

LEWISVILLE CITY COUNCIL

REGULAR SESSION

MARCH 7, 2016

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem
Greg Tierney, Deputy Mayor Pro Tem
Leroy Vaughn
TJ Gilmore
Brent Daniels

City Staff:

Donna Barron, City Manager (Absent)
Steve Bacchus, Assistant City Manager
Melinda Galler, Assistant City Manager
Eric Ferris, Assistant City Manager
Claire Swann, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 6:00 p.m. on Monday, March 7, 2016, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Support of Martin Luther King Jr., Day
(Requested by Councilman Leroy Vaughn)**

(Agenda Item A)

Councilman Vaughn advised of his participation in the MLK Event that had been held recently at the Lewisville High School Auditorium. He reviewed what this event consisted of and the awards that were received by various students. Discussion was held by the City Council that no requests had been made to participate from a City standpoint in this event; however, they were all in consensus that they would be interested in participating in the future. City Council requested that City staff research event participation and submit a report to the City Council regarding funding and potential contribution opportunities for Council consideration.

Mayor Pro Tem Ferguson requested if there was a solicitation package or documentation that the MLK Event Committee had compiled, he would like to see what had been included and the various levels of participation that were available.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item B)

Mayor Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C, 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; and 3) Presentation of Certificate of Achievement for Excellence in Financial Reporting Award. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-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). Discussion was held that the applicant had requested this item be continued due to only four voting City Council Members present and the super majority vote requirement due to a request received from a majority property owner to deny this request. There was no further discussion on this item.

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

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

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

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

Mayor Durham reviewed Agenda Item E, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-5, Approval of City Council Minutes of the February 15, 2016, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-5, Approval of an Agreement for Architectural Services With Brown Reynolds Watford Architects, Dallas, Texas to Serve as Architects for Fire Station No. 2 Renovation in the Amount of \$74,000; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-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. Discussion held regarding also testing for the mosquito that caused the Zika virus. With the consensus of the City Council, City staff was requested to determine the cost of doing the additional testing for this particular mosquito. There was no further discussion on this item.

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

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

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

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

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

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

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

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

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

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

WORKSHOP SESSION – 6:00 P.M.

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

(Agenda Item B)

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

Mayor Durham reviewed Agenda Item G-17, Tabled Item: Consideration of an Appointment to Place No. 4 on the Community Development Block Grant Advisory Committee. There was no discussion on this item.

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

Mayor Durham reviewed Agenda Item H, Reports: Mill at College Intersection Improvements. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:44 p.m. on Monday, March 7, 2016.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, March 7, 2016, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Durham gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Presentation: Presentation to City of
Lewisville Mayor, Council and Staff the
City's StormReady Certification, by the
National Weather Service**

(Agenda Item C-1)

Tom Bradshaw, Meteorologist-in-Charge, National Weather Service, Dallas-Fort Worth Weather Forecast Office read and presented the City's StormReady Certification to Mayor Durham and City of Lewisville Emergency Management Coordinator Josh Roberts.

**Presentation: Presentation of Achievement of
Excellence in Procurement Award**

(Agenda Item C-2)

Mayor Durham read and presented an Achievement of Excellence in Procurement Award to Purchasing Manager Todd White.

**Presentation: Presentation of Certificate of
Achievement for Excellence in Financial
Reporting Award**

(Agenda Item C-3)

Mayor Durham read and presented a Certificate of Achievement for Excellence in Financial Reporting Award to Finance Director Brenda Martin.

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)

(Agenda Item D-1)

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.

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

Mayor Durham opened the public hearing.

Mayor Durham advised that the following two individuals had filled out speaker cards in support of this item: Steve Meier, 8117 Preston Road, #120, Dallas, Texas and Jeff Castello, 230 Carrington, Lewisville, Texas. Both individuals indicated that since this item was being continued they did not wish to speak at this meeting.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to continue the public hearing to the March 21, 2016, City Council meeting. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 4248-03-2016 (Z) 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)**

(Agenda Item D-2)

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.

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

Mayor Durham opened the public hearing.

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

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

Public Hearing: Consideration of Ordinance No. 4248-03-2016 (Z) 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) (cont'd)

(Agenda Item D-2)

“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 0.28-Acre Tract Of Land Out Of A Portion Of Lot 15, Block A, Artex Park Addition; Located On The East Side Of South Railroad Street Approximately 3,280 Feet South Of SH 121 Business; From Heavy Industrial District (HI) Zoning To Agriculture-Open Space District (AO) Zoning; Correcting The Official Zoning Map; Preserving All Other Portions Of The Zoning Ordinance; Providing A Clause Relating To Severability; Determining That The Public Interests And General Welfare Demand This Zoning Change And Amendment Therein Made; Providing A Penalty; And Declaring An Emergency.”

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4248-03-2016 (Z)**, as previously captioned. The motion carried.

Public Hearing: Consideration of Ordinance No. 4249-03-2016 (Z) 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)

(Agenda Item D-3)

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.

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

Mayor Durham opened the public hearing.

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

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

Public Hearing: Consideration of Ordinance No. 4249-03-2016 (Z) 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) (cont'd)

(Agenda Item D-3)

“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 0.28-Acre Tract Of Land Out Of 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; From Agriculture-Open Space District (AO) Zoning To Heavy Industrial District (HI) Zoning; Correcting The Official Zoning Map; Preserving All Other Portions Of The Zoning Ordinance; Providing A Clause Relating To Severability; Determining That The Public Interests And General Welfare Demand This Zoning Change And Amendment Therein Made; Providing A Penalty; And Declaring An Emergency.”

MOTION: Upon a motion made by Councilman Daniels and seconded by Deputy Mayor Pro Tem Tierney, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4249-03-2016 (Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of Ordinance
No. 4250-03-2016 (Z) 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)**

(Agenda Item D-4)

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.

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

Mayor Durham opened the public hearing.

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

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

"An Ordinance Of The City Council Of The City Of Lewisville, Texas, Amending The Zoning Ordinance Of The City Of Lewisville, Texas By Rezoning An Approximately 0.3-Acre Tract Of Land Out Of 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; From General Business District (GB) Zoning To Old Town Mixed Use 2 District (OTMU2) 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."

Public Hearing: Consideration of Ordinance No. 4250-03-2016 (Z) 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) (cont'd)

(Agenda Item D-4)

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Daniels, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 4250-03-2016 (Z)**, as previously captioned. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

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.
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.
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.

CONSENT AGENDA (cont'd)

(Agenda Item F)

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.
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.
11. Approval of a Resolution No. 4251-03-2016 (R): A Resolution Of The City Council Of The City Of Lewisville, Texas, Authorizing The City To Apply For A Grant From The Office Of The Governor, Texas Criminal Justice Division For Crime Scene 360 Project.

The motion carried.

END OF CONSENT AGENDA

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

(Agenda Item G-12)

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.

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

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve the following 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 to reduce the minimum required control of access for an existing driveway on Vista Ridge Mall Drive, as requested by Andrew Oxley, OWT Architects, on behalf of the owner. The motion carried.

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

(Agenda Item G-13)

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.

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

(Agenda Item G-13)

The City staff's recommendation was 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.

Cleve Joiner, Director of Neighborhood Services, was present to address any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Daniels and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to approve the 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 to allow one off-premise multi-tenant sign to be shared by the tenants of both the front and rear tracts, 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, as requested by Jeff Vosburg, the Property Owner. The motion carried.

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

(Agenda Item G-14)

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.

The City staff's recommendation was 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.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Tierney and seconded by Councilman Vaughn, the Council voted four (4) "ayes" and no (0) "nays" to approve the 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 approve a request for City In-Kind Support for the same event, as requested by Christina Gockley, Community Manager, Relay For Life American Cancer Society. The motion carried.

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)

(Agenda Item G-15)

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.

The City staff's recommendation was that the City Attorney provide the second reading of the ordinance.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance Of The City Council Of The City Of Lewisville, Texas, Amending The Zoning Ordinance Of The City Of Lewisville, Texas By Rezoning An Approximately 4.237-Acre Tract Of Land Out Of The Hugh Harper Survey, Abstract No. 605; Located At 1600 South Railroad Street; From Specific Use District-Mining (SU-Mining) Zoning To Specific Use District-Landfill Accessory Use (SU-Landfill Accessory Use) 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; And Providing A Penalty.”

No further action was required.

Second and Final Reading: Consideration of Ordinance No. 4252-03-2016 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

(Agenda Item G-16)

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.

The City staff's recommendation was that the City Attorney provide the second and final reading of the ordinance.

Assistant City Attorney Lauren Crawford read the ordinance caption into the record as follows:

“An Ordinance Of The City Council Of The City Of Lewisville, Texas Amending Ordinance No. 3871-06-2011, Which Grants A Franchise To Oncor Electric Delivery Company LLC, By Extending The Term And Providing For Its Renewal; Further Providing That This Ordinance Is Cumulative; Finding And Determining That The Meeting At Which This Ordinance Is Adopted Is Open To The Public As Required By Law; Providing An Effective Date; And Providing For Acceptance By Oncor Electric Delivery Company LLC.”

No further action was required.

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

(Agenda Item G-17)

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.

The City staff's recommendation was that the City Council consider an appointment as set forth in the caption above.

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Deputy Mayor Pro Tem Tierney, the Council voted four (4) "ayes" and no (0) "nays" to appoint Deniese Sheppard to Place No. 4 on the Community Development Block Grant Advisory Committee. The motion carried.

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

(Agenda Item G-18)

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.

The City staff's recommendation was that the City Council accept the Certificate of Unopposed Candidates and consider the order.

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to accept the Certificate of Unopposed Candidates and approve the Order Canceling the Election and Declaring Unopposed Candidates in the May 7, 2016 General Election, Elected to Office. The motion carried.

Reports

(Agenda Item H)

- Assistant City Manager Eric Ferris gave an update on the Mill and College Intersection Improvements.
- Director of Public Services Keith Marvin gave an update on the status of Lake Lewisville.
- Councilman Daniels advised of Keep Lewisville Beautiful upcoming events.
- Mayor Pro Tem Ferguson advised of upcoming events at the MCL Grand Theatre.
- Mayor Pro Tem Ferguson advised of Lewisville Independent School District's Westside Aquatic Center hosting the 2016 FINA Women's Intercontinental Water Polo Tournament. He stated that he had attended this qualifying tournament for the world league's championships this summer on behalf of the City and presented a plaque he had received from FINA in appreciation of the City's support.
- Mayor Durham thanked Lewisville Independent School District for the facility use for this event.
- Mayor Durham thanked the officer and her team mates for their hard work.

There were no additional reports at this time.

Adjournment

(Agenda Item K)

MOTION: Upon a motion made by Councilman Vaughn and seconded by Mayor Pro Tem Ferguson, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 7:40 p.m. on Monday, March 7, 2016. The motion carried.

These minutes approved by the Lewisville City Council on the 21st day of March, 2016.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY