

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JULY 6, 2015

Present:

Rudy Durham, Mayor

Council Members:

R Neil Ferguson, Mayor Pro Tem
Greg Tierney, Deputy Mayor Pro Tem (Absent)
Leroy Vaughn
TJ Gilmore
Brent Daniels

City Staff:

Donna Barron, City Manager
Steve Bacchus, Assistant City Manager
Melinda Galler, Assistant City Manager
Eric Ferris, Assistant City Manager
Julie Heinze, City Secretary
Lizbeth Plaster, City Attorney

WORKSHOP SESSION – 6:00 P.M.

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Durham at 5:45 p.m. on Monday, July 6, 2015, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**Discussion of Rope Lighting (Requested by
Mayor Pro Tem Ferguson)**

(Agenda Item A)

City Manager Donna Barron advised that Mayor Pro Tem Ferguson had requested that this issue be brought forward for City Council consideration. She stated that the presentation and recommendation were based upon the City of Carrollton's Ordinance regarding lighting. Mayor Pro Tem Ferguson explained that he had noticed this type of outbreak in other cities and based upon the comprehensive sign ordinance passed in 2011, he wanted the City Council to be able to address this issue sooner rather than later. He also expressed concern regarding the unnecessary energy that is being used for this signage when businesses are not even open.

At the request of City Manager Donna Barron, Director of Neighborhood Services Cleve Joiner conducted the attached PowerPoint presentation.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Rope Lighting (Requested by
Mayor Pro Tem Ferguson) (cont'd)**

(Agenda Item A)

Mayor Pro Tem Ferguson advised that he preferred Option #4. City Manager Donna Barron advised when Carrollton had put their ordinance in place they had made it retroactive. Director of Neighborhood Services Cleve Joiner advised that they had 100% compliance from the businesses.

Mayor Durham advised that he was opposed to making any changes. Councilman Gilmore advised that he was in support exploring this further and that he had grown up in Arizona where this type of lighting was restricted and it was appealing. Mayor Pro Tem Ferguson advised that he preferred Option #4.

Discussion was held that there would be exceptions for holiday lighting. Director of Neighborhood Services also advised that the recommendation would be for lights to be turned off two hours after the business closes. Councilman Daniels expressed concern that would be putting a hardship on businesses as it could add an additional expenses and he would not be in support. Discussion was held regarding the two million barrels of oil per day in energy wasted indicated in the PowerPoint Presentation and additional steps that could be taken to meet more green construction codes. City Manager Donna Barron recommended taking one step at a time to address all the concerns, but start with the LED lighting. Councilman Vaughn indicated that he wanted all green codes considered at one time. Discussion was held regarding handling was being presented currently and looking at additional changes based on the green construction codes in the future. Councilman Vaughn reiterated that he did not want to discuss the lights now and the energy later, he wanted it all done at the same time. Councilman Gilmore advised that whichever option was decided on, he wanted to pursue a timing recommendation. Further discussion was held regarding the City Council's desire to proceed with LED lighting changes at this time and Councilman Vaughn's request to consider everything at one time. City staff pointed out the enormity of the green construction codes and the amount of time necessary to research those changes.

The consensus of the City Council was for City staff to proceed with bringing back Option #4 for City Council consideration.

The discussion of Discussion of Rope Lighting concluded at 6:21 p.m.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items**

(Agenda Item B)

Mayor Durham reviewed Agenda Item A, Invocation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item B, Pledge to the American and Texas Flags. There was no discussion on this item.

Mayor Durham reviewed Agenda Item C, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-1, a) City Council Minutes of the June 15, 2015, Workshop Session and Regular Session; and b) City Council Minutes of the June 22, 2015, Called Special Regular Session. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-2, Approval of a Professional Services Agreement with Huitt-Zollars, Inc., in the Amount of \$654,500 for Design and Construction Phase Services Relating to the Northwest Old Town Neighborhood Improvement Project; Approval of a Total Project Design Budget of \$687,225 which Includes \$32,725 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-3, Approval of a Local Project Advance Funding Agreement with the Texas Department of Transportation Related to Construction and Funding of City of Lewisville Utility Relocations Required for the FM 544 Reconstruction Project; and Authorization for the City Manager to Execute the Agreement. Discussion was held that it would be at least two years before completion of FM544. Further discussion was held on how far this construction would extend. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-4, Approval of an Economic Development Agreement Between the City of Lewisville and Mattito's Restaurant; and Authorization for the City Manager to Execute the Agreement. City Manager Donna Barron advised that the building permit had been issued on June 17th. She advised that with the approval of this agreement, construction should begin. Discussion was held that this had been discussed in Closed Session prior to Councilman Daniels being elected. Mayor Pro Tem Ferguson stated that he felt it was encouraging to see Mattito's willing to take on an old building that had sat vacant, especially during construction of I35E. There was no further discussion on this item.

WORKSHOP SESSION – 6:00 P.M.

**Discussion of Regular Agenda Items and
Consent Agenda Items (cont'd)**

(Agenda Item B)

Mayor Durham reviewed Agenda Item D-5, Approval of an Interlocal Agreement Among the Cities of Lewisville, Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Edward Byrne Memorial Justice Assistance Grant Program; and Authorization for the City Manager or her Designee to Execute the Agreement. Discussion was held that this was an annual grant and the benefit the mobile devices are that can be put together on the fly to allow privacy for families. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-6, Approval of Appointment of Lee McClinton to Place No. 3 of the Lewisville Industrial Development Corporation. There was no discussion on this item.

Mayor Durham reviewed Agenda Item D-7, Approval of a Resolution Setting Two Public Hearings Under Section 43.063 of the Texas Local Government Code for the Annexation of 0.418 Acres Adjacent to the City of Lewisville, Texas, Generally Located East of Standridge Drive, North of Hebron Parkway, West of Swan Forest Drive and South of Sir Tristram Lane and More Particularly Described in Exhibit “D” Attached Hereto; Authorizing the Issuance of Notice by City Staff Regarding the Two Public Hearings; and Directing City Staff to Prepare a Service Plan. City Manager Donna Barron reviewed this item for the City Council. She clarified that they have agreed not to extend the debt in approved. Assistant City Manager Eric Ferris reviewed the attached location map for the City Council detailing the areas that was being discussed. There was no further discussion on this item.

Mayor Durham reviewed Agenda Item D-8, Approval of a Resolution Accepting a Petition for and Calling for a Public Hearing for the Addition of Approximately 33.28 Acres of Land to the Currently Existing Lewisville Castle Hills Public Improvement District No. 7 Pursuant to Chapter 372 Texas Local Government Code; and Authorizing the Mailing and Publication of Notice of the Public Hearing. There was no discussion on this item.

Mayor Durham reviewed Agenda Item E, Reports. There was no discussion on this item.

Mayor Durham reviewed Agenda Item F-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:31 p.m. on Monday, July 6, 2015.

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Lewisville City Council was called to order by Mayor Durham at 7:00 p.m. on Monday, July 6, 2015, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

At the request of Mayor Durham, Councilman Daniels gave the invocation.

Pledge to the American and Texas Flags

(Agenda Item B)

At the request of Mayor Durham, Mayor Pro Tem Ferguson gave the pledge to the American and Texas flags.

Visitors/Citizens Forum

(Agenda Item C)

No one appeared to speak at this time.

CONSENT AGENDA

(Agenda Item D)

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Vaughn, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES:
 - a. City Council Minutes of the June 15, 2015, Workshop Session and Regular Session; and
 - b. City Council Minutes of the June 22, 2015, Workshop Session and Regular Session.
2. Approval of a Professional Services Agreement with Huitt-Zollars, Inc., in the Amount of \$654,500 for Design and Construction Phase Services Relating to the Northwest Old Town Neighborhood Improvement Project; Approval of a Total Project Design Budget of \$687,225 which Includes \$32,725 for Contingencies; and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA

(Agenda Item D)

3. Approval of a Local Project Advance Funding Agreement with the Texas Department of Transportation Related to Construction and Funding of City of Lewisville Utility Relocations Required for the FM 544 Reconstruction Project; and Authorization for the City Manager to Execute the Agreement.
4. Approval of an Economic Development Agreement Between the City of Lewisville and Mattito's Restaurant; and Authorization for the City Manager to Execute the Agreement.
5. Approval of an Interlocal Agreement Among the Cities of Lewisville, Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Edward Byrne Memorial Justice Assistance Grant Program; and Authorization for the City Manager or her Designee to Execute the Agreement.
6. Approval of Appointment of Lee McClinton to Place No. 3 of the Lewisville Industrial Development Corporation.
7. Approval of Resolution No. 4186-07-2015 (R): A Resolution Setting Two Public Hearings Under Section 43.063 of the Texas Local Government Code for the Annexation of a Certain 0.418 Acre Tract of Land, Generally Located East of Land, Generally Located East of Standridge Drive, North of Hebron Parkway, West of Swan Forest Drive and South of SIR Tristram Lane and More Specifically Described in Exhibit "D" Attached Hereto; Authorizing the Issuance of Notice by City Staff Regarding the Two Public Hearings; and Directing City Staff to Prepare a Service Plan.
8. Approval of Resolution No. 4187-07-2015 (R): A Resolution of the City Council of the City of Lewisville, Texas, Calling a Public Hearing as to the Addition of Lands to Lewisville Castle Hills Public Improvement District No. 7 Within the City of Lewisville Pursuant to Chapter 372 Texas Local Government Code and Authorizing the Mailing and Publication of Notice of the Public Hearing.

The motion carried.

END OF CONSENT AGENDA

Reports

(Agenda Item E)

- Director of Economic Development Nika Reinecke advised that she had placed a brochure of demographic information for the City of Lewisville in their mailboxes. Discussion was held regarding potentially getting this information on the City's website.
- Director of Public Services Carole Bassinger gave an update on the status of the lake, mowing, and road openings following the recent flooding.
- Assistant City Manager Eric Ferris advised that beginning this evening, AGL would be shutting down the exit ramps to FM407 in the evening.
- Councilman Daniels advised that Keep Lewisville Beautiful would be holding a gardening class at the Municipal Annex on July 14th.
- Councilman Gilmore advised that there was a new resident survey on the City's website and encouraged everyone to take a few minutes to complete it. He advised that this was to ensure that the activities that are currently being offered through the City are fulfilling the needs of the residents.
- Mayor Pro Tem Ferguson gave an update on the upcoming events at the MCL Grand Theatre.
- Mayor Durham thanked the Police Officer for his presence.

There were no additional reports at this time.

Mayor Durham adjourned the regular session of the Lewisville City Council into Closed Session at 7:08 p.m. Monday, July 6, 2015, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item F)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 7:08 p.m. on Monday, July 6, 2015, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

Section 551.071 (Consultation with Attorney):

1. Legal Issues Related to the Construction of the Old Town Park Plaza

Section 551.071 (Consultation with Attorney/Pending Litigation):

Closed Session (cont'd)

(Agenda Item F)

2. *City of Lewisville v. City of Farmers Branch and Camelot Landfill TX, LP*, Cause No.4:12-CV-00782, United States District Court for the Eastern District of Texas, Sherman Division; Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; and Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B

Section 551.072 (Real Estate):

3. Property Acquisition

Section 551.087 (Economic Development):

4. Deliberation Regarding Economic Development Negotiations.

The Closed Session was adjourned at 7:30 p.m. on Monday, July 6, 2015.

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

(Agenda Item G)

Mayor Durham reconvened the Regular Session of the Lewisville City Council at 7:30 p.m. on Monday, July 6, 2015, in the Council Chambers of the Lewisville City Hall.

Mayor Durham opened the floor for action to be taken on the items discussed in the Closed Session. There was no action taken on the items discussed during the Closed Session.

**LEWISVILLE CITY COUNCIL
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Adjournment

(Agenda Item H)

MOTION: Upon a motion made by Mayor Pro Tem Ferguson and seconded by Councilman Gilmore, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:30 p.m. on Monday, July 6, 2015. The motion carried.

These minutes approved by the Lewisville City Council on the 20th day of July, 2015.

APPROVED

Rudy Durham
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY

Consideration of LED or Other Continuous or Connected Series of Lights.



Presentation to City Council – July 2015

1

Examples of LED or Other Continuous or Connected Series of Lights.



2

Examples of LED or Other Continuous or Connected Series of Lights.



3

Current Ordinance

Sec. 11-8. - Electrical and other illuminated signs.

(a) Types approved. Four types of sign lighting are approved for use in the city unless otherwise provided in this chapter:

(1) Internal lighting, which means a source of illumination entirely within the sign which makes the contents of the sign visible at night by means of light being transmitted through a translucent material but wherein the source of the illumination is not visible.

(2) Internal-indirect lighting, which is a source of illumination entirely within the sign (generally a freestanding letter) which makes the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of illumination shall not be visible.

(3) Indirect lighting, a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

(4) Neon light (electrical discharge tubing), a source of external illumination located on a noncombustible surface approved by the current city electrical code. Exposed neon lighting can only be used as lettering, or straight-line perimeter trim. The straight-line perimeter trim is limited to no more than two lights.

(b) **Shielding of illumination source.** The light from any light source intended to illuminate a sign shall be so shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas.

Sec. 9-3. - Lighting.

It shall be unlawful for any person to locate on his property and use any visible source of illumination which produces intense glare or direct illumination across any bounding property line. No such light shall be of such intensity as to create a nuisance or detract from the normal use and enjoyment of adjacent property. For purposes of this section, a nuisance is defined as 0.4 of one foot candle of light measured at the property line.

4

LED or Other Continuous or Connected Series of Lights.

SURVEY 2015

<i>Survey Cities</i>	<i>Prohibited</i>	<i>Allowed</i>	<i>Restrictions</i>
Dallas		X	Clear or White Only – Can be flashing
Carrollton	X		Horizontal Building Outline Only – No Flashing
Frisco		X	Not Addressed
Garland		X	Not Addressed
Grand Prairie		X	Not Addressed
Irving		X	Intense Glare Not Allowed as Part of a Sign
Ft. Worth		X	Intense Glare Not Allowed as Part of a Sign
Denton		X	Intense Glare Not Allowed as Part of a Sign
Arlington		X	Intense Glare Not Allowed as Part of a Sign
Coppell		X	Intense Glare Not Allowed as Part of a Sign
Grapevine		X	Intense Glare Not Allowed as Part of a Sign
McKinney		X	Intense Glare Not Allowed as Part of a Sign
Mesquite		X	Intense Glare Not Allowed as Part of a Sign
Plano		X	Intense Glare Not Allowed as Part of a Sign
Richardson		X	Intense Glare Not Allowed as Part of a Sign

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LED or Other Continuous or Connected Series of Lights.

- ARTICLE XIII. PROHIBITED SIGNS
- Sec. 11-14. Prohibited signs.
- (2) *Flashing, etc. signs.*
- a. A flashing, scrolling, or animated sign or sign with intermittent or varying intensity of illumination or color, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for a sign indicating the time, date, and temperature (which shall be considered part of either a free standing, wall, or low profile/monument type of sign).
- b. A sign, display, or device that changes its message or copy by programmable electronic or mechanical processes, an electronic image on a digital display and a changeable electronic variable message sign are prohibited pursuant to this subsection if said sign, display or device is illuminated by flashing, intermittent or moving lights or contains or displays animated, moving video or scrolling messages.
- c. *Exception. Variable message electronic reader boards signs are allowed when permitted and installed in accordance with this [chapter].*

6

LED or Other Continuous or Connected Series of Lights. – CURRENT INVENTORY

Address	Tenant
156 W Main St	Main Street Mercantile
724 W Main St Ste 358	Metro PCS
1081 W Main St Ste 1144	Metro PCS
1168 W Main St Ste	Nail 4 U
1288 W Main St Ste 109	Income Tax
101 Lake Park Rd 101 D	Tax Service
101 Lake Park Rd 101 C	Barber
380 Lake Park Rd	Old House BBQ
1301 FM 407	Shoe Repair
582 Garden Rodge Ste 200	Donuts
1010 Edmonds Ste 101	Adriana's
1010 Edmonds Ste 104	David's Fade Shop
1003 Fox Ave Ste 160	Cindy's
701 S Stemmons Frwy Ste 206	Coin Laundry
701 S Stemmons Frwy Ste 210	Aries Beautishop
229 Huffines Ste 200 B	Amigos Mini Bazaar
101 Hoffords Prairie Ste 104	Los Alisos
1165 S Stemmons Frwy Ste 134	Valley Beauty Supply
101 E Southwest Pkwy Ste 200	Zebra's House of Glass
300 E Corporate Ste B	Valero
290 E Corporate Ste 110	Liquor City
101 Corporate Ste 110	Corporate Village
2302 S Hwy 121 Ste 156	Smoke and Peace
1955 S Hwy 121 Ste 300	Boost Mobile
2305 S Hwy 121 Ste 125	Donuts
2305 S Hwy 121 Ste 110	Oswaldo's Meat
2305 S Hwy 121 Ste 108	Paco's Salon
729 Hebron Pkwy Ste #140	Wings and Things
729 Hebron Pkwy Ste #210	Smoke and Vapor
2325 S Stemmons Frwy Ste #303	Liberty Tax
413 E FM 3040 Ste #103	Glass Smoke Shop

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LED or Other Continuous or Connected Series of Lights.

OPTION #1 – City of Carrollton Language

- Article XIII – Section 11-14 – Prohibited Signs

ADD

(12) *LED or other continuous or connected series of lights.* It is prohibited to use said lights to:

- a. Outline individual windows.
- b. Outline an individual occupancy in a multi-tenant building.
- c. Outline any accessory structures, signs, light poles or other appurtenances on site.
- d. Outline any vertical features of the building separate from the roof line; except that said lights may be utilized to outline only the roof line of any building.

Retroactive with 90 Days to Compliance

8

LED or Other Continuous or Connected Series of Lights.

OPTION #2

Allow the Continued Use

OPTION #3

Prohibit LED or Other Connected or Continuous Lighting Altogether

OPTION #4

Make Adjustments to Option #1 by Allowing String Lighting to Outside Seating Areas and Other Uses - Retroactive 90 Days

9

Lighting Standards, Light Pollution and Green Construction Codes

- [The International Dark-Sky Association \(IDA\)](#)
- Light pollution is the result of outdoor lighting that is not properly shielded, allowing light to be directed into the eyes and the night sky.
- Lighting can also cause light trespass when it is directed into areas that it is not wanted, *e.g.*, a neighbor's yard and window
- The [hypothesis](#) is that humans have evolved over millennia exposed to roughly equal periods of light and dark. The disruption of this circadian rhythm can cause hormone imbalance in all living organisms.
- In the last century, artificial lighting has reduced the regular period of darkness and may negatively impact health.
- Dripping Springs, Texas and Big Bend National Forest (IDA Members)

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Lighting Standards, Light Pollution and Green Construction Codes

- Light pollution is a broad term that refers to multiple problems, all of which are caused by inefficient, unappealing, or (arguably) unnecessary use of artificial light. Specific categories of light pollution include light trespass, over-illumination, glare, light clutter, and sky glow. A single offending light source often falls into more than one of these categories.
- Over-illumination is the excessive use of light. Specifically within the United States, over-illumination is responsible for approximately two million barrels of oil (Equivalent) per day in energy wasted.
- Even among developed countries there are large differences in patterns of light use. American cities emit 3–5 times more light to space per capita compared to German cities.

International Green Construction Code

Energy Conservation

- Requires Exterior Lighting Shut Off not less than 30% two hours after facility Operations Conclude
- Requires Exterior Building Facades, Signage and Landscape Features to shut off from Midnight to 6 a.m.
- Requires Interior Lighting to be reduced by 45% during periods when Occupants are not present.

National Green Building Standard

- Provides Point Values for Certification based on same Criteria

Leadership in Energy & Environmental Design (LEED)

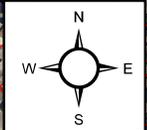
- Provides Point Values for Certification based on same Criteria

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LED or Other Continuous or Connected Series of Lights.

Questions?

12



5' C.O.L. DE-ANNEXATION STRIP
.134 ACRES

EXISTING 5' C.O.L. STRIP

5' PID STRIP - .186 ACRES

EXISTING 5' C.O.L. STRIP

POLSER ROAD

STANDRIDGE

33.094
ACRES

5' CITY OF LEWISVILLE STRIP
.418 ACRES

HEBRON PKWY

