

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**JUNE 15, 2009**

**Present:**

Dean Ueckert, Mayor

**Council Members:**

David Thornhill, Mayor Pro Tem  
Lathan Watts, Deputy Mayor Pro Tem  
Greg Tierney  
Rudy Durham

**City Staff:**

Claude King, City Manager  
Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Pat Parra, Deputy City Secretary  
Ronald J. Neiman, City Attorney

**WORKSHOP SESSION – 6:30 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Ueckert at 6:30 p.m. on Monday, June 15, 2009, 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 Regular Agenda Items and  
Consent Agenda Items**

**(Agenda Item A)**

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

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

Mayor Ueckert reviewed Agenda Item C, Presentations, 1) Recognition of Community Service Officer William “Bill” Hines With a Life Saving Award; and 2) Recognition of Police Chief William “Russ” Kerbow With a Department Award to be Presented by City Manager Claude King. There was no discussion on these items.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item D-1, Public Hearing: Consideration of an Ordinance for a Zone Change Request From Single-Family Residential District (R-5), and Single-Family Residential District (R-6) to Public Use (PU) on an 80.581 Acre Tract Located at the Southeast Corner of FM 3040 and Duncan Lane; Further Identified as Henry Turner Survey, Abstract 1248 and Jesse Watkins Survey, Abstract 1328, as Requested by the Lewisville Independent School District, the Property Owner (Case No. PZ20090507). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-2, Public Hearing: Consideration of Condemnation of a Structure Located at 301 Uecker Lane, Lewisville, Texas. City Manager King advised that this item, along with the next two items, are similar and staff is asking to table these items indefinitely. The public hearing process started in order to get the homeowners to respond once they know the public hearing is posted and that the City means business. Indefinitely means a conditional tabling of the item. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item D-3, Public Hearing: Consideration of Condemnation of the Structures Located at 538 North Cowan, A0696A J.W. King, Tract 69, Lewisville, Texas. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-4, Public Hearing: Consideration of Condemnation of the Structures Located at 728 and 730 North Cowan, A0696A J.W. King, Tract 11, Lewisville, Texas. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item D-5, Public Hearing: Consideration of Lewisville Juvenile Curfew Ordinance; and Consideration of a Resolution to Continue the Current Ordinance. There was no discussion on this item.

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

Mayor Ueckert reviewed Agenda Item F-6 Approval of Minutes: a.) City Council Minutes of the May 18, 2009, Workshop Session and Regular Session; and b.) City Council Minutes of the June 1, 2009, Workshop Session and Regular Session. There was no discussion on these items.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item F-7, Approval of Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to Construct Water Improvements in the Amount of \$47,908; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Approval of a Supplemental Appropriation to the Valley Ridge Boulevard, South of SH 121 Business Project in the Amount of \$144,600 From General Capital Project Available Cash; Approval of Change Order No. 2 to the Valley Ridge, South of SH 121 Business Project in the Amount of \$245,617; and Authorization for the City Manager to Execute the Change Order. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-9, Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to Patco Utilities, Inc., in the Amount of \$31,625.10; Approval of a Resolution Declaring That the Elm Fork Sanitary Sewer Phase IB Project Improvements Have Been Completed; and Authorization for the Mayor to Execute the Resolution. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-10, Approval of a Professional Services Agreement With H. R. Gray and Associates for ADA Consulting Services in the Amount of \$130,264.69; and Approval of a Supplemental Appropriation From the Risk Fund in the Amount of \$130,265. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-11, Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager or his Designee to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-12, Approval of a Resolution Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (92276DEN). City Manager King advised that there are maps in the backup showing where these properties for items 12 and 13 are located in the McKenzie/Hembry area. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item F-13, Approval of a Resolution Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (18503DEN). There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-14, Consideration of a Variance Request to the Lewisville City Code, Sections 9.5-54, Regarding Old Town Development Plans for the Proposed Old Town Kealy Parking Lot Located in the South 100 Block of Kealy Avenue. Councilman Tierney will abstain from this item. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-15, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits Near Schools, Establishing a School Speed Zone of 20 Miles Per Hour on Valley Ridge Boulevard From 240 Feet West of Garden Ridge Boulevard to 240 Feet East of Garden Ridge Boulevard. City Manager King advised that this ordinance will provide for minor school zone modifications. This is extending the school zone to Valley Ridge where there was not a school zone before. The next item is extending the school zone further south on Valley Parkway by the High School. They both have unanimous votes from the Transportation Board. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-16, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits for Special School Zone Areas, to Extend the School Speed Zone on Valley Parkway to 1,100 Feet South of Main Street. City Manager King advised that this ordinance also will provide for minor school zone modifications. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item G-17, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Adding Download Fees for Police Crash Reports. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-18, Discussion and Consideration of Appointments to Various City Boards/Commissions/Committees. Mayor Ueckert advised that he received all of the recommendations from Council members. He said the new staff person for Animal Services Advisory Committee is Laura Wise, the replacement for Pat Jackson. He reviewed the list of appointees for vacancies on various boards. There was no further discussion on this item.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item A)**

Mayor Ueckert reviewed Agenda Item G-19, Consideration of Declaring a Vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Fill the Vacancy on the Lewisville Parks and Library Development Corporation. Mayor Ueckert said that he talked to Councilman Tierney and Deputy Mayor Pro Tem Watts and that Deputy Mayor Pro Tem Watts agreed to serve on this committee. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-20, Discussion and Consideration of Appointments to the Lewisville Local Government Corporation. There was no discussion on this item.

Mayor Ueckert reviewed Addendum Agenda Item G-1, Reports, 1) Report From City Attorney Regarding Retention of Legal Consultation. and, 2) Report From Police Chief Regarding Status of CAP Program. There was no discussion on these items.

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

City Manager King reported that City Parks and Public Services crews, as well as Fire Department and Police Department, did an outstanding job on Friday and on the weekend prioritizing pickups of storm debris. Eight pickup stations were set up originally and the City is now down to four. Code Red worked very well informing citizens of where they can take their storm debris. It should take a couple of weeks for all storm debris to be picked up around the City. Waste Management personnel stepped up early on Friday putting the debris collection sites into action. Curbside pickup is being done now and will be stopped in about two week's time. An announcement will be made to the citizens at the time the curbside pickups are discontinued and then it will be the responsibility of the homeowner to cut the tree limbs into 3-foot sections and put out for normal pick-up. All information will be on Code Red and other information venues. Any fence that is damaged less than 25% does not require a permit. A new survey will not be required. However, a permit will be required for major repairs, and will waive the survey requirement, as long as the homeowner has a plot plan showing that the fence is being replaced. The City is spending a lot of money on overtime to man the dumpsters. Dumpsters are being manned so that they do not become receptacles for other things, storm-related or otherwise.

City Manager King said that at this time, Waste Management has not discussed any penalties for more than two deliveries to their site.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:45 p.m. on Monday, June 15, 2009.

**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 Ueckert at 7:00 p.m. on Monday, June 15, 2009, in the Council Chambers of the Lewisville City Hall, 151 West Church Street, Lewisville, Texas.

**Invocation**

**(Agenda Item A)**

At the request of Mayor Ueckert, Councilman Tierney gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

At the request Mayor Ueckert, Councilman Durham gave the pledge to the American and Texas flags.

**Presentation: Recognition of Community  
Service Officer William "Bill" Hines With a  
Life Saving Award**

**(Agenda Item C-1)**

Mayor Ueckert read and presented a life saving award to Community Service Officer William "Bill" Hines for his alertness and immediate actions on March 21, 2009 in saving the life of an inmate who was trying to hang himself in the Lewisville City Jail.

**Presentation: Recognition of Police Chief  
William "Russ" Kerbow With a Department  
Award to be Presented by City Manager  
Claude King**

**(Agenda Item C-2)**

City Manager King read and presented a Lewisville Police Department Civic Achievement Award to Police Chief William "Russ" Kerbow.

**Public Hearing: Consideration of Ordinance  
No. 3683-06-2009(Z) for a Zone Change  
Request From Single-Family Residential  
District (R-5), and Single-Family Residential  
District (R-6) to Public Use (PU) on an 80.581  
Acre Tract Located at the Southeast Corner  
of FM 3040 and Duncan Lane; Further  
Identified as Henry Turner Survey, Abstract  
1248 and Jesse Watkins Survey, Abstract  
1328, as Requested by the Lewisville  
Independent School District, the Property  
Owner (Case No. PZ20090507)**

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(Agenda Item D-1)

Public governmental agency uses are permitted in all zoning districts although the agency must follow the general regulations of the district in which the use is located. This property was acquired by the L.I.S.D. to provide a new ninth and tenth grade campus and possibly a future high school. The entire area is currently undeveloped due to the lack of sewer to the area. The City is in the process of bringing the sewer to the A.C.E. property on the north side of Spinks Road and the Payne Family Trust, who sold L.I.S.D. the school site, is contractually obligated to extend sewer from Spinks Road to the school site through the A.C.E. property. Water is available on the north side of FM 3040. The L.I.S.D. has submitted a preliminary plat for the site for review. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their May 19, 2009 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the Lewisville City Code, Chapter 17, the Comprehensive Zoning Ordinance approving the requested zone change from Single Family Residential (R-5 & R-6) to Public Use (PU).

Mayor Ueckert opened the public hearing.

Von Beougher, G&A Consultants, Inc., 111 Hillside Drive, Lewisville, Texas, and Michael Maxwell, 201 Main Street, Suite 801, Lewisville, Texas, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Public Hearing: Consideration of Ordinance No. 3683-06-2009(Z) for a Zone Change Request From Single-Family Residential District (R-5), and Single-Family Residential District (R-6) to Public Use (PU) on an 80.581 Acre Tract Located at the Southeast Corner of FM 3040 and Duncan Lane; Further Identified as Henry Turner Survey, Abstract 1248 and Jesse Watkins Survey, Abstract 1328, as Requested by the Lewisville Independent School District, the Property Owner (Case No. PZ20090507) (cont'd)**

(Agenda Item D-1)

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, That Amends the Zoning Ordinance of the City of Lewisville, Texas, Granting Zoning Changes on the 80.58 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Single-Family Residential (R-5 and R-6) District Zoning to Public Use (PU) District Zoning; Correcting the Official Zoning Map; Preserving all Other Portions of the Zoning Ordinance; Providing a Clause Relating to Severability; Determining That the Public Interests and General Welfare Demand a Zoning Change and Amendment Therein Made; Providing a Penalty; 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. 3683-06-2009(Z)**, as previously captioned. The motion carried.

**Public Hearing: Consideration of  
Condemnation of a Structure Located at 301  
Uecker Lane, Lewisville, Texas**

**(Agenda Item D-2)**

The Building Official has deemed the structure located at 301 Uecker Lane, A0052A L. Burgois, Tract 9 as substandard. The owner of record is Sharon M. Vault. The main structure is a single-family ranch style house built in 1977 and has been abandoned for several years. The structure is in extreme disrepair and law enforcement has visited this site on occasion to remove transients. At the time the public hearing was posted, the owner of record, according to Denton County records, was Judy A. Gong and, therefore, the notice was posted with this information. Since the posting of the notice, Denton County records have been updated showing the actual owner to be Sharon M. Vault. Staff has begun the condemnation process with the new owner and is awaiting response from the first notice. Due to the Denton County records not being current, staff will be required to repeat the entire process which will take a minimum of 90 days.

The City staff's recommendation was that the City Council table the public hearing indefinitely.

Mayor Ueckert opened the public hearing.

Councilman Thornhill requested that Mr. Cleve Joiner, Building Official, explain the condemnation process. Mr. Joiner advised that the Building Codes Division is currently working 287 cases of substandard structures in the City. Once the City posts a public notice, homeowners are more likely to begin to work with staff. Mr. Joiner reviewed the process for condemning a substandard structure to the Council. Some of these processes can take up to one year to complete, if the homeowner is cooperative. He explained that if a condemnation item is tabled indefinitely, that means that at any time staff can deem the property substandard if the homeowner is not trying to make repairs.

Councilman Durham said that the new owner of the property had filed the deed of the property in Dallas County and then re-filed in Denton County. Also, the spelling of the last name was incorrect.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**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 table the public hearing indefinitely. The motion carried.

**Public Hearing: Consideration of  
Condemnation of the Structures Located at  
538 North Cowan, A0696A J.W. King, Tract  
69, Lewisville, Texas**

(Agenda Item D-3)

The Building Official has deemed the structure located at the property known by the legal description 538 North Cowan, A0696A J.W. King, Tract 69 as substandard. The owner of record is Wendell L. Irby, who resides in Virginia and is the note-holder for the current residents Mr. and Mrs. Joe Abundiz, Jr. Both Mr. Irby and Mr. and Mrs. Abundiz have been involved in the substandard structure process. The main structure is an older residential structure that is in extreme disrepair including roof, facia, exterior siding, windows, electrical wiring, etc. At this time, staff is negotiating timelines for repair with Mr. and Mrs. Abundiz.

The City staff's recommendation was that the City Council table the public hearing indefinitely.

Mayor Ueckert opened the public hearing.

Cleve Joiner, Building Official, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**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 table the public hearing indefinitely. The motion carried.

**Public Hearing: Consideration of  
Condemnation of the Structures Located at  
728 and 730 North Cowan, A0696A J.W.  
King, Tract 11, Lewisville, Texas**

(Agenda Item D-4)

The Building Official has deemed the structure located at the property known by the legal description 728 and 730 North Cowan, A0696A J.W. King, Tract 11 as substandard. The owner of record is Ezequiel Etal Abundiz. Mr. Abundiz has been involved in the substandard structure process. The main structure is an older residential structure which at some point in time was divided into two units. The structure has had some repair performed on the exterior, however, prior to completion all work has stopped and become weathered and is in extreme disrepair. At this time, Staff is negotiating timelines for repair with Mr. Abundiz.

**Public Hearing: Consideration of  
Condemnation of the Structures Located at  
728 and 730 North Cowan, A0696A J.W.  
King, Tract 11, Lewisville, Texas (cont'd)**

(Agenda Item D-4)

The City staff's recommendation was that the City Council table the public hearing indefinitely.

Mayor Ueckert opened the public hearing.

Cleve Joiner, Building Official, was present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**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 table the public hearing indefinitely. The motion carried.

**Public Hearing: Consideration of Lewisville  
Juvenile Curfew Ordinance; and  
Consideration of Resolution No. 3684-06-  
2009(R) to Continue the Current Ordinance**

(Agenda Item D-5)

This is the second public hearing being held in accordance with provisions of the Local Government Code Section 370.002 in order to allow public input regarding the City's Juvenile Curfew Ordinance adopted September 12, 1994. The City Council may abolish, continue, or modify the ordinance.

The City staff's recommendation was that the City Council conduct the public hearing; and approve a resolution to continue the current City Juvenile Curfew Ordinance.

Mayor Ueckert opened the public hearing.

**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 close the public hearing. The motion carried.

**Public Hearing: Consideration of Lewisville  
Juvenile Curfew Ordinance; and  
Consideration of Resolution No. 3684-06-  
2009(R) to Continue the Current Ordinance  
(cont'd)**

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(Agenda Item D-5)

**MOTION:** Upon a motion made by Mayor Pro Tem Thornhill and seconded by Deputy Mayor Pro Tem Watts, the Council voted three (3) “ayes” and one (1) “nays”, with Councilman Durham casting the negative vote, to approve **Resolution No. 3684-06-2009(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Approving the Continuation of the Juvenile Curfew Ordinance, Which was Originally Adopted on September 12, 1994, and is Currently Set Forth in Chapter 8, Article II, of the Lewisville City Code. The motion carried.

**Visitors/Citizens Forum**

(Agenda Item E)

No one appeared to speak at this time.

**CONSENT AGENDA**

(Agenda Item F)

Mayor Ueckert advised that the following item will be removed from the Consent Agenda for individual consideration and explanation:

7. Approval of Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to Construct Water Improvements in the Amount of \$47,908; and Authorization for the City Manager to Execute the Change Order.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Deputy Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt all remaining items on the Consent Agenda, with the exception of Item 7, as recommended and as follows:

6. APPROVAL OF MINUTES:
  - a. City Council Minutes of the May 18, 2009, Workshop Session and Regular Session; and
  - b. City Council Minutes of the June 1, 2009, Workshop Session and Regular Session.

CONSENT AGENDA (cont'd)

(Agenda Item F)

8. Approval of a Supplemental Appropriation to the Valley Ridge Boulevard, South of SH 121 Business Project in the Amount of \$144,600 From General Capital Project Available Cash; Approval of Change Order No. 2 to the Valley Ridge, South of SH 121 Business Project in the Amount of \$245,617; and Authorization for the City Manager to Execute the Change Order.
9. Approval of Final Acceptance of the Elm Fork Sanitary Sewer Project; and Authorization to Make Final Payment to Patco Utilities, Inc., in the Amount of \$31,625.10; Approval of **Resolution No. 3685-06-2009(R)**: Declaring That the Elm Fork Sanitary Sewer Phase IB Project Improvements Have Been Completed.
10. Approval of a Professional Services Agreement With H. R. Gray and Associates for ADA Consulting Services in the Amount of \$130,264.69; and Approval of a Supplemental Appropriation From the Risk Fund in the Amount of \$130,265.
11. Approval of an Interlocal Agreement Between the City of Lewisville, the City of Denton, and the County of Denton to Jointly Submit a Grant Application to the U.S. Department of Justice Under the Justice Assistance Grant Program; and Authorization for the City Manager or his Designee to Execute the Agreement.
12. Approval of **Resolution No. 3686-06-2009(R)**: Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes Due Thereon (92276DEN).
13. Approval of **Resolution No. 3687-06-2009(R)**: Requesting That the Denton County Sheriff Resell Certain Property at Public Auction to Recover Delinquent Taxes (18503DEN).

The motion carried.

**Approval of Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to Construct Water Improvements in the Amount of \$47,908; and Authorization for the City Manager to Execute the Change Order.**

**(Consent Agenda Item F-7)**

Change Order No. 1 consists of constructing 420 linear feet of 12-inch water line along Railroad Street at the intersection of Bennett Lane and Railroad Street. Staff is proposing to construct this line to avoid conflicts with the future intersection improvements at Bennett Lane and Railroad Street as a result of the DCTA track work. Staff has negotiated Change Order No. 1 with W.R. Hodgson Company, L.P. to construct the water line improvements, for a total amount of \$47,908. Funding is currently available in the Valley Ridge Water Line Capital Improvement Project.

That the City Council approve Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to construct water improvements in the amount of \$47,908; and authorize the City Manager to execute the change order.

Winston Edmondson, 1292 Marchant Place, Lewisville, Texas, addressed the Council and said that he does not approve of the City hiring contractors who employ illegal aliens. He said it was confirmed by a Human Resource Manager at Gilco Contractors that they do not use the e-verify system

City Manager King replied that all of the City contracts require that the company comply with the Immigration Act, but do not specify how they do that. Contractors are signing documents acknowledging that they are responsible for using e-verify system and have I-9's on file. He advised that the City has it on record that Gilco denied making that statement and that Mr. Edmondson represented himself as a City employee to the Human Resource Director at Gilco Contractors.

**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 Change Order No. 1 to the Valley Ridge Southeast Waterlines, Line A Project to construct water improvements in the amount of \$47,908; and authorized the City Manager to execute the Change Order. The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Variance Request to the  
Lewisville City Code, Sections 9.5-54,  
Regarding Old Town Development Plans for  
the Proposed Old Town Kealy Parking Lot  
Located in the South 100 Block of Kealy  
Avenue**

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**(Agenda Item G-14)**

Councilman Greg Tierney advised that he would be abstaining from discussion and consideration of this item for personal reasons. Councilman Tierney stepped away from the dais.

A paved 42-space parking lot development is proposed for the area on the east side of Kealy Avenue south of Main Street. Staff has prepared an in-house plan that addresses grading, drainage, paving, access, parking spaces and partial landscaping. A variance is being requested to waive the Old Town Development Plan by providing a staff-initiated plan.

The City staff's recommendation was that the City Council approve the requested variance.

Sarah McLain, Economic Development Specialist, was 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 Thornhill, the Council voted three (3) "ayes" and no (0) "nays" to approve the requested variance to waive the Old Town Development Plan by providing a staff-initiated plan. The motion carried.

Councilman Tierney returned to the dais.

**Consideration of Ordinance No. 3688-06-  
2009 Amending the Lewisville City Code,  
Chapter 15, Article II, Maximum Speed  
Limits Near Schools, Establishing a School  
Speed Zone of 20 Miles Per Hour on Valley  
Ridge Boulevard From 240 Feet West of  
Garden Ridge Boulevard to 240 Feet East of  
Garden Ridge Boulevard**

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**(Agenda Item G-15)**

Valley Ridge Elementary is located on Garden Ridge Boulevard just north of Valley Ridge Boulevard. The school speed zone serving the school runs from 200 feet north of Highpoint Drive to 200 feet south of Valley Ridge Boulevard on Garden Ridge; however, no

**Consideration of Ordinance No. 3688-06-2009 Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits Near Schools, Establishing a School Speed Zone of 20 Miles Per Hour on Valley Ridge Boulevard From 240 Feet West of Garden Ridge Boulevard to 240 Feet East of Garden Ridge Boulevard (cont'd)**

**(Agenda Item G-15)**

school zone exists on Valley Ridge itself. Staff responded to concerns received from local residents that the traffic on Valley Ridge Boulevard does not slow down as they cross the intersection, putting the students that cross there at greater risk. Pedestrian traffic is significant as the students travel to and from the school to the neighborhoods south of Valley Ridge. The Transportation Board unanimously approved this item with a 6-0 vote at the May 5, 2009 meeting.

The City staff's recommendation was that the City Council approve the requested ordinance establishing a school speed zone of 20 miles per hour on Valley Ridge Boulevard from 240 feet west of Garden Ridge Boulevard to 240 feet east of Garden Ridge Boulevard.

T. S. Kumar, P.E., 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, Article II, Section 15-36; Maximum Speed Limits Near Schools, of the Lewisville City Code Establishing a School Speed Zone on Valley Ridge Boulevard From 240 Feet West of Garden Ridge Boulevard to 240 Feet East of Garden Ridge Boulevard; 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 Tierney, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3688-06-2009**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3689-06-2009 Amending the Lewisville City Code, Chapter 15, Article II, Maximum Speed Limits for Special School Zone Areas, to Extend the School Speed Zone on Valley Parkway to 1,100 Feet South of Main Street**

(Agenda Item G-16 )

The Lewisville Independent School District has completed the construction of a new Arts and Sciences Building on the southern portion of the Lewisville High School campus. Although a school speed zone exists on Valley Parkway to serve the school, the new building and parking arrangements have changed the typical vehicular and pedestrian traffic near the southern area of the campus. The LISD requested that the existing school speed zone be extended south to adjust to these new facilities. A staff survey indicated that the southernmost driveway to the campus is extensively used by vehicles impacting a lot of pedestrian crossings in that area. The Transportation Board unanimously approved this item with a 6-0 vote at the May 5, 2009 meeting.

The City staff's recommendation was that the City Council approve the proposed ordinance amending the school speed zone on Valley Parkway, to extend the school speed zone to 1,100 feet south of Main Street.

T. S. Kumar, P.E., 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, Article II, Section 15-36.2; Maximum Speed Limits for Special School Zone Areas; of the Lewisville City Code; Extending the School Speed Zone on Valley Parkway to 1,100 Feet South of Main Street; Providing a Penalty Clause; Providing for Severability; Providing a Repealer; Providing an Effective Date; and Declaring an Emergency.

**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 and adopt **Ordinance No. 3689-06-2009**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3690-06-2009 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule by Adding Download Fees for Police Crash Reports**

(Agenda Item G-17)

Individuals and insurance companies are frequent customers of the police department's records section seeking to obtain a copy of an accident report. Currently, these report requests are made in person during business hours or by mail. It would be beneficial to customers if they could download the reports through a website. *PoliceReports.us* provides such a service for a nominal fee. The police department proposes to contract with *PoliceReports.us* to provide this download service for its customers. The fee is proposed to be \$5 per downloaded accident report.

The City staff's recommendation was that the City Council approve the ordinance amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule by adding download fees for police crash reports.

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 the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, by Adding a Fee for Downloading an Accident Report; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.

**MOTION:** Upon a motion made by Mayor Pro Tem Thornhill and seconded by Councilman Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3690-06-2009**, as captioned previously. The motion carried.

Deputy Mayor Pro Tem Watts confirmed that the public can still obtain a free copy of accident reports by going to the Police Department. This is simply an added convenience.

**Discussion and Consideration of  
Appointments to Various City Boards/  
Commissions/Committees**

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**(Agenda Item G-18)**

At the June 1, 2009 City Council meeting, Board/Commission/Committee members who had indicated their desire to continue serving were reappointed. Due to several members indicating they were no longer able to continue to serve, vacancies exist on the following boards: Animal Services Advisory Committee – Place No. 4 (this place must be filled by a staff representative); Community Development Block Grant Committee – Place No. 5. Should TJ Gilmore be elected to serve on the City Council in Place No. 4, then his position (Place No. 3) on the Community Development Block Grant Committee will also need to be filled; Library Board – Place No. 1; Park Board – Place No. 3; Zoning Board of Adjustment – Place Nos. 1 and 3. Should the members serving in the Alternate positions be moved up then Alternate Place Nos. 1 and 2 will need to be filled.

The City staff's recommendation was that the City Council proceed with the appointment process to the vacancies on the Animal Services Advisory Committee, Community Development Block Grant Committee; Library Board; Park Board; and Zoning Board of Adjustment.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and no (0) "nays" to appoint the following individuals with terms to expire June 2011:

Laura Wise	Place No. 4	Animal Services Advisory Committee (Staff Representative)
T.J. Gilmore	Place No. 3	Community Development Block Grant
Leroy Vaughn	Place No. 5	Community Development Block Grant
Joy Bunnell	Place No. 1	Library Board
Margie Rochelle	Place No. 3	Park Board
Tom Jensen	Place No. 1	Zoning Board of Adjustment
Ruben Retzlaff	Place No. 3	Zoning Board of Adjustment
Mary Ellen Miksa	Alternate 1	Zoning Board of Adjustment
Antonio Gallizzi	Alternate 2	Zoning Board of Adjustment

The motion carried.

**Consideration of Declaring a Vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and Consideration of an Appointment to Fill the Vacancy on the Lewisville Parks and Library Development Corporation**

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**(Agenda Item G-19)**

Pursuant to no longer serving on the Lewisville City Council, Gene Carey has submitted a letter of resignation for Lewisville Parks and Library Development Corporation. The Articles of Incorporation for this board state that the Board of Directors be composed of seven (7) persons appointed by the City Council who are residents of the City and that no more than four (4) of the seven (7) members may be city employees, officers, or members of the City Council. Currently, the members serving on this corporation are Gene Carey, David Thornhill, Ken Judkins, Jeff Pelletier, Dean Ueckert, Rudy Durham, and Doug Killough. When this Corporation was first formed, the City Council wanted to have four Council Members serve on this Corporation.

The City staff's recommendation was that the City Council declare a vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and consider a new appointment to Place No. 1 of the Lewisville Parks and Library Development Corporation.

**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 declare a vacancy in Place No. 1 of the Lewisville Parks and Library Development Corporation; and appoint Deputy Mayor Pro Tem Watts to Place No. 1 of the Lewisville Parks and Library Development Corporation. The motion carried.

**Discussion and Consideration of Appointments to the Lewisville Local Government Corporation**

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**(Agenda Item G-20 )**

The terms for the members of the Lewisville Local Government Corporation have expired. Currently, the members serving on this corporation are Gene Carey, Dean Ueckert, Greg Tierney, Rudy Durham and David Thornhill. The Articles of Incorporation for this board state that the Board of Directors consist of five (5) persons who are residents of the City shall be appointed by the City Council and that the Board Members may be members of the City Council. When this Corporation was first formed, the City Council wanted to have five Council Members serve on this Corporation. A roster of the corporation members has been prepared for City Council review. Gene Carey has submitted a letter requesting that he not be reappointed to this board in order that the original intention of having City Council Members serve on this board is maintained.

**Discussion and Consideration of  
Appointments to the Lewisville Local  
Government Corporation (cont'd)**

**(Agenda Item G-20)**

The City staff's recommendation was that the City Council consider appointments to the Lewisville Local Government Corporation.

**MOTION:** Upon a motion made by Councilman Durham and seconded by Mayor Pro Tem Thornhill, the Council voted four (4) "ayes" and no (0) "nays" to appoint Deputy Mayor Pro Tem Watts to the Lewisville Local Government Corporation as well as reappointing Mayor Ueckert, Councilman Tierney, Councilman Durham and Mayor Pro Tem Thornhill. The motion carried.

**Reports**

**(Addendum Agenda Item G-1)**

1. Report From City Attorney Regarding Retention of Legal Consultation.
2. Report From Police Chief Regarding Status of CAP Program.

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:56 p.m. Monday, June 15, 2009, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item J)**

In accordance with Texas Government Code, Subchapter D, Section 551.072 (Real Estate), the Lewisville City Council convened into Closed Session at 8:00 p.m. on Monday, June 15, 2009, 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 8:27 p.m. on Monday, June 15, 2009.

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

**(Agenda Item K)**

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 8:27 p.m. on Monday, June 15, 2009, in the Council Chambers of the Lewisville City Hall.

Mayor Ueckert 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 L)**

**MOTION:** Upon a motion made by Councilman Durham and seconded by Councilman Tierney the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 8:27 p.m. on Monday, June 15, 2009. The motion carried.

These minutes approved by the Lewisville City Council on the 6th day of July, 2009.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY