

# LEWISVILLE CITY COUNCIL

## REGULAR SESSION

APRIL 5, 2010

### Present:

Dean Ueckert, Mayor

### Council Members:

Lathan Watts, Mayor Pro Tem  
Rudy Durham, Deputy Mayor Pro Tem  
Greg Tierney (absent)  
David Thornhill  
John Gorena

### 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 – 6:15 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 6:15 p.m. on Monday, April 5, 2010, 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 the I-35 Corridor Plan Steering Committee**

**(Agenda Item A)**

City Manager King reviewed the information contained in the City Council's backup material that reviewed City staff's vision of the I-35 Corridor Plan Steering Committee made up of management representatives from key organization involved in the project oversight and control, and any other key stakeholder groups that have special interest in the outcome of the project. The committee would act individually and collectively as a vocal and visible project champion throughout their representative organizations; generally they will approve project deliverables, help resolve issues and policy decisions, approve scope changes, and provide direction and guidance to the project. Depending on how the project is organized, the steering committee can be involved in providing resources, assist in securing funding, act as liaisons to executive groups and sponsors, and fill other roles as defined by the project.

**WORKSHOP SESSION – 6:15 P.M.**

**Discussion of the I-35 Corridor Plan Steering  
Committee (cont'd)**

**(Agenda Item A)**

City Manager King then reviewed the group of individuals City staff has targeted to be a part of this committee as follows: Charles Emery or a DCTA staff member, Denton County Commissioner Bobbie Mitchell, Chamber of Commerce President Matt McCormick, Chairman or member selected by Planning and Zoning Commission, Chairman or member selected by Park Board, Amanda Ferguson with the Old Town Business Association or member of the Old Town Design Review Committee, three local residents, three business/landowners on I-35, and 3 development community at large members. City departments involved and attending committee meetings would be Economic Development and Planning, Community Development, City Manager/Community Relations, Parks and Leisure Services, Police Department, GIS/Mapping, and Public Services. He explained that this was a fairly large group because the stakeholders are a significant number; however, it could be larger or smaller depending on who the City Council felt needed to be involved. City Manager King advised that these individuals had not been contacted as staff did not feel at this juncture they needed to solicit them and were merely suggestions. He further stated that he expected the service term for this committee to be two years in which meetings would be held at least once a month initially and then slow down after six months.

At the request of Mayor Ueckert, City Manager King reviewed suggestions for what the committee charge would be as follows:

- Community project goals;
- Take responsibility for the project's feasibility, plan and achievement of outcomes;
- Ensure the project's scope aligns with the requirements of the stakeholder groups, and to represent stakeholder interests in project deliberations;
- Ensure project efforts are appropriate to stakeholder expectations;
- Provide those directly involved in the project with guidance on project business issues, especially issues which would compromise the success of the project;
- Keep the project scope under control as emergent issues force changes to be considered;
- Reconcile differences in opinion and approach, and resolve disputes arising from them;
- Assist in the evaluation of project risk, and project risk management approaches.

**WORKSHOP SESSION – 6:15 P.M.**

**Discussion of the I-35 Corridor Plan Steering  
Committee (cont'd)**

**(Agenda Item A)**

Mayor Ueckert stated that he felt it was critical that the City Council create this committee and include stakeholders that developers and citizens as this is the City's last chance for the next 50 years to put a face lift on this City. He further stated that he felt it was imperative that the City allow input and ideas, similar to what was done in Old Town. Mayor Ueckert advised that he would also like to solicit the committee's support on design projects that the City may want to look at doing that the State does not fund as sometimes these members may have contacts at the State level that may be able to help get that funding assistance.

Mayor Pro Tem Watts stated that usually the more people involved in a committee the less there is that can get done; however, for this type of committee, he felt the list submitted by City staff was great. He advised that he felt it would also be good to talk to representatives from the development community and the businesses that are already on I-35. Mayor Pro Tem Watts stated that he wanted to be sure that it was stressed to the committee that they are going to be an advisory committee and encourage them to look at their charges from the perspective of everyone on I-35, not just their personal issues.

Discussion was held regarding the Chairman of the Committee. City Manager King advised that City staff had no suggestions at this juncture, and that he felt it would depend on who the City Council put on the committee. He stated that the City Council can handle the Chairman position two ways; they could determine who would be the Chairman or let the committee choose.

Mayor Pro Tem Watts stated that he also felt it was important to stress to the committee members that once they've made their recommendation and the City Council has acted, they will still be needed to help sell the idea, even if the City Council did not act on their recommendation exactly as submitted.

City Manager King advised that City staff would help explain the scope and talk to the perspective members to determine if they are interested. He requested that the City Council consider who they will want for the additional positions and if they wished, City staff could contact those individuals. City Manager King stated that he would like to fill positions at the next meeting, or shortly thereafter. Mayor Ueckert requested that the City Council contact City Manager King if they have recommendations. Mayor Ueckert stated that Donald Huffiness had expressed an interest in serving on this committee, largely from the whole corridor view. The consensus of the City Council was for staff to proceed contacting the individuals that had been included on the list and allow the Park Board and Planning and Zoning Committee to determine which members of their boards would serve.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

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, Proclamations: 1) Declaring the Month of April, 2010, as “Child Abuse Prevention Month”; and 2) Proclaiming Special Recognition to the Lewisville High School Cheerleaders. There was no discussion on these items.

Mayor Ueckert reviewed Agenda Item D, Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Specific Use District (SU) - Landfill to Specific Use District (SU) - Landfill and Two Variances to the Lewisville City Code on a 337.268 Acre Tract Located at 801 East College Street; Further Identified as Lewisville Landfill Addition, Lot 1, Block A; as Requested by Lewisville Landfill TX, LP, the Property Owner (Case No. PZ20090909). 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-1, Approval of Minutes: City Council Minutes of the March 15, 2010, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-2, Approval of a Supplemental Appropriation to the Maintenance and Replacement Fund in the Amount of \$35,496 From Deanral Capital Projects Available Cash. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-3, Approval of an Appropriation for Clearwell Storage Repair From Utility Capital Projects Available Cash in the Amount of \$260,000; Approval of an Award for the Rehabilitation of the #1 C. R. Feaster Clearwell to Natgun Concrete Tank Services, Wakefield, MA, in the Amount of \$255,000; and Authorization for the City Manager to Execute the Contract. 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 Ueckert reviewed Agenda Item F-4, Approval of a Supplemental Appropriation for Meter Improvements at Railroad Park From Utility Capital Projects Available Cash in the Amount of \$118,000; Approval of a Change Order in the Amount of \$114,973 for a River Pump Metering Station at Railroad Park to Core Construction Services of Texas, Inc.; and Authorization for the City Manager to Execute Change Order #3. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-5, Approval of a Bid Award for an Annual Requirements Contract for Meter Reading Services to AMS Utiliserv, Monroe, Louisiana, for an Estimated Amount of \$220,723.08. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-6, Approval of a Contract for Architectural Services With Quorum Architects, Fort Worth, Texas, for the Design of the Proposed Animal Services and Adoption Facility in the Amount of \$420,000; and Authorization for the City Manager to Execute the Contract. Discussion was held regarding if this option was the top option. City Manager King advised that the City Council recommendation had been to look at the middle and try and squeeze in some of the higher options, such as the sally port as things progressed. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item F-7, Approval of Final Acceptance of the Water Line Replacement 2006, Phase 3 Project; and Authorization to Make Final Payment to SYB Construction Company, Inc., in the Amount of \$23,484.60. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-8, Approval of a Professional Services Agreement With Freese and Nichols, Inc., in the Amount of \$1,005,000 for Services Related to the Valley Ridge Boulevard (Mill Street – College Street) Project; Approval of a Total Project Design Budget of \$1,025,100, Which Includes \$20,100 for Contingencies; and, Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-9, Approval of a Professional Services Agreement With the Beck Group in the Amount of \$19,000 for Services Related to Lewisville Lake Developer Selection Services; Approval of a Supplemental Appropriation From Deanral Capital Projects Available Cash Fund in the Amount of \$19,000; and Authorization for the City Manager to Execute the Agreement. 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 Ueckert reviewed Agenda Item F-10, Approval of a Professional Services Agreement With Terracon Consultants, Inc., in the Amount of \$380,000 to Perform Services Related to the Implementation of a Brownfields Assessment Program; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-11, Approval of an Economic Development Agreement By and Between the City of Lewisville and Jason Rose; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-12, Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item F-13, Approval of a Resolution to Execute a Local Project Advance Funding Agreement With the Texas Department of Transportation Related to Kansas City Southern Railroad Crossing Signal Improvements at Kealy Avenue; Approval of a Supplemental Appropriation in the Amount of \$100,000 From Deanral Capital Projects Available Cash; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-14, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 10, Article III, Section 10-71 by Prohibiting the Consumption of an Alcoholic Beverage or the Possession of an Open Container of an Alcoholic Beverage at the Lake Park Disc Golf Course or Within 15 Feet of the Lake Park Disc Golf Course. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-15, Consideration of an Ordinance Establishing a Brownfields Advisory Committee. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-16, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting Section 7-171 and Section 1-177 and Replacing With New Text. 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 Ueckert reviewed Agenda Item G-17, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Fees for the Farmers Market. There was no discussion on this item.

Mayor Ueckert reviewed Agenda Item G-18, Declare a Vacancy Exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and Consideration of Appointment to Fill the Vacancy. Discussion held regarding who the City Council wanted to appoint based on their review of the backgrounds listed on the data sheets. There was no further discussion on this item.

Mayor Ueckert reviewed Agenda Item H, Reports. There was no discussion on this item.

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

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:38 p.m. on Monday, April 5, 2010.

**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, April 5, 2010, 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 Thornhill gave the invocation.

**Pledge to the American and Texas Flags**

**(Agenda Item B)**

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

**Proclamation: Declaring the Month of April,  
2010, as “Child Abuse Prevention Month”**

(Agenda Item C-1)

Mayor Ueckert read and presented a proclamation declaring the month of April, 2010, as “Child Abuse Prevention Month to Children’s Advocacy Center of Denton County Director Dan Leal, Children Advocacy Center of Denton County Board Member Elaine Emery, and Sherri Gideon with CASA.

**Proclamation: Proclaiming Special  
Recognition to the Lewisville High School  
Cheerleaders**

(Agenda Item C-2)

Mayor Ueckert read and presented a proclamation proclaiming special recognition to the Lewisville High School cheerleaders to Joi Cartmill, LHS Varsity Cheer Coordinator and Cheerleaders: Taylor Apland, Macy Potter, Victoria East, Ashleigh Vanderwater, Shelby John, Elizabeth Colby, and Levi Robertson.

**Continued Public Hearing: Consideration of  
an Ordinance for a Zone Change Request  
From Specific Use District (SU) - Landfill to  
Specific Use District (SU) - Landfill and Two  
Variances to the Lewisville City Code on a  
337.268 Acre Tract Located at 801 East  
College Street; Further Identified as  
Lewisville Landfill Addition, Lot 1, Block A;  
as Requested by Lewisville Landfill TX, LP,  
the Property Owner (Case No. PZ20090909)**

(Agenda Item D)

This item was continued at the October 5, November 2, December 7, 2009 and February 1, 2010 City Council meetings to give the applicant time to address delays in completing College Street and Valley Ridge Boulevard reconstruction. Since the February 1<sup>st</sup> Council meeting, the landfill’s contractor has re-mobilized and begun work on College Street. However, work is not complete and staff recommends that final consideration of this item be continued until May 17<sup>th</sup> to give the applicant time for completion.

The City staff’s recommendation was that the City Council continue the public hearing until May 17, 2010 to allow the applicant time to address the completion of the College Street paving project.

**Continued Public Hearing: Consideration of an Ordinance for a Zone Change Request From Specific Use District (SU) - Landfill to Specific Use District (SU) - Landfill and Two Variances to the Lewisville City Code on a 337.268 Acre Tract Located at 801 East College Street; Further Identified as Lewisville Landfill Addition, Lot 1, Block A; as Requested by Lewisville Landfill TX, LP, the Property Owner (Case No. PZ20090909) (cont'd)**

**(Agenda Item D)**

Eric Ferris, Director of Community Development and Mark Meadows, 911 East Highway 121 Business, Suite 201, Lewisville, representing Lewisville Landfill, TX, LP, were both present to respond to any questions posed by the City Council.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to continue the public hearing to the May 17, 2010 City Council meeting to allow the applicant time to address the completion of the College Street paving project. The motion carried.

**Visitors/Citizens Forum**

**(Agenda Item E)**

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item F)**

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gorena, 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 MINUTES: City Council Minutes of the March 15, 2010, Workshop Session and Regular Session.
2. Approval of a Supplemental Appropriation to the Maintenance and Replacement Fund in the Amount of \$35,496 From Deanral Capital Projects Available Cash.

**CONSENT AGENDA (cont'd)**

**(Agenda Item F)**

3. Approval of an Appropriation for Clearwell Storage Repair From Utility Capital Projects Available Cash in the Amount of \$260,000; Approval of an Award for the Rehabilitation of the #1 C. R. Feaster Clearwell to Natgun Concrete Tank Services, Wakefield, MA, in the Amount of \$255,000; and Authorization for the City Manager to Execute the Contract.
4. Approval of a Supplemental Appropriation for Meter Improvements at Railroad Park From Utility Capital Projects Available Cash in the Amount of \$118,000; Approval of a Change Order in the Amount of \$114,973 for a River Pump Metering Station at Railroad Park to Core Construction Services of Texas, Inc.; and Authorization for the City Manager to Execute Change Order #3.
5. Approval of a Bid Award for an Annual Requirements Contract for Meter Reading Services to AMS Utiliserv, Monroe, Louisiana, for an Estimated Amount of \$220,723.08.
6. Approval of a Contract for Architectural Services With Quorum Architects, Fort Worth, Texas, for the Design of the Proposed Animal Services and Adoption Facility in the Amount of \$420,000; and Authorization for the City Manager to Execute the Contract.
7. Approval of Final Acceptance of the Water Line Replacement 2006, Phase 3 Project; and Authorization to Make Final Payment to SYB Construction Company, Inc., in the Amount of \$23,484.60.
8. Approval of a Professional Services Agreement With Freese and Nichols, Inc., in the Amount of \$1,005,000 for Services Related to the Valley Ridge Boulevard (Mill Street – College Street) Project; Approval of a Total Project Design Budget of \$1,025,100, Which Includes \$20,100 for Contingencies; and, Authorization for the City Manager to Execute the Agreement.
9. Approval of a Professional Services Agreement With the Beck Group in the Amount of \$19,000 for Services Related to Lewisville Lake Developer Selection Services; Approval of a Supplemental Appropriation From Deanral Capital Projects Available Cash Fund in the Amount of \$19,000; and Authorization for the City Manager to Execute the Agreement.

CONSENT AGENDA (cont'd)

(Agenda Item F)

10. Approval of a Professional Services Agreement With Terracon Consultants, Inc., in the Amount of \$380,000 to Perform Services Related to the Implementation of a Brownfields Assessment Program; and Authorization for the City Manager to Execute the Agreement.
11. Approval of an Economic Development Agreement By and Between the City of Lewisville and Jason Rose; and Authorization for the City Manager to Execute the Agreement.
12. Approval of a Transportation Consultation Services Agreement With Innovative Transportation Solutions, Inc., in the Amount of \$90,000; and Authorization for the City Manager to Execute the Agreement.
13. Approval of **Resolution No. 3755-04-2010(R)**: Authorizing the City Manager of the City of Lewisville, Texas to Execute a Local Participation Advanced Funding Agreement for a Railroad Reliability Project Related to the Kealy Avenue Crossing With the Kansas City Southern Railway Tracks Signal Improvements; Authorizing the Expenditure of Funds Therefore; and Providing an Effective Date; Approval of a Supplemental Appropriation in the Amount of \$100,000 From Deanral Capital Projects Available Cash; and Authorization for the City Manager to Execute the Agreement.

The motion carried.

END OF CONSENT AGENDA

**Consideration of Ordinance No. 3756-04-2010 Amending the Lewisville City Code, Chapter 10, Article III, Section 10-71 by Prohibiting the Consumption of an Alcoholic Beverage or the Possession of an Open Container of an Alcoholic Beverage at the Lake Park Disc Golf Course or Within 15 Feet of the Lake Park Disc Golf Course**

(Agenda Item G-14)

Lewisville has two disc golf courses, one at L.L. Woods Park and one at Lake Park. Alcohol is allowed at Lake Park but is prohibited by the current ordinance at L.L. Woods Park. Staff received several complaints concerning the use of alcohol at the Lake Park Disc Golf

**Consideration of Ordinance No. 3756-04-2010 Amending the Lewisville City Code, Chapter 10, Article III, Section 10-71 by Prohibiting the Consumption of an Alcoholic Beverage or the Possession of an Open Container of an Alcoholic Beverage at the Lake Park Disc Golf Course or Within 15 Feet of the Lake Park Disc Golf Course (cont'd)**

(Agenda Item G-14)

course from park users and local residents. The Park Board reviewed the ordinance and complaints received regarding use of alcohol at the Lake Park Disc Golf Course. Due to the inconsistency of the ordinance which prohibits the consumption of alcohol at the L.L. Woods Disc Golf Course and all other athletic facilities but allows use of alcohol at Lake Park Disc Golf Course, the Park Board voted unanimously to recommend City Council prohibit the use of alcohol at the Lake Park Disc Golf Course.

The City staff's recommendation was that the City Council approve the ordinance as set forth in the caption above.

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 10, Article III, Section 10-71 of the Lewisville City Code by Prohibiting the Consumption of an Alcoholic Beverage or the Possession of an Open Container of an Alcoholic Beverage at the Lake Park Disc Golf Course or Within 15 Feet of the Lake Park Disc Golf Course; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3756-04-2010**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3757-04-2010 Establishing a Brownfields Advisory Committee**

(Agenda Item G-15)

In September of 2009, the City of Lewisville was awarded \$400,000 from the U.S. Environmental Protection Agency in the form two community wide Brownfields Assessment Grants. Grant implementation is subject to the terms and conditions of U.S. Environmental

**Consideration of Ordinance No. 3757-04-2010 Establishing a Brownfields Advisory Committee (cont'd)**

(Agenda Item G-15)

Protection Agency Cooperative Agreements BF-96696101-0 and BF-96695301-0, which stipulate that the City must establish an advisory body to consider and make recommendations regarding the selection of sites to be assessed. Staff recommends that the Planning and Zoning Commission serve as this committee.

The City staff's recommendation was that the City Council approve 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, Establishing a Brownfields Advisory Committee; Providing a Repealer; Providing a Severability Clause; Providing an Effective Date; and Declaring an Emergency

**MOTION:** Upon a motion made by Mayor Pro Tem Watts and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3757-04-2010**, as previously captioned. The motion carried.

**Consideration of Ordinance No. 3758-04-2010 Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting Section 7-171 and Section 1-177 and Replacing With New Text**

(Agenda Item G-16)

The current Special Events Ordinance is in need of revision for clarification purposes. Staff has identified areas in the ordinance that have recently become problematic. These sections of the ordinance do not address the amount of time for setup and takedown of equipment, tents, stages, amusements or props used for a special event. In addition, staff has identified a need to adjust the duration and frequency of special events per location. Staff is requesting that City Council repeal the sections and replace them with the proposed ordinance.

The City staff's recommendation was that the City Council approve the requested changes to the ordinance as set forth in the caption above.

**Consideration of Ordinance No. 3758-04-2010 Amending the Lewisville City Code, Chapter 7, Article V. Special Events, By Deleting Section 7-171 and Section 1-177 and Replacing With New Text (cont'd)**

**(Agenda Item G-16)**

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 7, Article V., Special Events, by Amending the Frequency of Special Events Permits; Providing Clarification for Setup and Takedown Procedures; Providing for a Repealer; Providing for Severability; Providing a Penalty; Providing an Effective Date; and Declaring an Emergency

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Mayor Pro Tem Watts, the Council voted four (4) "ayes" and no (0) "nays" to approve and adopt **Ordinance No. 3758-04-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3759-04-2010 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Fees for the Farmers Market**

**(Agenda Item G-17)**

The City will hold the Old Town Farmers Market on Saturdays from May 15 through October 30. Some vendors have requested the option of paying for the entire season in a single registration, rather than the weekly and monthly options currently available. This option also could reduce the demand on staff time to collect and process vendor payments. In addition, market visitors have expressed interest in seeing arts and crafts vendors added to the event, something that staff has found to be common among competing markets in the area. Both of these proposals require a change to the City's Fee Schedule.

The City staff's recommendation was that the City Council approve 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 the Lewisville City Code, Chapter 2, Article VIII, Section 2-201, Fee Schedule, by Adding Rental Fees for Lewisville Old Town Farmers Market; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency

**Consideration of Ordinance No. 3759-04-2010 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Fees for the Farmers Market (cont'd)**

(Agenda Item G-17)

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gorena, the Council voted four (4) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3759-04-2010**, as captioned previously. The motion carried.

**Declare a Vacancy Exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and Consideration of Appointment to Fill the Vacancy**

(Agenda Item G-18)

At the March 15, 2010, City Council meeting, Council appointed Alternate Place No. 2 Zoning Board of Adjustment member Antonio Gallizzi to Place No. 2 due to the resignation of Stephanie Rogers. The appointment of Mr. Gallizzi has created a vacancy in the Alternate No. 2 position.

The City staff’s recommendation was that the City Council declare a vacancy exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and consider an appointment to fill the vacancy.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Mayor Pro Tem Watts, the Council voted four (4) “ayes” and no (0) “nays” to declare a vacancy exists in Alternate Place No. 2 on the Zoning Board of Adjustment; and appoint Rochelle Jones as Alternate No. 2 on the Zoning Board of Adjustment. The motion carried.

(Agenda Item H)

**Reports**

- Letter on Internal Control and Management Comments – September 30, 2009
- First Quarter 2010 Boards/Commissions/Committees Attendance Reports

There were no additional reports at this time.

Mayor Ueckert adjourned the regular session of the Lewisville City Council into Closed Session at 7:22 p.m. Monday, April 5, 2010, in accordance with the requirements of the Open Meetings Law.

**Closed Session**

**(Agenda Item I)**

In accordance with Texas Government Code, Subchapter D, Section 551.071 (Consultation With Attorney), the Lewisville City Council convened into Closed Session at 7:22 p.m. on Monday, April 5, 2010, 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. Contemplated Litigation Regarding Grande Communications and Verizon

Section 551.072 (Real Estate):

2. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 7:45 p.m. on Monday, April 5, 2010.

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

**(Agenda Item J)**

Mayor Ueckert reconvened the Regular Session of the Lewisville City Council at 7:45 p.m. on Monday, April 5, 2010, 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 K)**

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 7:45 p.m. on Monday, April 5, 2010. The motion carried.

These minutes approved by the Lewisville City Council on the 19<sup>th</sup> day of April, 2010.

APPROVED

---

Dean Ueckert  
MAYOR

ATTEST:

---

Julie Heinze  
CITY SECRETARY