



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, August 2, 2021

6:00 PM

**City Council Chambers
151 West Church Street
Lewisville, Texas
AND**

**A Zoom Meeting Will be Held
for This Meeting. A Link is
Provided on the Agenda.**

Citizens/Visitors wanting to attend this meeting in person may appear at the City Council Chambers at Lewisville City Hall, 151 West Church Street, Lewisville, Texas 75057.

In addition, pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act, this meeting will also be open to the public via remote access.

*Citizens/Visitors wanting to access this meeting remotely may go to: <https://cityoflewisville.zoom.us/j/95086713484> or call 877.853.5257 (Toll Free) or 888.475.4499 (Toll Free) using the following Webinar ID: 950 8671 3484. Listeners must sign into the event in order to comment. Please use the "raise hand" function to participate in any public hearing process while using the Zoom application. If you have called into the meeting, press *9 to raise your hand and speak. If you have a technical issue connecting to this meeting, or during the meeting, call 469.635.5490.*

E-comments will be accepted until 5:00 p.m. prior to the meeting. 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 the August 2nd meeting details and agenda or you may email citysecretary@cityoflewisville.com with the agenda date and agenda number in the subject line of the e-mail. Please include your name and physical address for the record.

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. [Preserving Affordable Housing: Proposed Partnership with Denton Housing Authority for Redevelopment of Oak Tree Village Apartments at 1595 S. Old Orchard.](#)

Regular Session - 6:30 P.M.

- A. **Invocation - Councilwoman Cade**
- B. **Pledge to the American and Texas Flags - Councilman Jones**
- C. **Public Hearing**

1. [Continued Public Hearing: Consideration of an Ordinance Pursuant to Section 311.003 of the Texas Tax Code Amending Tax Increment Reinvestment Zone Number Three \("TIRZ 3"\), Located South of SH 121 and Business 121 and Being Wholly Located Within the Extraterritorial Jurisdiction of Lewisville, Texas, by Amending its Boundaries and its Benefits to the City of Lewisville and Amending the Project and Finance Plan for the Zone.](#)

ADMINISTRATIVE COMMENTS:

This ordinance amends the boundaries of TIRZ 3 to include park and open space land. The proposed boundaries include an additional approximate 53.05 acres generally located south of SH 121 and Business 121 and being wholly located within the ETJ of the City. This ordinance also amends the Project and Finance Plan to update project costs and zone reimbursements including the acquisition of park and open space land, and to include economic development authority.

RECOMMENDATION:

That the City Council continue the public hearing to the August 16, 2021 meeting.

2. [Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, of the Lewisville City Code, by Amending Section 17-22.7, Old Town Mixed Use 2 District Regulations, to Amend Multifamily Requirements to Reduce the Minimum Floor Area of a Multifamily Dwelling.](#)

ADMINISTRATIVE COMMENTS:

The reduction of minimum dwelling unit sizes has been proposed in several zoning districts as part of the Development Code Overhaul including a reduction of multifamily dwelling units from 650 square feet to 500 square feet with an average of 650 square feet. The purpose of these reductions in unit sizes are to reduce unnecessary cost barriers to housing, acknowledge trends of smaller studio and one-bedroom units, and to have increased consistency through the Code. Pending multifamily projects in Old Town have been designed with the proposed multi-family dwelling unit size requirements; therefore, the proposed provision in the Old Town Mixed Use 2 District is being brought forward ahead of the Code Overhaul to avoid delays in these projects. The Planning and Zoning Commission recommended unanimous approval (7-0) of this amendment on June 15, 2021.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

3. [Public Hearing: Consider an Ordinance Approving Amendments to Chapter 17, Zoning, of the Lewisville City Code, by Amending Section 17-3, Definitions, to Amend the Definition of Motor Freight Terminal and Section 17-23 Light Industrial District, to Add Motor Freight Terminal as a Permitted Use With a Requirement For a Special Use Permit.](#)

ADMINISTRATIVE COMMENTS:

The consumer shift towards home delivery of goods accelerated during the COVID-19 pandemic. In response to this trend, demand increased for locations that facilitate loading, staging, queuing, and dispatching delivery vehicles for last-mile deliveries. The use generates significant traffic that can have negative impacts related to congestion, air quality, noise, and lighting. To clearly define the use and mitigate potential negative impacts on surrounding properties, it is recommended that the definition of 'Motor Freight Terminal' be amended to incorporate these new activities and to allow them in the Light Industrial and Heavy Industrial Zoning Districts with the approval of a Special Use Permit. The Planning and Zoning Commission recommended unanimous (6-0) approval on July 20, 2021.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

4. [Public Hearing: Consideration of a Resolution Authorizing the Adoption of the Community Development Block Grant 2021 Annual Action Plan; Authorization for the City Manager to Submit the Plan to the U.S. Department of Housing and Urban Development; and Acknowledgement of Receipt of the Recommended FY 2021-2022 City Social Service Agency Fund Budget of \\$170,000 From the CDBG Advisory Committee.](#)

ADMINISTRATIVE COMMENTS:

An Annual Action Plan must be submitted to the U.S. Dept. of Housing and Urban Development (HUD) by August 15, 2021 as a requirement to receive Community Development Block Grant (CDBG) funds of \$784,038 in FY 2021-2022. The CDBG Advisory Committee reviewed applications submitted by non-profit agencies for projects that address HUD national objectives and Consolidated Plan priorities. At a meeting on June 29, the Committee voted 7-0 to recommend a social services budget with CDBG and City funds. On July 20, the Committee also recommended approval of the Annual Action Plan by a vote of 5-0. The Plan was made available for a 30 day public comment period.

RECOMMENDATION:

That the City Council approve the resolution, acknowledge receipt of the City Social Service Fund budget and authorize the City Manager or her designee to submit the plan as set forth in the caption above.

D. Visitor/Citizens Forum

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

Any person wanting to speak remotely may join this meeting through Zoom by visiting <https://cityoflewistown.zoom.us/j/95086713484> or call 877.853.5257 (Toll Free) or 888.475.4499 (Toll Free) using the following Webinar ID: 950 8671 3484 or by submitting e-comments by 5:00 p.m. prior to the meeting. To access e-comments, go to <https://cityoflewistown.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.

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. Speakers attending the meeting remotely are asked to email their contact information for the record to citysecretary@cityoflewistown.com. 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.

5. [APPROVAL OF MINUTES: \(a\) City Council Minutes of the July 12, 2021, Workshop Session and Regular Session and \(b\) City Council Minutes of the July 19, 2021, Workshop Session and Regular Session.](#)

6. [Approval of an Agreement to Transfer Ownership of a Law Enforcement Animal; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

During a recent trip to the veterinarian, it was determined that Lewisville Police canine Cziko needs to be retired due to his age and his restricted functionality. Cziko's current handler, Officer Shane Menz, wishes to take custody of Cziko when he retires. Cziko has served and lived with Officer Menz for six years. The Texas Government Code outlines the process for the transfer of a law enforcement animal, including the suitability and eligibility requirements for an animal to be transferred, the requirements for the transferee, and the contract process to complete the transfer.

RECOMMENDATION:

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

7. [Approval of an Economic Development Agreement Between the City of Lewisville and BIOR SX, LLC, and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

BIORSX LLC (Biosynthesis) is currently operating an office/manufacturing/warehouse use at 612 East Main Street. They are interested in relocating, expanding, and building a new 50,000 square foot facility on Mario Court. This agreement provides incentives for construction of the new facility, including a grant equal to the building permit fees; a grant equal to 50% of the capital recovery fees; and an annual tax grant equal to 50% of the ad valorem real property taxes paid to the City for a period of ten years. The company will also expand their workforce to 100 full time employees within five years and will apply to rezone their current facility at 612 East Main Street to Old Town Mixed-Use 2.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Claire Powell, Assistant City Manager

8. [Approval of a Bid Award for an Annual Requirements Agreement for Liquid Chlorine to DPC Industries Inc., Cleburne, TX, for the Estimated Amount of \\$246,598; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

A total of five (5) bid invitations were downloaded from Periscope S2G. One (1) bid was received and opened on July 15, 2021. Chlorine is used for the treatment and disinfection processes for both water and wastewater. The term of the agreement will be twelve (12) months, with options to extend for up to two (2) additional twelve (12) month periods. Funding is available in Public Services' operating budget.

RECOMMENDATION:

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

9. [Approval of Scheduling the Public Hearing on the Proposed Budget During the Next Regular City Council Meeting on August 16, 2021.](#)

ADMINISTRATIVE COMMENTS:

The Proposed Budget for FY 2021-22 was submitted to the City Council on July 19th. Per State law the budget has been submitted, the City Council must schedule a date and time for a public hearing. The date must be at least 15 days after the budget is filed with the City Secretary and prior to the tax levy being set. The Budget Workshop to discuss the proposed budget is scheduled for August 7th at 9:00 a.m. Staff recommends the Public Hearing be held during the next regularly scheduled City Council meeting on August 16th. An item to adopt the budget will be added to the September 13, 2021 City Council agenda.

RECOMMENDATION:

That the City Council schedule the public hearing on the proposed budget for August 16, 2021 as set forth in the caption above.

F. Regular Hearing

10. [Continued Item: Consideration of an Amendment to the Tax Increment Reinvestment Zone Reimbursement Agreement by and Among the City of Lewisville, the Lewisville Tax Increment Reinvestment Zone Number Three \(“TIRZ 3”\), and Bright Realty, LLC for Project Costs Within Tax Increment Reinvestment Zone Number Three; and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

Should the City Council approve the ordinance amending the boundaries and the Project and Finance Plan for TIRZ 3, as described in a previous item, staff recommends an amendment to the reimbursement agreement to provide for updated project costs and zone reimbursements including the acquisition of park and open space land and to outline economic development parameters.

RECOMMENDATION:

That the City Council continue this item to the August 16, 2021 meeting.

11. [Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing Speed Limits on Josey Lane, from 1,900 Feet South of State Highway 121 to the South City Limits, of 50 Miles Per Hour.](#)

ADMINISTRATIVE COMMENTS:

Josey Lane, a 6-lane divided arterial street, currently has no posted speed limits in the segment from 1,900 feet south of State Highway 121 to the south City limits with Carrollton due to its relatively recent annexation. Staff conducted speed studies on Josey Lane and the 85th percentile speed from the study is 54 mph. Based on the speed study results, adjacent land use, and to be consistent with the existing speed limits in the adjacent segments, staff recommends a posted speed limit of 50 mph. The Transportation Board considered this item at the July 6, 2021, meeting and voted unanimously (7-0) to approve the recommendation to the City Council.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon, P.E., City Engineer

12. [Consideration of an Ordinance Amending the Lewisville City Code, Section 15-36, Maximum Speed Limits Near Schools; Establishing School Zone Speed Limit on Josey Lane, from 500 Feet North of the Memorial Elementary School North Driveway to 500 Feet South of Lake Falls Terrace of 35 Miles Per Hour.](#)

ADMINISTRATIVE COMMENTS:

LISD plans to open a new Elementary School on Josey Lane, Memorial Elementary School, for the upcoming 2021-2022 school year. The school creates a need for the establishment of a school zone on Josey Lane. Because the proposed speed limit on Josey Lane is 50 mph, a 35-mph school zone speed limit is proposed 500 feet on either side of the school boundary. Similar 35 mph school zones exist on FM 544 and on FM 3040, which are both 50 mph speed roadways. The Transportation Board considered this item at the July 6, 2021 meeting and voted unanimously (7-0) to approve the recommendation to the City Council.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon, P.E., City Engineer

13. [Consideration of Variances to the Lewisville City Code Section 6-103 \(Access Management\) Regarding Driveways and Deceleration Lanes for Prologis Waters Ridge on Lot 2R, Block C of Waters' Ridge Addition, as Requested by Kaylie Flynn, Halff Associates, on Behalf of the Owner.](#)

ADMINISTRATIVE COMMENTS:

The subject site is a 14.42-acre lot zoned Light Industrial (LI) within the Waters' Ridge Addition located at 1601 Waters Ridge Drive. The property owner is expanding the existing office warehouse from 244,000 square feet to 306,205 square feet. The owner is requesting the following variances: a) to waive the required deceleration lane at a driveway for lots that exceed five acres and b) to reduce the required driveway spacing of 50 feet along Waters Ridge Drive.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

David Salmon P.E., City Engineer

14. [Consideration of a Variance to the Lewisville, City Code, Section 6-103 \(e\), Access Management, Auxiliary Lanes for Jubilee Industrial Park, a 10.4-Acre Parcel Zoned Heavy Industrial \(HI\), Located at Jubilee Lane and Riverview Drive, as Requested by RC Plugge III, Halff Associates, on Behalf of the Owner.](#)

ADMINISTRATIVE COMMENTS:

The developer is proposing to construct two office warehouses totaling 174,000 square feet. The developer is requesting a variance to waive the required deceleration lane at a driveway for lots that exceed five acres.

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

15. [Consideration of Acceptance of the Resignation of William Shull From Place No. 2 on the Park Board; Declare a Vacancy Exists; and Consideration of an Appointment to Fill the Vacancy on the Park Board.](#)

ADMINISTRATIVE COMMENTS:

William Shull has submitted his resignation from the Park Board. Mr. Shull has served in Place No. 2 of the Park Board since 2013. Data sheets of applicants interested in serving on the Park Board have been included for City Council review.

RECOMMENDATION:

That the City Council accept the resignation; declare a vacancy; and consider an appointment as set forth in the caption above.

16. [Consideration of a Resolution Extending the Declaration of Local Disaster for Public Health Emergency until 11:59 P.M. on August 16, 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 August 2, 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 August 2, 2021.

RECOMMENDATION:

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

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

H. Return to Workshop Session if Necessary

I. Closed Session

In Accordance with Texas Government Code, Subchapter D,

- 1. Section 551.071 (Consultation with Attorney): Legal issues regarding Annexation of Castle Hills and the TIRZ Reimbursement Agreement Between the City, TIRZ #3, and Bright Realty, LLC*
- 2. Section 551.072 (Real Estate): Property Acquisition*
- 3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

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).

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