



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, October 1, 2018

6:30 PM

Council Chambers

Call to Order and Announce Quorum is Present

Workshop Session - 6:30 P.M.

***Items discussed during Workshop Session may be continued during the Regular Session after Reports if time does not permit holding or completing discussion of the item during Workshop Session.*

1. [Texas New Mexico Power \(TNMP\) System Reliability & Improvement Overview](#)
2. [Update on the Lewisville Community Resources Expo](#)
3. [Discussion of Regular Agenda Items and Consent Agenda Items](#)

Regular Session - 7:00 P.M.

A. Invocation: Mayor Pro Tem Jones

B. Pledge to the American and Texas Flags: Councilman Troyer

C. Proclamations

1. [Declaring October 5, 2018 as “Energy Efficiency Day”](#)
2. [Declaring the Month of October 2018 as “Community Planning Month”](#)

D. Presentation

1. [PRESENTATION: Certificate of Achievement for Planning Excellence](#)

E. Public Hearings

1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Single Family Residential District \(R-7.5\) to Old Town Mixed Use 1 District \(OTMU1\); on Approximately 0.93 Acres, Situated in the John](#)

W King Survey, Abstract Number 696, Located at 411 and 419 Milton Street; as Requested by Paul Poteet, of Liberation Development Investments, on Behalf of Terry Bohn, the Property Owner. (Case No. PZ-2018-08-10).

ADMINISTRATIVE COMMENTS:

The subject property, which is currently two separate parcels, houses two single-family residential dwelling units. The applicant is seeking to replat the two existing parcels into one, demolish the existing houses and develop sixteen townhomes at this location. The first step is a rezoning to Old Town Mixed Use 1 (OTMU1), the recommended zoning in the 2003 Old Town Master Plan. The Planning and Zoning Commission recommended approval (4-1) of the zone change request at their meeting on August 21, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

2. Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Agriculture - Open Space District (AO) to Light Industrial District (LI); on Approximately 2.026 Acres, Situated in the P. Harmonson Survey, Abstract Number 604, Located on the Northeast Corner of State Highway 121 Business and West Vista Ridge Mall Drive; as Requested by Andrew Malzer, RaceTrac Petroleum, Inc., on Behalf of Hawkeye Realty Schreiber, LP, the Property Owner. (Case No. PZ-2018-09-12).

ADMINISTRATIVE COMMENTS:

This application is being made in addition to a Special Use Permit to build a gas station at this location. City staff is not in support of the Special Use Permit but is in support of this zone change request as the LI District complies with the vision of this area as an employment center adopted in the Lewisville 2025 Plan. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request at their meeting on September 4, 2018.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

3. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for a Gasoline Service Station with One Associated Variance Regarding Signage; on Approximately 2.026 Acres, Situated in the P. Harmonson Survey, Abstract Number 604, Located on the Northeast Corner of State Highway 121 Business and West Vista Ridge Mall Drive; as Requested by Andrew Malzer, RaceTrac Petroleum, Inc., on Behalf of Hawkeye Realty Schreiber, LP, the Property Owner. \(Case No. SUP-2018-09-13\).](#)

ADMINISTRATIVE COMMENTS:

The proposed gas station does not meet the criteria for approval listed in Sec. 17-29.5(c) of the zoning code which states that the SUP must be compatible with any adopted comprehensive plans or small area plans. The project does not comply with the Lewisville 2025 Plan and would be contrary to established vision for this important gateway into Lewisville. One variance is requested with this SUP: To allow a low profile/monument sign greater than 6 feet in height. The Planning and Zoning Commission recommended unanimous denial (5-0) of special use permit request at their meeting on September 4, 2018. Due to the recommendation for denial, a super majority (4 of 5) vote by City Council is required to approve this request.

RECOMMENDATION:

That the City Council deny the ordinance and associated variance as set forth in the caption above.

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

PRESENTATION: Andrew Malzer, RaceTrac Petroleum, Inc., Applicant
Brad Williams, Winstead PC., Attorney for Applicant

4. [Public Hearing: Consideration of an Ordinance Granting a Zone Change From Single Family Residential District \(R-7.5\) To Mixed-Use District \(MU\) with Six Associated Variances Regarding Driveway Spacing, Stacking, Turn Lanes, Water Lines, Screening and Building Materials; on Approximately 1.141 Acres, out of the John W. King Survey, Abstract Number 696, Located on the West Side of Mill Street, North of West College Street and South of Stuart Street; as Requested by Randi Rivera, G&A Consultants, on Behalf of Henry Rahmani, TSMJV, LLC, the Property Owner. \(Case No.](#)

[PZ-2018-09-11](#)).

ADMINISTRATIVE COMMENTS:

The applicant is proposing a five-story mixed use building along Mill Street with retail/restaurant space on the ground floor and condos above. A second condo building containing three units is designed to resemble townhomes to help transition to the existing single-family homes to the west. Six variances are requested: a) to not require a right turn lane on Mill Street and College Street; b) to reduce the 50-foot driveway spacing along College Street to 38.5 feet; c) to reduce the 40-foot driveway stacking requirement to a range of 18.0 feet to 14.6 feet; d) to allow a six-foot board on board wood fence in lieu of required six-foot masonry screening; e) to allow a public water line to be installed under pavement with the property owner responsible for pavement repair or replacement after any future work on the water line; and f) to allow for a material deviation for the western condo building consisting of 22% brick/stone and 78% wood or fiber cement board siding. The Planning and Zoning Commission recommended unanimous approval (6-0) of the zone change request at their September 18, 2018 meeting with a condition that the required traffic impact analysis (TIA) also evaluate the proposed driveways along Stuart Street.

RECOMMENDATION:

That the City Council approve the zone change and six associated variances as set forth in the caption above with the condition that the required traffic impact analysis (TIA) also evaluate the proposed driveways along Stuart Street and with the condition that the property owner be responsible for pavement repair or replacement after any future work on the water line.

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

F. Visitor/Citizens Forum

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

G. Consent Agenda

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

5. [APPROVAL OF MINUTES: a\) City Council Minutes of the August 11, 2018, Called Special Session; b\) City Council Minutes of the August 20, 2018, Workshop Session and Regular Session ; c\) City Council Minutes of the September 4, 2018, Called Special Session; d\) City Council Minutes of the September 10, 2018, Workshop Session and Regular Session; and e\) City Council Minutes of the September 17, 2018, Workshop Session and Regular Session.](#)
6. [Approval of a Professional Services Agreement with Teague Nall and Perkins, Inc., in the Amount of \\$453,285 for Design Services Related to the Holford's Prairie Road Project; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The project consists of replacing the existing asphalt roadway with a concrete two lane, 37' wide street section, storm sewer improvements, a new bridge structure and installing sidewalks on both sides of the street. The engineer's construction cost estimate for the project is \$4,798,200. Staff has negotiated a professional services agreement with Teague Nall and Perkins, Inc. in the amount of \$453,285 to include property owner meetings, design and construction services, surveying, subsurface utility exploration, environment documents, easement and right-of-way documents. City Council approved a preliminary design agreement with Teague Nall and Perkins, Inc. on February 20, 2017. The purpose of the recently completed preliminary design report was to determine the project scope of work related to roadway alignment, access to adjacent mobile home communities, culvert hydraulics related to Midway Branch, environmental/permitting considerations, soil conditions, estimated construction costs and right-of-way acquisition due to the complexities. A total project budget amount of \$475,949 is requested, which includes \$22,664 (5%) for contingencies.

RECOMMENDATION:

That the City Council approve the professional services agreement as set forth in the caption above and authorize the City Manager to execute the agreement.

7. [Approval of a Resolution Authorizing Agreements Between the City of Lewisville and Community Development Block Grant Sub-Recipients; and Between the City of Lewisville and City Social Service Agency Fund Recipients; and Authorization for the City Manager to Execute the](#)

[Agreements.](#)**ADMINISTRATIVE COMMENTS:**

The City of Lewisville, a U.S. Department of Housing and Urban Development (HUD) Entitlement City, has submitted its 2018 Annual Action Plan as required by HUD to receive Community Development Block Grant (CDBG) funds. A contract is forthcoming from HUD for FY 2018-2019. Additional funds are allocated from the City Social Service Agency Fund. Agreements have been prepared for execution in accordance with the 2018 Annual Action Plan item that was approved by the City Council on August 6, 2018 and the FY 2018-2019 budget.

RECOMMENDATION:

That the City Council approve the resolution and authorize the City Manager to execute the agreements.

H. Regular Hearings

8. [Second Reading: Conduct the Reading of an Ordinance Amending Chapter 2, Article VIII, Fees Section 2-201, Exhibit "A" and Chapter 16, Article IV, Water and Sewer Extensions, Section 16-207\(c\) of the Lewisville City Code by Amending the Schedule of Capital Recovery Fees and the Effective Date for Said Fees; and Providing a Repealer; Severability; and an Effective Date.](#)

ADMINISTRATIVE COMMENTS:

Texas Local Government Code Chapter 395 requires a political subdivision imposing an impact fee to review and evaluate the Capital Improvements Plan every five years. A public hearing and the first of three readings of this ordinance took place at the September 17, 2018 City Council Meeting. The proposed ordinance sets Capital Recovery (Impact) fees of \$2,614.00 per living unit equivalency for water, and \$2,724.00 per living unit equivalency for wastewater.

RECOMMENDATION:

That the City Council conduct the second reading of the ordinance as set forth in the caption above.

9. [Consideration of a Variance to the Lewisville City Code, Section 6-144 - Screening Devices, Associated With a Classroom Addition to Edmonds Lane Bible Chapel, Located at 1742 Edmonds Lane; Further Identified as the](#)

[Gary R. Levitz Community Hospital Addition, Lot 3B, Block A; as Requested by Steve Parks of Charlet Properties on Behalf of Edmonds Lane Bible Chapel, the Property Owner.](#)

ADMINISTRATIVE COMMENTS:

Edmonds Lane Bible Chapel plans to add four classrooms to the exiting church and has submitted the required engineering site plan, triggering compliance with all codes and ordinances including a six foot masonry screening wall between the church and adjacent residential uses. The applicant is requesting to waive the required screening wall along the western and northern property line required between the church and an apartment complex. The church's rear yard functions as recreational green space for the church and the apartment complex. The apartment complex is in support of the request.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS: Richard E. Luedke, Planning Director

10. [Consideration of a Resolution of the City of Lewisville, Texas Finding that Texas-New Mexico Power Company's \("TNMP"\) Application to Change Rates Within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; 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.](#)

ADMINISTRATIVE COMMENTS:

On May 30, 2018, Texas-New Mexico Power Company (TNMP or the Company) filed an application with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$33.3 million. On June 21, 2018, Council approved a resolution suspending the July 5, 2018 effective date of the Company's rate increase to allow time for further review. Under a pending settlement between parties (including TNMP Cities) and TNMP, the Company's request is substantially reduced. Under the proposed settlement, the Company would be permitted a \$10 million increase; however, that settlement remains in the process of being finalized. The requested Council action is therefore denial of TNMP's original, \$33.3 million proposed increase. Under the law, cities with original jurisdiction over this matter have 125 days from the initial filing to take final

action on the application. As such, all cities with original jurisdiction will need to adopt this resolution no later than October 2, 2018.

RECOMMENDATION:

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

I. Reports Reports about items of community interest regarding which no action will be taken.

J. Closed Session

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.072 (Real Estate): Property Acquisition*
2. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*
3. *Section 551.071 (Consultation with Attorney/Pending Litigation): City of Lewisville, Texas vs. Fopin Lewisville, LP, Case No. PR-2017-00186, Denton County Probate Court*

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

L. Adjournment

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

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).

I do hereby certify that the above notice of meeting of the City of Lewisville City Council was posted at City Hall, City of Lewisville, Texas in compliance with Chapter 551, Texas Government Code on _____, 2018 by _____ AM.

City Secretary