



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, May 15, 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. [Discussion of Regular Agenda Items and Consent Agenda Items.](#)
- B. [Presentation of FY 22-23 Mid-Year Budget](#)
- C. [Discussion of Possibly Renaming the West Segment of Main Street Bridge to Fighting Farmers Way](#)

Regular Session - 7:00 P.M.

- A. **Invocation - Deputy Mayor Pro Tem Meridith**
- B. **Pledge to the American and Texas Flags - Councilmember Cade**
- C. **Consideration of Items Relating to the May 6, 2023, City of Lewisville City Council General Election**
 - 1. [Canvass of the Election Returns for the City Council General Election.](#)
 - 2. [Consideration of a Resolution Declaring the Results of the City Council Election](#)
 - 3. [Presentation of Certificate of Election by Mayor Gilmore and Oath-of-Office to Newly Elected Councilmembers - Place No. 1 and Place No. 3.](#)

D. Proclamation

1. [Declaring the Week of May 14-20, 2023, as “National Police Week” and May 15, 2023, as “Police Officers Memorial Day”](#)

E. Presentation

1. [Presentation of Police Shield Award to Police Officer Robert Lee](#)

F. Public Hearing

1. [Public Hearing: Consideration of an Ordinance Amending Ordinance Number 0428-22-ZON, Known as the Castle Hills Planned Development District, by Amending Section V, the Realm Subdistrict, to Include Additional Standards for Multi-Family Development in the General Business Two \(GB2\) Base Zoning District and Section VII, Definitions, to Add a Definition For a Live/Work Unit.](#)

ADMINISTRATIVE COMMENTS:

The Castle Hills Planned Development District was adopted on January 3, 2022, shortly after annexation of the Castle Hills development. City staff has been collaborating with Bright Realty, the developer, and property owners within The Realm Subdistrict of Castle Hills on amendments to regulations for multi-family units within the General Business 2 (GB2) base zoning district. The changes establish Live-Work units by providing a definition and regulations for their use. The amendments clarify and provide more flexibility on ground floor multi-family units. The Planning and Zoning Commission recommended unanimous approval (6-0) on May 2, 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

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 May 1, 2023, Workshop Session and Regular Session and, b\) Minutes of the May 1, 2023, Joint Meeting of the Lewisville City Council and Youth Action Council Called-Special Workshop Session](#)
3. [Approval of Waiving the Penalty and Interest on Property Tax Account 676742DEN for Tax Year 2022.](#)

ADMINISTRATIVE COMMENTS:

The taxpayer for property tax account 676742DEN has requested a waiver of penalty & interest from Denton County. The property owner states that a number of factors beyond their control resulted in the delay in paying the 2022 tax bill. The taxpayer has paid all taxes, included the penalty and interest as required and has filed this request for waiver and refund of the penalty and interest portion. Denton County recommends approval of waiving the penalty and interest on the account. It is also the opinion of Sawko & Burroughs LLP, the City's property tax attorneys, based on the information provided, the circumstances in this case satisfy the waiver provision in state law. The penalty & interest waiver for the taxpayer totals \$110.55.

RECOMMENDATION:

That City Council approve the waiver of the penalty and interest on the property tax account set forth in the caption above.

4. [Approval of a Resolution of the City of Lewisville, Texas Finding That Texas-New Mexico Power Company's Application for Approval to Amend its Distribution Cost Recovery Factor to Increase Distribution Rates Within the City Should be Denied; Authorizing Participation With TNMP Cities; Authorizing the Hiring of Legal Counsel and Consulting Services; 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 Legal Counsel.](#)

ADMINISTRATIVE COMMENTS:

On April 5, 2023, Texas-New Mexico Power Company (“TNMP” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recovery Factor (“DCRF”) to increase distribution rates within each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$14,800,834. TNMP Cities have engaged the services of a consultant to review the Company’s filing. The consultant will review the filing and identify adjustments that should be made to the Company’s request. The resolution authorizes the City to join with other cities served by TNMP (“TNMP Cities”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The Public Utility Commission of Texas’s rules allow cities 60 days to act on this application. The deadline is June 2, 2023.

RECOMMENDATION:

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

5. [Approval of the Mid-Year Report and Approval of the Supplemental Appropriations to the following funds: Debt Service Fund in the Amount of \\$2,225,000, Utility Fund in the Amount of \\$118,534, TIRZ #1 Fund in the Amount of \\$165,000, TIRZ #3 Fund in the Amount of \\$464,064, and the Other Post-Employment Benefits Liability Fund in the Amount of \\$31,452.](#)

ADMINISTRATIVE COMMENTS:

As part of the mid-year budget process, both revenue and expense accounts are reviewed for all operating funds. A presentation is provided that outlines the financial experience the City has seen through May of this fiscal year. The

analysis also provides a determination of any adjustments that may be needed for FY 2023.

RECOMMENDATION:

That the City Council approve the Mid-Year Report and supplemental appropriations as set forth in the caption above.

I. Regular Hearing

6. [Consideration of a Resolution Nominating One Member to the Board of Managers of the Denco Area 9-1-1 District.](#)

ADMINISTRATIVE COMMENTS:

Sue Tejml, former Mayor of Copper Canyon, currently represents area municipalities on the Denco Area 9-1-1 District Board of Managers. Mayor Tejml's term expires on September 30, 2023 and the District has requested that each participating city submit their nomination for a candidate to represent their municipality by 5:00 p.m. on May 31, 2023. Ms. Tejml has indicated her interest to serve another term. Historically, the City Council has supported nominating Ms. Tejml.

RECOMMENDATION:

That the City Council approve the resolution nominating one member to the Board of Managers of the Denco Area 9-1-1 District, as set forth in the caption above.

7. [Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance of City of Lewisville, Texas, General Obligation Refunding and Improvement Bonds, Series 2023 in the Aggregate Principal Amount of Not to Exceed \\$74,965,000; Awarding the Sale Thereof; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and an Escrow or Deposit Agreement; Approving the Official Statement; and Enacting Provisions Incident and Relating to the Subject and Purposes of this Ordinance.](#)

ADMINISTRATIVE COMMENTS:

Staff is planning to issue approximately \$74.9 million in General Obligation Refunding and Improvement Bonds this fiscal year. In order to allow flexibility in

setting the sale date for the bonds, Hilltop Securities, the City's financial advisor has recommended the Council adopt a parameters ordinance, which will allow the City Council to authorize the sale of bond obligations at a future date, as long as specific parameters are met. This provides the flexibility needed to ensure the issuance is sold when most practical and economically feasible. Authority granted by the ordinance expires one year from the date of approval. Projects to be funded through the issuance include the design and construction of a joint public safety complex and repairs to various roadways in the Valley 1, Valley 4, and Meadow Glen Subdivisions, East Jones Street, trail development, and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

8. [Consider and Take Action on an Ordinance of the City Council of the City of Lewisville, Texas, Authorizing the Issuance and Sale of City of Lewisville, Texas, Waterworks and Sewer System Refunding and Improvement Bonds, Series 2023 in the Aggregate Principal Amount of Not to Exceed \\$17,730,000; Providing for the Security for and Payment of Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement, an Escrow or Deposit Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.](#)

ADMINISTRATIVE COMMENTS:

Staff is planning to issue approximately \$17.7 million in Waterworks and Sewer System Revenue Refunding and Improvement Bonds this fiscal year. In order to allow flexibility in setting the sale date for the bonds, Hilltop Securities, the City's financial advisor has recommended the Council adopt a parameters ordinance, which will allow the City Council to authorize the sale of bond obligations at a future date, as long as specific parameters are met. This provides the flexibility needed to ensure the issuance is sold when most practical and economically feasible. Authority granted by the ordinance expires one year from the date of approval. Planned projects to be funded through the issuance include additions and extensions to the City's waterworks and sewer system and costs associated with the issuance of the bonds.

RECOMMENDATION:

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

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

- * [Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2022 - March 31, 2023.](#)

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).

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