the date the animal was taken into custody. During this holding period, the animal may only be redeemed by its owner. If the impounded animal is not redeemed prior to the expiration of the holding period, it shall be presumed that the owner has chosen to waive any further ownership rights or interest in the animal, and it may be offered for adoption to the general public, offered for placement with a humane organization, euthanized, or otherwise humanely disposed of as determined by the animal control officer.
- (e) An animal which is surrendered to the animal control officer by its owner may be administered preventative immunizations or required medical treatment, offered for adoption to the general public, offered for placement with a humane organization, euthanized, or otherwise humanely disposed of at any time after the owner has released the animal to the animal control officer.
- (f) If an owner surrenders an animal to the animal control officer and thereafter chooses to regain possession of such animal, he will be required to comply with all established adoption procedures and requirements, including completion of adoption forms, payment of applicable fees and charges, vaccination requirements, and sterilization requirements.
- (g) The animal control officer shall be authorized to euthanize, or cause to be euthanized, any impounded animal prior to the expiration of any holding periods stated herein under the following conditions:
 - (1) To prevent further suffering of an animal which appears to be seriously injured, ill, or diseased;

- (2) To prevent further suffering of any nursing or similarly dependent infant animal which is impounded without its mother, or where the mother cannot or refuses to nurse or care for the infant animal;
 - (3) To prevent suffering of an animal which is unable to feed or otherwise sustain itself; or
 - (4) As may otherwise be authorized by law.
- (h) An animal impounded into the protective custody of the animal control officer shall be held in custody, and may be disposed of in the same manner as an impounded at large animal unless otherwise prescribed by law or judicial order.

Sec. 3-22. Detaining of at large animals by individuals.

- (a) A person who finds an at large animal upon premises under their control or upon any public place within the city may detain such animal only for so long as reasonably necessary to notify the animal control officer and have the animal impounded.
- (b) A person may release an at large animal found within the city into the custody of the animal control officer by delivering it to the city animal shelter and completing the applicable release forms. The animal control officer may only accept custody of at large animals which have been found within the city limits.
- (c) In attempting to detain an at large animal, a person shall not knowingly or intentionally use any force or method of detainment which causes or is intended to cause the serious injury or death of the animal.
- (d) A person who chooses to maintain possession of an at large animal, rather than release it into the custody of the animal control officer, shall be presumed to have accepted custodial responsibility for the animal, and shall be responsible for its care and control; however, this section shall not be construed as conveying legal title or other ownership rights to an at large animal which has been found by another person, except as otherwise may be provided by law.

Sec. 3-23. Requirements to redeem an impounded animal.

- (a) An animal which has been impounded under the provisions of this chapter may be redeemed by its owner or his lawful representative, provided that the redeeming person:
 - (1) Is at least 18 years of age;
 - (2) Identifies himself as the owner of the impounded animal or provides proof that he is a lawful representative of such owner;
 - (3) Presents identification which verifies his identity and date of birth;
 - (4) Properly completes all applicable redemption forms as required by the animal control officer; and
 - (5) Pays the applicable redemption fees and charges as prescribed by section 2-201 of the City Code.
- (b) The owner of an impounded animal, which is subject to the rabies vaccination requirements of this chapter, shall be required to provide positive proof that the animal is currently vaccinated against rabies at the time it is redeemed. If the owner cannot or refuses to provide

proof that the animal is currently vaccinated against rabies at the time of redemption, the owner shall also be required to:

- (1) Sign an agreement, as prescribed by the animal control officer, and cause the animal to be vaccinated against rabies as specified therein; and
 - (2) Purchase a rabies vaccination coupon from animal services, which shall be used to obtain a rabies vaccination for the animal as specified therein.
- (c) The owner of an impounded animal, which is not currently registered with animal services as required by this chapter, shall be required to register such animal at the time it is redeemed. If such animal cannot be registered at the time of redemption, the owner shall also be required to:
- (1) Sign an agreement, as prescribed by the animal control officer, and cause such animal to be registered with animal services as specified therein; and
 - (2) Purchase a city registration coupon from animal services which shall be used to obtain a current registration certificate and tag for the animal as specified therein.
- (d) The animal control officer may refer the impoundment of at large livestock to county authorities as provided by law. Redemption or other disposition shall be as prescribed by the impounding authority.
- (e) In addition to the payment of impoundment fees and charges, nothing in this section shall prevent a person from also being subject to criminal penalties for violations of this chapter.

Sec. 3-24. Elective euthanasia.

- (a) The owner of a dog, cat, or similar small animal may release such animal to the animal control officer for euthanasia, provided that the owner:
- (1) Is at least 18 years of age;
 - (2) Presents identification which verifies their identity and date of birth;
 - (3) Completes the applicable euthanasia forms as prescribed by the animal control officer; and
 - (4) Pays the applicable euthanasia fees and charges prescribed by section 2-201 of the City Code.
 - (5) Can produce proof of ownership of animal by veterinary record, witness, or documentation of ownership.
- (b) The animal control officer may advise the owner of an animal to seek the services of a veterinarian if sufficiently trained staff, equipment, or other resources are not available to safely and humanely perform euthanasia of an animal.
- (c) The animal control officer reserves the right to refuse elective euthanasia at any time.

Sec. 3-25. Adoption.

- (a) The animal control authority shall be the sole judge as to whether or not an animal is suitable to offer for adoption; however, a decision to offer a particular animal for adoption shall not

constitute any warranty, expressed or implied, of the health, temperament, or age of the animal.

- (b) City animal services may not release a dog, cat, ferret, for adoption unless the animal has previously been sterilized, or the release is made to a new owner who signs an adoption receipt and sterilization agreement. The new owner shall be solely and legally responsible for compliance with all requirements specified in the adoption receipt and sterilization agreement executed at the time the animal is adopted.
- (c) City animal services may require the new owner to purchase a coupon from animal services entitling the new owner to spaying or neutering services at participating veterinarians.
- (d) A person may adopt an animal from city animal services, provided that:
 - (1) The person is at least 18 years of age;
 - (2) The person presents identification which verifies his name and date of birth;
 - (3) If the animal will be kept in the city, and such animal is subject to the rabies vaccination requirements of this chapter, the person shall be required to purchase a rabies vaccination coupon from animal services and cause the animal to be vaccinated against rabies as specified in the adoption receipt and sterilization agreement;
 - (4) If the animal is subject to the registration requirements of this chapter, the person shall register the animal at the time it is adopted. If the animal cannot be registered at the time it is adopted, the person shall purchase a city registration coupon from animal services and cause the animal to be registered as specified in the adoption receipt and sterilization agreement;
 - (5) The person complies with or meets all other adoption standards or requirements established by animal services;
 - (6) The person pays all applicable adoption fees and charges; and
 - (7) The adoption does not cause a violation of this chapter or other law.
 - (8) Rabies vaccination does not apply to Potbellied pigs.
- (e) City animal services may establish an adoption receipt and sterilization agreement for use in the adoption process and violation of any term of such agreement shall constitute a violation of this chapter;
- (f) City animal services may offer for adoption pet animals.

Sec. 3-26. Sterilization of adopted animal required.

- (a) The new owner of an animal adopted from city animal services shall cause that animal to be sterilized by a veterinarian not later than the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal is adopted. The sterilization completion date shall be:
 - (1) The 30th day after the date of adoption of a dog or cat which the animal control officer estimates to be six or more months old, or the 30th day after a specified date estimated to be the date an adopted dog or cat becomes six months old;

- (2) The 30th day after the date of adoption of a ferret which the animal control officer estimates to be four or more months old, or the 30th day after a specified date estimated to be the date an adopted ferret rabbit becomes four months old; or
 - (3) The 30th day after the date of adoption of a potbellied pig which the animal control officer estimates to be three or more months old, or the 30th day after a specified date estimated to be the date an adopted potbellied pig becomes three months old.
- (b) If the sterilization completion date falls on a Saturday, Sunday, or city recognized holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or city recognized holiday.
 - (c) City animal services may extend the sterilization completion date for 30 days or waived sterilization requirement upon receiving a written report from a licensed veterinarian which clearly describes the adopted animal and states that the life or health of the adopted animal may be jeopardized by surgery. A separate written report must be delivered to city animal services each time an extension is requested.

This section does not apply to pet animals offered for adoption.

Sec. 3-27. Confirmation of sterilization required.

The new owner of an animal adopted from city animal services shall deliver a letter to city animal services stating that the animal was sterilized on or before the sterilization completion date specified in the adoption receipt and sterilization agreement executed at the time the animal was adopted. This letter must be signed by the veterinarian who performed the sterilization. The letter must be delivered to city animal services not later than the seventh day after the date on which the animal was sterilized, and must contain the following information:

- (1) A brief description of the animal, including breed, sex, age, and color;
- (2) A statement that the animal has been sterilized; and
- (3) The date the animal was sterilized.

Sec. 3-28. Letter required if adopted animal dies.

- (a) If an animal which was adopted from city animal services dies on or before the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal was adopted, the new owner shall deliver a signed letter to city animal services stating that the animal is deceased. This letter must be delivered to city animal services not later than the seventh day after the date on which the animal dies, and must contain the following information:
 - (1) A brief description of the animal, including breed, sex, age, and color;
 - (2) The cause of death, if known; and
 - (3) Date the animal died.
- (b) The letter required by this section is in lieu of the letter required by section 3-27 of this chapter.

Sec. 3-29. Letter required if adopted animal is lost or stolen.

- (a) If an animal which was adopted from city animal services is lost or stolen on or before the sterilization completion date specified within the adoption receipt and sterilization agreement executed at the time the animal was adopted, the new owner shall deliver a signed letter to city animal services stating that the animal is lost or stolen. This letter must be delivered to city animal services not later than the seventh day after the date on which the animal disappears, and must contain the following information:
 - (1) A brief description of the animal, including breed, sex, age, and color;
 - (2) Circumstances surrounding the animal's disappearance; and
 - (3) Date the animal disappeared.
- (b) If the new owner should regain possession of the animal at any time after delivering a letter to animal services stating the animal is lost or stolen, the new owner shall cause the animal to be immediately sterilized and deliver confirmation of sterilization as required by section 3-27 of this chapter.
- (c) The letter required by this section is in lieu of the letter required by section 3-27 of this chapter.

Sec. 3-30. Failure to deliver confirmation of sterilization or other disposition.

It shall be a violation of this chapter if any new owner of an animal adopted from city animal services fails or refuses to deliver confirmation of sterilization or other written disposition for such animal as required by section 3-27, 3-28, or 3-29 of this chapter.

Sec. 3-31. Reclamation of adopted animal.

- (a) If city animal services does not receive written confirmation of sterilization or other written disposition regarding an adopted animal, as required by section 3-27, 3-28, or 3-29 of this chapter, after the expiration of the seventh day after the sterilization completion date specified in the adoption receipt and sterilization agreement executed at the time the animal was adopted, city animal services may promptly reclaim the animal from the new owner, or require the new owner to return the animal to city animal services, or impose any other penalty as provided in this chapter.
- (b) A person shall not be entitled to any refund, reimbursement, or other compensation regarding an animal reclaimed or returned under this section.

Sec. 3-32. Compliance with animal reclamation or notice to return required.

- (a) A person may not prevent, obstruct, or interfere with a reclamation under section 3-31 of this chapter.
- (b) It shall be a violation of this chapter if a person fails or refuses to comply with a notice which requires the return of an animal under section 3-31 of this chapter.

Secs. 3-33—3-44. Reserved.

DIVISION 2. ANIMAL CONTROL OFFICER

Sec. 3-45. Enforcement and authority.

- (a) The animal control officer, a health and code enforcement officer, or a police officer employed by the city shall be authorized to issue citations for any violation of this chapter which they observe.
- (b) If a person being cited for a violation of this chapter is not present or cannot be contacted in person, the citation may be sent to the alleged offender by certified mail or registered mail, return receipt requested, whereupon service shall be deemed completed.
- (c) It shall be a violation of this chapter if a person intentionally or knowingly fails or refuses to appear before the municipal court in accordance with the terms of a citation issued under this chapter.
- (d) The animal control officer may carry chemical immobilization supplies and equipment on their person or in their city vehicle when acting within the course and scope of their duties. Such supplies and equipment may not be intentionally or knowingly used in a manner which conflicts with any department policies or applicable state laws.
- (e) The animal control officer may inspect premises where animals are kept or maintained at any reasonable hour of the day, provided that such inspection does not conflict with any department policies or applicable laws.
- (f) The animal control officer may destroy a dangerous or attacking animal by whatever means necessary to protect himself or another person from sustaining bodily injury, or to prevent the escape of an animal believed to be rabid or believed to have been exposed to rabies.
- (g) The animal control officer may place live traps in any public area, or upon private property with the consent of the owner or occupant of such property, for purposes of enforcing the requirements of this chapter or to conduct zoonosis control activities.
- (h) The animal control officer shall be designated as the local rabies control authority for purposes of implementing the requirements of chapter 826, Texas Health and Safety Code, (as it is now enacted, or as hereafter amended).
- (i) The animal control officer shall be designated as the animal control authority for purposes of implementing the requirements of Chapter 822, Subchapter D, "Dangerous Dogs", Texas Health and Safety Code (as it is now enacted, or as hereinafter amended).
- (j) The animal control officer shall be authorized to apply for and obtain a warrant or other legal writ from the municipal or justice court, to search for and seize an animal when reasonably necessary to protect the public from harm, or as provided by state law.

Sec. 3-46. Providing false identity or address.

It shall be a violation of this chapter for any person who is being cited by the animal control officer for a violation of this chapter to knowingly or intentionally give the animal control officer any name or address other than their true name and residence address.

Sec. 3-47. Interference.

It shall be a violation of this chapter for any person to knowingly or intentionally interfere with, obstruct, distract, or otherwise hinder the animal control officer in the performance of his duties.

Sec. 3-48. Tampering with traps.

It shall be a violation of this chapter for any person to remove, destroy, vandalize, render inoperable, render ineffective, or otherwise tamper with or damage an animal trap placed by the animal control officer for purposes of enforcing this chapter or conducting zoonosis control activities. Furthermore, it shall be a violation of this chapter for any person to remove or release any animal from such trap, without the expressed consent of the animal control officer.

Secs. 3-49, 3-50. Reserved.

DIVISION 3. ANIMAL SERVICES ADVISORY COMMITTEE

Sec. 3-51. Membership; terms; appointments.

- (a) The animal services advisory committee shall consist of seven members appointed by the city council and must be composed of at least one licensed veterinarian, one elected city official, one person whose duties include the daily operation of the shelter, and one representative from an animal welfare organization.
- (b) Members shall be appointed by Places Number 1 through 7.
- (c) Places 1, 3, 5 and 7 shall be appointed in odd-numbered years, and Places 2, 4 and 6 shall be appointed in even-numbered years so membership will be staggered.
- (d) Terms of office will be for a period of two years with terms expiring on June 30.
- (e) Initially, Places 2, 4, and 6 will be appointed for the full two-year term; and Places 1, 3, 5, and 7 will be appointed for a one-year term to maintain staggered positions.

Sec. 3-52. Qualifications, compensation, vacancy of members.

- (a) Members shall be citizens or business owners in the city.
- (b) Members shall serve without compensation.
- (c) In the event of a vacancy, the city council shall appoint a member to serve for the unexpired term. Any member may be removed by the city council.
- (d) If a replacement has not been designated by the end of the member's term, that member shall continue serving until a successor is appointed.

Sec. 3-53. Meetings.

- (a) The committee shall meet at least three times per year in compliance with state law or as necessary as determined by the chairman or by written notice sent to the chairman or vice-chairman by a majority of the committee's membership.

- (b) A majority of the members shall constitute a quorum.
- (c) The member(s) absent from any meeting shall be so stated in the minutes of such meeting. In the absence of a quorum for a meeting, the chairman will submit, or cause to have submitted, a report to the city council stating those members absent.

Sec. 3-54. Officers.

The committee shall elect yearly the following officers:

- (1) Chairman. The chairman shall preside at all meetings, and shall perform such other duties as usually pertain to his/her office or as may be instructed by the committee or the city council.
- (2) Vice-chairman. The vice-chairman shall perform the duties of the chairman in his/her absence.

Sec. 3-55. Powers and duties.

- (a) The committee will serve in an advisory capacity to the city council in matters pertaining to the animal shelter or animal services issues.
- (b) The committee shall assist the animal shelter in complying with the requirements of the state Animal Shelter Act.
- (c) The committee shall perform such other duties as the city council may prescribe by ordinance or resolution.

Secs. 3-56—3-60. Reserved.

ARTICLE III. MISCELLANEOUS

DIVISION 1. GENERALLY

Sec. 3-61. Animals at large.

It shall be a violation of this chapter for any owner, custodian, or harbinger of the following listed animals to fail or refuse to maintain physical restraint or to physically confine such animal in a manner which prevents it from being at large at any time:

- (1) Dogs, except police or public service assisting dogs which are owned or controlled by any law enforcement or public service agency.
- (2) Potbellied pigs.
- (3) Prohibited animals.
- (4) Agricultural animals, excluding honey bees.

(Ord. No. 1999-2-95, § I, 2-6-95; Ord. No. 2119-7-96, § I, 7-1-96)

Sec. 3-62. Maximum number of animals.

A person may keep, or allow to be kept, upon residentially zoned premises, not more than a total of six individual animals conforming to the species requirements provided herein. The six individual animals may be a composite of one or more species of animals listed in this section, so long as the total number of individual animals kept on the premises does not exceed six (unless otherwise permitted in this Code) for each individual dwelling unit located thereon:

- (1) Dogs which are three or more months old;
- (2) Cats which are three or more months old;
- (3) Rabbits which are three or more months old;
- (4) Ferrets which are three or more months old; or
- (5) One potbellied pig which is three or more months old, and which otherwise conforms to the definition and requirements prescribed within this chapter.

Sec. 3-63. Unlawful restraint of dogs.

- (a) It shall be unlawful to leave a dog outdoors and unattended by use of a restraint that unreasonably limits the dog's movement during any time of the day or in the case of extreme weather conditions, including, but not limited to, conditions described in the Health and Safety Code § 821.077, as it now exists or may hereafter be amended.
- (b) A dog that is restrained outdoors and left unattended must be restrained in a yard that is entirely enclosed by a fence or in an enclosed structure that prevents unauthorized access by any person into the area in which the dog is restrained and that protects the dog from attack by stray dogs or other animals.
- (c) A restraint unreasonably limits a dog's movement if it meets the conditions set forth in the Health and Safety Code § 821.077, as it now exists or may hereafter be amended, unless

otherwise excepted in the Health and Safety Code § 821.078, as it now exists or may hereafter be amended. The restraint being used shall have swivels affixed to each end.

- (d) The definitions set forth in the Health and Safety Code § 821.076, as it now exists or may hereafter be amended, are hereby incorporated as if fully set forth herein.

Sec. 3-64. Prohibited animals—Possession.

It shall be a violation of this chapter for any person to keep, sell, display, exhibit, or otherwise possess any prohibited animal within the city, except as specifically provided within this chapter.

Sec. 3-65. Same—Notice to remove.

The animal control officer may issue a notice to any person who possesses a prohibited animal in the city, which directs that person to immediately and permanently remove such animal from the city limits. It shall be a violation of this chapter for any person to fail or refuse to comply with the terms of a notice issued by the animal control officer, which directs the removal of a prohibited animal from the city.

Sec. 3-66. Same—Notification of relocation required.

A person who receives a notice under section 3-66 of this chapter shall notify the animal control officer of the relocation disposition of the prohibited animal. Such notification shall be in the form of a sworn statement and must be delivered to the animal control officer not later than the seventh day after the animal has been removed from the city. The statement shall briefly describe the animal, state the date the animal was removed from the city, and identify the new location to where the animal was delivered. It shall be a violation of this chapter for any person to fail or refuse to deliver notification of the relocation of a prohibited animal, as required herein.

Sec. 3-67. Same—Appeal of notice to remove.

- (a) A person who receives a notice under section 3-66 of this chapter may file a written appeal with the city secretary within ten days of receiving such notice, and request a hearing before the city council for consideration of a variance to this chapter. The city secretary shall notify the person who filed the appeal of the date, time, and location of the hearing.
- (b) Compliance with a notice issued under section 3-66 shall be required, pending the final decision of the city council.

Sec. 3-68. Same—Seizure.

- (a) The animal control officer may apply for and obtain a warrant or other legal writ from the municipal court or justice court to seize any prohibited animal located in the city.
- (b) An animal seized under this section shall be impounded at the city animal shelter or as may otherwise be deemed suitable or necessary, by animal services, to insure secure confinement and proper care of the animal. Such impoundment shall be at the expense of its owner, keeper, or custodian. All accrued fees and charges shall be due and payable at the time the animal is redeemed.

Secs. 3-69—3-80. Reserved.

DIVISION 2. LICENSES, PERMITS, AND REGISTRATION

Sec. 3-81. Proof of current registration required—Animals.

Each dog, cat, and ferret kept in the city that is four or more months of age, shall be registered with city animal services every 12 or 36 months, whichever registration period the registrant chooses to purchase. It shall be a violation of this chapter for any person who keeps or allows any such animal to be kept or harbored upon their premises in the city, to fail or refuse to provide proof that such animal is currently registered with city animal services as required by this chapter, upon request by the animal control officer. City animal services shall issue a city registration certificate and tag for each dog, cat, or ferret that a person registers. Each such registration certificate and tag shall be valid for a period of 12 months or 36 months from the date issued, whichever registration period the registrant chooses to purchase. A new registration certificate and tag must be purchased, on or before the expiration date indicated on the issued city registration certificate. City registration certificates and tags are not transferable to any other animal. City animal services may issue a registration certificate and tag, provided that:

- (1) The animal being registered is not a dangerous dog as defined by this chapter, or the subject of any ongoing or pending dangerous dog investigation or hearing, or the subject of any appeal in response to a dangerous dog determination or judgment action. Dangerous dogs shall be registered in accordance with the dangerous dog requirements prescribed within this chapter; and
- (2) The registrant has presented proof that the animal to be registered is in compliance with the rabies vaccination requirements of this chapter; and
- (3) The applicable registration fee prescribed by section 2-201 of the City Code has been paid.

The city registration shall be prominently displayed on the animal at all times by securely affixing it to a properly fitted collar, harness, or similar device that is being worn by the animal.

Sec. 3-82. Same—Guard dogs.

Each dog which has received protection or guard dog training and is kept in the city must be registered as a guard dog with city animal services annually. It shall be a violation of this chapter for any person who keeps or allows any such dog to be kept upon their premises to fail or refuse to present proof to the animal control officer, upon request, that such dog has been registered as a guard dog with city animal services within the preceding 12-month period. Animal services shall issue a guard dog registration certificate and tag for each qualifying dog a person registers. Such certificate and tag shall be valid for a period of 12 months from the date of issuance, and are not transferable to any other animal. The registration tag shall be prominently displayed on the dog at all times by securely affixing it to a properly fitted collar, harness, or similar device which is being worn by the dog. A guard dog registration certificate and tag may be issued under this section, provided that the registrant first:

- (1) Presents proof that the dog has been vaccinated against rabies as required by this chapter; and
- (2) Pays the registration fee prescribed in section 2-201 of the City Code.

Sec. 3-83. Replacing lost tags.

If a registration tag for a dog, cat, or ferret is lost, the registrant may obtain a replacement tag for that animal from city animal services. The replacement tag shall be valid for the remaining balance of the original registration period of the tag being replaced. City animal services may issue a replacement registration tag, provided that:

- (1) The registrant provides proof that the animal for which the replacement tag is being obtained is in compliance with the rabies vaccination requirements of this chapter at the time the replacement tag is requested; and
- (2) The replacement tag fee prescribed by section 2-201 of the City Code has been paid.

The replacement registration tag is to be immediately and prominently displayed on the animal at all times by securely affixing it to a properly fitted collar, harness, or similar device that is being worn by the dog.

Sec. 3-84. Current permit required—Potbellied pigs.

It shall be a violation of this chapter for any person to keep or allow any potbellied pig which is three or more months of age to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal services. Such permit shall be required for each potbellied pig kept in the city; the permit shall be valid for a period of 12 months from the date of issuance, and is not transferable to any other animal. A permit to keep a potbellied pig in the city may be issued under this section, provided that the pig for which the permit is requested conforms to the following requirements:

- (3) Potbellied pigs are permitted in only residentially or agriculturally zoned districts;
- (1) Potbellied pigs are permitted in only residentially or agriculturally zoned districts;
- (2) No more than one (1) potbellied pig may be kept on any one (1) parcel or tract of land in a residentially zoned district and in accordance with applicable land use regulations;
- (3) The premises where any such pigs are kept shall be kept clean and free of all offensive odors, flies, rodents or other pests. Droppings shall be placed in a suitable container and disposed of on a regular basis;
- (4) No such pigs may be bred within a residentially zoned district;
- (5) All potbellied pigs must be registered with the Potbellied pig registry service or similarly nationally recognized registry or meets all the characteristics of the breed standard which will be verified with the animal control authority at the time of licensing.
- (6) Potbellied pigs must be vaccinated as required and immunization records must be presented at time of licensing;
- (7) Male pigs must be neutered; females must be spayed. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig within the preceding 30-day period, or by the veterinarian who performed the surgery;
- (8) Tusks must be removed or trimmed back as to be blunted all the time. Verification must be presented in the form of a letter signed by a veterinarian who has examined the pig

within the preceding 30-day period, or by the veterinarian who removed or trimmed back the tusks; and

- (9) The person to whom the permit is issued has paid the permit fee prescribed by section 2-201 of the City Code.

Sec. 3-85. Same—Agricultural animals.

It shall be a violation of this chapter for any person to keep or allow any agricultural animal to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal services. Such permit shall be valid upon the location for which it was issued for a period of 12 months from the date of issuance; the permit is not transferable to any other location. A permit to keep agricultural animals in the city may be issued under this section, provided the following requirements are first met:

- (1) A completed application requesting the permit must be submitted to animal services;
- (2) The premises on which the animals will be kept conforms to all applicable zoning, fencing, building, and animal services regulations; and
- (3) The permit fees prescribed in section 2-201 of the City Code have been paid.

Sec. 3-86. Same—Regulated animals.

It shall be a violation of this chapter for any person to keep or allow any regulated animal to be kept upon their premises without a valid permit to keep such animal in the city, issued by city animal services. A permit shall be required for each such animal kept in the city; such permit shall be valid for a period of 12 months from the date of issuance and is not transferable to any other animal. A permit to keep a regulated animal in the city may be issued under this section, provided that the following requirements are first met:

- (1) A completed application requesting the permit must be submitted to animal services;
- (2) The applicant must submit copies of valid federal and state licenses and permits, where applicable; and
- (3) The permit fees prescribed in section 2-201 of the City Code have been paid.

Sec. 3-87. Transfer of registration or permit.

- (a) If ownership of a dog, cat, or ferret that is currently registered with city animal services is transferred to a new owner who keeps such animal in the city, then the transferring owner shall notify city animal services of the transaction and cause the city registration certificate and tag to be transferred into the new owner's name, address, and phone number. Such notification shall be made not later than the tenth day after the transfer of ownership has occurred. The transferred registration shall be valid for the remaining balance of the original registration period, and shall expire on the expiration date indicated on the original registration certificate.
- (b) If ownership of a potbellied pig or regulated animal which is identified on a permit issued by city animal services is transferred to a new owner who keeps the animal in the city, the owner to whom the permit was issued shall notify animal services of the transaction and cause the permit to be transferred into the new owner's name. Such notification shall be made not later

than the tenth day after the date a transfer of ownership has occurred. The transferred permit shall be valid for the portion of the 12-month period remaining for the original permit.

- (c) There shall be no fee for transferring a registration, permit, or license tag to a new owner under this section.

Sec. 3-88. Prohibited animal exhibitor's permit—Required.

- (a) It shall be a violation of this chapter for any person to exhibit, display, show, or otherwise possess a prohibited animal without a valid permit which authorizes possession of such animal in the city, issued by city animal services. A permit issued under this section shall authorize the temporary presence of a prohibited animal in the city as an integral and necessary part of a performance or educational exhibition open to the public. Such permit shall be valid for a period of not more than ten consecutive days from the date of issuance. Such permit does not authorize the selling, propagation, breeding, or boarding of any prohibited animal in the city, nor does it authorize any combative or similar activity between animals, or an animal and a person. Prohibited animals allowed in the city under this section shall not be exhibited, displayed, shown, or otherwise be allowed upon any residentially zoned premises. A permit issued under this section shall not supersede any other requirements prescribed within the City Code. A permit to exhibit prohibited animals in the city may only be issued to the following:
 - (1) A bona fide zoo open to the general public; or
 - (2) A visiting performing or educational animal exhibition, rodeo, or circus open to the general public, of which the animal is an integral and necessary part.
- (b) City animal services may issue a permit under this section to a qualifying person, provided that the person first:
 - (1) Submits a completed application requesting the permit;
 - (2) Presents proof of current liability insurance in the amount of at least \$100,000.00 against bodily injury or property damage which may be caused by a prohibited animal;
 - (3) Presents copies of valid federal and state licenses and permits; and
 - (4) Pays the permit fees prescribed in section 2-201 of the City Code.

Sec. 3-89. Same—Revocation.

City animal services may revoke a permit issued under section 3-88 of this chapter, and issue a notice to the permitted person which directs them to immediately and permanently remove any prohibited animal from the city, for the following reasons:

- (1) For any violation of this chapter;
- (2) Failing or refusing to comply with written rules or regulations prescribed by the animal control officer;
- (3) For any violation of federal or state regulations; or
- (4) Providing false information to obtain a permit under section 3-88 of this chapter.

Sec. 3-90. State license required for circuses, carnivals, or zoos.

Any person who operates a circus, carnival, or zoo in the city must possess a valid state license as prescribed by Chapter 824, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), and as otherwise may be required by law. It shall be a violation of this chapter for a person who operates a circus, carnival, or zoo in the city to fail or refuse to present a valid state license, as required by this section, to the animal control officer upon request.

Sec. 3-91. Reserved.

Sec. 3-92. Educational exemption permit required.

- (a) A person may keep or allow to be kept upon his premises up to a total of 24 rabbits or chickens in the amount allowed under the agriculture code, for educational or exhibition purposes, provided that such person possesses a valid educational exemption permit issued by city animal services. There shall be a five-dollar-per-year, or any portion thereof, fee for this permit.
- (b) A permit issued under this section shall be valid only upon the premises identified on the permit, and is nontransferable to any other location.
- (c) A permit issued under this section shall expire no later than 12 months from the date of issuance, or no later than 30 days after the qualifying person ceases to be an active member in good standing with the qualifying organization, whichever should occur first.
- (d) City animal services may issue or renew a permit under this section, provided that the following qualifying criteria have been met:
 - (1) A properly completed application, including required verifications, has been submitted to city animal services;
 - (2) The person to whom the permit is issued must be at least 17 years of age. If not, the permit may be issued to the person's parent or guardian;
 - (3) The rabbits or chickens must be an integral part of a bona fide educational or exhibition project/program sanctioned by the 4-H Club, Future Farmers of America, or Boy Scouts or Girl Scouts of America. Written verification from the local program director/coordinator must be submitted with the permit application;
 - (4) The person engaged in the project/program must be an active member in good standing with the sanctioned organization. Written verification from the local program director/coordinator must be submitted with the permit application;
 - (5) The rabbits or chickens must be kept in a pen, cage, hutch, coop or similar enclosure. This must be verified by the animal control officer during an inspection of the premises; and
 - (6) The permit fee has been paid.
- (e) City animal services may revoke or deny renewal of a permit under this section, under the following situations:
 - (1) False information is provided on the application for the permit; or

- (2) Upon two or more convictions for violations of this section involving the permitted animals.

Secs. 3-93—3-100. Reserved.

DIVISION 3. DANGEROUS DOGS

Sec. 3-101. Owner defined.

- (a) A person learns that the person is the owner of a dangerous dog when:
 - (1) The owner knows of an attack as described in subsection (1) of the definition for "dangerous dog" set forth in section 3-1 of this chapter; or
 - (2) The owner is informed by an animal control authority that the dog is a dangerous dog.
- (b) The term "owner," as it relates to dangerous dogs, shall mean a person who owns or has custody or control of a dog.

Sec. 3-102. Secure enclosure.

- (a) Secure enclosure for a dangerous dog shall mean a fenced area or structure that:
 - (1) Is locked. All entrances to the secure enclosure in which the dog is being kept, such as gates, doors, or windows must be securely closed and locked at all times when the dangerous dog is present;
 - (2) Prevents the escape or release of the dog by any means, including digging, climbing, jumping, or chewing out of the enclosure;
 - (3) Prevents the entry of the general public, including children;
 - (4) Is clearly marked as containing a dangerous dog, with signs obtained from city animal services unless otherwise specifically approved. Such signs shall be posted as specified by city animal services; and
 - (5) Is in conformance with any other requirements for enclosures prescribed by city animal services policy, city zoning regulations, or city construction regulations.
- (b) At no time may a dangerous dog be kept in any part of a house or other structure where it might have direct access to an opened window, an opened door, a screen window, a screen door, or other opening of similar material or construction which is the only obstacle preventing the dog from exiting the house or structure.
- (c) No part of an outdoor secure enclosure for a dangerous dog may be located within five feet of any other property line adjoining the premises on which the enclosure is located.

Sec. 3-103. Confinement and restraint.

- (a) It shall be a violation of this chapter for an owner of any dangerous dog found in the city to fail or refuse to physically confine or physically restrain such dog at all times in one of the following ways:

- (1) Confined in a secure enclosure as defined in section 3-102 of this chapter; or
 - (2) Physically restrained on a leash not longer than six feet in length, and of sufficient tensile strength so it will not break under any conditions or circumstances. One end of the leash must be securely attached to a properly fitted collar or harness which is being worn by the dog; the other end of the leash must be securely held in the grasp of a person. In addition, if the dog is taken onto any public property, it shall be securely muzzled in a manner which will prevent it from biting any person or other animal, yet not cause injury to the dog nor interfere with its vision or respiration. A dangerous dog may not be left tied out anywhere outside of a secure enclosure.
- (b) A person found guilty of an offense under this section shall be subject to a fine of not less than \$250.00 for each separate offense.

Sec. 3-104. Current liability insurance required.

- (a) Not later than the 30th day after the date the municipal court determines that a dog is a dangerous dog, the dog's owner shall:
- (1) Obtain, and maintain in force at all times, liability insurance coverage in an amount of at least \$100,000.00 to cover damages resulting from any attack by the dog causing bodily injury to a person; and
 - (2) Present proof of such liability insurance coverage to the animal control officer. Proof of liability insurance coverage shall consist of a copy of the insurance policy.
- (b) It shall be a violation of this section for the owner of any registered dangerous dog or any dog required to be registered as a dangerous dog under this chapter or state law, to fail or refuse to present proof of current liability insurance coverage as required herein, upon request by the animal control officer.

Sec. 3-105. Current dangerous dog registration required.

- (a) Not later than the 30th day after the date the municipal court determines that a dog is a dangerous dog, the dog's owner shall register the dog as a dangerous dog with the animal control officer. The owner shall renew such registration on or before the expiration of every 12 month period thereafter.
- (b) If the owner of any dog that has been determined to be a dangerous dog under this chapter sells, gives away, or relocates the dog, that owner shall notify the animal control officer of such sale, gift, or relocation not later than 72 hours after the occurrence. Such notification shall include reporting the following information to the animal control officer:
- (1) The name of the dog's owner at the new location.
 - (2) The address and phone number of the dog's owner at the new location.
 - (3) The address of the new location where the dog is to be kept, if different than section (2) above.
- (c) No dog, which has been determined to be a dangerous dog, may be moved into the city from another animal services jurisdiction until after the owner has complied with all dangerous dog registration requirements prescribed in this chapter.

- (d) The animal control officer may issue a dangerous dog registration certificate and tag as proof that a dangerous dog has been registered as required. Such registration shall be valid for a period of not more than 12 months from its date of issue, and shall not be transferable to any other animal. The animal control officer shall issue or renew a dangerous dog registration certificate and tag after the following requirements have been met:
- (1) The owner registering the dog is at least 18 years old;
 - (2) The owner has presented proof that the dog has been vaccinated against rabies as required by this chapter;
 - (3) The owner has presented proof of current liability insurance coverage as required by this chapter;
 - (4) The owner has presented proof that the dog has been implanted with a microchip identification, which can be detected and read by the animal control officer's microchip reader. Proof shall consist of a signed letter from the veterinarian who implanted the microchip. The letter must describe the dog, state the microchip identification number assigned to the dog, and state the microchip manufacturer name;
 - (5) The secure enclosure in which the dog will be kept is in compliance with the requirements of this chapter, as verified by inspection conducted by the animal control officer within the preceding 30 day period; and
 - (6) The owner pays the dangerous dog registration fee specified in section 2-201 of this Code.
- (e) It shall be a violation of this section for the owner of any dangerous dog found in the city, to fail or refuse to present proof that their dog is currently registered as a dangerous dog as prescribed herein, to the animal control officer upon request.
- (f) If any dangerous dog owner fails to maintain compliance with the liability insurance or secure enclosure requirements of this chapter, the owner shall, upon demand, deliver the dog to the city animal shelter for confinement, unless otherwise specifically authorized by the animal control officer. The municipal court may issue a warrant authorizing the seizure of a dangerous dog by the animal control officer, upon receiving notification from the animal control officer that the owner has failed to maintain compliance with the liability insurance or secure enclosure requirements of this chapter. The animal control officer shall provide for the dog's impoundment in secure and humane conditions until the owner has complied with applicable liability insurance or secure enclosure requirements, or until otherwise ordered by the court. If the owner fails to comply with the applicable liability insurance or secure enclosure requirements before the 10th consecutive day after the date the dog was delivered or seized, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs to seize, confine, and destroy the dog.

Sec. 3-106. Tag to be displayed.

The current dangerous dog registration tag issued by an animal control authority shall be conspicuously displayed on the dangerous dog at all times by securely attaching it to a properly fitted collar, harness, or similar device which is being worn by the dog.

Sec. 3-107. Report of attack required.

An owner of any registered dangerous dog shall be required to notify city animal services of any attacks the dog makes on people, regardless of where the attack occurs. Such notification of an attack shall be made not later than 24 hours after the attack occurs.

Sec. 3-108. Unprovoked attacks.

An owner of a dangerous dog commits an offense if the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the person. An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor. If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed at the owner's expense, as provided by law. A person found guilty of an offense under this section, in the municipal court, shall also be subject to a fine of not less than \$250.00 for each separate offense.

Sec. 3-109. Reporting a dangerous dog incident.

- (a) A person may report an alleged dangerous dog incident to the animal control officer by submitting a sworn statement describing the event, not later than the 30th day after the date such incident occurs. A parent or guardian may submit the sworn statement on behalf of a minor or a person who is unable to prepare the statement. The statement shall contain as much of the following information as known:
 - (1) Name, address, and telephone number of the person filing the sworn statement.
 - (2) Name, address, and telephone number of the alleged dangerous dog owner or keeper.
 - (3) A description of the alleged dangerous dog including breed, colors, size, sex, name, or any other distinguishing characteristics.
 - (4) Date, time, and location where the incident occurred.
 - (5) A detailed account of what happened before, during, and after the incident.
 - (6) A description of any injuries caused by the dog during the incident. Attach a copy of available medical reports, photos, etc.
 - (7) Name, address, telephone number of any available witnesses to the incident.
- (b) After receiving a sworn statement describing an alleged dangerous dog incident, the animal control officer shall investigate the incident and determine whether or not to file a report with the municipal court and request a hearing to determine if the dog involved is a dangerous dog as defined within this chapter. Upon notification that such dangerous dog determination hearing is to be conducted, the owner shall deliver the dog to the city animal shelter where it shall be confined until the court orders disposition of the dog, unless confinement at another location has been specifically authorized by the animal control officer.
- (c) If the owner fails to deliver the dog as specified in subsection (b), above, the court may order the animal control officer to seize the dog and issue a warrant authorizing the seizure. The animal control officer shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
- (d) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.

- (e) The court may order the humane destruction of an alleged dangerous dog if the owner of the dog has not been located before the 15th day after the dog is seized or impounded.

Sec. 3-110. Dangerous dog determination hearing.

- (a) Upon receiving a report from the animal control officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined within this chapter. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered for confinement.
- (b) Written notice of the time and place of the hearing shall be delivered to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who reported the incident to animal services.
- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) If the court determines that a dog is a dangerous dog, such dog shall be confined at the city animal shelter or other confinement location authorized by the animal control officer until the owner presents proof of required liability insurance coverage and the animal control officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 30th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.
- (e) The owner of a dog that has been confined under section 3-109 shall be required to present proof to the animal control officer that such dog has been vaccinated against rabies as required by this chapter, before the dog may be released from confinement. If the owner cannot provide such proof, the owner shall make arrangements to have the dog vaccinated against rabies, at a veterinary clinic located within the city limits, during city animal services' regular business hours. The owner shall coordinate such arrangements with city animal services prior to the date the dog is to be vaccinated. An animal control officer shall:
 - (1) Transport the dog to the veterinary clinic and confirm that the dog is vaccinated against rabies; or
 - (2) Accompany the owner to or meet the owner at the veterinary clinic and confirm that the dog is vaccinated against rabies.

If the owner does not comply with this requirement on or before the 30th day after the court has determined that the dog is a dangerous dog, the court may order the humane destruction of the dog. The owner shall be responsible for payment of all costs incurred to vaccinate or destroy the dog.

- (f) The owner may appeal the decision of the municipal court in the same manner as for appeals of other municipal court cases.

Sec. 3-111. Defenses to prosecution.

Defenses to prosecution prescribed by Chapter 822, Subchapter D, "Dangerous Dogs", Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), are hereby incorporated under this section.

DIVISION 4. DOGS THAT CAUSE THE DEATH OF OR SERIOUS BODILY INJURY TO A PERSON

Sec. 3-112. Seizure of a dog causing death of or serious bodily injury to a person.

- (a) The municipal court shall order the animal control officer to seize a dog and issue a warrant authorizing the seizure:
 - (1) On the sworn complaint of any person, including the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and
 - (2) On a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.
- (b) Upon order of the municipal court, the animal control officer shall seize the dog and provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
- (c) The definition of the term "serious bodily injury" as stated in chapter 822, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended), is hereby incorporated into this section.

Sec. 3-113. Hearing.

- (a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.
- (b) Written notice of the time and place of the hearing shall be given to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint.
- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:
 - (1) Its owner;
 - (2) The person from whom the dog was seized; or
 - (3) Any other person authorized to take possession of the dog.
- (e) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:
 - (1) Its owner;
 - (2) The person from whom the dog was seized; or
 - (3) Any other person authorized to take possession of the dog.

- (4) City impoundment and daily handling fees shall not be charged.
- (f) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person; and
 - (1) The dog was being used for the protection of a person or person's property, and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept; and
 - a. The enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided written notice of presence of a dog; and
 - b. The injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred; or
 - (2) The dog was not being used for the protection of a person or person's property and, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;
 - (3) The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;
 - (4) The dog was defending a person from an assault or person's property from damage or theft by the injured person; or
 - (5) The injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.
- (g) The court may determine that the dog is a dangerous dog, as defined in this chapter, even if it determines that the dog did not cause the death of or serious bodily injury to a person. If the court determines that the dog is a dangerous dog, the owner shall comply with all dangerous dog requirements as prescribed within this chapter.

Sec. 3-114. Destruction of dog.

The destruction of a dog, ordered under section 3-113, must be performed by:

- (1) A licensed veterinarian located within the city limits, unless otherwise specifically authorized by the animal control officer;
- (2) Personnel of a recognized animal shelter or humane society, located within the city limits, who are trained in the humane destruction of animals; or
- (3) Personnel of a governmental agency responsible for animal services within the city limits, who are trained in the humane destruction of animals.

Sec. 3-115. Provocation or location of attack irrelevant.

Except as provided by section 3-113(f), this division applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

DIVISION 5. DOGS THAT ATTACK OTHER ANIMALS

Sec. 3-116. Reporting attacks on animals.

- (a) If an animal is attacked by a stray or at large dog, and that attack resulted in serious injury to or the death of that animal, the attacked animal's owner may report the incident to the animal control officer by submitting a sworn statement describing the attack. The statement must be received by the animal control officer not later than the 30th day after such attack occurs, and it shall contain as much of the following information as known, including:
 - (1) Name, address, and telephone number of the person filing the sworn statement;
 - (2) Name, address, and telephone number of the stray or at large dog owner;
 - (3) A description of the stray or at large dog;
 - (4) Date, time, and location of the attack;
 - (5) Detailed account of the attack, including a description of events occurring immediately before, during, and after the attack;
 - (6) Name, address, telephone numbers of any witnesses to the attack.
- (b) If the attacked animal sustained serious injuries which did not result in death, then a letter signed by the treating veterinarian must be submitted with the sworn statement. The letter must describe the injuries sustained by the attacked animal, and state that the injuries were serious, characterized by severe bite wounds, or severe ripping and tearing of muscle, or that the injuries required prompt medical attention after the attack to preserve the animal's life.
- (c) Sections 3-116 through 3-119 of this chapter shall not be applicable to:
 - (1) Attacks on prohibited animals;
 - (2) Attacks on animals which are unlawful to keep upon the owner's premises;
 - (3) Attacks on an animal that was a stray or at large at the time of the attack, or immediately prior to the attack; or
 - (4) Attacks on wildlife.

Sec. 3-117. Hearing.

- (a) After receiving the sworn statement from an owner of an animal that has been seriously injured or killed by a stray or at large dog, along with a letter from the treating veterinarian where required, the animal control officer shall investigate the incident and determine whether to file a report and request a hearing in the municipal court to determine if the dog involved is a dangerous dog as defined in this chapter.
- (b) Upon receiving a report from the animal control officer describing an alleged dangerous dog incident, the court shall set a time for a hearing to determine if the dog is a dangerous dog as defined in this chapter. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered for confinement. Written notice of the time and place of the hearing shall be delivered to:
 - (1) The owner of the stray or at large dog; and

- (2) The owner of the attacked animal.
- (c) Upon notification that a dangerous dog determination hearing is to be conducted, the owner shall immediately deliver the dog to the city animal shelter where it shall be confined pending the outcome of the hearing and any subsequent appeals, unless confinement at another location has been specifically authorized by the animal control officer.
- (d) If the owner fails or refuses to surrender or deliver the dog for confinement as specified in subsection (c), above, the court may order the animal control officer to seize the dog and issue a warrant authorizing the seizure. The animal control officer shall provide for the impoundment of the dog in secure and humane conditions pending the outcome of the hearing and any subsequent appeals.
- (e) The owner shall be responsible for payment of all costs incurred to seize and confine the dog.
- (f) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (g) A dog may be designated as a dangerous dog if the court finds that:
 - (1) The dog attacked another person's animal;
 - (2) The attack resulted in serious injury to or the death of the attacked animal;
 - (3) The dog was a stray or at large at the time it committed the attack; and
 - (4) The attacked animal was not a stray or at large at the time of the attack, or immediately prior to the attack.
- (h) If the court determines that a dog is a dangerous dog, such dog shall be confined at the city animal shelter or other confinement location authorized by the animal control officer until the owner presents proof of required liability insurance coverage and the animal control officer has inspected and approved the secure enclosure where the dog will be kept. If the owner does not comply with such requirements on or before the 30th day after the date the dog is determined to be a dangerous dog, the court may order the humane destruction of the dog.
- (i) The stray or at large dog owner may appeal the decision of the municipal court in the same manner as provided for appeals of other municipal court cases. Any order to destroy the dog shall be suspended pending the outcome of the appeal.
- (j) The court may order the humane destruction of a dog that has killed an animal belonging to another person upon determining that the dog is a dangerous dog and that sufficient evidence has been presented to find that destruction of the dog is necessary to protect public health, safety and welfare. Destruction of the dog may be performed by the animal control officer or a licensed veterinarian within the city limits unless otherwise authorized by the animal control officer.

Sec. 3-118. Requirements for owners of dogs that are a danger to other animals.

- (a) The owner of a dog that has been determined to be a dangerous dog shall be subject to and must comply with all the conditions and requirements pertaining to owners of dangerous dogs as set forth in this chapter, including:
 - (1) Registering the dog as a dangerous dog as prescribed in this chapter;
 - (2) Obtaining liability insurance as prescribed in this chapter;

- (3) Providing a secure enclosure for the dangerous dog as prescribed in this chapter, or as otherwise ordered by the court; and
- (4) Confining the dangerous dog in a secure enclosure and restraining it at all times as required by this chapter.

If the dog owner fails or refuses to comply with the requirements for owners of dangerous dogs on or before the 30th day after the dog is determined to be a dangerous dog, the court may order that the dog be humanely destroyed by the animal control officer or a licensed veterinarian within the city limits unless a veterinarian located outside of the city limits is authorized by the animal control officer.

- (b) It shall be a violation of this division for any person to fail or refuse to comply with any requirements of this division.

Secs. 3-119—3-125. Reserved.

MEMORANDUM

TO: Donna Barron, City Manager

FROM: David Salmon, P.E., City Engineer

VIA: Eric Ferris, Assistant City Manager

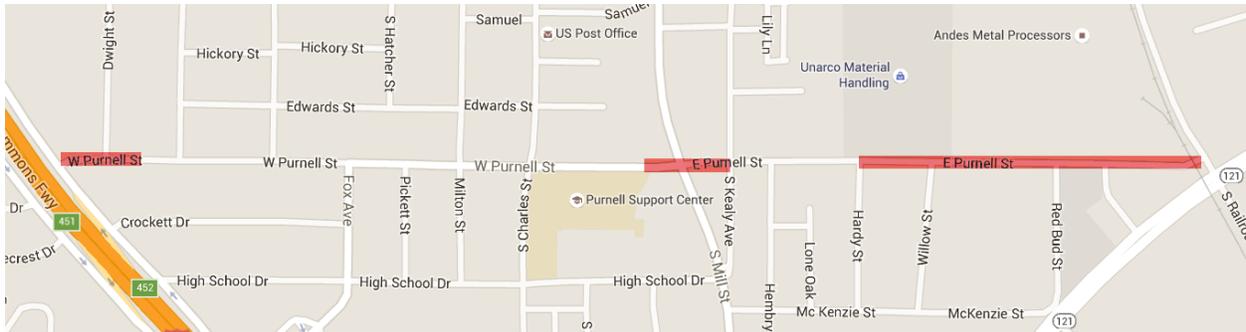
DATE: March 17, 2016

SUBJECT: **Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, by Amending the Speed Limit on Certain Segments of Mill Street, Church Street and Charles Street; and Amending the Lewisville City Code, Section 15-126, Stopping, Standing, or Parking Prohibited on Specific Streets, Prohibiting Parking on Purnell Street From Kealy Avenue to 230 Feet East of Kealy Avenue on the North Side of Purnell Street and From Kealy Avenue to 220 Feet East of Hembry Street on the South Side of Purnell Street Within the City of Lewisville.**

BACKGROUND

- a) The section of Mill Street from Tennie Drive to Oakridge Boulevard is a two lane asphalt roadway with single-family homes fronting on both sides of the street. The speed limit posted on this section of Mill Street is 40 miles per hour. During a neighborhood meeting in the North Mill Street area, residents overwhelmingly asked staff to lower the speed limit. Staff has also proposed changing the street designation from collector to residential in support of the proposed speed limit change.
- b) Church Street is a two lane one-way street that runs east-west from Railroad Street to Herod Street with parking available along its length. Along with Main Street, it is part of the one-way couplet allowing access to and through the Lewisville Old Town area. It is presently posted at 30 miles per hour which was set when the roadway was reconstructed in 1999-2000 to provide the one-way pair access. Development of the MCL Grand Theater and Wayne Ferguson Plaza has increased the amount of pedestrian activity in the area prompting staff to conduct a new speed study.
- c) Charles Street is a two-way street with parking along both sides. All of Charles Street is posted at 35 miles per hour except for the section north of College Street which is posted at 25 MPH due to the residential nature. Development of the MCL Grand Theater and Wayne Ferguson Plaza has increased the amount of pedestrian activity along Charles Street between Main Street and College Street prompting staff to conduct a new speed study.
- d) Parking on Purnell Street is already prohibited on several sections of Purnell:
 - From 200 feet west of Mill Street to Kealy Avenue, both sides of Purnell Street
 - From Hardy Street to Railroad Street, both sides of Purnell Street

- From Interstate Highway 35E northbound Frontage Road to 250 feet east, both sides of Purnell Street



(Sections of Purnell Street with existing No Parking)

These sections, where parking is already prohibited, are the results of situations where previously allowed parking created unsafe conditions.

On-street parking is generally allowed on roadways adjacent to residential homes fronting the roadway and along non arterial roadways in non-residential areas where on-street parking does not pose a significant risk.

The Transportation Board considered this item during the March 15, 2016 meeting and voted 6-0 to recommend prohibiting parking as proposed.

ANALYSIS

a) Speed Limit on Mill Street between Tennie Drive and Oakridge Boulevard

Staff held a neighborhood meeting in 2015 for the neighborhood along North Mill Street, Tennie, Drive, East Shore and West Shore to discuss and receive input regarding planned street, drainage and utility improvements. One of the most overwhelming neighborhood concerns was the speed of vehicles traveling on North Mill Street. In response, staff performed a traffic volume study on Mill Street between Tennie Drive and Oakridge Boulevard. The study indicated an average daily traffic (ADT) on the above mentioned section of Mill Street of 1,269 vehicles per day. Due to the low volume of traffic on this section of the roadway and the residential use on both sides of the street, the Transportation Board, on March 15, 2016, recommended changing the designation of Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-lane Undivided Street (C2U – 60' R.O.W.) to a Residential Street. This change of designation to a residential street allows the general speed limit of 25 miles per hour to be adopted in accordance with Section 15-33 of the Lewisville City Code for this section of Mill Street. In addition, the street improvements proposed for North Mill Street will be designed to discourage higher speeds. Also, Section 15-35 of the Lewisville City Code has two different line items for speed limit on

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Mill Street from F.M.1171 (Main Street) to Cowan Avenue with a speed of 40 miles per hour and on Mill Street from Cowan Street to Lake Park Drive with a speed of 40 miles per hour. These two line items can be reconciled into a single line item as Mill Street from F.M. 1171 (Main Street) to Lake Park Road with a speed limit of 40 miles per hour.

b) Speed Limit on Church Street Between Mill Street and Herod Street

Speed limits for a roadway are recommended to be reevaluated when the character or conditions of the roadway change. In this case, Church Street from Mill Street to Herod Street has recently been modified by adding additional parallel parking along the south side of Church Street as part of the new Wayne Ferguson Plaza development. This, along with the opening of the Medical Center of Lewisville Grand Theater and the related angle parking, has changed the character of the traffic that uses Church Street. More vehicles are now parking along Church Street adjacent to the plaza and the theater for events and to frequent the surrounding businesses. This is affecting the traffic flow especially during periods of activities related to the theater. Additional traffic and pedestrian activity is expected once the restaurants along the north side of Church Street west of Charles Street open.

Staff performed a speed survey of the traffic on Church Street from Mill Street to Herod Street. The speed study was conducted on Wednesday, January 27, 2016. The results of the speed study indicate the 85th percentile speed of the vehicles traveling on Church Street in this section is 29 miles per hour. Church Street from Mill Street to Herod Street is presently posted at 30 miles per hour. The Texas Manual of Traffic Control Devices (TMUTCD) recommends setting a speed limit at 5 mile per hour increments above or below the 85th percentile speed. Since the 85th percentile speed is 29 miles per hour and as the pedestrian activity is expected to increase with the addition of the new restaurant facilities on the north side of Church Street, it is staff's recommendation to set the speed limit at 25 miles per hour.

c) Speed Limit on Charles Street between College Street and Main Street

Charles Street has also been recently reconfigured, adding parking along both sides between Main Street & Walters Street. Along with Church Street, this section of Charles Street has also seen an increase in vehicular and pedestrian traffic. The 35 miles per hour speed limit appears to have been established early on with the construction of Charles Street through what is the Old Town area now. General use at that time may have supported a 35 mile per hour speed limit, as a simple collector and connection from the residential area to the north to the commercial area to the south, but with the revitalization efforts in the Old Town area the character and nature of the traffic in the area has changed. The traffic flow is not just pass through traffic, but is now changing in response to the new venues available in the area. This area is continuing to add new services and attractions so traffic density and behavior will continue to change over time further supporting a lower speed limit on this section of Charles Street.

Staff performed a speed survey of the traffic on Charles Street from Main Street to College Street. The speed study was conducted on Wednesday, January 27, 2016. The results of the speed study indicate the 85th percentile speed of the vehicles traveling on Charles Street in this section is 26 miles per hour. Charles Street from Main Street to College Street is presently posted at 35 miles per hour. The Texas Manual of Traffic Control Devices (TMUTCD) recommends setting a speed limit at 5 mile per hour increments above or below the 85th percentile speed. Since the 85th percentile speed is 26 miles per hour and as the pedestrian activity is expected to increase with the addition of the new restaurant facilities on the north side of Church Street, it is staff's recommendation to set the speed limit at 25 miles per hour.

Sign changes for each of the proposed speed limit changes will be provided and installed by Public Services, as needed.

d) Parking on Purnell Street between Kealy Avenue and Lone Oak

Although it is common to create No Parking zones for a matched distance on both sides of a street, Staff determined that the hazard caused by the parked vehicles could be resolved while also continuing to allow parking to a greater extent on the north side of Purnell. Vehicles parked along the north side of Purnell adjacent to the undeveloped property does not pose a hazard at this time.



(Extents reflect where parked vehicles may limit visibility)

Staff contacted affected property owners to gather their input. Owners of the automotive shops located at 306 E. Purnell Street and at 604 S. Kealy Avenue were not in favor as the sites don't have adequate parking for customer vehicles being serviced. The shop owners are aware the City does not allow long term on-street parking of vehicles awaiting service. Other adjacent property owners were in favor. The residents between Hembry and Hardy will continue to be allowed parking in front of their homes.

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The Transportation Board discussed this item at length since Mr. Alvin Turner is a board member and property owner of one of the residences on Purnell, just east of the proposed location. He requested that the section on the south side of Purnell be extended 20 to 30 feet further than the proposed extent. However, Staff indicated that the proposed location runs up to the right of way for Lone Oak and the road may eventually extend to connect to Purnell. The board decided to recommend the extents as proposed.

It should be noted there was a discrepancy in the original Transportation Board item caption regarding the parking prohibition. It was described as a distance from Kealy Avenue to a point east of Kealy Avenue on both the north and south sides of Kealy, rather than north and south sides of Purnell Street, however due to the lengthy discussion regarding the conditions and extent of the No Parking areas, the Transportation Board was aware that the locations considered for prohibiting parking are on the north and south sides of Purnell Street, not Kealy Avenue. In addition, adjacent owners were notified of the Transportation Board meeting. The caption has been corrected for the Council agenda.

Signage will be provided and installed by City Personnel.

RECOMMENDATION

It is City Staff's recommendation that the City Council approves the ordinance as set forth in the caption above.



TENNIE

PROPOSED SPEED LIMIT
CHANGE TO 25 MPH

EXISTING 35 MPH SPEED LIMIT
(NO CHANGES PROPOSED)

EXISTING 40 MPH SPEED LIMIT
(NO CHANGES PROPOSED)

M. 407



ATCHISON, TOPEKA, SANTA FE RAILROAD

JONES ST.

VALLEY RIDGE BLVD

DCTA RAILWAY

KEALY ST.

COLLEGE ST.

MAIN ST. -- (F.M. 1171)

LOCATION MAP FOR
MILL STREET - TENNIE TO MAIN STREET
PROPOSED SPEED LIMIT CHANGES



1" = 300'

PROPOSED 25 MPH
SPEED LIMIT

HEROD

CHARLES

COLLEGE ST.

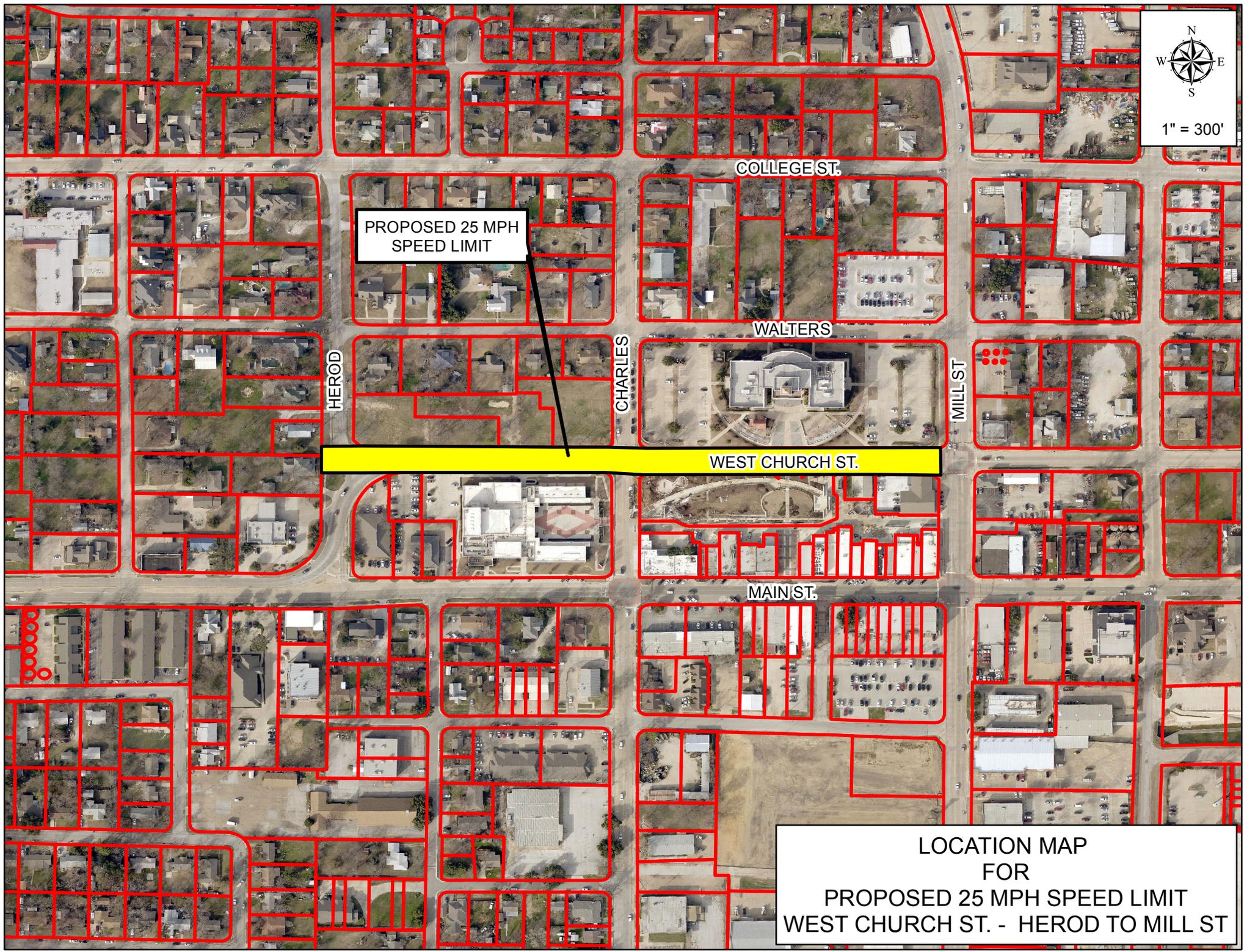
WALTERS

MILL ST

WEST CHURCH ST.

MAIN ST.

LOCATION MAP
FOR
PROPOSED 25 MPH SPEED LIMIT
WEST CHURCH ST. - HEROD TO MILL ST





1" = 300'

PROPOSED 25 MPH
SPEED LIMIT

COLLEGE ST.

WALTERS

WEST CHURCH ST.

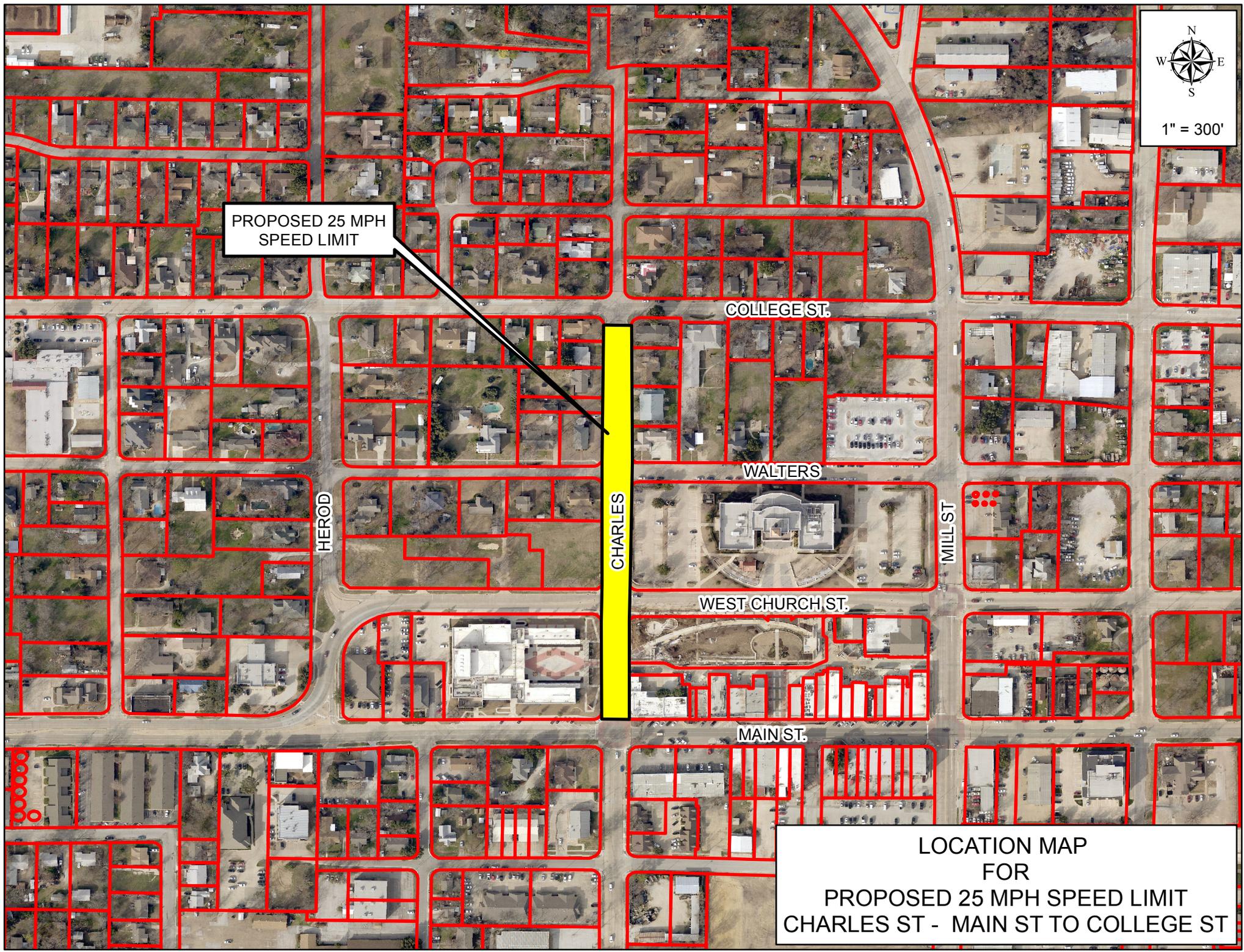
MAIN ST.

HEROD

CHARLES

MILL ST

LOCATION MAP FOR
PROPOSED 25 MPH SPEED LIMIT
CHARLES ST - MAIN ST TO COLLEGE ST





1" = 200'

PROPOSED NO PARKING

PURNELL ST.

MILL ST.

KEALY ST.

HEMBRY

ALLEN

LONE OAK

HARDY

WILLOW

HIGH SCHOOL

LOCATION MAP
FOR
PARKING PROHIBITION ON PURNELL STREET

**MINUTES
TRANSPORTATION BOARD**

**TUESDAY, MARCH 15, 2015
6:35 P.M.**

Item No. 1 Call to Order and Announce a Quorum is Present

Chairman James Davis called the Lewisville Transportation Board meeting to order at 7:20 p.m. and announced that a quorum was present with the following members in attendance:

Sean Kirk
Brandon Jones
Mary Ellen Miksa
Alvin Turner
Kristin Green
James Davis

Members absent: Steven Byars

Staff Present: Kevin Nims, David Salmon, Sagar Medisetty and June Sin

Item No. 4 – Consideration of an Amendment to the City Thoroughfare Plan to Change the Designation of Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-Lane Undivided to a Residential Street and Make a Recommendation to the City Council Regarding the Amendment

Kevin Nims presented this item to the Board, stating that this item refers to the Thoroughfare Plan. He clarified that the designation should be changed from a Collector 2-Lane Undivided to a Residential Street. North of Oakridge Boulevard the roadway does not meet the volume required for a collector street. The street is currently used as a typical minor carrier with single family residences facing the street. Taking off the designation would allow the speed limit to be reduced to 25 miles per hour as it would fall under the City's blanket ordinance for speeds on residential streets.

- Kristin Green asked about the future reconstruction of the street. David Salmon explained that appropriate street width will be assessed at the time of reconstruction but it is likely for the street width to remain close to current width.
- Mary Ellen Miksa asked about if street parking will be allowed. David Salmon explained that the staff was pursuing no parking along the street.
- Sean Kirk asked about current residents parking needs. David Salmon explained that not allowing any parking along the street was discussed at the neighborhood meeting a year ago. Residents did not show objections.

A motion was made by Kristin Green and seconded by Mary Ellen Miksa to approve Consideration of an Amendment to the City Thoroughfare Plan to Change the Designation of

Mill Street from Tennie Drive to Oakridge Boulevard from a Collector 2-Lane Undivided to a Residential Street and Make a Recommendation to the City Council Regarding the Amendment. There were all ayes and the motion passed.

Item No. 5 – Consideration of Amending the Speed Limit on Church Street from Mill Street to Herod from 30 Miles per hour to 25 Miles per hour and Make a Recommendation to the City Council in Regard to the Amendment

Kevin Nims presented this item to the Board, stating that the nature and characteristics of this section of street is changing due to local area developments, proposed street improvements and increasing activities around the Wayne Ferguson Plaza and the Medical Center of Lewisville Grand Theater. Staff performed a speed survey and recommends setting a speed limit at 25 miles per hour, which meets the recommendation from the Texas Manual of Uniform Traffic Control Devices (TMUTCD) to set the speed limit at 5 miles per hour increments above or below the 85th percentile speed.

- Brandon Jones asked about enforcement measures. Kevin explained that it has not been addressed at this point.
- Kristin Green commented that this move will likely improve pedestrian safety.

A motion was made by Brandon Jones and seconded by Kristine Green to approve Consideration of Amending the Speed Limit on Church Street from Mill Street to Herod from 30 Miles per hour to 25 Miles per hour and Make a Recommendation to the City Council in Regard to the Amendment. The vote was all ayes and the motion passed.

Item No. 6 – Consideration of Amending the Speed Limit on Charles Street from College Street to Main Street from 35 Miles per hour to 25 Miles per hour and Make a Recommendation to the City Council in Regard to the Amendment

Kevin Nims presented this item to the Board, stating that due to recent developments in Old Town, this section of Charles Street is seeing a significantly different type of traffic flow. Additional traffic and pedestrian activity is expected once the restaurants along the north side of the street, west of Charles Street open.

A motion was made by Sean Kirk and seconded by Kristine Green to approve Consideration of Amending the Speed Limit on Charles Street from College Street to Main Street from 35 Miles per hour to 25 Miles per hour and Make a Recommendation to the City Council in Regard to the Amendment. The vote was all ayes and the motion passed.

Item No. 7 – Consideration of Prohibiting Parking on Purnell Street from Kealy Avenue to 230 feet East of Kealy Avenue on the North side of Kealy Avenue and from Kealy Avenue to 220 feet East of Hembry Street on the South Side of Kealy Avenue and Make a Recommendation to the City Council in Regard to the Amendment

Kevin Nims presented this item to the Board. Kevin explained on-street parking is generally allowed for residential properties fronting a roadway within the city; however, any commercial properties are required to provide adequate on-site parking. Staff received a request from a

citizen to consider prohibiting parking on Purnell Street due to the difficulty of accessing Purnell from Hembry. Staff surveyed the location and contacted the local property and business owners for their input. Visibility is significantly reduced due to parked cars on Purnell, which is hazardous for the driving public at large.

A motion was made by Brandon Jones and seconded by Sean Kirk to approve Consideration of Prohibiting Parking on Purnell Street from Kealy Avenue to 230 feet East of Kealy Avenue on the North side of Kealy Avenue and from Kealy Avenue to 220 feet East of Hembry Street on the South Side of Kealy Avenue and Make a Recommendation to the City Council in Regard to the Amendment. The vote was all ayes and the motion passed.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING THE LEWISVILLE CITY CODE, CHAPTER 15, SECTION 15-35 BY AMENDING THE SPEED LIMIT ON CERTAIN SEGMENTS OF CHARLES STREET, CHURCH STREET, AND MILL STREET; AND AMENDING SECTION 15-126 BY PROHIBITING PARKING ON CERTAIN SEGMENTS OF PURNELL STREET; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare, and safety of its citizens, and upon engineering and traffic investigation studies conducted by the State of Texas and adopted by the City Council of the City of Lewisville, Texas, speed limits upon the listed streets shall be as stated herein, and therefore, amendments to Chapter 15, Section 15-35 are necessary.

WHEREAS, the City Council has also determined that for the health, welfare, and safety of its citizens, an amendment to Chapter 15, Section 15-126 of the Lewisville City Code is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. Chapter 15, Section 15-35, Maximum Speed Limits on Specific Streets, of the Lewisville City Code is hereby amended by deleting the following street entries:

Street/Road/Highway	Extent	Speed (mph)
Charles Street	From the intersection of College Street, south to the intersection of East Frontage Road of Interstate Highway 35	35
***	***	***
Church Street	Herod Street to Mill Street	30
***	***	***
Mill Street	From Cowan Street to Lake Park Drive	40
Mill Street	From F.M. 1171 (Main Street) to Cowan Avenue	40
Mill Street	From Tennie Drive to Oakridge Boulevard	40

and in their place, insert the following new entries:

Street/Road/Highway	Extent	Speed (mph)
Charles Street	From College Street to Main Street	25
Charles Street	From Main Street to Interstate Highway I-35E	35
***	***	***
Church Street	From Herod to Mill Street	25
***	***	***
Mill Street	From Lake Park Road to F.M. 1171 (Main Street)	40

SECTION 2. Chapter 15, Section 15-126, Stopping, Standing, or Parking Prohibited on Specific Streets, of the Lewisville City Code is hereby amended by adding the following new entries:

Street	Extent
***	***
Purnell Street	From Kealy Avenue to 230 feet east of Kealy Avenue on the north side of Purnell Street
Purnell Street	From Kealy Avenue to 220 feet east of Hembry Street on the south side of Purnell Street

SECTION 3. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court of Lewisville, Texas, shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 4. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 7. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 18th DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Steven L. Bacchus, Assistant City Manager

DATE: April 13, 2016

SUBJECT: **Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Amending the Franchise Ordinance for the Collection of Residential Garbage, Refuse, Yard Waste, Bulky Waste, Recyclables; Apartment Recycling; and, Containerized Commercial Solid Waste With Waste Management of Texas, Inc. by Deleting Attachments C & D and Replacing With New Attachments and Conduct the First Reading.**

BACKGROUND

In April 2014, the City renewed its solid waste and recycling franchise agreement with Waste Management (WM). This agreement continued the franchised services WM had been providing to Lewisville for the previous ten years, and added franchised recycling services for multi-family properties. Additionally, the 2014 agreement included new cost of service rates for all the services WM provides the City. After considerable review of the cost structure and the franchise fees received from WM in 2015, staff has determined revisions are needed in certain language included in Attachment C (cost of service schedule for roll-off containers). The changes are needed to fulfill the intention of the franchise agreement regarding recovery of costs of service by WM.

Attachment D of the agreement provides the terms for franchising the multi-family recycling program. During implementation of that program, a change was made in the containers provided to apartment dwellers that requires a revision to Attachment D.

ANALYSIS

Attachment C – Roll-Off Cost of Service Rates. The commercial rate structure established in the franchise agreement provides the method by which WM recovers its costs to provide collection and disposal services in Lewisville (COS Rate). The franchise agreement also makes a provision for the City to set commercial customer service rates on an annual basis through the City's fee ordinance (Customer Rate). WM bills the commercial customers based on the Customer Rate established by the City, retains the portion identified in the franchise agreement as WM's COS Rate, and then remits the remainder of the billings to the City as the franchise fee.

In 2005 the City and WM agreed to adjustments to the commercial customer roll-off rate structure to reflect inclusion of up to four tons of disposal cost in the hauling rate charged to the customer (Customer Rate). The intent was to streamline billing and acknowledge that the majority of loads in roll-off containers weighed less than four tons. Customer Rates established by the City were adjusted at that time so that separate disposal costs were not incurred by the commercial customer except when the load weighed more than four tons.

Subject: Ordinance Waste Management of Texas, Inc.
April 13, 2016
Page 2 of 2

When the COS rate structure was developed for the current 2014 franchise agreement, it incorrectly noted that disposal cost for the first four tons was included in the hauling COS Rate. The impact of applying this provision to COS rates is that WM is unable to recover its COS for disposal of the first four tons. That was not the intention of the rate adjustments, and therefore the related language in Attachment C needs to be removed. The attachment is being revised to remove “after the first four tons” from the heading related to COS disposal rate per ton. The Customer Rates included in the City’s fee ordinance are not impacted by this change.

Attachment D – Multi-Family Recycling. The apartment recycling program was developed with the intent to provide 18 gallon recycling containers to each apartment unit. As discussions between City staff, WM and property managers continued prior to launching the program in April 2015, it was determined that some properties preferred to have a smaller container with a handle. WM made the decision to make the smaller tote an option. The rate schedule included in Attachment D references the 18 gallon bin only. This attachment is being revised to say “apartment unit bin” rather than stating the size of the container. The rate charged for the apartment container is not impacted by this change.

Per the City Charter Article 10 Section 10.02 Franchise; power of City Council, Council has the authority to amend said franchise and shall be required to be read at two (2) separate regular meetings of the City Council. The second reading is scheduled for June 6, 2016.

RECOMMENDATION

It is City staff’s recommendation that the City Council approves the ordinance and conduct the first reading as set forth in the caption above.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS AMENDING ORDINANCE NO. 4062-04-2014 FOR THE CONTRACT AND EXCLUSIVE FRANCHISE FOR COLLECTION OF RESIDENTIAL GARBAGE, REFUSE, YARD WASTE, BULKY WASTE, RECYCLABLES, CONTAINERIZED COMMERCIAL SOLID WASTE AND MULTI-FAMILY RECYCLING WITHIN THE CITY OF LEWISVILLE, TEXAS BY DELETING THE EXISTING ATTACHMENT C AND ATTACHMENT D AND REPLACING WITH A NEW ATTACHMENT C AND ATTACHMENT D; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare, and safety of its citizens, it is desirable that certain amendments to Ordinance No. 4062-04-2014 for the contract and exclusive franchise for collection of residential garbage, refuse, yard waste, bulky waste, recyclables, containerized commercial solid waste and multi-family recycling within the City of Lewisville, Texas, are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION I. Ordinance No. 4062-04-2014 for the contract and exclusive franchise for collection of residential garbage, refuse, yard waste, bulky waste, recyclables, containerized commercial solid waste and multi-family recycling within the City of Lewisville, Texas, is hereby amended by deleting the Attachment C and Attachment D in their entirety and in their place inserting a new Attachment C and a new Attachment D, which are attached hereto and incorporated as if fully set forth herein.

SECTION II. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective thirty (30) days after its final passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF _____ TO _____, ON THIS THE 18th DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

ATTACHMENT C

CONTRACTOR COST OF SERVICE

SCHEDULE OF COMMERCIAL SERVICES AND RATES

Prices reflect Contractor's Cost of Service to the City of Lewisville including disposal, but do not include the City's Commercial Franchise Fee.

COMMERCIAL REFUSE STORAGE CART RATES:

Container	Rate:
96-Gallon Cart, Collected 1 x week:	\$21.56 per cart/month
Additional 96-Gallon Cart, Collected 1 x week:	\$5.00 per cart/month (4 cart maximum)
Redelivery rate for nonpayment:	\$52.77 per occurrence
Replace stolen/missing Cart (one time fee)	\$65.00

FRONT LOADER CONTAINER RATES:

Bin Size	1xWeek	2xWeek	3xWeek	4xWeek	5xWeek	6xWeek	7xWeek	<u>Extra Pickup</u>
2 cy	\$62.65	109.80	156.98	204.15	251.32	298.50	345.65	24.97
3 cy	\$71.36	124.15	176.92	229.74	282.52	335.32	388.10	29.41
4 cy	\$79.84	138.25	196.66	255.08	313.48	371.90	430.32	35.86
6 cy	\$95.83	165.50	235.16	304.81	374.47	444.13	513.79	42.27
8 cy	\$110.65	191.55	272.46	353.34	434.26	515.15	596.06	54.34
Casters & Locks	\$10.55 each per month							

ROLL-OFF CONTAINER RATES:

Size	Haul Rate per Pull	Disposal Rate per ton after the first four tons	Delivery Rate	Rental Rate
NON-COMPACTORS				
10 cy container	\$150.37	20.57	92.33	158.29
12 cy container	\$150.37	20.57	92.33	158.29
18 cy container	\$150.37	20.57	92.33	158.29
20 cy container	\$150.37	20.57	92.33	158.29
24 cy container	\$150.37	20.57	92.33	158.29
30 cy container	\$150.37	20.57	92.33	158.29
40 cy container	\$150.37	20.57	92.33	158.29
COMPACTORS				
10 cy compactor	\$150.37	20.57	92.33	158.29
12 cy compactor	\$150.37	20.57	92.33	158.29
15 cy compactor	\$150.37	20.57	92.33	158.29
17 cy compactor	\$150.37	20.57	92.33	158.29
18 cy compactor	\$150.37	20.57	92.33	158.29
20 cy compactor	\$150.37	20.57	92.33	158.29
24 cy compactor	\$150.37	20.57	92.33	158.29
25 cy compactor	\$150.37	20.57	92.33	158.29
27 cy compactor	\$150.37	20.57	92.33	158.29
30 cy compactor	\$150.37	20.57	92.33	158.29
34 cy compactor	\$150.37	20.57	92.33	158.29
35 cy compactor	\$150.37	20.57	92.33	158.29
38 cy compactor	\$150.37	20.57	92.33	158.29
40 cy compactor	\$150.37	20.57	92.33	158.29
42 cy compactor	\$150.37	20.57	92.33	158.29

COMPACTOR RENTAL RATES:

	Rate:
Box Only	\$169.87
Self-contained unit	\$386.20
Compactor head and box	\$386.20

MISCELLANEOUS RATES:

	Rate:
Compactor Cleaning Fee	\$197.86
Trip Charge	\$92.33
Compactor Removal	\$92.33
Container Relocation	\$92.33
Exchange of Compactors	\$92.33
Liners for Roll-Off Containers	\$52.77
Service Reinstatement Fee	\$45.00
Any special services, negotiated services or other services not specifically stated within the fee ordinance	Quoted cost plus 17.46%

FRONT LOAD COMPACTOR RENTAL:

	Rate:
4 cy compactor	\$240.43 per month
6 cy compactor	\$259.92 per month

VERTICAL COMPACTORS RATES:

Size	1xWeek	2xWeek	3xWeek	4xWeek	5xWeek	6xWeek	7xweek	Extra PU
2 cy compactor	\$152.33	304.65	456.98	609.30	761.62	913.94	1066.66	39.33
3 cy compactor	\$174.61	349.20	523.81	698.39	872.96	1047.57	1222.18	42.43
4 cy compactor	\$196.98	393.73	590.61	787.48	984.35	1181.20	1378.08	48.28
6 cy compactor	\$241.42	482.82	724.25	965.66	1207.06	1448.47	1689.89	59.97
8 cy compactor	\$306.48	612.99	919.47	1225.95	1532.44	1838.93	2145.41	76.42

ATTACHMENT D

MULTI-FAMILY DWELLING RECYCLING SERVICES AND RATES

All rates in Attachment D are contingent upon the City making these services mandatory for all Multi-Family Dwellings and on Contractor having the exclusive right to perform these services. Prices are per apartment unit per month charged to Multi-Family Complex owner/operator. Contractor shall bill Multi-Family Complex customers directly and the Multi-Family Dwelling customer shall make payment directly to the Contractor. The Commercial Franchise Fee shall apply to Contractor billings for these services. The Multi-Family Complex will be obligated to pay for the Recyclables services even if such Complex refuses to allow Contractor to place its Recyclables container(s) on the premises or provide 18 gallon bins to tenants. If the Multi-Family Complex fails to pay for the invoiced Recyclables services, then Contractor shall have the right, upon notice to the City and customer, to suspend its provision of Solid Waste services to that Multi-Family Complex.

The option to franchise Multi-Family Dwelling Recycling exclusively to the Contractor at the rates shown in this Attachment shall be available to the City for the first five (5) years of the Contract Term. If not implemented in the initial year of the Contract, the rates for the services listed in this Attachment shall be subject to the annual rate adjustments set forth in Attachment E and other adjustments, if any, described in Section 2 of the Contract, regardless of whether the service has been approved by Council. If the City has not selected these services at the end of the fifth year of the Initial Term, then Contractor no longer has any obligation to offer or perform these services. If any of the services listed in this Attachment become commercially unreasonable to perform or unavailable, Contractor shall provide the City with notice of said matter. The City and Contractor may by mutual agreement cease the program at any time during the term of this Contract.

Contractor shall provide all equipment necessary to perform Multi-Family Complex recycling services and is responsible for distribution of such equipment to the Multi-Family Complexes located within the City limits. Contractor shall develop a service plan for collection of Recyclables from Multi-Family Complexes. The service plan shall include at a minimum (1) the timeline and process for notifying Multi-Family property managers of recycling services, (2) development of appropriate advertisement and education to Multi-Family Dwelling residents, (3) distribution of equipment necessary for implementation, and (4) identification of program launch date. All steps of the implementation shall be coordinated with the City. Implementation shall be completed within twelve (12) months of the date the mandatory program is approved by City Council and incorporated into the franchised services.

All reporting requirements for other Contractor-provided Commercial Service shall apply to reporting for Multi-Family Dwelling Recycling.

Service	Rate:
2 cubic yard front loader	\$0.85
4 cubic yard front loader	\$0.85
6 cubic yard front loader	\$0.85
8 cubic yard front loader (up to three containers)	\$0.85
18-gallon bin for each apartment unit <u>Apartment unit bin</u>	\$0.15
Replacement bin	\$10.00

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Julie Heinze, City Secretary

DATE: April 7, 2016

SUBJECT: **Consideration of Acceptance of Resignation of Roy Wiegmann From Alternate Place No. 2 on the Zoning Board of Adjustment (ZBOA); Declare Vacancy Exists on the ZBOA; and Consideration of an Appointment to Alternate Place No. 2 on the ZBOA.**

BACKGROUND

Roy Wiegmann has submitted his resignation from Alternate Place No. 2 on the ZBOA. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

ANALYSIS

Citizen's University class members Douglas Hicks and William Meridith have both recently submitted data sheets indicating their interest in ZBOA. Their data sheets have been included for City Council review.

RECOMMENDATION

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

Zoning Board of Adjustment Roster/Terms of Office

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Tom Jensen 1805 Blair Oak Dr. Lewisville, TX 75067 214-725-0627 (c) tomjensen@sunwestrealtors.com	Place No. 1 Chairman	7/02/2007	6/15/2015	6/30/2017
Antonio Gallizzi 1829 Chisolm Tr. Lewisville, TX 75077 214-734-5647 (h) 817-800-9475 (c) tonygallizzi@gmail.com	Place No. 2 Vice-Chairman	3/15/2010	6/16/2014	6/30/2016
James Collier 1020 Cassion Dr. Lewisville, TX 75067 972-315-2377 (h) jbc_glc1@verizon.net	Place No. 3	1/27/2014	6/15/2015	6/30/2017
Debbie Ingledue 708 Abilene Dr. Lewisville, TX 75077 972-353-8115 (h) 214-914-1879 (c) dingledue@verizon.net	Place No. 4	6/21/2010	6/16/2014	6/30/2016
MaryEllen Miksa 1634 Clarendon Dr. Lewisville, TX 75067 214-632-9589 (c) memiksa@yahoo.com	Place No. 5 (Planning and Zoning Representative)	7/7/2015		6/30/2017

**Zoning Board of Adjustment
Roster/Terms of Office**

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Winston Edmondson 1292 Marchant Pl. Lewisville, TX 75067 214-415-7929 (h) 214-415-7929 (c) innovationatwork@gmail.com	Alternate No. 1	6/15/2015		6/30/2017
Roy Wiegmann 2065 Kenny Court Lewisville, TX 75067 817-880-4179 (h) roy@wiegamn.net	Alternate No. 2	6/16/2014		6/30/2016

Hi Christina,

If you could pass this along to whomever would be most appropriate, I would be very grateful.

I do not wish to participate any longer on this Board. As the 2nd Alternate, I believe I may have actually sat on the meeting once, perhaps twice. The commitment on my part, however, is the same as standing Board Members. I'm not complaining. I just do not feel that the cost / benefit from my perspective warrants continued participation.

In any event, I believe the Board serves the city well and continue to be a proud citizen of the City of Lewisville.

Best regards,

Roy Wiegmann

and packet are attached.

ZBOA members, please let me know if you are able to attend.

Thank you and have a great weekend.

--



Christina Williams
Economic Development Analyst
City of Lewisville
[972-219-3722](tel:972-219-3722)

DISCLAIMER: <http://www.cityoflewisville.com/index.aspx?page=905>



Christina Williams
Economic Development Analyst
City of Lewisville
[972-219-3722](tel:972-219-3722)



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BOARDS AND COMMISSIONS APPLICATION

Name: Douglas Hicks

Address: 1637 Glenhill Lane

E-mailAddress: doug.hicks@yahoo.com

Home Phone: 972-353-4674 Cell Phone: 469-744-7478 Work Phone: 214-654-1354

Occupation: IT Analyst Employer: Genuine Parts Company

Are you a resident of Lewisville? Yes No Length of residency: 18 Years

Are you a registered voter? Yes No Voter registration number: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: _____

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|--|---|
| <input type="checkbox"/> <u>6</u> Arts Advisory Board | <input type="checkbox"/> <u>4</u> Park Board |
| <input type="checkbox"/> <u>12</u> Animal Services Advisory Committee | <input type="checkbox"/> <u>2</u> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) – Do you own real property in the City of Lewisville _____ |
| <input type="checkbox"/> <u>14</u> Charter Review Commission | <input type="checkbox"/> <u>9</u> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <input type="checkbox"/> <u>7</u> Community Development Block Grant Advisory Committee | <input type="checkbox"/> <u>10</u> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <input type="checkbox"/> <u>15</u> Lewisville Housing Finance Corporation | <input type="checkbox"/> <u>1</u> Zoning Board of Adjustment |
| <input type="checkbox"/> <u>13</u> Lewisville Industrial Development Corporation | <input type="checkbox"/> <u>11</u> Oil and Gas Advisory Board |
| <input type="checkbox"/> <u>3</u> Library Board | |
| <input type="checkbox"/> <u>5</u> Lewisville Parks & Library Development Corporation | |
| <input type="checkbox"/> <u>8</u> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: Radio/TV/Film
 Other - explain _____

What is your occupational experience? _____
IT Services, Service Delivery, Service Management

Areas of Interest: Arts & Media, Reading, Cooking



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Previous and current

Dates:

Office(s) held:

volunteer/community service:

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

_____ *Vision 2025, Diversity Committee* _____

_____ *Citizens University 2015-2016* _____

Are you involved in any community activities? _____ *Common Ground Community Garden, Flower Mound* _____

Have you attended one or more meetings of the board/commission/committee for which you have

applied.: Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? _____

_____ *I would like to contribute more to our community and do my best to keep Lewisville a great place to live.* _____

What else would you like to tell us about yourself? _____

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to ltjerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature: _____ *Douglas Harts* _____ Date: *4/5/16* _____



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BOARDS AND COMMISSIONS APPLICATION

Name: William J. Merioith

Address: 1309 BOGARD LN LEWISVILLE, TX 75077

E-mail Address: billjm@dallas.net

Home Phone: _____ Cell Phone: 214-726-5653 Work Phone: 972-925-7281

Occupation: DESIGN MANAGER Employer: JACOBS

Are you a resident of Lewisville? Yes No Length of residency: 13 years, 10 months

Are you a registered voter? Yes No Voter registration number: 1091720609

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: _____

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|---|---|
| <u>4</u> Arts Advisory Board | <u>5</u> Park Board |
| <u>9</u> Animal Services Advisory Committee | <u>1</u> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) - <u>Do you own real property in the City of Lewisville</u> No <u>Yes</u> |
| <u>12</u> Charter Review Commission | <u>7</u> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <u>3</u> Community Development Block Grant Advisory Committee | <u>8</u> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <u>6</u> Lewisville Housing Finance Corporation | <u>2</u> Zoning Board of Adjustment |
| <u>10</u> Lewisville Industrial Development Corporation | <u>11</u> Oil and Gas Advisory Board |
| <u>14</u> Library Board | <u>16</u> Lewisville Local Gov. Corporation |
| <u>13</u> Lewisville Parks & Library Development Corporation | |
| <u>15</u> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: MASTER OF ARCHITECTURE
 Other - explain: UNIVERSITY OF ILLINOIS-URBANA

What is your occupational experience? 22 years Experience working as a general Contractor & Owner's Representative for Dallas ISD

Areas of Interest: Local Government, music & Arts, Historical Preservation



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Previous and current volunteer/community service:

Dates:

Office(s) held:

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Are you involved in any community activities? _____

Have you attended one or more meetings of the board/commission/committee for which you have applied. Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? USING MY EXPERIENCE

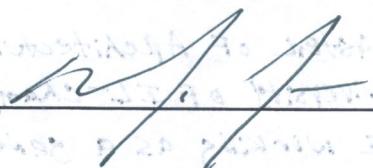
IN THE DESIGN OF CONSTRUCTION FIELDS & PROJECT MANAGEMENT DISCIPLINE TO HELP SERVE THE CITY OF LEWISVILLE

What else would you like to tell us about yourself? EAGLE SCOUT - 1985

FAN OF MUSIC - Love performances of MCL GRAND, Summer Concert Series, Western Days, etc. Love supporting local businesses in Lewisville.

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to tijerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature: 

Date: 3-8-16

WILLIAM JAMES MERIDITH

Project Manager

Fast Facts

Years of Experience

22

Education

Basic Art Degree, Art
Instruction Schools,
1987

B.S., Architectural
Studies, University of
Illinois, 1991

M. Arch., University of
Illinois, 1993

Green Advantage
Environmental
Certification – 2008

214-726-5653 – Cell

Email –
billjm@dallas.net

I have twenty two years of experience providing design, project and program management and construction phase services for a wide range of elementary, middle and high school projects, as well as park facilities, airport projects, office buildings and religious facilities.

Relevant Experience

- **Program Management for Dallas Independent School District 2008 Bond Program Projects - \$360 Million - Jacobs - Dallas, TX - Project Manager/Design Manager.** This Program involves design and construction of new schools and facilities, as well as design and construction for additions and/or renovations at existing schools and facilities. Responsibilities include on-budget, on-schedule delivery of assigned projects from design through construction and close-out; oversight of day-to-day project activities; participation in design technical and constructability reviews; project involves using a Competitive Sealed Proposal process for evaluating contractors and value engineering projects into budget when necessary, project progress reporting; management of project data; coordination of A/E Team, asbestos, moving, and swing space services, coordination of testing material firms and roofing inspection firms, coordination of pre-bid and weekly construction site meetings; and coordination with local school Principals. Coordination with Maintenance Staff and coordination of Warranty process during one year warranty period. Coordinating BMCS/CMCS/JACE (HVAC Controls) work for Jacobs.
- **DFW Airport Design Program Manager - \$250 Million - Project Manager.** The project involves design management of DFW Airport projects. Proposal preparation, design drawing coordination, and construction support are included in the tasks completed for DFW Airport.
- **Program Management for Dallas Independent School District 2002 Bond Program Projects - \$480 Million - Jacobs/Pegasus, Dallas, TX. Project Manager.** This Program involves design and construction of new schools and facilities, as well as design and construction for additions and/or renovations at existing schools and facilities. Project sizes ranged from \$6,000,000-\$23,000,000. Responsibilities include on-budget, on-schedule delivery of assigned projects from design through construction and close-out; oversight of day-to-day project activities; participation in design technical and constructability reviews; project involved using a Competitive Sealed Proposal process for evaluating contractors and value engineering projects into budget when necessary, project progress

- reporting; management of project data; coordination of asbestos, moving, and swing space services, coordination of testing material firms and roofing inspection firms, coordination of pre-bid and weekly construction site meetings; and coordination with local school Principals. Coordination with Maintenance Staff and coordination of Warranty process during one year warranty period. Commercial / Office Facilities

Commercial / Office Facilities

- **Willow Bend Park, Plano, TX.** Project Manager. This project involved the construction of an approximately 91,000-square foot office building with a detached approximately 102,000-square foot parking garage, with a combined construction cost of \$5,675,000. The project included working closely with the Architect and Owner, similar to a design/build project.
- **Metro Optics Dock Expansion, Allen, TX.** Project Manager. This project involved construction of an approximately 6,300-square foot loading dock expansion with a construction cost of \$645,867. The purpose of the project was to give the client a new dock to enable an improvement in shipping out their product. Working 24 hours/day, the building was completed in about three months, which was a client requirement.
- **Vigor Office Building, Plano, TX.** Project Manager. This project involved construction of an approximately 28,000-square feet office facility, with a construction cost of \$1,211,525. The project included working closely with the client, similar to a design/build project, to build a building with a very schematic-type set of drawings where the details were worked out during construction
- **Parkway Vista Office Building, Plano, TX.** Project Manager. This project involved the construction of an approximately 39,000-square foot office building, with a construction cost of \$1,815,851. The project included working with the Owner directly after the project was designed without much involvement from the Architectural Team. The project involved completely the main shell building for future tenant build out. This project entailed working with the Owner on many city/code related issues.

Religious Facilities

- **MacArthur Boulevard Baptist Church, Irving, TX.** Project Manager. This project involved the construction of an approximately 29,628-square foot religious and education facility, with a construction cost of \$4,135,500. The new church and education facility represented Phase I of the church's construction project. Several challenges were encountered on this project due to working within the constraints of Valley Ranch requirements. This project involved working with an Owner who had many changes to make after approved plans came out. Several items related to technology were worked out with the Owner on-site on a design/build basis.
-

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Julie Heinze, City Secretary

DATE: April 7, 2016

SUBJECT: **Consideration of Acceptance of Resignation of Brenda Crawford From Place No. 5 on the Arts Advisory Board; Declare Vacancies Exist in Place Nos. 5 and 6 on the Arts Advisory Board; Consideration of Reappointing Al DeBerry to Place No. 2 on the Arts Advisory Board; and Consideration of Appointments to Place Nos. 5 and 6 on the Arts Advisory Board.**

BACKGROUND

Brenda Crawford has submitted her resignation from Place No. 5 on the Arts Advisory Board. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy. Former Mayor Gene Carey had been serving in Place No. 6 on the Arts Advisory Board. With his recent passing, the City Council will need declare a vacancy and consider a new appointment to fill this vacancy. In accordance with the City Council's attendance policy, Al DeBerry has missed three consecutive meetings on the Arts Advisory Board and is automatically removed. Upon discussion with Mr. DeBerry, staff has determined that this was due to miscommunication of meeting date changes. Staff has worked with Mr. DeBerry to ensure this is not an issue in the future and due to Mr. DeBerry's request to remain on this board, recommends that he be reappointed to the Arts Advisory Board.

ANALYSIS

Citizen's University class member Tona Svoboda has recently submitted a data sheet indicating her interest in the Arts Advisory Board. Also on file is a data sheet from Dr. Traci Gardner-Petteway indicating her interest in also serving on this board. Based upon discussion with both applicants, staff feels both individuals would be excellent additions the Arts Advisory Board. Their data sheets have been included for City Council review.

RECOMMENDATION

It is City staff's recommendation that the City Council accept the resignations, declare vacancies exist, consider appointments and the reappointment as set forth in the caption above.

Arts Advisory Board Roster/Terms of Office

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Craig Roberts Medical Center of Lewisville 500 W. Main St. Lewisville, TX 75057 972-390-7175 (c) 972-420-1858 (w) craig.roberts@hcahealthcare.com	Place No. 1 (Business located in Lewisville)	1/23/2012	6/15/2015	6/30/2017
Al DeBerry 3519 Preakness Dr. Flower Mound, TX 75028 Regional Director for Texas Western Hospitality 214-632-3798 (c) al.deberry@twhospitality.com	Place No. 2 (Employed by hotel or other attraction)	3/21/2011	6/16/2014	6/30/2016
Bill Watson LISD Director of Fine Arts W.T. Bolin Administrative Center 1565 W. Main St. Lewisville, TX 75067 817-706-5349 (c) 972-350-4714 (w) billwatsonbd@gmail.com	Place No. 3 (Employed by Institution of Learning in an Art Related field)	3/21/2011	6/15/2015	6/30/2017
Patsy Roe 1323 Carnation Dr. Lewisville, TX 75057 972-436-0932 (h) pdroe@verizon.net	Place No. 4 (Arts Patron)	6/18/2012	6/16/2014	6/30/2016
Brenda Crawford 2041 Sierra Pl. Lewisville, TX 75077 972-317-8783 (h) 214-675-9010 (c) crawfordb@verizon.net	Place No. 5 (Lewisville Resident) Vice-Chairperson	3/21/2011	6/15/2015	6/30/2017

Arts Advisory Board Roster/Terms of Office

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Gene Carey 1373 Evergreen Lewisville, TX 75067 972-418-3852 (w) Genecarey42@verizon.net	Place No. 6 (Lewisville Resident) Chairman	3/21/2011	6/16/2014	6/30/2016
Steve Southwell 995 Downey Dr. Lewisville, TX 75067 214-488-2239 (h) 214-280-6439 (c) ses@whosplayin.com	Place No. 7 (Lewisville Resident)	6/15/2015		6/30/2017
Ken Lannin 2328 Balleybrooke Ln. Lewisville, TX 75077 972-317-9568 (h) 972-877-0175 (c) k-lannin@raytheon.com	Place No. 8 (Lewisville Resident)	1/23/2012	6/16/2014	6/30/2016
Peggy Atkerson 1164 Pleasant Oaks Lewisville, TX 75067 972-315-2875 (h) 972-742-5238 (c) patkerson@verizon.net	Place No. 9 (Lewisville Resident)	3/21/2011	6/15/2015	6/30/2017

Jim Wear, Arts Center Manager
MCL Grand Theater
100 N. Charles St
Lewisville, TX 75057

April 5, 2016

Dear Jim,

Because we have moved from Lewisville I must, with regret, submit my resignation as a member of the City of Lewisville Arts Advisory Board. I have enjoyed serving on the Board and being involved in the progress of the growing arts programming in the Lewisville community.

The Arts Advisory Board has an exciting future as the arts become vital to the sense of place in the City. I will look forward to seeing evidence of your thoughtful and dedicated work.

Best regards,

Brenda Crawford

Brenda Crawford
1030 Dallas, Drive Apt 1216
Denton, TX 76205



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.



BOARDS AND COMMISSIONS APPLICATION

Name: Dr. Traci L. Gardner - Petteway
 Address: 1881 Sinclair Court Lewisville, TX 75067
 E-mail Address: DRTRACIPETTWAY@me.com
 Home Phone: 972-420-6353 Cell Phone: 214-830-0809 Work Phone: 972-420-4673
 Occupation: Life Coach Employer: Hope Inc Christian Counseling
 Are you a resident of Lewisville? Yes No Length of residency: 1999
 Are you a registered voter? Yes No Voter registration number: 1091118119

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: N/A

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: N/A

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|---|--|
| <u>2</u> Arts Advisory Board | <u>3</u> Park Board |
| <input type="checkbox"/> Animal Services Advisory Committee | <input type="checkbox"/> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) - Do you own real property in the City of Lewisville <input type="checkbox"/> |
| <input type="checkbox"/> Charter Review Commission | <input type="checkbox"/> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <input type="checkbox"/> Community Development Block Grant Advisory Committee | <input type="checkbox"/> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <input type="checkbox"/> Lewisville Housing Finance Corporation | <input type="checkbox"/> Zoning Board of Adjustment |
| <input type="checkbox"/> Lewisville Industrial Development Corporation | <input type="checkbox"/> Oil and Gas Advisory Board |
| <u>1</u> Library Board | |
| <input type="checkbox"/> Lewisville Parks & Library Development Corporation | |
| <input type="checkbox"/> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: Ph.D. Social Work / Com Svc
MA Psychology / HR
 Other - explain _____

What is your occupational experience? BS Organizational Mgmt
Communication, listening, Attention to detail, research

Areas of Interest: Library + Svc represent the surrounding culture
Community outreach
Park Preservation, cleanliness, Law Enforcement presence



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Previous and current volunteer/community service: **Dates:** **Office(s) held:**

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Lewisville Morning Rotary, Lewisville Chamber of Commerce, Flower Mound Chamber of Commerce, Flower Mound Leadership Candidate 2015/2016. Jack & Jill of America, Alpha Kappa Alpha Sorority, Inc, CISNT, CASA.

Are you involved in any community activities? CCA Breakfast w/ Santa Toy Drive, Household Hazardous Waste, Girl Scouts

Have you attended one or more meetings of the board/commission/committee for which you have applied.: Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? Library, Unity, diversity, community outreach. Parks - Cleanliness, Safety Law Enforcement Presence on weekends + late evenings.

What else would you like to tell us about yourself? Project Management skills, Easy to get along with, Organized, High Expectations whereas Excellence is the standard. Team Oriented

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to ltijerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature: *J. McFette way* Date: _____

Administrative Employment History

2012 Westside Baptist Church,

Lewisville, Texas

Director of Counseling

Individual Counseling – *work to address the following issues:*

- *Depression
- *Anxiety
- *Grief/Loss
- *Eating/body image disorders
- *Identity/self-image issues
- *Phobias
- *Panic attacks
- *Relationship problems
- *Spiritual growth
- *Stress/anger management
- *Adoption
- *Suicidal tendencies
- *Overcoming addictions
- *Sexual and physical abuse
- *Boundaries/co-dependency
- *Divorce recovery

Family, relationship, and marriage counseling – *work to resolve and repair the problems that affect relationships, in addition to the issues mentioned above, other topics include:*

- *Building communication skills
- *Recovering from infidelity
- *Blended family issues
- *Parenting concerns
- *Restoring trust
- *Family dynamic problems
- *Divorce recovery and adjustment

Teen/Adolescent counseling – *teenagers work with me to resolve the issues that concern them most. Some of the typical issues that are addressed (in addition to those listed above) include:*

- *Behavioral concerns
- *Relationship with family/friends
- *Unplanned pregnancy
- *Suicidal tendencies
- *Bullying
- *Self-image

Dr. Traci Lynn Gardner-Petteway

2010 Union Gospel Mission

Dallas, Texas

Male Veteran Homeless Shelter

Life Skills Facilitator

Facilitate in sixteen (16) week increments, life skills curriculum for homeless and disabled military veterans.

2009 Court Appointed Special Advocate (CASA),

Denton, Texas

Child Advocate

Represent children in the child protective services system who have been removed from their home as a result of neglect, abuse, and/or endangerment. Provide recommendations to the courts regarding what is in the best interest of the child.

2009 Communities in Schools of North Texas (CISNT)

Lewisville, Texas

Mentor

Connect with middle and high school female minority students within the Lewisville Independent School District.

2009 Hope Ministries (non-profit)

Lewisville, Texas

President

Provide educational, civic, and intercultural activities on a local level regarding domestic violence, prevention, warning signs, and intervention. Offer domestic violence speaking engagements; coordinate seminars and workshops at high schools, colleges, churches, and throughout the community.

Dr. Traci Lynn Gardner-Petteway

2008 Hope Incorporated Christian Counseling

Lewisville, Texas

Owner/Christian Life-Coach

Offer pastoral counseling in areas such as addiction, grief, depression, marital challenges, pre-marital counseling, and divorce recovery.

2008 Texas Woman's University

Denton, Texas

Academic Advising Coordinator

Maintain compliance with state testing requirements through analysis of student progress, data entry, and input for state reports.

Use computer software and university data system to review student files and update then when needed.

Develop and disseminates data on new students for orientation and testing

Provide analytical data reports on advising, compliance with rules, and advising assessment

Develop advising data management and student communication plans Coordination of placement tests, maintaining records of tests, and dissemination of results (THEA, Accuplacer, computer literacy, local placement test).

Conduct training sessions (individual/workshops) for advisors for basic advising for new students (freshmen and transfers) and continuing students. Conduct training and policy update workshops for advisors to assure consistency across the university in application of current state and local rules.

Communicate University program changes, catalog, and rule changes. Coordinates advising for events such as orientations, open houses, major fairs in collaboration with other university offices.

Dr. Traci Lynn Gardner-Petteway

Assists academic components in assessing academic advising Conducts advisor development activities including techniques for advising to improve retention

Serve on campus committees and task forces as assigned.

Establish and maintain contact with academic components to clarify and document departmental expectations.

Support retention efforts and promote solid working relationships with students, staff, and faculty. Participate in training workshops for faculty advisors

2005 University of Phoenix

Dallas, Texas

Corporate Education Liaison (CEL)

Recruit students from various high schools and businesses Enroll students

Evaluate transcripts

Use computer software and university data systems to review student files and update when needed

Coordinate and participate in advising First Generation College students Coordinate and participates in advising undecided college students Conduct training sessions for academic advisors and student support staff

Conduct training and policy update seminars for advisors to ensure continuity and compliance

Financial Aid advisement and options for funding Develop degree plans for individual students

Update staff on procedural changes and catalog updates Organize and facilitate new student orientation

Dr. Traci Lynn Gardner-Petteway

Organize mentoring activities between student and faculty Interview and mentor new faculty

Coordinate open house and major fairs

Promote working relationships with students, staff, and faculty Coordinate and attend training workshops for faculty Organize APA scholarly writing format sessions

Organize corporate headquarter employee workshops Student Retention

Student Awareness

Career Placement and Advisement

Diversity Training

Faculty Retention

Classroom Management

Higher Learning Teaching Experience(s):

2014 Brown Mackie College

Eules, Texas

Adjunct Faculty

Sociology, Psychology, Communication, and Professional Ethics

2012 Strayer University

Dallas, Texas

Adjunct Faculty and Faculty Advisor

Sociology

Dr. Traci Lynn Gardner-Petteway

2009 Texas Woman's University

Denton, Texas

Adjunct Faculty and Academic Advisor III

Contemporary Learning in Higher Education

2005 Dallas County Community College District

Adjunct Faculty: Mountain View and Northlake College

Human Development, Psychology, Learning Frameworks, Sociology, Developmental

Psychology, Marriage and Family

2004 University of Phoenix

Dallas, Texas

Advanced Certified Facilitator/Faculty

Popular American Culture, Cultural Diversity, Human Motivation, Human Growth and Development, Personality and Personality Disorders, Introduction to Psychology, Introduction to Sociology, Foundations of University Studies, Foundations for General Education and Professional Success, Emotional Intelligence, Teamwork, Collaboration, and Conflict Resolution, University of Phoenix New Student Orientation, American Pop

Dr. Traci Lynn Gardner-Petteway

Culture, Essentials of Psychology, Foundations for General Education and Professional Success, Motivational Processes in Human Psychology

2003 North Central Texas College

Corinth, Texas

Adjunct Faculty

Introduction to Psychology, Introduction Sociology, Developmental Psychology,

Urban Sociology, Learning Frameworks

Research Skills:

Knowledge of SPSS and Qualitative/Quantitative Research Software

Skills and Qualifications:

- Microsoft Office 2013, Internet
- Public Speaking & Administration

Service

To the Profession

American Association for Women in Community Colleges-Dallas Chapter

American Association of Christian Counselors

American Psychological Association

Communities in Schools of North Texas (CISNT)

Court Appointed Special Advocate for Children (CASA) Denton County

National Academic Advising Association (NACADA)

Dr. Traci Lynn Gardner-Petteway

National Association of Certified Counselors
National Association of Professional Women
National Forum of Black Public Administrators
National Notary Association
Texas Community College Teachers Association
Texas Academic Advising Network (TEXAAN)
Texas Woman's University – Undergraduate Council

To the Community

Alpha Kappa Alpha Sorority Incorporated

- 1st Vice President / Program Chair
- Community Connection Chairperson
- Fundraising Committee Member
 - * Non-Traditional Entrepreneur Chairperson
 - * Appointed Chaplain 2014

Jack and Jill of America Inc. – North Texas Chapter

- Legislative Chairperson
- Membership Committee Member
 - * Appointed Chaplain
 - * Fundraising Committee

Dallas Black Chamber of Commerce

Flower Mound Chamber of Commerce

Lewisville Chamber of Commerce

Denton Black Chamber of Commerce

Big Brothers Big Sisters

National Association of the Advancement of Colored People (NAACP)

Lewisville Morning Rotary Club Member

National Alliance Mental Illness (NAMI) Denton County

Dr. Traci Lynn Gardner-Petteway

Professional Presentation(s):

Gardner-Petteway (T.L.) (2009, May). Domestic Violence Awareness. Presentation at the Women of Wisdom Conference, RLWC, Lewisville, TX.

Gardner-Petteway (T.L.) (2009, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2010, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2011, March). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2012, January). P.O.W.E.R. Presentation at the Student Recognition Celebration, Strayer University, Cedar Hill, TX.

Gardner-Petteway (T.L.) (2012, February). P.O.W.E.R. Presentation at the Student Recognition Celebration. Strayer University, Dallas, TX.

Gardner-Petteway (T.L.) (2013, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2013, July). Community Service Domestic Violence Awareness and Childhood Preservation at the Jack and Jill of America Inc. South Central Regional Conference, Arlington, TX.

Gardner-Petteway (T.L.) (2014, January) "Leaders are not born....they are Created". Spring Leadership Consortium. Collin County Community College, Plano, TX.

Gardner-Petteway (T.L.) (2014, February) "Do you have T.I.M.E.?" Professional Development Conference for Professional Support Staff. Dallas County Community College District – Richland College.

Dr. Traci Lynn Gardner-Petteway

Gardner-Petteway (T.L.) (2014, February). "Leaders are not born...they are Created". Professional Development Conference for Faculty and Administration. Dallas County Community College District – Cedar Valley College.

Gardner-Petteway (T.L.) (2014, March). "Get in the Game and Retain". Professional Development Conference for Administration. Tarrant County Community College District. Ft. Worth, Texas.

Gardner-Petteway (T.L.) (2014, April). "Model what you expect". Professional Development Conference for Faculty. Tarrant County Community College District. Ft. Worth, Dallas.

Gardner-Petteway (T.L.) (2015, April). "Empowering 1st Time in College Students". Professional Development Conference for Faculty. Tarrant County Community College District. Ft. Worth, Dallas.

Certifications/Licensure

Certified Christian Counselor
Conflict and Resolution Mediator
Enrollment Counselor
Certified Grant Manager

Grant Writing Certification
Grief Support Facilitator
Certified Life Coach
Texas Notary

Published Author:

Petteway, T. (2008). Mentoring Relationships among African-American Women in

Accredited Graduate Degree Programs: A Qualitative Study. ProQuest: Ann

Arbor, MI.

Dr. Traci Lynn Gardner-Petteway

Home Address: 1881 Sinclair Court
Lewisville, Texas 75067
Cell # 214-830-0809
Home # 972- 420-6353
Email: DrPetteway@aol.com

Education:

D. Div., Christian Counseling, World Christian Ministries – Fresno, CA 2009

Ph.D., Human Services, Capella University – Minneapolis, MN 2008

Major/Minor: Social Work and Community Service

Dissertation: Mentoring Relationships among African-American women enrolled
in Graduate Degree Programs: A Qualitative Study

M.A., Human Sciences, Our Lady of the Lake University – San Antonio, TX 2001

Major/Minor: Psychology and Human Resource Management

Thesis: Domestic Violence in the African-American Community

B.S., Organizational Management, Wiley College – Marshall, Texas 1998

Miss Wiley College

Alpha Kappa Alpha Sorority, Inc. Phi Chapter

Top 10% of Graduating Class

A.S., General Studies, Southern University – Shreveport, Louisiana 1995

High School Diploma, Caddo Parish Magnet High School – 1990

Shreveport, Louisiana

Dr. Traci Petteway ~ Curriculum Vitae

1881 Sinclair Court

Lewisville, Texas 75067

Cell: 214-830-0809

Email: DrTraci@DrTraciPetteway.com

Education:

D. Div., Christian Counseling, World Christian Ministries – Fresno, CA 2009

Ph.D., Human Services, Capella University – Minneapolis, Minnesota 2008

Major/Minor: Social Work and Community Service

Dissertation: Mentoring Relationships among African-American women enrolled in Graduate Degree Programs: A Qualitative Study

M.A., Human Sciences, Our Lady of the Lake University – San Antonio, Texas 2001

Major/Minor: Psychology and Human Resource Management

Thesis: Domestic Violence in the African-American Community

B.S., Organizational Management, Wiley College – Marshall, Texas 1998

Higher Learning Teaching Experience(s):

Adjunct Faculty, 2014

Brown Mackie College, Euless, Texas

I teach: Sociology

Psychology

Communication and Professional Ethics

Adjunct Faculty, 2012

Strayer University, Dallas, Texas

I teach: Sociology

Dr. Traci Petteway ~ Curriculum Vitae

Adjunct Faculty, 2009

Texas Woman's University, Denton, Texas

I teach: Contemporary Learning in Higher Education

Adjunct Faculty, 2005

Dallas County Community College District (Northlake and Mountain View College)

I teach: Human Development

Learning Frameworks

Introduction to Psychology

Introduction to Sociology

Marriage and Family

Senior Faculty, 2004

University of Phoenix – Dallas/Ft. Worth, Texas

I teach: Popular American Culture

Cultural Diversity

Human Motivation

Human Growth and Development

Personality and Personality Disorders

Introduction to Psychology

Introduction to Sociology

Foundations of University Studies

Foundations for General Education and Professional Success

Emotional Intelligence

Teamwork, Collaboration, and Conflict Resolution

University of Phoenix New Student Orientation

American Pop Culture

Essentials of Psychology

Foundations for General Education and Professional Success

Motivational Processes in Human Psychology

Dr. Traci Petteway ~ Curriculum Vitae

Adjunct Faculty: 2003

North Central Texas College – Corinth, Texas

I teach: Introduction to Psychology
Introduction Sociology
Developmental Psychology
Urban Sociology
Learning Frameworks

Research Skills:

Knowledge of SPSS and Qualitative/Quantitative Research Software

Skills and Qualifications:

- Microsoft Office 2013, Internet
- Public Speaking & Administration
- Windows 10

Certifications/Licensure

Certified Christian Counselor
Conflict and Resolution Mediator
Enrollment Counselor
Certified Grant Manager

Grant Writing Certification
Grief Support Facilitator
Certified Life Coach
Texas Notary

Publications:

Petteway, T. (2008). Mentoring Relationships among African-American Women in Accredited Graduate Degree Programs: A Qualitative Study. ProQuest: Ann Arbor, MI.

From: Al DeBerry, al@cityoflewisville.com

Date: Fri, Apr 8, 2016 at 11:03 AM

Subject: Al DeBerry - Arts Advisory Board

To: Jim Wear <jwear@cityoflewisville.com>, "mcamp@cityoflewisville.com" <mcamp@cityoflewisville.com>

Hello Jim & Melanie,

I wanted to write you and see if you could please forward this email to the appropriate people at City Hall so I can remain on the Arts Advisory Board.

Due to different circumstances and my confusion on when meetings may have been held or rescheduled, I apologize for not being able to attend the recent meetings of the Lewisville Arts Advisory Board. I very much want to remain involved with the Board as I have a strong passion for the Arts and can add value as a representative of the Hotel/Hospitality Industry.

I hope you can allow me to remain on the Board accordingly. See you at the next meeting on the 20th.

Thanks so much for your understanding and assistance.

Al DeBerry - CEO

The Hotel Association*

11700 Preston Road, Suite 660 #286

Dallas, Texas 75230

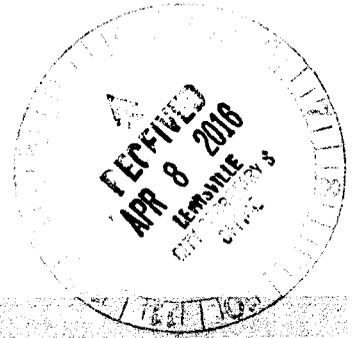
Cell (214) 632-3798  Fax (214) 594-8192  

www.thehotelassociation.org

*Not affiliated with, endorsed by or otherwise connected in any way at all to HANTX.



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.



BOARDS AND COMMISSIONS APPLICATION

Name: TANA F. SVOBODA
 Address: 2101 LAKEVIEW CIRCLE, APT. 220
 E-mail Address: REALHAIRALTERNATIVES@GMAIL.COM
 Home Phone: 972.221.2725 Cell Phone: 972.966.9079 Work Phone: 972.966.0384
 Occupation: PROF. HAIR TECH Employer: SELF EMPLOYED

Are you a resident of Lewisville? Yes No Length of residency: 24+
 Are you a registered voter? Yes No Voter registration number: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?
 Yes No If yes, explain: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?
 Yes No If yes, explain: _____

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|--|--|
| <input checked="" type="checkbox"/> Arts Advisory Board | _____ Park Board |
| _____ Animal Services Advisory Committee | _____ Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) – Do you own real property in the City of Lewisville _____ |
| _____ Charter Review Commission | _____ Tax Increment Reinvestment Zone, Number One Board of Directors |
| _____ Community Development Block Grant Advisory Committee | _____ Tax Increment Reinvestment Zone, Number Two Board of Directors |
| _____ Lewisville Housing Finance Corporation | _____ Zoning Board of Adjustment |
| _____ Lewisville Industrial Development Corporation | _____ Oil and Gas Advisory Board |
| _____ Library Board | |
| _____ Lewisville Parks & Library Development Corporation | |
| _____ Old Town Design Review Committee | |

Background

Education: High School College - Course Study: COMMUNICATION
 Other - explain: COSMETOLOGY

What is your occupational experience? SELF EMPLOYED > EVERYTHING!

Areas of Interest: MUSIC + ARTS



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Previous and current volunteer/community service:

Dates:

Office(s) held:

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Are you involved in any community activities? LEWISVILLE CITIZEN'S UNIVERSITY

Have you attended one or more meetings of the board/commission/committee for which you have applied.: Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? I TRULY LOVE LEWISVILLE + THE AREAS THAT SURROUND IT. I WOULD LIKE TO LEAVE A POSITIVE IMPRINT WITH THIS AREA.

What else would you like to tell us about yourself? I AM AN INDEPENDANT, SELF EMPLOYED, HARD WORKING INDIVIDUAL. I LOVE MY SURROUNDINGS AND ENJOY SHARING

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to tijerina@cityoflewisville.com by May 15th to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature: [Handwritten Signature] Date: 04/08/14

→ INFORMATION ABOUT LEWISVILLE. I AM NOT A SHY INDIVIDUAL. I LISTEN AND I SPEAK UP!

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Julie Heinze, City Secretary

DATE: April 7, 2016

SUBJECT: **Consideration of Acceptance of Resignation of Toby Faber From Place No. 5 on the Library Board; Declare Vacancy Exists on the Library Board; and Consideration of an Appointment to Place No. 5 on the Library Board.**

BACKGROUND

Toby Faber has submitted his resignation from Place No. 5 on the Library Board. The City Council will need to declare a vacancy and consider a new appointment to fill this vacancy.

ANALYSIS

Citizen's University class member Gail Robison recently submitted a data sheet indicating her interest in the Library Board. Also on file is a data sheet from Dr. Traci Gardner-Petteway indicating her interest in also serving on this board. Based on the need of two vacancies on the Arts Advisory Board and Dr. Petteway's interest in that board as well, staff recommends that Ms. Robison be considered for appointment on the Library Board. Their data sheets have been included for City Council review.

RECOMMENDATION

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

Library Board Roster/Terms of Office

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Cheryl Moore 1372 Prairie Dr. Lewisville, TX 75067 972-315-6175 (h) 214-334-5398 (c) cmcdaymoore@yahoo.com	Place No. 1	6/15/2015		6/30/2017
Jennifer B. Linde 1518 Springaire Ln. Lewisville, TX 75077 214-577-6816 (c) j_linde@yahoo.com	Place No. 2	6/16/2014		6/30/2016
Kathaleen Rodriguez 2030 Feather Ln. Lewisville, TX 75077 214-507-0228 (c) rodriguezkat2000@yahoo.com	Place No. 3	8/01/2011	6/15/2015	6/30/2017
Jean Ferguson 1097 Hollylane Lewisville, TX 75067 972-315-8367 (h) 214-616-4731 (c)	Place No. 4	6/16/2014		6/30/2016
Toby Faber 1625 N. Valley Prkwy. Lewisville, TX 75077 972-317-7975 (h) toby.faber@unt.edu	Place No. 5	7/21/2003	6/15/2015	6/30/2017

**Library Board
Roster/Terms of Office**

<u>Name</u>	<u>Place No.</u>	<u>Appointed</u>	<u>Reappointed</u>	<u>Expires</u>
Rosario Klier 1220 Michael Ave. Lewisville, TX 75077 214-621-0164 (c) rosarioklier@gmail.com	Place No. 6	6/16/2014		6/30/2016
Carolyn Richard 803 Blue Oak Dr. Lewisville, TX 75067 214-222-2320 (h) Cxrich801@aol.com	Place No. 7	8/26/2002	6/15/2015	6/30/2017

Hi Carolyn,

I am sorry I missed the March meeting as it the day before our house went on the market. We had open house on Friday & Saturday with other scheduled showings throughout the day. At end of day Saturday, we had 4 offers and accepted one of them. So with that I must sadly tender render my resignation from the Lewisville PL board. I have been on the board over 10 years and saw the growth from 25,000 s.f. to where it is today. For the expansion, I worked with recommendations on wireless access and the 3M automatic checkout machines.

So, please do inform the City Secretary that I must resign.

Thanks so much!

I certainly wish you all the best as it is a great library.

Toby



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BOARDS AND COMMISSIONS APPLICATION

Name: Dr. Traci L. Gardner - Petteway
 Address: 1881 Sinclair Court Lewisville, TX 75067
 E-mail Address: DRTRACIPETTWAY@me.com
 Home Phone: 972-420-6353 Cell Phone: 214-830-0809 Work Phone: 972-420-4673
 Occupation: Life Coach Employer: Hope Inc Christian Counseling
 Are you a resident of Lewisville? Yes No Length of residency: 1999
 Are you a registered voter? Yes No Voter registration number: 1091118119

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: N/A

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: N/A

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|---|--|
| <u>2</u> Arts Advisory Board | <u>3</u> Park Board |
| <input type="checkbox"/> Animal Services Advisory Committee | <input type="checkbox"/> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) - Do you own real property in the City of Lewisville <input type="checkbox"/> |
| <input type="checkbox"/> Charter Review Commission | <input type="checkbox"/> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <input type="checkbox"/> Community Development Block Grant Advisory Committee | <input type="checkbox"/> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <input type="checkbox"/> Lewisville Housing Finance Corporation | <input type="checkbox"/> Zoning Board of Adjustment |
| <input type="checkbox"/> Lewisville Industrial Development Corporation | <input type="checkbox"/> Oil and Gas Advisory Board |
| <u>1</u> Library Board | |
| <input type="checkbox"/> Lewisville Parks & Library Development Corporation | |
| <input type="checkbox"/> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: Ph.D. Social Work / Com Svc
MA Psychology / HR
 Other - explain _____

What is your occupational experience? BS Organizational Mgmt
Communication, listening, Attention to detail, research

Areas of Interest: Library + Svc represent the surrounding culture
Community outreach
Park Preservation, cleanliness, Law Enforcement presence



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Previous and current volunteer/community service: **Dates:** **Office(s) held:**

Please specify membership and give title and dates, and/or employment with all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities on any other government Board or Commission that you have held. Additional information may be attached.

Lewisville Morning Rotary, Lewisville Chamber of Commerce, Flower Mound Chamber of Commerce, Flower Mound Leadership Candidate 2015/2016. Jack & Jill of America, Alpha Kappa Alpha Sorority, Inc, CISNT, CASA.

Are you involved in any community activities? CCA Breakfast w/ Santa Toy Drive, Household Hazardous Waste, Girl Scouts

Have you attended one or more meetings of the board/commission/committee for which you have applied.: Please check box, if the answer is yes.

Reasons for seeking appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume or additional information. Please check box, if resume attached

What do you hope to accomplish by serving on a board or commission? Library, Unity, diversity, community outreach. Parks - Cleanliness, Safety Law Enforcement Presence on weekends + late evenings.

What else would you like to tell us about yourself? Project Management skills, Easy to get along with, Organized, High Expectations whereas Excellence is the standard. Team Oriented

Please return the completed form to the City Secretary's Office, City Hall, 151 West Church Street, Lewisville, Texas 75057, fax to (972) 219-3412, or e-mail to ltijerina@cityoflewisville.com by **May 15th** to be considered for appointment. Applications are kept on file for a period of one (1) year. After that time it will be necessary to reapply and update the information herein if you wish to be considered for appointment.

By signing below, you certify that all information on this form is represented accurately. The applicant further authorizes the City Council, or its designee, to verify any information. The applicant agrees to release and hold harmless the City from all claims incident to the verification of information contained herein. All information provided is considered public pursuant to the Texas Public Information Act.

Signature: *J. McFette way* Date: _____

Administrative Employment History

2012 Westside Baptist Church,

Lewisville, Texas

Director of Counseling

Individual Counseling – *work to address the following issues:*

- *Depression
- *Anxiety
- *Grief/Loss
- *Eating/body image disorders
- *Identity/self-image issues
- *Phobias
- *Panic attacks
- *Relationship problems
- *Spiritual growth
- *Stress/anger management
- *Adoption
- *Suicidal tendencies
- *Overcoming addictions
- *Sexual and physical abuse
- *Boundaries/co-dependency
- *Divorce recovery

Family, relationship, and marriage counseling – *work to resolve and repair the problems that affect relationships, in addition to the issues mentioned above, other topics include:*

- *Building communication skills
- *Recovering from infidelity
- *Blended family issues
- *Parenting concerns
- *Restoring trust
- *Family dynamic problems
- *Divorce recovery and adjustment

Teen/Adolescent counseling – *teenagers work with me to resolve the issues that concern them most. Some of the typical issues that are addressed (in addition to those listed above) include:*

- *Behavioral concerns
- *Relationship with family/friends
- *Unplanned pregnancy
- *Suicidal tendencies
- *Bullying
- *Self-image

Dr. Traci Lynn Gardner-Petteway

2010 Union Gospel Mission

Dallas, Texas

Male Veteran Homeless Shelter

Life Skills Facilitator

Facilitate in sixteen (16) week increments, life skills curriculum for homeless and disabled military veterans.

2009 Court Appointed Special Advocate (CASA),

Denton, Texas

Child Advocate

Represent children in the child protective services system who have been removed from their home as a result of neglect, abuse, and/or endangerment. Provide recommendations to the courts regarding what is in the best interest of the child.

2009 Communities in Schools of North Texas (CISNT)

Lewisville, Texas

Mentor

Connect with middle and high school female minority students within the Lewisville Independent School District.

2009 Hope Ministries (non-profit)

Lewisville, Texas

President

Provide educational, civic, and intercultural activities on a local level regarding domestic violence, prevention, warning signs, and intervention. Offer domestic violence speaking engagements; coordinate seminars and workshops at high schools, colleges, churches, and throughout the community.

Dr. Traci Lynn Gardner-Petteway

2008 Hope Incorporated Christian Counseling

Lewisville, Texas

Owner/Christian Life-Coach

Offer pastoral counseling in areas such as addiction, grief, depression, marital challenges, pre-marital counseling, and divorce recovery.

2008 Texas Woman's University

Denton, Texas

Academic Advising Coordinator

Maintain compliance with state testing requirements through analysis of student progress, data entry, and input for state reports.

Use computer software and university data system to review student files and update then when needed.

Develop and disseminates data on new students for orientation and testing

Provide analytical data reports on advising, compliance with rules, and advising assessment

Develop advising data management and student communication plans Coordination of placement tests, maintaining records of tests, and dissemination of results (THEA, Accuplacer, computer literacy, local placement test).

Conduct training sessions (individual/workshops) for advisors for basic advising for new students (freshmen and transfers) and continuing students. Conduct training and policy update workshops for advisors to assure consistency across the university in application of current state and local rules.

Communicate University program changes, catalog, and rule changes. Coordinates advising for events such as orientations, open houses, major fairs in collaboration with other university offices.

Dr. Traci Lynn Gardner-Petteway

Assists academic components in assessing academic advising Conducts advisor development activities including techniques for advising to improve retention

Serve on campus committees and task forces as assigned.

Establish and maintain contact with academic components to clarify and document departmental expectations.

Support retention efforts and promote solid working relationships with students, staff, and faculty. Participate in training workshops for faculty advisors

2005 University of Phoenix

Dallas, Texas

Corporate Education Liaison (CEL)

Recruit students from various high schools and businesses Enroll students

Evaluate transcripts

Use computer software and university data systems to review student files and update when needed

Coordinate and participate in advising First Generation College students Coordinate and participates in advising undecided college students Conduct training sessions for academic advisors and student support staff

Conduct training and policy update seminars for advisors to ensure continuity and compliance

Financial Aid advisement and options for funding Develop degree plans for individual students

Update staff on procedural changes and catalog updates Organize and facilitate new student orientation

Dr. Traci Lynn Gardner-Petteway

Organize mentoring activities between student and faculty Interview and mentor new faculty

Coordinate open house and major fairs

Promote working relationships with students, staff, and faculty Coordinate and attend training workshops for faculty Organize APA scholarly writing format sessions

Organize corporate headquarter employee workshops Student Retention

Student Awareness

Career Placement and Advisement

Diversity Training

Faculty Retention

Classroom Management

Higher Learning Teaching Experience(s):

2014 Brown Mackie College

Eules, Texas

Adjunct Faculty

Sociology, Psychology, Communication, and Professional Ethics

2012 Strayer University

Dallas, Texas

Adjunct Faculty and Faculty Advisor

Sociology

Dr. Traci Lynn Gardner-Petteway

2009 Texas Woman's University

Denton, Texas

Adjunct Faculty and Academic Advisor III

Contemporary Learning in Higher Education

2005 Dallas County Community College District

Adjunct Faculty: Mountain View and Northlake College

Human Development, Psychology, Learning Frameworks, Sociology, Developmental

Psychology, Marriage and Family

2004 University of Phoenix

Dallas, Texas

Advanced Certified Facilitator/Faculty

Popular American Culture, Cultural Diversity, Human Motivation, Human Growth and Development, Personality and Personality Disorders, Introduction to Psychology, Introduction to Sociology, Foundations of University Studies, Foundations for General Education and Professional Success, Emotional Intelligence, Teamwork, Collaboration, and Conflict Resolution, University of Phoenix New Student Orientation, American Pop

Dr. Traci Lynn Gardner-Petteway

Culture, Essentials of Psychology, Foundations for General Education and Professional Success, Motivational Processes in Human Psychology

2003 North Central Texas College

Corinth, Texas

Adjunct Faculty

Introduction to Psychology, Introduction Sociology, Developmental Psychology,

Urban Sociology, Learning Frameworks

Research Skills:

Knowledge of SPSS and Qualitative/Quantitative Research Software

Skills and Qualifications:

- Microsoft Office 2013, Internet
- Public Speaking & Administration

Service

To the Profession

American Association for Women in Community Colleges-Dallas Chapter

American Association of Christian Counselors

American Psychological Association

Communities in Schools of North Texas (CISNT)

Court Appointed Special Advocate for Children (CASA) Denton County

National Academic Advising Association (NACADA)

Dr. Traci Lynn Gardner-Petteway

National Association of Certified Counselors
National Association of Professional Women
National Forum of Black Public Administrators
National Notary Association
Texas Community College Teachers Association
Texas Academic Advising Network (TEXAAN)
Texas Woman's University – Undergraduate Council

To the Community

Alpha Kappa Alpha Sorority Incorporated

- 1st Vice President / Program Chair
- Community Connection Chairperson
- Fundraising Committee Member
 - * Non-Traditional Entrepreneur Chairperson
 - * Appointed Chaplain 2014

Jack and Jill of America Inc. – North Texas Chapter

- Legislative Chairperson
- Membership Committee Member
 - * Appointed Chaplain
 - * Fundraising Committee

Dallas Black Chamber of Commerce

Flower Mound Chamber of Commerce

Lewisville Chamber of Commerce

Denton Black Chamber of Commerce

Big Brothers Big Sisters

National Association of the Advancement of Colored People (NAACP)

Lewisville Morning Rotary Club Member

National Alliance Mental Illness (NAMI) Denton County

Dr. Traci Lynn Gardner-Petteway

Professional Presentation(s):

Gardner-Petteway (T.L.) (2009, May). Domestic Violence Awareness. Presentation at the Women of Wisdom Conference, RLWC, Lewisville, TX.

Gardner-Petteway (T.L.) (2009, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2010, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2011, March). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2012, January). P.O.W.E.R. Presentation at the Student Recognition Celebration, Strayer University, Cedar Hill, TX.

Gardner-Petteway (T.L.) (2012, February). P.O.W.E.R. Presentation at the Student Recognition Celebration. Strayer University, Dallas, TX.

Gardner-Petteway (T.L.) (2013, June). Alumni panel presentation. Presentation at the Doctoral Residential Colloquium, Capella University, Dallas, TX.

Gardner-Petteway (T.L.) (2013, July). Community Service Domestic Violence Awareness and Childhood Preservation at the Jack and Jill of America Inc. South Central Regional Conference, Arlington, TX.

Gardner-Petteway (T.L.) (2014, January) "Leaders are not born....they are Created". Spring Leadership Consortium. Collin County Community College, Plano, TX.

Gardner-Petteway (T.L.) (2014, February) "Do you have T.I.M.E.?" Professional Development Conference for Professional Support Staff. Dallas County Community College District – Richland College.

Dr. Traci Lynn Gardner-Petteway

Gardner-Petteway (T.L.) (2014, February). "Leaders are not born...they are Created". Professional Development Conference for Faculty and Administration. Dallas County Community College District – Cedar Valley College.

Gardner-Petteway (T.L.) (2014, March). "Get in the Game and Retain". Professional Development Conference for Administration. Tarrant County Community College District. Ft. Worth, Texas.

Gardner-Petteway (T.L.) (2014, April). "Model what you expect". Professional Development Conference for Faculty. Tarrant County Community College District. Ft. Worth, Dallas.

Gardner-Petteway (T.L.) (2015, April). "Empowering 1st Time in College Students". Professional Development Conference for Faculty. Tarrant County Community College District. Ft. Worth, Dallas.

Certifications/Licensure

Certified Christian Counselor
Conflict and Resolution Mediator
Enrollment Counselor
Certified Grant Manager

Grant Writing Certification
Grief Support Facilitator
Certified Life Coach
Texas Notary

Published Author:

Petteway, T. (2008). Mentoring Relationships among African-American Women in

Accredited Graduate Degree Programs: A Qualitative Study. ProQuest: Ann

Arbor, MI.

Dr. Traci Lynn Gardner-Petteway

Home Address: 1881 Sinclair Court
Lewisville, Texas 75067
Cell # 214-830-0809
Home # 972- 420-6353
Email: DrPetteway@aol.com

Education:

D. Div., Christian Counseling, World Christian Ministries – Fresno, CA 2009

Ph.D., Human Services, Capella University – Minneapolis, MN 2008

Major/Minor: Social Work and Community Service

Dissertation: Mentoring Relationships among African-American women enrolled
in Graduate Degree Programs: A Qualitative Study

M.A., Human Sciences, Our Lady of the Lake University – San Antonio, TX 2001

Major/Minor: Psychology and Human Resource Management

Thesis: Domestic Violence in the African-American Community

B.S., Organizational Management, Wiley College – Marshall, Texas 1998

Miss Wiley College

Alpha Kappa Alpha Sorority, Inc. Phi Chapter

Top 10% of Graduating Class

A.S., General Studies, Southern University – Shreveport, Louisiana 1995

High School Diploma, Caddo Parish Magnet High School – 1990

Shreveport, Louisiana

Dr. Traci Petteway ~ Curriculum Vitae

1881 Sinclair Court

Lewisville, Texas 75067

Cell: 214-830-0809

Email: DrTraci@DrTraciPetteway.com

Education:

D. Div., Christian Counseling, World Christian Ministries – Fresno, CA 2009

Ph.D., Human Services, Capella University – Minneapolis, Minnesota 2008

Major/Minor: Social Work and Community Service

Dissertation: Mentoring Relationships among African-American women enrolled in Graduate Degree Programs: A Qualitative Study

M.A., Human Sciences, Our Lady of the Lake University – San Antonio, Texas 2001

Major/Minor: Psychology and Human Resource Management

Thesis: Domestic Violence in the African-American Community

B.S., Organizational Management, Wiley College – Marshall, Texas 1998

Higher Learning Teaching Experience(s):

Adjunct Faculty, 2014

Brown Mackie College, Euless, Texas

I teach: Sociology

Psychology

Communication and Professional Ethics

Adjunct Faculty, 2012

Strayer University, Dallas, Texas

I teach: Sociology

Dr. Traci Petteway ~ Curriculum Vitae

Adjunct Faculty, 2009

Texas Woman's University, Denton, Texas

I teach: Contemporary Learning in Higher Education

Adjunct Faculty, 2005

Dallas County Community College District (Northlake and Mountain View College)

I teach: Human Development

Learning Frameworks

Introduction to Psychology

Introduction to Sociology

Marriage and Family

Senior Faculty, 2004

University of Phoenix – Dallas/Ft. Worth, Texas

I teach: Popular American Culture

Cultural Diversity

Human Motivation

Human Growth and Development

Personality and Personality Disorders

Introduction to Psychology

Introduction to Sociology

Foundations of University Studies

Foundations for General Education and Professional Success

Emotional Intelligence

Teamwork, Collaboration, and Conflict Resolution

University of Phoenix New Student Orientation

American Pop Culture

Essentials of Psychology

Foundations for General Education and Professional Success

Motivational Processes in Human Psychology

Dr. Traci Petteway ~ Curriculum Vitae

Adjunct Faculty: 2003

North Central Texas College – Corinth, Texas

I teach: Introduction to Psychology
Introduction Sociology
Developmental Psychology
Urban Sociology
Learning Frameworks

Research Skills:

Knowledge of SPSS and Qualitative/Quantitative Research Software

Skills and Qualifications:

- Microsoft Office 2013, Internet
- Public Speaking & Administration
- Windows 10

Certifications/Licensure

Certified Christian Counselor
Conflict and Resolution Mediator
Enrollment Counselor
Certified Grant Manager

Grant Writing Certification
Grief Support Facilitator
Certified Life Coach
Texas Notary

Publications:

Petteway, T. (2008). Mentoring Relationships among African-American Women in Accredited Graduate Degree Programs: A Qualitative Study. ProQuest: Ann Arbor, MI.



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BOARDS AND COMMISSIONS APPLICATION

Name: Gail T Robison

Address: 915 Royal Oaks Dr

E-mail address: dimples4143@verizon.net

Home Phone: 972-315-2833 Cell Phone: 214-695-3694 Work Phone: NA

Occupation: Retired Employer: NA

Are you a resident of Lewisville? Yes No Length of residency: 20 years

Are you a registered voter? Yes No Voter registration number: 1091752199

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board and Commission to which you seek appointment?

Yes No If yes, explain: _____

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?

Yes No If yes, explain: _____

Please indicate your preferences for membership by numbering (1-15) each Board or Commission, with 1 being your first selection. This will assist Council if first choice is not available.

- | | |
|---|---|
| <u>2</u> Arts Advisory Board | <u>6</u> Park Board |
| <u>3</u> Animal Services Advisory Committee | <u>8</u> Planning & Zoning Commission (also serves as: Transportation Board & Capital Improvements Advisory Committee) – Do you own real property in the City of Lewisville <u>yes/house</u> |
| <u>13</u> Charter Review Commission | <u>9</u> Tax Increment Reinvestment Zone, Number One Board of Directors |
| <u>5</u> Community Development Block Grant Advisory Committee | <u>10</u> Tax Increment Reinvestment Zone, Number Two Board of Directors |
| <u>12</u> Lewisville Housing Finance Corporation | <u>14</u> Zoning Board of Adjustment |
| <u>11</u> Lewisville Industrial Development Corporation | <u>15</u> Oil and Gas Advisory Board |
| <u>1</u> Library Board | |
| <u>4</u> Lewisville Parks & Library Development Corporation | |
| <u>7.2</u> Old Town Design Review Committee | |

Background

Education: High School College - Course Study: Asso Degree Human Svcs, DTCC Georgetown De, Various Program Management and Tax courses during 27 years w/IRS as Program Coordinator, Manager in District & Regional offices _____ Other - explain _____

What is your occupational experience? Donut shop, retail (Military Post Exchange), Poultry Farmer, Customer Service

Representative, Program Manager, Volunteer coordinator for IRS State of WV, etc **Areas of Interest:** Library, Animal Services, City Arts,

MEMORANDUM

TO: Mayor Rudy Durham
Mayor Pro Tem R Neil Ferguson
Deputy Mayor Pro Tem Greg Tierney
Councilman Leroy Vaughn
Councilman TJ Gilmore
Councilman Brent Daniels

FROM: Julie Heinze, City Secretary

DATE: April 7, 2016

SUBJECT: **Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District.**

BACKGROUND

Jim Carter, former Mayor and Council Member of the City of Denton, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mr. Carter's term expires on September 30, 2016 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by June 15, 2016. Mr. Carter has submitted an email indicating his interest in continuing to serve in this capacity.

RECOMMENDATION

The City staff's recommendation is that the City Council approve the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District.



Denco Area 9-1-1 District

1075 Princeton Street • Lewisville, TX 75067 • Mailing: PO BOX 293058 • Lewisville, TX 75029-3058

Phone: 972-221-0911 • Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Mark Payne, Executive Director 

DATE: March 15, 2016

RE: Appointment to the Denco Area 9-1-1 District Board of Managers



Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district." The enclosed resolution, approved by the district's board of managers on March 10, 2016, describes the appointment process of a municipal representative to the Denco Board of Managers.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mr. Jim Carter. Members are eligible for consecutive terms and Mr. Carter has expressed his desire to serve another term.

In order to coordinate the appointment among 34 participating municipalities, the Denco requests the following actions by the governing bodies of each city/town:

- 1. Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. June 15, 2016.** No nominations shall be considered after that time.
- 2. Future Action (Vote):** On June 16, 2016, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. Written notice of the council's selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on September 15, 2016. No votes will be accepted after that time.
- 3. Process Closure (Results):** The Denco Board of Managers and all municipal jurisdictions will be informed of the votes from responding cities/towns. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2016.

Please send a copy of your council's official action and candidate résumé to the Denco Area 9-1-1 District, **P.O. Box 293058, Lewisville, TX 75029-3058** or to Andrea Zepeda at andrea.zepeda@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Zepeda at 972-221-0911. As a courtesy, Denco will provide notification of your council's action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

DENCO AREA 9-1-1 DISTRICT

RESOLUTION

DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to March 15th of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until June 15th of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on June 15th of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 16th of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on September 15th. No votes will be accepted after that time.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 10th day of March 2016.



Chairman of the Board



Secretary of the Board

Denco Area 9-1-1 District Board of Managers FY2016

Jack Miller, Chairman

- Appointed by Denton County Commissioners Court
- Member since October 2000
- Term expires September 2016
- Former mayor and council member of Denton
- Self-employed as a human resource manager

Bill Lawrence, Vice Chair

- Appointed by Denton County Commissioners Court
- Member since October 2006
- Term expires September 2017
- Former Mayor of Highland Village
- Businessman, Highland Village

Chief Terry McGrath, Secretary

- Appointed by Denton County Fire Chief's Association
- Member since October 2011
- Term expires September 2017
- Assistant Fire Chief, City of Lewisville

Jim Carter

- Appointed by member cities in Denton County
- Member since October 2014
- Term expires September 2016
- President of Emergency Services District #1
- Former Mayor of Trophy Club and Denton County Commissioner

Sue Tejml

- Appointed by member cities in Denton County
- Member since 2013
- Term expires September 2017
- Mayor, Town of Copper Canyon
- Attorney at Law

Rob McGee

- Non-voting member appointed by largest telephone company (Verizon)
- Member since 2012
- Serves until replaced by telephone company
- Manager, Region Network Reliability, Verizon

All voting members serve two-year terms and are eligible for re-appointment.



Rudy Durham <rurham@cityoflewisville.com>

Denco 911

Carter, Jim <JCarter@halff.com>

Fri, Mar 25, 2016 at 10:56 AM

To: "rurham@cityoflewisville.com" <rurham@cityoflewisville.com>

Honorable Mayor,

Your City Secretary recently received a letter from Mr. Mark Payne, Executive Director Denco Area 911. The letter explains the procedure for nominating a municipal member to the Denco Board for a two year term. My name is Jim Carter. I was elected to the board two years ago and desire to continue to serve your city. I am requesting your support and nomination to continue to serve. Attached is my resume, but below is a simpler explanation of my previous experiences.

As the principal of my company, James P. Carter and Associates, I am primarily a general consultant and mediator for various business disciplines for corporations and governmental entities.

Early in my business career, I was a Department Head in Finance for the Chevrolet Division, General Motors Corporation. I spent many years of my business career with Frito-Lay Inc. During my time with Frito-Lay, I held 13 Executive Positions, including finance, sales, marketing, advertising, distribution and management - culminating as Senior Vice President responsible for new business ventures both domestic and international. As President of Mercantile Corporation, I managed three banks in the Fort Worth area and developed 2,000 prime commercial acres adjacent to Interstates 35 West and 820.

During my business career, I also volunteered for 14 years as the Town of Trophy Club's first Mayor. I resigned as Mayor to become a full time Denton County Commissioner for 8 years. As County Commissioner, I was instrumental in establishing Denton County Emergency Services District #1. I am currently serving as its President. ESD#1 serves 5 municipalities, Lantana, and many rural areas in Denton County. In providing fire and emergency medical services, the District relies heavily on Denco 911's reliability and accuracy of locations. If reelected to the Denco 911 Board, I will continue my dedication of time and experience to help maintain Denco 911's superior performance.

I would be honored to visit you during the nomination and voting periods to discuss Denco and my qualifications. Please contact me with any questions: Jim Carter, 6101 Long Prairie Road, Ste. 744-110, Flower Mound, Texas, 75028. Email: jcarter@halff.com, Cell: 817 239 7791. Thank you for your consideration and I hope your nomination.

JIM CARTER

6101 Long Prairie Road, Suite 744-110 (817) 239-7791

Flower Mound, Texas 75028 jcarter@halff.com

EDUCATION

College Degree: University of Georgia, B.B.A. Finance
Post Graduate: Georgia Tech, University of Tennessee, University of Michigan,
Texas Women’s University, American Management Association

PROFESSIONAL EXPERIENCE

Department Head, Finance General Motors Corporation
Vice-President Frito-Lay, Inc., International – Domestic Development
President, C.E.O Mercantile Corporation
Responsible for 3 Banks, developed 2,000 prime commercial
acres in Fort Worth adjacent to I-35W
Current: Principal James P. Carter & Associates – Consultant & Mediator
To large/small business and governmental entities
Professional Licenses Texas Real Estate License, Certified Mediator

PUBLIC SERVICE EXPERIENCE

Mayor Trophy Club, Texas – 14 years
Municipal Court Judge Trophy Club, Texas – 12 years
County Commissioner Denton County, Texas – 8 years
Vice President Texas Association of Counties
President Denton County Emergency Services District #1
Fire and Emergency Medical over 65 square miles
Serving 5 municipalities: (Argyle, Bartonville, Bopper
Canyon, Corral City and Northlake);
Lantana Freshwater Supply Districts #6 and #7
and rural areas of Denton County
Certified ESD Commissioner Only 5% of ESD Commissioners in Texas have this designation
Texas State Board Member SAFE-D – Trains ESD Commissioners
Board Member Denco 911 Emergency telecommunications system that assists its
member jurisdictions in responding to police, fire and
medical emergency calls.

COMMUNITY AND CHARITY SERVICES

Baylor Healthcare System	Trustee – 10 Years
University of North Texas	President's Council
Texas Student Housing Corp	Chairman – 20 Years, providing Residential Scholarships at UNT, A&M, UT Austin
Boy Scouts of America	Longhorn Council, District Chairman
First Baptist Church, Trophy Club	Chairman, Stewardship Committee
American Heart Association	Board of Directors, Celebrity Waiter

BUSINESS ORGANIZATIONS

North Texas Council of Governments	Transportation Board
Fort Worth Chamber of Commerce	Chairman, North Area Chamber Annual Golf Tournament Economic Development Council Governmental Affairs Committee
Texas Alliance for Growth Greater Fort Worth Area	Legislative Committee
Northeast Leadership Forum	Board of Directors, Chairman Mayors Forum, Chairman Legislative Committee
Metroport Partnership	Founding Member and Chairman
Northwest Community Partners	Founding Member, Chairman Board of Directors
Industrial Developer Association	Developer Representative

Honors: Who's Who in the South and Southwest, Who's Who in U.S. Executives

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, NOMINATING ONE MEMBER TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communication District shall be appointed jointly by all cities and towns lying wholly or partly within the District; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. The City of Lewisville hereby nominates _____, as a member of the Board of Managers of Denco Area 9-1-1 Emergency Communication District.

SECTION 2. That this resolution shall become effective immediately upon its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 18th DAY OF APRIL, 2016.

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Heinze, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

BOARD/COMMISSION

ARTS ADVISORY BOARD

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 2 of 2

MEMBERS		MONTHS												TOTALS	
NAME/PLACE NO.		JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
GENE CAREY PLACE NO. 6 CHAIRMAN (Lewisville Resident)	No Meeting	NA												1	0
	2/23/16		P												
	No Meeting			NA											
STEVE SOUTHWELL PLACE NO. 7 (Lewisville Resident)	No Meeting	NA												1	0
	2/23/16		P												
	No Meeting			NA											
KEN LANNIN PLACE NO. 8 (Lewisville Resident)	No Meeting	NA												0	1
	2/23/16		A												
	No Meeting			NA											
PEGGY ATKERSON PLACE NO. 9 (Lewisville Resident)	No Meeting	NA												1	0
	2/23/16		P												
	No Meeting			NA											

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION

BLUE RIBBON 2025 VISION PLAN COMMITTEE

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 2 of 2

MEMBERS	MONTHS												TOTALS	
NAME/PLACE NO.	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
TAMELA BOWIE PLACE NO. 5	NM													
		A												
			NM											
KRISTIN GREEN PLACE NO. 6	NM													
		P												
			NM											
TOYA GANT PLACE NO. 7	NM													
		P												
			NM											
KAREN LOCKE PLACE NO. 8	NM													
		A												
			NM											
RAY HERNANDEZ PLACE NO. 9	NM													
		A												
			NM											

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ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE
CDBG ADVISORY COMMITTEE

REPORTING PERIOD
01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		DATE/TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
TAMELA BOWIE PLACE NO. 1	1/19/16	NM													3	0
	2/16/16		P													
	3/19/16			P												
	3/22/16			P												
ERIC PAGE CHAIRMAN	1/19/16	NM													2	1
	2/16/16		A													
	3/19/16			P												
	3/22/16			P												
SARAH MCLAIN PLACE NO. 3	1/19/16	NM													3	0
	2/16/16		P													
	3/19/16			P												
	3/22/16			P												
DENIESE SHEPPARD PLACE NO. 4	1/19/16														2	0
	2/16/16															
	3/19/16			P												
	3/22/16			P												
LATASHIA SHERROD PLACE NO. 5	1/19/16	NM													2	1
	2/16/16		P													
	3/19/16			P												
	3/22/16			A												
ROBERT PAUL VICE-CHAIRMAN	1/19/16	NM													1	2
	2/16/16		A													
	3/19/16			P												
	3/22/16			A												
DEBBIE FU PLACE NO. 7	1/19/16	NM													3	0
	2/16/16		P													
	3/19/16			P												
	3/22/16			P												

= No Meeting due to lack of quorum. * designates absence

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ATTENDANCE REPORT

BOARD/COMMISSION

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
SEAN MICHAEL KIRK PLACE NO. 1		NM													0	0
			NM													
				NM												
BRANDON JONES PLACE NO. 2		NM												0	0	
			NM													
				NM												
MARYELLEN MIKSA PLACE NO. 3		NM												0	0	
			NM													
				NM												
ALVIN TURNER PLACE NO. 4		NM												0	0	
			NM													
				NM												
STEPHEN C BYARS PLACE NO. 5		NM												0	0	
			NM													
				NM												
KRISTIN GREEN PLACE NO. 6		NM												0	0	
			NM													
				NM												
JAMES DAVIS PLACE NO. 7		NM												0	0	
			NM													
				NM												

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ATTENDANCE REPORT

BOARD/COMMISSION

REPORTING PERIOD

LEWISVILLE HOUSING FINANCE CORPORATION

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
CHARLES EMERY PLACE NO. 1		NM														
			NM													
				NM												
LEE MCCLINTON PLACE NO. 2		NM														
			NM													
				NM												
R.L. CRAWFORD PLACE NO. 3		NM														
			NM													
				NM												
MARY E. SMITH PLACE NO. 4		NM														
			NM													
				NM												
HURL SCRUGGS PLACE NO. 5		NM														
			NM													
				NM												

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ATTENDANCE REPORT

BOARD/COMMISSION

LEWISVILLE INDUS. DEVEL. AUTH.

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
R.L. CRAWFORD PLACE NO. 1		NM														
			NM													
				NM												
MARY E. SMITH PLACE NO. 2		NM														
			NM													
				NM												
STEVE GRIFFIN PLACE NO. 3		NM														
			NM													
				NM												
HURL SCRUGGS PLACE NO. 4		NM														
			NM													
				NM												
CHARLES EMERY PLACE NO. 5		NM														
			NM													
				NM												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE

LIBRARY BOARD

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	DATE/TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
CHERYL MOORE PLACE NO. 1	1/20/2016	NA													1	1
	2/17/2016		A													
	3/16/2016			P												
JENNIFER B LINDE PLACE NO. 2	1/20/2016	NA												2	0	
	2/17/2016		P													
	3/16/2016			P												
KATHALEEN RODRIGUEZ PLACE NO. 3	1/20/2016	NA												2	0	
	2/17/2016		P													
	3/16/2016			P												
JEAN FERGUSON PLACE NO. 4	1/20/2016	NA												2	0	
	2/17/2016		P													
	3/16/2016			P												
TOBY FABER PLACE NO. 5	1/20/2016	NA												1	1	
	2/17/2016		P													
	3/16/2016			A												
ROSARIO KLIER PLACE NO. 6	1/20/2016	NA												2	0	
	2/17/2016		P													
	3/16/2016			P												
CAROLYN RICHARD PLACE NO. 7	1/20/2016	NA												1	1	
	2/17/2016		P													
	3/16/2016			A												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION

OIL AND GAS ADVISORY BOARD

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
DAVE LEOPOLD PLACE NO.1															N/A	
JENNIFER WHITAKER PLACE NO. 2															N/A	
BOBBY DOLLAH PLACE NO. 3															N/A	
STEVE SOUTHWELL PLACE NO. 4 CHAIRPERSON															N/A	
AARON THESMAN PLACE NO. 5															N/A	
KATHI STOCK PLACE NO. 6															N/A	
CAROL TOMKOVICH PLACE NO. 7															N/A	

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION

OLD TOWN DESIGN REVIEW COMMITTEE

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 2 of 2

MEMBERS		MONTHS												TOTALS	
NAME/PLACE NO.		JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
DOUG KILLOUGH PLACE NO. 5	1/11/2016	NM												1	1
	1/25/2016	P													
	2/8/2016		NM												
	2/22/2016		NM												
	3/14/2016			NM											
	3/28/2016			P											
BILL PECK ARCHITECT (NON-VOTING)	1/11/2016	NM												1	1
	1/25/2016	P													
	2/8/2016		NM												
	2/22/2016		NM												
	3/14/2016			NM											
	3/28/2016			P											

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE

PARK BOARD

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 2

MEMBERS	MEETINGS	MONTHS												TOTALS		
		DATE/TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
JIM DOMER PLACE NO. 1	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			A												
WILLIAM SHULL PLACE NO. 2	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												
RICHARD OROPEZA PLACE NO. 3	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												
ROBERT TROYER PLACE NO. 4	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												
ROBERT SOLETE PLACE NO. 5 CHAIRMAN	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			A												
JAMES COLLIER PLACE NO. 6	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												
MICHAEL POPE PLACE NO. 7	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE

PARK BOARD

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 2 of 2

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	DATE/TYPER	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
DAVID ADKISSON PLACE NO. 8	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												
CALLY BROWNING PLACE NO. 9 VICE CHAIRMAN	1/13/2016	N/M														
	2/10/2016		N/M													
	3/9/2016			P												

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BOARD/COMMISSION

PLANNING & ZONING COMMISSION

01/01/2016 - 03/31/2016

MEMBERS		MEETINGS	MONTHS												TOTALS	
NAME/PLACE NO.			JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present	Absent
KRISTIN GREEN PLACE NO. 6	1/5/16	NM													4	0
	1/19/16	P														
	2/2/16		P													
	2/16/16		P													
	3/1/16			NM												
	3/15/16			P												
JAMES DAVIS PLACE NO. 7 CHAIRMAN	1/5/16	NM													4	0
	1/19/16	P														
	2/2/16		P													
	2/16/16		P													
	3/1/16			NM												
	3/15/16			P												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE
TAX INCREMENT REINVESTMENT
ZONE, NUMBER ONE

REPORTING PERIOD

01/01/2016 - 03/31/2016

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MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	DATE/TYPER	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
TAMELA BOWIE PLACE NO. 1		NM	NM	NM												
AMANDA FERGUSON PLACE NO. 2		NM	NM	NM												
SCOTT STRANGE PLACE NO. 3		NM	NM	NM												
KELLIE F. STOKES PLACE NO. 4 CHAIRPERSON		NM	NM	NM												
BILL PECK PLACE NO. 5		NM	NM	NM												
DONNA KEARNS PLACE NO. 6		NM	NM	NM												
STEVE KUZMICH PLACE NO. 7 VICE-CHAIRMAN		NM	NM	NM												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

NQ = No Quorum

NM = No Meeting

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE
TAX INCREMENT REINVESTMENT
ZONE, NUMBER TWO

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	DATE/TYPER	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
CHIP TABOR PLACE NO. 1		NM	NM	NM												
PHILLIP HUFFINES PLACE NO. 2		NM	NM	NM												
MITCHELLE D. VINER PLACE NO. 3		NM	NM	NM												
BRANDON JONES PLACE NO. 4		NM	NM	NM												
DREW DIETRICH PLACE NO. 5		NM	NM	NM												
GENE CAREY PLACE NO. 6		NM	NM	NM												
RONNI CADE PLACE NO. 7		NM	NM	NM												

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NQ = No Quorum

NM = No Meeting

ATTENDANCE REPORT

BOARD/COMMISSION/COMMITTEE
TRANSPORTATION BOARD

REPORTING PERIOD
 01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	DATE/TYPER	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
SEAN MICHAEL KIRK PLACE NO. 1		NM													1	0
	15-Mar-16		NM													
					P											
BRANDON JONES PLACE NO. 2		NM												1	0	
	15-Mar-16		NM													
					P											
MARYELLEN MIKSA PLACE NO. 3 ZBOA REP.		NM												1	0	
	15-Mar-16		NM													
					P											
ALVIN TURNER PLACE NO. 4		NM												1	0	
	15-Mar-16		NM													
					P											
STEPHEN C. BYARS PLACE NO. 5		NM												0	1	
	15-Mar-16		NM													
					A											
KRISTIN GREEN PLACE NO. 6		NM												1	0	
	15-Mar-16		NM													
					P											
JAMES DAVIS PLACE NO. 7 CHAIRMAN		NM												1	0	
	15-Mar-16		NM													
					P											

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.

ATTENDANCE REPORT

BOARD/COMMISSION

ZONING BOARD OF ADJUSTMENT

REPORTING PERIOD

01/01/2016 - 03/31/2016

Page 1 of 1

MEMBERS	MEETINGS	MONTHS												TOTALS		
		NAME/PLACE NO.	TYPE	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	Present
TOM JENSEN CHAIRMAN PLACE NO. 1		NM	NM	NM												
ANTONIO GALLIZZI VICE-CHAIRMAN PLACE NO. 2		NM	NM	NM												
JAMES COLLIER PLACE NO. 3		NM	NM	NM												
DEBBIE INGLEDUE PLACE NO. 4		NM	NM	NM												
MARYELLEN MIKSA PLACE NO. 5 P&Z REPRESENTATIVE		NM	NM	NM												
WINSTON EDMONDSON ALTERNATE #1		NM	NM	NM												
ROY WIEGMANN ALTERNATE #2		NM	NM	NM												

In order to insure that all board/commission members contribute by attending regular scheduled meetings of their respective board/commission, the Council has directed that attendance records be kept by city staff and forwarded to members for their review.