

LEWISVILLE CITY COUNCIL

REGULAR SESSION

JULY 16, 2007

Present:

Gene Carey, Mayor

Council Members:

Dean Ueckert, Mayor Pro Tem
David Thornhill, Deputy Mayor Pro Tem
Lathan Watts
Rudy Durham

Absent:

Greg Tierney

City Staff:

Claude King, City Manager
Donna Barron, Assistant City Manager
Steve Bacchus, Assistant City Manager
Julie Heinze, City Secretary
Ronald J. Neiman, 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 Carey at 6:00 p.m. on Monday, July 16, 2007, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance with the exception of Robert Monaghan who was represented by Recreation Manager Wayne Pickett. Also in attendance was Graduate Traffic Engineer Kevin Nims, Assistant Chief of Police Joni Eddy, Purchasing Manager Todd White, and City Engineer T. S. Kumar.

Red Light Cameras

(Agenda Item A)

Police Chief Russ Kerbow began his presentation by showing a video of a car accident that occurred when a vehicle ran a red light. Chief Kerbow continued his PowerPoint Presentation as follows:

WORKSHOP SESSION – 6:00 P.M.

Red Light Cameras (cont'd)

(Agenda Item A)

- Background
 - Red Light Running
 - Council Mid-Year Retreat Item
 - AG Opinion – Operation Allowed
 - 80th Legislative Session (SB1119)
- Analysis
 - Install Red Light Enforcement System Now
 - Improves Public Safety
 - Avoid New Legislative Mandates, such as
 - Contractor's payment not tied to % or \$ amount of citations issued
 - Mandatory criteria for selecting the intersections
 - Engineering study to determine if the intersection can be made safer by changing the timing of the signals or changing the design of the intersection.
 - Citizen Advisory Board Required
 - Signs Required
- Vendor Selection
 - Reflex Traffic Systems of Terrell, Texas
 - Ease of System Operation
 - Cost Neutrality to City
 - Compensation and Pricing
 - Customer Service
 - Purchase under H-GAC Contract
 - New City Ordinance is Required (later date)
 - Agreement has 5-year term, 2 consecutive automatic two- year renewal – 9 years total
 - Engineering and Installation prior to September 1, 2007
 - Basic System Operation
 - Cameras capture digital vide/stills
 - Officer reviews within 4 days of violation and authorizes citation
 - Vendor manages all, including phone calls, the collection of all fees and fines, setting up hearings and appeals and providing for expert witnesses.
 - Compensation & Pricing
 - Variable Fee (Tiered) vs. Fixed Fee Structures (\$4,870 per camera)
 - Variable Fee Recommended

WORKSHOP SESSION – 6:00 P.M.

Red Light Cameras (cont'd)

(Agenda Item A)

- City splits all their revenue “50/50” with State after expenses such as for reviewing officer, hearing officers, etc.
- Variable Fee Example
 - 170 citations issued
 - \$12,750 in paid citation
 - Redflex receives \$48 each from the first 90 fully paid citations then \$38 from next 80, total \$7,360
 - City’s portion is \$27 from first 90 then \$37 from next 80, total \$5,390

Police Chief Kerbow reviewed the following chart with the City Council:

Tier	# of Citations Paid (Average per camera per month)	FEES	
		Vendor	City
3	6+ citations fully paid per day (180+ per month)	\$28 or 37%	\$47
2	4-6 citations fully paid per day (90 to 180 per month)	\$38 or 51 %	\$37
1	1-3 citations fully paid per day (up to 90 per month)	\$48 or 64%	\$27

Mayor Carey questioned the fine for running a red light. Chief Kerbow advised it would be \$75. Mayor Carey questioned how many intersections would have cameras. Chief Kerbow advised that they could do up to 20 lights. Discussion was held regarding if the State would also collect revenue if a Police Officer observed someone running a red light. Chief Kerbow advised that the City would collect that entire fee.

- Fixed Fee Structures
 - Redflex collects all revenue up front until \$4,870 per camera per month is collected
 - Revenue in excess of the minimum may be applied to other cameras to help them meet minimums.

WORKSHOP SESSION – 6:00 P.M.

Red Light Cameras (cont'd)

(Agenda Item A)

- Deficit amounts are rolled over month to month for the life of the contract until enough revenue is collected to meet the minimum \$ amount of the contract terminates, in which case the “gross cash received” is accepted as final payment and the program is deactivated.
- Recommendation
 - Allow the City Manager to negotiate and execute an Agreement with Redflex Traffic Systems to install photographic red light enforcement systems at various intersections prior to September 1, 2007.
 - Questions?

Discussion was held regarding the owner of the vehicle would receive the notice if their vehicle runs a red light. Chief Kerbow advised that the owner would be responsible for notifying the City who actually ran the red light.

Mayor Pro Tem Durham questioned if State Highways could also have red light cameras. Chief Kerbow advised they could also be done; however, the City would have to obtain permission from the Texas Department of Transportation (TxDOT).

Discussion was held regarding if the City got to a point where there were no red lights violations how that would be handled. Chief Kerbow advised the contract is for five years, so the cameras would remain intact.

Deputy Mayor Pro Tem Ueckert questioned the timing of the yellow light to the red light, does an officer determine that a violation has been made. Chief Kerbow advised that the violation occurs when you enter the intersection and the light is red. He clarified that it was not when the vehicle entered the intersection when the light was yellow and then turned red. Councilman Thornhill questioned if any data had shown more rear endings occurring when the cameras are put in place. Chief Kerbow advised that he had heard of some discussion regarding those situations; however, to his knowledge no data had been compiled.

Discussion held regarding putting signs in place that every intersection is being monitored. City Manager King stated that people will get clued into where these devices are located and not located.

The workshop session regarding Red Light Cameras concluded at 6:24 p.m.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

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

Mayor Carey reviewed Agenda Item B, Pledge to the Flag. There was no discussion on this item.

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

Mayor Carey reviewed Agenda Item D-1, Approval of a Bid Award for the Valley Ridge Southeast Water Lines, Line B Project to Texas United Excavators, LLC, Carrollton, Texas, in the Amount of \$737,705; Approval of a Total Project Budget of \$759,836; Which Includes \$22,131 for Contingencies; and Authorization for the City Manager to Execute the Contract. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-2, Authorization for the City Manager to Execute a Contract With Funscape Enterprises, Carrollton, Texas, for Provision of a Weekly Youth Program. There was no discussion on this item.

Mayor Carey reviewed Agenda Item D-3, Approval of the Implementation and Operation of a Photographic Red Light Enforcement Program in the City of Lewisville With Redflex Traffic Systems; and Authorization for the City Manager to Negotiate and Execute an Agreement. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Consideration of a Variance to the Lewisville City Code, Section 6-58(e) Grading to Include Tree Removal Prior to Engineering Site Plan Approval, as Requested by Thomas Hoover of Thomas Hoover Engineering, LLC, on Behalf of American Properties, LLC, the Property Owners. City Manager King reminded the City Council that this was the location where a Hilton Garden had once been discussed. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Consideration of a Variance to the Lewisville City Code Section 2-201 Regarding Waiving the Special Event Permit Fees for the Annual Masonic Lodge Race for the Children 5K Run. There was no discussion on this item.

WORKSHOP SESSION – 6:30 P.M.

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

(Agenda Item B)

Mayor Carey reviewed Agenda Item E-6, Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee, as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-7, Second Reading: Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-8, Consideration of Waiving the Third Floor Rental Fee for the Southern Denton County Neighbor to Neighbor Kick Off Event on July 26, 2007 (as Requested by Mayor Pro Tem Ueckert). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F, Reports. There was no discussion on this item.

Mayor Carey reviewed Agenda Item G-Closed Session. There was no discussion on this item.

Items of Interest to the Council

(Agenda Item B)

There were no items of interest discussed by the City Council at this time.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:34 p.m. on Monday, July 16, 2007.

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 Carey at 7:00 p.m. on Monday, July 16, 2007, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

Invocation

(Agenda Item A)

Mayor Carey gave the invocation.

Pledge to the Flag

(Agenda Item B)

At the request of Mayor Carey, Mayor Pro Tem Ueckert gave the pledge to the flag.

Visitors/Citizens Forum

(Agenda Item C)

The Actors Conservatory Theatre gave a brief performance from their production of Puss in Boots.

No one else appeared to speak at this time.

CONSENT AGENDA

(Agenda Item D)

MOTION: Upon a motion made by Councilman Durham and seconded by Councilman Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all items on the Consent Agenda, as recommended and as follows:

1. Approval of a Bid Award for the Valley Ridge Southeast Water Lines, Line B Project to Texas United Excavators, LLC, Carrollton, Texas, in the Amount of \$737,705; Approval of a Total Project Budget of \$759,836; Which Includes \$22,131 for Contingencies; and Authorization for the City Manager to Execute the Contract.
2. Authorization for the City Manager to Execute a Contract With Funscape Enterprises, Carrollton, Texas, for Provision of a Weekly Youth Program.
3. Approval of the Implementation and Operation of a Photographic Red Light Enforcement Program in the City of Lewisville With Redflex Traffic Systems; and Authorization for the City Manager to Negotiate and Execute an Agreement.

The motion carried.

END OF CONSENT AGENDA

Consideration of a Variance to the Lewisville City Code, Section 6-58(e) Grading to Include Tree Removal Prior to Engineering Site Plan Approval, as Requested by Thomas Hoover of Thomas Hoover Engineering, LLC, on Behalf of American Properties, LLC, the Property Owners

(Agenda Item E-4)

Mayor Carey advised that the 22.2 acre property located generally west of I-35 and south of Corporate Drive is zoned Light Industrial (LI) and General Business (GB). A final plat dividing the property into two lots and construction plans including a mass grading plan have been submitted for review. The final plat is tentatively scheduled for Planning and Zoning consideration on July 17, 2007. The developer has applied for a variance to allow grading the property including the removal of trees before an engineering site plan is approved. The developer has agreed to mitigate 719 caliper inches for a total of \$58,500. No site plan for either lot has been submitted. A large portion of the site is within the Timber Creek floodplain and the owners have secured approval from FEMA to perform grading within the floodplain.

Mayor Carey stated the City staff's recommendation was that the City Council approve the requested variance.

David Salmon, P.E., Assistant City Engineer, Thomas Hoover P.E., Thomas Hoover Engineering, LLC, 1361 W Eules Blvd #99, Eules, Texas, and Chris Hoskins, 1601 Main Street, Suite 3600, Dallas, Texas, were present to respond to any questions posed by the City Council.

MOTION: Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Section 6-58(e) Grading to Include Tree Removal Prior to Engineering Site Plan Approval, as requested by Thomas Hoover of Thomas Hoover Engineering, LLC, on behalf of American Properties, LLC, the property owners, to allow grading the property including the removal of trees before an engineering site plan is approved. The motion carried.

**Consideration of a Variance to the Lewisville
City Code Section 2-201 Regarding Waiving
the Special Event Permit Fees for the Annual
Masonic Lodge Race for the Children 5K
Run**

(Agenda Item E-5)

Mayor Carey advised that the Lewisville Masonic Lodge No 201 is requesting City Council to waive permit fees in the amount of \$1,339.32 for the Annual Masonic Lodge Race for The Children 5K Run. The event will be held on Saturday, September 15, 2007. All requested City services are the same as last year's race. The fees were paid in full at the 2005 event and a variance to all special event fees for the event was granted in 2006.

Mayor Carey stated the City staff's recommendation was that the City Council consider waiving the special event permit fees in the amount of \$1,339.32.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Deputy Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code Section 2-201 waiving the Special Event Permit Fees for the Annual Masonic Lodge Race for the Children 5K Run in the amount of \$1,339.32. The motion carried.

**Consideration of a Variance to Lewisville
City Code Chapter 11, Signs, to Allow the
Size and Location of Temporary Banner
Signs; Consideration of a Variance to
Lewisville City Code, Chapter 2 Fees,
Waiver of Variance Request Fee, as
Requested by Courtney Kennedy on Behalf
of the Medical Center of Lewisville at 500
West Main Street**

(Agenda Item E-06)

Mayor Carey advised that the Medical Center of Lewisville is hosting its First Annual Health & Safety Fair on August 11 from 8 a.m. to 2 p.m. to benefit the Lewisville, Flower Mound and Highland Village communities. In an effort to increase awareness of the event, the Medical Center is requesting to be granted variances to allow for two temporary banners to be placed on the wall of the existing monument sign at the southeast corner of Main Street and IH-35E service road. The banners will be up for approximately three weeks and will be removed on August 11 after the event has concluded. The variances to the Sign Ordinance requested are to allow a) two banner signs larger than twenty square feet in area; b) the two banner signs to be placed on the wall of the monument sign. The Medical Center of Lewisville is also requesting that the variance request fee of \$350 be waived.

Consideration of a Variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee, as Requested by Courtney Kennedy on Behalf of the Medical Center of Lewisville at 500 West Main Street (cont'd)

(Agenda Item E-06)

Mayor Carey stated the City staff's recommendation was that the City Council approve the variances to the Lewisville City Code, Chapter 11 Signs for the size and location of temporary banners to be located at 500 West Main Street; and consider waiving the variance request fee.

Wayne Ferguson, 320 Main, Lewisville, Texas, introduced Courtney Kennedy to the City Council. Ms. Kennedy reviewed the events that would occur during the Family Health & Safety Fair to be held on August 11, 2007 from 8:00 a.m. – 2:00 p.m.

MOTION: Upon a motion made by Deputy Mayor Pro Tem Thornhill and seconded by Mayor Pro Tem Ueckert, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to Lewisville City Code Chapter 11, Signs, to Allow the Size and Location of Temporary Banner Signs; Consideration of a Variance to Lewisville City Code, Chapter 2 Fees, Waiver of Variance Request Fee, as requested by Courtney Kennedy on behalf of the Medical Center of Lewisville at 500 West Main Street to allow two banner signs larger than twenty square feet in area; and two banner signs to be placed on the wall of the monument sign, and to waive the variance request fee of \$350. The motion carried.

Second Reading: Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages

(Agenda Item E-7)

Mayor Carey advised that at the July 2, 2007, City Council meeting, the Council approved the subject ordinance. However, due to the lack of a 4/5's vote by the Council to adopt the ordinance on an emergency basis, the ordinance will have to be read on three separate days to meet the City Charter requirements. This will be the second reading of the ordinance. No Council action is necessary.

Second Reading: Consideration of an Ordinance Amending Chapter 7 of the Lewisville City Code Concerning Sale of Alcoholic Beverages (cont'd)

(Agenda Item E-7)

Mayor Carey stated the City staff's recommendation was that the City Attorney provide the second reading of the ordinance.

City Attorney Ron Neiman read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Chapter 7 of the Lewisville City Code; by Providing for Extended Hours for the On-Premise Sale of Mixed Beverages; Providing for a Repealer; Providing for Severability; Providing a Penalty; and Providing an Effective Date.”

No action was necessary on this item.

Consideration of Waiving the Third Floor Rental Fee for the Southern Denton County Neighbor to Neighbor Kick Off Event on July 26, 2007 (as Requested by Mayor Pro Tem Ueckert)

(Agenda Item E-8)

Mayor Carey advised that the Southern Denton County (SDC) Neighbor to Neighbor is a newly established fund raising federation representing Lewisville area social service agencies. At the July 2, 2007 City Council meeting, the City Council approved this organization as the exclusive fund raising federation for the City of Lewisville. Rental of the third floor is \$150 an hour with a two hour minimum along with a \$500 deposit. They would like to hold their Kick Off Event on July 26, 2007 on the third floor of City Hall and are requesting that the fees for this event be waived.

Mayor Carey stated the City staff's recommendation was that the City Council consider waiving the third floor rental fees for the Southern Denton County Neighbor to Neighbor Kick Off event on July 26, 2007.

Mayor Pro Tem Ueckert reviewed what this event would entail and who the attendees would be.

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve waiving the Third Floor Rental Fee for the Southern Denton County Neighbor to Neighbor Kick Off Event on July 26, 2007. The motion carried.

Reports

(Agenda Item F)

- Recreation Manager Wayne Pickett invited everyone to National Night Out that was being held on the first Tuesday in August at Memorial Park beginning at 7:00 p.m. He advised this event was being partnered with the Police Department and sponsored by Pediplace. Mr. Pickett reviewed the events that would be included in this event.
- Public Services Director Carole Bassinger gave an update on the status of the lake. She advised the Corps was releasing approximately 6,210 cubic feet per second.
- Assistant City Manager Donna Barron encouraged everyone to come to the summer music series this Tuesday at 7:30 p.m.
- Mayor Pro Tem Ueckert advised of websites that list the water levels.
- Mayor Carey gave City Manager King a certificate of appreciate from the Great American Race of 2007.

There were no additional reports at this time.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 7:23 p.m. Monday, July 16, 2007, in accordance with the requirements of the Open Meetings Law.

Closed Session

(Agenda Item G)

In accordance with Texas Government Code, Subchapter D, Section 551.072 (REAL ESTATE), the Lewisville City Council convened into Closed Session at 7:25 p.m. on Monday, July 16, 2007, City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas, in order to discuss matters pertaining to the following:

1. Property Acquisition

Section 551.087 (ECONOMIC DEVELOPMENT):

2. Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 7:40 p.m. on Monday, July 16, 2007.

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

(Agenda Item H)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 7:40 p.m. on Monday, July 16, 2007, in the Council Chambers of the Lewisville City Hall.

Mayor Carey 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.

Adjournment

(Agenda Item I)

MOTION: Upon a motion made by Mayor Pro Tem Ueckert and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to adjourn the Regular Session of the Lewisville City Council at 7:39 p.m. on Monday, July 16, 2007. The motion carried.

These minutes approved by the Lewisville City Council on the 6th day of August, 2007.

APPROVED

Gene Carey
MAYOR

ATTEST:

Julie Heinze
CITY SECRETARY