

**A G E N D A**

**LEWISVILLE CITY COUNCIL MEETING  
MARCH 7, 2016**

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

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

Call to Order and Announce a Quorum is Present.

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

- A. Support of Martin Luther King Jr., Day (Requested by Councilman Leroy Vaughn)
- B. Discussion of Regular Agenda Items and Consent Agenda Items

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

- A. **INVOCATION:** Mayor Durham
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Daniels
- C. **PRESENTATIONS:**
  - 1. Presentation to City of Lewisville Mayor, Council and Staff the City's *StormReady* Certification, by the National Weather Service
  - 2. Presentation of Achievement of Excellence in Procurement Award
  - 3. Presentation of Certificate of Achievement for Excellence in Financial Reporting Award

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**D. PUBLIC HEARINGS:**

- 1. Continued Public Hearing: 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:**

This public hearing is continued from the February 15, 2016, City Council meeting. Goodyear currently operates out of the retail center adjacent to this property. They have outgrown the facility and are looking to build a new 7,800 square-foot facility with 12 service bays. Staff recommends the following conditions if this SUP is approved: 1) overnight outside storage of vehicles shall not be allowed; 2) the outside storage of tires or other material shall not be allowed on the site; and 3) the hours of operation shall be limited to 7:30 a.m. to 7:00 p.m. Monday-Friday; 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday. 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 consider the proposed ordinance and variances as set forth in the caption above.

**PRESENTATION:** Richard E. Luedke, Planning Manager

**AVAILABLE FOR QUESTIONS:** Steve Meier, Hummel Investments, LLC.

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2. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Heavy Industrial District (HI) to Agriculture-Open Space District (AO) on an Approximately 0.280-Acre Tract of Land out of a Portion of Lot 15, Block A, ARTX Park Addition Located on the East Side of S. Railroad Street Approximately 3,280 Feet South of SH 121 Business, as Requested by G&A Consultants on Behalf of ARTX Corporation, the Property Owner (Case No. PZ-2016-02-04).**

**ADMINISTRATIVE COMMENTS:**

The approximately 0.28-acre property is located at the east side of Railroad Street, south of SH 121 Business. The property is a portion of Lot 15, Block A, ARTX Park Addition. This request is associated with Case No. PZ-2016-02-05, where a land swap is proposed between the two property owners. Both properties would be platted into a new lot configuration (3 proposed lots) once the zone change process is complete. The acreage for both cases is identical and offers the respective land owners contiguous pieces of property. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 16, 2016.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:** Richard E. Luedke, Planning Manager  
Randi Rivera, G&A Consultants

3. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Agriculture-Open Space District (AO) to Heavy Industrial District (HI); on an Approximately 0.28-Acre Tract of Land out of the J.W. Havens Survey, Abstract No. 541; Located on the East Side of South Railroad Street Approximately 3,560 Feet South of SH 121 Business; at 1235 South Railroad Street, as Requested by G&A Consultants on Behalf of Joyce Wilcher, the Property Owner (Case No. PZ-2016-02-05).**

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**ADMINISTRATIVE COMMENTS:**

The approximately 0.28-acre property is located at the east side of Railroad Street, south of SH 121 Business. The property is currently unplatted and located adjacent to Lot 14, Block A, ARTX Park Addition. This request is associated with Case No. PZ-2016-02-04, where a land swap is proposed between the two property owners. Both properties would be platted into a new lot configuration (3 proposed lots) once the zone change process is complete. The acreages for both cases are identical and offer the respective land owners contiguous pieces of property. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 16, 2016.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:** Richard E. Luedke, Planning Manager  
Randi Rivera, G&A Consultants

4. **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From General Business District (GB) to Old Town Mixed Use Two District (OTMU2); on an Approximately 0.3-Acre Tract of Land out of the J W. King Survey, Abstract No. 696; Located on the East Side of North Mill Street Approximately 120 Feet South of East College Street, at 322 North Mill Street, as Requested by Jeff Capps of Cross Ventures LLC, the Property Owner (Case No. PZ-2016-02-06).**

**ADMINISTRATIVE COMMENTS:**

The subject property was recently purchased by Cross Ventures LLC who proposes to convert the existing residence on the property to office space. A final plat application and an Old Town Development Plan will be submitted after the zone change process is complete. The Planning and Zoning Commission recommended approval of the zone change request by a vote of 6-0 at their meeting on February 16, 2016.

**RECOMMENDATION:**

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

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**AVAILABLE FOR QUESTIONS:** Richard E. Luedke, Planning Manager  
Jeff Capps, Cross Ventures LLC

- 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.
5. **APPROVAL OF MINUTES:** City Council Minutes of the February 15, 2016, Workshop Session and Regular Session.
6. **Approval of a Contract for Mosquito Control Services to Vector Disease Control International, Richardson, Texas, Inc., in the Amount of \$58,000 per Year; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

This contract covers comprehensive study and monitoring of local mosquitoes. The contractor will lay out mosquito traps, catch and analyze the type(s) of mosquitoes it catches and determine what types of disease the mosquito is a carrier for. Based on the analysis, they will make the determination as to when and where spraying will take place, if needed. The term of the contract will be for twelve (12) months, with option to extend for up to four (4) twelve-month periods.

**RECOMMENDATION:**

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

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- 7. Approval of an Economic Development Agreement by and Between the City of Lewisville and Randy and Ronda Owens; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

Randy and Ronda Owens, owners of the building at 115 Main Street, will be renovating the current building space to open a coffee shop Perc On The Plaza. They are projected to invest \$227,080 in renovations, including rear and front façade improvements, installation of a grease trap and a roof top balcony. The proposed agreement provides for a grant where the City will reimburse Randy and Ronda Owens for certain actual expenses not to exceed \$18,537.

**RECOMMENDATION:**

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

- 8. Approval of an Economic Development Agreement by and Between the City of Lewisville and DFW Lewisville Partners, GP; and Authorization for the City Manager to Execute the Agreement.**

**ADMINISTRATIVE COMMENTS:**

DFW Lewisville Partners, GP is constructing a 249,500 square foot distribution facility at the Majestic Airport Center. The total investment for the facility will be approximately \$16,000,000. This agreement calls for a rebate of 75% of Real Property for 5 years, and a rebate for 75% of the tenant's Business Personal Property for 5 years.

**RECOMMENDATION:**

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

- 9. Approval of an Economic Development Agreement by and Between the City of Lewisville and DFW Lewisville Partners, GP; and Authorization for the City Manager to Execute the Agreement.**

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**ADMINISTRATIVE COMMENTS:**

DFW Lewisville Partners, GP is constructing a 329,060 square foot distribution facility at the Majestic Airport Center. The total investment for the facility will be approximately \$19,000,000. This agreement calls for a rebate of 75% of Real Property for 5 years, and a rebate for 75% of the tenant's Business Personal Property for 5 years.

**RECOMMENDATION:**

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

- 10. Approval of Amendment No. 5 to a Letter Agreement With KCS Railroad in the Amount of \$15,000 for Additional Plan Review Services Associated With the Windhaven Parkway Railroad Underpass North of FM 544; and Authorization for the City Manager or her Designee to Execute the Amendment on Behalf of the City.**

**ADMINISTRATIVE COMMENTS:**

The City of Lewisville entered into a letter agreement with KCS Railroad in 2011 for KCS to provide plan review services for the design of the Windhaven Parkway underpass north of FM544. KCS Railroad's review has exceeded the original estimated cost and has required several amendments. Based on recent review comments, KCS is estimating additional review costs thus requiring another amendment to the original agreement to cover their extensive review process bringing the total fee to \$58,731. Funding is available in the Corporate Drive (FM 544 to Josey) project accounts.

**RECOMMENDATION:**

That the City Council approve Amendment No. 5 as set forth in the caption above.

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- 11. Approval of a Resolution Authorizing the City to Submit a Grant Application to the Texas Criminal Justice Division to Obtain Funding to Purchase 3D Scanner Devices.**

**ADMINISTRATIVE COMMENTS:**

The Lewisville Police Department is preparing a grant application to obtain funding from the State of Texas under its Justice Assistance Grant program. The application seeks funding for the purchase of 3D scanner devices to assist with crime scene forensic analysis and reconstruction. The total cost is estimated to be \$125,000 which will be covered by the grant if our application is approved.

**RECOMMENDATION:**

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

**G. REGULAR HEARINGS:**

- 12. Consideration of a Variance to the Lewisville City Code Section 6-103 (Access Management) Regarding Control of Access, Related to The Door Church Located at 2700 Denton Tap Road, as Requested by Andrew Oxley, OWT Architects, on Behalf of the Owner.**

**ADMINISTRATIVE COMMENTS:**

The subject site is a 4.302-acre lot zoned Local Commercial (LC) within the Highpoint Oaks Addition. The Door Church currently owns the undeveloped property and is proposing to build a new church. Staff has reviewed and approved the engineering site plan for The Door Church subject to the City Council approval of the variance to reduce the minimum required control of access for an existing driveway on Vista Ridge Mall Drive.

**RECOMMENDATION:**

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

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- 13. Consideration of a Variance to the Lewisville City Code, Section 11-14(C), Prohibited Signs, Regarding an Off-Premise Sign to be Located at 1500 South SH 121 Business, as Requested by Jeff Vosburg, the Property Owner.**

**ADMINISTRATIVE COMMENTS:**

Jeff Vosburg owns two tracts of land totaling 3.32 acres located within the William King Survey, Abstract 697 located at 1440 South SH 121. The tract to the rear of the complex is developed with two office warehouse buildings. Until recently, the front tract was vacant and tenants on the back tracts had signs visible from 121 Business. Mr. Vosburg divided and sold the front tract to Soccer City. The back tracts have now lost their sign visibility. They are requesting a variance to allow one off-premise multi-tenant sign to be shared by the tenants of both the front and rear tracts. They have proposed a low-profile brick veneer sign that is smaller than the sign otherwise allowed by right for Soccer City.

**RECOMMENDATION:**

That the City Council consider the requested variance as set forth in the caption above, subject to the following conditions: 1) compliance with the site plan and elevations submitted to City Council; 2) the sign shall be brick veneer to match the façade of the building where Soccer City is located; and 3) no other free standing signs shall be permitted on the Soccer City tract or the two other tracts of land east of Soccer City that currently include the office warehouse uses.

**AVAILABLE FOR QUESTIONS:** Cleve Joiner, Dir. of Neighborhood Services

- 14. Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of Fees for Personnel to Erect and Dismantle Tents Associated With the 2016 American Cancer Society Relay for Life Event, Located at the Lewisville High School - Harmon Campus; and Consideration of a Request for City In-Kind Support for the Same Event, as Requested by Christina Gockley, Community Manager, Relay For Life American Cancer Society.**

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**ADMINISTRATIVE COMMENTS:**

The 2016 Relay For Life of Lewisville/Flower Mound event will be held from Friday May 13, 2016, and ending at midnight. A request is being made to: a) provide City in-kind support of eight (8) tents and staff time to erect and dismantle tents related to the event; and b) to waive any associated fees for the event including fees for personnel to erect and dismantle tents. This event was held last year at the Harmon - Lewisville High School, 1250 W. Round Grove Rd., Lewisville, TX 75067, and drew over 40 teams, over 1,000 participants, and raised over \$95,000.

**RECOMMENDATION:**

That the City Council approve the variance and the request for City In-Kind support for the 2016 American Cancer Society Relay for Life event as set forth in the caption above.

- 15. Second Reading: Consideration of an Ordinance Granting a Zone Change Request From Specific Use District-Mining (SU-Mining) to Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use); on an Approximately 4.237-Acre Tract of Land out of the Hugh Harper Survey, Abstract No. 605; Located at 1600 South Railroad Street; as Requested by Richard Dormier of Freeman-Millican, Inc. on Behalf of Waste Management of Texas, Inc., the Property Owner (Case No. PZ-2016-01-02).**

**ADMINISTRATIVE COMMENTS:**

At the February 15, 2016, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance has to be read on three separate days to meet the City Charter requirements. This will be the second reading.

**RECOMMENDATION:**

That the City Attorney provide the second reading of the ordinance.

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- 16. Second and Final Reading: Consideration of an Ordinance of the City Council of the City of Lewisville, Texas Extending the Term of an Ordinance Granting a Franchise to Oncor Electric Delivery Company LLC; and Providing an Effective Date.**

**ADMINISTRATIVE COMMENTS:**

On June 20, 2011, Council approved an ordinance for the Oncor Electric Delivery Company LLC (Oncor) franchise, which will expire on March 31, 2016. Staff is requesting an extension of the current franchise ordinance, which allows the continuation of the terms and conditions of Ordinance No. 3871-06-2011 until March 31, 2021. The City of Lewisville Charter requires two readings of this ordinance, with 30 days in between. The first reading occurred on January 25, 2016. This will be the second and final reading.

**RECOMMENDATION:**

That the City Attorney provide the second and final reading of the ordinance.

- 17. Tabled Item: Consideration of an Appointment to Place No. 4 on the Community Development Block Grant Advisory Committee.**

**ADMINISTRATIVE COMMENTS:**

On February 15, 2016, City Council accepted the resignation of Judy Kay Ferguson and declared a vacancy in Place No. 4 of the Community Development Block Grant Advisory Committee. In order to allow additional time to interview the candidates that had submitted applications for this committee, Council tabled the appointment until the March 7, 2016 meeting.

**RECOMMENDATION:**

That the City Council consider an appointment as set forth in the caption above.

- 18. Consideration of Presentation of Certificate of Unopposed Candidates and Consideration of an Order Canceling the Election and Declaring Unopposed Candidates in the May 7, 2016 General Election, Elected to Office.**

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**ADMINISTRATIVE COMMENTS:**

In accordance with state law under Subchapter C, Chapter 2, Election Code, the City Council has the ability to cancel the upcoming May 7, 2016, General Election due to the fact there are no opposed races. The City Secretary has prepared the appropriate certificate certifying that no persons have made a declaration of write-in candidacy, and both of the following candidates are unopposed: Brandon Jones - Councilman Place No. 4; Brent Daniels - Councilman Place No. 5. Based upon the contents of the certification, an order has been prepared for the Council's consideration to cancel the May 7, 2016 general election, and declaring the candidates elected to office.

**RECOMMENDATION:**

That the City Council accept the Certificate of Unopposed Candidates and consider the order.

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

- Mill at College Intersection Improvements

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**

<p>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 <u>Texas Government Code</u> 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).</p>
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