



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, August 16, 2021**

**6:00 PM**

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

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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. [Overview of Gang Unit and Police Response to Homelessness in Lewisville](#)

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

- A. **Invocation - Deputy Mayor Pro Tem Jones**
- B. **Pledge to the American and Texas Flags - Mayor Pro Tem Green**
- 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:**

REVISED: The ordinance originally amended the boundaries of the TIRZ as well as the Project and Finance Plan. As recommended by staff and approved by the TIRZ Board, the boundaries of the TIRZ are no longer being changed. Thus, the proposed revised ordinance amends the Project and Finance Plan to update project costs and zone reimbursements to include economic development authority and set the cap for City reimbursement for economic development and project reimbursement at \$54 million.

#### **RECOMMENDATION:**

That the City Council conduct the public hearing and approve the proposed revised ordinance.

### **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.*

2. [APPROVAL OF MINUTES: \(a\) City Council Minutes of the July 23, 2021 Called-Special Workshop Session and \(b\) City Council Minutes of the August 2, 2021, Workshop Session and Regular Session.](#)
3. [Approval of a Resolution Naming the Lewisville Rodeo Arena in Honor of Former Mayor Bill Weaver.](#)

**ADMINISTRATIVE COMMENTS:**

Renovations at Lewisville Rodeo Arena will be completed by the end of the year. PBR Lewisville will be held on Saturday, September 18th, and will be the first rodeo event at the facility since September 2018. Staff proposes re-naming the arena in honor of former Mayor Bill Weaver in recognition of his contributions to the city and to the arena.

**RECOMMENDATION:**

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

4. [Approval of Three Easements Associated With the Lewisville Service Center, Located at 751 Valley Ridge Boulevard; and Authorizing the City Manager to Sign Related Conveyance Documents for Dedication by Plat.](#)

**ADMINISTRATIVE COMMENTS:**

The City Council has allocated funding for the Lewisville Service Center (the Fleet Building) at 751 Valley Ridge Boulevard. To plat the site, the City must grant a total of three easements, one easement for an existing Upper Trinity Regional Water District line, a second easement to Atmos Energy for gas service and a third easement to Texas New Mexico Power for electric service to the new facility.

**RECOMMENDATION:**

That the City Council approve the three easements as set forth in the attached plat and authorize the City Manager to sign any related conveyance documents for dedication by plat as set forth in the caption above.

5. [Acceptance of a Shuttered Venue Operators Grant from the Small Business Administration in the Amount of \\$136,922; and Approval of a Supplemental Appropriation to the Grant Fund in the Same Amount.](#)

**ADMINISTRATIVE COMMENTS:**

Lewisville Grand Theater has been approved for a Shuttered Venue Operators Grant award of \$136,922 by the Small Business Administration. This grant will be used to reimburse personnel costs. An equal amount will be set aside for future use toward ongoing operations if Hotel Tax revenues do not rebound sufficiently during the next six months, or for one-time uses such as building modifications and equipment purchases if Hotel Tax revenue does rebound sufficiently to cover ongoing expenses.

**RECOMMENDATION:**

That the City Council accept the grant award and approve the supplemental appropriation as set forth in the caption above.

6. [Approval of an Agreement Between the City of Lewisville and the City of The Colony for Design and Construction of a Traffic Signal at the Intersection of Standridge Drive, Lakeridge Drive and Memorial Drive; and Providing Authorization for the Mayor or His Designee to Execute the Agreement on Behalf of the City.](#)

**ADMINISTRATIVE COMMENTS:**

The City of The Colony proposes to construct a traffic signal at the intersection of Standridge Drive, Lakeridge Drive and Memorial Drive. The subject intersection straddles the city limits line between Lewisville and The Colony with the west side of the intersection inside the Lewisville city limits. The proposed traffic signal will have components located in both The Colony and within the City of Lewisville, thus the need for the subject agreement to formalize each city's obligations. The Colony is prepared to advertise for construction bids once the agreement between the two cities is approved.

**RECOMMENDATION:**

That the City Council approve the amended agreement and authorize the Mayor or his designee to execute the agreement as set forth in the caption above.

7. [Approval of the First Amendment to the Economic Development Agreement Between Vista Ridge Lodging, LLC and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The City and Vista Ridge Lodging, LLC entered into an Economic Development Agreement dated January 27, 2020 to build a \$14,000,000 Aloft Hotel development consisting of 120 guest rooms, a bar, and a full-service restaurant. This first amendment provides a 24-month extension of the construction commencement date from December 31, 2020 to December 31, 2023 and a 24-month extension of the construction completion date from December 31, 2024 to December 31, 2026.

**RECOMMENDATION:**

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

8. [Approval of an Economic Development Agreement Between the City of Lewisville and ZMIC Entertainment LLC and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

ZMIC Entertainment plans to build and operate a family entertainment venue called iCompeteX, which will occupy over 30,000 square feet of the second floor of Zion Market, located at Music City Mall. This agreement provides incentives for the construction and operation of the venue, including a grant equal to the building permit fees and a percentage of mixed beverage taxes and sales taxes collected by the city for the project.

**RECOMMENDATION:**

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

9. [Approval of the Economic Development Agreement Between FR Lewisville Midway, LLC and the City of Lewisville; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

FR Lewisville Midway, LLC wants to build two speculative industrial buildings for office, warehousing, and/or distribution uses. They will construct one building with a minimum of 125,000 square feet and a second building with a minimum of 249,000 square feet. First Industrial must invest a minimum of \$15,500,000 for the entire development and must complete construction by December 31, 2023. This economic development agreement provides a 50% grant equal to the value of the property taxes on the real property improvements paid to the City of Lewisville for 5 years.

**RECOMMENDATION:**

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

10. [Approval of a Resolution for the Fiscal Year 2022 Financial Plan of the Denco 9-1-1 District.](#)

**ADMINISTRATIVE COMMENTS:**

At its July 8, 2021 regular meeting, the Denco Area 9-1-1 District Board of Managers approved the FY 2022 draft financial plan. Pursuant to Section 772.309 of the Texas Health and Safety Code, Denco Area 9-1-1 is required to provide a draft of its annual financial plan to all participating jurisdictions for a review and comment period. Staff performed a review of the draft financial plan and is not recommending changes to the plan as presented.

**RECOMMENDATION:**

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

11. [Approval of the Reimbursement Agreement By and Between the City of Lewisville and the Denton County Transportation Authority to Reimburse the City for Design Costs Related to the DCTA Rail Trail Extension to Lewisville's Southern Border; Approval of a Supplemental Appropriation in the Amount of \\$400,000 to the Grant Fund; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The Denton County Transportation Authority ("DCTA") funded a new grant program named the DCTA Transportation Reinvestment Program (TRiP). Under this program, the agency funds qualifying mobility projects in the DCTA member cities on a reimbursable basis. No city match is required. In the 2020-2021 call for projects, the City of Lewisville submitted design of the DCTA Rail Trail Southern Extension for DCTA's consideration and was awarded the full \$400,000 towards the project. This reimbursement agreement formalizes the administration of that grant and provides the city with quarterly reimbursements. Staff is also requesting that the City Council appropriate the \$400,000 to the Grant Fund.

**RECOMMENDATION:**

That the City Council approve the Reimbursement Agreement and related supplemental appropriation as set forth in the caption above, and authorize the City Manager to execute such agreement.

12. [Approval of Administrative Policy 2.0, Human Resources - Section XVII - Paid Quarantine Leave.](#)

**ADMINISTRATIVE COMMENTS:**

This Policy Statement outlines paid quarantine leave for covered employees that are ordered to isolate or quarantine because of a possible or known exposure to a communicable disease while on duty.

**RECOMMENDATION:**

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

**13. [Approval of Administrative Policy 2.0, Human Resources - Section XVIII - Mental Health Leave for Peace Officers.](#)**

**ADMINISTRATIVE COMMENTS:**

This Policy Statement outlines paid mental health leave for a peace officer directly involved in a traumatic event in the scope of their employment. The policy allows up to three working days of mental health leave and may be extended with supporting documentation from a mental health professional.

**RECOMMENDATION:**

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

**14. [Approval of a Park Conveyance and Programming Agreement and Park Maintenance License Agreement Between the City of Lewisville and Castle Hills Master Association, Inc.; and Authorization for the City Manager to Execute the Agreement.](#)**

**ADMINISTRATIVE COMMENTS:**

Castle Hills Master Association (CHMA) is the owner of various parks and open space in Castle Hills. As a condition of annexation of the Denton County Fresh Water Supply Districts and approval of the Amended and Restated TIRZ Reimbursement Agreement, approximately 44.8910 acres of parkland and open space is being conveyed to the City. This agreement specifies the maintenance responsibilities of the City and provides a license agreement to the CHMA allowing for maintenance of the parks to a higher level than provided by the City. The cost of such higher level maintenance is the responsibility of the CHMA.

**RECOMMENDATION:**

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



15. [Approval of an Economic Development Agreement Between the City of Lewisville and Bright Realty, LLC; and Authorization for the City Manager to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The Amended and Restated TIRZ #3 Final Project and Finance Plan includes economic development authority. This economic development agreement provides economic development incentives to the developer, including a structured parking garage grant, corporate relocation incentive grants, infrastructure reimbursements, City fee reimbursements, and a park fees waiver. All economic development incentives may only be paid from the City Base Increment and City Tax Increment, as defined in this agreement.

**RECOMMENDATION:**

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

16. [Approval of a Resolution Declaring a Need for the Denton Housing Authority to Exercise Its Powers in the City of Lewisville and Authorizing a Housing Cooperation Agreement Between the City and the Denton Housing Authority to Preserve Affordable Housing at the Oak Tree Village Apartments Located at 1595 South Old Orchard Lane; and Authorization for the City Manager, Or Her Designee, to Execute Said Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

AMTEX, an affordable housing developer, desires to partner with the Denton Housing Authority (DHA) to renovate the Oak Tree Village Apartments, located at 1595 S. Old Orchard Lane, (the “Property”) and preserve rent affordability. For the DHA to perform work within Lewisville municipal boundaries, a resolution must be adopted by the City finding a need for the DHA to exercise its powers in the City of Lewisville. The resolution also approves a corresponding Housing Cooperation Agreement, which gives the DHA the authority to work within Lewisville and establish a partnership with AMTEX to renovate and preserve affordability at the Property. It also requires certain improvements to the Property, specific levels of affordability, and compliance with the multifamily operational requirements.

**RECOMMENDATION:**

That the City Council approve the resolution and authorize the City Manager, or her designee, to execute the Housing Cooperation Agreement as set forth in the caption above.

**F. Regular Hearing**

17. [Consideration of an Ordinance Calling for a Bond Election to be Held Within the City on November 2, 2021, Making Provisions for the Conduct of the Election and Other Provisions Related Thereto.](#)

**ADMINISTRATIVE COMMENTS:**

Bracewell LLP, the City's Bond Counsel, has developed an ordinance calling for an election to issue general obligation bonds for public safety facilities including fire, police and emergency operations. The election is planned for November 2, 2021.

**RECOMMENDATION:**

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

18. [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:**

REVISED: A public hearing was held earlier in the meeting considering an amendment of the TIRZ #3 Project and Finance Plan. The TIRZ #3 Reimbursement Agreement must be changed to reflect changes made to the Plan as well as requiring the simultaneous dedication of parks and open space to the City upon annexation of all of the Denton County Fresh Water Supply Districts prior to the effectiveness of this agreement.

**RECOMMENDATION:**

That the City Council approve the amendment to the Tax Increment Reinvestment Zone Reimbursement Agreement as set forth in the caption and authorize the City Manager to execute the agreement.

19. [Consideration of a Variance to the Lewisville City Code, Section 6-37\(1\) Regarding the Timing of Parkland Dedication \(or Cash-in-Lieu of\) and Payment of Park Development Fees for Sparrow Senior Living, Located on 9.997 Acres and Legally Described as Lots 1R-1 and Lot 1R-2. Block A Valley Ridge Addition Phase IV; Zoned Medical District \(MD\); Located on the South Side of Valley Ridge Boulevard Approximately 600 Feet East of Garden Ridge Boulevard, as Requested by Joseph A. Fraccaro of Kimley-Horn and Associates, Inc. on Behalf of Milton Barber, Sparrow Partners, the Developer and Craig Martin, Lewisville Independent School District, the Property Owner.](#)

**ADMINISTRATIVE COMMENTS:**

The City Council approved the zone change to Medical District on March 15, 2021, to allow the development of Sparrow Senior Living, a retirement community with 192 dwelling units, on this site. City staff has since worked with the applicant on the final plat for this development and established the required park fees. Because the purchase of this property from the Lewisville Independent School District (LISD) is in process, the developer is requesting a variance to delay the dedication of parkland (or cash-in-lieu of) and payment of the parkland development fee until the issuance of the first building permit, at which time all due amounts will be paid in full and the property will be dedicated by an amending plat.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

20. [Consideration of Nine Alternative Standards Associated With a Proposed New Building for Boomer Jack's; Located at 2437 South Stemmons Freeway, Legally Described as Vista Ridge Mall Addition, Lot 11R1, Block A; Zoned General Business \(GB\) District, as Requested by Daniel Stewart, Development Engineering Consultants, LLC, on Behalf of Bill Stubbs & Co, Inc, the Property Owner \(Case No. 21-06-3-AltStd\).](#)

**ADMINISTRATIVE COMMENTS:**

The applicant proposes to demolish the current building and construct a new restaurant. Since this property is located within the IH-35E Overlay, the applicant requests the following nine Alternative Standards: a) an increased build-to-zone of 0 to 70 feet; b) a 40-foot build-to maximum along IH-35E; c) a driveway without a deceleration lane along IH-35E; d) street tree spacing up to 50 feet and in an irregular manner along the Primary Pedestrian Street; e) trees to be located in existing landscape areas within the parking lot; f) three additional pedestrian scale lights as shown; g) a reduction in pedestrian amenities as follows: one trash receptacle, one bike rack, and one bench; h) a reduction to 25 percent for windows on the ground floor facades on primary Pedestrian Streets and adjacent to sidewalks contingent on additional plantings and wall treatments; and i) a reduction to 30 percent for awnings along the Primary Pedestrian Street. The Overlay District Board recommended unanimous approval (6-0) of the nine alternative standards on July 20, 2021.

**RECOMMENDATION:**

That the City Council approve the nine Alternative Standards as presented.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

Daniel Stewart, Development Engineering Consultants, applicant

21. [Consideration of a Resolution Extending the Declaration of Local Disaster for Public Health Emergency until 11:59 P.M. on September 13, 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 16, 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 16, 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.

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City Secretary