



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, December 18, 2023**

**6:00 PM**

**Lewisville City Hall**

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*Anyone wishing to submit comments prior to the meeting may do so through e-comments. To access e-comments, go to <https://cityoflewisville.legistar.com/Calendar.aspx> and utilize the e-comments link located to the far right hand side of the line containing this meeting details and agenda. E-comments will be accepted until 5 p.m. prior to the meeting.*

### **Call to Order and Announce Quorum is Present**

### **Workshop Session - 6:00 P.M.**

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

- A. [Discussion of Regular Agenda Items and Consent Agenda Items.](#)
- B. [Public Art Master Plan Update Presentation, Todd Bressi Consultant.](#)
- C. [Metrics Overview](#)

### **Regular Session - 7:00 P.M.**

- A. **Invocation - Mayor Gilmore**
- B. **Pledge to the American and Texas Flags - Councilmember Cade**
- C. **Presentation**
  - [Presentation of the 2024 ColorPalooza Logo and 2024 ColorPalooza Logo Student Contest Winner.](#)
- D. **Visitor/Citizens Forum**

*Speakers must address their comments to the Mayor rather than to individual Council members or staff. Speakers should speak clearly and state their name and address prior to beginning their remarks. Speakers will be allowed 5 minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks may be removed from the meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.*

## **E. 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 or e-comment must be filled out and submitted to the City Secretary.*

1. [APPROVAL OF MINUTES: City Council Minutes of the November 27, 2023, Special City Council Meeting and the December 4, 2023, Workshop Session, and Regular Session.](#)
2. [Approval of an Economic Development and Utility Participation Agreement Between the City of Lewisville, Old Town Lewisville Tenant I, LP, and Old Town Lewisville Tenant II, LP, Authorization for the City Manager, or Her Designee, to Execute the Agreement, and Approval of a Supplemental Appropriation to the Tax Increment Reinvestment Zone, Number 1 Fund in the Amount of \\$400,000.](#)

### **ADMINISTRATIVE COMMENTS:**

On June 12, 2023, the Lewisville PFC (“LPFC”) approved The Standard at Old Town project (the “Project”) to be located at 701 E Main Street. Old Town Lewisville Tenant I, LP and Old Town Lewisville Tenant II, LP (collectively referred to as the “Developer”) plans to lease the 17-acre property from the LPFC. This Class A multifamily development will include approximately 600 units, in two phases. It will be composed of one-, two-, and three-bedroom units. No less than 30% of the units will be low-density multifamily, which will consist of townhomes and cottage units. As part of the Project, the City is partnering with the Developer to construct approximately 3.6 acres of right-of-way and facilitate transfer of the land to the City upon completion, provide a minimum of 6,000 sq ft of public open space, provide utility improvements to support additional private development, and to establish a regional detention solution. In consideration for the development, this agreement

provides for (1) a grant equal to the amount of water and sanitary impact fees paid to the City, \$1,763,675 in Tax Increment Reinvestment Zone, Number 1 (“TIRZ #1”) funds, and \$2,000,000 in Transportation Reinvestment Program (“TRiP”) grant funds; and (2) a waiver of building permits fees, tree mitigation fees, and \$500,000 in park fees. Funding is available in the TIRZ #1 Fund and future allocation of TRiP grant funds from the Denton County Transportation Authority. In addition, if the City deems the oversizing of the utility improvements necessary to support the development of the surrounding area, it may pay 100% of the costs associated with the oversizing in accordance with Chapter 212, Subchapter C of the Texas Local Government Code.

**RECOMMENDATION:**

That the City Council approve the agreement, authorize the City Manager, or her designee to sign the agreement, and approve the supplemental appropriation as set forth in the caption above.

3. [Approval of a Contract for Construction Services for the Valley Parkway & Civic Circle Project to Tiseo Paving Company, Dallas, TX, in the Amount of \\$9,008,251.29; and Authorization for the City Manager, or Her Designee, to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

The Valley Parkway and Civic Circle Project includes the full reconstruction of Valley Parkway from Main Street to College Street and Civic circle from Main Street to Valley Parkway. The project will include paving, sidewalks, turn lanes, traffic signal adjustments, some new utilities and upgraded drainage. A total of eighty-six (86) requests for proposals were downloaded from Bonfire. Four (4) proposals were received and opened on October 10, 2023. An evaluation of proposals was performed, and it was determined that Tiseo Paving Company offered the best value for the City and is being recommended for award. Funding is available in the Civic Circle and Valley Parkway capital project.

**RECOMMENDATION:**

That the City Council approve the award and authorize the City Manager, or her designee, to execute the contract as set forth in the caption above.

4. [Approval of a Professional Services Agreement with Huitt-Zollars, Inc. in the Amount of \\$766,143 for Design Services Related to the Northwest](#)

[Old Town Neighborhood Improvements Project; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

In 2015, the City Council approved a design Professional Services Agreement (PSA) with Huitt-Zollars for the NW Old Town neighborhood rehabilitation project to replace the asphalt streets with concrete curb & gutter sections, replace water and sanitary sewer lines, upgrade storm sewer systems and construct sidewalks. Since that time, resident meetings have been held and construction prices have steeply escalated, so the original project scope has changed significantly. The newly revised project scope removes the street design altogether, replaces utility lines, makes drainage improvements, and rebuilds existing sidewalks, addressing ADA noncompliance. The City will follow up after the utility and drainage work is completed with an asphalt mill & overlay process using the City's annual asphalt contract. Because of the delay and significant scope change, staff and the consultant agreed to cancel the existing PSA and begin with a new agreement. The proposed PSA includes construction plans and bid documents for the reconstruction of water, sanitary sewer, storm sewer and limited sidewalk improvements in the Northwest Old Town area of Lewisville. Funding is available in the Northwest Old Town Capital Project.

**RECOMMENDATION:**

That the City Council approve the agreement and authorize the City Manager, or her designee, to execute the agreement.

5. [Approval of a Professional Services Agreement for Building Commissioning Services for the Tittle McFadden Public Safety Center with Matador Engineering, Inc., for the Facility's Parking Structure, Support Building & Sitework \(Bid Package # 4\); and the Police & Fire Departments' Administration Building and Central Fire Station \(Bid Package #5\) in the Amount of \\$128,456.94; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The best industry practice today is to have building commissioning services provided by a third-party firm contracted to the owner for vertical construction projects. Their assignment is to validate that the mechanical and electrical

systems' installation and testing requirements in the plans and specifications are being followed by the contractor. A total of seventy-nine (79) requests for qualifications were downloaded from Bonfire. Eighteen (18) submittals were received and opened on October 10, 2023. An evaluation of qualifications was performed, and it was determined that Matador Engineering, Inc., for building commissioning services at the Tittle McFadden Public Safety Center, offered the best value for the City and is being recommended for award. Funding is available in the Joint Public Safety Capital Project.

### **RECOMMENDATION**

That the City Council approve the award and authorize the City Manager, or her designee, to execute the agreement as set forth in the caption above.

6. [Approval of the Fiscal Year 2023-2024 Ambulance Service Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

### **ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department has provided emergency ambulance service to unincorporated areas of Denton County through an interlocal cooperation agreement for many years and is approved annually for the period of October 1 through September 30. The fiscal year 2023-2024 Ambulance Service Agreement provides for Denton County to pay the City an estimated fee of \$57,428 based on a funding formula as follows: 1) a fixed sum of \$57,174.75 based on a population percentage of .4601 per capita; and 2) a fixed sum of \$254.7139 per ambulance transport. The City will continue to bill the patients and their insurance companies in lieu of the \$254.7139 per transport; and 3) a fixed sum based on .34 rural miles in the agreed operating territory of \$253.65.

### **RECOMMENDATION:**

That the City Council approve the agreement, and authorize the City Manager, or her designee, to execute the agreement as set forth in the caption above.

7. [Approval of the Fiscal Year 2023-2024 Fire Protection Services Interlocal Cooperation Agreement Between Denton County and the City of Lewisville; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The Lewisville Fire Department provides fire protection services to Denton County through an annual interlocal cooperation agreement. By providing fire protection services to designated unincorporated areas of Denton County, revenue is generated for the City in the amount of \$10,000 for a readiness fee, plus \$700 per fire call. The term of this agreement is for the period of October 1, 2023, through September 30, 2024.

**RECOMMENDATION:**

That the City Council approve the agreement and authorize the City Manager, or her designee, to execute the agreement as set forth in the caption above.

8. [Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \\$1,755,152; Hotel/Motel Tax Fund - \\$13,359; PEP Programming Fund - \\$60,541; Asset Forfeiture-State Fund - \\$10,516; Community Activities Fund - \\$12,000; Grant Fund - \\$1,486,847; CDBG Grant Fund - \\$587,915; Crime Control and Prevention District Fund - \\$114,135; Fire Control and Prevention District Fund - \\$171,955; Utility Fund - \\$609,113; Stormwater Utility Fund - \\$45,952; Maintenance and Replacement Fund - \\$887,868; Self-Insurance Risk Fund - \\$92,698; Health Benefit Trust Fund - \\$5,525; Tax Increment Reinvestment Zone 1 - \\$7,733; Tax Increment Reinvestment Zone 2 - \\$6,437; Tax Increment Reinvestment Zone 3 - \\$1,640; Tax Increment Reinvestment Zone 4 - \\$8,505; LPLDC \(4B\) Fund - \\$146,151; and Approval of Supplemental Appropriations to Properly Fund Donation Project and the Annual Hotel/Motel Tax Fund Transfer: Fire and Police Training Fund - \\$5,337; Community Activities Fund - \\$5,728; Hotel/Motel Tax Fund - \\$225,301](#)

**ADMINISTRATIVE COMMENTS:**

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line-item accounts will be short at year-end. This fiscal year's larger appropriation reflects the volume of delayed shipments related to supply chain issues experienced during the prior fiscal year. In addition, supplemental appropriations are needed to increase the budget for

donations received in excess of the anticipated donation amounts and increase the budget for the annual hotel/motel tax fund transfer.

**RECOMMENDATION:**

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

9. [Approval of the Finance Policy 3.0 VI, Investment Policy.](#)

**ADMINISTRATIVE COMMENTS:**

The Public Funds Investment Act requires the Investment Policy to be submitted to the governing body on an annual basis for approval. The Texas legislature will, from time to time, change reporting requirements or have clarification to the statutes. While the state met this year, no action was taken requiring amendments or clarifications to the policy. This year the policy is being submitted for approval with no changes.

**RECOMMENDATION:**

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

**F. Regular Hearing**

10. [Consideration of Two Alternative Standards Associated With Building Materials and Landscaping for a Commercial Remodel; Located at 2325 South Stemmons Freeway \(IH-35E\), Legally Described as Lot 2, Block A, Vista Ridge Village Addition Phase 1; Zoned Light Industrial \(LI\) District, as Requested by Colton Wright, Vista Property Company, the Applicant, on Behalf of Vista Ridge Village SC LP, the Property Owner. \(23-11-18-ALTSTD\)](#)

**ADMINISTRATIVE COMMENTS:**

The applicant is proposing to divide the lease space previously occupied by Barnes and Noble into two spaces while maintaining continuity with the current architecture and landscaping. The following two alternative standards are required as the property is located within the IH-35E Corridor Overlay District: a) to allow 50% brick in lieu of the required 80% percent requirement, which is an increase from the current 37% brick; and b) to allow the existing 2 parking lot trees and landscape beds at the front of the building in lieu of the 20 required parking lot landscaping

trees. The Planning and Zoning Commission recommended unanimous approval (6-0) on December 5, 2023.

**RECOMMENDATION:**

That the City Council approve the two alternative standards as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

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

1. [City Council Reports](#)
2. [Staff Reports](#)

**H. Return to Workshop Session if Necessary**

**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.*
3. *Section 551.071 (Consultation with Attorney): Legal issues related to short-term rental properties.*

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

**K. 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).

The Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the City Council at a social function unrelated to the public business that is conducted by the City Council, or the attendance by a quorum of the City Council at a regional, state or national convention or workshop, ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event or press conference. The City Secretary’s Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conferences; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the City Secretary’s Office, nothing shall preclude a quorum of the City Council from gathering as long as “deliberations” within the meaning of the Texas Open Meetings Act do not occur.

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 \_\_\_\_\_, 2023 by \_\_\_\_\_ AM.

\_\_\_\_\_  
City Secretary