



# City of Lewisville, TX

## City Council

### Agenda

151 W Church Street  
Lewisville, Texas 75057

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**Monday, January 8, 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 Regular Agenda Items and Consent Agenda Items.](#)
- B. [Presentation of Results from 2023 Resident Satisfaction Survey](#)

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

- A. **Invocation - Councilmember Green**
- B. **Pledge to the American and Texas Flags - Councilmember Jones**
- C. **Public Input and Discussion - an Interim Prohibition on Short-Term Rentals**

*To speak in person during the Public Input and Discussion - an Interim Prohibition on Short-Term Rentals portion on this agenda, you must sign up to speak before the meeting begins with the City Secretary. Each speaker is limited to 5 minutes. You will not be allowed to speak again on this item during the remaining portions of this meeting. Written public comments may be submitted 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 the details and agenda for this meeting. E-comments will be accepted until 5:30 p.m. on the day of the meeting.*

- 1. [Public Input and Discussion on an Interim Prohibition on Short-Term](#)

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## Rentals

### **ADMINISTRATIVE COMMENTS:**

On November 27, 2023, City staff provided an option for Council to consider the adoption of a one-year temporary prohibition for new short term rental units within the City of Lewisville. This temporary prohibition is separate from the proposed operational regulations for short term rental units in Item G-6 of this agenda. Staff is seeking additional public input and council discussion.

### **RECOMMENDATION:**

That the City Council conduct the public input session and discussion as set forth in the caption above.

## **D. Public Hearing**

1. [Public Hearing: Consideration of Amendments to the Thoroughfare Plan, Including the Addition of Future Streets Based on the Old Town Transit-Oriented Development Master Plan Update and the Addition and Modification of Red Bud Street, McKenzie Street and Purnell Street to Reflect Proposed Capital Improvement Projects.](#)

### **ADMINISTRATIVE COMMENTS:**

Amendments to the Thoroughfare Plan are proposed to reflect the recommended street grid as shown in the Old Town Transit-Oriented Development Master Plan Update and to adjust Purnell, Red Bud and McKenzie Streets to reflect proposed capital improvement projects that aim to improve safety and traffic flow at the intersection of Railroad Street and SH 121 Business. The Transportation Board and Planning and Zoning Commission recommended unanimous (5-0) approval of the proposed amendments on December 19, 2023.

### **RECOMMENDATION:**

That the City Council approve the proposed amendments to the Thoroughfare Plan as presented.

### **AVAILABLE FOR QUESTIONS:**

Richard E. Luedke, AICP, Planning Director

David Salmon, City Engineer

## E. 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.*

## 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 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.*

2. [APPROVAL OF MINUTES: City Council Minutes of the December 18, 2023, Workshop Session, and Regular Session.](#)
3. [Approval of a Professional Services Agreement with HDR Engineering, Inc., Dallas, TX, in the Amount of \\$322,801 for Professional Engineering Services for the Wastewater Collection System Master Plan and Impact Fee Study Update; and Authorization for the City Manager, or her Designee, to Execute the Agreement.](#)

### **ADMINISTRATIVE COMMENTS:**

Chapter 395 of the Texas Local Government Code requires municipalities to update their impact fees every five years. A best practice when performing this update is also to update the municipality's assumptions in land use, as well as master plans for both water and wastewater. The City of Lewisville recently updated its land use assumptions in 2023 with Freese and Nichols providing consulting services for that effort. Staff has also updated master plans for the whole water system, to include both the treatment and distribution systems and the wastewater treatment plant; all with HDR Engineering, Inc. An update to the wastewater collection system is required before the updated impact fee study can be completed. The last update for these studies was in 2018. With the entire system under one model, the City will be better prepared to address future needs with unified planning efforts under one consultant. This effort aligns with the Texas Commission on Environmental Quality's "One Water" concept that

recommends having an integrated approach to the management of water including the treatment and conveyance of water and wastewater as a single resource.

**RECOMMENDATION:**

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

4. [Approval of a Bid Award for Upper Trinity Intake Variable Frequency Drive Improvements to H&H Electrical Contractors, Inc., Dallas, TX, in the Amount of \\$459,171; and Authorization for the City Manager, or Her Designee, to Execute the Agreement.](#)

**ADMINISTRATIVE COMMENTS:**

The variable frequency drives and other electrical components that control the pumps at Upper Trinity Intake are over 20 years old and need replacement for operational efficiency. A total of nineteen (19) requests for bids were downloaded from Bonfire. One (1) bid was received and opened on October 24, 2023. An evaluation of the bid was performed, and it was determined that H&H Electrical Contractors, Inc. be recommended for award as the lowest, responsive bidder. Funding is available in the Upper Trinity Intake Variable Frequency Drive capital project.

**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.

**G. Regular Hearing**

5. [A Resolution of the City Council of the City of Lewisville, Texas, Authorizing the Acquisition of Fee Simple Title to 3,599 Square Feet \(0.083 Acres\) Legally Described as Lot1A, Block C, Timber Creek Square, Phase1 in the Charles Demay Survey, Abstract 335 and the Acquisition of a Partial Release of Access Easement for Approximately 4,564 Square Feet \(0.105 Acres\), Legally Described as Lot 1F, Block C, Timber Creek Square, Phase 1 in the Charles Demay Survey, Abstract 335 at 301 E. Southwest Parkway For Use as a Public Park; Determining the Public Use and Public Necessity of Such Acquisitions; Authorizing the Appointment of an Appraiser and](#)

Negotiator as Necessary; Authorizing the City Manager (or Her Designee) to Establish Just Compensation for the Properties to be Acquired in Accordance with All Laws; Authorizing the City Manager (or Her Designee) to Take All Steps Necessary to Acquire the Needed Properties in Compliance with All Applicable Laws and Resolutions; Authorizing the City Attorney (or Her Designee) to Institute Condemnation Proceedings to Acquire the Properties if Purchase Negotiations Are Not Successful; and Authorizing the City Attorney (or Her Designee) to Reach a Settlement Agreement Regarding the Acquisitions Following the Institution of Condemnation Proceedings; Providing for Repealing, Savings and Severability Clauses; and Providing for an Effective Date.

**ADMINISTRATIVE COMMENTS:**

The proposed property to be acquired will be used to further develop the public park in the “Triangle Area,” known as Glory Park/Parque La Gloria. As required by Texas Property Code Section 21.0113, the City is required to first attempt to acquire the necessary acquisition(s) from the landowners voluntarily through the making of a bona fide offer prior to filing any eminent domain procedure. City staff has attempted multiple times to discuss dedication and/or purchase of the property with the property owners’ representatives, even offering at one point to build another access point off Southwest Parkway. The owners have not responded to the City’s offers to purchase the property.

**RECOMMENDATION:**

That the City Council consider and adopt the Resolution as set forth in the caption above by using the following motion, which is prescribed by Texas Government Code Section 2206.053 (e): “I move that the City of Lewisville, Texas adopt the Resolution described in Agenda Item No. G-5 and authorize the use of the power of eminent domain to acquire for public use the property described and depicted in Exhibits A and B attached to the Resolution, said descriptions and depictions being incorporated into this motion for all purposes, for use as a public park.”

**AVAILABLE FOR QUESTIONS:**

Stacie Anaya, Parks and Recreation Director

6. Consideration of an Ordinance of the Lewisville City Council, Amending the Lewisville City Code by Amending Section 4-151, Definitions, of Chapter 4

[to Amend the Definition of Property Manager and Add a Definition of Short-Term Rental \(“STR”\) Unit; Adding a New Division 4, Short-Term Rental Units, to Chapter 4 to Adopt STR Regulations; Adding a New Section 15-139, Limited Parking Zones, to Chapter 15 to Adopt Parking Permit Regulations; Amending Article III, Hotel Occupancy Tax, of Chapter 14 to Clarify the Remittance and Audit of Hotel Occupancy Taxes for STRs; Amending Section 4-198\(b\), Floor Area, of Chapter 4 to Clarify the Application of the International Property Maintenance Code Regulations to the Floor Area of Room Dimensions; Amending the Fee Schedule of the City of Lewisville to Include a Fee for Short-Term Rental Unit Permits; Providing a Repealer, Severability, Penalty, and an Effective Date; and Declaring an Emergency.](#)

**ADMINISTRATIVE COMMENTS:**

After extensive public input and research on issues related to short-term rentals (STRs), staff is proposing regulations that will go into effect on July 8, 2024. These regulations include a permitting process and fee, inspections, operational requirements, and a process for revoking permits. The proposed regulations also create a limited parking zone which can be utilized city-wide regardless of the presence of a STR and clarifies the remittance and audit of hotel occupancy taxes for STRs.

**RECOMMENDATION:**

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

7. [Consideration of Naming the Fire Training Complex the “John Ashman Fire Training Complex” in Honor of Former Division Chief of Training John Ashman.](#)

**ADMINISTRATIVE COMMENTS:**

The City has partnered with the Town of Flower Mound and the City of Highland Village to build two training buildings on property owned by Lewisville. This property currently has a training tower, apparatus bay, storage building, and various training props. Staff proposes naming the fire training complex the “John Ashman Fire Training Complex” in honor of former Division Chief of Training John Ashman in recognition of his contributions to the city.

**RECOMMENDATION:**

That the City Council approve the naming of the fire training complex 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 Reports](#)

2. [Staff Reports](#)

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

**J. Closed Session**

*In Accordance with Texas Government Code, Subchapter D,*

1. *Section 551.072 (Real Estate): Property Acquisition*

2. *Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations.*

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

**L. Adjournment**

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## NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

The Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the City Council at a social function unrelated to the public business that is conducted by the City Council, or the attendance by a quorum of the City Council at a regional, state or national convention or workshop, ceremonial event or press conference if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event or press conference. The City Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conferences; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the City Secretary's Office, nothing shall preclude a quorum of the City Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

I do hereby certify that the above notice of meeting of the City of Lewisville City Council was posted at City Hall, City of Lewisville, Texas in compliance with Chapter 551, Texas Government Code on \_\_\_\_\_, 2023 by \_\_\_\_\_ AM.

\_\_\_\_\_  
City Secretary