



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, March 4, 2024**

**6:15 PM**

**Lewisville City Hall**

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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 5:15 p.m. prior to the meeting.*

### **Call to Order and Announce Quorum is Present**

### **Workshop Session - 6:15 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. [Food Insecurity Funding and Proposed Grant to Boys & Girls Club of Greater Tarrant County](#)
- C. [Backyard Cottages Analysis](#)

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

- A. **Invocation - Councilmember Cade**
- B. **Pledge to the American and Texas Flags - Mayor Gilmore**
- C. **Proclamation**
  - 1. [Proclamation Declaring the Month of March 2024 as "Theatre In Our Schools Month."](#)
- D. **Presentation**
  - 1. [Recognition of Rayden Badchkam for Achievement of Eagle Scout Rank](#)
  - 2. [Presentation of the Achievement of Excellence in Libraries Award](#)

## E. Public Hearing

1. [Continued Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Warehouse \(WH\) District to Light Industrial \(LI\) District, on 1.029 Acres, Being a Portion of Riverview Industrial Park, Block A, Lot 11R1; Located on the South Side of Stonewall Drive, Approximately 200 Feet West of Huffines Boulevard; as Requested by Paul Bartel, Halff Associates Inc., on Behalf of Prologis-Exchange TX 2004 LLC, the Property Owner \(23-12-18-Z\).](#)

### **ADMINISTRATIVE COMMENTS:**

In 2011, the property was rezoned from Light Industrial (LI) District to Warehouse (WH) District for a proposed storage facility, which was never built. The applicant is requesting a zone change from Warehouse (WH) District back to Light Industrial (LI) District to facilitate the development of a business park. The Planning and Zoning Commission recommended unanimous approval (5-0) of the zone change request on February 6, 2024. On February 20, 2024, the Planning and Zoning Commission held a public hearing to remove a deed restriction limiting the use of the property and recommended unanimous approval (6-0). On February 19, 2024, the City Council continued the public hearing for the zone change to the March 4, 2024, City Council meeting to consider both requests at the same meeting.

### **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 the Removal of Deed Restrictions Contained Within Document Number 2012-3565, on 1.029 Acres, Being a Portion of Riverview Industrial Park, Block A, Lot 11R1; Located on the South Side of Stonewall Drive, Approximately 200 Feet West of Huffines Boulevard; as Requested by Paul Bartel, Halff Associates Inc., on Behalf of Prologis-Exchange TX 2004 LLC, the Property Owner.](#)

### **ADMINISTRATIVE COMMENTS:**

During the review of the zone change request for the subject property, deed restrictions on the use of the property were discovered that need to be removed to

facilitate the development of a proposed business park on the site. These restrictions were put in place shortly after rezoning the subject property from Light Industrial (LI) District zoning to Warehouse (WH) District zoning in 2011 and were specific to the development proposed at the time. The deed restrictions state that City Council action through the public hearing process is required to amend or remove the deed restrictions. The Planning and Zoning Commission recommended unanimous approval (6-0) on February 20, 2024.

**RECOMMENDATION:**

That the City Council approve the removal of the deed restrictions as set forth in the caption above.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

3. [Public Hearing: Consideration of an Ordinance Granting a Zone Change From Public Use \(PU\) District Zoning to Planned Development Estate Townhouse Residential \(PD-ETH\) District on 47.641 Acres of Land out of the R. F. Hardin Survey, Abstract Number 613, the D. Cook Survey, Abstract Number 234, the T. A. West Survey, Abstract Number 1345, and the B. Schoonover Survey, Abstract Number 1209; Located on the East Side of Josey Lane Approximately 3,000 feet South of Windhaven Parkway; as Requested by Patricia Fant, McAdams, on Behalf of Lewisville Independent School District, the Property Owner. \(23-10-8-PZ\)](#)

**ADMINISTRATIVE COMMENTS:**

The subject site lies east of Josey Lane, across from Memorial Elementary School and the Lakewood Hills development. The property is currently owned by the Lewisville Independent School District, who intends to sell the southern portion for a residential subdivision and retain the northern portion for a future middle school. The applicant is proposing a rezoning to Planned Development Estate Townhouse Residential to build a new single-family detached neighborhood. The Planning and Zoning Commission recommended unanimous approval (5-0) on February 6, 2024.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

## F. 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.*

## G. 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 February 19, 2024, Workshop Session, and Regular Session.](#)
5. [Approval of an Economic Development Agreement Between the City of Lewisville and WesternTechSystems, Inc., and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

### **ADMINISTRATIVE COMMENTS:**

WesternTechSystems, Inc. (“Company”) plans to construct a facility with 60,000 square feet of office/warehouse space at the southwest corner of Spinks Road and S. Valley Parkway. This will be a relocation and expansion of their current facility in Coppell. The agreement requires the Company to (1) construct real property improvements on the property with a minimum capital investment of \$13,000,000; (2) hire an additional 142 full-time employees (“FTE”), for a total of 210 FTEs by 2028; (3) have a local hiring preference for City of Lewisville residents; and (4) occupy approximately 37,000 square feet of the building and lease 23,000 square feet to a tenant. In return, the City will provide a grant equal to 50% of the real property taxes paid to the City of Lewisville for a period of ten years, a grant equal to 100% of all fees paid to the City at the time of applying for a building permit, and a grant equal to 100% of the capital recovery fees paid to the City at the time of applying for a building permit.

Funding will be available from real property taxes, building permit fees, and capital recovery fees paid to the City.

**RECOMMENDATION:**

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

6. [Approval of an Agreement with Occupational Health Centers of the Southwest, PA for Occupational Health Services; and Authorization for the City Manager, or Her Designee, To Execute all Necessary Documents.](#)

**ADMINISTRATIVE COMMENTS:**

Under Texas Local Government Code 2254.002, the City may enter into a Professional Service Agreement for licensed physicians and medical services on the basis of demonstrated competence. Concentra Urgent Care provides treatment for work-related injuries, drug screenings, physical therapy, physical exams, and pre-employment services for persons employed by employers in North Texas and the surrounding areas at competitive prices. The City has utilized Concentra for occupational health services for the last eleven years. Staff recommends contracting with Concentra for a one-year period, with an option to renew for three additional one-year periods.

**RECOMMENDATION:**

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

7. [Approval of a Resolution Authorizing Contracts for Joint Election Services with Denton and Dallas Counties; and Authorizing the Mayor, City Manager, or Her Designee, to Execute Said Contracts.](#)

**ADMINISTRATIVE COMMENTS:**

The proposed resolution authorizes the Mayor, City Manager, or her designee, to execute Joint Election Services Contract with the Dallas County Elections Administrator and a Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator for the May 4, 2024, City of Lewisville General and Bond Elections.

**RECOMMENDATION:**

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

8. [Approval of a Resolution Authorizing a Multiple Use Agreement Between the City of Lewisville, and the Texas Department of Transportation \(TxDOT\) Authorizing Flock Safety to Install Automated License Plate Readers Along TxDOT Rights-of-Way on the Highway Right-of-Way of FM 407 Roadway.](#)

**ADMINISTRATIVE COMMENTS:**

The Lewisville Police Department routinely uses this Automated License Plate Reader (ALPR) system throughout the City of Lewisville. This request is to expand the system by adding an additional ALPR camera on FM407 and Lake Park Road. Because this location is within State right-of-way, an agreement with TxDOT must be executed. The Primary purpose of the ALPR system is to assist in the detection and apprehension of vehicles and/or persons traveling through the jurisdiction of the Lewisville Police Department in a vehicle that has license plates that have been entered into the National Crime Index Computer or on the LPD ALPR Hotlist.

**RECOMMENDATION:**

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

**H. Regular Hearing**

9. [Consideration of Four Alternative Standards Related to Building Setbacks, Parking Layout, Driveway Location, and Streetscape for a Proposed Commercial Building on a 3.29-Acre Lot, Legally Described as Blake C. Bowen Addition, Block A, Lot 2; Located at the on the North Side of Justin Road \(FM 407\) Approximately 400 Feet West of IH-35E; Zoned Light Industrial \(LI\) District, as Requested by Larry Cates on Behalf of Lewisville 407 & 35 Partnership, the Property Owner \(Case No. 24-02-2-AltStd\).](#)

**ADMINISTRATIVE COMMENTS:**

Spec's Family Partners, Ltd. (Spec's Wines, Spirits & Finer Food's a.k.a. Spec's) is proposing a new retail building on the north side of Justin Road (FM 407). The following four Alternative standards are requested to accommodate various easements on the property: a) to allow a 98-foot setback from the primary pedestrian street in-lieu of the maximum 10 feet allowed and a 95-foot setback from

Justin Road (FM 407) in lieu of the maximum 80 feet allowed; b) to allow parking between the building and street; c) to allow driveways onto the primary pedestrian street; and d) to omit the streetscaping and sidewalk along the primary pedestrian street and place the required benches and bike racks along the 8-foot sidewalk along the building. The Planning and Zoning Commission recommend unanimous approval (6-0) on February 20, 2024.

**RECOMMENDATION:**

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

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

10. [Consideration of an Ordinance Amending the Fee Schedule of the City of Lewisville by Amending Fees Related to Solid Waste and Recycling Services in the Properties That Were Annexed Into the City on November 15, 2021.](#)

**ADMINISTRATIVE COMMENTS:**

The City Council approved an exclusive franchise agreement for solid waste and recycling collection and disposal with Republic Services for Legacy Lewisville that became effective January 1, 2021. Following the annexation of the Castle Hills area, the city assumed an exclusive franchise agreement for residential solid waste and recycling collection and disposal with Community Waste Disposal (CWD). During the September 18, 2023 City Council Work Session, staff presented options for solid waste and recycling collection for the Castle Hills area. Subsequently, staff was directed to transition solid waste and recycling collection for the Castle Hills area to the Republic Services exclusive franchise agreement making the service consistent throughout Lewisville. Staff has negotiated a transition plan with CWD and Republic that considers challenges for both customers and providers in the Castle Hills area. CWD has informed staff that extending their service to January 31, 2025, will cause them to incur additional costs for trucks. To offset this additional cost, rates will be increased by 10.3 percent effective April 3, 2024, as part of the proposed amendment impacting all residential rates for the Castle Hills area. The average home, having one trash cart and one recycle cart, will see a monthly increase of \$2.62 on their utility bill. Per the proposed amendment, this is the final rate adjustment for the CWD agreement. On

February 1, 2025, the franchise will transfer to Republic Services and the fees for the Castle Hills area will likely reduce at that time.

**RECOMMENDATION:**

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

11. [Second Reading: Consideration of an Ordinance Setting Forth the Second Amendment to the Solid Waste Collection and Disposal and Recyclable Material Collection and Processing Agreement and the First Amendment to the Solid Waste Collection and Disposal and Recyclable Material Collection and Processing Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The City Council approved an exclusive franchise agreement for solid waste and recycling collection and disposal with Republic Services for Legacy Lewisville that became effective January 1, 2021. Following the annexation of the Castle Hills area, the city assumed an exclusive franchise agreement for residential solid waste and recycling collection and disposal with Community Waste Disposal (CWD). During the September 18, 2023, City Council Work Session, staff presented options for solid waste and recycling collection for the Castle Hills area. Subsequently, staff was directed to transition solid waste and recycling collection for the Castle Hills area to the Republic Services exclusive franchise agreement making the service consistent throughout Lewisville. Staff has negotiated a transition plan with CWD and Republic that considers challenges for both customers and providers in the Castle Hills area. The City Charter requires that amendments to a franchise ordinance be read twice, 30 days apart, and go into effect no earlier than 30 days after the final reading. The first reading was approved on January 22, 2024. If approved on the second reading, the amendment will be effective on April 3, 2024.

**RECOMMENDATION:**

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

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

1. [Quarterly Investment Report from October 1, 2023 to December 31, 2023.](#)



2. [City Council Reports](#)

3. [Staff Reports](#)

**J. Return to Workshop Session if Necessary**

**K. 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.*

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

**M. Adjournment**

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## 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 \_\_\_\_\_, 2024 at \_\_\_\_\_ AM.

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Thomas Harris III, City Secretary