



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, November 15, 2021**

**6:00 PM**

**Council Chambers**

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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 after Reports 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 Highway Safety Improvement Program](#)
- C. [Discussion of Multi-Family Inspection Program Update and Fee Revision](#)

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

- A. **Invocation - Councilmember Meridith**
- B. **Pledge to the American and Texas Flags - Councilwoman Cade**
- C. **Canvass of Bond Election**
  - A. [Canvass of the Election Returns for the City Council Bond Election](#)
  - B. [Consideration of a Resolution Declaring the Results of the City Bond Election](#)
- D. **Presentation**
  - A. [Salvation Army to Present the National Red Kettle Kickoff; Mayor Gilmore](#)

[to Issue a Challenge to Area Mayors](#)

- B. [Presentation by Lewisville Poet Laureate Yoonsoo Nam of an Original Composition Celebrating the Annexation of Castle Hills into Lewisville.](#)

## E. Public Input Session

- A. [Public Input Session: Consideration of the Proposed Districting Plan for the City's Residential Council District Boundary Lines for City Council Elections Based on 2020 Census Data](#)

### **ADMINISTRATIVE COMMENTS:**

The full purpose annexation of the area encompassing Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H, also known as the Castle Hills Development, into the City of Lewisville triggered the addition of a sixth council position and the adoption of residential council districts. The proposed districting plan sets forth the new residential council district boundary lines for City Council elections based on the 2020 census data. All written and oral input will be considered at the public input session. A copy of the proposed districting plan is, and has been, available on the City website at <https://www.cityoflewisville.com/about-us/mayor-and-council/residential-districts> and at the City Secretary's Office, Lewisville City Hall, 151 W. Church Street, Lewisville, Texas 75029.

### **RECOMMENDATION:**

That the City Council conduct the public input session on the proposed districting plan as set forth in the caption.

## F. Public Hearing

1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change From Old Town Mixed Use 2 \(OTMU2\) District to Planned Development - Old Town Mixed Use 2 \(PD-OTMU2\) District With Three Associated Variances Related to Parking and Landscaping on 0.1223 Acres Legally Described as South Village Addition, Block A, Lots 6-9; Located at 206, 208, 210 and 212 South Village Way; as Requested by Patricia Fant, McAdams, the Applicant, on Behalf of Henry Rahmani, RCD Groups, LLC, the Property Owner \(21-03-1-PZ\)](#)

### **ADMINISTRATIVE COMMENTS:**

South Village is a mixed-use development situated directly south of the core of Old Town. The original development featured 51 single-family lots, 12 townhouse lots and one mixed-use building with ground floor commercial and 16 condominium units on the second and third floors with limited dedicated parking. To address parking concerns, the applicant proposes to convert four undeveloped single-family lots directly west of the mixed-use building to a three-story building with eight additional condominium units above 16 garage parking spaces on the first floor. The following three variances are requested: a) to allow 1.5 parking spaces per dwelling unit in lieu of the required 2 parking spaces per dwelling unit; b) to waive the required ten-foot landscape strip adjacent to all public and private streets; and c) to waive the required shade tree every fifty linear feet within the landscape strip. The Planning and Zoning Commission recommended unanimous approval (6-0) on October 19, 2021.

**RECOMMENDATION:**

That the City Council approve the ordinance and three associated variances as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

**G. 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.*

**H. 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.*

**2. [APPROVAL OF MINUTES: \(a\) City Council Minutes of the October](#)**

[18, 2021, Workshop Session and Regular Session.](#)

3. [Approval of Interlocal Agreement with the Lewisville Independent School District Regarding Shared Costs of School Resource Officers and School Resource Sergeant Salary and Benefits and Authorization for the City Manager, or her Designee, to Execute the Agreement](#)

**ADMINISTRATIVE COMMENTS:**

Lewisville Independent School District has agreed to partially fund a School Resource Sergeant. The proposed agreement is that they will pay 75% of the Sergeant's salary and benefits and that the City will pay 25%. The City is responsible for all of the costs associated with the SRO Sergeant's equipment. This funding currently exists. Further, LISD will continue to fund 50% of the salaries and benefits of the School Resource Officers.

**RECOMMENDATION:**

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

4. [Approval of an Interlocal Cooperation Agreement for Library Services with Denton County and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

Denton County has requested that the Lewisville Public Library provide library services to all residents of Denton County. In exchange for such services for the period of October 1, 2021 through September 30, 2022, Denton County will pay the City of Lewisville \$83,200 based upon Lewisville's population per North Central Texas Council of Governments figures and a proportionate share of unserved Denton County residents.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Carolyn Booker, Director of Library Services

5. [Approval of a Bid Award for the Prairie Creek Valve Replacement Project to Machining & Valve Automation Services, LLC, Royse City, Texas, in the Amount of \\$141,295; and Authorization for the City Manager or her Designee to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

A total of fifteen (15) proposal invitations were downloaded from Bonfire. One (1) proposal was received and opened on September 9, 2021. This project consists of the contractor supplying and installing three (3) 18” knife gate valves with bevel gear handwheel actuators, and three (3) 18” flanged swing check valves with side mounted air cushion. Funding is available in the Capital Improvements Project account Utility Equipment Replacement.

**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.

6. [Approval of a Bid Award for the Garden Ridge Trail & Railroad Park Wayfinding Signage project to SSC Signs & Lighting, Lewisville, Texas, in the Amount of \\$262,461.52; and Authorization for the City Manager or her Designee to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

A total of seventeen (17) bid invitations were downloaded from Periscope S2G. Five (5) bids were received and opened on July 27, 2021. This project consists of the fabrication and installation of the signage for Garden Ridge Trail and Railroad Park and all extra work in connection with the Services. Funding for this project is available through Capital Improvement Project accounts.

**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.

7. [Approval of a Bid Award for the IH35 Green Ribbon Program Project to Select Maintenance, LLC, Euless, Texas, in the Amount of \\$1,170,160.95; and Authorization for the City Manager or her Designee to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

A total of twelve (12) bid invitations were downloaded from Periscope S2G. Two (2) bids were received and opened on September 16, 2021. This project includes two-tiered interchanges at IH35 and Valley Ridge Boulevard and 121 Business and E. Round Grove Road, with an approximate 4,900 linear-foot area, which will consist of landscape enhancements. The work consists of protecting the existing landscaping, installation of new landscape material comprised of trees, shrubs and seeding, and installation of permanent landscape irrigation. Funding for this project is available through Capital Improvement Project accounts.

**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.

8. [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.

9. [Approval of a Municipal Advisory Agreement for Financial Advisory Services Between the City of Lewisville and Hilltop Securities Inc.; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

Since 1994, the City of Lewisville has contracted with Hilltop Securities (formerly First Southwest Company) to assist in managing its annual bond programs. City staff have received an updated municipal advisory agreement from Hilltop Securities to continue providing bond advisory services. Services provided under their agreement include the preparation of financing options for consideration and determining the sizing and method of sale of the bonds.

Hilltop also works with City staff in developing regular financial forecasts and projections that provide direction for Council in managing the City's property tax rate. The updated proposal includes detailed scope of services and added language to comply with regulatory changes instituted by the Securities and Exchange Commission and the Municipal Securities Rulemaking Board. In addition to performing these tasks, Hilltop will provide capital improvement program planning, long-range financial planning, support for bond refundings, and preparation of continuing disclosure documents. A revised fee schedule is included with the updated agreement. The fee amount is based on the par amount of the bond issuance.

**RECOMMENDATION:**

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

10. [Approval of a Resolution Authorizing Participation with the State of Texas, Through the Office of the Attorney General, in the Global Opioid Settlement and Approving the Texas Term Sheet Regarding the Same; Authorizing the City Manager or Her Designee to Execute All Necessary Documents in Connection with the Above on Behalf of the City; and Providing an Effective Date](#)

**ADMINISTRATIVE COMMENTS:**

On May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The State of Texas, through the Office of the Attorney General, has also entered into settlement agreements with the three largest opioid distributors in the United States (McKesson Corporation, Cardinal Health, and AmerisourceBergen Corporation) and with the opioid manufacturer Johnson & Johnson (as Janssen Pharmaceuticals, Inc.). As part of the settlements, the City will receive up to \$382,094.00 over 18 years for opioid-abatement related uses, in addition to other funds which will be made available through regional grants. In order to participate in these settlement agreements, the City must authorize the City Manager or her designee to execute these two settlement agreements and approve the Texas Term Sheet on behalf of the City.

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**RECOMMENDATION:**

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

**I. Regular Hearing**

11. [Consideration of Two Alternative Standards to Chapter 17.5-5 \(c\) of the Lewisville City Code, IH-35E Corridor Overlay District, Related to Awnings and Window Groupings Associated With a Proposed Industrial Building on a 15.753-Acre Lot, Legally Described as Lewisville Square Addition, Block A, Lot 1A; Located at 280 East Corporate Drive; Zoned Light Industrial \(LI\) District, as Requested by Howard Akin of 280 Corporate LLC, the Property Owner \(Case No. 21-09-5-ALTSTD\).](#)

**ADMINISTRATIVE COMMENTS:**

On March 1, 2021, alternative standards to the requirements of the IH-35E Corridor Overlay District were approved for the layout of this site. At that time, the applicant had not completed full architectural plans and only presented conceptual renderings. The applicant has now requested a total of three alternative standards related to the elevations; two of which require City Council approval. The first requested Alternative Standard, which only required Overlay District Board approval, was to reduce the percentage of windows at grade from 40 percent to 28.6 percent. On October 19, 2021, the Overlay District Board unanimously approved (6-0) this request with conditions. The remaining two Alternative Standards requiring City Council approval are: a) to reduce the required percentage of canopies from 50% to 18%; and b) to allow 11 windows in a grouping without separation by a mullion at least 7 inches wide. On October 19, 2021, the Overlay District Board recommended unanimous approval (6-0) of Alternative Standard a) with the condition that canopies or awnings be added over all windows and doors; and recommended approval of Alternative Standard b) as presented.

**RECOMMENDATION:**

That the City Council approve Alternative Standard a) with the condition that canopies or awnings be added over all windows and doors and approve Alternative Standard b) as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director



12. [Consideration of an Alternative Standard to Section 17.5-4 of the Lewisville City Code, IH-35E Corridor Overlay District, for a Concept Plan That Does not Comply With the Framework Plan and Associated With the Proposed Scooter's Coffee; Located at 1165 South Stemmons Freeway, Legally Described as Lakeland Plaza Addition, a Portion of Lot 1, Block A; Zoned Local Commercial \(LC\) District, as requested by Kevin Dew, ALJ-Lindsey LLC., on Behalf of Scooter's Coffee, the Business Owner \(Case No. 21-09-4-AltStd\).](#)

**ADMINISTRATIVE COMMENTS:**

This property is located within the Core Subdistrict of the IH-35E Corridor Overlay District at the edge of Lakeland Plaza facing South State Highway 121 Business. The applicant plans to construct a new 752 square feet coffee shop with a drive-thru. The applicant is requesting an alternative standard for a concept plan that does not comply with the Framework Plan for the area and to provide the required six-foot sidewalk and trees along the frontage of State Highway 121 Business. The Overlay District Board recommended unanimous approval (6-0) on November 2, 2021.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

13. [Consideration of a Variance to the Lewisville City Code, Chapter 17, Section 17-30, Sale of Alcoholic Beverages, as Requested by Timothy Cesar, General Counsel, Discovery Senior Living Located at 2500 Windhaven Parkway, Lewisville, Texas.](#)

**ADMINISTRATIVE COMMENTS:**

An application for "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only" was submitted by the Discovery Senior Living located at 2500 Windhaven Parkway. They would like to allow their residents to be able to purchase beer and wine and mixed drinks on site. The site does not meet the City regulations that require the site be 300 feet measured in a direct line from the property line of the public school to the property line of the place of business.

When measurements extend across public streets, distances shall be measured utilizing street intersections (i.e. this does not include intersections related to driveway entrances). The City's ordinance was patterned after the TABC section regarding distance. Discovery Senior Living is seeking a variance to this regulation. Staff has received a letter from Dr. Rogers, LISD Superintendent that they have no objection to this variance request being approved.

**RECOMMENDATION:**

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

14. [Consideration of a Variance to Section 6-92 \(k\) of the Lewisville City Code to Allow Front Entry, Associated With the Final Plat of Greenland Hills Addition, Lot 7R, Block A, on 0.422 Acres out of the J.W. King Survey, Abstract Number 0696A; Zoned Single Family Residential \(R-7.5\) District, Located at 125 Simmons Avenue; Being a Replat of Lots 7 and 8, Block C, Greenland Hills.](#)

**ADMINISTRATIVE COMMENTS:**

This request is to allow front entry on a proposed lot facing Simmons Street, which currently contains all front entry lots and no alleys. The proposed subdivision combines two lots into one lot. Per Chapter 212 of the Texas Local Government, a public hearing is required for residential replats with associated variance requests. The Planning and Zoning Commission held a public hearing on October 19, 2021, and recommended unanimous approval (6-0) of the variance and directed City staff to approve the final plat once remaining deficiencies are corrected. City Council action is now required to formally approve the variance request.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

15. [Consideration of a Variance to the Lewisville City Code, Section 6-103 \(e\), Access Management, Auxiliary Lanes for Legacy Northern Gateway Apartments, a 11.1-Acre Parcel Zoned Planned Development-Mixed Use](#)

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[\(PD-MU\), Located at 900 Grandy's Lane, Requested by Joseph Hornisher, Kimley-Horn, on Behalf of the Owner.](#)

**ADMINISTRATIVE COMMENTS:**

The developer has immediate plans to construct two multifamily buildings totaling 296-units and a 2,673 square foot commercial building per the approved Planned Development. The owner is requesting a variance to waive the required deceleration lane at a driveway for lots that exceed five acres. The Engineering Site Plan is currently under review.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

David Salmon P.E., City Engineer

16. [Consideration of a Variance to the 1996 Castle Hills Agreement Section V\(2\) \(B\) Regarding Dead End Streets for Castle Hills Windhaven Parkway and Josey Lane Neighborhood, Located west of Josey Lane and along Windhaven Parkway, as Requested by LandDesign Inc., Representing the Property Owner.](#)

**ADMINISTRATIVE COMMENTS:**

The subject public road is located within Castle Hills, a newly annexed area within the City of Lewisville. In accordance with the Amended and Restated TIRZ Reimbursement Agreement dated August 16, 2021, it is to be developed in accordance with the 1996 Bright Farms Agreement. The subject property has been preliminary platted and is currently being final platted with construction plans to build a neighborhood with 84 residential lots. The following variance is being requested: to allow a for a temporary hammerhead turnaround in lieu of the required cul-de-sac turnaround for a dead-end street.

**RECOMMENDATION:**

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

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**AVAILABLE FOR QUESTIONS:**

David Salmon P.E., City Engineer

17. [Consideration of an Ordinance Amending Chapter 8, Miscellaneous Offenses, of the Lewisville City Code by Adding New Article IV, Prohibiting Urinating and/or Defecating in Public and Providing for a Defense; Providing a Repealer, Severability, Penalty and an Effective Date; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

Lewisville police officers have always relied on state law to enforce this type of behavior. Unfortunately, there is no state law specific to urinating and/or defecating in a public place. By adding this ordinance, Lewisville police officers will have the ability to enforce a more appropriate offense for this behavior if probable cause exists.

**RECOMMENDATION:**

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

18. [Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance of City of Lewisville, Texas, General Obligation Refunding Bonds in One or More Series, in an Aggregate Principal Amount Not to Exceed \\$140,000,000; Levying a Tax in Payment Thereof; Awarding the Sale Thereof and Approving Execution of One or More Purchase Agreements, Deposit Agreements and Escrow Agreements; Approving the Official Statement; and Enacting Other Provisions Relating to the Subject.](#)

**ADMINISTRATIVE COMMENTS:**

Staff is planning to issue General Obligation Refunding Bonds this fiscal year in a not-to-exceed amount of \$140.0M. The purpose of the issue is to refund all of the outstanding debt issued by the City for the benefit of Denton County Fresh Water Supply Districts 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H that is being assumed by the City as a result of the annexation of Castle Hills. The City will also be refunding District debt of 1-C that was issued directly by the District. Contract Revenue Bonds issued directly by District 1-A through the Texas Water Development Board will not be refunded because they are a zero percent loan. The bond sale will be

completed with the issuance of four separate series (2021A, 2021B, 2021C, 2021D). In order to allow flexibility in the sale of these bonds, Hilltop Securities, the City's financial advisor, has recommended the use of a parameters ordinance in issuing the refunding debt. A parameters ordinance allows the City Council to authorize the sale of bond obligations at a future date, as long as certain parameters are met. This parameters ordinance will provide the City's Authorized Officer (Director of Finance), pursuant to Chapters 1371 and 1207 of the Texas Government Code, and the parameters of this ordinance, the authority to approve the amount, the interest rates, the price, and term of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds at a time when most practical and economically feasible. The City's 2020 GO Refunding and Improvement Bonds and 2021 Utility Refunding and Improvement bonds were sold using a parameters ordinance.

**RECOMMENDATION:**

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

19. [Consideration of an Ordinance of the City of Lewisville, Texas Defining the Boundary Limits of the City of Lewisville, Texas Resulting From the Annexation of Approximately 2,568.38 Acres Comprising All Land Encompassing Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, And 1-H; Amending the Official Map of the City of Lewisville, Texas; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

On November 8, 2021, the City of Lewisville, Texas (the "City") and the Denton County Fresh Water Supply Districts 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, and 1-H (the "Districts") entered into that certain Third Amendment to the Strategic Partnership Agreement (the "Third Amendment") providing for full-purpose annexation of all lands within the boundaries of each of the Districts (the "Lands") on November 15, 2021, as authorized by Texas Local Government Code, Section 43.0751, and passed Ordinance No. 0402-21-ORD providing for, among other things, the annexation of the Lands into the City for all purposes under state law at 12:01 a.m. on November 15, 2021. This ordinance defines the City's boundary limits resulting from said annexation and amends the City's official map.

**RECOMMENDATION:**

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

20. [Consideration of an Ordinance Setting Forth the First Amendment to Contract and Exclusive Franchise for Collection and Disposal of Residential Garbage, Refuse, Yard Waste, Bulky Waste, and Containerized Commercial Solid Waste and Collection and Processing of Residential and Multi-Family Dwelling Recyclables within the City of Lewisville, Texas.](#)

**ADMINISTRATIVE COMMENTS:**

On November 16, 2020, City Council approved an exclusive franchise agreement for the collection of residential garbage, refuse, yard waste, bulky waste, recyclables, containerized waste, and multifamily recycling with Allied Waste Systems, Inc., doing business as Republic Services of Lewisville (Republic). This Franchise Ordinance provided that the cost of disposal for special waste and sludge will be negotiated under a separate agreement. Rather than entering a separate agreement, both parties have agreed to amend the current agreement to establish a cost of service for disposing of sludge at Camelot Landfill. The City Charter requires franchise amendments to be read twice, 30-days apart, and go into effect no earlier than 30 days after the final reading. The first reading will be November 15, 2021, the second reading will be on December 20, 2021, with the amendment effective on January 19, 2022. Staff does not anticipate a change in service delivery due to this request.

**RECOMMENDATION:**

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

21. [Consider and Act Upon Adoption of a Resolution Authorizing the Acquisition of Temporary Construction Easement for the Rehabilitation of the Timber Creek Sanitary Sewer East Trunk Interceptor and the Undertaking of all Improvements \(The ‘Project’\); Including, but not Limited to, Access to and Construction of the Project on Adjacent Property and Storage of Materials and Use of Equipment for the Project, Across an Area Generally Along Timber Creek and Lake Pointe Drive and Generally Bounded by Business SH-121 to the West and the Denton County Transportation Authority Rail Line on the East, Determining the Public Necessity of Such Acquisition; Authorizing the Appointment of an Appraiser and Negotiator as Necessary; Authorizing the City Manager \(or her Designee\) to Establish Just Compensation for the Property Rights to be Acquired; Authorizing the City Manager \(or her Designee\) to Take all Steps Necessary to Acquire the Needed Property Rights in Compliance with All Applicable Laws and Resolutions, Including Establishing Just Compensation](#)

[for the Property Rights to be Acquired; and Authorizing the City Attorney \(or her Designee\) to Institute Condemnation Proceedings to Acquire the Property Rights if Purchase Negotiations are not Successful; Providing for, Repealing, Savings, and Severability Clauses; and Providing for an Effective Date.](#)

**ADMINISTRATIVE COMMENTS:**

To construct and access the Project, temporary construction easements need to be acquired from multiple parcel owners. Staff will meet with the property owners to inform them of the pending improvements and provide a copy of the appraisal report. Property owners have previously been notified of the pending project via mail-outs. As required by Texas Property Code Section 21.0113, the City is required to first attempt to acquire the necessary acquisition(s) from the landowners voluntarily through the making of a bona fide offer prior to filing any eminent domain procedure.

**RECOMMENDATION:**

“I move that the City of Lewisville, Texas adopt the Resolution described in Agenda Item No. 21 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Attachment 1 attached to the Resolution, said description and depiction being incorporated into this motion for all purposes, for the rehabilitation of the Timber Creek Sanitary Sewer East Trunk Interceptor project, including, but not limited to, access and construction of the project on adjacent property and storage of materials and use of equipment for the project. This vote applies to all units of property described and depicted in Attachment 1 attached to the Resolution”

**AVAILABLE FOR QUESTIONS:**

David Salmon, PE, City Engineer

22. [Consideration of an Appointment to Replace Mayor Gilmore on the Denton County Homelessness Leadership Team.](#)

**ADMINISTRATIVE COMMENTS**

The focus of the Denton County Homelessness Leadership Team (DCHLT) includes creating stronger community collaboration around community goals to end homelessness, better data collection and sharing, and educating and informing the community about solutions to homelessness and the community impact. The

DCHLT is made up of representatives from Denton County, City of Denton, City of Lewisville, City of Sanger, board members from homelessness and housing providers, healthcare providers and members to the United Way of Denton County Board. The City of Lewisville appoints two members of the team (a council member and a city staff member/member of the community). Mayor Gilmore was appointed to this position when he served as a Councilman. Due to an increasing schedule, Mayor Gilmore is requesting that another City Councilmember be considered for appointment to this position.

### **RECOMMENDATION**

That the City Council consider appointing a City Councilmember to replace Mayor Gilmore on the Denton County Homelessness Leadership Team as set forth in the caption above.

23. [Consideration of a Resolution Extending the Declaration of Local Disaster for Public Health Emergency until 11:59 P.M. on December 6, 2021.](#)

### **ADMINISTRATIVE COMMENTS:**

On February 17, 2021, Mayor Rudy Durham, acting in accordance with authority granted to him under the City Charter and Code of Ordinances and under section 418.108(a) of the Texas Government Code, declared a local state of disaster for public health emergency due to concerns related to COVID-19 (the “Disaster Declaration”), which the Lewisville City Council subsequently ratified, supported, and continued until 11:59 p.m. on November 15, 2021. Ongoing evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services indicate that the conditions necessitating the Disaster Declaration have and will continue to exist for a period extending beyond November 15, 2021.

### **RECOMMENDATION:**

That the City Council consider the resolution as set forth in the caption.

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

- \* [Quarterly Investment Report from July 1, 2021 to September 30, 2021.](#)
- \* [Submission of Comments in the Public Utility Commission of Texas Project No. 52373 - Review of Wholesale Electric Market Design](#)



**K. Return to Workshop Session if Necessary****L. 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.*

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

**N. 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 \_\_\_\_\_, 2021 by \_\_\_\_\_ AM.

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