



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, September 18, 2023

5:30 PM

Lewisville City Hall

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 - 5:30 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. [Discussion of Castle Hills Solid Waste Collection](#)
- C. [1951 Summit Development Update](#)
- D. [Discussion of Grand Theater HOME Design](#)

Regular Session - 7:00 P.M.

- A. **Invocation - Mayor Gilmore**
- B. **Pledge to the American and Texas Flags - Councilmember Green**
- C. **Presentation**
 - 1. [Presentation of Certificate of Appreciation to Kris Honey for his Assistance in the Capture of a Fleeing Felon.](#)
- D. **Public Hearing**
 - 1. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for Commercial Amusement \(Outdoor\); on Approximately 3.175](#)

[Acres out of the S.M. Hayden Survey, Abstract Number 537, Zoned Light Industrial \(LI\) District, Located on the East Side of Barfknecht Lane, Approximately 1,540 Feet South of Midway Road, as Requested by Ronald Wygal, Endurance Development, on Behalf of Pathfinder Sports LLC, the Property Owner. \(Case No. 23-02-3-SUP\).](#)

ADMINISTRATIVE COMMENTS:

The applicant requests a Special Use Permit for a 19,200 square-foot cricket sports facility with an outdoor practice field. Increased landscaping and enhanced building materials are provided with this request. The proposed outdoor practice field has been situated as far as possible from an existing single family home west of the site to mitigate sound and light impacts. Hours of operation are from 7:00 a.m. to 10:00 p.m. seven days a week. Staff finds the request consistent with the Big Move of Economic Vitality from the Lewisville 2025 vision plan and with the Special Use Permit approval criteria listed in Article III.9.2 of the Unified Development Code. The Planning and Zoning Commission recommended unanimous approval (5-0) on September 5, 2023.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

2. [Public Hearing: Consideration of the Proposed FY 2023-24 Fee Schedule.](#)

ADMINISTRATIVE COMMENTS:

A public hearing on the FY 2023-24 fee schedule is being held to provide an opportunity for public comment. In addition, Local Government Code Section 214.908 was amended this year to require the building permit fee of a municipality to be abolished on the 10th anniversary after the date the fee is adopted or most recently authorized, unless the municipality's governing body holds a public hearing on the fee's reauthorization and reauthorizes the fee (will be effective in January 2024). Rather than holding a public hearing once every 10 years on the reauthorization of these specific fees, staff recommends a public hearing be held annually on the entire proposed fee schedule. Proposed updates in this year's fee schedule include changes to Grand Theater fees, Wayne Ferguson Plaza rentals,

special event fees, Engineering inspection fees, utility rates (water, sewer, & solid waste), fire prevention, permit, & inspection fees, library fees, building permits, health & code enforcement, Old Town development plan submittal fees, and Parks & Recreation fees.

RECOMMENDATION:

That the City Council conduct the Public Hearing.

3. [Public Hearing: Consideration of the Proposed Tax Rate of the 2023 Tax Year.](#)

ADMINISTRATIVE COMMENTS:

In accordance with state law, a public hearing is being held on the proposed tax rate for the 2023 tax year. Council has proposed reducing the tax rate by \$0.024222 to \$0.419079. Section 26.05(d) of the Texas Property Tax Code requires a governing body to hold a public hearing to adopt a tax rate for the current tax year if the proposed rate exceeds the lower of the voter-approval or no-new-revenue rate. The total tax rate proposed for FY 2023-24 of \$0.419079 exceeds the no-new-revenue rate of \$0.392761 by 6.7 percent. The proposed total tax rate does not exceed the voter-approval rate of \$0.419079. The proposed tax rate was recommended by City Council at the budget workshop held on August 12, 2023. An agenda item to adopt the 2023 tax rate is also on tonight's City Council meeting.

RECOMMENDATION:

That City Council hold the public hearing as set forth in the caption above.

E. 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.

F. Consent Agenda

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

4. [Approval of the First Amendment to Interlocal Agreement Among the City of Lewisville, the Town of Flower Mound and the City of Highland Village; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

An Interlocal Agreement (ILA) among the City of Lewisville, the Town of Flower Mound and the City of Highland Village to build, operate and maintain, a joint fire training facility was approved by City Council and went into effect in October of 2021. The not-to-exceed amount was set at \$4,961,250.00. Due to escalating market conditions, the cost of the project came in \$1,912,910 over budget. This amendment to the ILA reflects the new total and assigns the proportional amount each city owes. Approval of the Design Build Amendment No. 1 that reflects the new project total of \$6,486,352 is on this same agenda for council approval.

RECOMMENDATION:

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

5. [Approval of Design Build Amendment No. 1 to the AIA A141 Owner-Design Builder Agreement for Construction Services for the Lewisville Fire Training Structures to CORE Construction Services of Texas, Inc., in the Amount of \\$6,486,352; and Authorization for the City Manager, or Her Designee, to Execute the Amendment.](#)

ADMINISTRATIVE COMMENTS:

The City Council approved the AIA A141 Design Build Agreement for Preconstruction Services for the Fire Training Structures for CORE Construction Services of Texas, Inc., in the amount of \$336,000 on September 12, 2022. The preconstruction process has been completed, and the City staff is submitting Design Build Amendment No. 1 containing the final design, as well

as associated construction cost and schedule. Funding is available in the Fire Training Tower Capital Project.

RECOMMENDATION:

That the City Council approve Design Build Amendment No. 1 and authorize the City Manager, or her designee, to execute the agreement as set forth in the caption above.

6. [Approval of the Agreement for Award of Transportation Development Credits Between the Regional Transportation Council \(RTC\) and the City of Lewisville; and Authorization for the City Manager, or Her Designee to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

In September 2021, the City Council approved an initial agreement with the Regional Transportation Council (RTC) for an award of 480,000 Transportation Development Credits (TDCs) to provide a 20% match for a \$2,400,000 federally funded project to build the southern extension of the DCTA A-Train Rail Trail from Hebron Station to the Carrollton City Limits. Cost escalation and additional trail mileage associated with the development of a nature park in Carrollton have increased the overall cost of the project. To help alleviate the additional costs, the RTC has awarded an additional 121,600 TDCs for the project.

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 an Agreement for Lakeside Crossing PID Assessment Tax Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2023-24; and Authorization for the City Manager, of Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

In Fiscal Year 1997-98, the City entered into an agreement with the Denton County Tax Assessor-Collector to bill and collect City ad valorem taxes. The City began using their services for the Josey Lane PID assessments in 2016 when assessments in this PID began. An additional agreement is now needed to

bill and collect assessments for the newly created Lakeside Crossing PID. Tax billing and collection services from the County have provided value to the City and have been very dependable. The contract rate for this new agreement is the same as for the prior year agreements maintained for the City and Josey Lane PID. The contract rate per parcel will be \$1.00. Funding to cover these expenditures will come from the Administrative Fund of the Lakeside Crossing PID.

RECOMMENDATION:

That 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 Contract Award for the Holiday Decorations Program to Premiere Lighting Enterprises, LLC, in the Amount of \\$108,995; and Authorization for the City Manager, or Her Designee, to Execute the Contract.](#)

ADMINISTRATIVE COMMENTS:

A total of twelve (12) proposals were downloaded from Bonfire. One (1) proposal was received and opened on July 11, 2023. The proposal was evaluated, and it was determined that Premiere Lighting Enterprises, LLC offers the best value for the City and is being recommended for award based on evaluation criteria. Funding is available in the General Fund for the one-time costs and in the Community Relations & Tourism budget for the annual service costs.

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.

9. [Approval of a Resolution Authorizing the Addition of up to Three Firefighter Positions, Two Police Officer Positions, One Jailor Position and One Public Safety Dispatcher Position Over the Authorized Number of Positions in the FY 2023-24 Budget to Alleviate Understaffing Caused by Turnover.](#)

ADMINISTRATIVE COMMENTS:

City Council previously approved a resolution authorizing the overfill of three

firefighter positions, two police officer positions, one jailor position, and one public safety dispatcher position over the authorized budget. This resolution is required each year in conjunction with the budget. Staff requested approval to overfill these positions due the rigorous and lengthy recruitment and selection process necessary to find qualified applicants. In addition, these positions typically have lengthy training periods required before they can work independently in their positions. This resolution requires approval on an annual basis.

RECOMMENDATION:

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

10. [Approval of a Resolution Authorizing Agreements Regarding the Disbursement of Grant Funding with Budgeted Subrecipients Receiving Portions of the City of Lewisville's U.S. Department of Housing and Urban Development Community Development Block Grant Entitlement Funding and with City of Lewisville Social Service Agency Funding Recipients for FY 2023-24; and Providing an Effective Date.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville has submitted its 2023 Annual Action Plan as required by the U.S. Department of Housing and Urban (HUD) to receive Community Development Block Grant (CDBG) funds. Agreements have been prepared for each of the non-profit entities receiving CDBG funds as well as those receiving City Social Service Agency Funds. The City's CDBG allocation for FY 2023-24 is \$762,768, which is a reduction of \$21,000 from the 2022-23 Plan Year allocation of \$783,866. The plan includes continued funding for grants to sub-recipients for social service programs. The CDBG Advisory Committee reviewed and scored all non-profit applications that were submitted in March 2023. The Committee then recommended awards and allocations that were presented and approved by Council on August 7, as part of the Annual Action Plan.

RECOMMENDATION:

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

11. [Acceptance of Two Resignations From the Animal Services Advisory Committee Including the Animal Welfare Organization Representative and](#)

[the Place No. 3 Representative; Declaring Two Vacancies; and Appointing David Margulies to Place No. 3 on the Animal Services Advisory Committee.](#)

ADMINISTRATIVE COMMENTS:

Resignations were received from two Animal Services Advisory Committee members: James Cooney, Place No. 3, on August 11, 2023; and, Beverly Freed, Animal Welfare Organization Representative, on September 12, 2023. Twenty-two (22) applications were submitted by residents who currently do not serve on a board or commission. David Margulies was one of the applicants, met the qualifications for service and was selected by the board appointment review team (Deputy Mayor Pro Tem Kelly and Councilmember Cade) as the nominee to fill the vacancy.

RECOMMENDATION:

That the City Council accept two resignations, declare two vacancies, and appoint David Margulies to the Animal Services Advisory Committee as set forth in the caption above.

G. Regular Hearing

12. [Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Amending the Previously Adopted and Approved Budget Ordinance for the Fiscal Year October 1, 2022 to September 30, 2023; By Providing Supplemental Appropriations to the Various Funds; Providing and Effective Date; and Declaring an Emergency.](#)

ADMINISTRATIVE COMMENTS:

The purpose of this ordinance is to amend the FY 2022-23 adopted budget to include all supplements and changes approved by Council throughout the year. Appropriations include the routine supplements completed each year for prior year encumbrances (purchases) that overlap into the next fiscal year, items presented in the mid-year report in May, as well as appropriations that correct year end balances.

RECOMMENDATION:

That the City Council approve the ordinance amending the FY 2022-23 budget.

13. [Consideration of an Ordinance Adopting the FY 2023-24 Tax Rate.](#)

ADMINISTRATIVE COMMENTS:

This action will adopt the City's annual ad valorem tax rate for all taxable property at \$0.419079 per \$100 of assessed valuation. Council has proposed reducing the tax rate by \$0.024222 from the prior year rate of \$0.443301. The proposed rate combines the following: Maintenance and Operations \$0.296759 and Principal and Interest on Debt Service \$0.122320 for a total tax rate of \$0.419079. The proposed tax rate exceeds the no-new-revenue tax rate of \$0.392761. Therefore, specific language is required in the ordinance, the vote on this ordinance must be a record vote and approved by at least 60 percent of the members of the governing body. For the City of Lewisville, this would equal at least five voting members. The motion to adopt the ordinance must be made using specific language as found in the recommendation below.

RECOMMENDATION:

That City Council approve the proposed ordinance adopting the FY 2023-24 tax rate with the following motion: "I move that the property tax rate be increased by the adoption of a tax rate of \$0.419079, which is effectively a 6.7 percent increase in the tax rate."

14. [Consideration of an Ordinance Amending the Fee Schedule of the City of Lewisville by Amending Fees Related to Community Relations and Tourism, Engineering, Finance, Fire, Library, Neighborhood and Inspection Services, Parks and Recreation, Planning and Development, and Public Services; and Authorizing Existing Fees as Presented in the Attached Fee Schedule \("Attachment B"\).](#)

ADMINISTRATIVE COMMENTS:

As part of the annual budget process, changes to the fee schedule based on an analysis of current charges as compared to cost recovery goals and/or comparison to surrounding entities is conducted. In addition, fees are reviewed to make sure they are still applicable. Resulting modifications are proposed by the departments. Actual fee schedule information is located on the City's website within the Finance section. This repository is maintained by the City Manager's Office. Proposed updates in this year's fee schedule include changes to Grand Theater fees, Wayne Ferguson Plaza rentals, special event fees, Engineering inspection fees, utility rates (water, sewer, & solid waste), fire prevention, permit, & inspection fees, library fees, building permits, health & code enforcement, Old Town development plan

submittal fees, and Parks & Recreation fees.

RECOMMENDATION:

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

15. [Consideration an Ordinance of the Lewisville City Council Amending Chapter 3, Division 3, Animal Services Advisory Committee, Section 3-52, to Provide that the Requirement that Committee Members Be Citizens or Business Owners in the City or Citizens of the City's Extraterritorial Jurisdiction Does Not Apply to Certain Member Positions Mandated by State Law; Providing a Repealer, Severability And An Effective Date; And Declaring An Emergency.](#)

ADMINISTRATIVE COMMENTS:

The current ordinance requires that all Animal Services Advisory Committee (ASAC) members be citizens or business owners in the city or citizens of the city's extraterritorial jurisdiction. This requirement has shown to be difficult when trying to fill specific vacancies on the ASAC. The proposed amendment will modify this requirement by removing it for the licensed veterinarian, the person with duties including daily operation of the shelter, and the representative from an animal welfare organization. Adding this exception broadens the applicant pool for potential committee members, which will help fill vacant positions faster.

RECOMMENDATION:

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

- H. Reports** Reports about items of community interest regarding which no action will be taken.
- I. Return to Workshop Session if Necessary**
- J. Closed Session**

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.071 (Consultation with Attorney): Legal issues related to the Fair Housing Act (42 USC Section 3601, et seq.)*
2. *Section 551.072 (Real Estate): Property Acquisition*
3. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

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).

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