



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, December 4, 2023

6:00 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 - 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. [Beam Signing - Tittle McFadden Public Safety Center](#)
- B. [Discussion of Regular Agenda Items and Consent Agenda Items.](#)
- C. [Discussion of GO Bond Program and Blue Ribbon Committee Recommendation](#)

Regular Session - 7:00 P.M.

- A. **Invocation - Councilmember Cade**
- B. **Pledge to the American and Texas Flags - Mayor Gilmore**
- C. **Public Hearing**
 - 1. [Public Hearing: Consideration of an Ordinance Granting a Zone Change From Agricultural Open Space \(AO\) District to Light Industrial \(LI\) District; on Approximately 2.02 Acres out of the J.C. Moffett Survey, Abstract 886, and Henry Turner Survey, Abstract 1248, Located on the East Side of Duncan Lane Approximately 1,200 Feet South of Spinks Road; as Requested by Patrick and Karan Swann, DBA Swann Landscape Construction, the Property Owners. \(Case No. 23-09-16-Z\)](#)

ADMINISTRATIVE COMMENTS:

The property owners are requesting a zone change on this property to accommodate a proposed 3,500 office-warehouse development which will house their landscape business. Staff finds this request consistent with the surrounding uses and is in alignment with the Lewisville 2025 Vision Plan Big Move of Economic Vitality. The Planning and Zoning Commission recommended unanimous approval (7-0) on November 7, 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 an Ordinance Granting a Special Use Permit for a Gasoline Service Station With an Associated Alternative Standard for Architectural Requirements; on Approximately 1.0 Acre, Legally Described as Lot1A-1R, Block I, Vista Ridge Addition, Located at 851 State Highway 121 Bypass, Zoned Light Industrial \(LI\) District; as Requested by Barghausen Consulting Engineers, Inc., on Behalf of the Owner, Costco Warehouse Corporation. \(Case No. 23-05-7-SUP\)](#)

ADMINISTRATIVE COMMENTS:

Costco proposes to double the amount of fueling stations at the existing gas station which requires a special use permit (SUP) and compliance with the IH-35E Overlay standards. The applicant is requesting an alternative standard to reduce the brick or stone requirement from 80% brick or stone to 100% split-face concrete masonry units (CMU) on the columns, a 100% reduction. The Planning and Zoning Commission recommended unanimous approval (7-0) of the SUP and the Overlay Board recommended unanimous approval (7-0) of the alternative standard on November 7, 2023.

RECOMMENDATION:

That the City Council approve the ordinance and associated alternative standard as requested in the caption above.

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

3. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for Boat Sales and Service; on Approximately 4.14 Acres Legally Described as Lot 2, Block A, Thompson Addition, Located at 980 State Highway 121 Business, Zoned Light Industrial District \(LI\); as Requested by Lee Williams, Action Watersports, on Behalf of GT3 Ventures, the Property Owner. \(Case No. 23-10-14-SUP\).](#)

ADMINISTRATIVE COMMENTS:

The requested special use permit (SUP) for Action Watersports will supplement a previous SUP granted for L&L Autolink with the same conditions, including the keeping of all vehicles or boats in the building and having no pole sign. L&L Autolink, which was originally approved to occupy an entire building on the site, will now only occupy the western half of the building while Auction Watersports will occupy the eastern half of the building. The Planning and Zoning Commission recommended unanimous approval (7-0) on November 7, 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

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.

4. [APPROVAL OF MINUTES: City Council Minutes of the November 20, 2023, Workshop Session and Regular Session.](#)
5. [Approval of a Resolution of the City Council of the City of Lewisville Amending the City's Economic Incentive \(Non-Commercial\) Policy to Expand the Property Enhancement Program \(PEP\) to Include Four Separate Grant Programs, PEP Grant, Retaining Wall Grant, Code Abatement Grant, and PEP Plus Grant; and Providing for Other Matters Relating Thereto.](#)

ADMINISTRATIVE COMMENTS:

On May 1, 2023, City Council provided direction to City Staff to amend the Property Enhancement Program (PEP) Plus and Code Abatement program guidelines to provide more opportunities for Lewisville residents to utilize the programs. Direction provided to the Code Abatement program was to allow the City to pay the contractors directly, thereby enabling homeowners that may be unable to afford to fix a code violation the opportunity to come into compliance. Direction provided to the PEP Plus program expanded it Citywide for homes that were built in 1980 or earlier. City Staff also separated the programs into four individual grants under the PEP Program: PEP Grant, Retaining Wall Grant, Code Abatement Grant and PEP Plus Grant. This provides greater clarity on which grant is being utilized by an applicant. The Economic Incentives (Non-Commercial) Policy was amended to reflect these updates.

RECOMMENDATION:

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

6. [Approval of a Resolution of the City of Lewisville Finding That CoServ Gas, LTD's Statement of Intent to Increase Rates Within the City Should be Denied; Finding That the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding That the Meeting at Which This Resolution is Passed is Open to the Public as Required by Law;](#)

[Requiring Notice of This Resolution to the Company and the City's Legal Counsel.](#)

ADMINISTRATIVE COMMENTS:

On July 28, 2023, CoServ Gas, Ltd. (“CoServ” or “Company”), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas (“RRC”) and in all municipalities exercising original jurisdiction within its service area. The Steering Committee of Cities Served by CoServ Gas, Ltd. (“CoServ Gas Steering Committee”) engaged the services of consultants to review the Company’s filing. The consultants identified numerous unreasonable expenses and proposed significant reductions to the Company’s request. Settlement discussions are ongoing, but no agreement has been met. Accordingly, CoServ Gas Steering Committees’ attorneys recommend that all member cities adopt the Resolution denying the rate change. Once the Resolution is adopted, CoServ will have 30 days to appeal the decision to the Railroad Commission, where the appeal will be consolidated with CoServ’s filing. Accordingly, the purpose of the Resolution is to deny the rate increase proposed by CoServ.

RECOMMENDATION:

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

7. [Approval of a Memorandum of Understanding Between the Dallas-Fort Worth Regional Intelligent Transportation System Partners Related to the Sharing of Traffic Data and Video Captured by the City's Advanced Transportation Management System; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The North Central Texas Council of Governments (NCTCOG) is responsible for the development and maintenance of the North Central Texas regional Intelligent Transportation System (ITS) Architecture. Mobility 2045, the Metropolitan Transportation Plan for North Central Texas, adopted by the Regional Transportation Council requires all traffic operation systems between public sector agencies to be integrated and to share data and video. The City of Lewisville’s intelligent transportation system was deployed earlier this year, thus providing the ability to provide data and video. Signing the memorandum of understanding between Dallas-Fort Worth Regional Intelligent Transportation

System Partners concerning guiding principles for multi-agency communication, data, and video sharing confirms an agency's support of this initiative, in collaboration with staff support of the sharing concept.

RECOMMENDATION:

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

8. [Approval of a Professional Services Agreement for Project Control Services to Peak Program Value, LLC, Boulder, Colorado, for \\$93,360; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

Project control services and cost management services are needed for the Fire Training Structure project. In June of 2022, the City conducted a Request for Qualifications (RFQ) to establish a list of qualified consultants to provide these services and three vendors were identified as qualified vendors to be a part of a notification list. For this project, Peak Program Value, LLC was selected from the list to provide services and the proposal accepted by the City is in the amount of \$93,360.

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.

9. [Approval of a Bid Award for Elm Street & Poydras Street Improvements to Urban Infraconstruction, LLC of Irving, Texas, in the Amount of \\$3,070,706.10 and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of forty-eight (48) bid invitations were downloaded from Bonfire. Two (2) bids were received and opened on November 7, 2023. An evaluation of all bids was performed, and Urban Infraconstruction is recommended for award as the lowest bidder. Funding is available in the Elm & Poydras capital project.

RECOMMENDATION:

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

10. [Approval of a Bid Award for North Mill Street Paving, Utilities and Drainage to DDM Construction Corporation of Addison, Texas, in the Amount of \\$6,484,529.63 and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of sixty-two (62) bid invitations were downloaded from Bonfire. Five (5) bids were received and opened on November 14, 2023. An evaluation of all bids was performed, and DDM Construction Corporation is recommended for award as the lowest bidder. Funding is available in the Mill Street Capital Project.

RECOMMENDATION:

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

11. [Approval of a Contract Award for Construction Services for the Corporate Drive Segments 2 and 3 Project to Sundt Construction, Inc., Irving, TX, in the Amount of \\$43,039,500 and Authorization for the City Manager, or Her Designee, to Execute the Contract.](#)

ADMINISTRATIVE COMMENTS:

A total of eighty-two (82) requests for proposals were downloaded from Bonfire. Four (4) proposals were received and opened on November 15, 2023. An evaluation of proposals was performed, and it was determined that Sundt Construction, Inc. offered the best value for the City to complete work at Corporate Drive Segments 2 & 3 and is being recommended for award. Funding for these services is available in the Corporate Drive capital projects.

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.

F. Regular Hearing

12. [Consideration of an Alternative Standard Associated With Parking Standards for a Single-Family Home, Located at 315 West Walters Street, Legally Described as Lot 1, Block A, Jackson Addition; Zoned Old Town Mixed-Use One \(OTMU-1\) District, as Requested by B. Russo Designs, on Behalf of Steven and Cindy Fields, the Property Owners. \(23-10-15-AltStd\).](#)

ADMINISTRATIVE COMMENTS:

The current property owner proposes to convert an existing garage into living space as a reasonable accommodation for a family member with a disability. An alternative standard is requested to allow two driveway spaces in lieu of one garage space and one driveway space for a single-family dwelling for as long as the resident with the disability resides there. The Planning and Zoning Commission recommended unanimous approval (6-0) on October 16, 2023.

RECOMMENDATION:

That the City Council approve the alternative standard as set forth in the caption above with a condition that the alternative standard is limited to the occupant; that should the property be sold or the family member with the disability moves out, a garage space shall be provided on the property; and that a document be filed with the Denton County Deed Records to put any future buyers on notice that a garage space shall be provided on the property.

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

13. [Consideration of Three Alternative Standards Associated With Building and Envelope Standards, Landscape Standards and Architectural Standards for a Commercial Development; on 0.181 Acres Out of the E. Aday Survey, Abstract Number 11, Located at 1181 South Stemmons Freeway; Zoned General Business \(GB\) District, as Requested by Andrew Yu, of Triangle Engineering LLC, on Behalf of Micheal Shea, of MDS Capital LLC, the Applicant. \(23-08-10-ALTSTD\)](#)

ADMINISTRATIVE COMMENTS:

MDS Capital proposes to develop a new commercial property at 1181 S. Stemmons, which previously housed a Waffle House restaurant prior to the IH-35E right-of-way acquisition. The following alternative standards are requested: a) to

allow the building facade to be placed perpendicular to the public street; b) to allow a parking lot along the IH-35E Frontage Road with a 10-foot landscape buffer in lieu of the required 20-foot buffer; and c) to allow the building facade to be 48% brick or stone on the north side, 75% on the west side and 70% on the south side in lieu of the required 80%. The Overlay District Board recommended unanimous approval (7-0) on November 7, 2023.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

14. [Consideration of a Resolution of the City Council of the City of Lewisville, Texas, Casting the City's One Hundred Forty-Five \(145\) Votes for Candidates to Serve on the Denton Central Appraisal District Board of Directors; Providing for Submittal of Same to the Chief Appraiser; and Providing an Effective Date.](#)

ADMINISTRATIVE COMMENTS:

The City of Lewisville is being asked to cast its votes for the Denton Central Appraisal District Board of Directors. Lewisville is allocated 145 votes and may cast all of them for a single candidate or divide them among candidates as Council so determines. Since numerous ISDs control the larger blocks of votes, it is very difficult to predict where Lewisville's votes would best be used. However, it is generally more effective to cast the votes as a block rather than dividing them up among candidates. Dividing the votes can dilute the impact. Votes are due by December 15, 2023.

RECOMMENDATION:

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

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

1. [Quarterly Investment Report from July 1, 2023 to September 30, 2023.](#)

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.*
4. *Section 551.071 (Consultation with Attorney/Pending Litigation): Exclusion from Settlement Agreement in City of Camden, et al. v. 3M Company, Case No. 2:23-cv-03147-RMG (In re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2-18-mn-2873-RMG) and City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.), et al., 2:23-cv-03230-RMG (In re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2-18-mn-2873-RMG).*
5. *Section 551.071 (Consultation with Attorney): Legal Issues Regarding the McKinsey and Co. Nationwide Opioid Class Action Settlement Agreement*

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