LEWISVILLE CITY COUNCIL

REGULAR SESSION

June 17, 2024

6:30 P.M.

Present:

TJ Gilmore, Mayor

Council Members:

William Meridith, Mayor Pro Tem Patrick Kelly, Deputy Mayor Pro Tem Bob Troyer Ronni Cade Brandon Jones Kristin Green – absent

City Staff:

Claire Powell, City Manager
Gina McGrath, Deputy City Manager
Shante Akafia, Assistant City Manager
Jim Proce, Assistant City Manager
Lizbeth Plaster, City Attorney
Lauren Crawford, Deputy City Attorney
Thomas Harris III, City Secretary
Jennifer Malone, Assistant City Secretary

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Gilmore at 6:30 p.m. on Monday, June 17, 2024, in the City Council Conference Room of Lewisville City Hall, 151 West Church Street, Lewisville, Texas. City Department Heads were also in attendance.

WORKSHOP SESSION

Discussion of Regular Agenda Items and Consent Agenda Items

(Agenda Item A)

Mayor Gilmore led a discussion of regular agenda items and consent agenda items and received questions and comments from City Council and City staff.

City Manager Claire Powell presented information regarding Item No. 9, answered questions, and comments from the City Council

City Council discussed Item No. 15, appointment of boards/commissions/committees

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members for two-year appointments.

Discussion on Unmanned Aircraft Systems (UAS) and Adding Regulations Regarding UAS to the Unified Development Code.

(Agenda Item B)

At the request of Mayor Gilmore, Planning Manager Michele Berry presented information regarding the discussion on Unmanned Aircraft Systems (UAS) and adding regulations regarding UAS to the Unified Development Code, answered questions, and comments from the City Council. Deputy Mayor Pro Tem Kelly asked about privacy concerns. City Manager Claire Powell gave comments and answered questions from Council.

Mayor Gilmore ADJOURNED Workshop Session at 6:53 p.m.

REGULAR SESSION

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Gilmore at 7:00 p.m. on Monday, June 17, 2024.

Invocation (Agenda Item A)

At the request of Mayor Gilmore, Mayor Pro Tem Meridith gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Gilmore, Council Member Bob Troyer gave the pledge to the United States and Texas flags.

2023-2024 Lewisville Citizens University

Graduation (Agenda Item C-1)

Mayor Gilmore announced the 2024 Citizens University graduates and presented them with graduation certificates. City Secretary Thomas Harris III handed out graduation t-shirts.

Presentation of the 2024 "Spirit of Lewisville"

Award Honorees. (Agenda Item C-2)

At the request of Mayor Gilmore, Director of Community Relations and Tourism James Kunke provided a description of the Spirit of Lewisville Award. Neighborhood Services Manager Ashleigh Feryan presented the award to Southern Comfort Mechanical. City Manager Claire Powell presented the awards to the members of the Blue Ribbon Committee.

Council Canines (Agenda Item C-3)

The Gene Carey Animal Shelter and Adoption Center is currently at capacity for large dogs. A City Council member will highlight a large dog for adoption. The adoption fee for this pet has been waived and all adoptions come with sterilization, microchip, rabies vaccination, and one year of City registration (if Lewisville resident). The Gene Carey Animal Shelter and Adoption Center is located at 995 E. Valley Ridge Blvd. Adoption Center hours are Tuesday from 12 p.m. – 7 p.m., Wednesday – Friday from 10 a.m. – 5 p.m., and Saturday from 12 p.m. – 5 p.m.

A video was shown with Councilmember Troyer highlighting the Council canine for June 17, 2024.

PUBLIC HEARING

Public Hearing: Consideration of Ordinance No. 0664-24-ORD, an Ordinance Amending Article VII, "Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Regulations", of Volume II of the Lewisville City Code, Known as the Unified Development Code, by Amending Chapter VII.3, "Supplemental Use Regulations", Section VII.3.23, "Medical Office and Clinic, Hospital and Licensed Massage Therapy", to Clarify the Language Related to the Circumstances Triggering the Requirement for a Special Use Permit.

(Agenda Item D-1)

In November 2023, the City Council approved changes to the Unified Development Code that required a Special Use Permit for Medical Office and Clinic, Hospital, and Licensed Massage Therapy uses if certain violations of the Texas Penal Code had occurred. Since the effective date of that ordinance, staff has enforced the provisions of the ordinance on several establishments that had multiple prostitution related offenses. During the enforcement process, staff identified the need to clarify certain terms in the ordinance as proposed by these amendments. The Planning and Zoning Commission recommended unanimous approval (5-0) on June 4, 2024.

The City staff's recommendation was that the City Council approve the ordinance as set forth in the caption above.

Planning Director Richard Luedke and Police Chief Brook Rollins were available for questions posed by the City Council.

Mayor Gilmore opened the public hearing at 7:17 p.m.

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MOTION:

Upon a motion made by Deputy Mayor Pro Tem Kelly and seconded by Council Member Troyer, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:18 p.m.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council Amending Article VII, "Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Regulations", of Volume II of the Lewisville City Code, Known as the Unified Development Code, by Amending Chapter VII.3, "Supplemental Use Regulations", Section VII.3.23, "Medical Office and Clinic, Hospital and Licensed Massage Therapy", to Clarify the Language Related to the Circumstances Triggering the Requirement for a Special Use Permit; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency."

MOTION:

Upon a motion made by Council Member Jones and seconded by Mayor Pro Tem Meridith, the Council voted five (5) "ayes" and no (0) "nays" to approve **Ordinance No. 0664-24-ORD** as set forth in the caption. The motion carried.

Public Hearing: Consideration of Ordinance No. 0665-24-ORD, an Ordinance Amending Article II, "Definitions", Article VII, "Uses, Parking Requirements, Supplemental Use Regulations and Certain **Distance** Requirements", and Article VIII, Chapter 1, "Off Street Parking Standards" of Volume II of the Lewisville City Code, Known Unified Development Code, by Adding 'Smoking Establishment' as a Defined Use, Specifying the Requirement for a Special Use Permit for the Smoking Establishment Use in Certain Zoning Districts, and Adding Required Parking Ratio.

(Agenda Item D-2)

The proposed code amendment adds a new use 'Smoking Establishments' and requires a special use permit (SUP) for this use in the Old Town Mixed Use 2 (OTMU-2), Mixed Use (MU), General Business (GB), General Business 2 (GB-2) and Light Industrial (LI) zoning districts. Cigar bars, cigar lounges, hookah bars, hookah lounges, and cigarette lounges have been growing in popularity and are not clearly defined or addressed in the Unified Development Code. Furthermore, there are significant health risks along with odors and fumes associated with smoking that could be detrimental to other tenants or properties. Other uses with on-site consumption of age-controlled substances, namely bars, are regulated by the Texas Alcoholic Beverage

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Commission and require SUP approval. The Planning and Zoning Commission recommended unanimous approval (5-0) on June 4, 2024.

The City staff's recommendation was that the City Council approve the ordinance as set forth in the caption above.

Planning Director Richard Luedke was available for questions posed by the City Council.

Mayor Gilmore opened the public hearing at 7:20 p.m.

MOTION: Upon a motion made by Council Member Jones and seconded by Deputy Mayor Pro Tem Kelly, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:21 p.m.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council Amending Article II, "Definitions", Article VII, "Uses, Parking Requirements, Supplemental Use Regulations and Certain Distance Requirements", and Article VIII, Chapter 1, "Off-Street Parking Standards" Of Volume II of the Lewisville City Code, Known as the Unified Development Code, by Adding 'Smoking Establishment' as a Defined Use, Specifying the Requirement For a Special Use Permit for the Smoking Establishment Use in Certain Zoning Districts, and Adding the Required Parking Ratio; Providing for a Repealer, Severability, a Penalty, and an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Mayor Pro Tem Meridith and seconded by Council Member Cade, the Council voted five (5) "ayes" and no (0) "nays" to approve Ordinance No. 0665-24-ORD as set forth in the caption. The motion carried.

Public Hearing: Consideration of Ordinance No. 0666-24-SUP, an Ordinance Granting a Special Use Permit for a Bar and Food Truck Park and an Associated Alternative Standard Regarding Parking; on Approximately 0.648 Acres Legally Described as Salvation Army Addition, Lot 1 and 2, Block A, Located at 206 West Main Street and 207 Elm Street; Zoned Old Town Mixed Use 2 (OTMU2); as Requested by John Williams, of Old Town Craft, on Behalf of the City of Lewisville, the Property Owner. (Case No. 24-04-5-SUP).

(Agenda Item D-3)

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Old Town Craft is a proposed bar and food truck park looking to operate out of the former Salvation Army location on the west side of Charles Street between West Main Street and Elm Street. A special use permit (SUP) is required to allow both a bar and a food truck park within the Old Town Mixed Use 2 zoning district. John Williams, the applicant, and his partners, have experience operating many similar businesses in Denton and Dallas, such as East Side and Miss Angeline's and the adjacent food truck park. The applicant is also requesting an alternative standard to waive the parking requirement in conjunction with this SUP. The Planning and Zoning Commission recommended unanimous approval (5-0) of the SUP request and alternative standard on May 21, 2024.

The City staff's recommendation was that the City Council approve the ordinance and associated alternative standard as set forth in the caption above.

Planning Director Richard Luedke was available for questions posed by the City Council.

Mayor Gilmore recused from Agenda Item D-3.

Mayor Pro Tem Meridith opened the public hearing at 7:23 p.m.

MOTION: Upon a motion made by Council Member Cade and seconded by Council Member Troyer, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Mayor Pro Tem Meridith closed the public hearing at 7:24 p.m.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

"An Ordinance of the Lewisville City Council, Amending the Zoning Ordinance by Granting a Special Use Permit for a Bar and Food Truck Park on Approximately 0.648 Acres Legally Described as Lots 1 And 2, Block A of the Salvation Army Addition, Located at 206 West Main Street and 207 Elm Street, and Zoned Old Town Mixed-Use Two (OTMU-2) District; Providing for a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency."

MOTION: Upon a motion made by Council Member Jones and seconded by Deputy Mayor Pro Tem Kelly, the Council voted five (5) "ayes" and no (0) "nays" to approve Ordinance No. 0666-24-SUP and associated alternative standard as set forth in the caption. The motion carried.

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Visitors/Citizens Forum

(Agenda Item E)

Yolanda Carpenter, 1305 Wentworth Drive, Lewisville, TX 75067, was called to speak and spoke regarding issues with the senior bus.

Mark Reeder, 1197 Valley Oaks, Lewisville, TX 75067, was called to speak and spoke regarding a nuisance at Seneca Place.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Council Member Jones and seconded by Mayor Pro Tem Meridith, the Council voted five (5) "ayes" and no (0) "nays" to approve the Consent Agenda, with the exception of Items F-10 and F-11, moved to Regular agenda.

- 4. APPROVAL OF MINUTES: City Council Minutes of the June 3, 2024, Workshop Session, and Regular Session.
- 5. Approval of an Agreement for Assessment Billing and Collection Between the City of Lewisville and Denton County for Fiscal Year 2024-25; and Authorization for the City Manager to Execute the Agreement.
- 6. Approval of an Agreement with Brandstetter Carroll Inc. in the Amount of \$77,100 For Design Services for Renovations at Lewisville Grand Theater, and Authorization for the City Manager, or Her Designee, to Execute the Agreement.
- 7. Approval of a Professional Services Agreement Between the City of Lewisville and Halff Associates, Inc. for Professional Engineering and Consulting Services for the Design for Lake Park Shoreline Erosion Phase I; in the Amount of \$575,300; and Authorization for the City Manager or Her Designee to Execute the Agreement.
- 8. Approval of a Memorandum of Understanding for the AARP Community Challenge Grant Awarded to the City of Lewisville to Host a Backyard Cottage Design Competition.
- 9. Approval of Change Order No. 1 to the AIA A141 Owner Design Builder Agreement for Construction Services for the Lewisville Fire Training Structures to CORE Construction Services of Texas, Inc., in the Amount of \$395,000; Approval of an Increase of the Contract Time (i.e. the Date of Substantial Completion to November 18, 2024); Approval of the Design Builder's Billing Rates; and Authorization for the City Manager or Her Designee to Execute the Change Order.
- 12. Approval of <u>Resolution No. 0669-24-RES</u>, a Resolution of the City Council of the City of Lewisville, Texas, Reappointing Council Member Brandon Jones as the

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Primary Representative on the Regional Transportation Council; Appointing James Clark, Mayor of the City of Justin, as Alternate Representative on the Regional Transportation Council; and Providing for an Effective Date.

The motion carried.

Mayor Pro Tem Meridith recused from Items F-10 and F-11.

10. Approval of <u>Resolution No. 0667-24-RES</u>, a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Execute a Grant Agreement With The Boys and Girls Club of Greater Tarrant County To Receive a Portion of The City of Lewisville's Covid Emergency Response Fund in Order to Alleviate Food Insecurity for Lewisville Residents; and Providing an Effective Date.

MOTION: Upon a motion made by Council Member Troyer and seconded by Council Member Jones, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 0667-24-RES.**

The motion carried.

11. Approval of **Resolution No. 0668-24-RES**, a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Execute a Grant Agreement With Serve Lewisville, Inc. to Receive a Portion of the City of Lewisville's Backbone Support Funding; And Providing an Effective Date.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Kelly and seconded by Council Member Cade, the Council voted four (4) "ayes" and no (0) "nays" to approve **Resolution No. 0668-24-RES**.

The motion carried.

REGULAR HEARING

Consideration of Ordinance No. 0670-24-ORD, an Ordinance of the City of Lewisville Approving the 2024-25 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Lakeside Crossing Public Improvement District; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency.

(Agenda Item G-13)

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On March 20, 2023, the City created the Lakeside Crossing Public Improvement District for construction of public improvements in a designated area that contains approximately 25.546 acres located along McGee Lane north of Justin Road and west of Interstate Highway 35E. An update to the Service and Assessment Plan and Assessment Roll must be considered and approved by City Council annually. This plan identifies public improvement costs to be provided by the PID along with the manner of assessing the property in the PID and the assessment roll.

The City staff's recommendation was that the City Council consider the resolution as set forth in the caption above.

City Attorney Liz Plaster read the ordinance caption into the record as follows:

"An Ordinance of the City of Lewisville Approving the 2024-2025 Annual Service Plan Update to the Service and Assessment Plan and Assessment Roll for Public Improvements for the Lakeside Crossing Public Improvement District; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency."

MOTION:

Upon a motion made by Deputy Mayor Pro Tem Kelly and seconded by Council Member Cade, the Council voted five (5) "ayes" and no (0) "nays" to approve **Ordinance No. 0670-24-ORD** as set forth in the caption. The motion carried.

Consideration of Resolution No. 0671-24-RES, a Resolution of the City Council of the City of Lewisville, Texas, Providing for the City of Lewisville's Vote for One Member to the Board of Managers of the Denco Area 9-1-1 Emergency Communication District; and Providing an Effective Date.

(Agenda Item G-14)

At the May 6, 2024 City Council meeting, City Council selected Jim Carter, former Mayor of the Town of Trophy Club and former President of the Denton County ESD #1, as the City of Lewisville's nomination for the Board of Managers of the Denco Area 9-1-1 District. All the nominations have now been submitted from the area cities and the District has requested that each participating city vote for one of the candidates and advise the District of its selection prior to 5 p.m. on July 31, 2024. The bios/resumes of each nominee have been attached for the City Council's review.

The City staff's recommendation was that the City Council approve the resolution and vote for one member to the Board of Managers of the Denco Area 9-1-1 Emergency Communication District as set forth in the caption above.

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MOTION:

Upon a motion made by Council Member Troyer and seconded by Council Member Cade, the Council voted five (5) "ayes" and no (0) "nays" to approve **Resolution**No. 0671-24-RES and vote for Jim Carter as member to the Denco Area 9-1-1 Emergency Communications District as set forth in the caption.

The motion carried.

Consideration of Appointments to Various City Boards/Commissions/Committees.

(Agenda Item G-15)

Various terms of office on the City's boards, commissions, and committees are expiring on June 30, 2024. Council sub committees will provide their slate of nominees for appointment to the various boards, commissions, and committees. City Council will engage in discussion, consideration and appointment to the various boards, commissions and committees.

The City staff's recommendation was that the City Council proceed with the appointments to various City Boards/Commissions/Committees, as set forth in the caption above.

MOTION:

Upon a motion made by Council Member Jones and seconded by Deputy Mayor Pro Tem Kelly, the Council voted five (5) "ayes" and no (0) "nays" to appoint the following members to two-year terms.

Animal Services Advisory Committee:

Place 2 – Reappoint Denice Crafton

Place 4 – Reappoint Amanda Earl

Place 6 – Reappoint Deanna Perkins

Arts Advisory Board:

Place 2 – Reappoint Cristi Gomez

Place 4 – Appoint Heidi Barr

Place 6 – Reappoint Jennifer Linde

Place 8 – Reappoint Michael Gortz

Community Development Block Grant Advisory Committee:

Place 2 – Reappoint Akber Allana

Place 3 – Appoint Michelle Epps

Place 4 – Reappoint Breanne Jackson

Place 6 – Appoint Ronke Abbey

Lewisville Crime Control and Prevention District Board & Lewisville Fire Control, Prevention and Emergency Medical Services District Board

Place 1 – Reappoint Kristin Green

Place 4 – Reappoint TJ Gilmore

Place 5 – Reappoint Brandon Jones

Place 6 – Reappoint William Meridith

Place 7 – Reappoint Patrick Kelly

Library Board

Place 2 – Reappoint Kay Stephenson

Place 4 – Appoint Tracy McNeil

Place 6 – Reappoint Abigail Crafton

Old Town Design Review Committee

Place 2 – Appoint Jamie Kosich

Place 4 – Reappoint Randy Tetzlaff

Park Board

Place 2 – Reappoint Elizabeth Flores

Place 4 – Appoint Kyle Bertsch

Place 6 – Reappoint Blake Wyne

Place 8 – Reappoint Jim Domer

Planning & Zoning Commission, Capital Improvements Advisory Committee, Overlay Board and Transportation Board

Place 1 – Appoint Josh Peterson

Place 3 – Appoint Ainsley Stelling

Place 5 – Reappoint Karen Locke

Place 7 – Reappoint Francisca Al-waely

Lewisville Public Facility Corporation

Place 2 – Reappoint William Meridith

Zoning Board of Adjustment

Place 2—Reappoint Audra Smolinski

Alternate Place 2 – Appoint Ronke Abbey

Place 4 – Reappoint John Deihl

Tax Increment Reinvestment Zone, Number One

Place 2 – Appoint Patrick Kelly

Place 4 – Appoint Kristin Green

Tax Increment Reinvestment Zone, Number Two

Place 2 – Reappoint Robert Troyer

Place 4 – Reappoint Patrick Kelly

Tax Increment Reinvestment Zone, Number Three

Place 1 – Reappoint Robert Troyer

Place 3 – Reappoint Kristin Green

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Place 5 – Reappoint William Meridith

Tax Increment Reinvestment Zone, Number Four

Place 5 – Reappoint Brandon Jones Place 6 – Reappoint Kristin Green

The motion carried.

Reports (Agenda Item H)

Capital Improvements Advisory Committee Semi-Annual Report for the Period of October 1, 2023 - March 31, 2024

City Council and Staff Reports

(Agenda Item H-2)

(Agenda Item H-1)

- Councilmember Jones congratulated the Citizens University graduates and Spirit of Lewisville recipients and thanked the Council for appointing him to RTC.
- Councilmember Cade thanked the Lewisville Police Department for doing a great job.
- Mayor Pro Tem Meridith reported on upcoming Lewisville Library activities.
- Councilmember Troyer congratulated the Mayor on his election to the NCTCOG board and reported on upcoming Lewisville Grand events.
- City Secretary Thomas Harris III thanked the residents that participated in the runoff election and thanked Denton County and Dallas County.
- Director of Parks and Recreation Stacie Anaya reported on the landscaping project at City Hall and the Visitor's Information Center.
- Director of Public Services Aaron Russell reported on the lake level.
- Deputy Mayor Pro Tem Kelly reported on the upcoming Juneteenth holiday and the Pride Month dance on June 27.
- Mayor Gilmore reported on the grand opening of Glory Park and the brush pickup.

Return to Workshop Session if Necessary

(Agenda Item I)

Closed Session (Agenda Item J)

There were no items for closed session.

Reconvene and Consider Action, if any, on **Items Discussed in Closed Session**

(Agenda Item K)

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Adjournment (Agenda Item L)

There being no further business to come before the Council, Mayor Gilmore adjourned the meeting of the Lewisville City Council at 7:53 p.m. on Monday, June 17, 2024.

These minutes approved by the Lewisville City Council on the 1st of July, 2024.

	APPROVED
ATTEST:	TJ Gilmore MAYOR
Thomas Harris III, CITY SECRETARY	



Lewisville City Council Meeting

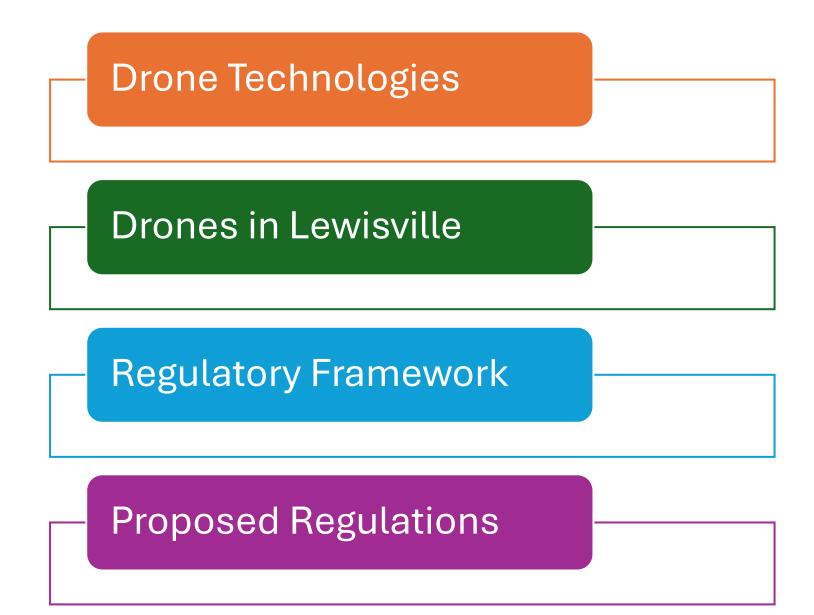
June 17, 2024

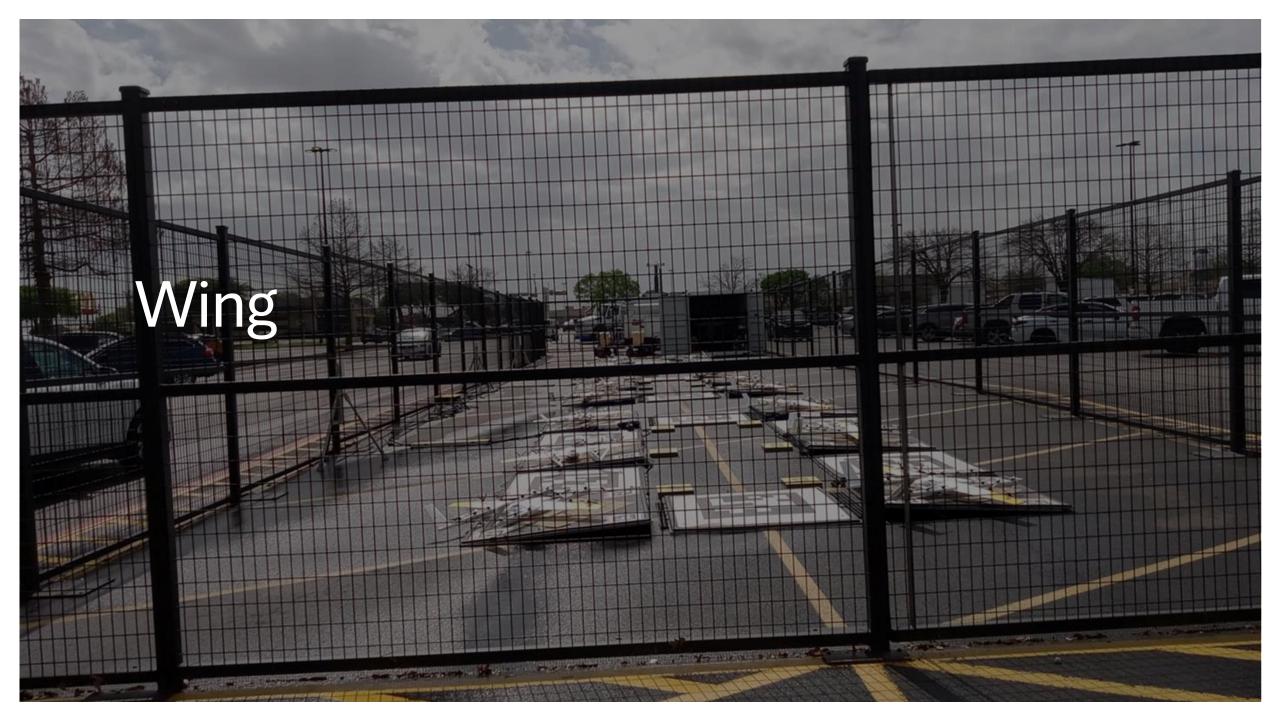
Discussion on Unmanned Aircraft Systems (UAS) and Adding Regulations Regarding UAS to the Unified Development Code.

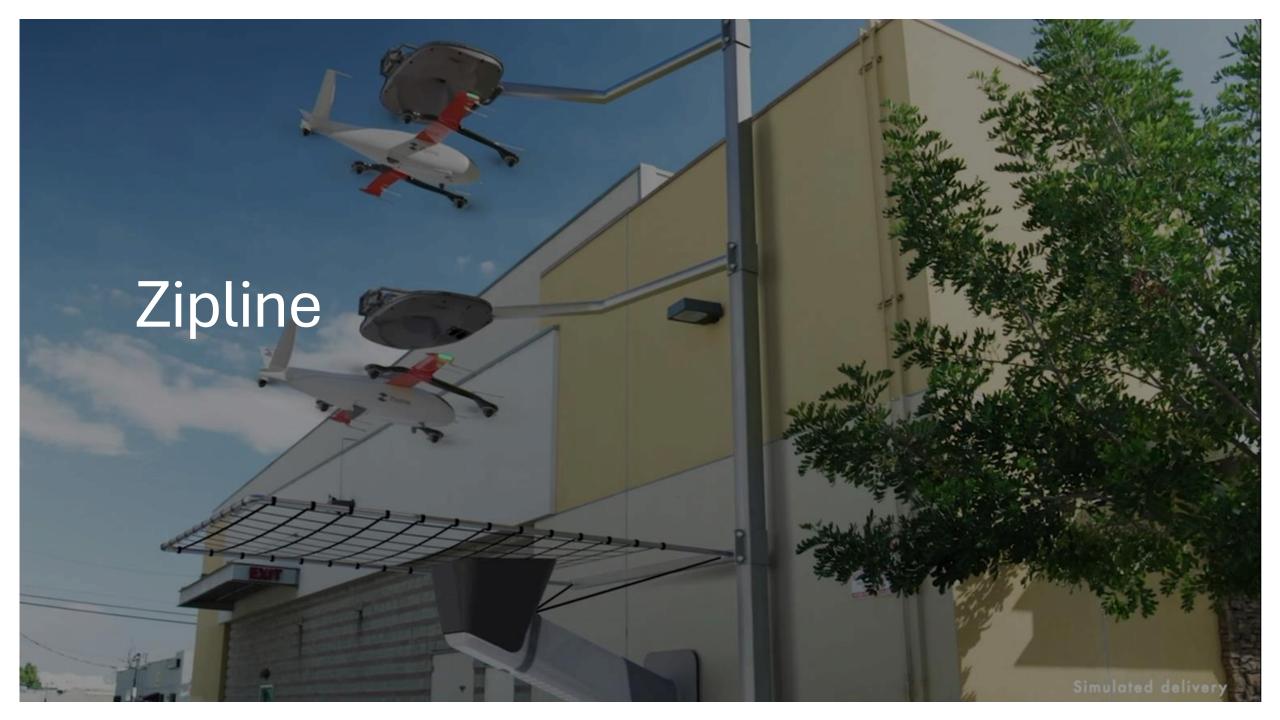
Unmanned Aircraft Systems (A.K.A. Drones) in Lewisville

With a drone delivery service

Outline









Potential Impacts

- Noise Can address to an extent with land use and where staging areas are located
- Privacy State pre-emption
- Safety Federal preemption



Drones in Lewisville

- Wing at Walmart on Main Street
 - 12-month pilot period
 - Alternative standard granted to screening requirements
- Zipline in process for at Walmart on Round Grove Road
 - Permanent improvements requested
 - Alternative standard to screening would be required



One written complaint

Feedback to date

Noise

Privacy

Enjoyment of property

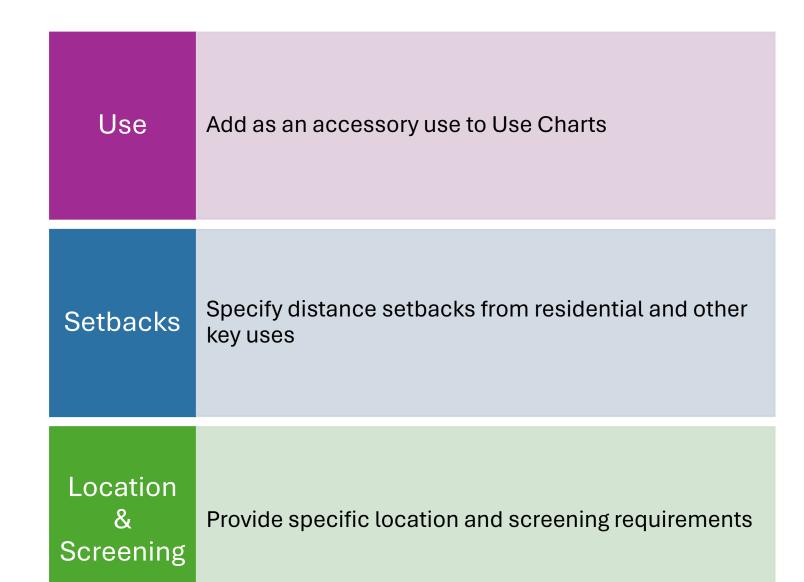
Federal - Air operations including routes, height, flight patterns, and safety requirements

Regulatory Framework

State – Privacy

Local – Land Use, Screening, Fencing, Location of outside storage, and all Building codes (permanent structures)

Proposed Regulations



Use

- Define a "Unmanned Aircraft Staging Area"
- Define Drone or Unmanned Aircraft
- Allow only as an Accessory Use Only
- Consider General Business, General Business 2, Light Industrial and Heavy Industrial (where large shopping centers and distribution centers are located)



Supplemental Standards

- 300-foot setback from
 - Residential uses
 - Parks
 - Hospitals
 - Continuing Care, assisted Living, Independent Living or Nature Preserve
- Limit to 10% of lot or 1,000 SF, whichever is larger
- Show on site plan or building permit



Supplemental Standards

- When on the roof of a building, roof mounted equipment standards apply
- When on the side of a building cannot exceed building height and cannot face a street unless approved by Planning and Zoning Commission.
- When at grade landing pads are not required to be screened but all other equipment must be screened.



Questions and Discussion

Next Steps



Continue to work on Draft Ordinance



Obtain Feedback from Drone Companies



Bring to P&Z and City Council