

LEWISVILLE CITY COUNCIL

REGULAR SESSION

November 18, 2024

6:30 P.M.

Present:

TJ Gilmore, Mayor

Council Members:

Patrick Kelly, Mayor Pro Tem
Ronni Cade, Deputy Mayor Pro Tem
Bob Troyer
William Meridith
Brandon Jones
Kristin Green

City Staff:

Claire Powell, City Manager
Gina McGrath, Deputy City Manager
Shante Akafia, Assistant City Manager
Jim Proce, Assistant City Manager
Lauren Crawford, Deputy City Attorney
Thomas Harris III, City Secretary

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Gilmore at 6:30 p.m. on Monday, November 18, 2024, in the City Council Conference Room of Lewisville City Hall, 151 West Church Street, Lewisville, Texas. City Department Heads were also in attendance.

WORKSHOP SESSION

Discussion of Regular Agenda Items and Consent Agenda Items

(Agenda Item A)

Mayor Gilmore led a discussion of regular agenda items and consent agenda items and received questions and comments from City Council and City staff. City Manager Claire Powell answered questions and comments from the City Council regarding Item Nos. D-1, D-2, F-4 and F-7. Mayor Gilmore will recuse from Item No. F-6, and this item will be pulled from the Consent Agenda. Council Member Green will recuse from Item No. G-8.

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Easement & ROW Acquisition

(Agenda Item B)

At the request of Mayor Gilmore, City Engineer David Salmon gave a presentation on Easement & ROW Acquisition and received questions and comments from City Council and City staff.

Mayor Gilmore RECESSED Workshop Session at 7:00 p.m.

REGULAR SESSION

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Gilmore at 7:00 p.m. on Monday, November 18, 2024.

Invocation

(Agenda Item A)

At the request of Mayor Gilmore, Council Member Kristin Green gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Gilmore, Mayor Pro Tem Patrick Kelly gave the pledge to the United States and Texas flags.

Mayor Gilmore RECESSED into Workshop Session at 7:01 p.m.

Return to Workshop Session if Necessary

(Agenda Item I)

Mayor Gilmore RECONVENED into Workshop Session at 7:01 p.m.

Easement & ROW Acquisition (continued)

(Agenda Item B)

At the request of Mayor Gilmore, City Engineer David Salmon gave a presentation on Easement & ROW Acquisition and received questions and comments from City Council and City staff.

REGULAR SESSION

Mayor Gilmore RECONVENED into Regular Session at 7:14 p.m.

**Proclamation Declaring the Week of
November 17-23, 2024, as "Hunger and
Homelessness Awareness Week".**

(Agenda Item C-1)

Mayor Gilmore presented the proclamation to Grants Specialist Rachel Hiles, CDBG Grant Coordinator Elena Shehan and Charlie Leavitt, Metro Relief Executive Director.

**Proclamation Recognizing the 25th
Anniversary of the Texas Master Naturalist
Elm Fork Chapter.**

(Agenda Item C-2)

Mayor Gilmore presented the proclamation to Fran Witte with Texas Master Naturalist-Elm Fork Chapter.

**Recognition of Parks and Recreation
Department Employee Miranda Maloy for
Receiving the National Recreation and Park
Association's Young Professional
Fellowship.**

(Agenda Item C-3)

Mayor Gilmore presented the certificate of recognition to Miranda Maloy.

PUBLIC HEARING

**Public Hearing: Consideration of
Ordinance No. 0714-24-SUP, an Ordinance
Granting a Special Use Permit for a
Gasoline Service Station; on 10.5078 Acres
Legally Described as Lot 41R, Block C,
Valley Ridge Business Park West, Zoned
General Business District (GB) and Located
at 751 West Main Street; as Requested by
Ryan Alvarez, Kimley Horn & Associates,
on Behalf of Wal Mart Stores #18 6381, the
Property Owner. (Case No. 24-05-6-SUP).**

(Agenda Item D-1)

Sam's Club is proposing to add two new fuel dispensers to the existing gasoline service station located on the southeast portion of the property. The Planning and Zoning Commission recommended unanimous approval (7-0) on October 15, 2024.

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

Planning Director Richard Luedke was available for questions posed by the City Council.

Mayor Gilmore opened the public hearing at 7:28 p.m.

Ryan Alvarez with Kimley Horn presented the traffic circulation maps.

MOTION: Upon a motion made by Council Member Troyer and seconded by Mayor Pro Tem Kelly, the Council voted six (6) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:34 p.m.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Gasoline Service Station On 10.5078 Acres Legally Described as Valley Ridge Business Park West, Lot 4-R1R, Block C, Located at 751 West Main Street, and Zoned General Business (GB) District; Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Council Member Green and seconded by Council Member Meridith, the Council voted six (6) “ayes” and no (0) “nays” to approve **Ordinance No. 0714-24-SUP**. The motion carried.

Public Hearing: Consideration of Ordinance No. 07-15-24-ZON, an Ordinance Granting a Zone Change From Agriculture Open Space (AO) District to Light Industrial (LI) District, on 4.909 Acres out of the P. Higgins Survey, Abstract 525; Located at 610 Holfords Prairie Road; as Requested by Ali Reza Ravjani, the Property Owner. (24-08-8-Z).

(Agenda Item D-2)

The subject property is located on the west side of Holfords Prairie Road, approximately 72 feet north of Oak Tree Lane. The property owner wishes to rezone the property to Light Industrial to facilitate a future office/warehouse development. The Planning and Zoning Commission recommended unanimous (7-0) approval on October 15, 2024.

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

Planning Director Richard Luedke was available for questions posed by the City Council.

Mayor Gilmore opened the public hearing at 7:35 p.m.

MOTION: Upon a motion made by Council Member Green and seconded by Deputy Mayor Pro Tem Cade, the Council voted six (6) “ayes” and no (0) “nays” to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:37 p.m.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

“An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Rezoning Approximately 4.909 Acres of Land Out of the P. Higgins Survey, Abstract Number 525; Located at 610 Holfords Prairie Road; From Agriculture – Open Space (AO) District Zoning to Light Industrial (LI) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Determining That the Zoning Amendment Herein Made Promotes the Health, Safety, and General Welfare of the City; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Council Member Jones and seconded by Council Member Green, the Council voted six (6) “ayes” and no (0) “nays” to approve **Ordinance No. 0715-24-ZON** as set forth in the caption. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

There were no speakers for Visitors/Citizens Forum.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Council Member Green and seconded by Mayor Pro Tem Kelly, the Council voted six (6) “ayes” and no (0) “nays” to approve the Consent Agenda, with the exception of Item No. F-6.

3. APPROVAL OF MINUTES: Minutes of the October 15, 2024, Called Special Joint Meeting of the City Council and Planning and Zoning Commission and City Council Minutes of the November 4, 2024, Workshop Session, and Regular Session.
4. Authorization for the City Manager, or Her Designee, to Execute a 5 year Lease Agreement with APG Properties, LLC for the City Health Clinic Managed by Marathon Health Located at 190 Civic Circle.
5. Approval of a Change Order to a Local Project Advance Funding Agreement With the Texas Department of Transportation in the Amount of \$113,392.84 Related to Construction and Funding for Aesthetic Improvements for the FM 1171

Interchange at I 35, Specifically Regarding the Addition of the Words Fighting Farmers Way to the Face of the Main Street Overpass; and Authorization for the City Manager, or Her Designee, to Execute the Change Order.

- ~~6. Approval of an Economic Development Agreement Between the City of Lewisville and Old Town Craft LLC; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.~~
7. Approval of the First Amendment to the Professional Services Agreement Between the City and Marathon Health, LLC Changing the Location of the Wellness Clinic; and Authorize the City Manager, or Her Designee, to Execute all Necessary Documents.

The motion carried.

Mayor Gilmore recused from Item F-6 and left the Council Chamber.

Approval of an Economic Development Agreement Between the City of Lewisville and Old Town Craft LLC; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.

(Agenda Item F-6)

Old Town Craft LLC (“Company”) wishes to lease city owned property located at 206 West Main Street and 207 Elm Street (collectively referred to as the “Property”) for a term of up to seven (7) years, with a right of first refusal to purchase the Property. The Company is proposing to invest a minimum of \$800,000 into redevelopment of the property and operate a taproom, beer garden, cocktail bar, and food truck park with a minimum of three food trucks. The Company has experience operating many similar businesses in Denton, such as East Side Denton, Miss Angeline’s, and Oak Street Draft House, as well as in Dallas and Florida. As consideration for redevelopment and activation of the Property, the proposed agreement includes (1) a waiver of all building permit fees associated with the project; (2) a grant equal to one hundred percent (100%) of the water and sanitary sewer impact fees paid to the City for the project; (3) a grant of up to 50% of the tenant and/or façade improvement costs for both buildings, with a maximum grant amount of \$80,000; (4) a grant of up to 50% of the cost of a mural on the 207 Elm building, with a maximum grant amount of \$40,000; and (5) a grant not to exceed \$75,000 related to planting a minimum of five mature trees on the Property. Funding is available from the Utility Fund, the Old Town Facade Capital Project, tree mitigation, and Tax Increment Reinvestment Zone #1.

The City staff’s recommendation was 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.

MOTION: Upon a motion made by Council Member Green and seconded by Council Member Meridith, the Council voted six (6) “ayes” and no (0) “nays” to approve the agreement and authorize the City Manager, or her designee, to execute the agreement as set forth in the caption

Mayor Gilmore returned to the Council Chamber.

Council Member Green recused from Item G-8 and left the Council Chamber.

Consideration of a Bid Award for Construction Services for W. College Street Paving and Utilities and Mill Street Parking to Axis Contracting, Inc., Forney, TX, in the Amount of \$5,638,376.30 and Authorization for the City Manager, or Her Designee, to Execute the Contract.

(Agenda Item G-8)

The project includes construction of new street paving on West College Street from Mill Street to Cowan Avenue, sidewalk improvements from Mill Street to Wayne Frady Park, new public utilities, and street calming features, including landscaped bump outs. The project also includes back in parking on Mill Street across from Whatley Avenue. A total of eighty nine (89) bid invitations were downloaded from Bonfire. Seven (7) bids were received and opened on September 5, 2024. After evaluation of the bids, staff recommends Axis, Inc. as the lowest responsible bidder. Funding is available in the West College Street capital project.

The City staff's recommendation was that the City Council approve the bid award and authorize the City Manager, or her designee, to execute the contract as set forth in the caption above.

MOTION: Upon a motion made by Council Member Jones and seconded by Mayor Pro Tem Kelly, the Council voted five (5) “ayes” and no (0) “nays” to approve the bid award and authorize the City Manager, or her designee, to execute the contract as set forth in the caption.

Council Member Green returned to the Council Chamber.

Reports

(Agenda Item H)

- Mayor Pro Tem Kelly thanked David Salmon for the quick response on a traffic light issue.
- Council Member Green wished everyone a Happy Thanksgiving and thanked the Parks and Recreation staff for their help at the lacrosse tournament.
- Council Member Jones reported on the presentation of a proclamation to the Association of Chinese Professionals and reported that the City of Lewisville has launched the My Lewisville customer service bot.

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- Council Member Cade reported on the National League of Cities 2024 City Summit.
- Council Member Meridith reported on upcoming Lewisville Library activities.
- Council Member Troyer reported on the National League of Cities 2024 City Summit and reported on upcoming events at the Lewisville Grand.
- Economic Development Director Marichelle Samples reported on the Lewisville Business Connection Series in partnership with the Lewisville Area Chamber of Commerce scheduled for Wednesday at 8:30 a.m. This is a legislative review and this is a free event with rsvp requested.
- Director of Public Services Aaron Russell reported on the lake level.
- Mayor Gilmore encouraged everyone to find an opportunity to volunteer this holiday season.

Closed Session

(Agenda Item J)

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.071 (Consultation with Attorney): Legal issues related to supplemental use regulations for Manufacturing, Light Intensity, Manufacturing, Medium Intensity, Manufacturing, Heavy Intensity, and Warehouse Distribution Facility uses.*
2. *Section 551.072 (Real Estate): Property Acquisition*
3. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

Mayor Gilmore RECESSED into Closed Session at 7:51 p.m.

**Reconvene and Consider Action, if any, on
Items Discussed in Closed Session**

(Agenda Item K)

Mayor Gilmore RECONVENED into Regular Session at 8:50 p.m.

Adjournment

(Agenda Item L)

There being no further business to come before the Council, Mayor Gilmore adjourned the meeting of the Lewisville City Council at 8:51 p.m. on Monday, November 18, 2024.

These minutes approved by the Lewisville City Council on the 2nd of December, 2024.

APPROVED

TJ Gilmore
MAYOR

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ATTEST:

Thomas Harris III,
CITY SECRETARY

DRAFT MINUTES



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

Lewisville City Council Meeting

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Easement & ROW Acquisition



EASEMENT & ROW ACQUISITION FOR PUBLIC INFRASTRUCTURE PROJECTS

TOPICS

1) EMINENT DOMAIN

2) LANDOWNER'S BILL OF RIGHTS

3) CITY OF LEWISVILLE ACQUISITION PROCESS

EMINENT DOMAIN PROCESS

- Bonafide Offer is Made by Certified Mail.
- No earlier than 14 days after the final offer letter is sent, assuming the landowner and the City are unable to agree on terms, a condemnation petition may be filed with the court, with concurrent notice to the property owner and, if applicable, landowner's attorney.
- Within 30 days, the judge appoints special commissioners who are disinterested property owners who reside in the county. The judge will allow reasonable time for each party to strike a commissioner.
- The special commissioners order a hearing date to assess the landowner's damages no earlier than 20 days after the date they are appointed.
- Notice of the hearing is served to the landowner not later than 20 days prior to the hearing. In certain cases, notice may be served by publication in the newspaper.

EMINENT DOMAIN PROCESS

- The hearing is held. Both the landowner and the City argues their case for value.
- Commissioners issue a ruling on the value of the take and file it with the court. The Clerk of Court sends notice of decision by certified mail.
- The City deposits the award into the registry of the court to take possession and begin construction. If the landowner withdraws the funds, they forfeit the right to challenge the validity of the taking and may only challenge the amount of compensation.
- Either party may object to the commissioners' award. The objection must be in writing and filed with the court on or before the first Monday following the 20th day after the commissioners' award is filed with the court.
- If there is an objection to the award or the right to condemn, the appeal may continue while construction is ongoing.



THE STATE OF TEXAS

LANDOWNER'S BILL OF RIGHTS

This Landowner's Bill of Rights applies to any attempt to condemn your property. The contents of this Bill of Rights are set out by the Texas Legislature in Texas Government Code section 402.031 and chapter 21 of the Texas Property Code. Any entity exercising eminent domain authority must provide a copy of this Bill of Rights to you.

LANDOWNER'S BILL OF RIGHTS

- The Landowner's Bill of Rights is a document created by the Texas Attorney General's Office outlining a landowner's rights in and the general process of eminent domain.
- Before or at the same time that an entity makes representation to the landowner that it has eminent domain authority, the entity must provide the landowner with the Landowner's Bill of Rights. Once the City Council authorizes staff to proceed with acquisition including eminent domain, the Landowner's Bill of Rights is provided with each offer.

LANDOWNER'S BILL OF RIGHTS

WHAT IT INCLUDES

- **Condemnation Procedure**
 - Where to get help
 - Public Purpose & Use
 - Adequate Compensation
 - Other Compensation
 - Obligations of the Condemnor
 - Objecting to an Offer

LANDOWNERS BILL OF RIGHTS

WHAT IT INCLUDES

- Special Commissioners' Hearing
 - Role of the Special Commissioner
 - Limitations of the Special Commissioner
 - Who Can be a Special Commissioner
 - Objection to a Special Commissioner
 - Commissioners' Hearing, What to Expect
 - Landowner's Rights at the Hearing
 - Condemnor's obligations

LANDOWNERS BILL OF RIGHTS

WHAT IT INCLUDES

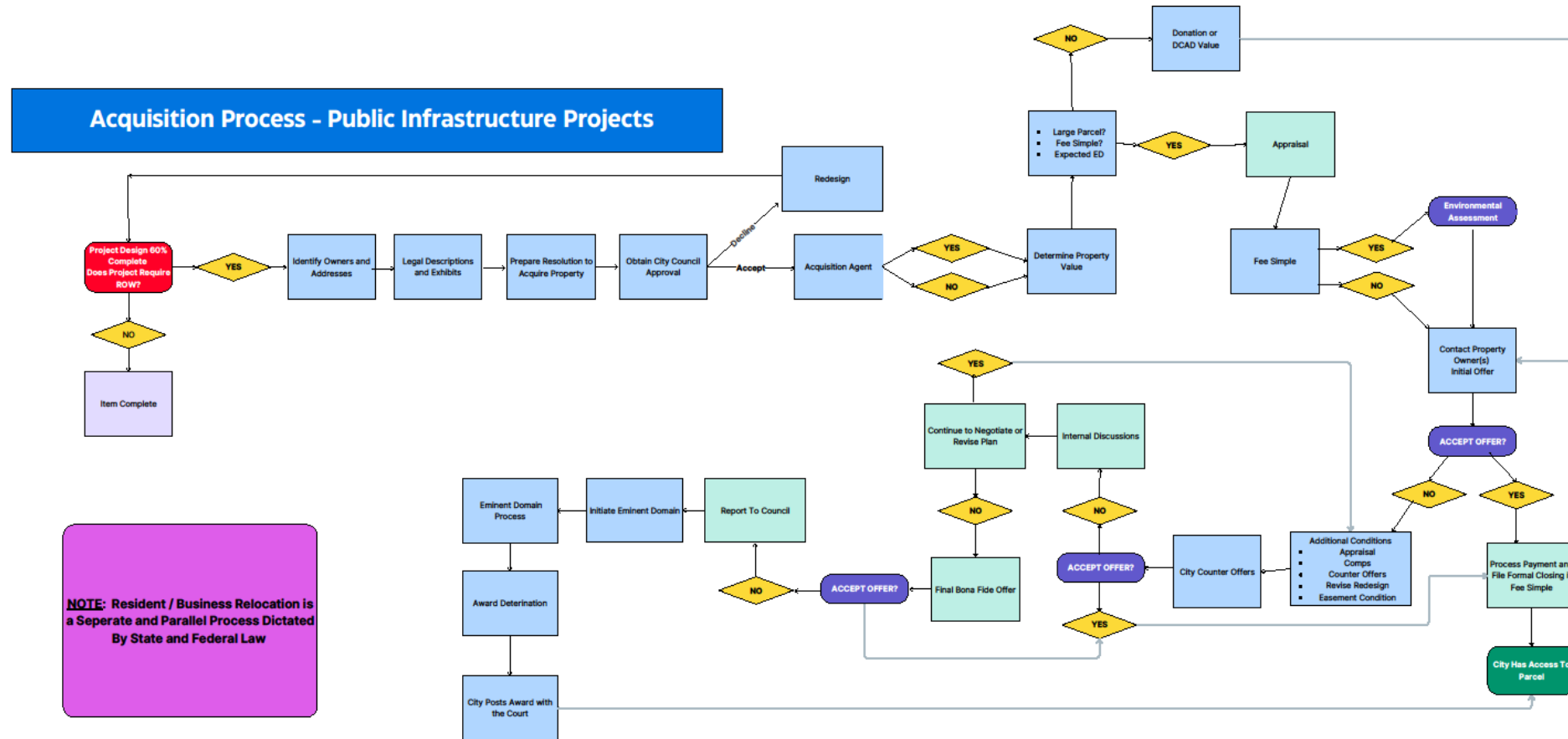
- Objecting to the Commissioners' Award
 - How to Object
 - What Happens after the Landowner Objects
 - Who Pays for the Trial
 - After the Trial, including Appeal

LANDOWNERS BILL OF RIGHTS

WHAT IT INCLUDES

- Dismissal of the Condemnation Action
 - Condemning Agency Can Decide Not to Condemn
 - Landowner Can Challenge the Agency's Right to Condemn
 - Ability to Get Property Back if Not Used Within 10 Years

PROCESS FLOWCHART



COMMENTS, QUESTIONS AND DIRECTION