

**LEWISVILLE CITY COUNCIL**

**REGULAR SESSION**

**MAY 17, 2010**

**Present:**

**Council Members:**

Dean Ueckert, Mayor - Absent  
Lathan Watts, Mayor Pro Tem  
Rudy Durham, Deputy Mayor Pro Tem  
Greg Tierney  
David Thornhill  
John Gorena

**City Staff:**

Claude King, City Manager  
Donna Barron, Assistant City Manager  
Steve Bacchus, Assistant City Manager  
Julie Heinze, City Secretary  
Lizbeth Plaster, Assistant City Attorney

**WORKSHOP SESSION – 6:00 P.M.**

With a quorum of the Council Members present, the workshop session of the Lewisville City Council was called to order by Mayor Pro Tem Watts at 6:00 p.m. on Monday, May 17, 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 Regarding Lewisville Center for  
the Creative Arts Issues**

**(Agenda Item A )**

Jim Wear, Lewisville Arts Manager conducted the following PowerPoint Presentation:

**LCCA Discussion Points:**

1. Mission and Goals
2. Lobby Floor Engravings
3. Booking Procedures
4. Rental Rates and Fees
5. Quality Control
6. Alcohol Policy

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

Mr. Wear showed a artist rendering of the layout of the Arts Center. He then continued with his PowerPoint as follows:

Lewisville Center for the Creative Arts (LCCA)

**MISSION STATEMENT:**

- *Enriching the lives of our residents with quality cultural and educational opportunities;*
- *Providing a broad spectrum of cultural attractions for visitors to our community;*
- *Contributing to the quality of life in Lewisville Texas by engaging our residents in a variety of social events and arts activities.*

**Selection of Quotes for Lobby Floor Engravings:**

1. Surveyed Members of Greater Lewisville Arts Alliance
  - Members asked to select their 10 favorites and suggest additional quotes solicited via email and at GLAA meeting. Received responses via mail and email.
2. Surveyed LISD Art Students
  - List distributed to all LISD art teachers via email. Requested discussion with their students and selection of 10 favorites plus suggestions of additional quotes. Received responses via email.
3. Surveyed the General Public
  - Posted list of 50 quotes and ballot on City of Lewisville homepage. Public invited to vote online for their 10 favorites, and to suggest additional quotes.
4. Results Presented to City Council
  - Council asked to select their favorite 20 from the list of suggested quotes. Staff will tabulate all results, taking into account duplications and assemble a list of 30-36 quotes to be considered for engraving in LCCA lobby floor.

**Quotations for Engravings at LCCA**

1. "A work of art which did not begin in emotion is not art." Paul Cezanne
2. "I saw the angel in the marble and carved until I set him free." Michelangelo
3. "Art washes away from the soul the dust of everyday life." Pablo Picasso
4. "For an actor, there is no greater loss than the loss of his audience." Charlton Heston
5. "Dancing is a sweat business." Fred Astaire

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

**Quotations for Engravings at LCCA (cont'd)**

6. “A dream you dream alone is only a dream. A dream you dream together is reality.”  
John Lennon
7. “Art for art’s sake is a philosophy of the well-fed.” Frank Lloyd Wright
8. “Color is my day-long obsession, joy and torment.” Claude Monet
9. “One must from time to time attempt things that are beyond one’s capacity.” Pierre-  
Auguste Renoir
10. “Creativity takes courage.” Henri Matisse
11. “Great art picks up where nature ends.” Marc Chagall
12. “Have no fear of perfection, you’ll never reach it.” Salvador Dali
13. “Art is not what you see, but what you make others see.” Edgar Degas
14. “Create like a god, command like a king, work like a slave.” Constantine Brancusi
15. “Art is collaboration between God and the artist, and the less the artist does the  
better.” Andre Gide
16. “If I could say it in words there would be no reason to paint.” Edward Hopper
17. “Music gives soul to the universe, wings to the mind, flight to the imagination, and  
life to everything.” Plato
18. “Music is an outburst of the soul.” Frederick Delius
19. “Music is moonlight in the gloomy night of life.” Jean Paul Richter
20. “If music be the food of love, play on and give me excess of it...” William  
Shakespeare
21. “Country music is three chords and the truth.” Harlan Howard
22. “Use the talents you possess, for the woods would be very silent if no birds sang  
except the best.” Henry Van Dyke
23. “No people come into possession of a culture without having paid a heavy price for it.  
“ James Baldwin
24. “In memory everything seems to happen to music.” Tennessee Williams
25. “The role of art is to make a world which can be tolerated.” William Saroyan
26. “Life is inconsistent. Art is inconsistent.” Larry McMurtry
27. “Musical comedies aren’t written, they are rewritten.” Stephen Sondheim
28. “The arts and humanities belong to all the people of the United States.” U.S.  
Congress, 1965
29. “And yet, how lovely life would seem, if every man could weave a dream to keep him  
from despair.” Joe Darion
30. “There is nothing well made that cannot be made better.” Luciano Pavarotti

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

**Quotations for Engravings at LCCA (cont'd)**

31. “There is a vitality, a life force...translated through you into action.” Martha Graham
32. “Some of you are doomed to be artists.” Robert Edmond Jones
33. “Art happens in a sacred space where we can explore our differences.” Anonymous
34. “Love the art in yourself, not yourself in the art.” Constantine Stanislavsky
35. “That is what film and art and music do: They can work as a map of sorts for your feelings.” Bruce Springsteen
36. “I paint my own reality.” Frida Kahlo
37. “Music is the language of the spirit.” Kahlil Gibran
38. “We are all in the gutter, but some of us are looking at the stars.” Oscar Wilde
39. “Storytellers can broaden our minds: engage, provoke, inspire and ultimately connect us.” Robert Redford
40. “One’s art goes as far and as deep as one’s love goes.” Andrew Wyeth
41. “Make art! Make art! Make art!” Oscar winning songwriter Glen Hansard
42. “Two roads diverged in a wood, and I - I took the one less traveled by, and that has made all the difference.” Robert Frost
43. “If no one ever took risks, Michelangelo would have painted the Sistine floor.” Neil Simon
44. “My job in this life is to give people spiritual ecstasy through music.” Carlos Santana
45. “If you talk bad about country music, it’s like saying bad things about my momma. Them’s fightin’ words!” Dolly Parton
46. “The great gift of human beings is that we have the power of empathy.” Meryl Streep
47. “All children are artists. The problem is how to remain an artist once he grows up.” Pablo Picasso
48. “Some look at things that are and say “Why?” I dream of things that never were and say why not?” G.B. Shaw

**“Write-In” Suggested Quotes**

1. “Creativity is allowing yourself to make mistakes. Art is knowing which ones to keep.” Scott Adams
2. “Art enables us to find ourselves and lose ourselves at the same time.” Thomas Merton

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

**“Write-In” Suggested Quotes (cont'd)**

3. “Great nations write their autobiographies in three manuscripts –the book of their deeds, the book of their words, and the book of their art.” John Ruskin
4. “To watch us dance is to hear our hearts speak.” Hopi Indian Saying
5. All religions, arts and sciences are branches of the same tree. All these aspirations are directed toward enabling man’s life, lifting it from the sphere of mere physical existence and leading the individual towards freedom.” Albert Einstein
6. Above all, we are coming to understand that the arts incarnate the creativity of a free people.” John F. Kennedy
7. “I can look at a fine art photograph and sometimes I can hear music.” Ansel Adams
8. “Music is the universal language of mankind.” Henry Wadsworth Longfellow
9. “You are the creator; give your art the freedom to choose its path. Pay attention , you will see this path. Pay attention, your art will speak to you. Pay attention, and your art will speak to others. A. Wayne Hooker
10. “Theatre is life. Cinema is art. Television is furniture.” Patty Wentz-Daly
11. “All true artists, whether they know it or not, create from a space of no-mind, from inner stillness.” Eckhart Tolle
12. “Art does not reproduce what we see; rather, it makes us see.” Paul Klee
13. “Art is a kind of innate drive that seizes a human being and makes him its instrument.” Carl Jung
14. “...I feel there is nothing more truly artistic than to love people.” Vincent Van Gogh
15. “To become truly immortal, a work of art must escape all human limits: Logic and common sense will only interfere. But once these barriers are broken, it will enter in the realm of childhood vision and dreams.” Giorgio de Chirico
16. “Every good painter paints what he is.” Jackson Pollack
17. “To create is to be human. To inspire is divine.” Lathan Watts
18. “If you dream it, then you can achieve it.” Zig Ziglar
19. “Where words fail, music speaks!” Hans Christian Anderson

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

**Booking Procedures:**

**1. Priority in Booking**

- Management Held Dates (August – COL dates)
- Scheduling Session (September – Grantee Orgs & Invitees)
- General Booking (Once first two priorities have booked)

**2. Facility Use Agreements and Payment of Deposits**

- No dates are secured until Facility Use Agreement is executed and deposit paid.

**3. Challenge Process**

- Prospective tenant may issue challenge for desired date if tentatively booked. Holder of tentative booking then has 7 days to sign agreement and pay deposit or loses date.

Mr. Wear reviewed the proposed LCCA Rental Rates as follows:

**MAINSTAGE (Min 6 hours)**

**CENTER COURTYARD (Min 5 hours)**

	Prime	Hrs Prime	Off-Prime	Hrs Off- Prime	Prime	Hrs Prime	Off-Prime	Hrs Off- Prime
Local Not-for-Profit	\$350	\$59.50/hr	\$250	\$42.50/hr	\$140	\$29/hr	\$100	\$21/hr
Local Commercial	\$400	\$68/hr	\$300	\$51/hr	\$160	\$34/hr	\$120	\$25/hr
Non-Local NFP	\$425	\$72.50/hr	\$325	\$55.50/hr	\$170	\$35/hr	\$130	\$27/hr
Non-Local Commercial	\$500	\$85/hr	\$375	\$63.75/hr	\$200	\$42/hr	\$150	\$31/hr

**BLACK BOX THEATER (Min 6 hours)**

**ARTS CLASSROOM (Min 2 hours)**

Local Not-for-Profit	\$175	\$30/hr	\$125	\$21/hr	\$42	\$22/hr	\$30	\$15.50/hr
Local Commercial	\$200	\$33.50/hr	\$150	\$25.50/hr	\$48	\$25/hr	\$36	\$18.50/hr
Non-Local NFP	\$212	\$36/hr	\$162.50	\$27.50/hr	\$51	\$26/hr	\$39	\$20/hr
Non-Local Commercial	\$250	\$42/hr	\$187.50	\$31.50/hr	\$60	\$31/hr	\$45	\$23/hr

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**Discussion Regarding Lewisville Center for  
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**(Agenda Item A )**

**MULTI-PURPOSE ROOM (Min 4 hours)**

**ART GALLERY (Min 4 hours)**

Local Not-for-Profit	\$140	\$36/hr	\$100	\$25.50/hr	\$105	\$27/hr	\$75	\$19/hr
Local Commercial	\$160	\$41/hr	\$120	\$31/hr	\$120	\$30.50/hr	\$90	\$23/hr
Non-Local NFP	\$170	\$43/hr	\$130	\$33/hr	\$127.50	\$32/hr	\$98	\$25/hr
Non-Local Commercial	\$200	\$51/hr	\$150	\$38/hr	\$150	\$38/hr	\$112.50	\$28.50/hr

**Mr. Wear reviewed Rental Policies and Fees – Other Cities as follows:**

Theater	Seats	Min. Hrs	Non-profit	Commercial
Irving Arts Center – Carpenter Hall	707	4	\$200/hour	\$400/hour
New Braunfels – Brauntex Theater	580	Daily	\$250 /day	\$600/day
Conroe – Creighton Theatre	544	Daily	\$1000/day	\$1200/day
Mesquite Arts Center – Music Hall	492	6	\$400 base + \$100/hour	\$700 base + \$200/hour
Temple CAC – Mayborn Auditorium	487	1	\$150/hour or \$675 (8h)	\$150/hour or \$675 (8h)
Grapevine – Palace Theater (weekday)	436	4	\$360 (4h) or \$580 (8h)	\$500 (4h) or \$800 (8h)
Grapevine – Palace Theater (weekend)	436	4	\$500 (4h) or \$720 (8h)	\$700 (4h) or \$1000 (8h)
McKinney – Courtroom Theater	423	1	\$150/hour	\$250/hour
Grand Prairie - Uptown Theater (weekday)	400	4	\$250 (4h) or \$400 (8h)	\$500 (4h) or \$720 (8h)

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**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

Grand Prairie - Uptown Theater (weekend)	400	4	\$360 (4h) or \$580 (8h)	\$700 (4h) or \$1000 (8h)
Richardson – Eisemann Center	368	3	\$338/hour	\$500/hour
Plano – Courtyard Theater	308	6	\$270 base + \$68/hour	\$420 base + \$105/hour
Irving Arts Center – Dupree Theater	253	4	\$100/hour	\$250/hour
Garland – Granville Arts Center	200	6	\$125/hour	\$450/hour
Grand Prairie – Black Box (weekday)	125	4	\$175 (4h) or \$325 (8h)	\$350 (4h) or \$650 (8h)
Grand Prairie – Black Box (weekend)	125	4	\$250 (4h) or \$400 (8h)	\$500 (4h) or \$720 (8h)
Mesquite Art Center – Black Box	110	6	\$400 base + \$50/hour	\$500 base + \$100/hour

**Quality Control at LCCA**

**Mission is to enrich the lives of our citizens with quality cultural and educational experiences.**

- Surveyed other municipal arts centers in Texas. Managers of Arts Centers are front line of quality control.
- Potential users complete application, provide references
- Users must obey Federal, State, Local laws & ordinances.
- Most centers require approval of all advertising mentioning the facility to assure truth in advertising.
- Require Prior notice (ads, lobby signs) of mature content.
- Advisory Board may assist in quality control.

**Quality control cannot infringe on First Amendment Rights.**

Content will not be regulated unless it violates local, state or federal law. Time, place and manner restrictions may be implemented.

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

Discussion was held regarding that while legally the City could not regulate content, when an organization wanted to book an event that may not be desirable, it could be discouraged due to concern that the event would not be attended.

**Arts Advisory Board**

**Potential Duties**

- Advisory for Arts Center Manager (Quality Control)
- Advisory for City Council (Grants Process)
- Advisory for City Council (Public Art Selection)
- Fundraising (Annual Fund, Gala, Sponsorships)

**Suggested Structure/Membership**

- Types of members: Need a diverse set of skills, community connections
- Size: 6 – 10 members
- Council appointed

City Manager King advised that currently, the funding decision for the arts groups have been delegated to the Greater Lewisville Arts Council; however, suggestion has been made that this funding decision be moved over to a City Council appointed committee in the future. He pointed out that moving this decision may have advantages for the City Council when dealing with new requests versus agencies that have been recipients in the past that may serve on the existing committee and receiving funding themselves.

**Alcohol Service at LCCA**

Allow alcohol sales by COL at LCCA?

- Many potential users would prefer this service to be available in some form
- Would make LCCA attractive for fundraisers, social events, concerts
- If City of Lewisville holds the license:
  - Could provide significant revenue
  - Allows greater control, assures compliance
  - Simplifies beverage arrangements for festivals

**WORKSHOP SESSION – 6:00 P.M.**

**Discussion Regarding Lewisville Center for  
the Creative Arts Issues (cont'd)**

**(Agenda Item A )**

Discussion was held regarding the advantages of allowing alcohol sales by the City of Lewisville at the LCCA and other local arts centers that do utilize this option. Mr. Wear pointed out that it would provide greater control and compliance if the City was in charge of alcohol sales. Discussion was held regarding the City's liability if someone was injured due to the City providing the alcohol sales versus allowing it through a different venue. Assistant City Attorney Lizbeth Plaster point out that either way they could come after the City.

Further discussion was held regarding whether City staff was comfortable with providing alcohol sales. Assistant City Manager Donna Barron stated that with the proper training and experience that Mr. Wear brings, staff would be comfortable moving forward with alcohol sales. Mr. Wear stated that the City has been moving in that direction with the Western Day Event as a long range plan. He further stated that he felt functioning with that permit for the center, if authorized by City Council, would help the City deal with alcohol dispensing at the Western Day Event. Mayor Pro Tem Watts stated that there will probably be a lot of events where alcohol sales makes sense and different events that the City will want to have that permit control.

Discussion was held regarding revenue projections. Both Assistant City Manager Donna Barron and Mr. Wear advised that it would be difficult to project revenue at this time.

Councilman Gorena stated that he was not opposed to people having alcohol, he just did not want the City to be in that business. Assistant City Manager Donna Barron advised that staff needed to know whether they need to pursue the application through TABC as notices are required to be posted at the site and time is limited to obtain the necessary permit prior to Western Days. The consensus of the City Council, with the exception of Councilman Gorena, was for City staff to proceed with the alcohol permit.

City Manager King advised an item for the Arts Advisory Committee would come back at a later date for City Council consideration. He further advised that the proposed fees are on this evening's agenda.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Mayor Pro Tem Watts reviewed Agenda Item A, Invocation. There was no discussion on this item.

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

Mayor Pro Tem Watts reviewed Agenda Item C, Consideration of Items Relating to the May 8, 2010 City of Lewisville General Election, (1) Canvass of the Election Returns for the City Council General Election; (2) Consideration of a Resolution Declaring the Results of the City Council Election; and (3) Presentation of Certificates of Election by Mayor Pro Tem Watts and Oath-of-Office to Newly Elected Council Members Place No. 4 and Place No. 5 by Municipal Court Judge Brian Holman. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item D, Presentations: 1.) To Recognize Kevin Elias With a Citizen Certificate of Appreciation; 2.) Teen Court Senior Volunteer Certificates; and 3.) Texas Optimization Program Award by the Texas Commission on Environmental Quality to the City of Lewisville's Water Treatment Plant. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item E, 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 Pro Tem Watts reviewed Agenda Item F, Visitors/Citizens Forum. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item G-1, Approval of Minutes: City Council Minutes of the May 3, 2010, Workshop Session and Regular Session. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item G-2, Approval of a Bid Award for the Railroad Street Improvements Project to Weir Brothers, Inc., Dallas, Texas, in the Amount of \$3,616,533.84; and Authorization for the City Manager to Execute the Contract. Discussion was held that this project would take a year. 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 B)**

Mayor Pro Tem Watts reviewed Agenda Item G-3, Approval of Wrecker Services Contracts Between the City of Lewisville and Brad's Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker, for the Provision of Towing and Wrecker Service; and Authorization for the City Manager to Execute the Contracts. Discussion held that the Police Department would ensure that the workload was evenly distributed between the two towing companies. Councilman Gorena advised that he did do very limited work for both of these companies and questioned if he need to abstain from this item. Assistant City Attorney Lizbeth Plaster advised he did not based on his description of the work he performed. There was no further discussion held on this item.

Mayor Pro Tem Watts reviewed Agenda Item G-4, Approval of a Professional Services Agreement With Birkhoff, Hendricks and Carter, L.L.P., Consulting Engineers, in the Amount of \$75,000 for Water Distribution Master Plan and Wastewater Collection Master Plan Updates; Approval of a Supplemental Appropriation From Utility Capital Project Available Cash in the Amount of \$75,000 to the Master Water Map Update Capital Project; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item G-5, Approval of a Professional Services Agreement With Bridgefarmer Associates, Inc., in the Amount of \$449,140 for Services Related to the Windhaven Parkway at KCS Railroad Project; Approval of a Total Project Design Budget of \$458,000, Which Includes \$8,860 for Contingencies; and Authorization for the City Manager to Execute the Agreement. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item G-6, Approval of an Agreement With Amerisouth X, LTD DBA Basswood Manor Apartments for Pro-Rated Payment of Delinquent Water Accounts. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-7, Consideration of a Request to Establish a Mid-Block Crosswalk on Garden Ridge Boulevard Approximately 600 Feet South of Main Street (FM 1171), as Requested by the Evergreen at Lewisville (Active Senior Apartments) Located at 415 South Garden Ridge Boulevard. At the request of City Manager King, City Engineer TS Kumar conducted the following PowerPoint Presentation:

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

**CROSSWALK ON GARDEN RIDGE BOULEVARD - EVERGREEN AT LEWISVILLE**

**BACKGROUND**

- Request from residents at Evergreen to Councilman John Gorena forwarded to staff.
- Routinely such requests are handled by staff and discouraged due to safety concerns.

Background Continued

Examples include:

1. Basswood Manor Apartments to cross Fox Avenue to access Lewisville Bazaar (now Terry's Market)
  2. Residents on Valley Parkway to cross the median opening across from the Senior Center (Memorial Park)
  3. Valley Ridge Apartments across from Kohl's east of Summit Avenue.
- Obviously the above listed locations do not have mid-block crossings.

Background Continued

- Evergreen request sent to Transportation Board pursuant to Councilman Gorena's request for Council review. Standard practice prior to Council consideration to obtain committee input.
- Kevin Nims from my staff presented this item to the Transportation Board at the January 19 and April 20 meetings.

**CITY GUIDELINES**

- City policy for pedestrian crosswalk installation is based on the criteria listed below:
  1. Signalized Intersections:
    - Provides protected crossings
    - Motorists anticipate and expect pedestrian activity.
    - Signals are programmed for proper pedestrian clearance.
    - Universally recognized application
    - Applicable on a 24-hour basis

City Guidelines Continued

2. Four-way or Three-way Stop Controlled Street Intersections:
  - All motorists are required to stop
  - They also expect pedestrian activity at street intersections.
  - Applicable on a 24-hour basis

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

City Guidelines Continued

3. School Crossings with Crossing Guard(s) Control:
  - Motorists are already in a school warning zone with flashing beacons.
  - Reduced speed limits – 20 MPH
  - Anticipate and expect children crossing under crossing guard supervision.
  - Only applicable during school hours.

Mr. Kumar reviewed existing conditions of the following listing of marked crosswalks:

Location	Type	Purpose
On Garden Ridge Boulevard north of Cascade Range Road.	Mid-block	Serves Valley Ridge Elementary School students. Is monitored by a crossing guard. Is within a school zone.
On Garden Ridge Boulevard north of Juniper Lane.	Mid-block	Serves the pedestrians on the hike and bike trail.
On Valley Parkway south of Main Street.	Mid-Block	Serves Lewisville High School students. Is scheduled for removal at the end of the school year.
On Bellaire Boulevard east of Old Orchard.	Mid-block	Serves Hedrick Middle School students. Is monitored by a crossing guard. Is within a school zone.
On Valley Parkway east of Edmonton Drive.	Mid-block	Serves the pedestrians on the hike and bike trail.
Location	Type	Purpose
On Old Orchard Lane north of Summit Run.	Mid-block	Serves the pedestrians on the hike and bike trail.
On Summit Avenue north of Lea Meadow Drive.	Mid-block	Serves the pedestrians on the hike and bike trail.
On Valley Parkway at Willowross Drive.	Three-way intersection, not stop controlled	Serves Huffines Middle School students. Is monitored by a crossing guard. Is within a school zone.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

On McGee Lane at Daffodil Lane.	Three-way intersection, not stop controlled	Removed.
On McGee Lane at Starling Lane.	Three-way intersection, not stop controlled	Removed.
On Summit Avenue at Len Mar Drive.	Three-way intersection, not stop controlled	Serves Killough High School students. Is within a school zone.
Location	Type	Purpose
On High School Drive at Milton Street.	Three-way intersection, not stop controlled	Serves Central Elementary School students. Is monitored by a crossing guard. Is within a school zone.
On Tiburon Band at Abilene Drive.	Three-way intersection, not stop controlled	Serves Degan Elementary School students. Is monitored by a crossing guard. Is within a school zone.
On Edmonds Lane at Raldon Street.	Three-way intersection, not stop controlled	Serves Lakeland Elementary School students. Is monitored by a crossing guard. Is within a school zone.

**Existing Conditions Continued**

- Eleven crosswalks are within school zones. One on Valley Parkway near the high school is scheduled to be removed at the end of the school year.
- Four crosswalks for Hike & Bike Trail crossings.
- The Hike and Bike Crossings are located usually mid-block (no median openings) with no traffic turning conflicts. Trails have to be linked for continuity.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

**TRANSPORTATION BOARD MEETINGS/ACTIONS**

- January 19, 2010 Meeting:
  - Staff cited safety concerns, proximity to a signalized intersection for safe crossing at Main Street. Staff recommendation was to deny request.
  - Transportation Board, after much discussion, directed staff to study u-turn movements, provide additional information on pedestrian movements, and potential alternatives.

**Transportation Board Meetings/Actions Continued**

- April 20, 2010 Meeting:
  - Staff presented a nine-hour u-turn movement counts performed on March 26, 2010:
    - Pedestrian Count - 10 (only 2 from Evergreen Complex)
    - U-turn Counts– 250 plus

**OPTIONS LOOKED AT:**

- Crosswalk within median opening with pavement markings and signage: approximately \$2,000
- Crosswalk within median opening with pavement markings and signed continuous flashing beacons (24/7): approximately \$8,000 (not including maintenance)
- Crosswalk within median opening with pavement markings and signed with pedestrian activated flashing beacon (strobe light): approximately \$12,000 (not including maintenance)

**Options Looked At Continued:**

- A signalized pedestrian crosswalk (HAWK Device): Approximately \$85,000 to \$100,00 (not including maintenance) (No track record in city)
- Offset crosswalk away from median signed with continuous flashing beacon (24/7); new ramps and median cut-out, etc.: approximately \$13,000

Mr. Kumar reviewed a photograph of a HAWK Signal Alternative for Mid-Block Crosswalk on Garden Ridge Blvd.

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

High-intensity Activated Crosswalk (HAWK)

- New traffic signal in the 2009 Federal MUTCD
- Stops the vehicular traffic to allow pedestrians to cross with a pedestrian activated signal
- HAWK signal and crosswalk must be 100' from all driveways to remove side street and u-turn conflicts
- The capital cost (excluding operation and maintenance) for a HAWK signal on Garden Ridge Boulevard is approximately \$85 – 100K
- The City of Lewisville has never installed this type of traffic control device. Therefore, no funding is available for this improvement

Mr. Kumar then reviewed photos of the concept design map for the proposed offset mid-block crosswalk on Garden Ridge Boulevard. He reviewed the estimated costs as follows:

Offset Crosswalk – Estimated Cost:

Warnings Signs	\$ 1,200.00
Pavement Markings	\$ 800.00
Ramps	\$ 2,000.00
Median Cutout	<u>\$ 3,000.00</u>
TOTAL	\$ 7,000.00

**FINAL ANALYSIS**

- Pedestrian activity on March 26, 2010 was 10: only two (2) from Evergreen
- U-turns counted: 250+ - greater demand for vehicles
- Median openings are designed for vehicular movements; not for pedestrian activity.
- Non intersection (street intersections) marked crossings are generally “unexpected” by the road users.
- Installation of HAWK devices: \$85,000 to \$100,000 – almost the same cost as a traffic signal
- Garden Ridge traffic volumes – approximately 14,800 ADT; posted speed limit 40 MPH

**WORKSHOP SESSION – 6:30 P.M.**

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

**(Agenda Item B)**

Final Analysis Continued

- Existing median opening was provided for trucks and service deliveries to Tom Thumb.
- You will notice no mid-block crossings exist at residential city streets between Main Street and Fox Avenue: Carnation Drive, Barbara Drive, and Camelia Drive serve many more residents.
- Marked crosswalks approved at mid-block median openings, outside of the current city guidelines will set a precedent.
- City Council (and staff) will have difficulty with similar future requests.

RECOMMENDATION

- That the City Council deny the request for a mid-block median crosswalk request by Evergreen Apartments.

Mayor Pro Tem Watts reviewed Agenda Item H-8, Consideration of Variances to the Lewisville City Code, Section 11-11 Permissible Signs Located in the Old Town Design District, Regarding a Freestanding Sign to be Located on the Frontage Road of I-35 at 500 West Main Street, Section 11-10 (G) Freestanding Signs (c) Manner Regulations for Medical District (MD) Size Not to Exceed 100 Square Feet, Requested by True Signs on Behalf of Medical Center of Lewisville. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-9, Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of the 3<sup>rd</sup> Floor City Hall Rental Fees for the Southern Denton County Neighbor to Neighbor Reception Being Held on May 21, 2010. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-10, Consideration of an Ordinance Extending the Members' Terms of Office and Existence of the Neighborhood Preservation Committee From One (1) Year to Two (2) Years, or Until Such Time as Their Final Report is Prepared, Whichever First Occurs. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-11, Consideration of an Ordinance Amending Chapter 7, Article X, Wrecker Services, of the Lewisville City Code by Repealing the Current Language in its Entirety and Replacing it With Language Providing for a Contractual Relationship for Wrecker Services Requested by the City. 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 Pro Tem Watts reviewed Agenda Item H-12, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 16, Article VIII, Discharge Regulations of (MS4) Storm Sewer System, to Provide Provisions for Additional Best Management Practices. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-13, Consideration of an Ordinance Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Rental Fees at the Lewisville Center for the Creative Arts. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-14, Consideration of an Ordinance Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on Valley Ridge Boulevard From State Highway 121 Business to 3,860 Feet South of State Highway 121 Business of 40 Miles Per Hour. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-15, Consideration of an Ordinance Amending the Lewisville Code of Ordinances, Article II, Chapter 15, Section 15-36.3; Maximum Speed Limits for Special School Zone Areas During the Summer Months. Councilman Gorena questioned who would pay for the new signage. City Manager King advised that the City would be responsible for that cost. City Manager King further advised that there was another request pending that was currently at the Transportation Board level where the Lewisville Independent School District is modifying school times to determine if additional changes need to be made. He stated that the City will have to cover those signage cost also, if necessary. There was no further discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-16, Consideration of a Resolution Nominating a Representative to the North Central Texas Council of Governments Regional Transportation Council. Deputy Mayor Pro Tem Durham advised that he was interested in continuing serving in this capacity. City Manager King advised that based on discussion with The Colony, the Resolution can be amended to include casting the City of Lewisville votes for whomever The Colony nominates as an alternate. 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 B)**

Mayor Pro Tem Watts reviewed Agenda Item H-17, Consideration of a Resolution Nominating a Representative to the North Central Texas Council of Governments Clean Air Steering Committee. Mayor Pro Tem Watts advised that Mayor Ueckert had asked if he would be interested in serving on this committee and that if the City Council desired, he did have the time and interest. There was no further discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item H-18, Tabled Item: Appointment of a Chairperson to the Ad Hoc I-35 Corridor Plan Advisory Committee. Mayor Pro Tem Watts advised that Mayor Ueckert had advised that he had spoken with Jeff Pelletier about serving as the Chairman and that Mr. Pelletier was willing to serve in this capacity. There was no further discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item I Reports, Quarterly Investment Report for Period Ending March 31, 2010. There was no discussion on this item.

Mayor Pro Tem Watts reviewed Agenda Item J-Closed Session. There was no discussion on this item.

With no further discussion, the workshop session of the Lewisville City Council was adjourned at 6:59 p.m. on Monday, May 17, 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 Pro Tem Watts at 7:00 p.m. on Monday, May 17, 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 Pro Tem Watts, Councilman Thornhill gave the invocation.

**(Agenda Item B)**

**Pledge to the American and Texas Flags**

At the request of Mayor Pro Tem Watts, the following members of Girl Scout Troop 197 gave the pledge to the American and Texas flags: Macy Kunke, Samantha Thibodeaux, Chloe Sanders, Maitland Robertson, Jazmine Joseph, Shannon Michout, and Katie Goetting.

**Consideration of Items Relating to the  
May 8, 2010, City of Lewisville General  
Election: Canvass of the Election Returns for  
the City Council General Election**

(Agenda Item C-1)

The City Council canvassed the following results of the City of Lewisville General Election held on May 8, 2010:

**COUNCILMAN, PLACE 4**

Thomas (TJ) Gilmore	573	379	952	48.08%
John Gorena	697	331	1028	51.92%

**COUNCILMAN, PLACE 5**

Rudy Durham	1048	577	1625	100.00%
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**TOTAL NUMBER OF VOTERS WHO VOTED AS  
INDICATED BY POLL LIST** 2114

**Consideration of Resolution No. 3766-05-  
2010(R) Declaring the Results of the City  
Council Election**

(Agenda Item C-2)

**MOTION:** Upon a motion made by Councilman Tierney and seconded by Councilman Thornhill, the Council voted five (5) “ayes” and no (0) “nays” to approve **Resolution No. 3766-05-2010(R)** A Resolution of the City Council of the City of Lewisville, Texas, Canvassing the Election Returns and Declaring the Results of the General Election of the City of Lewisville Held on Saturday, May 8, 2010, for the City of Lewisville’s Councilman – Place No. 4 and Councilman – Place No. 5; and Declaring the Effective Date of This Resolution. The motion carried.

**Presentation of Certificates of Election by Mayor Pro Tem Watts and Oath-of-Office to Newly Elected Council Members Place No. 4 and Place No. 5 by Municipal Court Judge Brian Holman**

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(Agenda Item C-3)

Mayor Pro Tem Watts issued the Certificates of Election to Councilman John Gorena and Councilman Rudy Durham. Councilman John Gorena and Councilman Rudy Durham were sworn in by Municipal Court Judge Brian Holman.

**Presentation: To Recognize Mr. Kevin Elias With a Citizen Certificate of Appreciation**

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(Agenda Item D-1)

Police Chief Russ Kerbow recognized Mr. Kevin Elias with a Citizen Certificate of Appreciation.

**Presentation: Teen Court Senior Volunteer Certificates**

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(Agenda Item D-2)

Mayor Pro Tem Lathan Watts presented certificates to the 2010 Senior Teen Court volunteers.

**Presentation: Texas Optimization Program Award by the Texas Commission on Environmental Quality to the City of Lewisville's Water Treatment Plant**

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(Agenda Item D-3)

Texas Commission on Environmental Quality representatives Jack Schulze and Cindy Haynie presented a plaque and flag to Water Treatment Plant Superintendent Marla White and Water Treatment Plan Foreman Glenn Barker, Jr.

**Continued Public Hearing: Consideration of Ordinance No. 3767-05-2010(Z) 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)**

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**(Agenda Item E-1)**

This item was continued at several Council meetings to give the applicant time to respond to concerns raised about the delay in completing College Street and Valley Ridge Boulevard. Since the April 5<sup>th</sup> meeting, the contractor has substantially completed the concrete work. A punch list, minor grading, clean-up, as-built plans and bonds remain. Specific Use zoning is unique since any substantial changes to the site plan require that the zoning be reapplied for. The landfill is proposing to relocate their scale house facilities within the site and is adding a new office and maintenance building. They are also proposing to build a new haul road on-site parallel to Valley Ridge Blvd that will allow them a longer stacking length without having to have trucks queue in the street and blocking traffic. An engineering site plan has been submitted and reviewed by staff. There are two variances being requested to the General Development Ordinance including: a) to waive the building exterior requirement of 80% brick or stone; and, b) to allow a 40 ft wide driveway width along Valley Ridge Blvd when 35 ft is the maximum allowed by ordinance. The Planning and Zoning Commission recommended approval of the zoning request on a vote of 6-0 at their September 1, 2009 meeting.

The City staff's recommendation was that the City Council approve the proposed Specific Use (SU) zoning as set forth in the caption above.

Mayor Pro Tem Watts opened the public hearing.

Eric Ferris, Director of Community Development and Steve Homeyer, Homeyer and Associates 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 Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

**Continued Public Hearing: Consideration of Ordinance No. 3767-05-2010(Z) 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 E-1)

Assistant City Attorney Lizbeth Plaster 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 337.27 Acre Tract of Land Fully and Completely Described in the Attached Exhibit "A", Ordering a Change in the Use of Said Property From Specific Use (SU) – Landfill District Zoning to Specific Use (SU) – Landfill 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 Durham and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3767-05-2010(Z)**, as previously captioned; and approve the following 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: a) to waive the building exterior requirement of 80% brick or stone; and, b) to allow a 40 ft wide driveway width along Valley Ridge Blvd when 35 ft is the maximum allowed by ordinance, as requested by Lewisville Landfill TX, LP, the property owner (Case No. PZ20090909). The motion carried.

**Visitors/Citizens Forum**

(Agenda Item F)

No one appeared to speak at this time.

**CONSENT AGENDA**

**(Agenda Item G)**

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

1. APPROVAL OF MINUTES: City Council Minutes of the May 3, 2010, Workshop Session and Regular Session.
2. Approval of a Bid Award for the Railroad Street Improvements Project to Weir Brothers, Inc., Dallas, Texas, in the Amount of \$3,616,533.84; and Authorization for the City Manager to Execute the Contract.
3. Approval of Wrecker Services Contracts Between the City of Lewisville and Brad's Towing Services, Inc., and Recovery Systems, Inc., dba Pro-Tow Wrecker, for the Provision of Towing and Wrecker Service; and Authorization for the City Manager to Execute the Contracts.
4. Approval of a Professional Services Agreement With Birkhoff, Hendricks and Carter, L.L.P., Consulting Engineers, in the Amount of \$75,000 for Water Distribution Master Plan and Wastewater Collection Master Plan Updates; Approval of a Supplemental Appropriation From Utility Capital Project Available Cash in the Amount of \$75,000 to the Master Water Map Update Capital Project; and Authorization for the City Manager to Execute the Agreement.
5. Approval of a Professional Services Agreement With Bridgefarmer Associates, Inc., in the Amount of \$449,140 for Services Related to the Windhaven Parkway at KCS Railroad Project; Approval of a Total Project Design Budget of \$458,000, Which Includes \$8,860 for Contingencies; and Authorization for the City Manager to Execute the Agreement.
6. Approval of an Agreement With Amerisouth X, LTD DBA Basswood Manor Apartments for Pro-Rated Payment of Delinquent Water Accounts.

The motion carried.

**END OF CONSENT AGENDA**

**Consideration of a Request to Establish a Mid-Block Crosswalk on Garden Ridge Boulevard Approximately 600 Feet South of Main Street (FM 1171), as Requested by the Evergreen at Lewisville (Active Senior Apartments) Located at 415 South Garden Ridge Boulevard**

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**(Agenda Item H-7)**

Staff received a request from Evergreen at Lewisville (Active Senior Apartments) in October 2009 for a mid-block crosswalk on Garden Ridge Boulevard across an existing median opening. Staff took this item before the Transportation Board on January 19, 2010 and upon hearing residents' support and staff concerns for safety, the Transportation Board tabled the item and directed staff to provide additional information. The Transportation Board reconsidered this item at their April 20, 2010 meeting. Staff provided the additional information as requested and other options including a signalized pedestrian crossing. After considering the options, the Transportation Board vote ended in a split decision of three (3) to three (3). One Board member was absent at both the January 19 and April 20 meetings.

The City staff's recommendation was that that the City Council deny the request to establish a mid-block crosswalk.

T. S. Kumar, P.E., City Engineer presented the PowerPoint Presentation that had been discussed during workshop session.

Lynda Bruce, 415 South Garden Ridge, #3317, Lewisville, Texas, spoke before the City Council in favor of this request. Ms. Bruce stated that close to half of the seniors that reside at Evergreen do not have motor vehicles to get around and they use electric scooters and chairs to go from the apartment complex to Tom Thumb, the bank and other businesses in the area. She stated that she felt it was quite dangerous for these elderly to cross this area without a crosswalk and that they are taking a chance everyday to get across the street as long as there are u-turns in this area. She advised that there have been two accidents involving u-turns at the intersection and one accident coming out of the Tom Thumb driveway onto Garden Ridge that resulted in a lot of injuries. Ms. Bruce stated that she is trying to protect elderly people and questioned whether the City Council would want their parents protected from hazardous situations. She advised that the cars going down Garden Ridge are not following the speed limit and residents crossing must go from one side and wait in the middle of the street before they can get across to the other side. She again stated that they just wanted to protect the community members and those people that they have come to love and strongly request that the City Council consider just a striped crosswalk. She stated that it should not cost that much to just put up a sign and that she did not want any one killed because of lack of consideration on the City Council's part. Councilman Thornhill questioned why residents did not just go up the road and cross in the

**Consideration of a Request to Establish a Mid-Block Crosswalk on Garden Ridge Boulevard Approximately 600 Feet South of Main Street (FM 1171), as Requested by the Evergreen at Lewisville (Active Senior Apartments) Located at 415 South Garden Ridge Boulevard (cont'd)**

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**(Agenda Item H-7)**

designated crosswalk due to the dangerous situation. Ms. Bruce advised that it was just as dangerous at the existing crosswalk and it is a half a block difference and when the residents are walking that is quite a distance anyway. Discussion was held that the light timing at the existing crosswalk can be adjusted and altered to allow for more time for pedestrians to cross the street.

Discussion was held regarding prohibiting u-turns at this area and causing vehicles to go to the next intersection for u-turns. City Engineer Kumar advised that the affect would still be the same.

John Nix, 415 South Garden Drive, Lewisville, Texas then spoke before the City Council regarding his support of this request. Mr. Nix advised that he had spoken before the City Council on a prior occasion about this problem and that he knew the City Council put a price on everything. Mr. Nix stated that life costs money and questioned if they were going to wait until someone gets killed to take action. He stated that they could not put a price on life and that a lot of people are in worse shape than him and again questioned why they had to wait. He stated that he had seen where many times they wait until someone gets killed in the intersection before taking action.

Discussion was held regarding the u-turns were not being done illegally. Councilman Tierney stated that he did not feel anyone on the City Council was going to be making a decision based on money. He further stated if all it took was posting a \$13,000 sign to help the situation, he would be in favor of that; however, the research that has been conducted and presented from the experts has shown that if this crosswalk is put in. it will be more dangerous and put more people at risk. Councilman Tierney acknowledged his appreciation to Evergreen for bringing their concerns before the City Council. Councilman Tierney pointed out that City staff conducted a count that showed in a nine hour period there were 250 u-turns and only 10 pedestrians crossing in this area. Discussion was held regarding prior situations where individuals were crossing in an area that was not a designated crossing and putting themselves in a dangerous situation when they just had to go down a little bit further to cross at a designated pedestrian crossing. Further discussion was held regarding the legalities of crossing in an area that was not designated as a crosswalk.

**Consideration of a Request to Establish a Mid-Block Crosswalk on Garden Ridge Boulevard Approximately 600 Feet South of Main Street (FM 1171), as Requested by the Evergreen at Lewisville (Active Senior Apartments) Located at 415 South Garden Ridge Boulevard (cont'd)**

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**(Agenda Item H-7)**

Councilman Thornhill stated that he was amazed to learn that there are 14,000 cars that travel that road. He expressed his concern for both the pedestrian and motor vehicle traveling this area trying to stop once they are up to speed. Councilman Thornhill reiterated the City staff nine hour survey and the limited number of residents crossing in this area. He stated that the individuals that had spoken in favor of this request just reinforced his thoughts for not putting in this crosswalk. He highly recommended that the controlled intersection be utilized even though it may be a half a block away rather than risk their lives by crossing at this mid block crossing area.

Councilman Gorena stated that at least 10 residents had contacted him last year about putting a crosswalk in this area and he had went out there and looked at the situation. He stated that he would also cross at this area after looking at the situation. He pointed out that the study showed that more than just the Evergreen resident cross in the proposed area. He stated that while he did not spend nine hours there, he did see a number of people, including joggers, cross in this area. He used the example of City Hall and people crossing in front of City Hall and not using the designated crosswalk. Councilman Gorena stated that the Evergreen residents' are just asking for some type of notification to be installed and that they understand that it would not protect them, they just want drivers to be aware they are crossing in this area. Councilman Gorena advised that he did not see a problem with installing some stripes and a sign.

Deputy Mayor Pro Tem Durham stated that his opinion had been reinforced by the comments he had heard. He advised for the safety of the residents, he was not in favor of this request.

Mayor Pro Tem Watts stated that none of the discussion was driven by the money and assured those in favor of this request that if they leave here and this request is denied, while they are justified in being disappointed, it is not about cost, it is about concern for their safety.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted four (4) "ayes" and one (1) "nays," with Councilman Gorena casting the negative vote to deny a request to establish a mid-block crosswalk on Garden Ridge Boulevard approximately 600 feet south of Main Street (FM 1171), as requested by the Evergreen at Lewisville (Active Senior Apartments) located at 415 South Garden Ridge Boulevard. The motion carried.

**Consideration of Variances to the Lewisville City Code, Section 11-11 Permissible Signs Located in the Old Town Design District, Regarding a Freestanding Sign to be Located on the Frontage Road of I-35 at 500 West Main Street, Section 11-10 (G) Freestanding Signs (c) Manner Regulations for Medical District (MD) Size Not to Exceed 100 Square Feet, Requested by True Signs on Behalf of Medical Center of Lewisville**

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**(Agenda Item H-8 )**

Medical Center of Lewisville (MCL) is requesting to erect a freestanding sign twenty-six (26) feet in height with a display of four-hundred (400) square feet. The sign would be allowed if it was outside the Old Town Design District and would be allowed in zoning districts other than Medical, Multi-Family or Public Use. Also, signage along the I-35 frontage is allowed to be sixty (60) feet in height. MCL is requesting two variances: (1) to construct a freestanding sign in the Old Town Design District; and (2) to exceed the allowable display area of 100 square feet to 400 square feet. A major portion of the MCL frontage of I-35 is scheduled to be taken by the future I-35 expansion. The location of the sign is within the future right-of-way. MCL understands that the variances for the sign only apply up until such time the property becomes state right-of way.

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

Cleve Joiner, Building Official and Rob DiBeynardo, Medical Center of Lewisville were both present to answer any questions posed by the City Council.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Gorena, the Council voted five (5) "ayes" and no (0) "nays" to approve the following variances to the Lewisville City Code, Section 11-11 Permissible Signs Located in the Old Town Design District, Regarding a Freestanding Sign to be located on the frontage road of I-35 at 500 West Main Street, Section 11-10 (G) Freestanding Signs (c) Manner Regulations for Medical District (MD) Size Not to Exceed 100 Square Feet: (1) to construct a freestanding sign in the Old Town Design District; and (2) to exceed the allowable display area of 100 square feet to 400 square feet as requested by True Signs on behalf of Medical Center of Lewisville. The motion carried.

**Consideration of a Variance to the Lewisville City Code, Section 2-201, Fee Schedule, Regarding a Waiver of the 3<sup>rd</sup> Floor City Hall Rental Fees for the Southern Denton County Neighbor to Neighbor Reception Being Held on May 21, 2010**

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**(Agenda Item H-9)**

A Southern Denton County Neighbor to Neighbor reception is being held on May 21, 2010 from 3:00 p.m. to 8:00 p.m. Rental of the venue is \$150 per hour, plus a \$500 deposit. They are requesting that the rental fee for this event be waived; however, they will be submitting payment for the \$500 deposit and providing the required insurance. Council approved the fee waiver for the 2008 and 2009 receptions.

The City staff's recommendation was that the City Council approve waiving the 3<sup>rd</sup> Floor City Hall rental fees as set forth in the caption above, but require the deposit and insurance.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) "ayes" and no (0) "nays" to waive the 3<sup>rd</sup> floor City Hall rental fees for the Southern Denton County Neighbor to Neighbor reception being held on May 21, 2010, but require the deposit and insurance. The motion carried.

**Consideration of Ordinance No. 3768-05-2010 Extending the Members' Terms of Office and Existence of the Neighborhood Preservation Committee From One (1) Year to Two (2) Years, or Until Such Time as Their Final Report is Prepared, Whichever First Occurs**

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**(Agenda Item H-10)**

The Neighborhood Preservation Committee has been meeting to provide direction to Council regarding residential neighborhoods. Items discussed include street parking, occupancy levels, current property codes, property maintenance, code enforcement, incentive strategies, etc. Additional time is needed to complete the committee's mission and develop recommendations for Council consideration.

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

**Consideration of Ordinance No. 3768-05-2010 Extending the Members' Terms of Office and Existence of the Neighborhood Preservation Committee From One (1) Year to Two (2) Years, or Until Such Time as Their Final Report is Prepared, Whichever First Occurs (cont'd)**

(Agenda Item H-10 )

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending the Committee Existence and Term of Office for Members of the Neighborhood Preservation Committee; Providing a Repealer; Providing a Severability Clause; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3768-05-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3769-05-2010 Amending Chapter 7, Article X, Wrecker Services, of the Lewisville City Code by Repealing the Current Language in its Entirety and Replacing it With Language Providing for a Contractual Relationship for Wrecker Services Requested by the City**

(Agenda Item H-11)

The City has entered into agreements with two wrecker services to remove, at the City's request, vehicles which violate City ordinances and state law or which otherwise need to be removed, to operate and maintain a vehicle storage facility and to provide for the disposition of unclaimed stored vehicles. Therefore, it is necessary to repeal the existing wrecker services ordinance and replace the current language with language which provides that said services will now be provided to the City on a contractual basis.

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

**Consideration of Ordinance No. 3769-05-2010 Amending Chapter 7, Article X, Wrecker Services, of the Lewisville City Code by Repealing the Current Language in its Entirety and Replacing it With Language Providing for a Contractual Relationship for Wrecker Services Requested by the City (cont'd)**

**(Agenda Item H-11)**

Mayor Pro Tem Watts advised that JoAnn Benson, 1668 Yellowstone, Lewisville, was in favor of this item and was available for any questions posed by the City Council.

Assistant City Attorney Lizbeth Plaster 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 X, Wrecker Services, by Repealing the Current Language in its Entirety and Replacing it With Language Providing for a Contractual Relationship for Wrecker Services Requested by the City; 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 Tierney and seconded by Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3769-05-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3770-05-2010 Amending the Lewisville City Code, Chapter 16, Article VIII, Discharge Regulations of (MS4) Storm Sewer System, to Provide Provisions for Additional Best Management Practices**

**(Agenda Item H-12)**

The Texas Commission On Environmental Quality, under the delegated authority from the U.S. Environmental Protection Agency, requires the City of Lewisville to operate a Municipal Separate Storm Sewer or “MS4” in compliance with Clean Water Act (33 United States Code §1251 et. seq.), the National Pollutant Discharge Elimination System (NPDES) regulations and Chapter 26 of the Texas Water Code. In 2008, the Storm Water Ordinance was adopted. Further modifications are now needed which include provisions for additional Best Management Practices.

**Consideration of Ordinance No. 3770-05-2010 Amending the Lewisville City Code, Chapter 16, Article VIII, Discharge Regulations of (MS4) Storm Sewer System, to Provide Provisions for Additional Best Management Practices (cont'd)**

(Agenda Item H-12 )

The City staff's recommendation was that the City Council approve the amendment of the Storm Water Ordinance, as set forth in the caption above.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Regulating the Discharge of Wastes Into the Municipal Separate Storm Sewer System (MS4) and Surface Water Within the City of Lewisville, Texas, Providing an Approval System and Mechanism to Ensure Compliance With State and Federal Regulations, Providing a Pollution Control and Abatement System, Providing for Enforcement, Providing a System of Charges for Services Rendered, Providing a System of Allowable and Miscellaneous Discharges, Providing a Severability Clause, Providing a Repealer, Providing a Penalty, Providing an Effective Date, and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3770-05-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3771-05-2010 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Rental Fees at the Lewisville Center for the Creative Arts**

(Agenda Item H-13 )

The Lewisville Center for the Creative Arts (LCCA) is now under construction, with anticipated completion in December 2010. Staff is in the process of booking dates for use of the facility for the period January 1, 2011, through September 30, 2011. It is therefore necessary that a schedule of rental fees be established for the LCCA.

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

**Consideration of Ordinance No. 3771-05-2010 Amending the Lewisville City Code, Chapter 2, Article VIII, Section 2-201 Fee Schedule, Regarding Rental Fees at the Lewisville Center for the Creative Arts (cont'd)**

**(Agenda Item H-13)**

Jim Wear, City of Lewisville Arts Manager, was available for any questions posed by the City Council.

Assistant City Attorney Lizbeth Plaster 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 Center for the Creative Arts; Providing a Repealer; Providing for Severability; Providing an Effective Date; and Declaring an Emergency.”

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3771-05-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3772-05-2010 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on Valley Ridge Boulevard From State Highway 121 Business to 3,860 Feet South of State Highway 121 Business of 40 Miles Per Hour**

**(Agenda Item H-14)**

Construction on Valley Ridge Boulevard south of State Highway 121 Business has recently been completed. The roadway now connects from College Street to the newly opened Railroad Park at its southern extent. Staff has completed a speed study and has determined the 85<sup>th</sup> percentile speed to be 44 miles per hour. In accordance with the Texas Manual of Uniform Traffic Control Devices and standard engineering practices, Staff recommends posting the speed

at 40 miles per hour. The Transportation Board at their April 20, 2010 meeting, voted unanimously to approve the recommendation to the City Council with a vote of (6) to (0).

**Consideration of Ordinance No. 3772-05-2010 Amending the Lewisville City Code, Section 15-35, Maximum Speed Limits on Specific Streets; Establishing the Posted Speed Limit on Valley Ridge Boulevard From State Highway 121 Business to 3,860 Feet South of State Highway 121 Business of 40 Miles Per Hour (cont'd)**

(Agenda Item H-14)

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

T. S. Kumar, P.E., City Engineer was available for any questions posed by the City Council.

Assistant City Attorney Lizbeth Plaster 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 Valley 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 Durham and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3772-05-2010**, as captioned previously. The motion carried.

**Consideration of Ordinance No. 3773-05-2010 Amending the Lewisville Code of Ordinances, Article II, Chapter 15, Section 15-36.3; Maximum Speed Limits for Special School Zone Areas During the Summer Months**

(Agenda Item H-15)

The Lewisville Independent School District (LISD) has adjusted the hours for the summer school classes. The District has added an additional release time during the afternoon for the new programs being offered to the students. The District has requested the adjustments to the school speed zone hours of operation and the new Killough LHS North campus be added for

summer school use. On April 20, 2010, the Transportation Board voted 5-0 with one abstention, to approve the recommendation to the City Council to amend the ordinance adding the new hours of operation for the school speed zones.

**Consideration of Ordinance No. 3773-05-2010 Amending the Lewisville Code of Ordinances, Article II, Chapter 15, Section 15-36.3; Maximum Speed Limits for Special School Zone Areas During the Summer Months (cont'd)**

(Agenda Item H-15)

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

T. S. Kumar, P.E., City Engineer was available for any questions posed by the City Council.

Assistant City Attorney Lizbeth Plaster read the ordinance caption into the record as follows:

“An Ordinance of the City Council of the City of Lewisville, Texas, Amending Article II, Chapter 15, Section 15-36.3; Maximum Speed Limits for Special School Zone Areas During the Summer Months; 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 Councilman Gorena, the Council voted five (5) “ayes” and no (0) “nays” to approve and adopt **Ordinance No. 3773-05-2010**, as captioned previously. The motion carried.

Discussion held regarding the months that would be affected by this change.

**Consideration of Resolution No. 3774-05-2010(R) Nominating a Representative to the North Central Texas Council of Governments Regional Transportation Council**

(Agenda Item H-16)

The City currently holds a seat on the North Central Texas Council of Governments Regional Transportation Council (RTC). The City appointee to this position is Councilman Durham who was re-appointed in August 2008. The appointee is required to be an elected official who serves on the governing body they represent. Membership on the RTC is either by direct membership or group representation. Currently, the cities of Lewisville, Trophy Club, Roanoke, The Colony and the Town of Flower Mound share a seat on this council. The RTC's

Bylaws and Operating Procedures state that “The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented.”

**Consideration of Resolution No. 3774-05-2010(R) Nominating a Representative to the North Central Texas Council of Governments Regional Transportation Council (cont’d)**

(Agenda Item H-16)

The City staff’s recommendation was that the City Council approve a resolution nominating a representative to the North Central Texas Council of Governments Regional Transportation Council.

**MOTION:** Upon a motion made by Councilman Thornhill and seconded by Councilman Tierney, the Council voted five (5) “ayes” and no (0) “nays” to approve **Resolution No. 3774-05-2010(R)**: A Resolution of the City Council of the City of Lewisville, Texas, Nominating Deputy Mayor Pro Tem Durham to serve as Representative to the Regional Transportation Council and to support the nomination for the Alternate Representative position as submitted by The Colony. The motion carried.

**Consideration of Resolution No. 3775-05-2010(R) Nominating a Representative to the North Central Texas Council of Governments Clean Air Steering Committee**

(Agenda Item H-17)

The North Central Texas Council of Governments (NCTCOG) plans to reactivate the Clean Air Steering Committee in June 2010. NCTCOG is seeking nominations to fill six elected officials representing city government positions. The committee will be established to recommend strategies to attain and maintain state and federal air quality standards in North Central Texas.

The City staff’s recommendation was that the City Council approve a resolution nominating a representative to the North Central Texas Council of Governments Clear Air Steering Committee.

**MOTION:** Upon a motion made by Councilman Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to approve **Resolution No. 3775-05-2010(R)** A Resolution of the City Council of the City of Lewisville, Texas, Nominating Mayor Pro Tem Watts as the Representative to the

North Central Texas Council of Governments Clean Air Steering Committee. The motion carried.

**Tabled Item: Appointment of a Chairperson  
to the Ad Hoc I-35 Corridor Plan Advisory  
Committee**

**(Agenda Item H-18)**

At the May 3, 2010 meeting, City Council tabled the appointment of the Chairperson for the Ad Hoc I-35 Corridor Plan Advisory Committee to allow additional time to consider this appointment.

The City staff's recommendation was that the City Council appoint a Chairperson.

**MOTION:** Upon a motion made by Deputy Mayor Pro Tem Durham and seconded by Councilman Tierney, the Council voted five (5) "ayes" and no (0) "nays" to appoint Jeff Pelletier as the Chairperson for the Ad Hoc I-35 Corridor Plan Advisory Committee. The motion carried.

**Reports**

**(Agenda Item I)**

- Quarterly Investment Report for Period Ending March 31, 2010.
- Fire Chief Rick Lasky updated the City Council of the success of the recent Pipes and Drums Symposium. He also advised the National Honor Guard Academy was being conducted this week. He thanked City staff for helping put these events together.
- Deputy Mayor Pro Tem Durham congratulated the Water Treatment Plant staff for their award.
- Councilman Gorena reminded everyone that Keep Lewisville Beautiful had scheduled their miniature golf fund raiser event for May 21<sup>st</sup> at 5 p.m. He stated that the cost was \$20 a person or \$60 for a group of four to come out and have fun for a good cause.
- Councilman Thornhill acknowledged that City staff had a meeting scheduled with a technical advisor this week to discuss oil and gas to ensure that everything is in place that needs to be and he requested that City staff report back to the City Council.
- Councilman Tierney thanked Fire Chief Lasky for the hosting the Pipes and Drums Symposium.
- Mayor Pro Tem Watts echoed comments regarding Public Services and the Pipes and Drums event. He stated that the City of Lewisville has a great staff in all Departments and they do a lot with a little, which is reflected in the bond rating being upgraded to AA+.
- Mayor Pro Tem Watts wished Judge Brian Holman a Happy Birthday.

There were no additional reports at this time.

Mayor Pro Tem Watts adjourned the regular session of the Lewisville City Council into Closed Session at 8:42 p.m. Monday, May 17, 2010, 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 8:44 p.m. on Monday, May 17, 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. Property Acquisition

Section 551.087 (Economic Development):

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

The Closed Session was adjourned at 9:10 p.m. on Monday, May 17, 2010.

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

**(Agenda Item K)**

Mayor Pro Tem Watts reconvened the Regular Session of the Lewisville City Council at 9:10 p.m. on Monday, May 17, 2010, in the Council Chambers of the Lewisville City Hall.

Mayor Pro Tem Watts 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 Gorena and seconded by Deputy Mayor Pro Tem Durham, the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lewisville City Council at 9:10 p.m. on Monday, May 17, 2010. The motion carried.

**LEWISVILLE CITY COUNCIL  
REGULAR SESSION  
MAY 17, 2010**

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These minutes approved by the Lewisville City Council on the 7th day of June, 2010.

APPROVED

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Dean Ueckert  
MAYOR

ATTEST:

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Julie Heinze  
CITY SECRETARY