

LEWISVILLE CITY COUNCIL

REGULAR SESSION

December 16, 2024

6:15 P.M.

Present:

TJ Gilmore, Mayor

Council Members:

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

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
Thomas Harris III, 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 6:15 p.m. on Monday, December 16, 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 answered questions and comments from the City Council regarding Item Nos. F-6 and F-9. Chief Information Officer Chris Lee answered questions and comments from the City Council regarding Item No. F-8. Planning Director Richard Luedke answered questions and comments from the City Council regarding Item No. G-14.

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Mobile Vendor Ordinance Update

(Agenda Item B)

At the request of Mayor Gilmore, Pedro Martinez, Sanitarian Supervisor gave a presentation on the Mobile Vendor Ordinance Update and received questions and comments from City Council and City staff.

I-35 / Corporate Drive Update

(Agenda Item C)

At the request of Mayor Gilmore, City Engineer David Salmon gave a presentation on the I-35 / Corporate Drive Update and received questions and comments from City Council and City staff.

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, December 16, 2024.

Invocation

(Agenda Item A)

Mayor TJ Gilmore gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

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

**Texas Recreation and Park Society North
Region Awards Recognitions**

(Agenda Item C-1)

Mayor Gilmore presented the certificates of recognition to Rita Lokie, Angela Lewallen, Parks and Recreation Department employees, and Ignacio Meija and Katie Urdiales with Kimley Horn.

**Public Hearing: Consideration of
Ordinance No. 0719-24-SUP, 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,**

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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).

(Agenda Item D-1)

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.

City staff's recommendation was that the City Council consider 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 7:08 p.m.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Cade and seconded by Council Member Jones, the Council voted six (6) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

Mayor Gilmore closed the public hearing at 7:09 p.m.

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

"An Ordinance of the Lewisville City Council Amending Ordinance No. 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, and Zoned Light Industrial (LI) District; 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 Council Member Green, the Council voted six (6) "ayes" and no (0) "nays" to approve **Ordinance No. 0719-24-SUP**. The motion carried.

Visitors/Citizens Forum

(Agenda Item E)

There were no speakers for Visitors/Citizens Forum.

CONSENT AGENDA

(Agenda Item F)

MOTION: Upon a motion made by Council Member Troyer and seconded by Mayor Pro Tem Kelly, the Council voted six (6) “ayes” and no (0) “nays” to approve the Consent Agenda as presented.

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.
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.
5. Approval of **Resolution No. 0720-24-RES**, 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.
6. Approval of **Resolution No. 0721-24-RES**, 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.
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.

8. Approval of Administrative Policy 5.0, Section X Use of Covered Applications and Prohibited Technology.
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.
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.

The motion carried.

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).

(Agenda Item G-11)

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.

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

MOTION: Upon a motion made by Council Member Meridith and seconded by Council Member Jones, the Council voted six (6) “ayes” and no (0) “nays” to approve the alternative standard as set forth in the caption. The motion carried.

**Consideration of Resolution No. 0722-24-RES,
a Resolution Acknowledging the 2025 Republic
Services Cost of Service Rates for Franchised
Solid Waste and Recycling Services; and
Consideration of Ordinance No. 0723-24-ORD,
an Ordinance Amending the Fee Schedule of
the City of Lewisville by Amending Fees
Related to Solid Waste and Recycling Services.**

(Agenda Item G-12)

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.

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

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

“An Ordinance of the Lewisville City Council Amending the Fee Schedule of the City of Lewisville by Amending Fees Related to Solid Waste and Recycling Services; Providing a Repealer, Severability, and an Effective Date; and Declaring an Emergency.”

MOTION: Upon a motion made by Council Member Meridith and seconded by Council Member Troyer, the Council voted six (6) “ayes” and no (0) “nays” to approve **Resolution No. 0722-24-RES** and **Ordinance No. 0723-24-ORD** as set forth in the caption. The motion carried.

**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.**

(Agenda Item G-13)

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.

The City staff's recommendation was 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.

MOTION: Upon a motion made by Council Member Green and seconded by Council Member Jones, the Council voted six (6) "ayes" and no (0) "nays" to 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. The motion carried.

**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.**

(Agenda Item G-14)

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.

The City staff's recommendation was 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.

MOTION: Upon a motion made by Mayor Pro Tem Kelly and seconded by Deputy Mayor Pro Tem Cade, the Council voted six (6) "ayes" and no (0) "nays" to accept the resignation, declare a vacancy exists, and appoint Will Hawk to the Community Development Block Grant Advisory Committee as set forth in the caption. The motion carried.

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Reports

(Agenda Item H-1)

- Mayor Pro Tem Kelly thanked the Fire Department for the fire truck Santa program this year.
- Council Member Green wished everyone happy and safe holidays.
- Council Member Jones wished everyone happy holidays.
- Deputy Mayor Pro Tem Cade wished everyone happy holidays.
- Council Member Meridith thanked staff for the Holiday Stroll event and reported on upcoming Lewisville Library activities.
- Council Member Troyer reported on upcoming events at the Lewisville Grand Theater.
- Director of Parks and Recreation Stacie Anaya reminded everyone that we have started our monthly community beautification events that happen on the third Saturday of every month and registration can be done online at playlewisville.com. Thrive and LLELA are closed on Christmas Day and New Year's Day, and Ms. Anaya reminded everyone to register for the First Day Hike at Thrive Nature Park.
- Director of Public Services Aaron Russell reported on the lake level.
- Assistant City Manager Jim Proce wished everyone happy holidays.
- Police Chief Brook Rollins reported that this Thursday is the annual Shop with a Cop event, which will take place at Target between 5:15 p.m. – 6:15 p.m.
- Mayor Gilmore reported on the Centennial Newsletter, which is available on the City's website and contains information about the centennial and the events coming up this year.

**Quarterly Investment Report from June
1, 2024 to September 30, 2024**

(Agenda Item H-2)

Return to Workshop Session if Necessary

(Agenda Item I)

Closed Session

(Agenda Item J)

Mayor Gilmore RECESSED into Closed Session at 7:24 p.m.

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.*

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

(Agenda Item K)

Mayor Gilmore RECONVENED into Regular Session at 8:57 p.m.

MOTION: Upon a motion made by Council Member Jones and seconded by Mayor Pro Tem Kelly, the Council voted six (6) "ayes" and no (0) "nays" to table Item J-1 to the January 6, 2025 City Council Meeting. The motion carried.

Adjournment

(Agenda Item L)

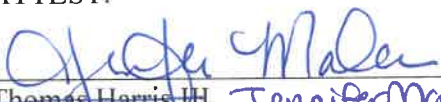
There being no further business to come before the Council, Mayor Gilmore adjourned the meeting of the Lewisville City Council at 8:58 p.m. on Monday, December 16, 2024.

These minutes approved by the Lewisville City Council on the 6th of January, 2025.

APPROVED


TJ Gilmore
MAYOR

ATTEST:


~~Thomas Harris III,~~ Jennifer Malone
CITY SECRETARY Acting City Secretary





LEWISVILLE

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Lewisville City Council Meeting

December 16, 2024

Mobile Vendor Ordinance Update



MOBILE FOOD UNITS ORDINANCE UPDATE

Health Services Division

PURPOSE



- **Simplify Code**
 - Council direction to improve current regulations, such as time restrictions (currently requires mobile vendors to be moved 10 minutes after last customer).
 - The revised code will be more concise, less restrictive, and better aligned with state regulations, making it easier to enforce and follow.
- **Comply with the State Law and update definitions**
- **Increase in Mobile Food Units**
 - These changes will lead to an increase in the number of mobile food units operating within our city, driven by feedback and requests from local businesses, mobile food operators, City staff, and the community.



RECENT HISTORY

2011 - Current ordinance was passed

- There are restrictions that go beyond the health and safety code to limit the ability of operators to remain stationary when sales are not taking place.
- It excludes types of mobile food units such as food trailers.

2020 - Council Workshop Food Trucks

- Food truck park language was introduced in the UDC.
- Food Trucks in the Parks Program was created.
- Wanted greater flexibility for food trucks to be more stationary. Changes yet to be made.

2023 - Changes to Texas Law

- The legislature passed two bills that have a direct impact



STATE LAW REQUIREMENTS



Health and Safety Code

- Municipalities must align their codes with state law or submit them for registry before inspection and enforcement.

Recent Changes in the Health and Safety Code

- **Chapter 437 Sec. 437.0091**: Requires municipalities to register ordinances that differ from state law in a local ordinance registry before enforcement.
- **Chapter 437A**: A permit issued by a county under this chapter must authorize a mobile food service establishment to operate in any municipality located in the county.
 - Currently applies only to Dallas and Tarrant counties.

Why Are We Modifying the City Ordinance?



We are proposing amendments so the ordinance is less restrictive and more in line with the State law.

2020 Council General Guidance - The changes were made considering the following:

- Impact on traditional brick and mortar stores.
- Allow food trucks in appropriate areas.
- Give neighboring properties the opportunity to show support or express concern.
- Look at applications on a case-by case basis.



PROPOSED HEALTH AND SAFETY CHANGES



Expansion of Mobile Food Units

- Include food trailers, which are currently not permitted in Lewisville, to be consistent with the state food code.



New Mobile Food Unit (MFU) Classifications

- Class I- Limited Mobile Food Unit: May provide hot and cold prepackaged foods. Preparation, assembly or cooking is not permitted.
- Class II- General Mobile Food Unit: May provide a full menu as approved by the Health Services Division.
- Class III- Limited-Services Pushcarts: May be only pushed by human power and serve commercially prepackaged food only.

PROPOSED HEALTH AND SAFETY CHANGES



Utility Connections (More restrictive than State Law)

- Shall be limited to only electrical service and in full compliance with the current electrical code adopted by the Building Services Division.
- MFU shall not be permanently connected to any potable water service, sanitary sewer, or fuel gas while in the operation of preparing or vending food.

Code Revision

- Align terminology and definitions with the Texas Food Establishment Rules for consistency.



PROPOSED LOCATIONAL AND TIME CHANGES



Removal of Time and Location Restrictions

- Operators can stay stationary for extended periods, as long as zoning requirements (outlined in the UDC) are followed.
- Mobile food units will be able to operate for up to 4 hours without additional restrictions. Operators that would like to remain stationary beyond this time will have to secure a Special Use Permit.
- Does not apply to Special Events.

ZONING REQUIREMENTS



Current Food Truck Parks (Individual Trucks not addressed)

- Truck Parks Only (2+ trucks, Individual Trucks not addressed as relied on health code)
- SUP in OTC, OTMU2, LC, GB, GB-2, and LI
- Supplemental standards: (1) Park on pavement and (2) 12 hour parking limit, no overnight parking, daily commissary.



Code Revision considerations:

- Removing/extending 12 hour, no overnight parking - inconsistent with Food Truck Parks operations.
- Adding individual food truck to use table to limit zoning and require SUPs if parked in one location beyond a set time (4 - 48 hours)

COUNCIL DIRECTION

- Staff recommends updating the Mobile Food Unit regulations to align with the State Code and eliminate unnecessary time and location restrictions. This adjustment will provide greater flexibility for food truck operations in Lewisville, fostering business growth and enhancing community engagement.



- Staff also recommends transferring all zoning requirements related to food trucks, currently outlined in the Health Code, into the Unified Development Code (UDC) to align with previously adopted changes regarding food truck parks.

QUESTIONS / COMMENTS





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Lewisville City Council Meeting

December 16, 2024

I-35 / Corporate Drive Update



I-35 E & Corporate Drive Updates

Corporate Drive Segments 2&3



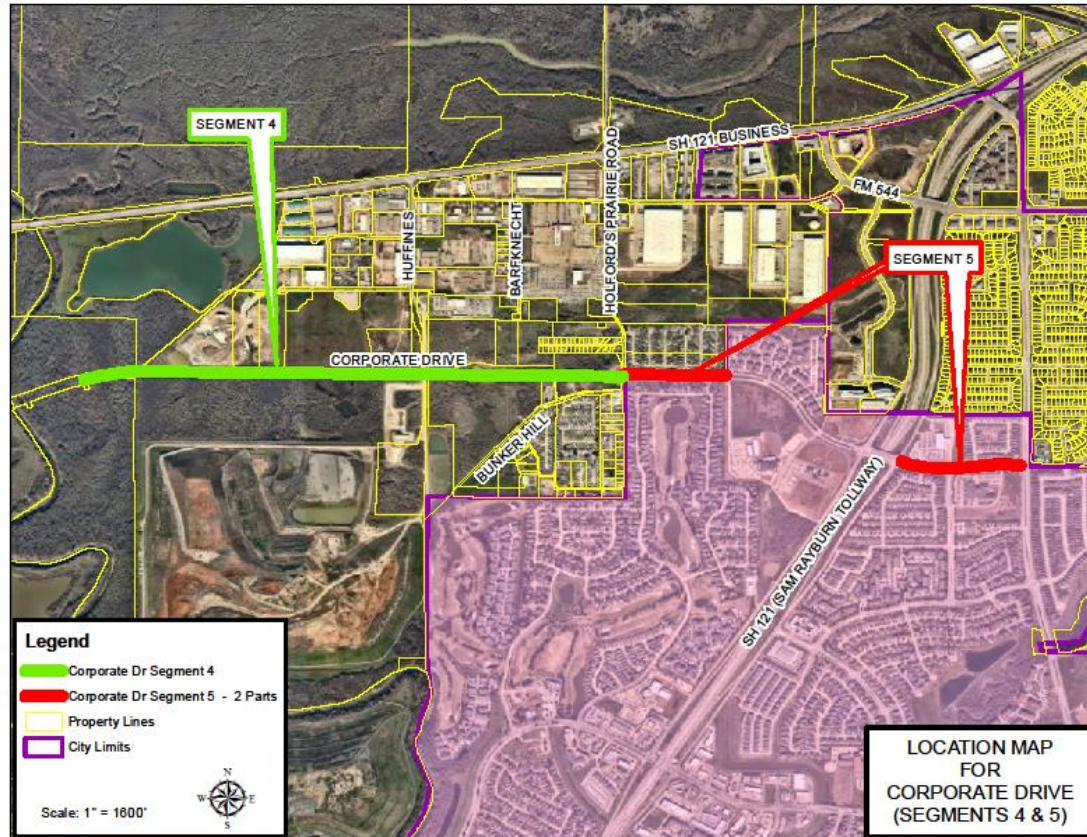
Corporate Drive Segments 2&3

- **Cost:** \$43,059,500
- **Began Construction:** February 2024
- **Estimated Completion:** August 2026
- **Current Status:** Clearing and roadway fill/embankment is nearly complete. Water main is complete except the portion that will be connected to the Elm Fork bridge. Storm sewer is complete. Small bridge is complete except rails, currently working on the the Elm Fork Trinity River bridge.

Corporate Drive Segments 2&3



Corporate Drive Segments 4&5



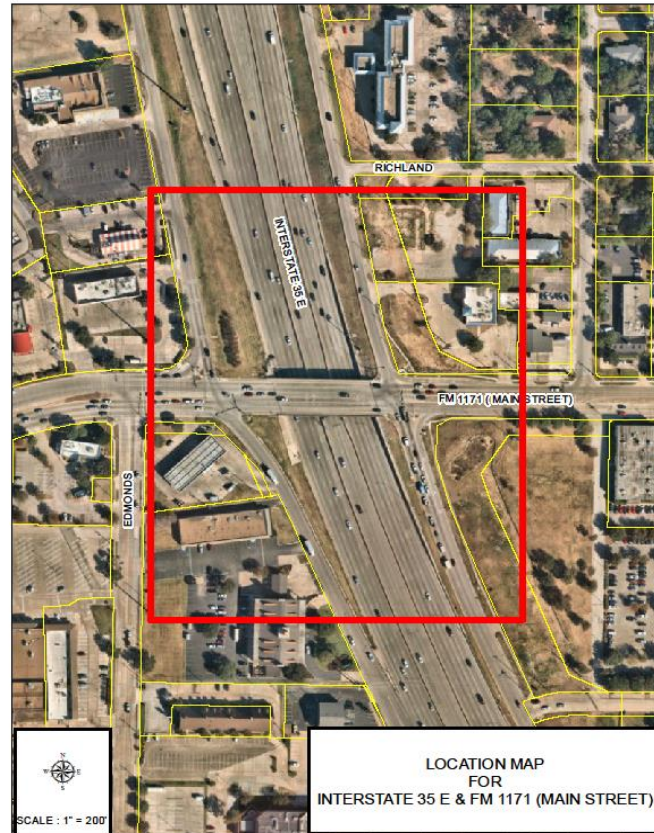
Corporate Drive Segments 4&5

- **Cost:** \$29,758,039
- **Began Construction:** June 2024
- **Estimated Completion:** December 2027
- **Current Status:** The contractor has cleared most of the right of way and are working on roadway fill & embankment. Currently installing storm drain and water main improvements.

Corporate Drive Segments 4&5



I-35 @ Main Street



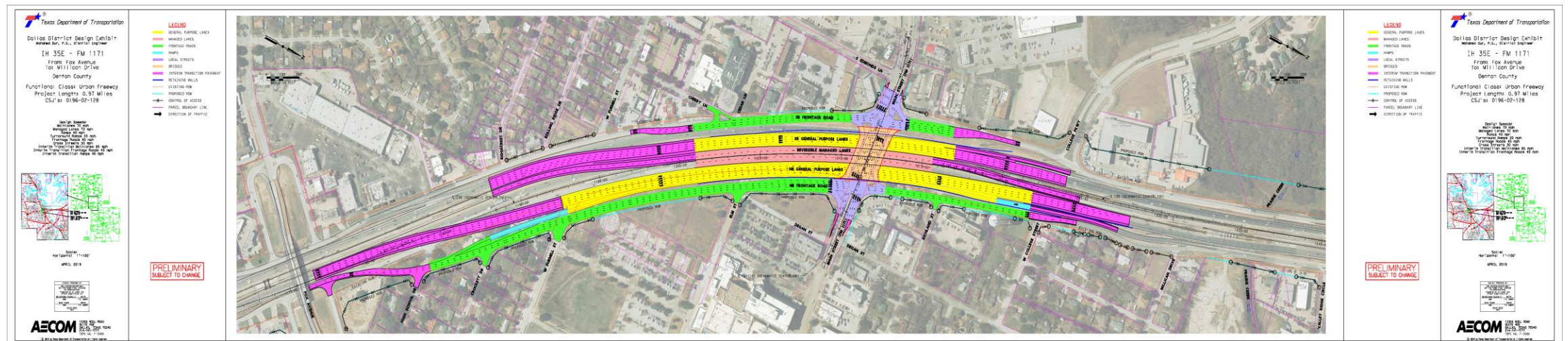
I-35 @ Main Street

- Began Construction in June 2023
- Estimated Completion Date is November 2026
- The City has paid TxDOT for aesthetic improvements.
- Current work includes construction of retaining walls on the north side of the bridge, drill shafts for the new widened bridge and continued paving & drainage work on the frontage roads.

I-35 at Main Street



24



I-35 at Main Street



I-35 at Main Street



I-35 at Main Street



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I-35 at Main Street

Old Town Character Zone – West Main Street Overpass

Character Sketch

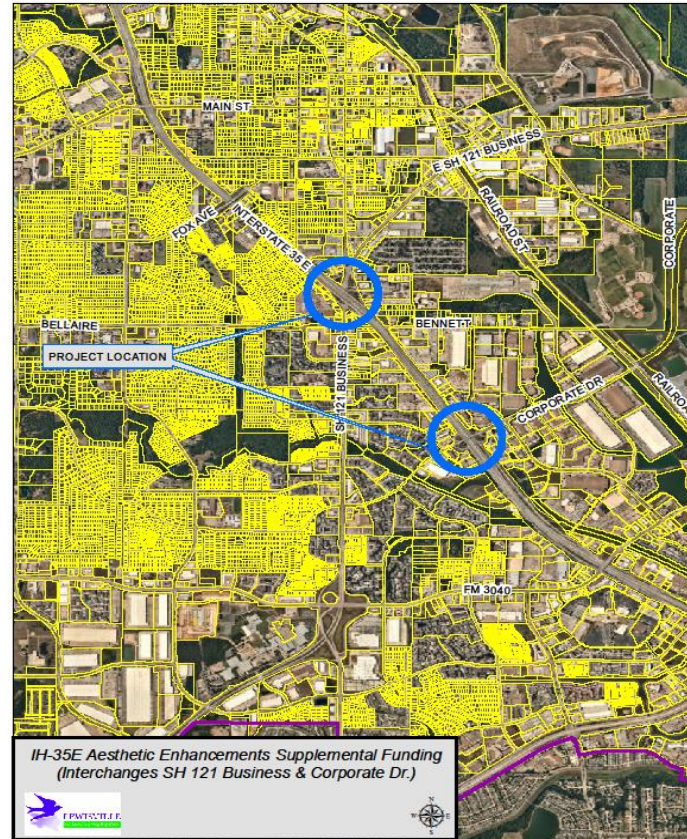
Application of the Old Town design elements to the walkway along West Main Street interchange - looking to the east



Application of the Old Town design elements to the walkway along West Main Street interchange - looking to the east

OLD TOWN

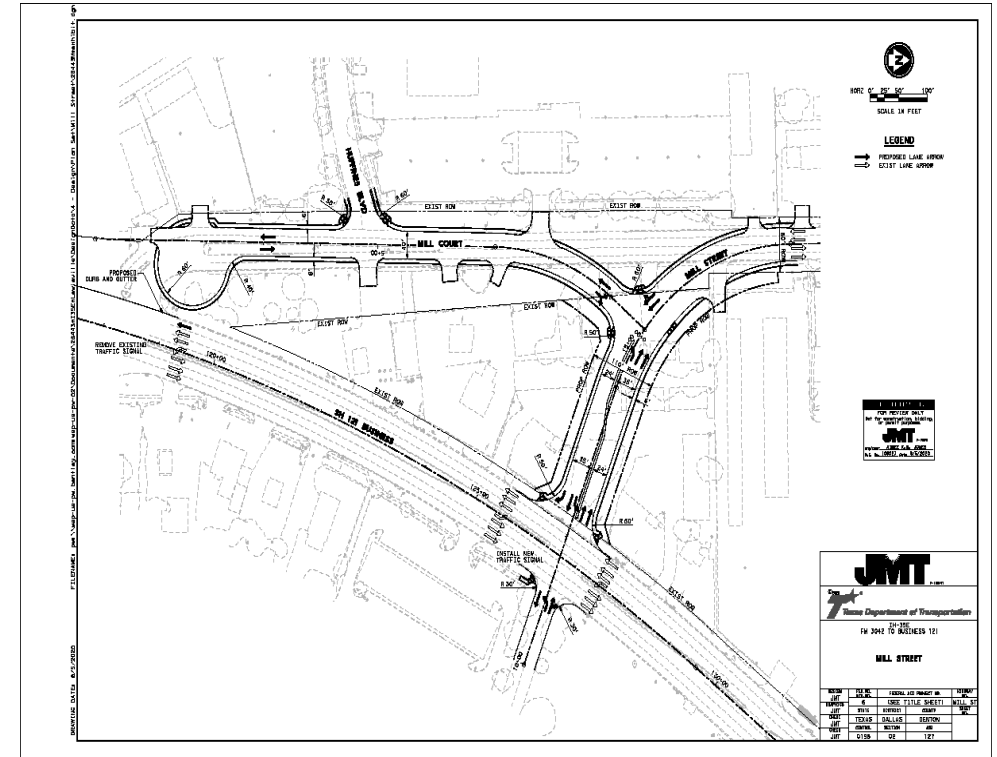
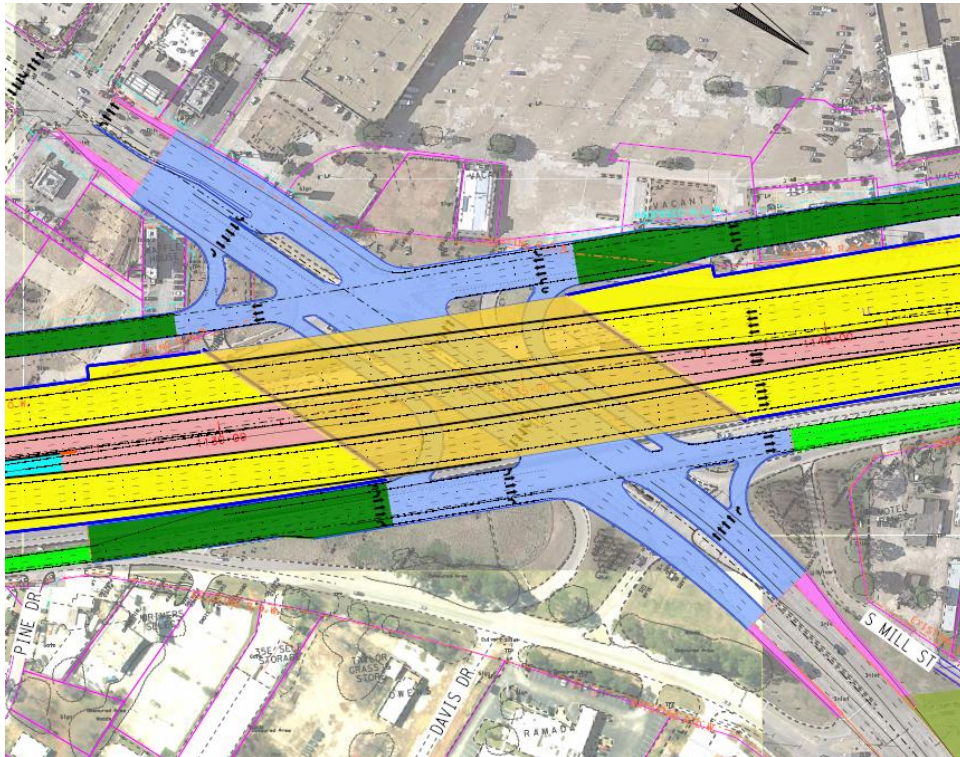
I-35 @ Business 121 & Corporate Drive



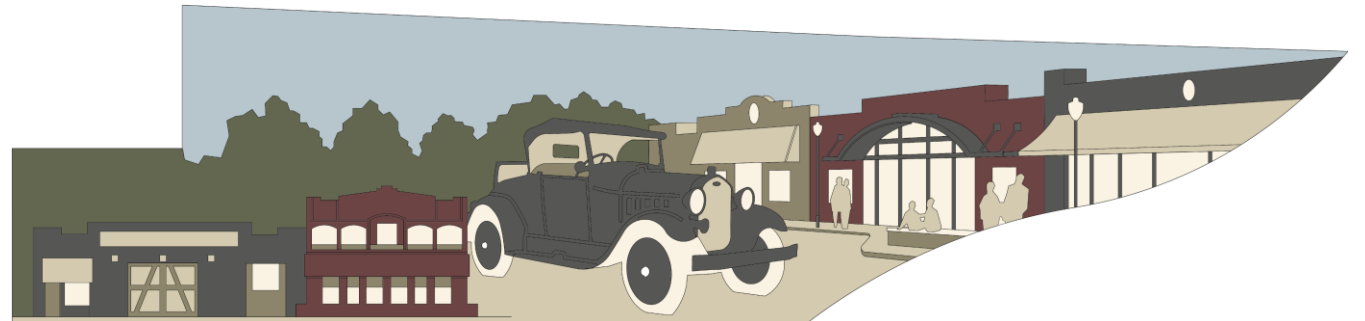
I-35 @ Business 121 & Corporate Drive

- Project to let in January 2025
- Estimated 4-year construction schedule. (Est. late 2029 completion)
- The City has paid TxDOT for aesthetic improvements.

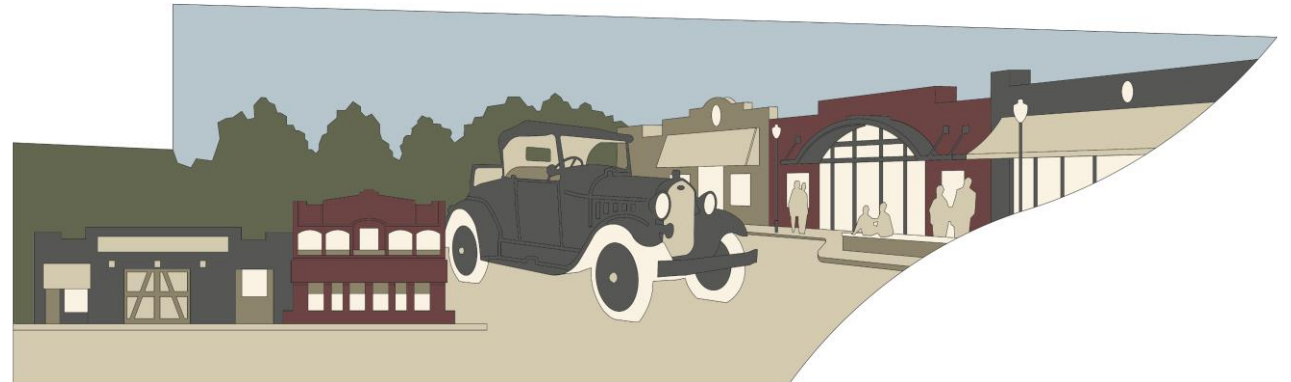
I-35 at Business 121



I-35 at Business 121



I-35 at Business 121



I-35 at Business 121

Old Town Character Zone – Business SH- 121 Underpass

Character Sketch

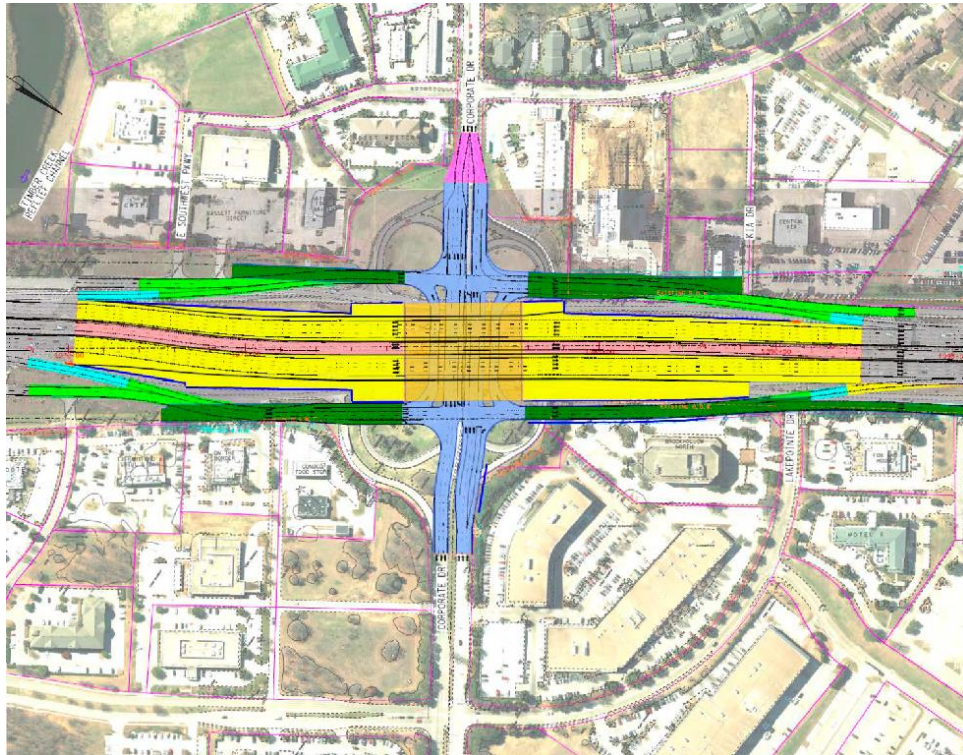
The following sketch illustrates application of the Old Town design elements to the east end of the Business SH-121 Interchange.



Parsons Brinckerhoff 33

OLD TOWN

I-35 at Corporate Drive



Parks Character Zone – East Corporate Drive

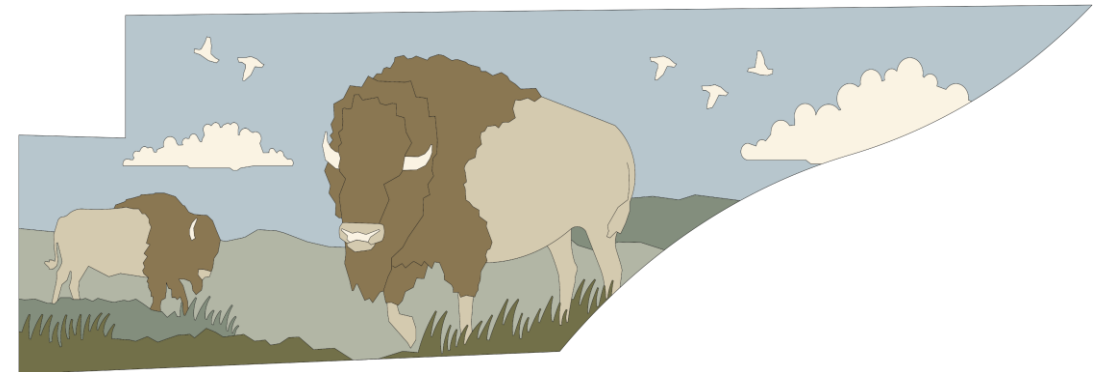
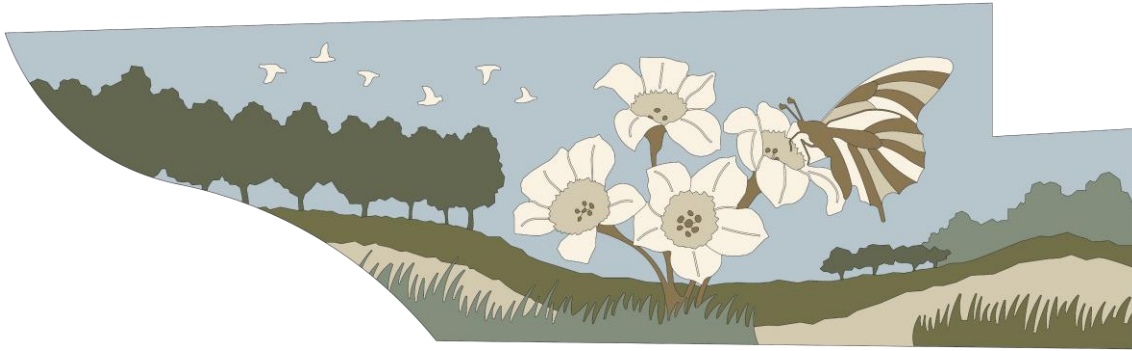
Character Sketch

The following sketch provides a general illustration of how the various elements of the Parks Character zone are intended to be used at East Corporate Parkway. View looking west.

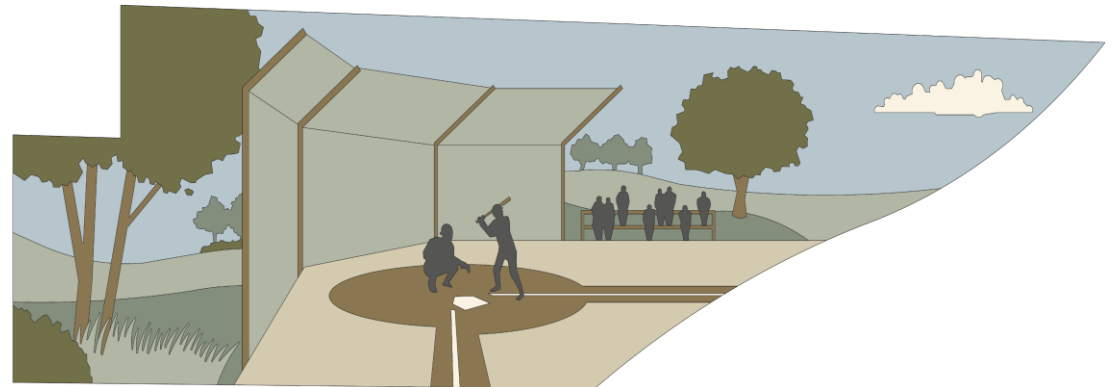


Parsons Brinckerhoff 21

I-35 at Corporate Drive



I-35 at Corporate Drive



Questions