



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, September 9, 2024**

**6:30 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 5:30 p.m. prior to the meeting.*

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

### **Workshop Session - 6:30 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 Consent and Regular Agenda Items](#)
- B. [Lead and Copper Rule Workshop Presentation](#)

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

- A. **Invocation - Deputy Mayor Pro Tem Ronni Cade**
- B. **Pledge to the American and Texas Flags - Mayor TJ Gilmore**
- C. **Public Hearing**
  - 1. [Continued Public Hearing: Consideration of an Ordinance Amending the Zoning Ordinance by Amending Ordinance No. 0428-22-ZON to Rezone Approximately 10.207 Acres Located on the Northeast Corner of Lady Tessala Avenue and Essex Boulevard, Legally Described as 10.207 Acres out of the Amos Singleton Survey, Abstract 1138 From Planned Development Multi-Family 3 \(PD-MF3\) District to Planned Development Townhouse 2 \(PD-TH2\) District; to Amend the Planned Development Concept Plan set Forth in Exhibit 5B The Realm Subdistrict Concept Plan Thereto by Amending the Concept Plan For 50.562 Acres Located North of Lady Tessala Avenue, Legally Described as 50.562 Acres out of the Amos Singleton Survey, Abstract 1138 and the Benjamin Schoonover Survey,](#)

[Abstract 1209, as Requested by Patricia Fant, of McAdams, on Behalf of Eric Stanley, of Breco Lands CH LLC, the Property Owner. \(Case No. 24-04-2-PZ\)](#)

**ADMINISTRATIVE COMMENTS:**

The City Council opened the public hearing for this item on August 19, 2024 and continued the public hearing to the September 9, 2024, City Council meeting. The applicant has requested that the public hearing be continued to the September 16, 2024 City Council meeting to provide additional time to update the proposed concept plan to reflect the details discussed at the community/neighborhood meeting hosted by applicant on Wednesday, September 4, 2024. On January 3, 2022, the City Council adopted the Castle Hills Planned Development (PD) District, Ordinance No. 0428-22-ZON, that incorporated all provisions of the Castle Hills Development Agreement along with the variances to the agreement approved since 1996. The PD allows changes to base zoning districts and the subdistrict concept plans following the zoning processes in the Unified Development Code (UDC). The applicant is requesting to change the base zoning district on 10.207 acres from Planned Development Multi-Family 3 (PD-MF3) District to Planned Development Townhouse Two (PD-TH2) District to allow for a front-entry townhome community where multifamily development had originally been planned. The proposed changes also necessitate an amendment to the approved concept plan. The Concept plan for the Realm South Subdistrict is being amended in its entirety; however, the changes only impact 50.562 acres, which includes the 10.207 acres proposed for rezoning. The proposed concept plan amendment consists of the addition of the proposed townhomes, along with a reconfiguration of the remaining multifamily units. The Planning and Zoning Commission recommended approval unanimously (5-0) on August 6, 2024.

**RECOMMENDATION:**

That the City Council continue the public hearing to the September 16, 2024 City Council meeting.

**AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

2. [Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for Manufacturing, Medium Intensity; on Approximately 5.1578 Acres Legally Described as Lot 3, Block A, Red River Business Park](#)

[Addition; Located at 900 Arthur's Lane; Zoned Light Industrial District \(LI\); as Requested by Angela Hunt, Munsch Hardt Kopf & Harr, on Behalf of Tyler Clements, Multiquip Inc., the Tenant, and Arthur's Lane Business Park, LLC, the Property Owner. \(Case No. 24-08-13-SUP\).](#)

**ADMINISTRATIVE COMMENTS:**

Multiquip Inc. is a manufacturer and supplier of products related to light and medium construction equipment. The manufacturing process at the 900 Arthur's Lane facility involves welding pre-formed metal sheet parts and powder-coating metal frames. This use is considered manufacturing, medium intensity, which requires approval of a special use permit. The use is compatible with surrounding uses and contributes to the Big Move of Economic Vitality outlined in the Lewisville 2025 Vision Plan. The Planning and Zoning Commission recommended unanimous approval (6-0) on August 20, 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

3. [Public Hearing: Consideration of an Ordinance Adopting the FY 2024-2025 Operating Budget.](#)

**ADMINISTRATIVE COMMENTS:**

In accordance with state law and the City Charter, a public hearing is being held on the proposed FY 2024-25 budget (available on the City's website and in the City Manager's Office, and as filed with the City Secretary's Office) to provide an opportunity for resident input. The proposed budget includes changes made by City Council at the budget workshop held on August 10, 2024. Texas Local Government Code Section 102.007 requires City Council to take action on the proposed budget at the conclusion of the public hearing. Approval of this ordinance adopts an operating budget for these funds beginning October 1, 2024 and ending September 30, 2025.

**RECOMMENDATION:**

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

## 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 August 10, 2024 Called-Special Budget Meeting and the August 19, 2024, Workshop Session, and Regular Session.](#)
5. [Approval of Temporary Construction Easement Agreement, License and Mowing Agreement and Acceptance of Donated Irrigation and Landscaping, Between the City of Lewisville and Summit Avenue Owner LLC; and authorization for the City Manager, or Her Designee to Execute the Agreement.](#)

### **ADMINISTRATIVE COMMENTS:**

Summit Avenue Owner LLC, operates Norra Apartments located at 1801 Summit Avenue. Norra seeks to improve curb appeal along Summit Avenue, by installing an irrigation system and enhancing turf on city property and supplementing the City's maintenance in the area once installed. The proposed agreements will facilitate the donation of the improvements, as well as provide access for on-going maintenance of the enhanced turf areas.

### **RECOMMENDATION:**

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

6. [Approval of an Economic Development Agreement Between the City of Lewisville and TSMA Holdings, LLC; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

TSMA Holdings, LLC is the owner of Sullivan Old Town BBQ (“Owner”) located at 301 S. Mill Street. The Owner is seeking to improve the building's exterior to better accommodate the growing demand from its customers. To support these improvements, the Owner is requesting to extend and enhance the front facade of the building, which includes glass and door replacement, extension of the patio, signage, lighting, painting and other repairs. The proposed economic development agreement includes a grant of up to 50% of the tenant and/or façade improvement costs, with a maximum limit of \$40,000. Additionally, the agreement includes a cash grant, not to exceed \$40,000, in exchange for a license and maintenance agreement. The Old Town Pocket Park License and Maintenance Agreement would obligate the Owner to host events in the adjoining City park ("Pocket Park") and maintain the cleanliness of the Pocket Park. Funding is available in the Old Town Facade Capital Project and the General Fund.

**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.

7. [Approval of the Second Amendment to Interlocal Agreement Among the City of Lewisville, the Town of Flower Mound and the City of Highland Village; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

In 2021, the Cities of Lewisville, Highland Village and the Town of Flower Mound signed an Interlocal Agreement (ILA) to jointly design, construct and share use of a fire training facility on Lewisville property. An amendment to the ILA was signed in 2023 to account for an increase in construction costs. A second amendment is now needed to address additional costs incurred due to unforeseen significant groundwater intrusion.

**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.

8. [Approval of an Agreement Between the City of Lewisville and ALCC, LLC, dba Perfect Finish Landscaping for Pedestrian Bridge Replacements at Echo Park, Fitness Park and Train Park in the Amount of \\$298,526.00; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

A total of fifty-eight (58) requests for proposals were downloaded from Bonfire. Three (3) proposals were received and opened on July 1, 2024. An evaluation of all proposals was performed, and it was determined that ALCC, LLC, dba Perfect Finish Landscaping offered the best value for the City to replace four (4) pedestrian bridges at Echo Park, Fitness Park and Train Park. Funding for this project is available in a Parks and Recreation CIP Fund.

**CITY STAFF'S 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.

9. [Approval of an Interlocal Cooperation Contract Between the City of Lewisville and the Texas Department of Public Safety \(DPS\) for the Collection of Outstanding Fines and Other Amounts Pursuant to Section 706 of the Texas Transportation Code and for the Continuation of a Failure to Appear \(FTA\) Program Which Denies the Renewal of a Driver License to Persons Who Fail to Appear in Court or Fail to Pay a Fine and/or Costs; and Authorization for the City Manager to Execute the Contract.](#)

**ADMINISTRATIVE COMMENTS:**

Section 706 of the Texas Transportation Code authorizes the DPS to contract with a private vendor to provide and establish an automated system that denies the renewal of a driver license for persons who fail to appear in court or who fail to pay a fine involving a violation of a traffic law. The City has long used the FTA program as part of a series of measures designed to assist in collecting fines and court costs owed to the State. Under this law, a city contracting with the DPS must collect the fee of \$10.00, part of which is paid to the private vendor (\$6.00) and part is retained by the City (\$4.00). Once the outstanding

fine, costs and fees are paid, the DPS is notified that the license may be renewed. The contract was first signed in December 2005 and has been in place since that time. The proposed contract reflects recent legislative changes to the FTA program.

**RECOMMENDATION:**

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

10. [Approval of the Second Amendment to the Agreement Between the City of Lewisville and TBG Partners for Trail Design and Project Management Services for Timber Creek Hike and Bike Trail; Adding \\$118,250 to the initial Agreement Amount of \\$431,010, for a Total of \\$549,260; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

In June 2021, the City Council approved a Professional Services Agreement (PSA) with TBG Partners for design and construction management services for a hike and bike trail following the Timber Creek Greenbelt. TGB must perform additional analysis, coordination and field work beyond the scope of the executed PSA to address trail design modifications and address TxDOT requirements. The additional services to be rendered include easement preparation, design revisions, layout modification, a drainage report, and additional surveys, scour analysis, slope stability analysis, and hydraulic modeling.

**RECOMMENDATION:**

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

11. [Approval of a Bid Award for Whippoorwill Lift Station Electrical Improvement Project to Felix Construction Company in the Amount of \\$3,036,984, and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The Whippoorwill Lift Station has been in service for more than 35 years and this project includes the upgrading of the station's electrical components and will bring it to a reliable level for the next 30 years. A total of forty-seven (47) request for bids were downloaded from Bonfire. One (1) bid was received and opened on July 16, 2024. After reviewing the bid, Felix Construction Company is recommended for award to provide the upgrades at Whippoorwill Lift Station. Funding is available in the Whippoorwill Lift Station Capital Project.

**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.

12. [Approval of a License Agreement Between the City of Lewisville and RO Properties and Authorization for the City Manager, or her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

RO Properties, owner of the building at 165 West Main Street, is requesting a license agreement to allow an awning and seating area on City property for their restaurant tenant, State 28, that is currently operating under a temporary certificate of occupancy. Once this license agreement is executed, staff will issue the final certificate of occupancy.

**RECOMMENDATION:**

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

13. [Approval of a Resolution Authorizing the Addition of up to Three Firefighter Positions, Two Police Officer Positions, One Detention Officer Position and One Public Safety Dispatcher Position Over the Authorized Number of Positions in the FY 2024-25 Budget to Alleviate Understaffing Caused by Turnover.](#)

**ADMINISTRATIVE COMMENTS:**

City Council annually approves a resolution authorizing the overfill of three firefighter positions, two police officer positions, one detention officer position, and one public safety dispatcher position over the authorized budget. Staff



requests approval to overfill these positions due the rigorous and lengthy recruitment and selection process necessary to find qualified applicants. In addition, these positions typically have extended training periods that are required before they can work independently in their positions. This resolution is required each year in conjunction with the vote to adopt the budget.

**RECOMMENDATION:**

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

14. [Approval of a Resolution Ratifying the Property Tax Increase Reflected in the FY 2024-25 Operating Budget.](#)

**ADMINISTRATIVE COMMENTS:**

Section 102.007(c) of the Texas Local Government Code requires a separate vote of the governing body to ratify the property tax increase reflected in the FY 2024-25 budget if the budget will require raising more revenue from property taxes than in the previous year. This budget will raise more total property taxes than last year's budget by \$6,152,985 (7.02%), and of that amount \$3,296,488 is tax revenue to be raised from new property added to the tax roll this year.

**RECOMMENDATION:**

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

15. [Approval of a Resolution Authorizing the City Manager to Enter Into an Interlocal Agreement With the Texas Department of Transportation \(TxDOT\) for Gateway Signage.](#)

**ADMINISTRATIVE COMMENTS:**

Two gateway monument signs currently exist in Texas Department of Transportation (TxDOT) rights-of-way, which were built with previous Green Ribbon Projects on FM 407 (Justin Road) and State Highway 121 Business. This interlocal agreement would incorporate the two existing signs and add a third location on FM 3040 (Round Grove Road) east of the Old Orchard Lane/Duncan Lane interesection. This sign was identified as a priority in the Southwest Lewisville Small Area Plan.

**RECOMMENDATION:**

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

## F. Regular Hearing

16. [Consideration of two Alternative Standards Associated With Window and Awning/Canopy Requirements for a Retail Store or Shop on an Approximately 3.29-Acre Lot, Legally Described as Blake C. Bowen Addition, Block A, Lot 2; Located on the North Side of Justin Road \(FM 407\) Approximately 400 Feet West of North Stemmons Freeway \(IH-35E\); Zoned Light Industrial \(LI\) District, as Requested by Samuel Mortimer, the Architect, on Behalf of Lewisville 407 & 35, the Property Owner. \(Case No. 24-08-9-AltStd\)](#)

### **ADMINISTRATIVE COMMENTS:**

Six alternative standards were previously granted related to the primary pedestrian street and other site features due to significant easement constraints. The two alternative standards requested now are not related to the easement constraints but are due to a new prototype elevation and layout design for Spec's Wine, Spirits & Finer Foods (Spec's). The two following alternative standards are requested: a) to replace the required 40% ground floor windows along the primary pedestrian street with 12% windows and utilizing a second brick color to mimic the pattern and rhythm of windows and install a mural on the south wall; and b) to reduce the 75% canopy coverage along the primary pedestrian street to 18%. The Planning and Zoning Commission recommended unanimous (6-0) approval on July 2, 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

17. [Consideration of an Ordinance of the City Council of the City of Lewisville, Texas, approving a Negotiated Settlement Between the Atmos Cities Steering Committee \("ACSC"\) and Atmos Energy Corp., Mid-Tex Division Regarding the Company's 2024 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs That Reflect Rate Adjustments Consistent with the Negotiated Settlement; Finding the Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving an Attachment Establishing a Benchmark for](#)

[Pensions and Retiree Medical Benefits; Requiring the Company to Reimburse ACSC's Reasonable Rate-making Expenses; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Ordinance to the Company and the ACSC's Legal Counsel; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

In 2007, the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation's Mid-Tex Division (Atmos Mid-Tex) settled a rate adjustment issue under the Gas Reliability Infrastructure Program (GRIP) by establishing a new Rate Review Mechanism (RRM). This mechanism replaced the GRIP filings for future rate reviews. The most recent RRM Tariff, adopted in 2018, was used when Atmos Mid-Tex filed a rate request on April 1, 2024. The company sought \$196.8 million in additional revenues based on a 2023 cost-of-service study. Applying ACSC's RRM standards adjusted this to \$182.5 million, with \$132.6 million affecting ACSC members. After analysis, ACSC's consultants determined a \$149.6 million shortfall. The parties eventually settled on \$164.7 million, a \$32.1 million reduction from the initial request, which includes covering ACSC's expenses. New rates will take effect on October 1, 2024.

**RECOMMENDATION:**

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

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

1. [City Council and Staff Reports](#)
2. [Summary of Series 2024 Bond Sale - GO and Utility Revenue Bonds](#)
3. [Quarterly Investment Report from April 1, 2024 to June 30, 2024.](#)

**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 related to Texas-New Mexico Power Company's Application for Approval of a System Resiliency Plan filed at the Public Utility Commission of Texas, Docket No. 56954.
2. Section 551.071 (Consultation with Attorney): Legal issues related to the Fair Housing Act (42 USC Section 3601, et seq.) and approved variances to Chapter 3, Animals, Article III, Division 2, Section 3-85, Same-Agricultural Animals, Article V, Section 3-151, Restricted Premises, and Article VI, Section 3-156, Location, Number and Types of Chickens Allowed, at 1292 Marchant Place.
3. Section 551.072 (Real Estate): Property Acquisition
4. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.
5. Section 551.074 (PERSONNEL):
  - (a) City Manager Claire Powell
  - (b) City Secretary Thomas Harris III
  - (c) City Attorney Lizbeth Plaster
  - (d) Municipal Court Judge Brian Holman

**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, upon an approved motion, to suspend the rules to consider business out of the posted order.

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.

\_\_\_\_\_  
Thomas Harris III, City Secretary