

A G E N D A

**LEWISVILLE CITY COUNCIL MEETING
APRIL 3, 2017**

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

WORKSHOP SESSION - 5:00 P.M.

REGULAR SESSION – 7:00 P.M.

Call to Order and Announce a Quorum is Present.

CLOSED SESSION – 5:00 P.M.

- A. **CLOSED SESSION:** In Accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation with Attorney): Legal Issues Regarding City Governance.

WORKSHOP SESSION -IMMEDIATELY FOLLOWING CONCLUSION OF CLOSED SESSION

- A. Corporate Drive Segments 2, 3 & 4, Schematics
- B. Discussion of Regular Agenda Items and Consent Agenda Items

REGULAR SESSION – 7:00 P.M.

- A. **INVOCATION:** Councilman Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Mayor Durham
- C. **PROCLAMATIONS:**
1. Declaring the Week of April 2-8, 2017, as "Crime Victims' Rights Week"
 2. Declaring the Week of April 9-15, 2017, as "National Public Safety Telecommunicators Week"

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D. PUBLIC HEARINGS:

- 1. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Light Industrial District (LI) to Planned Development – Mixed Use District (PD-MU) for a Mixed-Use Development Consisting of 154 Single-Family Attached Units with Hotel/Office and Restaurant Uses on an Approximately 18.940-Acre Tract of Land out of the Thomas B. Garvin Survey, Abstract No. 506; With Five Associated Variances; Located on the North Side of State Highway 121, Approximately 1,150 Feet East of MacArthur Boulevard; as Requested by Ron Welborn and Michele Wheeler of Jackson Shaw, the Property Owners (Case No. PZ-2017-03-04).**

ADMINISTRATIVE COMMENTS:

The proposed PD consists of 154 single-family attached units on the northern half of the property and a hotel and two individual restaurant sites located along the southern half of the property fronting the Sam Rayburn Tollway. The proposal provides a high quality mixed use development with significant amenities on infill property. The five requested variances are: a) to allow a reduction in required parking for residential and commercial uses; b) to allow a reduced dimension for on-street parallel parking spaces; c) to allow for an irrigated living screen in lieu of the required masonry screening wall; d) to allow a five-foot landscape buffer in lieu of the required 10-foot buffer; and e) to waive the alley requirement and allow front entry for a section of the development, and to allow residential lots with alley access only. The Planning and Zoning Commission recommended unanimous approval (7-0) of the zone change request at their meeting of March 7, 2017.

RECOMMENDATION:

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

**AVAILABLE FOR
QUESTIONS:**

- Nika Reinecke, Director of Economic Development and Planning
- Kathy Riley, LandDesign

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2. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station, on an Approximately 2.453-Acre Tract of Land, Zoned Light Industrial District (LI); With One Requested Variance; Located on the Southeast Corner of West Round Grove Road (FM 3040) and Edmonds Lane, Further Identified as Lot 4R1, Block A, Texas Instruments Addition; as Requested by Andrew Malzer, of RaceTrac Petroleum, on Behalf of Mesquite Creek Development, Inc., the Property Owner (Case No. SUP-2017-03-05).**

ADMINISTRATIVE COMMENTS:

The special use permit (SUP) request is for a RaceTrac brand gasoline service station with nine pumps that will also have a neighborhood convenience store. This facility is proposed to operate 24 hours a day, seven days a week. The gasoline service station portion of this site requires approval of an SUP. One associated variance is requested: to allow two monument signs nine-feet in height in lieu of the six-foot allowed by ordinance. On March 7, 2017, the Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP.

RECOMMENDATION:

That the City Council approve the proposed ordinance and requested variance as set forth in the caption above with the condition that no pole signs be allowed on site.

PRESENTATION: - Andrew Malzer, RaceTrac Petroleum

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

3. **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit (SUP) for a Gasoline Service Station; on an Approximately 0.765-Acre Tract of Land, Zoned General Business District (GB); With Three Associated Variances; Located on the Southwest Corner of State Highway 121 Business and Bellaire Boulevard, Further Identified as Lot 1R, Block A, Chevron Addition; as Requested by Jon Featherston, of The Dimension Group, on Behalf of Eun Hae Properties, LLC, the Property Owner (Case No. SUP-2017-03-06).**

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ADMINISTRATIVE COMMENTS:

The special use permit (SUP) request is for a 7-Eleven brand gasoline service station with five pumps that will also have a neighborhood convenience store. This redevelopment of the site will replace a smaller existing gas station and car wash converted into a tire shop. The proposal includes enhanced architecture, enhanced landscaping and reduced signage. The three variances being requested are: a) to reduce the control of access of 150 feet along Bellaire Boulevard; b) to reduce the control of access of 250 feet along SH 121 Business; and c) to reduce the required driveway spacing of 230 feet along SH 121 Business. On March 22, 2017, the Planning and Zoning Commission recommended unanimous approval (6-0) of the SUP.

RECOMMENDATION:

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

PRESENTATION: - Jon Featherston, The Dimension Group

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

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 March 20, 2017, Workshop Session and Regular Session.

5. **Approval of a Bid Award for an Annual Requirements Agreement for Ready Mix Concrete to Nelson Bros Ready Mix, LTD, Lewisville, Texas, for the Estimated Amount \$54,230; and Authorization for the City Manager to Execute the Agreement.**

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ADMINISTRATIVE COMMENTS:

A total of five (5) requests for bids were downloaded from Bidsync.com. Three (3) bids were received and opened on March 14, 2017. This Agreement covers material delivered to City construction sites, as well as material picked up by City crews at the manufacturer's plant. The term of the agreement will be twelve months, with option to extend up to two additional twelve-month periods. Funding for this bid award is available from the General Fund Street Division maintenance budget.

RECOMMENDATION:

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

- 6. Approval of a Professional Services Agreement With Garver, LLC in the Amount of \$421,542 for Final Design and Construction Services Relating to College Street From IH-35 to Mill St.; and Authorization for the City Manager to Execute the Agreement.**

ADMINISTRATIVE COMMENTS:

The College Street Rehabilitation project consists of approximately 4,500 linear feet of removal and replacement of concrete pavement from IH-35 to Mill Street. The project will also replace aging water, sanitary sewer, and storm drain lines. The proposed roadway section will match the existing widths and will be constructed within the existing right of way. Additional right-of-way is not anticipated with the project. Funding was provided in the 2015 Bond Election approved by voters in November 2015. Staff has negotiated a Professional Services Agreement with Garver, LLC in the amount of \$421,542 to include final design and construction services.

RECOMMENDATION:

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

- 7. Approval of an Economic Development Agreement By and Between the City of Lewisville and Ferguson Enterprises; and Authorization for the City Manager to Execute the Contract.**

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ADMINISTRATIVE COMMENTS:

Ferguson Enterprises has leased 181,000 square feet of space within the building owned by DCT at 514 Bennett Lane. Ferguson will invest \$2,000,000 in capital improvements into the facility as well as maintain a minimum of \$6,000,000 million in taxable inventory. Ferguson will maintain a minimum of \$25,000,000 million in sales annually. This agreement calls for a rebate of 75% of Real and Business Personal Property taxes for years 1-5, and a 50% rebate for years 6-10. In addition, they will receive a waiver of 50% of permit fees and a rebate of 50% of sales tax collected.

RECOMMENDATION:

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

- 8. Approval of a Resolution of the City of Lewisville Suspending the April 21, 2017, Effective Date of Oncor Electric Delivery Company's Requested Rate a Change to Permit the City Time to Study the Request and to Establish Reasonable Rates; Approving Cooperation With the Steering Committee of Cities Served by ONCOR to Hire Legal and Consulting Services and to Negotiate with the Company and Direct any Necessary Litigation and Appeals; Finding that the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of This Resolution to the Company and Legal Counsel for the Steering Committee.**

ADMINISTRATIVE COMMENTS:

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about March 17, 2017 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. The Company asks the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. The resolution suspends the April 21, 2017 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

RECOMMENDATION:

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

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G. REGULAR HEARINGS:

- 9. Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow CoServ to Provide Electric Service to Lakewood Hills Subdivision via Overhead Utilities on the East Side of Josey Lane Within the Lewisville City Limits.**

ADMINISTRATIVE COMMENTS:

The Developer of Lakewood Hills Subdivision on Josey Lane has contracted with CoServ to provide electric service to the subdivision. CoServ has no facilities along Josey Lane thus will need to extend new service from FM 544 within the Josey Lane right of way. The City Code requires new electric utilities less than 60KV to be installed underground. When Lakewood Hills was annexed, Most of Josey Lane was not included within the annexation. Therefore, the City Code only applies to a 1300-foot segment of Josey Lane south of Indian Creek which was included within the annexed property. CoServ has requested a variance to allow an overhead installation along Josey Lane for the 1300-foot segment within the Lewisville City Limits. As the remainder of the proposed utility line (Aprox. 4700 feet) is outside of the City limits and not subject to City code, it will be installed on overhead poles.

RECOMMENDATION:

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

AVAILABLE FOR - David Salmon, P.E., City Engineer

QUESTIONS:

- 10. Consideration of a Variance to the Lewisville City Code Section 6-101(b) (Underground Utilities) to Allow Installation of an Overhead Cable on an Existing Pole Line Over Timber Creek Overflow Channel Immediately West of I-35 as Requested by Robert Houston, Construction Coordinator at Spectrum.**

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ADMINISTRATIVE COMMENTS:

Spectrum (formerly Charter Communications) is running new service to several businesses on the west side of I-35, south of Corporate Drive. The service extension will generally be installed underground, however Spectrum has applied for a variance to install a portion of the new service on an existing pole line over Timber Creek overflow channel. Installing the proposed cable service on the existing poles will be the safest way to cross the drainage channel while avoiding potential utility conflicts.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: - David Salmon, P.E., City Engineer

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