



City of Lewisville, TX

City Council

Agenda

151 W Church Street
Lewisville, Texas 75057

Monday, December 16, 2024

6:15 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 5:15 p.m. 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 Consent and Regular Agenda Items](#)
- B. [Mobile Vendor Ordinance Update](#)
- C. [I-35 / Corporate Drive Update](#)

Regular Session - 7:00 P.M.

- A. **Invocation - Mayor TJ Gilmore**
- B. **Pledge to the American and Texas Flags - Council Member William Meridith**
- C. **Proclamations/Recognitions**
 - 1. [Texas Recreation and Park Society North Region Awards Recognitions](#)
- D. **Public Hearing**
 - 1. [Public Hearing: Consideration of an Ordinance Amending Ordinance 0712-24-SUP in Order to Expand the Special Use Permit Granted Thereby to Allow two Automobile Repair \(Minor\) Uses on Portions of an Approximately 1.5871-Acre Tract, Legally Described as Fairway Business Park Addition, Lot 9, Block A, Located at 1504 Eagle Court, Save for the](#)

[Portion of the Tract Specified by and Subject to Ordinance 0317-21-SUP, Zoned Light Industrial District \(LI\); as Requested by John Lam, of Alltrades, on Behalf of AIP Eagle Court, LLC, the Property Owner \(Case No. 24-11-20-SUP\).](#)

ADMINISTRATIVE COMMENTS:

The property at 1504 Eagle Court was developed by All Trades for flexible office warehouse uses. Two special use permits have been previously approved for small-scale automotive repair uses where all work is done inside the building and all cars are stored inside the building. The subject property, which is located at the end of a cul-de-sac, is suitable for a third automobile repair (minor) use since the site is surrounded by other office warehouse uses on three sides and a large electric utility substation to the north. The Planning and Zoning Commission recommended unanimous approval (7-0) on December 3, 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

E. Visitors 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.

F. 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 member of the public so request. For a member of the public 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: City Council Minutes of the December 2, 2024, Workshop Session, and Regular Session.](#)
3. [Approval of the First Amendment to the Economic Development Agreement Between Music City Estate 2405, LLC and the City of Lewisville; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

TW Realty Advisors, Inc. and the City of Lewisville entered into an Economic Development Agreement on August 5, 2019 (“Agreement”), which was later assigned to Music City Estate 2405, LLC (the “Company”). The Agreement provides that the former Sears building at Music City Mall (now renamed The Vista), would be developed and utilized as a mixed-use marketplace. The anchor on the first floor is Zion Market, a Korean grocery store. Surrounding Zion Market, and across the second floor, the Company developed office, retail and restaurant space. The proposed amendment clarifies the conflicting requirements and conditions of the annual grant and the business personal property grant to reflect City Council’s original intent.

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.

4. [Approval of the Third Amendment to the Developer Agreement Between Russell Glen, LLC and the City of Lewisville; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

Russell Glen LLC (the "Developer") and the City of Lewisville entered into a Developer Agreement on December 20, 2021. The agreement provides that the City will sell a 25.668-acre tract of land located at the southwest corner of I-35 and FM 407 (the "Property") to the Developer for a pedestrian-friendly commercial development to include restaurants, a grocery store, office, and/or hotel uses. The First and Second Amendment to the Developer Agreement were approved by the City Council to allow for additional time for the Developer to identify tenants for the site. The Developer is finalizing development plans and has acquired a Letter of Intent for approximately seventy-five percent of the property and is requesting a Third Amendment to the Developer Agreement to

allow for additional time to complete negotiations and finalize the planned development.

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.

5. [Approval of a Resolution for the Acceptance of the 2023 Homeland Security Grant Program's Urban Area Security Initiative \(UASI\) Grant Award in the Amount of \\$136,882.](#)

ADMINISTRATIVE COMMENTS:

The Office of Emergency Management received notice from the State of Texas Office of the Governor's Homeland Security Grants Division that the City of Lewisville has been awarded a grant in the amount \$136,882 under the Urban Area Security Initiative (UASI) grant program. The intent of the UASI grant program is to support local efforts in preparing for threats and hazards that pose risk to our community, and to improve the regional ability to prevent, protect against, mitigate, respond to and recover from acts of terrorism. The funding will be used to replace four outdoor warning sirens.

RECOMMENDATION:

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

6. [Approval of a Resolution of the City Council of the City of Lewisville, Texas, Authorizing the City Manager to Execute a First Amendment to an Agreement with Serve Lewisville, Inc. Regarding an Allocation from the City of Lewisville's Backbone Support Funding to Reflect the Promotion of the Operations Director to the Chief Operating Officer, Update the Rate per Hour and Increase the Number of Collaboration Meetings as Required; and Providing an Effective Date.](#)

ADMINISTRATIVE COMMENTS:

On June 17, 2024, City Council approved an agreement between the City of Lewisville and Serve Lewisville to utilize backbone support funds to support certain functions of an Operations Director position at Serve Lewisville. An amendment is necessary to reflect the promotion of the Operations Director to the Chief Operating Officer, update the rate per hour and increase the number of

collaboration meetings.

RECOMMENDATION:

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

7. [Approval of a Supplemental Appropriation for Prior Year Encumbrances in the Following Amounts: General Fund - \\$750,614; Hotel/Motel Tax Fund - \\$41,071; Recreation Activity Fund - \\$36,840; PEG Programming Fund - \\$73,335; Court Technology Fund - \\$166 Asset Forfeiture Department of Justice Fund - \\$3,535; Josey Lane PID Fund - \\$3,895; Community Activities Fund - \\$18,870; Grant Fund - \\$169,700; CDBG Grant Fund - \\$289,601; Crime Control and Prevention District Fund - \\$202,022; Fire Control and Prevention District Fund - \\$57,140; Utility Fund - \\$880,829; Stormwater Utility Fund - \\$19,428; Maintenance and Replacement Fund - \\$915,723; Self-Insurance Risk Fund - \\$7,243; Health Benefit Trust Fund - \\$18,079; Tax Increment Reinvestment Zone 1 - \\$9,813; Tax Increment Reinvestment Zone 2 - \\$10,000; Tax Increment Reinvestment Zone 3 - \\$371; Tax Increment Reinvestment Zone 4 - \\$16,582; LPLDC \(4B\) Fund - \\$82,432; And Approval of Supplemental Appropriations to Properly Fund Donation Project and the Annual Hotel/Motel Tax Fund Transfer: Fire and Police Training Fund - \\$77,487; Community Activities Fund - \\$6,222; Recreation Activity Fund - \\$10,598; Hotel/Motel Tax Fund - \\$39,587.](#)

ADMINISTRATIVE COMMENTS:

Each year, a recommendation is made to supplementally appropriate funds for open purchase orders from the prior fiscal year. As a result, when the items or services are received in the current fiscal year, they are charged to the current year. Unless the current fiscal year appropriations are amended to provide for these charges, funds in the affected line-item accounts will be short at year-end. In addition, supplemental appropriations are needed to increase the budget for donations received in excess of the anticipated donation amounts and increase the budget for the annual hotel/motel tax fund transfer.

RECOMMENDATION:

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

8. [Approval of Administrative Policy 5.0, Section X Use of Covered](#)

[Applications and Prohibited Technology.](#)

ADMINISTRATIVE COMMENTS:

The proposed policy brings the city into compliance with Texas Government Code Title 6, Subtitle A, Chapter 620 which prohibits the use of covered applications, such as TikTok, on any governmental entity devices. The City Manager will be able to approve potential exceptions for specific use cases not otherwise specified in this policy. At this time any covered applications meeting the requirement put forth in this policy have been removed and are not allowed to be downloaded or used in any capacity on city devices or infrastructure unless otherwise excepted as per this policy.

RECOMMENDATION:

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

9. [Approval of an Agreement to Participate in Tax Increment Reinvestment Zone Number Four, Between the City of Lewisville and Denton County, and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

The Agreement to Participate in Tax Increment Reinvestment Zone Number Four (“TIRZ #4”), between the City of Lewisville and Denton County (the “County”), establishes the terms and limitations in which the City and County will participate in the zone. The City currently allocates eighty percent (80%) of the increment captured by the district to the TIRZ #4 fund until December 31, 2040. Similarly, Denton County has agreed to contribute eighty percent (80%) of its increment captured in the district to TIRZ #4 for the same duration. The agreement outlines various provisions, including the duration of participation, the increment allocation by each taxing authority, limitations on bonds, the permissible uses of funds, the processes for deposit and collection of funds, boundary extension requirements, and board representation.

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.

10. [Approval of the Second Amendment to the Agreement to Participate in Tax Increment Reinvestment Zone Number One, Between the City of](#)

[Lewisville and Denton County, and Authorization for the City Manager to Execute the Agreement.](#)

ADMINISTRATIVE COMMENTS:

In December of 2001, the City of Lewisville and Denton County (the “County”) entered into an Agreement to Participate in Tax Increment Reinvestment Zone Number One (“TIRZ #1”) to establish the terms and limitations in which the City and County would participate in the zone (the “Agreement”). The Agreement was amended in May of 2007 to extend the duration of the zone and increase the bond limit. In 2020, the TIRZ #1 board of directors (“Board”) and the City Council approved a boundary enlargement to include an additional 166 acres, increasing both the City and County participation in TIRZ #1. Additionally, the Board and City Council approved a term extension from December 31, 2028, to December 31, 2038; however, this extension applied solely to the City. The City currently allocates one hundred percent (100%) of the increment captured by the district to the TIRZ #1 until December 31, 2038. The County is currently participating at 75% through 2028. This amendment will allow for Denton County's continued participation in TIRZ #1 at the same rate through the extended term, December 31, 2038.

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.

G. Regular Hearing

11. [Consideration of an Alternative Standard Associated With Ground-Mounted Equipment Standards for Walmart; on 20.9714 Acres, Located at 190 East Round Grove Road \(FM 3040\), Legally Described as Lot 2, Block A, Campbell Ranch; Zoned Light Industrial District \(LI\), as Requested by Juan Moreira, of Kimley Horn, on Behalf of the Owner, Wal-Mart Real Estate Business Trust \(24-08-12-AltStd\)](#)

ADMINISTRATIVE COMMENTS:

Walmart has been expanding its business operations to include drone delivery services. Drone delivery service is already available in Lewisville at the 801 West Main Street Walmart location, provided by the drone operator company, Wing. Zipline, another drone operation company, will be providing the service at the 190

East Round Grove Road (FM 3040) Walmart location. Walmart is requesting an alternative standard to waive the screening requirement for ground-mounted equipment, as Zipline uses 21- and 29-foot-tall launch towers for their docking stations and launch pads. Staff is in the process of drafting supplemental standards for unmanned aircraft systems (a.k.a. drones), which will address screening requirements. The Planning and Zoning Commission recommended unanimous approval (6-0) on November 19, 2024.

RECOMMENDATION:

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

AVAILABLE FOR QUESTIONS:

Richard E. Luedke, AICP, Planning Director

12. [Consideration of a Resolution Acknowledging the 2025 Republic Services Cost of Service Rates for Franchised Solid Waste and Recycling Services; and Consideration of an Ordinance Amending the Fee Schedule of the City of Lewisville by Amending Fees Related to Solid Waste and Recycling Services.](#)

ADMINISTRATIVE COMMENTS:

On November 16, 2020, the City Council approved an exclusive franchise agreement for the collection of residential garbage, refuse, yard waste, bulky waste, recyclables, containerized waste, and multifamily recycling with Allied Waste Systems, Inc., doing business as Republic Services of Lewisville (Republic). Ordinance No. 0277-11-ORD became effective January 1, 2021, establishing the terms of the agreement. Per the agreement, the cost-of-service rates are to be adjusted annually by the percentage increase in the Garbage and Trash Index for the Dallas/Fort Worth area for the preceding twelve-month period. Adjustments take effect on January 1 of the subsequent contract year. The current Garbage and Trash Index for the Dallas/Fort Worth area as published by the Bureau of Labor Statistics reflects an increase of 3.75 percent. Per the contract, cost adjustments shall not exceed five (5) percent in any contract year and fifteen (15) percent in any four consecutive years, therefore the Republic Services cost of service rates will be increased by 3.60 percent effective January 1, 2025.

RECOMMENDATION:

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

13. [Consideration of an Appointment of the City of Lewisville Representative on the Upper Trinity Regional Water District \(UTRWD\) Board of Directors to Complete the Term Ending May 31, 2025.](#)

ADMINISTRATIVE COMMENTS:

Due to the departure of Assistant Director of Public Services Kelly Rouse in December 2024, the City Council will need to consider a new appointment to fill this vacancy of the City's representative to the Upper Trinity Regional Water District Board of Directors. City staff recommends that Director of Public Services Aaron Russell be appointed as the City's representative. Representatives on the UTRWD Board of Directors serve a term of four (4) years and the current term Kelly Rouse was serving in was set to expire effective May 31, 2025.

RECOMMENDATION:

That the City Council appoint the Director of Public Services Aaron Russell to serve as a board member on the UTRWD Board of Directors as set forth in the caption above.

14. [Consideration of Acceptance of the Resignation of Akber Allana; Declaring a Vacancy Exists; and an Appointment to Place No. 2 on the Community Development Block Grant Advisory Committee.](#)

ADMINISTRATIVE COMMENTS:

A resignation was received from Akber Allana, Place No. 2, on the Community Development Block Grant Advisory Committee. Five (5) applications have been submitted meeting the qualifications for service in this position.

RECOMMENDATION:

That the City Council accept the resignation, declare a vacancy exists, and consider an appointment to the Community Development Block Grant Advisory Committee as set forth in the caption above.

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

1. [City Council and Staff Reports](#)
2. [Quarterly Investment Report from June 1, 2024 to September 30, 2024.](#)

I. Return to Workshop Session if Necessary

J. Closed Session

In Accordance with Texas Government Code, Subchapter D,

1. *Section 551.074 (PERSONNEL):*
 - (a) *City Secretary Thomas Harris III*
2. *Section 551.072 (Real Estate): Property Acquisition*
3. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

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

L. 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