

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**NOVEMBER 17, 2008**

**Present:**

Gene Carey, Mayor

**Council Members:**

David Thornhill, Mayor Pro Tem  
Lathan Watts, Deputy Mayor Pro Tem  
Greg Tierney  
Dean Ueckert (Absent)  
Rudy Durham

**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 – 5:30 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 5:30 p.m. on Monday, November 17, 2008, in the City Council Conference Room of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas. All City Department Heads were in attendance.

**IH-35E Expansion Review**

**(Agenda Item A )**

City Manager King reviewed the current schematic of the IH-35E expansion with the City Council.

**DCTA Quarterly Report**

**(Agenda Item B)**

Charles Emery, Denton County Transportation Authority Chairman reviewed the DCTA Quarterly Report with the City Council.

**WORKSHOP SESSION – 5:30 P.M.**

**DCTA Presentation Regarding Rail Noise  
Mitigation**

**(Agenda Item C)**

At the City Council's request, Dee Legget, DCTA Vice President for Communications, reviewed the current issue of the naming of the station located in far north Lewisville. She advised that the City of Highland Village had passed a resolution requesting that the station include the "Highland Village" name. Mayor Carey advised he had spoken with Mayor Costa and she had indicated the City of Highland Village did not have a problem with the station being called "Lewisville Lake"; however, they would like to have "Highland Village" underneath. Discussion was held regarding the City of Highland Village's request. Mayor Carey pointed out that Highland Village is also paying into DCTA even though they will not have any train station. The general consensus of the City Council was they were in agreement with having "Highland Village" included in the name of the station and to have the two City's staff members get together and reach a decision.

Robert Kennah, Project Manager for the rail Improvements then presented a PowerPoint Presentation regarding "Creating a New Quiet Zone on Denton County Transportation Authority's A-train" as follows:

Federal Railroad Administration's Train Horn Rule  
Established

- Federal requirement to sound locomotive horns
- Maximum & minimum decibel levels for locomotive horns
- Methodologies for communities to create quiet zones

What is a Quiet Zone?

- At least ½ mile segment of a rail line
- Includes one or more public highway-rail grade crossings
- Locomotive horns are not sounded except in emergencies or as necessary for safe railroad operations
- Can be multi-jurisdictional

Who Establishes a Quiet Zone?

- Only the public authority with jurisdiction over the roadway at a public crossing
- Multiple jurisdictional quiet zones are allowed
  - Joint Action
  - Delegation of lead agency

**WORKSHOP SESSION – 5:30 P.M.**

**DCTA Presentation Regarding Rail Noise  
Mitigation (cont'd)**

**(Agenda Item C)**

Who **Cannot** Establish a Quiet Zone?

- DCTA
- Local businesses
- Neighborhood associations or other community groups

How to Qualify for a Quiet Zone

- Treat each public highway-railroad grade crossing with Supplemental Safety Measures (SSMs) ---OR---
- Ensure  $QZRI \leq NSRT$  or RIWH

QZRI = Quiet Zone Risk Index

NSRT = Nationwide Significant Risk Threshold

RIWH = Risk Index with Horns

What are SSMs?

Supplemental Safety Measures (SSMs) are safety measures that have been determined by the FRA to adequately compensate for the lack of a locomotive horn. Examples of SSMs are:

- Permanent Road Closure
- Four-quadrant gate systems with or without vehicle detection
- Median barriers/Channelization devices at least 100' in length on each side (60' if parallel roads or commercial driveways are present)
- One-way streets, with gates that completely close off the road

Mr. Kennah then reviewed photos and artist renderings to show examples of the four SSMs options.

**WORKSHOP SESSION – 5:30 P.M.**

**DCTA Presentation Regarding Rail Noise  
Mitigation (cont'd)**

**(Agenda Item C)**

Mr. Kennah then reviewed the Quiet Zone Process as follows:

Planning Phase

- Identify Corridor
- Collect Data
- Develop conceptual treatments
- Develop budgetary costs
- Determine preferred treatments

Implementation Phase

- Conduct Diagnostic Team Review
- Submit Notice of Intent
- Implement Improvements
- Update USDOT Inventory
- Submit Notice of Establishment
- Install Quiet Zone Signage

Continuation Phase

- Submit Updated USDOT
- Inventory Form and Affirmation of Quiet Zone Routinely

**WORKSHOP SESSION – 5:30 P.M.**

**DCTA Presentation Regarding Rail Noise  
Mitigation (cont'd)**

**(Agenda Item C)**

Mr. Kennah then reviewed the Diagnostic Team Review Summary and the option that DCTA preferred from the summary recommendation. She advised that DCTA would work with City staff regarding the proposed option.

**Intersection**

**Recommendation**

TOD Future Street	-Future construction by Developer or City of Lewisville
Hebron Parkway	-Reuse existing 2 quadrant gates, existing median, install traffic signal
Corporate Drive	-Future construction by COL/may include crossing in DCTA Plan Set/no gates
Bennett Lane	-2 quadrant gates, wayside horns, traffic signal at Railroad Street
Driveway	-Driveway closure
BUS SH 121	-Existing 2 quadrant gates/existing median/wayside horns/traffic signal modific.
E. Punell Street	-Crossing Closure
Andes Metal Driveway	-Crossing Closure
E. Main Street	-2 quadrant gates/wayside horns/traffic signal at the Railroad Street
College Street	-4 quadrant gates
N. Kealy Avenue	-2 quadrant gates/existing median/nearby driveway closure
Valley Ridge Blvd	-Future construction by COL/nothing to be included in DCTA Plan Set
N. Cowan Avenue	-Crossing Closure
Jones Street	-2 quadrant gates/proposed median 1' wide/widen road/shift driveway
N. Mill Street	-2 quadrant gates/proposed median/turning radius improvement on Oakridge/close driveway/widen to add turn lanes
Eagle Point Road	-Further Discussion with TxDOT

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item D)**

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, Presentation, Kick-Off of the Salvation Army 2008 Red Kettle Season. 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 D)**

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

Mayor Carey reviewed Agenda Item E-1, Approval of Minutes: City Council Minutes of the November 3, 2008, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-2, Acceptance of a Donation of \$3,000 From the Denton Area Teachers Credit Union to Fund the Police Department's Annual Awards Banquet. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-3, Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$61,984; and Authorization for the City Manager or his Designee to Execute the Grant Document. There was no discussion on this item.

Mayor Carey reviewed Agenda Item E-4, Approval of a Resolution to Execute a Local Participation Advanced Funding Agreement (LPAFA) With TxDOT to Install Video Detection and Communications at Thirteen Traffic Signals on State Highway 121 Business; and Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$321,425. City Manager King advised that this was a video detection for signal control, not for red light control. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item E-5, Approval of a Supplemental Appropriation in the Amount of \$14,689 to the Fiscal Year 2008-2009 Grant Fund. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-6, Tabled Item: Consideration of a Variance to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-57 to Allow Simultaneous Construction of On-Site and Off-Site Improvements for Crest Manor, a Multi-Family Development Located Near the South East Corner of FM 3040 and Ace Lane as Requested by Robert Driegert, Attorney/Mediator on Behalf of the Owner. City Manager King reviewed the current status of this item. There was no further discussion regarding this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item D)**

Mayor Carey reviewed Agenda Item F-7, Consideration of a Request for Variances to the Lewisville City Code, Section 6-123, Landscape Requirements, as Requested by Lewisville Learning Center Located at 1601 Edmonds Lane and the Dale Jackson Career Center at 1597 Edmonds Lane Both on a Single Lot, Which is Owned and Operated by Lewisville Independent School District (LISD). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-8, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on the State Highway 121 Frontage Roads Within the City of Lewisville. There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-9, Consideration of a Resolution Acknowledging Existing Truck Prohibitions Based on Engineering Studies; and Consideration of Three Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets. City Attorney Ron Neiman advised due to the split of the City Council regarding the approval of prohibiting truck traffic, the three streets each had their own ordinances created to allow the City Council to vote on each street separately. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-10, Consideration of Adding Purnell Street From IH35E to Mill Street as a Prohibited Truck Traffic Route. (Requested by Councilman Tierney). City Manager King reviewed the businesses located in this area that had locally deliveries. He reminded the City Council that these businesses would be exempt from the truck traffic prohibition should the City Council decide to proceed with the prohibition. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-11, Consideration of a Request From Jack & Jill of America to Waive Fees for the Vista Ridge Amphitheater. City Manager King clarified that there is a difference between waiving fees and co-sponsorship and that the City would not be sponsoring this event. 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 D)**

Mayor Carey reviewed Agenda Item F-12, Acceptance of Resignation of Sarah Jo Jackson From Place No. 1 on the Old Town Design Review Committee; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee. Mayor Carey advised there were several applicants for this position. He stated that he would be willing to contact the applicants for interviews and report back to the City Council. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item F-13, Consideration of Appointments to the Board of Directors of the Lewisville Parks and Library Development Corporation (LPLDC). There was no discussion on this item.

Mayor Carey reviewed Agenda Item F-14, Consideration of Primary and Alternate Representatives to the Regional Transportation Council. City Manager King advised that there had been a slight change in that Highland Village was no longer included in a group with the City of Lewisville. Mayor Carey advised he had been contacted by both the Mayors of Trophy Club and Flower Mound regarding being appointed as the alternate. City Manager King advised that the City Council could table this item if they needed more time to consider the alternate. There was no further discussion on this item.

Mayor Carey reviewed Agenda Item G, Reports. There was no discussion on this item. Ron reviewed the attorney general opinion regarding reports on agenda. City Attorney Ron Neiman reviewed the Attorney General ruling with the City Council and advised that anything discussed in the Reports section would need to be listed on the agenda as a specific topic. There was no further discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:53 p.m. on Monday, November 17, 2008.

**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, November 17, 2008, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Carey, Councilman gave the invocation.

**Pledge to the Flag**

**(Agenda Item B)**

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

**PRESENTATION: Kick-Off of the Salvation  
Army 2008 Red Kettle Season**

**(Agenda Item C)**

Mayor Carey read and presented a proclamation declaring November 17, 2008, as the official kickoff for the Salvation Army of Lewisville Red Kettle Campaign to Ben Howard with the Salvation Army.

**Visitors/Citizens Forum**

**(Agenda Item D)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item E)**

**MOTION:** Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt all remaining items on the Consent Agenda, as recommended and as follows:

1. APPROVAL OF MINUTES: City Council Minutes of the November 17, 2008, Workshop Session and Regular Session.
2. Acceptance of a Donation of \$3,000 From the Denton Area Teachers Credit Union to Fund the Police Department's Annual Awards Banquet.
3. Approval of Acceptance of a U.S. Department of Justice Prevention of Violence Against Women Grant Award in the Amount of \$61,984; and Authorization for the City Manager or his Designee to Execute the Grant Document.

CONSENT AGENDA (cont'd)

(Agenda Item E)

4. Approval of **Resolution No. 3625-11-2008(R)**: A Resolution Authorizing the City Manager of the City of Lewisville, Texas to Execute a Local Participation Advanced Funding Agreement for an On-System Project Related to a Congestion Mitigation and Air Quality Improvement Project for Furnishing and Installing of Traffic Signals by a Municipality; Authorizing the Expenditure of Funds Therefore; and Providing an Effective Date; and Approval of a Supplemental Appropriation to the Grant Fund in the Amount of \$321,425.
5. Approval of a Supplemental Appropriation in the Amount of \$14,689 to the Fiscal Year 2008-2009 Grant Fund.

The motion carried.

END OF CONSENT AGENDA

**Tabled Item: Consideration of a Variance to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-57 to Allow Simultaneous Construction of On-Site and Off-Site Improvements for Crest Manor, a Multi-Family Development Located Near the South East Corner of FM 3040 and Ace Lane as Requested by Robert Driegert, Attorney/Mediator on Behalf of the Owner**

(Agenda Item F-6)

This item was tabled at the November 3, 2008 City Council meeting at the request of the applicant for review of further options. Crest Manor is a proposed mixed use development on the south side of FM 3040, (Round Grove Road) east of Ace Lane. The site is dependent on downstream sanitary sewer service, which will be installed by the City as part of the Southwest Lewisville Infrastructure Improvements, which has not been bid. The owners of the development, Crest Property Management, have secured financing but are required to begin construction in November 2008 to retain the loan commitment. Staff met with representatives of Crest Manor on November 7, 2008 to discuss alternatives/options related to the development. As a result of that meeting, Crest Manor is requesting a modified variance to allow simultaneous construction of on-site public improvements, release of a building permit for "foundation only" to include slabs, and waiving the requirement of escrow for on-site public improvement construction thus allowing the building permit for "foundation only" construction to commence.

The City staff's recommendation was that the City Council consider the variance to allow simultaneous construction of both on-site and off-site improvements, release of a building permit for "foundation only" to include concrete slabs, and waive the requirement of escrow for on-site public improvement construction thus allowing the building permit for "foundation only" construction to commence.

Eric Ferris, Director of Community Development, reviewed this agenda item at the request of Mayor Carey.

Quinn Chen, President, Crest Property Management, spoke before the City Council and reviewed their project and respectfully requested consideration of the variance.

Mayor Carey advised that Robert Driegert was present for any questions posed by the City Council.

City Manager Claude King clarified with Mr. Chen that he understood it could take longer than five to six months for the sewer to be installed, that there were no guarantees when it would be completed.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve a variance to the Lewisville City Code, Relating to Chapter 6 Land Use, Article V, Section 6-57 to Allow Simultaneous Construction of On-Site and Off-Site Improvements for Crest Manor, a Multi-Family Development Located Near the South East Corner of FM 3040 and Ace Lane as requested by Robert Driegert, Attorney/Mediator on Behalf of the Owner to allow simultaneous construction of both on-site and off-site improvements, release of a building permit for "foundation only" to include concrete slabs, and waive the requirement of escrow for on-site public improvement construction thus allowing the building permit for "foundation only" construction to commence. The motion carried.

Matt McCormick thanked the City Council and staff for their participation in Lewisville Leadership Day and taking time to have dinner with them and introduced the members of Lewisville Leadership.

**Consideration of a Request for Variances to the Lewisville City Code, Section 6-123, Landscape Requirements, as Requested by Lewisville Learning Center Located at 1601 Edmonds Lane and the Dale Jackson Career Center at 1597 Edmonds Lane Both on a Single Lot, Which is Owned and Operated by Lewisville Independent School District (LISD)**

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**(Agenda Item F-7)**

G&A Consultants, Inc. has submitted an engineering site plan for an existing site known as Lewisville Learning Center and Dale Jackson Center, a campus of two buildings located at 1597 and 1601 Edmonds Lane. The engineering site plan is being invoked due to a proposed classroom addition of 6,000 square feet being added to the existing Lewisville Learning Center building. Because the campus is a single platted lot, improvements such as the addition to a building over 5,000 square feet or over 10% of the existing building require the entire lot to meet current City Code. LISD is requesting that only a portion of the campus landscape requirements be required to meet City Code.

The City staff's recommendation was that the City Council approve the variance to waive the requirements of the landscape strip and parking screening shrubs along Edmonds Lane on the portion that fronts the Dale Jackson Career Center and landscape islands in the interior parking area of the Dale Jackson Career Center.

Cleve Joiner, Building Official, and Kyle Hogue, G&A Consultants, Inc., were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve the following variances to the Lewisville City Code, Section 6-123, Landscape Requirements, as requested by Lewisville Learning Center Located at 1601 Edmonds Lane and the Dale Jackson Career Center at 1597 Edmonds Lane both on a single lot, which is owned and operated by Lewisville Independent School District (LISD): waive the requirements of the landscape strip and parking screening shrubs along Edmonds Lane on the portion that fronts the Dale Jackson Career Center and landscape islands in the interior parking area of the Dale Jackson Career Center. The motion carried.

**Consideration of Ordinance No. 3626-11-2008 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets, Establishing the Posted Speed Limit on the State Highway 121 Frontage Roads Within the City of Lewisville**

(Agenda Item F-8 )

With the opening of the main toll lanes on State Highway 121 and in accordance with standard engineering practice and State law, TxDOT has provided a speed study for the State Highway 121 frontage roads. The study recommends a speed of 60 miles per hour on two sections of the frontage roads as determined by the 85<sup>th</sup> percentile speed. The Transportation Board considered this item at the October 21, 2008 meeting and voted to recommend the change to the posted speeds with a 5-0 vote.

The City staff's recommendation was that the City Council adopt the ordinance amending the maximum speed limits on the State Highway 121 frontage roads.

T.S. Kumar, City Engineer, was present to respond to any questions posed by the City Council.

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 15, Section 15-35 of the Lewisville City Code by Establishing the Speed Limit on the State Highway 121 Frontage Roads; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3626-11-2008**, as previously captioned. The motion carried.

**Consideration of Resolution No. 3627-11-2008(R) Acknowledging Existing Truck Prohibitions Based on Engineering Studies; and Consideration of Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets**

(Agenda Item F-9)

Wayne Kurfees from Kimley-Horn & Associates presented a "Lewisville Truck Prohibition Study" at the Council workshop on September 15, 2008. Council considered existing and proposed truck prohibitions on October 20, 2008 and asked staff to prepare a resolution acknowledging all existing truck prohibitions based on the engineering study presented. Council also asked staff to prepare ordinances for truck prohibitions for the following three street segments: a) College Parkway from the western City limit to its intersection with Interstate Highway 35E southbound service road; b) Corporate Drive from the western City Limit to its intersection with State Highway 121 Business; and, c) High School Drive from its intersection with the Interstate 35E northbound service road to its intersection with Mill Street.

The City staff's recommendation was that the City Council approve the resolution acknowledging all existing truck prohibitions based on the engineering study from Kimley-Horn & Associates; and approve the ordinances amending the Lewisville City Code Section 15-104(a).

T. S. Kumar, P.E., City Engineer, reviewed this item at the request of Mayor Carey. The following streets were included in the resolution:

<b><u>Street Segment</u></b>	<b><u>Extent</u></b>
Church Street	From its intersection with Mill Street to its intersection with Herod Street
College Street	Between the service road of Interstate Highway 35E and Mill
Edwards Street	East of its intersection with Charles Street
Garden Ridge Blvd.	From IH-35E to FM 407
Greenland Road	From its intersection with Parkway Drive to a point 100 feet south of Simmons Avenue

Kealy Avenue	From its intersection with Mill Street to its intersection with Purnell Street
Lake Park Road	From Interstate Highway 35E to Mill Street
Main Street	From its intersection with Interstate Highway 35E northbound frontage road to its intersection with Mill Street.
Mullins Street	From its intersection with College Street to its intersection with Lester Street
Parkway Drive	From a point beginning at the intersection of Mill Street and Parkway Drive to the intersection of Parkway Drive and Kealy Avenue
Pine Drive	From its intersection with Interstate Highway 35E northbound frontage road to its intersection with Yates Street
Simmons Avenue	From its intersection with Greenland Lane to its intersection with Kealy Street

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes” and one (1) “nays,” with Councilman Durham casting the negative vote to approve **Resolution No. 3627-11-2008(R)**, as previously captioned. The motion carried.

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 15, Section 15-104(a)., of the Lewisville City Code; Restricting Operation of Trucks With More Than Two Axles From Certain Portions of College Parkway; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes,” with Councilman Tierney, Mayor Pro Tem Thornhill, and Mayor Carey casting the yes votes and two (2) “nays,” with Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to approve an ordinance Restricting Operation of Trucks With More Than Two Axles From Certain Portions of College Parkway. The motion carried.

City Attorney Ron Neiman advised that 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 brought back for two additional reads to meet the City Charter requirements.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) “ayes,” and one (1) “nays,” with Mayor Pro Tem Thornhill casting the negative votes to deny restricting operation of trucks with more than two axles from certain portions of Corporate Drive. The motion carried.

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 15, Section 15-104(a), of the Lewisville City Code; Restricting Operation of Trucks With More Than Two Axles From Certain Portions of High School Drive; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes,” with Councilman Tierney, Mayor Pro Tem Thornhill, and Mayor Carey casting the yes votes and two (2) “nays,” with Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to approve an ordinance restricting operation of trucks with more than two axles from certain portions of High School Drive. The motion carried.

City Attorney Ron Neiman advised that 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 brought back for two additional reads to meet the City Charter requirements.

(Following the Reports section of the meeting, Councilman Tierney requested to return to this item.)

**Consideration of Adding Purnell Street From  
IH35E to Mill Street as a Prohibited Truck  
Traffic Route. (Requested by Councilman  
Tierney)**

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**(Agenda Item F-10)**

On October 20, 2008, Council directed staff to prepare a resolution acknowledging all existing truck prohibition routes within the City and to prepare ordinances that will prohibit through truck traffic for College Parkway, Corporate Drive, and High School Drive. Councilman Tierney is requesting Council consideration of prohibiting through truck traffic on Purnell from IH35E to Mill Street.

The City staff's recommendation was that the City Council provide direction to staff as to any action to be considered regarding the prohibition of truck traffic on Purnell Street from IH35E to Mill Street.

Benita Fitzgerald, 341 West Purnell Road, Lewisville, Texas 75057, spoke before the City Council requesting the prohibition of truck traffic on Purnell Street from IH35E to Mill Street. Ms. Fitzgerald reviewed the situation on this street and what is located along this stretch of road and showed the City Council photos of trucks on this road.

Patricia Stone, 363 West Purnell, Lewisville, Texas 75057, spoke before the City Council requesting the prohibition of truck traffic on Purnell Street from IH35E to Mill Street.

Mayor Carey advised the following individuals had filled out cards indicating their support of adding Purnell Street from IH35E to Mill Street as a Prohibited Truck Traffic Route:

Abigail Paul, 2241 North Mill Street, Lewisville, Texas 75057  
Dolores Purnam, 414 West Purnell, Lewisville, Texas 75056  
Justin Wilche, 478 West Purnell, Lewisville, Texas 75057  
Jason Brigando, 477 Crockett Drive, Lewisville, Texas 75057  
Betty McDaniel, 385 West Purnell Road, Lewisville, Texas 75057  
Darlene Davidson, 449 West Purnell, Lewisville, Texas 75057  
Bennie and Mary Grissom, 433 West Purnell, Texas 75057  
Max Screeton, 514 West Purnell Road, Lewisville, Texas 75057  
Ray Atkins, 424 West Purnell Road, Lewisville, Texas 75057  
Neva Lamb, 371 West Purnell, Lewisville, Texas 75057  
Julian Mendoza Jaimes, 349 West Purnell Road, Lewisville, Texas 75057  
Nila Tarrer, 321 West Purnell Road, Lewisville, Texas 75057  
Mrs. Mary Smith, 305 West Purnell Road, Lewisville, Texas 75057  
Rex White, 237 Purnell, Lewisville, Texas 75057

Kathy Welton, 223 West Purnell, Lewisville, Texas 75057  
Penny Hess, 207 West Purnell Road, Lewisville, Texas 75057  
Debra Dominguez, 181 West Purnell, Lewisville, Texas 75057  
Tanya Dorrall, 151 West Purnell Road, Lewisville, Texas 75057  
Brittany Ann Aiken, 311 West Purnell, Lewisville, Texas 75057  
Ralph Fitzgerald, 341 West Purnell Street, Lewisville, Texas 75057

Deputy Mayor Pro Tem Watts indicated that he felt most of the truck traffic in this area was due to business located in this area, and not through truck traffic. Discussion was held regarding the impact of the construction when I-35 is widened will have on this area.

Discussion was held with Ms. Fitzgerald that should this item be approved by City Council it would only prohibit through truck traffic, not truck traffic related to any businesses located in this area.

**MOTION:** Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Tierney, the Council voted three (3) “ayes,” with Mayor Pro Tem Thornhill, Councilman Tierney, and Mayor Carey casting the yes votes and two (2) “nays,” with Councilman Durham and Deputy Mayor Pro Tem Watts casting the negative votes to direct City staff to prepare an ordinance prohibiting through truck traffic on Purnell from IH35E to Mill Street. The motion carried.

**Consideration of a Request From Jack & Jill  
of America to Waive Fees for the Vista Ridge  
Amphitheater**

**(Agenda Item F-11 )**

Jack & Jill of America has requested the City Council to consider waiving fees for a Walk Against Child Abuse to be held at the Vista Ridge Amphitheater tentatively scheduled for April 25, 2009. The rental fee is \$337.50. The deposit is still required, as is liability insurance.

The City staff’s recommendation was that the City Council consider the request to waive rental fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse and require deposit and appropriate insurances.

Sarah Shaw and members of the Jack & Jill of North Texas organization spoke before the City Council regarding this request.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) “ayes” and no (0) “nays” to approve waiving the rental fees for the Vista Ridge Amphitheater for the Walk Against Child Abuse and require deposit and appropriate insurances. The motion carried.

**Acceptance of Resignation of Sarah Jo Jackson From Place No. 1 on the Old Town Design Review Committee; Declare a Vacancy Exists; and Consideration of Appointment to Place No. 1 on the Old Town Design Review Committee**

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**(Agenda Item F-12 )**

Sarah Jo Jackson has submitted a letter advising that due to personal and business reasons, she is resigning from the Old Town Design Review Committee. The resignation of Sarah Jo Jackson has created a vacancy in Place No. 1 of the Old Town Design Review Committee.

The City staff’s recommendation was that the City Council accept the resignation of Sarah Jo Jackson from Place No. 1 on the Old Town Design Review Committee; declare a vacancy exists; and consider an appointment to fill the vacancy on the Old Town Design Review Committee.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to accept the resignation of Sarah Jo Jackson From Place No. 1 on the Old Town Design Review Committee and declare a vacancy exists. The motion carried.

Mayor Carey advised he would be contacting the six applicants that have submitted data sheets for the Old Town Design Review Committee for interviews.

**Consideration of Appointments to the Board of Directors of the Lewisville Parks and Library Development Corporation (LPLDC).**

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**(Agenda Item F-13 )**

The two year terms for the board members of the Lewisville Parks and Library Development Corporation are currently expiring. Per the provisions of the Act, the City Council must appoint a seven-member board of directors. Four of the members may be elected officials. Requirements for membership on the board are residents of Lewisville and at least 18 years of age. All of the current boardmembers have expressed an interest in being reappointed. These appointments may be discussed by the Council in Closed Session.

The City staff's recommendation was that the City Council consider the appointments to the Lewisville Parks and Library Development Corporation.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to reappoint the current members of the Lewisville Parks and Library Development Corporation. The motion carried.

**Consideration of Primary and Alternate  
Representatives to the Regional  
Transportation Council**

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**(Agenda Item F-14)**

The North Central Texas Council of Government (NCTCOG) recently notified staff of changes to the Regional Transportation Council (RTC) bylaws. These changes include revisions to the membership structure based on population changes. Under this new structure, Lewisville shares a seat with the cities of Flower Mound, The Colony, Trophy Club and Roanoke. In addition, a new provision was added to permit each seat on the RTC to have an alternate member that can attend meetings and vote in the absence of the primary member. The NCTCOG has asked that each City notify them of their primary and alternate member selection. Councilman Durham was selected for the primary seat in September 2008 and the City Council merely needs to confirm his selection for this seat. The City Council should then consider selection of the alternate member.

The City staff's recommendation was that the City Council confirm Councilman Durham's selection as the primary member to the RTC and consider selection of an alternate member.

Mayor Carey advised that he had been contacted by both the Mayor of Trophy Club and the Mayor of Flower Mound regarding being appointed to the Regional Transportation Council. City Manager Claude King advised that they could hold it off as long as they wanted; however, if other cities got their vote in then it might be a done deal. Discussion held that the alternate would only vote in the absence of the member, pending they meet all the requirements of the COG bylaws. Mayor Carey requested that the City Council allow him to talk with both Mayors before making a decision on the alternate position.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to confirm Councilman Durham's selection as the primary member to the Regional Transportation Council. The motion carried.

**REPORT:**

(Agenda Item G)

- City Attorney Ron Neiman reviewed the recent Attorney General Opinion GA-668 Regarding Notice Requirements for Agenda Items.

At the request of Councilman Tierney the City Council returned to Agenda Item F-9

**Consideration of Resolution No. 3627-11-2008(R) Acknowledging Existing Truck Prohibitions Based on Engineering Studies; and Consideration of Ordinances Amending the Lewisville City Code, Section 15-104(a) for Additional Truck Prohibitions on Certain Streets**

(Agenda Item F-9)

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 15, Section 15-104(a)., of the Lewisville City Code; Restricting Operation of Trucks With More Than Two Axles From Certain Portions of Corporate Drive; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing for an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted three (3) “ayes,” with Councilman Tierney, Mayor Pro Tem Thornhill, and Mayor Carey casting the yes votes and two (2) “nays,” with Deputy Mayor Pro Tem Watts and Councilman Durham casting the negative votes to approve an ordinance restricting operation of trucks with more than two axles from certain portions of Corporate Drive. The motion carried.

City Attorney Ron Neiman advised that 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 brought back for two additional reads to meet the City Charter requirements.

Mayor Carey adjourned the regular session of the Lewisville City Council into Closed Session at 8:16 p.m. Monday, November 17, 2008, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item H)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:20 p.m. on Monday, November 17, 2008, 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
2. Section 551.074 (Personnel): Appointments to the Board of Directors of the Lewisville Parks and Library Development Corporation (LPLDC).
3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development for a Potential Company Relocation.

The Closed Session was adjourned at 8:45 p.m. on Monday, November 17, 2008.

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

**(Agenda Item I)**

(Councilman Tierney was not present at the dais.)

Mayor Carey reconvened the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, November 17, 2008, 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 J)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Watts and seconded by Councilman Durham, the Council voted three (3) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:45 p.m. on Monday, November 17, 2008. The motion carried.

These minutes approved by the Lewisville City Council on the 25th day of November, 2008.

APPROVED

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Gene Carey  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY